Sub: RIGHT TO INFORMATION ACT, 2005 – Section 22 of Act, 2005 (Central Act) – obligation under sections 4(1)(a)/4(1)(b) and under section 5 of the Act – Certain Instructions - ISSUED.


All the Special Chief Secretaries, Principal Secretaries and Secretaries including Special Secretaries and E.O.Secretaries are informed that the Right to Information Bill, 2005 as passed by the Houses of Parliament received the assent of the President of India on 15.6.2005 and it was published as RTI Act-2005 in the Gazette of India on 21.6.2005. A copy of the Act has already been furnished to them in the reference cited. It has come into force with effect from 15.06.2005

2. They are informed that Public Authority has been defined in Section 2(h) of the Act as follows:

2(h) "public authority" means any authority or body or institution of self-government established or constituted—
(a) by or under the Constitution;
(b) by any other law made by Parliament;
(c) by any other law made by State Legislature;
(d) by notification issued or order made by the appropriate Government, and includes any-
(i) body owned controlled or substantially financed;
(ii) non-Government organization substantially financed, directly or indirectly by funds provided by the appropriate Government.

3. As per the Act, each Public Authority has to fulfill certain obligations before expiry of 100 / 120 days from the commencement of the Act i.e., by 23.09.2005 / 12.10.2005.

4. Section 4 (1) (a) of the Act casts an obligation on each public authority to maintain records. This section reads as follows:
Sec. 4 (1) (a) Every public authority shall—

maintain all its records duly catalogued and indexed in a manner and the form which facilitates the right to information under this Act and ensure that all records that are appropriate to be computerised are, within a reasonable time and subject to availability of resources, computerised and connected through a network all over the country on different systems so that access to such records is facilitated;

5. Section 4 (1) (b) of the Act casts an obligation on each public authority to publish within expiry of 120 days from the commencement of the Act, manuals on the following seventeen items:

(i) the particulars of its organisation, functions and duties;
(ii) the powers and duties of its officers and employees;
(iii) the procedure followed in the decision making process, including channels of supervision and accountability;
(iv) the norms set by it for the discharge of its functions;
(v) the rules, regulations, instructions, manuals and records, held by it or under its control or used by its employees for discharging its functions;
(vi) a statement of the categories of documents that are held by it or under its control;
(vii) The particulars of any arrangement that exists for consultation with, or representation by the members of the public in relation to the formulation of its policy or implementation thereof;
(viii) a statement of the boards, councils, committees and other bodies consisting of two or more persons constituted as its part or for the purpose of its advice, and as to whether meetings of those boards, councils, committees and other bodies are open to the public, or the minutes of such meetings are accessible for public;
(ix) a directory of its officers and employees;
(x) the monthly remuneration received by each of its officers and employees, including the system of compensation as provided in its regulations;
(xi) the budget allocated to each of its agency, indicating the particulars of all plans, proposed expenditures and reports on disbursements made;
(xii) the manner of execution of subsidy programmes, including the amounts allocated and the details of beneficiaries of such
programmes;
(xiii) particulars of recipients of concessions, permits or authorisations granted by it;
(xiv) details in respect of the information, available to or held by it, reduced in an electronic form;
(xv) the particulars of facilities available to citizens for obtaining information, including the working hours of a library or reading room, if maintained for public use;
(xvi) the names, designations and other particulars of the Public Information Officers.
(xvii) Such other information as may be prescribed and thereafter update these publications every year.

6. The Act casts an obligation under section 5 on each public authority to designate the following, in all administrative units and offices under it, by 22.9.2005 (i.e, with in 100 days from the date of enactment of the Act.):

a. State Asst. Public Information Officer under Section 5(2) of the Act to receive applications for information or appeals under the Act to forward the same forthwith either to State Public Information Officer or to the Office who is senior to the State Public Information Officer.

b. State Public Information Officer under Section 5(1) of the Act to provide information with in the time limit specified in the Act.

c. Officer who is senior to the rank of State Public Information Officer to receive the applications for information or appeals sent by State Assistant Public Information Officer as contemplated under Sub Section (1) of Section 19 of the act to dispose with in the time frame stipulated in the Act in each Public Authority.

7. In compliance with the above statutory obligations, all the secretariat departments should immediately take the following action:

a. i) to maintain records at the secretariat department as prescribed in section 4 (1) (a).

   ii) to publish manuals about the working of the Secretariat Department, on or before 12.10.2005, as prescribed in section 4 (1) (b).

   iii) to designate by 23.09.2005, for the Secretariat Department,

   - “State Public Information Officer” under Section 5(1) of the Act.

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• “State Assistant Public Information Officer” under Section 5(2) of the Act.
• “Officer who is senior to the State Public Information Officer” to receive applications for information or appeals sent by State Assistant Public Information Officers under Sub Section (1) of Section 19 of the Act.

b. to instruct the HOD’s under their control to take action as below both in respect of the Head Offices of the Departments as well as every subordinate office of the Department at the Regional district, sub-divisional and mandal levels:

i) to maintain records at the HOD’s offices as prescribed in section 4 (1) (a).

ii) to publish manuals about the working of the HOD’s offices, on or before 12.10.2005, as prescribed in section 4 (1) (b).

iii) to designate by 23.09.2005,

• “State Public Information Officer” under Section 5(1) of the Act.
• “State Assistant Public Information Officer” under Section 5(2) of the Act.
• “Officer who is senior to the State Public Information Officer” to receive applications for information or appeals sent by State Assistant Public Information Officers under Sub Section (1) of Section 19 of the Act.

c. to bring to the notice of every public authority (as per the definition of Public Authority under section 2(h) of the Act), coming under the purview of the department, to take action as below in respect of the Head Office of the Public Authority as well as the offices of the said Public Authority at Regional, district, Sub-Divisional and Mandal Levels:

i) to maintain records at the respective Offices as prescribed in section 4 (1) (a).

ii) to publish manuals on or before 12.10.2005, as prescribed in section 4 (1) (b).

iii) to designate by 23.09.2005,

• “State Public Information Officer” under Section 5(1) of the Act.
• “State Assistant Public Information Officer” under Section 5(2) of the Act.
• “Officer who is senior to the State Public Information Officer” to receive applications for information or appeals sent by State Assistant Public Information Officers under Sub Section (1) of Section 19 of the Act.

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