

RTI & LEGAL BRANCH

F.5(104)/Misc./RTI/Manuals/2018/ 502

Dated:02.08.2018


CIRCULAR

Subject : Transparency Audit with respect of compliance under Section 4 of RTI Act, 2005.

It has been decided by Central Information Commission(CIC) to conduct transparency audit of public authorities to make quantitative and qualitative assessment of compliance of the mandate suo-moto disclosure under section 4 of the RTI Act. A copy of the format of audit exercise is enclosed herewith and needs to be updated.

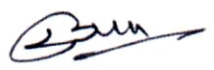
It is requested to fill the details pertaining to your department in the attached format and send the same to the undersigned on or before **07.08.2018** so that the same may be forwarded to CIC.

This may be treated as **Most Urgent**.


(Dr. Vijay Kumar)
D.R.(Plg.)/ PIO

Copy to:

- (i) Registrar/F.A.A., GGSIPU for information pl.
- (ii) All Deans/Directors/Head, University Schools of Studies, GGSIP University.
- (iii) All Officer-In-Charge, GGSIP; University.
- (iv) Incharge(UTS) with the request to upload on the University website.


(Sushil Kr. Upadhayay)
S.O.(RTI & Legal)/APIO

Text of Mail

Sub: Transparency Audit with respect of compliance under Section 4 of RTI Act, 2005.

Sir/ Madam,

As you are aware, that the Central Information Commission has been constituted to perform the functions assigned to it under RTI Act, 2005. One of the prominent functions includes monitoring of suo-motu disclosure by public authorities. In this regard, it has been decided to conduct transparency audit of public authorities to make quantitative and qualitative assessment of compliance of the mandate suo-motu disclosure under section 4 of the RTI Act. The Indian Institute of Public Administration (IIPA) has kindly agreed to co-ordinate the entire exercise.

2. An approach paper consisting of the context, the purpose, the approach and methodology and the limitations involved in this exercise is enclosed for ready reference. A copy of the format of audit exercise is also enclosed. The exercise will start with a preliminary assessment by the Indian Institute of Public Administration (IIPA) audit team of the information displayed by public authorities on their respective website. The duly filled format may be sent at dslaw-CIC@gov.in or sotransparency-cic@gov.in, within two weeks and latest **by 26.07.2018**.

3. All public authorities are requested to extend their full corporation to audit team in the audit exercise.

4. In case of any clarification/ assistance, you may approach Shri Umesh Chandra Joshi, Deputy Secretary, Room no. 514, CIC Bhawan, Baba Gang Nath Marg, New Delhi-110067, phone no. 26716023.

Anil Kumar Gehlot

Copy Enclosed: 1. Format of Audit
2. Background & guidelines
for response.

A FRAMEWORK FOR TRANSPARENCY AUDIT

The RTI Act under section 4 provides a comprehensive framework for promoting openness in the functioning of the public authorities.

While Section 4(1) (a) provides a general guideline for record management, so that the information could be easily stored and retained, the sub-sections b, c and d of Section 4 relate to the organizational objects and functions. Sub-sections (b), (c) and (d) of Section 4 of the RTI Act and other related information can be grouped under six categories; namely, 1-organisation and function, 2- Budget and programmes, 3- Publicity and public interface, 4- E. governance, 5- Information as prescribed and 6. Information disclosed on own initiative.

1. Organisation and Function

S. No.	Item	Details of disclosure	Remarks/ Reference Points (Fully met/partially met/ not met- Not applicable will be treated as fully met/partially met)
1.1	Particulars of its organisation, functions and duties [Section 4(1)(b)(i)]	(i) Name and address of the Organization	
		(ii) Head of the organization	
		(iii) Vision, Mission and Key objectives	
		(iv) Function and duties	
		(v) Organization Chart	
		(vi) Any other details-the genesis, inception, formation of the department and the HoDs from time to time as well as the committees/ Commissions constituted from time to time have been dealt	

1.2	Power and duties of its officers and employees [Section 4(1) (b)(ii)]	(i) Powers and duties of officers (administrative, financial and judicial)	
		(ii) Power and duties of other employees	
		(iii) Rules/ orders under which powers and duty are derived and	
		(iv) Exercised	
		(v) Work allocation	
1.3	Procedure followed in decision making process [Section 4(1)(b)(iii)]	(i) Process of decision making Identify key decision making points	
		(ii) Final decision making authority	
		(iii) Related provisions, acts, rules etc.	
		(iv) Time limit for taking a decisions, if any	
		(v) Channel of supervision and accountability	
1.4	Norms for discharge of functions [Section 4(1)(b)(iv)]	(i) Nature of functions/ services offered	
		(ii) Norms/ standards for functions/ service delivery	
		(iii) Process by which these services can be accessed	
		(iv) Time-limit for achieving the targets	
		(v) Process of redress of grievances	
1.5	Rules, regulations, instructions manual and records for discharging functions [Section 4(1)(b)(v)]	(i) Title and nature of the record/ manual /instruction.	
		(ii) List of Rules, regulations, instructions manuals and records.	
		(iii) Acts/ Rules manuals etc.	
		(iv) Transfer policy and transfer orders	

1.6	Categories of documents held by the authority under its control [Section 4(1)(b) (vi)]	(i) Categories of documents	
		(ii) Custodian of documents/categories	
1.7	Boards, Councils, Committees and other Bodies constituted as part of the Public Authority [Section 4(1)(b)(viii)]	(i) Name of Boards, Council, Committee etc.	
		(ii) Composition	
		(iii) Dates from which constituted	
		(iv) Term/ Tenure	
		(v) Powers and functions	
		(vi) Whether their meetings are open to the public?	
		(vii) Whether the minutes of the meetings are open to the public?	
		(viii) Place where the minutes if open to the public are available?	
1.8	Directory of officers and employees [Section 4(1) (b) (ix)]	(i) Name and designation	
		(ii) Telephone , fax and email ID	
1.9	Monthly Remuneration received by officers & employees including system of compensation [Section 4(1) (b) (x)]	(i) List of employees with Gross monthly remuneration	
		(ii) System of compensation as provided in its regulations	

1.10	Name, designation and other particulars of public information officers [Section 4(1) (b) (xvi)]	(i) Name and designation of the public information officer (PIO), Assistant Public Information (s) & Appellate Authority	
		(ii) Address, telephone numbers and email ID of each designated official.	
1.11	No. Of employees against whom Disciplinary action has been proposed/taken (Section 4(2))	No. of employees against whom disciplinary action has been	
		(i) Pending for Minor penalty or major penalty proceedings	
		(ii) Finalised for Minor penalty or major penalty proceedings	
1.12	Programmes to advance understanding of RTI (Section 26)	(i) Educational programmes	
		(ii) Efforts to encourage public authority to participate in these programmes	
		(iii) Training of CPIO/APIO	
		(iv) Update & publish guidelines on RTI by the Public Authorities concerned	
1.13	Transfer policy and transfer orders [F No. 1/6/2011- IR dt. 15.4.2013]		

2. Budget and Programme

S. No.	Item	Details of disclosure	Remarks/ Reference Points (Fully met/partially met/ not met- Not applicable will be treated as fully met/partially met)
2.1	Budget allocated to each agency including all plans, proposed expenditure and reports on disbursements made etc. [Section 4(1)(b)(xi)]	(i) Total Budget for the public authority	
		(ii) Budget for each agency and plan & programmes	
		(iii) Proposed expenditures	
		(iv) Revised budget for each agency, if any	
		(v) Report on disbursements made and place where the related reports are available	
2.2	Foreign and domestic tours (F. No. 1/8/2012- IR dt. 11.9.2012)	(i) Budget	
		(ii) Foreign and domestic Tours by ministries and officials of the rank of Joint Secretary to the Government and above, as well as the heads of the Department. a) Places visited b) The period of visit c) The number of members in the official delegation d) Expenditure on the visit	
		(iii) Information related to procurements a) Notice/tender enquires, and corrigenda if any thereon, b) Details of the bids awarded comprising the names of the suppliers of goods/ services being procured, c) The works contracts concluded – in any such combination of the above-and d) The rate /rates and the total amount at which such procurement or works contract is to be executed.	

2.3	Manner of execution of subsidy programme [Section 4(i)(b)(xii)]	(i)	Name of the programme of activity	
		(ii)	Objective of the programme	
		(iii)	Procedure to avail benefits	
		(iv)	Duration of the programme/ scheme	
		(v)	Physical and financial targets of the programme	
		(vi)	Nature/ scale of subsidy /amount allotted	
		(vii)	Eligibility criteria for grant of subsidy	
		(viii)	Details of beneficiaries of subsidy programme (number, profile etc)	
2.4	Discretionary and non-discretionary grants [F. No. 1/6/2011-IR dt. 15.04.2013]	(i)	Discretionary and non-discretionary grants/ allocations to State Govt./ NGOs/other institutions	
		(ii)	Annual accounts of all legal entities who are provided grants by public authorities	
2.5	Particulars of recipients of concessions, permits of authorizations granted by the public authority [Section 4(1) (b) (xiii)]	(i)	Concessions, permits or authorizations granted by public authority	
		(ii)	For each concessions, permit or authorization granted a) Eligibility criteria b) Procedure for getting the concession/ grant and/ or permits of authorizations c) Name and address of the recipients given concessions/ permits or authorisations d) Date of award of concessions /permits of authorizations	
2.6	`CAG & PAC paras [F No. 1/6/2011- IR dt. 15.4.2013]	CAG and PAC paras and the action taken reports (ATRs) after these have been laid on the table of both houses of the parliament.		

3. Publicity Band Public interface

S. No.	Item	Details of disclosure	Remarks/ Reference Points (Fully met/partially met/ not met- Not applicable will be treated as fully met/partially met)
3.1	Particulars for any arrangement for consultation with or representation by the members of the public in relation to the formulation of policy or implementation there of	Arrangement for consultations with or representation by the members of the public (i) Relevant Acts, Rules, Forms and other documents which are normally accessed by citizens	
		(ii) Arrangements for consultation with or representation by a) Members of the public in policy formulation/ policy implementation b) Day & time allotted for visitors c) Contact details of Information & Facilitation Counter (IFC) to provide publications frequently sought by RTI applicants	
	[Section 4(1)(b)(vii)] [F No 1/6/2011-IR dt. 15.04.2013]	Public- private partnerships (PPP) (i) Details of Special Purpose Vehicle (SPV), if any	
		(ii) Detailed project reports (DPRs)	
		(iii) Concession agreements.	
		(iv) Operation and maintenance manuals	
		(v) Other documents generated as part of the implementation of the PPP	
		(vi) Information relating to fees, tolls, or the other kinds of revenues that may be collected under authorisation from the government	
		(vii) Information relating to outputs and outcomes	
		(viii) The process of the selection of the private sector party (concessionaire etc.)	
(ix) All payment made under the PPP project			

3.2	Are the details of policies / decisions, which affect public, informed to them [Section 4(1) (c)]	Publish all relevant facts while formulating important policies or announcing decisions which affect public to make the process more interactive; (i) Policy decisions/ legislations taken in the previous one year	
		(ii) Outline the Public consultation process	
		(iii) Outline the arrangement for consultation before formulation of policy	
3.3	Dissemination of information widely and in such form and manner which is easily accessible to the public [Section 4(3)]	Use of the most effective means of communication (i) Internet (website)	
3.4	Form of accessibility of information manual/ handbook [Section 4(1)(b)]	Information manual/handbook available in (i) Electronic format	
		(ii) Printed format	
3.5	Whether information manual/ handbook available free of cost or not [Section 4(1)(b)]	List of materials available (i) Free of cost	
		(ii) At a reasonable cost of the medium	

4. E. Governance

S.No.	Item	Details of disclosure	Remarks/ Reference Points (Fully met/partially met/ not met- Not applicable will be treated as fully met/partially met)
4.1	Language in which Information Manual/Handbook Available [F No. 1/6/2011-IR dt. 15.4.2013]	(i) English	
		(ii) Vernacular/ Local Language	
4.2	When was the information Manual/Handbook last updated? [F No. 1/6/2011-IR dt 15.4.2013]	Last date of Annual updation	
4.3	Information available in electronic form [Section 4(1)(b)(xiv)]	(i) Details of information available in electronic form	
		(ii) Name/ title of the document/record/ other information	
		(iii) Location where available	
4.4	Particulars of facilities available to citizen for obtaining information [Section 4(1)(b)(xv)]	(i) Name & location of the faculty	
		(ii) Details of information made available	
		(iii) Working hours of the facility	
		(iv) Contact person & contact details (Phone, fax email)	

4.5	Such other information as may be prescribed under section 4(i) (b)(xvii)	(i)	Grievance redressal mechanism	
		(ii)	Details of applications received under RTI and information provided	
		(iii)	List of completed schemes/ projects/ Programmes	
		(iv)	List of schemes/ projects/ programme underway	
		(v)	Details of all contracts entered into including name of the contractor, amount of contract and period of completion of contract	
		(vi)	Annual Report	
		(vii)	Frequently Asked Question (FAQs)	
		(viii)	Any other information such as	
			a) Citizen's Charter	
			b) Result Framework Document (RFD)	
	c) Six monthly reports on the			
	d) Performance against the benchmarks set in the Citizen's Charter			
4.6	Receipt & Disposal of RTI applications & appeals [F.No 1/6/2011-IR dt. 15.04.2013]	(i)	Details of applications received and disposed	
		(ii)	Details of appeals received and orders issued	
4.7	Replies to questions asked in the parliament [Section 4(1)(d)(2)]		Details of questions asked and replies given	

5. Information as may be prescribed

S. No.	Item	Details of disclosure	Remarks/ Reference Points (Fully met/partially met/ not met- Not applicable will be treated as fully met/partially met)
5.1	Such other information as may be prescribed [F.No. 1/2/2016-IR dt. 17.8.2016, F No. 1/6/2011-IR dt. 15.4.2013]	(i) Name & details of (a) Current CPIOs & FAAs (b) Earlier CPIO & FAAs from 1.1.2015	
		(ii) Details of third party audit of voluntary disclosure (a) Dates of audit carried out (b) Report of the audit carried out	
		(iii) Appointment of Nodal Officers not below the rank of Joint Secretary/ Additional HoD (a) Date of appointment (b) Name & Designation of the officers	
		(iv) Consultancy committee of key stake holders for advice on suo-motu disclosure (a) Dates from which constituted (b) Name & Designation of the officers	
		(v) Committee of PIOs/FAAs with rich experience in RTI to identify frequently sought information under RTI (a) Dates from which constituted (b) Name & Designation of the Officers	

6. Information Disclosed on own Initiative

S. No.	Item	Details of disclosure	Remarks/ Reference Points (Fully met/partially met/ not met- Not applicable will be treated as fully met/partially met)
6.1	Item / information disclosed so that public have minimum resort to use of RTI Act to obtain information		
6.2	Guidelines for Indian Government Websites (GIGW) is followed (released in February, 2009 and included in the Central Secretariat Manual of Office Procedures (CSMOP) by Department of Administrative Reforms and Public Grievances, Ministry of Personnel, Public Grievance and Pensions, Govt. Of India)	<ul style="list-style-type: none"> (i) Whether STQC certification obtained and its validity. (ii) Does the website show the certificate on the Website? 	

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.