

ANNEXURE II

TASKS TO BE COMPLETED PRIOR TO COMMENCEMENT OF THE ACT

(1) **Preparing Manuals :**

Clause 4(1)(b) of the RTI Bill lays down that each public authority shall compile and publish, **within 120 days from the enactment of the Act**, the following 17 manuals:

- (i) the particulars of its organization, 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 arrangements that exists for consultation with, or representation by, the members of the public in relation to the formulation of its policy or **administration** 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 advise, and as to whether meeting 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 o such programmes;
- (xiii) particulars of **recipients** of concessions, permits or authorizations 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;

Six of these publications have, in fact, been retained from the FOI Act, 2002 and these must have already been compiled by the public authorities under the Union Territory Administration as part of operationalisation of the FOI Act. Action should be urgently initiated to have all 17 manuals in place in anticipation of the Bill being enacted in the present form.

(2) Designation of Public Information Officers and Assistant Public Information Officers: The contemplated legislation also casts an obligation on each Public authority to designate, **within one hundred days of the enactment of the Act**, its Public Information Officers whose duty it would be to provide information to those who ask for it **[clause 5(1)]**. Such authority is also required to designate Assistant Public Information Officers at each sub-divisional or sub-district level to receive the applications for furnishing information or appeals under the Act and forward them to the authority or to the Government **[clause 5(2)]**. Since these appointments have to be made **within one hundred days of the enactment**, it may perhaps be advisable to take steps to determine now itself the number of such officers as may be required by an authority and simultaneously identify them so that these appointments are made within the contemplated statutory period.

(3) Designation of authorities to whom the first appeal lies: Clause 19(1) provides that any person aggrieved by the decision of a Central Public information Officer may prefer an appeal to such officer who is senior in rank to the Central Public Information Officer in each public authority. It may perhaps be advisable to take steps to determine and identify now itself such senior officers in each public authority so that the appellate machinery is fully in position and equipped to handle the first stage appeals as and when these are made.

(4) Amendments to existing Acts, Rules, etc.,: **Clause 22** of the RTI Bill, which has provisions similar to Section 14 of the FOI Act, 2002, envisages that the contemplated Act would over-ride any other Act, Rule or Order. It is suggested that an immediate review may be made of all such Acts and instruments administered by the Union Territory Administration and, amendments made thereto, wherever necessary, so that the points of conflict between the RTI Act and other Acts / Rules / instructions etc. are restricted.

(5) Intelligence and Security Organisations: **Clause 24** of the Bill provides that the Act shall not apply to such intelligence and security organizations established by the Central Government which have been specified in the Second Schedule to the Act. Similar provisions exist in the Freedom of Information Act, 2002. The three organizations under the Union Territory Administrations which have been included in the Schedule, are as under :-

1. Special Branch (CID), Andaman and Nicobar.
2. The Crime Branch-C.I.D.-CB, Dadra and Nagar Haveli.
3. Special Branch, Lakshadweep Police.

In case there is any such organization under the Union Territory Administration which incidentally is included in the Schedule but now requires to be deleted therefrom, or there is any organization which merits inclusion, their names may be suggested together with justification for the proposed exclusion / inclusion. This aspect may be given immediate attention so that the decision regarding exemption of an agency from the Act is taken, and the requisite notification issued, well before the Act comes into operation.

(6) **Framing Rules: Clause 28** of the RTI Bill confers on the various competent authorities the power to make rules so as to carry out the provisions of the Act. In case there is any public authority which is attached or administratively under the control of the Union Territory Administration and for which the competent authority, as defined in Clause 2 (b), is required to make rules for giving effect to the provisions of the RTI Act, suitable action may be initiated in this regard on priority so that the rules are finalized and notified by such authority well before the Act comes into force.

(7) **Internal procedures:** There is another key operational aspect of which has to be looked into by the each public authority. Considering that the organizational set up varies from one public authority to another, it is not feasible to lay down in the enactment itself, or for that matter in the rules to be framed thereunder, internal procedures for processing requests as would be common to all such authorities. However, the understanding is that once the Act comes into force, each public authority shall have to follow well defined procedures so that the entire process is streamlined and the decisions on requests are taken at an appropriate level. Keeping this in view, it may be desirable to examine the issue now itself so that internal procedures, which includes the channel for collecting information, creating facilities for inspection of documents / taking of samples, fixing levels at which a decision shall be taken on a request, preparation of a document for supply to the requester, etc., are formulated in advance. **Internal procedures** should, likewise, be also devised by each public authority under the Union Territory Administration to process appeals as are submitted under the Act.

(8) **Annual Report of the Central Information Commission :** Clause 25 of the Bill provides that the Central Information Commission shall monitor the implementation of the Act by Public authorities under the Central Government, which also includes the Union Territory Administration, and prepare an annual report which shall be laid before each House of Parliament. For the purpose of compilation of the Report, the Commission would require certain statistical information from the various public authorities under the Union Territory Administration. The public authorities under the administrative control or associated with the Union Territory Administration may be suitably apprised of the provisions in this clause so that action may be taken by them to compile the statistics from the date the Act comes into operation as would enable the Commission to prepare its Annual Report.