No.1/6/2011-IR
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training
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North Block, New Delhi
Dated 1st June, 2011

Subject:- Task Force constituted for effective implementation of Section 4 of the RTI Act, 2005 – regarding.

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The minutes of the Task Force meeting for effective implementation of Section 4 of the RTI Act, 2005, held on 25.05.2011 along with the OM constituting the Task Force is placed below. Comments of Public on the enclosed OM and minutes are invited. Comments may kindly be e-mailed at usrti-dopt@nic.in by 12th June, 2011.

(Anuradha S. Chagti)
Deputy Secretary (IR)

No.1/6/2011-IR
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

New Delhi, 6th May, 2011

OFFICE MEMORANDUM

Subject: Constitution of a Task Force for effective implementation of Section 4 of the RTI Act, 2005

It has been decided to set up a Task Force consisting of following members to review the provisions regarding suo motu disclosure given in Section 4 of the RTI Act, 2005 and to recommend measures for its better implementation and enforcement:

(1) JS (AT&A), Department of Personnel and Training	Chairperson
(2) One representative of M/o. Information Technology not below the rank of DS/Director to be nominated by Secretary (IT).	Member
(3) One representative of D/o. AR&PG not below the rank of DS/Director to be nominated by Secretary (AR&PG).	Member
(4) One representative of M/o. Law not below the rank of DS/Director to be nominated by Secretary (Law)	Member
(5) to (7) Secretaries of Governments' of Uttar Pradesh, Andhra Pradesh, Bihar dealing with implementation of RTI Act in their State	Member
(8) to (12) Five representatives of non-government organizations working in the field of RTI, one each from:	
a) NCPRI, New Delhi	
b) IT for Change, Bangalore	
c) Mahiti Adhikar Gujarat Pahel (MAGP), Gujarat	
d) ' JOSH', New Delhi	
e) Satark Nagrik Sangathan (SNS), New Delhi	Member
(13) Shri K.G.Verma, Director (RTI), DOPT	Member-Secretary

2. The Terms of Reference of the Task Force will be as under:

a. To examine the provisions of Section 4(1)(b) and to recommend guidelines for disclosures to be made at various levels of administration;
b. To recommend other items which may be included for suo motu disclosure, as provided in Section 4(1)(b)(xvii);
c. To explore the possibility of prescribing simple templates for disclosing specific category of information in order to facilitate disclosure;
d. To recommend mediums through which such disclosure is to be made at various levels, which would include disclosure through electronic means also;

e. To recommend guidelines for complying with the provisions under Section 4(1)(b)(vii) and Section 4 (1) (c) and Section 4 (1) (d);
f. To give recommendations as to how compliance with the provision of Section 4 (1) (b), (c) (d) and Sections 4 (2) to 4 (4) may be better enforced.
g. To recommend measures for protection of persons seeking information under the RTI Act
h. Any other issue incidental to the above.

3. This Task Force may have consultations with other Ministries, State Governments, CIC and SICs and also with other NGOs for finalizing its report. The methodology for working of the Task Force will be laid down by the Task Force itself.

4. The Task Force will finalize its recommendation by 31st July 2011 and submit it to the Department for consideration.

(Anuradha S. Chagti)
Deputy Secretary
Phone: 23093074

To:

1. Secretary, M/o Information Technology, Govt. of India, New Delhi
2. Secretary, D/o Administrative Reforms & Public Grievances, Govt. of India, New Delhi
3. Secretary, Ministry of Law, Govt. of India, New Delhi

} With a request to nominate a DS/Director to the Task Force

4. Chief Secretary, Govt. of Uttar Pradesh
5. Chief Secretary, Govt. of Andhra Pradesh,
6. Chief Secretary, Govt. of Bihar

} With a request to nominate a Secretary level officer dealing with implementation of RTI in the State

7. Head of Organisation, NCPRI, C 117A, DDA Flat Munirka,New Delhi
8. Head of Organisation, IT for Change, 393, 17 Main, 35 A Cross Road, 4T Block, Tilak Nagar,Bangalore
9. Head of Organisation, Mahiti Adhikar Gujarat Pahel (MAGP), B. Sahajanand Towers, Jivraj Park Cross Road, Ahmedabad- 51 Gujarat
10. Head of Organisation, JOSH, C-7E, DDA Flat, Munirka, New Delhi-67
11. Head of Organisation, Satark Nagrik Sangathan (SNS), B 76 (Garage), SFS Flat, Sheikh Sarai – I New Delhi- 17

} With a request to nominate a senior person so that participation may be meaningful

Copy to:

1. Sr.PPS to Secretary (Personnel) – for information
2. PS to Joint Secretary (AT&A), DoPT
3. Director (RTI), DoPT

MINUTES OF THE FIRST MEETING OF THE TASK FORCE FOR EFFECTIVE IMPLEMENTATION OF SECTION 4 OF THE RTI ACT, 200S HELD ON 25TH MAY 2011, AT NORTH BLOCK, NEW DELHI.

The first meeting of the task force for effective implementation of the Section 4 of the RTI Act, 2005 was held under the Chairmanship of Sh. Rajeev Kapoor, JS (AT&A), DoPT on 25th May, 2011, at North Block, New Delhi. The meeting was attended by:

i. Ms. N. Ramadevi, Deputy Secretary , Govt. of Andhra Pradesh
ii. Ms. Pankti D. Jog, Executive Secretary, MAGP, Gujarat
iii. Shri R.K. Srivastav, Dy. Legal Adviser, D/o Legal Affairs, Delhi
iv. Shri Venkatesh Nayak, Co-convenor and Programme Coordinator, NCPRI, CHRI, Delhi)
v. Ms. Aheli Chowdhury, Founder Member, JOSH, Delhi
vi. Shri Gurumurthy K, Director, IT for Change, Bangalore
vii. Ms. Anjali Bhardwaj, Director, Satark Nagarik Sangathan, Delhi
viii. Shri Nikhil Dey, Co-convenor, NCPRI, Delhi
ix. Shri Deepak Kumar, Principal Secretary, GAD, Govt. of Bihar
x. Ms. Rakshita, NCPRI,Delhi
xi. Ms. Amrita Johir, Infor. & Research Coordinator, Satark Nagrik Sangathan, Delhi
xii. Ms. Ritika Bhatia, Director, D/o AR&PG, Delhi
xiii. Shri K.G. Verma, Director(RTI), DoPT, Delhi
xiv. Ms. Anuradha S. Chagti, DS(RTI), DoPT, Delhi
xv. Shri R.K. Girdhar, US(RTI), DoPT, Delhi
xvi. Shri B. Sengupta, DO(RTI), DoPT, Delhi

2. **Sh. Rajeev Kapoor**, Joint Secretary (DoPT) welcomed all the participants and apprised them of the need for constituting the Task Force. He pointed out that it was generally felt that provisions of Section 4 are not being properly implemented and there is no enforcement of compliance with the same. This was due to:

a) Lack of clarity regarding certain provisions such as Sec 4(1)(b)(iii), 4 (1)(b)(iv), 4 (1)(b)(xiv).
b) Absence of guidelines for some provisions such as 4 (1)(b)(vii) , 4(1)(c), 4(1)(d) and 4(2).
c) Lack of review to suggest what more could or should be prescribed under 4(1)(xvii).
d) Structure of the section (4) – same disclosures at all levels (sub-division to Ministry) may not be appropriate.
e) Mode of disclosure and formats in which disclosures are to be made may improve compliance.
f) Absence of mechanisms for enforcing compliance.

Thereafter he elaborated on the scope and the future course of action and requested the members present to put forth their views on the following agenda items:

a) Activity plan for completion as the report has to be finalized by 15 July, 2011.
b) Responsibilities of the task force members to be defined.
c) Whether there was a need to co-opt other members?
d) Make Sub groups to deliberate on different aspects?
    - Policy on consultation.
    - Protection of persons seeking information under the RTI Act.
    - Different modes of disclosure at different levels – panchayat, district etc.
    - Enforcement of suo moto disclosure.
    - Guidelines on sub sections which need clarification.

3. **Sh. Deepak Kumar, Principal Secretary, GAD, Bihar** was in agreement that compliance of Section 4 of the RTI Act was critical to the success of the implementation of the RTI regime. He apprised the members of the steps taken by the Bihar government including the Jaankari call centre which not only facilitated access to filing of RTI Applications but also disseminated information.

4. **Sh. Nikhil Dey, Convener, NCPRI** stated that their working in the field indicated that the Public authorities were not averse to suo-moto disclosure, it was a question of what to put and how to put it. He stressed that transparency needs to start from the top level. There has to be a move from the minimal to the aspirational level in public disclosures. The social audit in MNREGS is a model of what can be achieved in government schemes if there is a will to implement it. He suggested that this model may be adopted for all other schemes of the Government of India and the Planning Commission can play an active part in this. He suggested that audits be used as an incentive.

5. **Ms. Ritika Bhatia, Director (DARPG)** informed that the DARPG is finalizing a report on Internal control and risk management to be inbuilt into Plan schemes. She suggested that Proactive disclosure under the RTI Act may also be made a part of it.

6. **Sh. Rajeev Kapoor, Joint Secretary** informed the members that the DoPT had already written to all Departments/ Ministries in Government of India to include a Chapter on RTI in their Annual Reports. Secretary (Performance Management) had also been requested that suo moto disclosure under section 4 of the RTI Act may be included as a mandatory success indicator in the RFDs of all Departments.

7. **Ms. Anjali Bhardwaj, Satark Nagrik Sangathan** stressed the need for developing a culture of Information gathering. Collated information should be provided at various levels like ward level, Municipal corporation level, panchayat level etc. The manner in which information is displayed needs to be changed for example by using electronic boards or it could be kept in information centres. The information should be in such a form and language as to be decipherable by the lowest strata of society. She highlighted the fact that not only providing suo-motu information but how to make it more accessible to the citizenry, should be an area to ponder on. The need was providing dynamic information to the people with stress on quality with the content of information could also help in stemming attacks on RTI Activists. All Plan schemes of the Government should make it mandatory to reflect implementation of Section 4. There should also be a provision of compensation in cases where Section 4 is not implemented.

8. **Sh. Gurumurthy, IT for Change,** was of the view that all information should be on website since there is a pan India change in mindset and technological development. Internet is necessary and there was a huge amount of investment in E-governance. People Information System (PIS) (information Hub) is the need of the hour to identify what information people require and then provide that information to the people. The mindset change should be from Transparency by design rather than transparency by default. There was a need for open standards in e-governance. Data has to be granular and should allow others to access and aggregate the data which the government puts on. This will help put in systems and indicate trends. There should be a survey of what proactive information people need and government machinery to concentrate more on that.

9. **Ms. Aheli Chowdhury, JOSH** pointed out that Section 4 is not implemented as a reality. There is an absence of guidelines. There needs to be fixing of responsibility in case of non-compliance of Section 4 by the Public Authorities. One person should be responsible for implementing Section 4. For dissemination of information there should be a combination of methods like wall painting, boards, internet etc. There should be study to identify areas/subjects which attract repeated RTI applications and those may be converted into FAQs and put on the website for the citizenry.

10. **Sh. Venkatesh Nayak, CHRI** emphasized the need for having a look at the existing systems from the point of view of transparency. Public Accountability mechanisms had to be defined like uploading information and its monitoring in the various MIS which had been developed. These were essential for the systems to work. Examples of the advantages of having real time updates on Government websites regarding public service delivery were discussed. An example of this was the MIS updates in Andhra Pradesh under the MGNREGA. He reiterated that section 4(1)(c) and 4(1)(d) were the heart and soul of section 4. All government websites

should adhere to the Guidelines for Indian Government websites to enable a common pattern for display of information. He stressed on a need of change of mindset, especially at the highest level. There was need to ensure that all new laws had consistency with the RTI Act and there should be guidelines on what should be included. The government had to find more ways of disseminating information like harnessing the strength of mobile, radio, cyber cafes. He pointed out that the new guidelines on cyber cafes could become counterproductive to this aim. The information disseminator should approach to create a system of automatically uploading the important issues on website and cater to the three types of information seekers, namely, people seeking information for improving their general knowledge/awareness; Clients of Public Authority who make use of this service for public consultation on policy; and people seeking information to reflect on accountability. He favored that all decision taken during a week should be uploaded on the website.

11. **Sh. Rajeev Kapoor, Joint Secretary** mentioned that monthly reports departments can be uploaded on website. As far as putting all decisions taken in a week on the website he held that information should be content driven rather than process driven. Therefore information on periodic data would probably not serve the purpose.

12. **Ms. Ritika Bhatia, Director (DARPG)** informed the participants that the Manual of Office Procedure has been revised and the guidelines on website content has been laid down. Under these all websites be re-designed under the e-governance to make it citizen friendly/accessible. This would be done within six months. Once they have specific guidelines on Section 4 of the RTI Act it would be easy to implement and monitor and it would be helpful if the format for all is common.

13. **Sh. R.K. Srivastava, Dy. Legal Advisor, Department of Legal Affairs,** felt that there should be a centralised monitoring authority in compliance of Section 4 in every Ministry/Department. There should be access to Information through for example like cyber café in district level and where the information was not available one can proceed to file an RTI application.

14. **Ms. Pankti D. Jog, MAGP** expressed her views that there had to be a distinction between static and dynamic data which is put on the website. For example the proactive disclosure during a disaster situation cannot be static and needs to be updated frequently. There needs to be a set of guidelines/ templates for different set of public authorities like anganwadis etc. One public authority could act as an illustration for other public authorities of the same type, which would help spread the best practice.

15. **Ms. N. Ramadevi, Dy Secretary (Govt. of AP)** apprised the participants of the work done in Andhra Pradesh. She informed that 18 templates have been communicated to the public authorities in the state. Along with that all Government orders issued by the state are put on the website. She suggested that if FAQs are made for all Departments it would be very easy. She further suggested the introduction of a penal clause for non- compliance of the Section 4 along with half yearly review and regular monitoring.

16. **Sh. Nikhil Dey, Convener, NCPRI** suggested that since a large number of issues involving public consultation needed the concurrence of the Planning Commission, Ministry of Law, Ministry of Finance and Ministry of Environment and Forests there should be some check at that point. He further suggested that best practices from states may be published.

17. **Sh. Venkatesh Nayak, CHRI,** spoke of segregation of information which is displayed through wall paintings in villages. He suggested that the outside walls should have information generic to all and the inner walls should have information which is specific. He pointed out that there was a question of upkeep of the walls also as they could degenerate due to the weather conditions.

18. **Sh. Rajeev Kapoor, Joint Secretary** summarized the discussion and agreed that the implementation of the Suo-moto disclosure under was weak. There was need for disclosure at different levels and the internet could not be the only means for it. There was need to use other means like the mass media, walls etc. Guidelines had to be kept in view while hosting on the web. There was a need for a policy on consultation during policy making in the government.

Broadly, the conclusions that emerged from the meeting are summarized below:

(a) The weak implementation of Section 4 of the RTI Act is partly due to the fact that certain provisions of this section have not been fully detailed and in case of some other provisions, there is need for laying down detailed guidelines as to what information needs to be provided and in which form. In view of this, it was agreed that effort should be made to plug these gaps.

(b) It was agreed that while internet has become an important medium for dissemination of information, at lower formations such as panchayats, dispensaries, block offices etc, other modes of communication would need to be adopted to ensure better access to these disclosures.

(c) Given that the work that this task force has to accomplish, it would be useful to form sub-groups and assign specific items of work to each of these sub-groups. The convener of the sub-group would thereafter hold consultation with other knowledge persons/organization and prepare a discussion/note, which would

then be considered by the entire task force for finalization. The convener would be expected to draw up a brief plan for activities to complete consultations and submission of a discussion paper by end of June.

In view of this, following decisions were taken

I. There would be 5 subgroups which would look into the following:

   i. Formulating policy on consultation to mandate public consultations and participation in pre-legislative process and identify additions to Section 4(1)(b)(xvii) to be convened by Sh. Nikhil Dey, NCPRI. Sh. Rajeev Kapoor, Joint Secy, DoPT will join this sub-group.

   ii. Templates for disclosure at different levels in 5 services in rural and 5 critical services in urban areas namely PDS,, Education health, Rural Development and Panchayat, Social security (pensions) and District Collectors office. The convenors for this sub group are Ms. Pankti Jog, MAGP(Rural), Ms. Anjali Bhardwaj, SNS (Urban). Ms. N. Ramadevi, Deputy Secretary, State Government of Andhra Pradesh will join this sub-group.

   iii. Detailing of sections Sec 4(1)(b)(iii), 4 (1)(b)(iv), 4(1)(b)(xi), 4(1)(b)(xiv) to lend clarity to these sections. Sub group to be convened by Sh. Venkatesh Naik , CHRI, Ms. Aheli Chaudhary, JOSH. Sh. K.G. Verma, Director, DoPT will join this sub-group.

   iv. Guidelines for digital publications under RTI thereby supporting proactive disclosure of information headed by Sh. Gurumurthy.

   v. Guidelines to suggest modes and means to facilitate people in filing RTI applications headed by Sh. Deepak Kumar.

II. It was decided that each sub-group can co-opt any member as deemed fit, to enhance diversity in views, experience and opinions. Each sub-group would formulate its own process of initiating consultations to come up with its recommendations within one month of its constitution.

III. It was decided that the next meeting of the group would be held after a month.

IV. The issue of protection of RTI activists to be taken up in a separate meeting where representative of MHA would also be invited.

V. DoPT would write to different states to invite best practices in the implementation of Section 4 to feed into the recommendations of the working Group.

VI. Ensure that the recommendations of the Task Force feed into the implementation of the recommendations of the ARCs 11th Report on E-governance

VII. Minutes of this meeting and the OM constituting the task force would be put on website and DoPT would invite public response on them.

It was decided that the conveners of the above sub-groups would formulate a work plan including plans for organizing consultations during the next month. The work plans along with the budgetary requirements may be forwarded to Mrs. Anuradha S. Chagti, Deputy Secretary, (RTI), Room No. 280, Department of Personnel and Training, North Block, Telephone 23093074, Fax 23093022, email osdrti-dopt@nic.in in the prescribed proforma so that these could be budgeted. (Annexure 1).

Annexure '1'

Application Proforma
Task Force for effective implementation of Section 4 of the RTI Act, 2005

A		
1	Sub –group	
2	Conveners	

B. Details of Institution leading the sub group		
1	Name of the Institution	
2.	Particulars of the institution	
i	Complete postal address	
ii	Telephone Nos.	
iii	Fax Nos.	
iv	E-mail Address	
3	Particulars of Nodal Officer	
i	Name	
ii	Designation	
iii	Tel and Fax No. (Including mobile No.)	
iv	E-mail id	

C. Details of Proposal		
1	Proposed work Plan	
2.	Time lines	
3.	Detailed estimates of expenditure activity wise	
4.	Total amount of grant required	

D. Details required for release of funds		
1.	Type of registration	
2	Agency name	
3	Act/ Registration No	
4	Date of registration	
5	TIN Number	
6	TAN Number	
7	Name of Bank	
8	Name of bank branch	
9	Branch address	
10	Bank Account No	
11	Agency name as per bank details	