

TRANSPARENCY AUDIT OF SUO MOTU DISCLOSURES UNDER SECTION 4 OF RTI ACT 2005 BY THE PUBLIC AUTHORITIES

1. Context

Section 4 of the Right to Information Act stipulates that Public Authorities make *suo motu* disclosure of certain categories of information. These disclosures are expected to promote transparent functioning of the Public Authorities and, more importantly, enable the citizen to access the information held by these authorities without him having to take recourse to the RTI Act to receive the information. Public Authorities have generally made these disclosures through print and electronic media, mainly on their websites and publications.

Additionally, several Public Authorities have taken a host of transparency related initiatives, independent of section 4 of the RTI Act, either under other Acts and Rules or directions of the government.

The Central Information Commission (CIC) has observed that several transparency related disclosure and initiatives by Public Authorities are keys to the success of the Right to Information Act and, especially, to usher in the times when the citizen shall be able to gather most information that they might need through these disclosures without the need for invoking the provisions of the Section 6 of the RTI Act. Section 4 deals with supply side of information held or under the control of Government and its instrumentalities. It is important to underscore that except for initiatives by these instrumentalities, this aspect of the Right to Information cannot be made functional.

Now that the RTI Act is in its 13th year, the CIC feels that it is the right time to make a general assessment of Section 4 disclosures made through websites by various Public Authorities and to take stock of their quality - their strengths and weaknesses. And, to identify the areas for improvement to promote free flow of information.

Accordingly an exercise is being undertaken aimed at evaluating the websites of the Public Authorities.

2. Purpose

This exercise is meant to achieve the following objectives:

- (i) To make qualitative and quantitative assessment of compliance of *suo motu* disclosures under section 4 of the RTI Act by the Public Authorities
- (ii) Based on the results of the exercise, to indicate to the public authorities the areas for improvement.
- (iii) To submit a report indicating critical areas / aspects / sectors requiring special focus or impetus in terms of disclosures.

3. Approach and methodology

- A. This exercise is based on an evaluation of mandatory disclosures under Section 4 of the RTI Act 2005 on the basis of the details of information displayed on the respective websites by Public Authorities.
- B. To begin with, about fifty (50) Public Authorities (as in Annexure - 2) have been identified from various categories like Central Ministries/Departments, Academic institutions, Autonomous organisations, PSUs, Commissions/committees and Regulatory bodies.
- C. The quality of disclosure is examined and marked as per Annexure - 1.
- D. Extra efforts made to disclose more information through the websites - even beyond the scope of Section 4 of the RTI Act - will be highly valued.
- E. For the purposes of this exercise, the items of information listed in Section 4 have been grouped into six categories based upon their interrelatedness and mutual relevance.
- F. This exercise will be completed in 4 steps;
 - i. First, an as-is-where-is evaluation will be made of the Public Authorities website disclosure relating to Section 4 disclosures.
 - ii. Second, the audit team will make a preliminary assessment of the quality of these disclosures in three categories, namely "Fully met", "partially met" and "not met" where,
 - a. "Fully met" would mean that from the mandated section 4 (and its sub-section) each part / item of information mentioned therein is disclosed.
 - b. "Partially met" would mean partial disclosure of the mandated information, including the items mentioned therein.
 - c. "Not met" would mean that the Public Authority has made no voluntary disclosure in respect of item of information mentioned therein.
 - d. A certain section (or sub-section) of section 4 is not applicable to a public authority, the same can be mentioned as such on the website. This is deemed to be meeting the requirement.
 - e. If It is not mentioned clearly, it is taken as "Partially met".
 - f. Systematic (section and sub-section-wise) mandated disclosure is not given on the website, it will be deemed to be not disclosed and not compliant with RTI Act.
 - iii. Third, the evaluation so made is transmitted to the Public Authorities for their comments and observations to be received back by the evaluators within a specified time limit.
 - iv. Fourth, following receipt of the comments of the public authorities, the evaluators/ audit team would prepare the final report on the website disclosures.

4. Limitations:

- (i) This study is limited only to the websites of the public authorities relating to section 4 disclosures.
- (ii) Contact with the public authorities is established only for the purpose of obtaining their feedback and observations on the preliminary evaluation made by the examiners. No physical inspection of the records of the public authorities is contemplated.

Indicative list of items that would be observed on Central Public Authority websites

1. Organisation and function

- (i) Are organisational details been given?
- (ii) Have all the designated officers been appointed?
- (iii) Is the objective and purpose of the establishment given in clear and concise terms?
- (iv) Annual reports including information regarding number of RTI applications received and disposed in that year.
- (v) Are RTI application queries reflected in the Frequently Asked Questions (FAQs) in the Public Authority website? (random check)
- (vi) Monthly reports of RTI applications received and disposed.

2. Budget and programmes

- (i) Are the budget details furnished in the website?
- (ii) Are the comprehensive end-to-end e- procurement details disclosed under section 4?
- (iii) Information about fees, tolls, or other kinds of revenue that may be collected under authorization from the Government, information in respect of outputs and outcomes, process of selection of the private sector party may also be proactively disclosed.
- (iv) All discretionary / non-discretionary grants / allocations to state governments / NGOs / other institutions by Ministry / Department should be placed in the website of the Ministry / Department concerned.
- (v) Annual Accounts of all legal entities who are provided grants by Public Authorities should be made available through publication, directly or indirectly on the public authority's website.
- (vi) Are all payments made under the PPP project disclosed in a periodic manner along with the purpose of making such payment?
- (vii) Is the Public Authorities proactively disclosing the CAG & PAC paras and the Action Taken Reports (ATRs) (After these have been laid on the table of both the houses of the parliament)?
- (viii) Is the public authority disclosing details of foreign and domestic official tours undertaken by the Minister(s) and officials of the rank of Joint Secretary to the Government of Indian and above and Heads of Departments?
- (ix) Is the nature of official tour, places visited, the period, number of people included in the official delegation and total cost of such travel undertaken disclosed?

3. Publicity and public interface

- (i) It should be the endeavour of all public authorities that all entitlements to citizens and all transactions between the citizen and government are gradually made available through computer based interface. The 'Electronic Delivery of Service Bill, 2012 under formulation in Government of India would provide the necessary impetus.
- (ii) Websites should obtain detailed information from the point of origin to the point of delivery of entitlement / service provided by the public authorities to citizen. Service delivery standards and performance indicators and penalties for non-compliance to standards of service delivery should be prominently published.
- (iii) Orders of the public authority should be uploaded on the website immediately after they have been issued.
- (iv) Information must be presented from a user's perspective, which may require re-arranging it, simplifying it etc. However, original documents in original formats should continue to be made available because these are needed for community monitoring of government's functioning. Is this fact observed on the PA website?

4. E-Governance

- (i) Website should contain all the relevant Acts, Rules, forms and other documents which are normally accessed by citizens.
- (ii) While adhering to the standards of government guidelines as laid down by Department of Information Technology and Department of Administrative Reforms & Public Grievances, the principles that should be kept in view to ensure that websites' disclosures are complete, easily accessible, technology and platform neutral and in a form which conveys the desired information in an effective and user-friendly manner.
- (iii) Maintain reliability of information and its real time updation, information generation in a digital form should be automatically updated on the basis of key work outputs, like a muster roll and salary slip (NREGA in Andhra Pradesh) or formalization of a government order (Andhra Pradesh). Such an approach will lead to automation of proactive disclosure.
- (iv) The 'National Data Sharing and Accessibility Policy' by the Department of Science and technology is based on the principle that all publicly funded information should be readily available. The policy has been notified in March, 2012 and the schedule should be strictly adhered to.
- (v) Information and data should be presented in open data formats whereby it can be pulled by different application Protocol Interfaces to be used in different fashions more appropriate to specific contexts and needs. Information / data can, for instance, be presented in powerful visual ways using visualisation techniques. Such visual representation of

information / data can give insights that may remain largely hidden in a textual or tabular presentation of data. In some contexts, pictures and audio/video recordings etc may be more useful. There have been moves in some parts of the country to video record Gram Sabha meetings. A picture of a NREGA worksite, for instance, may tell much more than words can. All such different media and forms should be used for proactive disclosure.

- (vi) Every webpage displaying information or data proactively disclosed under the RTI Act should, on the top right corner, display the mandatory field 'Date last updated (DD/MM/YY)'.
- (vii) The data about digitized record may include the name of the record and any categorization or indexing used; the subject matter and any other information that is required to be complied in relation to a file as prescribed by Manual of Office Procedure (and to be prescribed by MOP for electronic record that is under finalization by DARPG), the division / Section / Unit officer where the record is normally held; the person, with designation, responsible for maintaining the record; and the life span of the record, as prescribed in the relevant record retention schedule.
- (viii) Government has issued directions to all Ministries / Departments to include a chapter on RTI Act in their Annual reports submitted to the Parliament. Details about compliance with proactive disclosure guidelines should mandatorily be included in the relevant chapter in Annual Report of Ministry / Department. Is the Annual Report uploaded on the website.

5. Information as prescribed

- (i) Each Central Ministry / Public Authority should appoint a senior officer not below the rank of a Joint Secretary and not below rank of Additional HOD in case of attached offices for ensuring compliance with the proactive disclosure guidelines. The Nodal Officer would work under the supervision of the Secretary of the Ministry / Department or the HOD separately should also ensure that the formations below the Ministry / department / Attached office also disclose the information as per the proactive disclosure guidelines. Is this fact mentioned anywhere on the website?

6. Information disclosed on own initiative

- (i) Maximum weightage would be given to these items / information disclosed with a purpose that public may have minimum resort to use of RTI Act to obtain information.