

STUDY OF THE CONCEPT OF SUO MOTO DISCLOSURE GIVEN IN SECTION 4 OF THE RIGHT TO INFORMATION ACT, 2005

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I started my internship with the commission on 08th May, 2017 for a period of two months. I have worked extensively on the concept of 'Suo Moto disclosure' given in Section 4 of the Right to Information Act, 2005 and made an extensive study of the concept in Honourable IC Vijai Sharma's 6536 decisions given in the year 2015.

PURPOSE AND CURRENT SCENARIO OF SUO MOTO DISCLOSURE

The Government of India in 2011 had appointed a task force of leading RTI activists of the civil society. Based on the report of the task force, the Department of Personnel and Training (DoPT) issued fresh guidelines to Public Authorities to abide by the suo moto disclosure under the Right to Information Act, 2005. The purpose of Suo Moto disclosure under Section 4 is to place a large amount of information in the public domain on a proactive basis to make the functioning of public authorities more transparent and also to reduce the need for filing individual RTI applications.

The quality and quantity of proactive disclosure is not up to the desired level. However, it has time and again been emphasized by the champions of RTI that the weak implementation of Section 4 of the RTI act is partly because certain provisions of this section have not been detailed and, in case of certain other provisions, there is need for laying down detailed guidelines. Further, there is a need to set up a compliance mechanism to ensure that requirements under Section 4 of the RTI act are met. Various departments and ministries of the government of India have in the last one year posted the requirements specified under Section 4(1) (b) of the website. However, the matter of concern is the condition of the state government departments and websites. Information disclosed proactively is not updated regularly leading to obsolescence of information.

Government has issued directions to all ministries/departments to include a chapter on RTI in their annual reports submitted to the parliament. Details about compliance with proactive disclosure guidelines should mandatorily be included in the relevant chapter in the Annual report of the ministry/department. Every Public authority has been asked to do an audit report and the respective ministry has been asked to monitor it.

Following are the rules that should be implemented by all public authorities:

- **Procurement made by the Public Authorities**

Publication of notice/tender enquiries, corrigenda thereon, and details of bid awards detailing the name of the supplier of the goods/services being procured or works contracts entered.

- **Public Private Partnerships**

If Public services are proposed to be provided through a PPP, all information relating to the PPPs must be disclosed in public domain by the Public authority entering into the PPP contract.

- **Transfer Policy and transfer orders**

Transfer policy for different grades/cadres of employees serving in the Public authority should be proactively disclosed. All transfer orders should be publicized through the website or in any other manner listed in Section 4(4) of the act.

- **RTI applications**

All Public authorities shall proactively disclose RTI applications and appeals received and their responses, on the websites maintained with search facilities based on key words.

- **Citizen Charter**

As part of the result framework document of the organization/department should be proactively disclosed and six monthly report on the performance against the benchmarks set in the Citizens charter should also be displayed on the website of the Public Authorities.

- **Discretionary and Non-discretionary grants**

All the discretionary/Non-discretionary grants/allocations to the state governments/NGOs or other organizations by the ministry/department should be put on its respective website.

- **Foreign tours of PM/Ministers**

Public authorities may proactively disclose the details of foreign and domestic official tours undertaken by the minister(s) or officials of the rank of Joint secretary to the Government of India and above and Head of Departments, since 1st January, 2012. The disclosures may be updated once every quarter.

- **Guidelines for digital publication of proactive disclosure under Section 4**
 - Information should be provided through many mediums depending on the level of the public authority and recipient of the information.
 - It shall be the endeavour of all public authorities that all entitlements to citizens and all transactions between citizens and government are gradually made available through computer based interface.
 - Websites should contain detailed information from the point of origin to the point of delivery of the entitlements/services provided by the Public authority to the citizens.
 - Orders given by the Public authorities should be immediately uploaded on the website after they have been passed.
 - Website should contain all the rules, acts, forms and other documents which are normally accessed by citizens.
 - Each ministry/ Public authority should ensure that these guidelines are fully operationalized within a period of six months from the date of their issue.
 - Proactive disclosure as per these guidelines would require collating a large quantum of information and digitalizing it. Ministries/Public Authorities may engage consultants or outsource such work to expeditiously comply with these guidelines. For this purpose, the plan/non-plan funds of that department may be utilized.

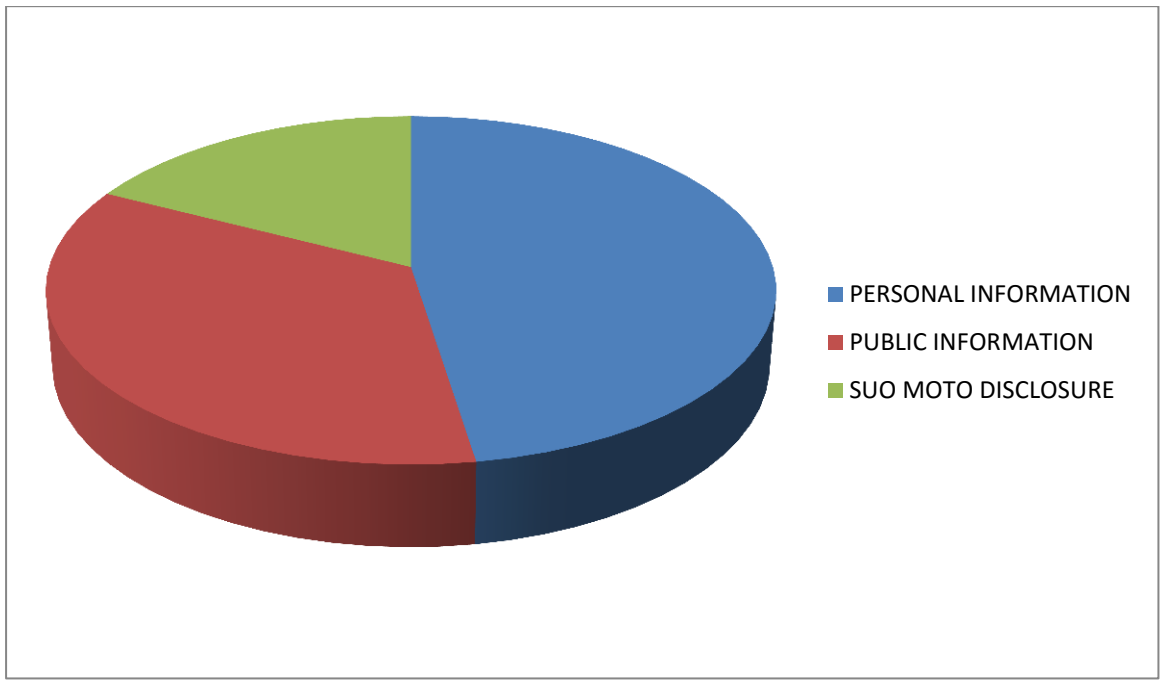
PURPOSE OF RESEARCH

My research during my tenure with the commission included analysing all the 6536 decisions of Honourable IC Vijai Sharma Sir in the year 2015. I had to decide on the nature of information, whether Public or private and if compliance is shown towards Section 4 of the RTI act. It has always been reported that compliance towards Section 4 of the RTI act is very low. So, the purpose of this research was to study the extent to which compliance to Section 4 of the RTI act has improved in various Public authorities.

METHODOLOGY

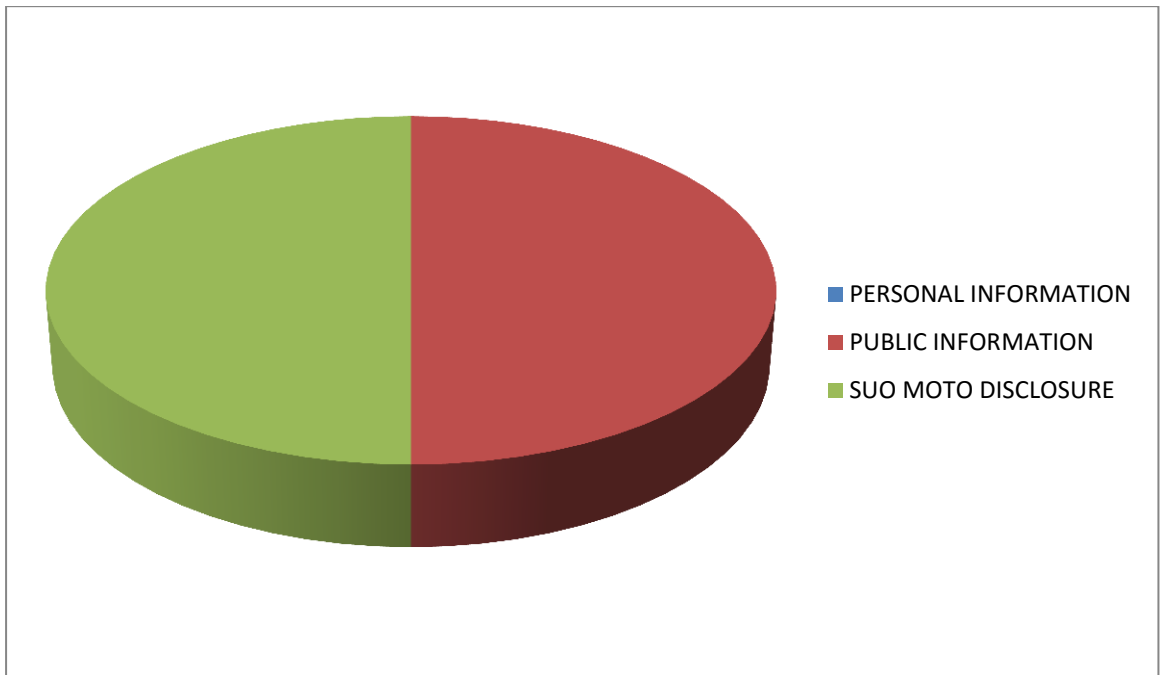
This research is empirical in nature. I had to analyse Honourable IC Vijai Sharma Sir's judgements given in the year 2015. After that, I found out the nature of the information sought, whether it was Public or Private Information and whether the information sought for came under Section 4(1) of the RTI act. On the basis of the observations which were submitted in the form of an excel sheet, an analysis has been made. The observations have been analysed with the help of pie charts in this report to give a more scientific look to the research. The pie charts help us understand the proportions between Public and Private Information and how much among them should be proactively disclosed. It will also help us analyse how much compliance is being shown by the Public authorities towards Section 4(1) of the RTI Act.

1. PRIME MINISTER OFFICE



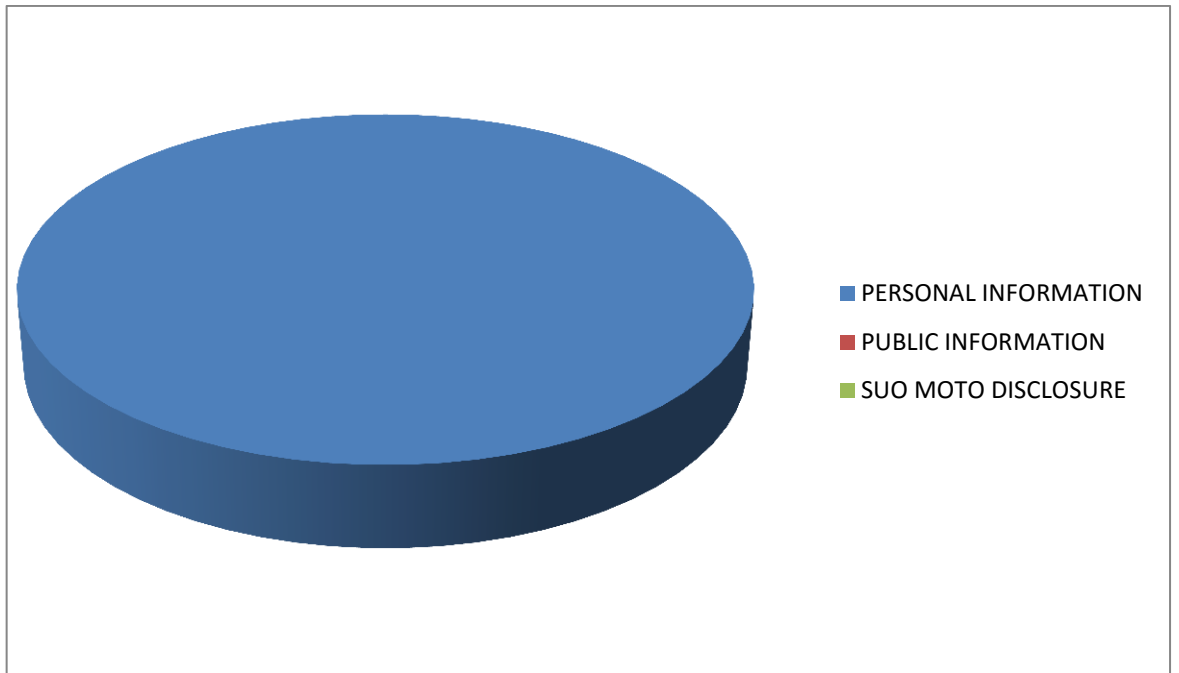
Of a total of 39 RTI appeals filed against the PMO in the CIC in the year 2015, 19 applications sought for information which was personal in nature and 14 applications sought for information which was for the Public benefit. In 7 of these applications, information sought for came under Section 4(1) of the RTI act and mandated proactive disclosure of information by the respondent organization.

2. MINISTRY OF MINES



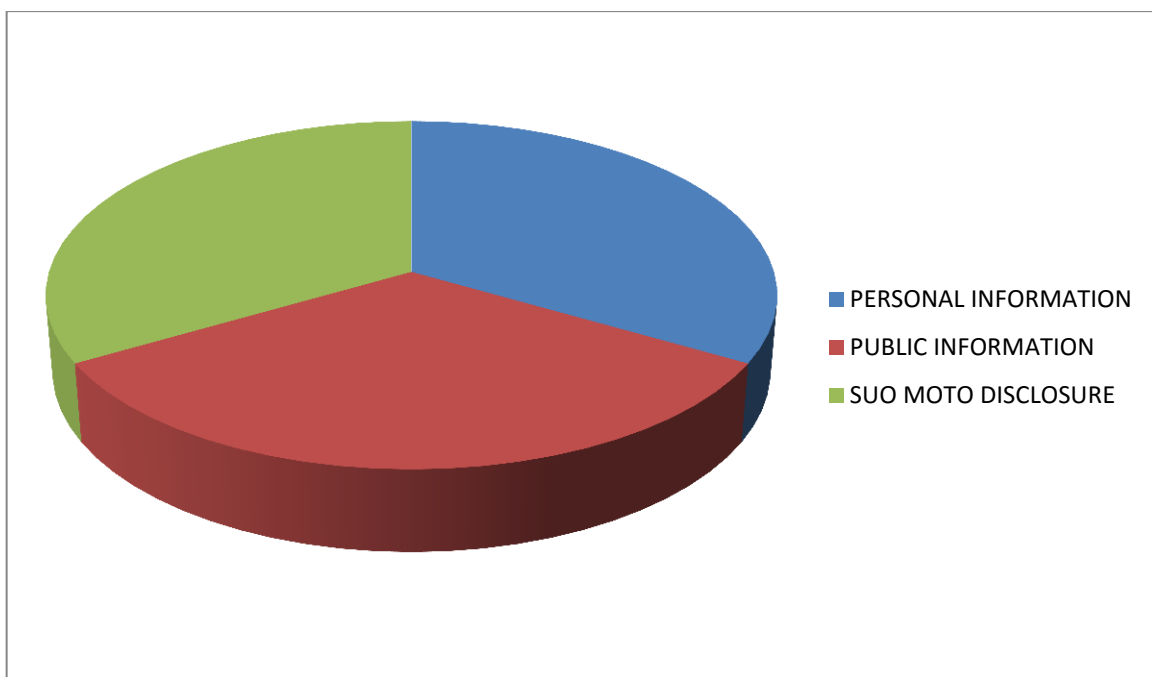
Only 1 appeal was filed in the CIC in 2015 against the Ministry of Mines. This application asked for information which was in the larger interest of Public and also came under Section 4(1) of the RTI act mandating proactive disclosure.

3. MINISTRY OF HUMAN RESOURCE DEVELOPMENT
(MHRD)



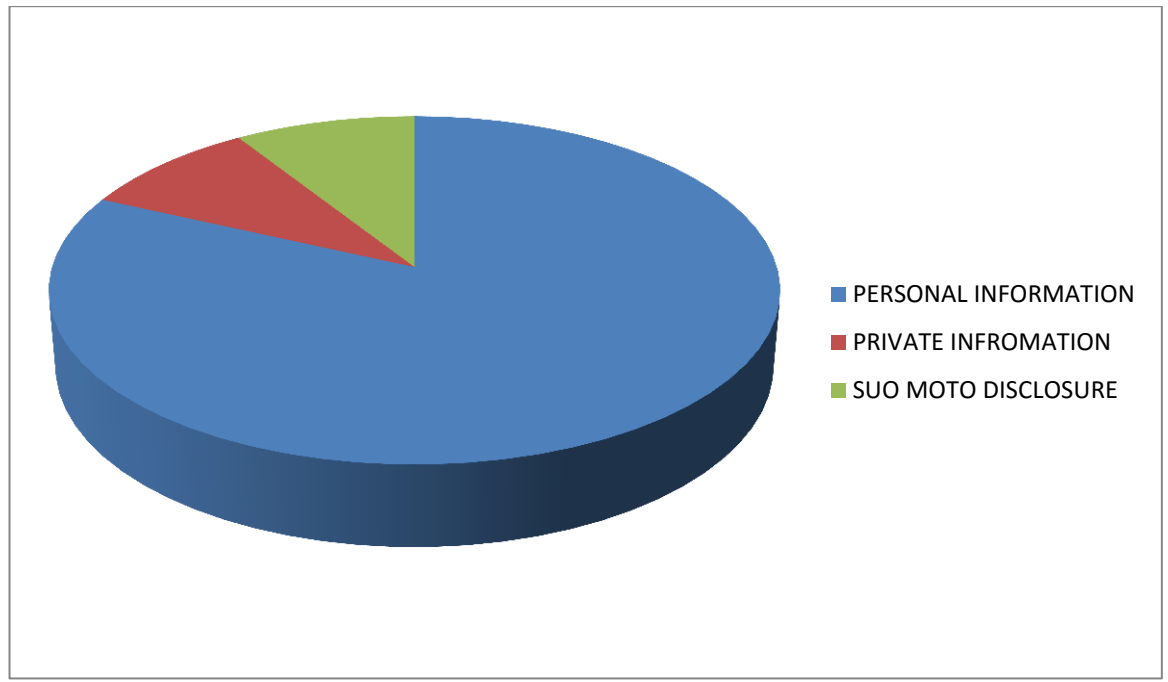
Only 1 appeal was filed against the Ministry of Human Resource Development (MHRD) in 2015 before the CIC and it asked for information which was personal in nature.

4. DEFENSE RESEARCH AND DEVELOPMENT
ORGANIZATION (DRDO)



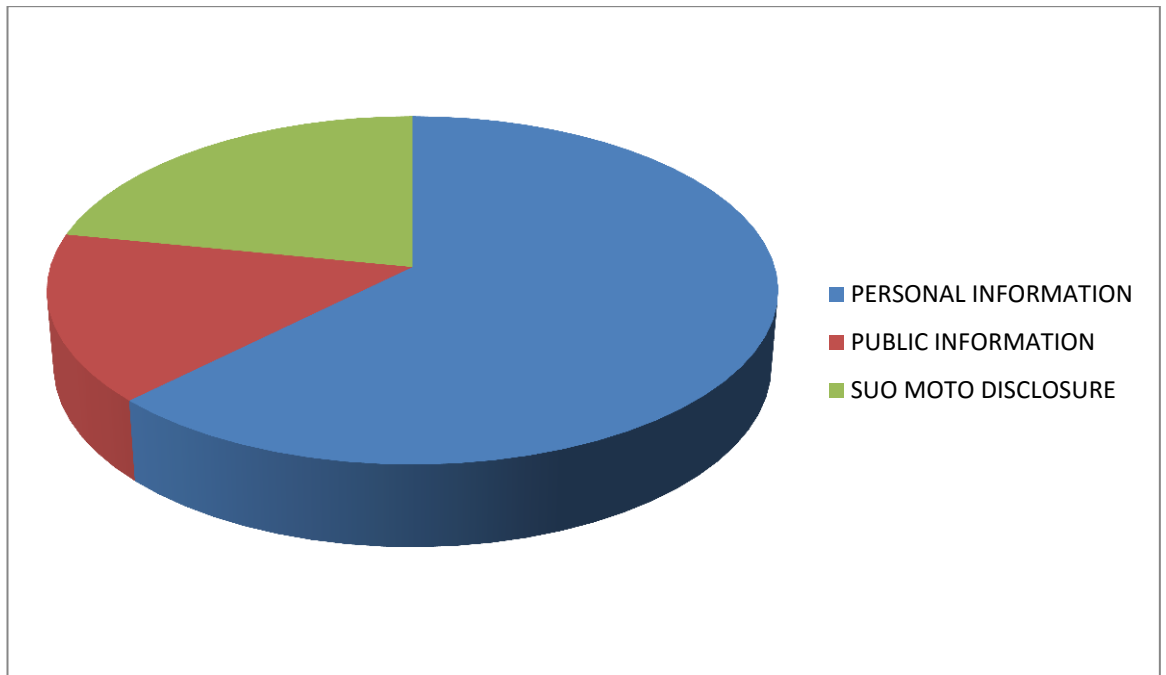
Out of the 9 appeals filed against the DRDO in 2015 before the CIC, all the cases asked for information both Public and Personal in nature and also came under Section 4(1) of the RTI act mandating Suo Moto Disclosure.

5. INDIAN ARMY



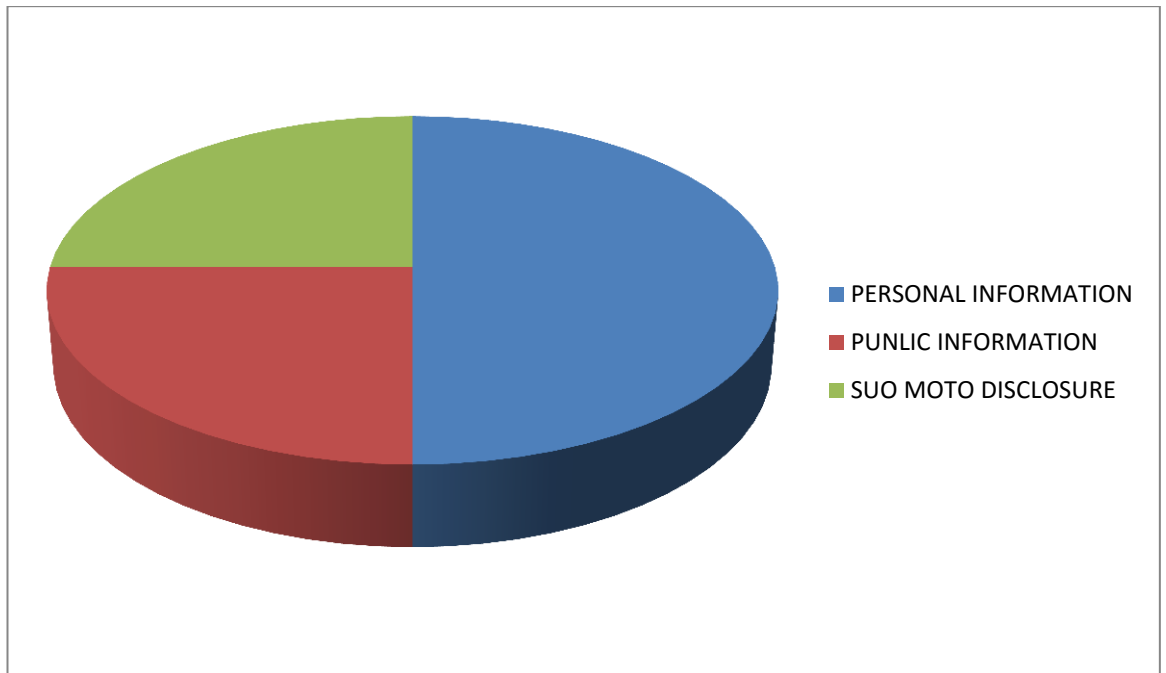
In 2015, a total of 10 appeals were filed against the Indian Army before the CIC. 9 of these 10 appeals sought information Personal in nature whereas 1 appeal asked for Public information which also came under Section 4(1) of the RTI act and needed proactive disclosure.

6. AIRPORT AUTHORITY OF INDIA



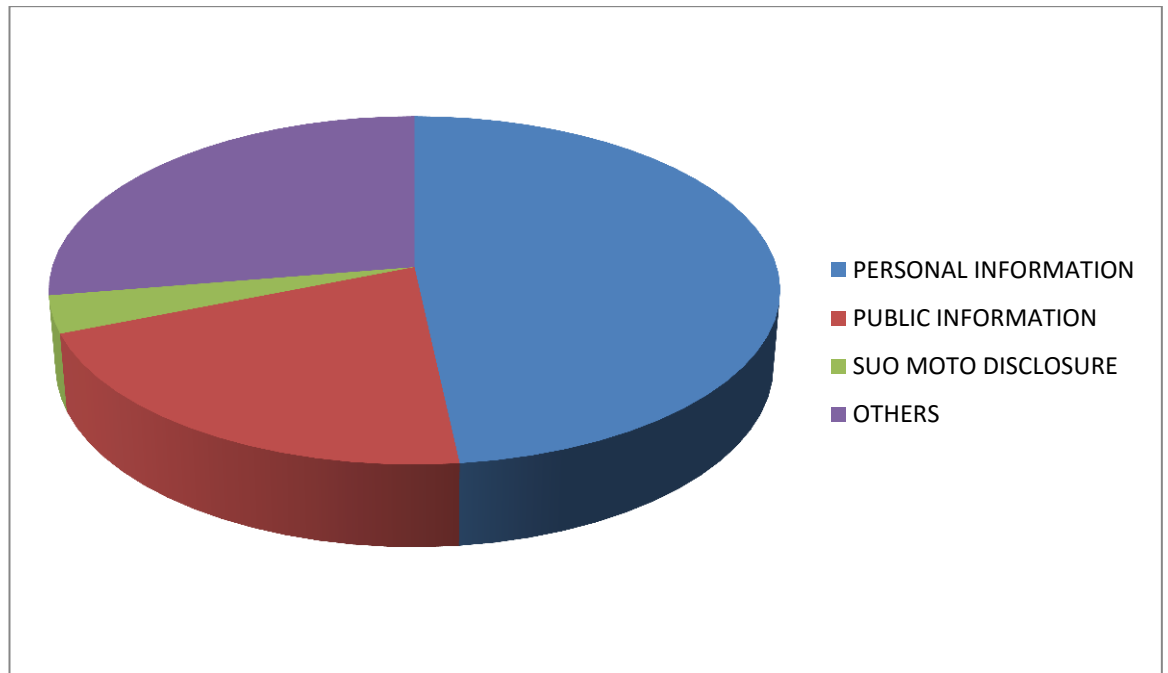
Out of the total 5 appeals filed before the CIC against the Airport Authority of India in 2015, 4 sought for Personal Information and 1 sought information needed in the Public Domain and also mandated suo moto disclosure.

7. AIR INDIA



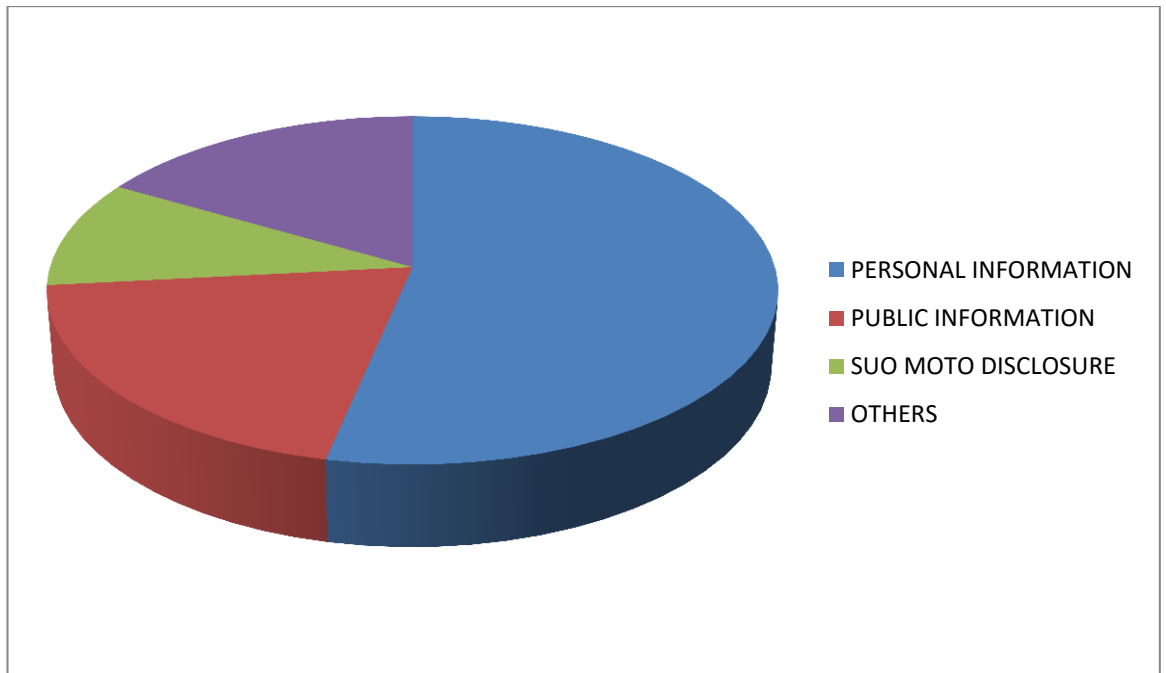
In 2015, a total of only 5 appeals were filed before the CIC against Air India. Out of these, 3 of them sought for information which were Personal in nature whereas 1 sought information which was both under Public as well as Personal and also required proactive disclosure. One appeal sought for information which was Public in nature and also came under Section 4(1) of the RTI requiring Suo Moto disclosure.

8. HIGH COURT



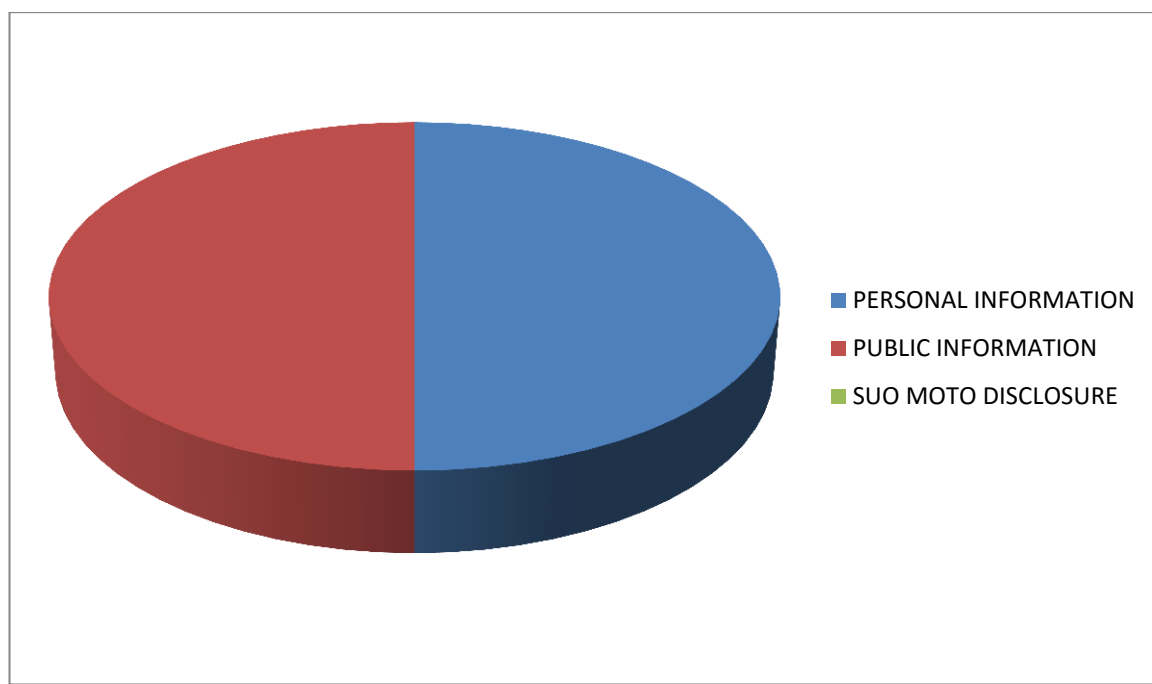
A total of 27 appeals were filed against the various High courts of the country in 2015 before the CIC. 14 of these appeals were filed seeking personal information whereas 6 of them sought information for Public good. Only one of the appeal wanted information which came under Section 4(1) of the RTI act and needed suo moto disclosure. As many as 8 of the appeals were vaguely filed and either looked for information not under Section 2(f) of the RTI act or the CPIO didn't have the authority to provide the information sought for.

9. PRESIDENT SECRETARIAT



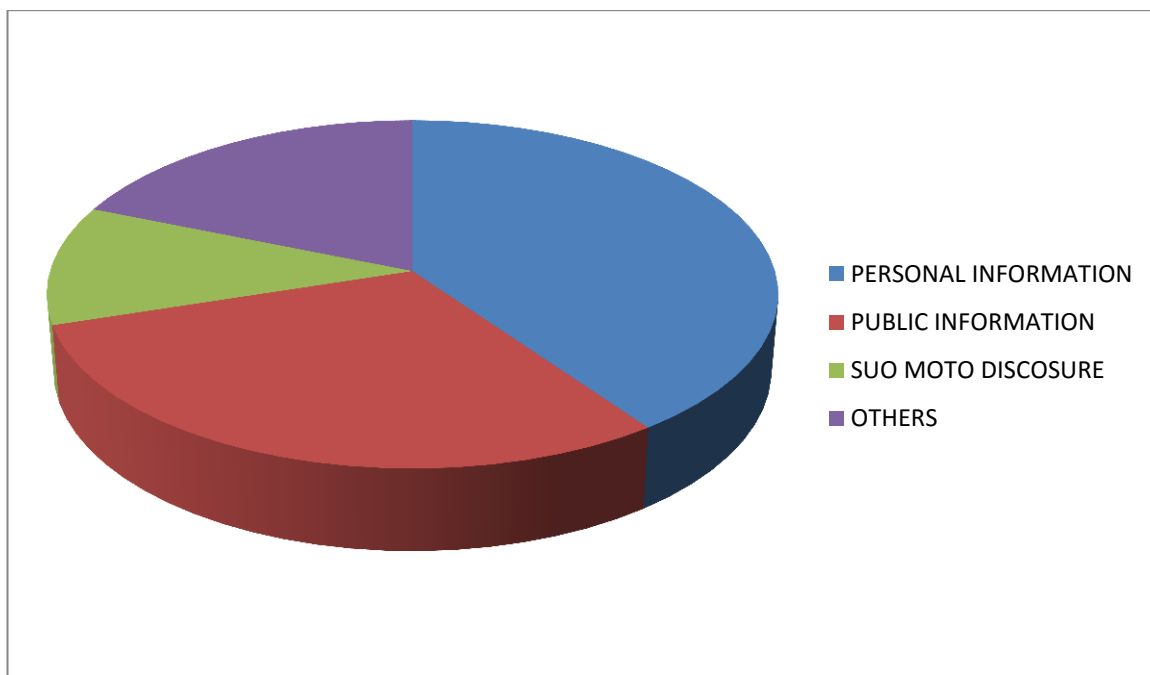
Out of a total of 27 appeals filed against the President Secretariat before the CIC in the year 2015, 16 appeals looked for Personal information whereas 6 sought information of Public interest. 3 appeals sought information which came under Section 4(1) of the RTI act mandating proactive disclosure by the respondent organization. There were 5 such appeals where either the details were not found or the information sought for didn't come under Section 2(f) of the RTI act and other such reasons.

10. MINISTRY OF CIVIL AVIATION



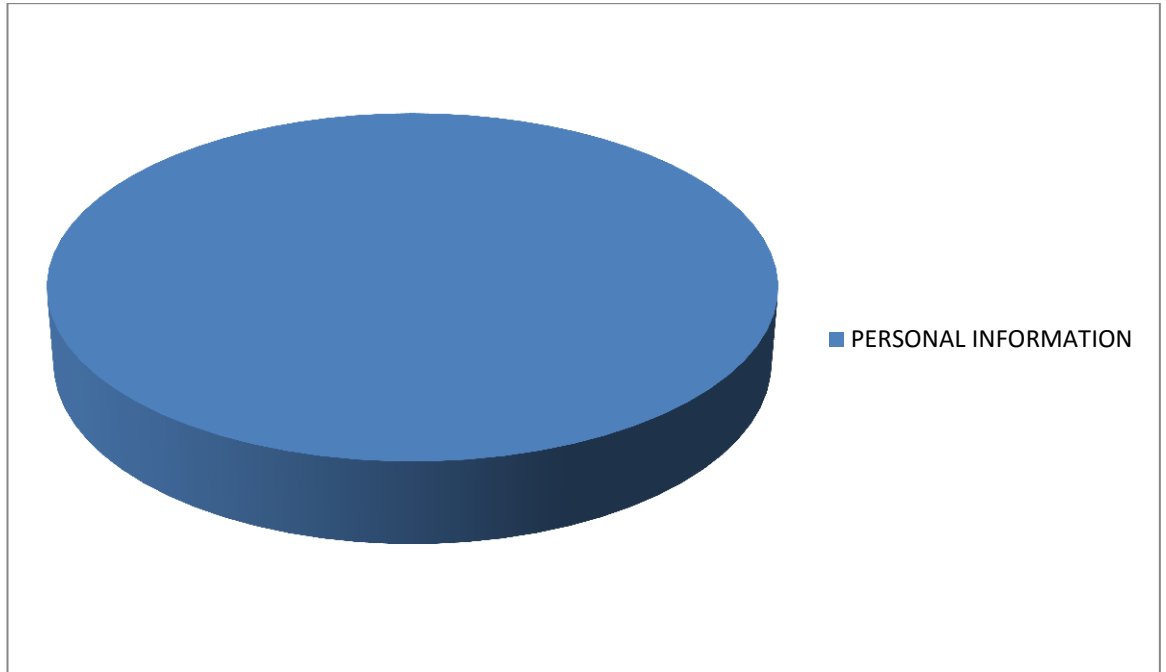
Only 2 appeals were filed against the Ministry of Civil Aviation in 2015 before the CIC. One of the appeals looked for information of personal nature whereas the other sought information which was of Public interest. However, none of the two cases sought for any information which mandated proactive disclosure by the respondent organization.

11.SUPREME COURT OF INDIA



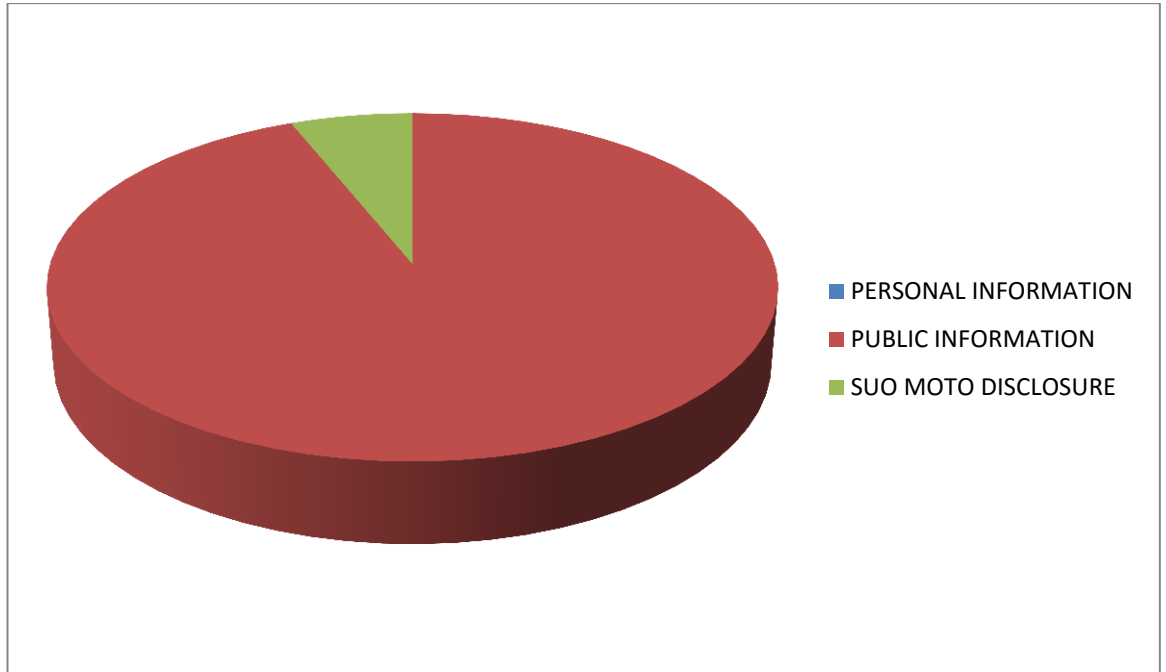
Out of a total of 104 appeals filed against the Supreme Court of India before thee CIC in the year 2015, 47 appeals sought information which were Personal in nature whereas 35 of them sought information which were Public in nature. 13 of these appeals looked for information which were covered under Section 4(1) of the RTI act and mandated Suo Moto disclosure. As many as 22 appeals sought information not covered under section 2(f) of the RTI act or the CPIO not being authorised to disclose the information.

12. VICE PRESIDENT SECRETARIAT



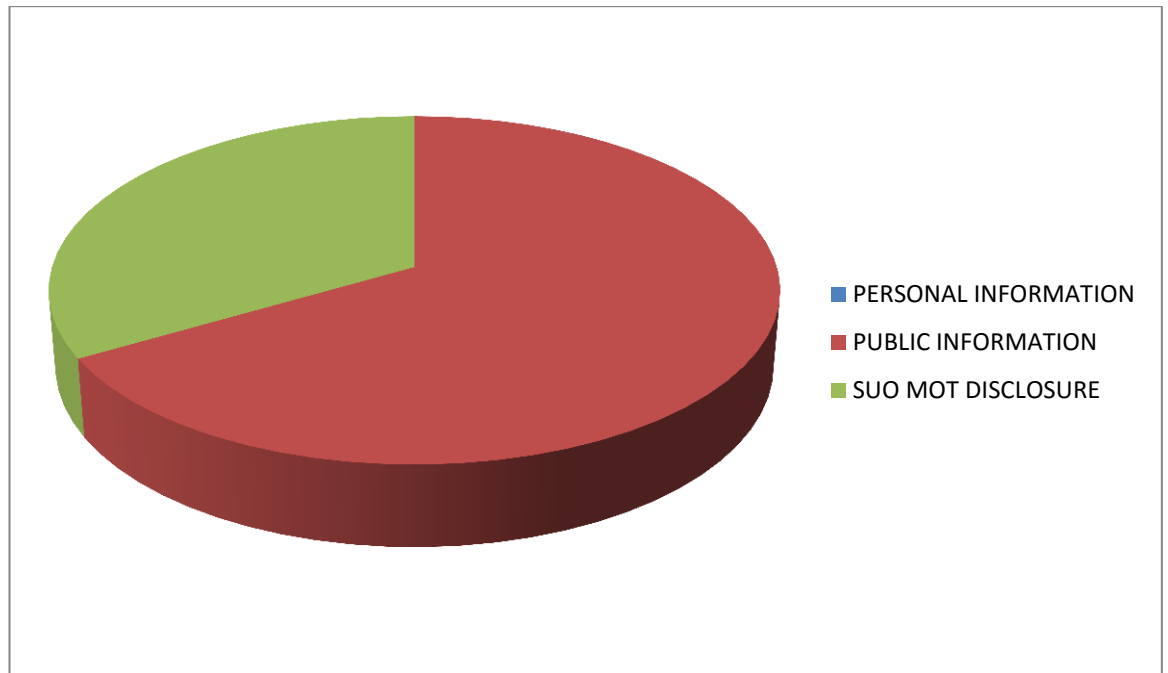
Only one appeal was filed against the Vice President secretariat before the CIC in 2015 and it sought information which was personal in nature.

13.IRCTC



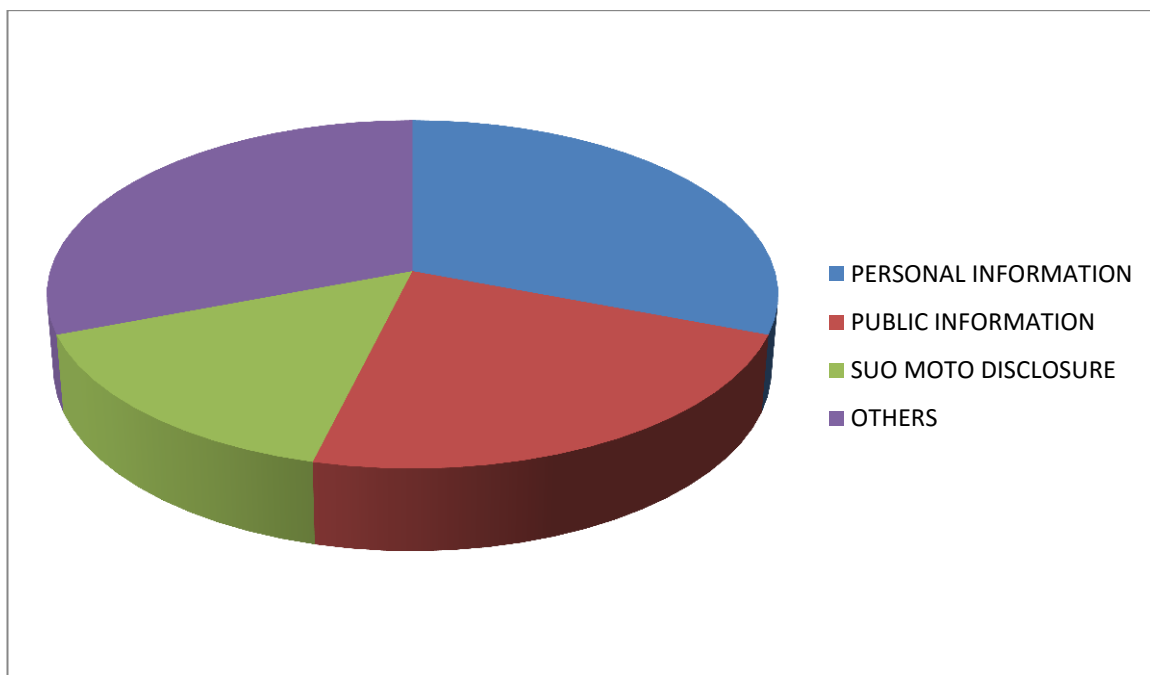
Out of the 61 appeals filed against the IRCTC in 2015 before the CIC, all of them sought information of Public interest and 4 of them sought information which came under Suo Moto disclosure.

14.CONTAINER CORPORATION OF INDIA



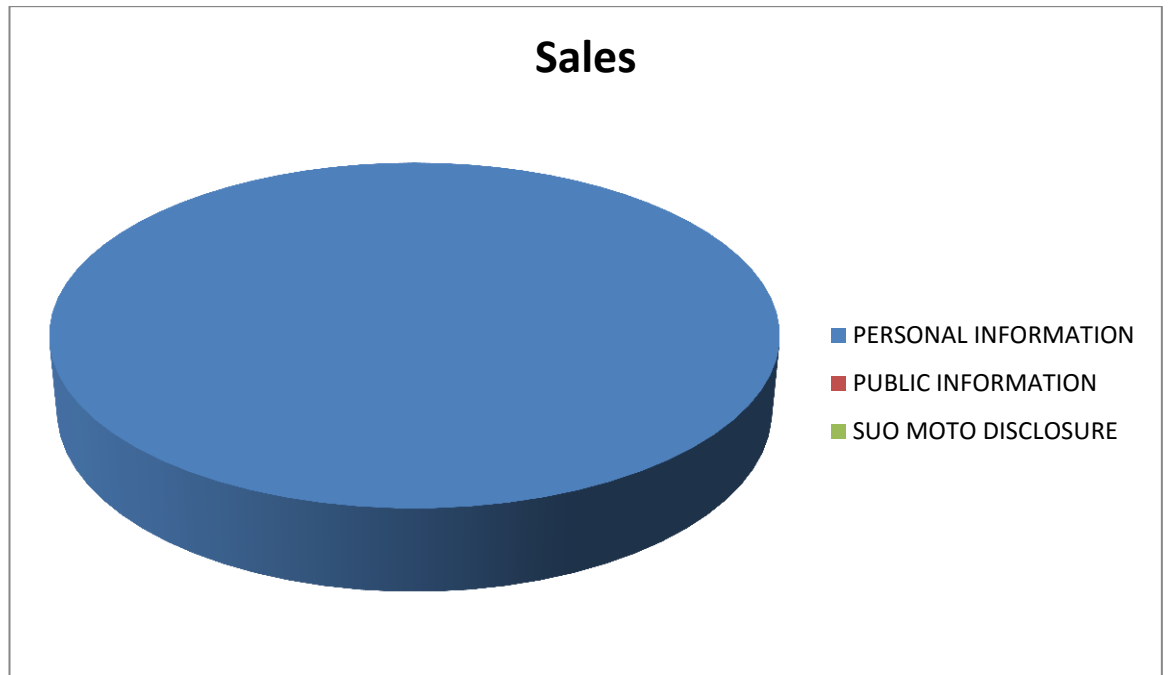
Only 2 appeals were filed against the Container Corporation of India before the CIC in the year 2015. Both of them sought information related to Public interest and one of them came under Section 4(1) of the RTI act mandating proactive disclosure by the respondent organization.

15.CABINET SECRETARIAT



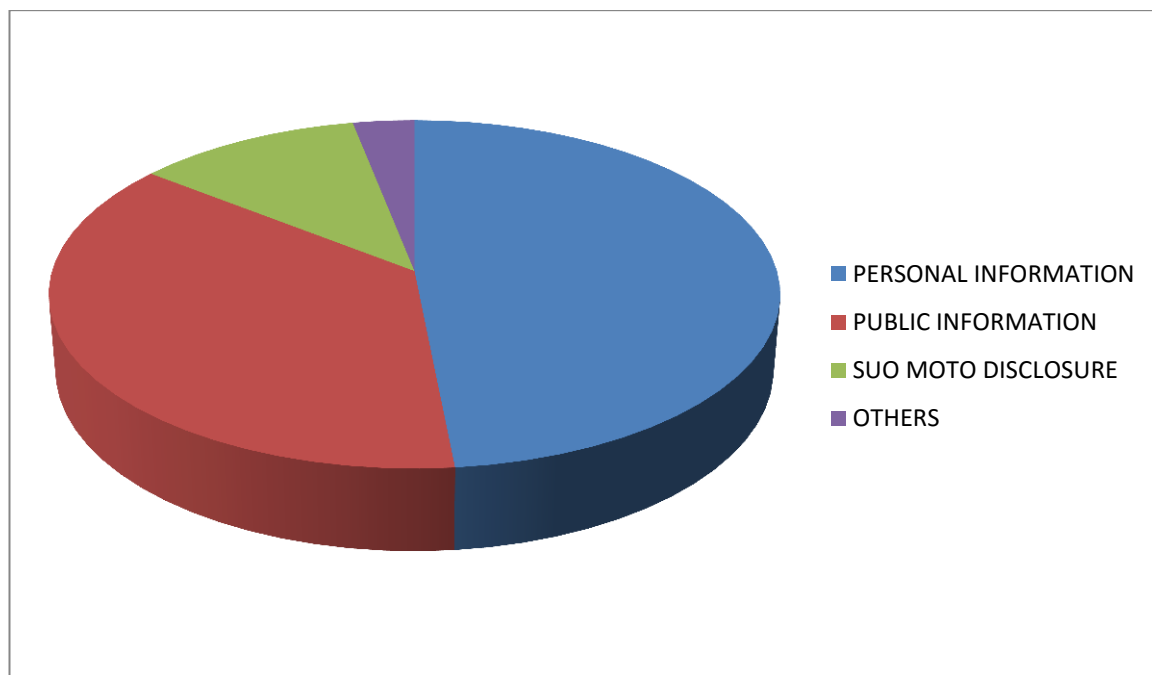
Out of 11 appeals filed against the Cabinet Secretariat in the year 2015 before the CIC, 4 appeals sought information which were Personal in nature whereas 3 of them sought Public information. 2 of the appeals sought information which mandated Suo Moto disclosure by the respondent organization. 4 appeals either didn't have the details or the information sought for didn't come under Section 2(f) of the RTI act.

16. NATIONAL TECHNICAL RESEARCH ORGANIZATION



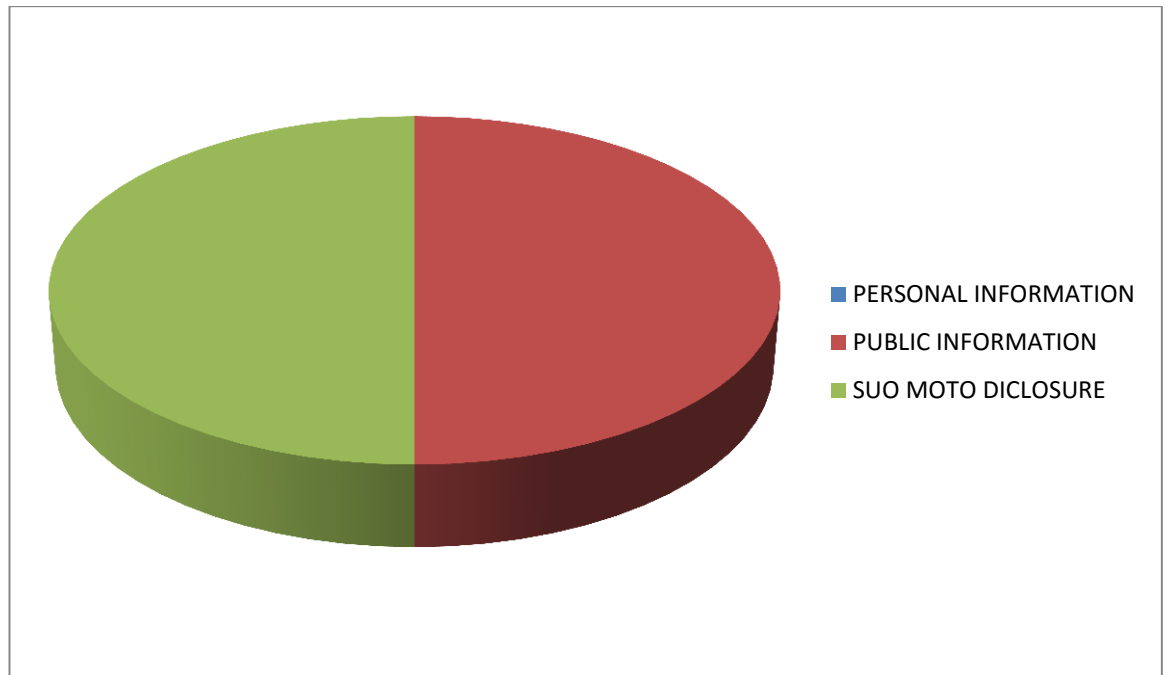
Only one appeal was filed against the National Technical Research Organization in the year 2015 before the CIC and the information sought for was personal in nature.

17. MINISTRY OF HOME AFFAIRS



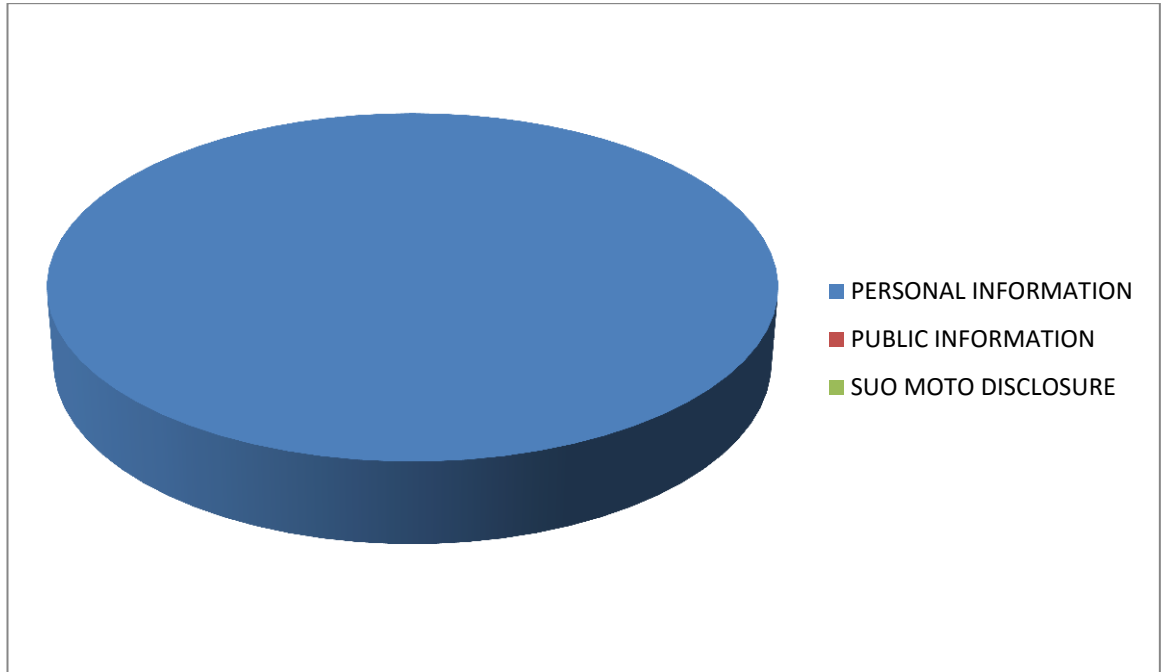
A total of 86 appeals were filed against the Ministry of Home Affairs before the CIC in the year 2015. 47 appeals looked for information private in nature whereas 35 sought information of Public interest. 11 appeals asked for information which came under Section 4(1) of the RTI act and mandated proactive disclosure by the respondent organization. 3 appeals had no details available to be classified.

18.UT OF LAKSHADWEEP



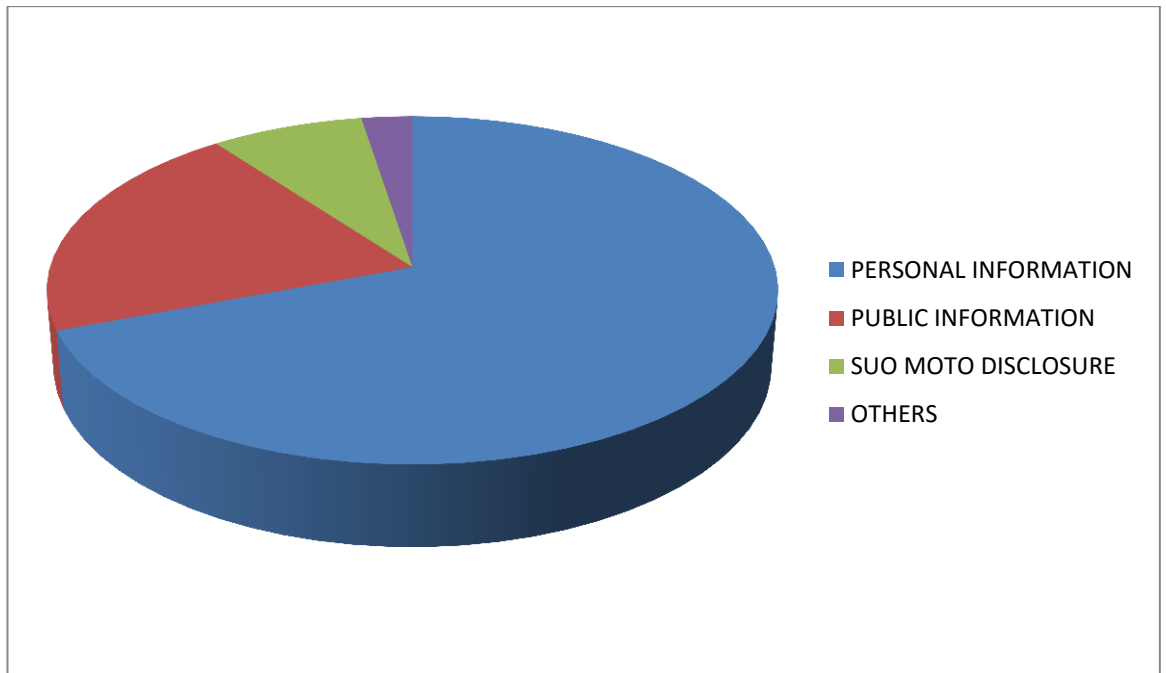
Only 2 appeals were filed against the Union Territory of Lakshadweep in the year 2015 before the CIC. Both the appeals sought information concerning Public interest and came under Section 4(1) of the RTI act.

19. DEPARTMENT OF POSTS



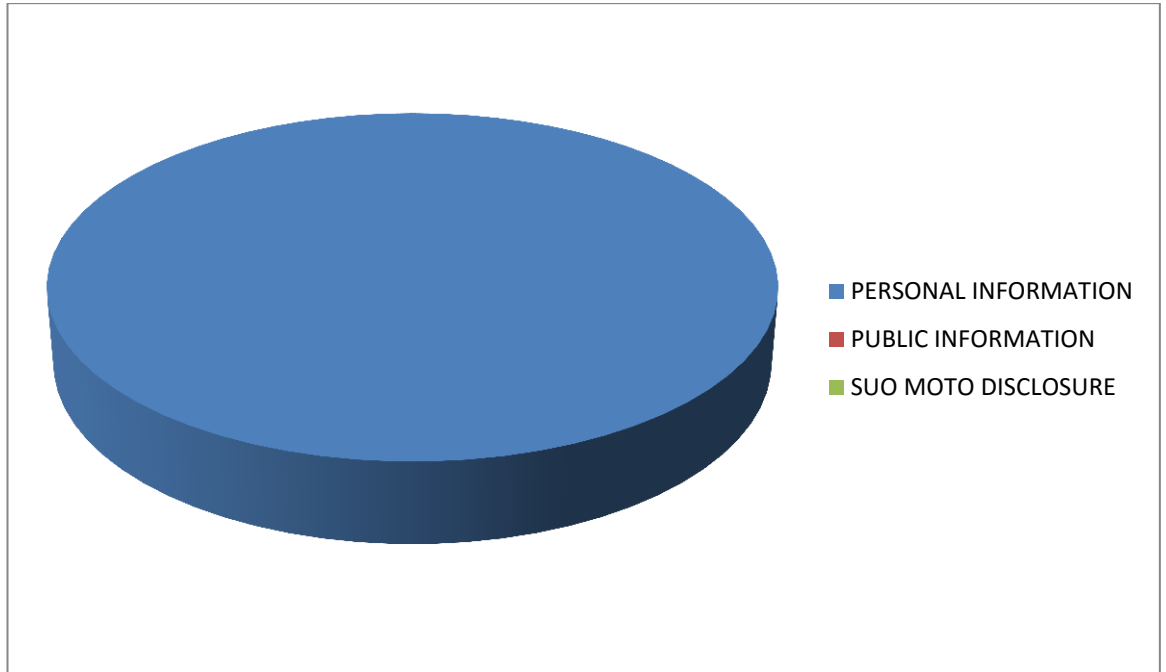
Only one appeal was filed against the Department of Posts in the year 2015 before the CIC and it sought for Personal information.

20.DELHI POLICE



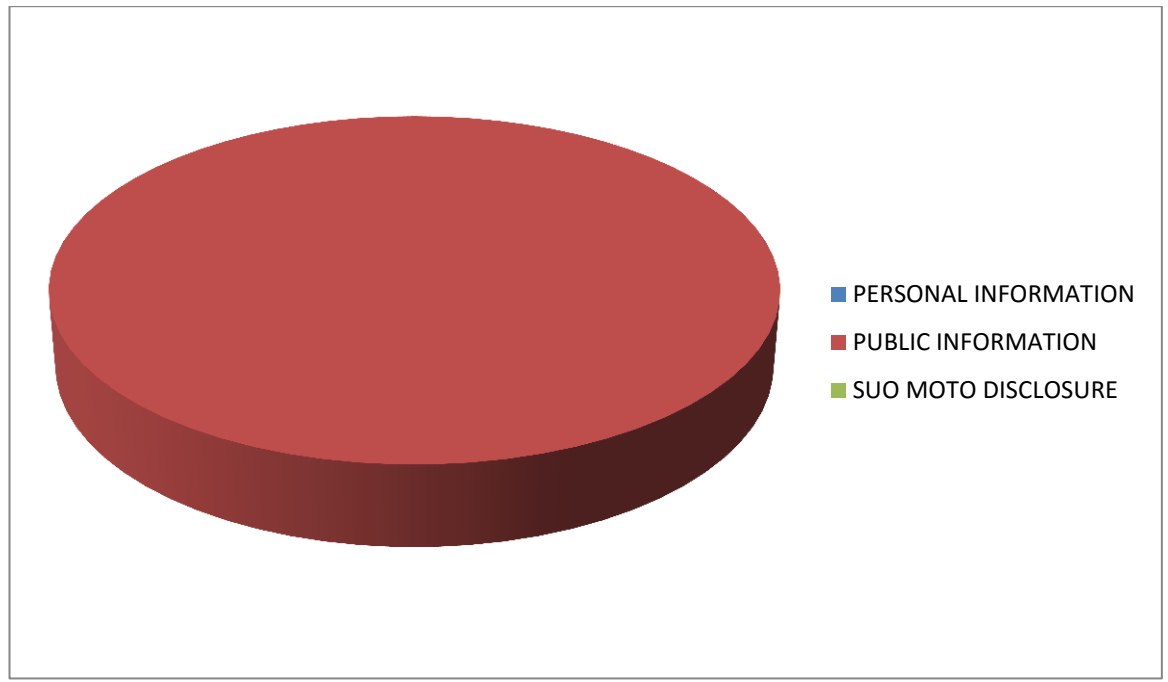
A total of 36 appeals were filed against the Delhi Police in the year 2015 before the CIC. 27 of these appeals sought Personal information whereas 8 sought Public information. 3 of appeals sought for information which came under Section 4(1) of the RTI act. One appeal was such where details were not found.

21.CENTRAL PENSION ACCOUNTING OFFICE



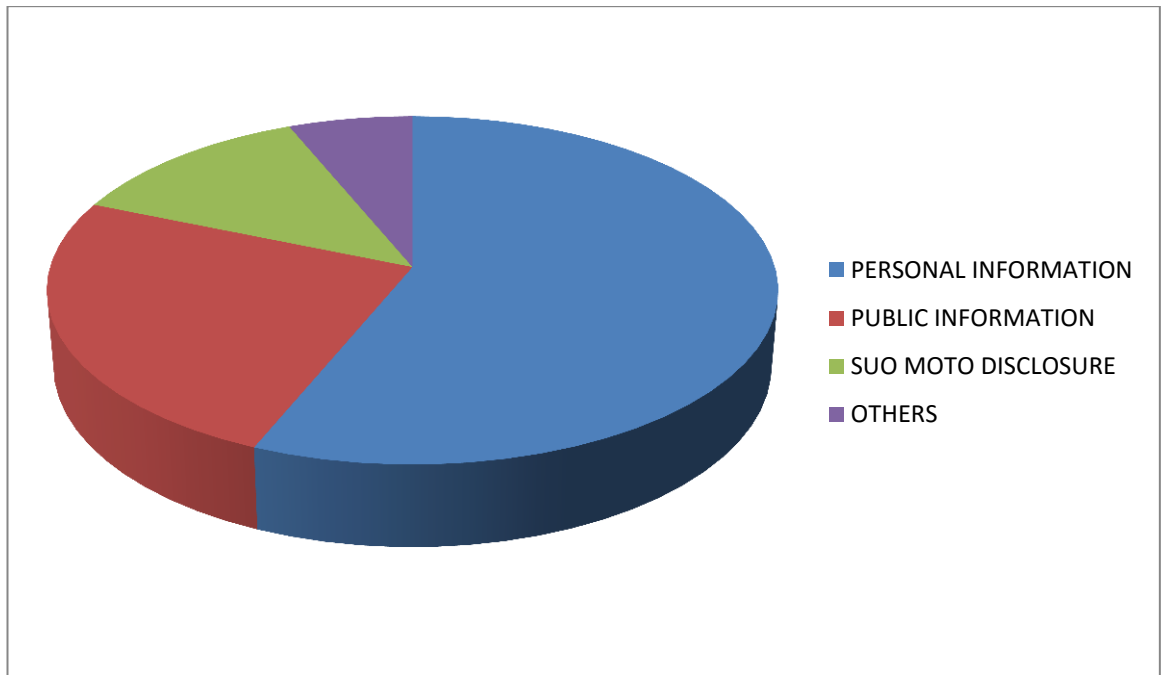
In the year 2015, only one appeal was filed against the Central Pension Accounting office before the CIC. It sought information which was Personal in nature.

22.CENTRE FOR RAILWAY INFORMATION SYSTEM



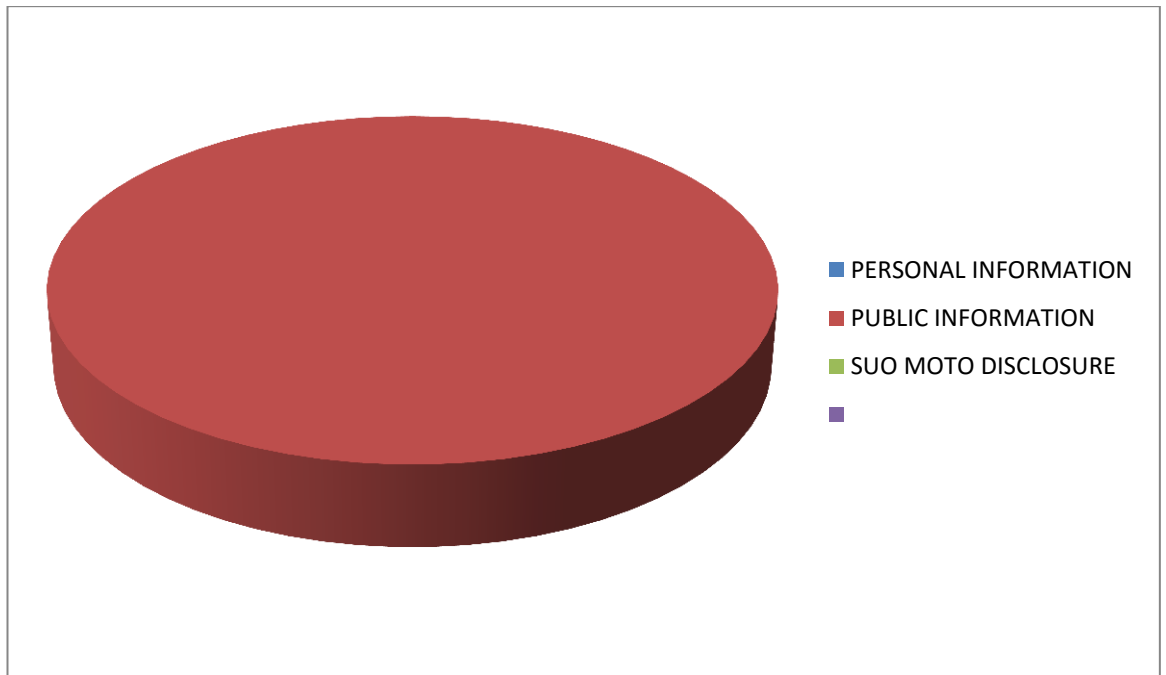
Only 2 appeals were filed against the Centre for Railway Information System (CRIS) in 2015 before the CIC. Both the appeals sought information concerning Public interest only.

23. MINISTRY OF EXTERNAL AFFAIRS



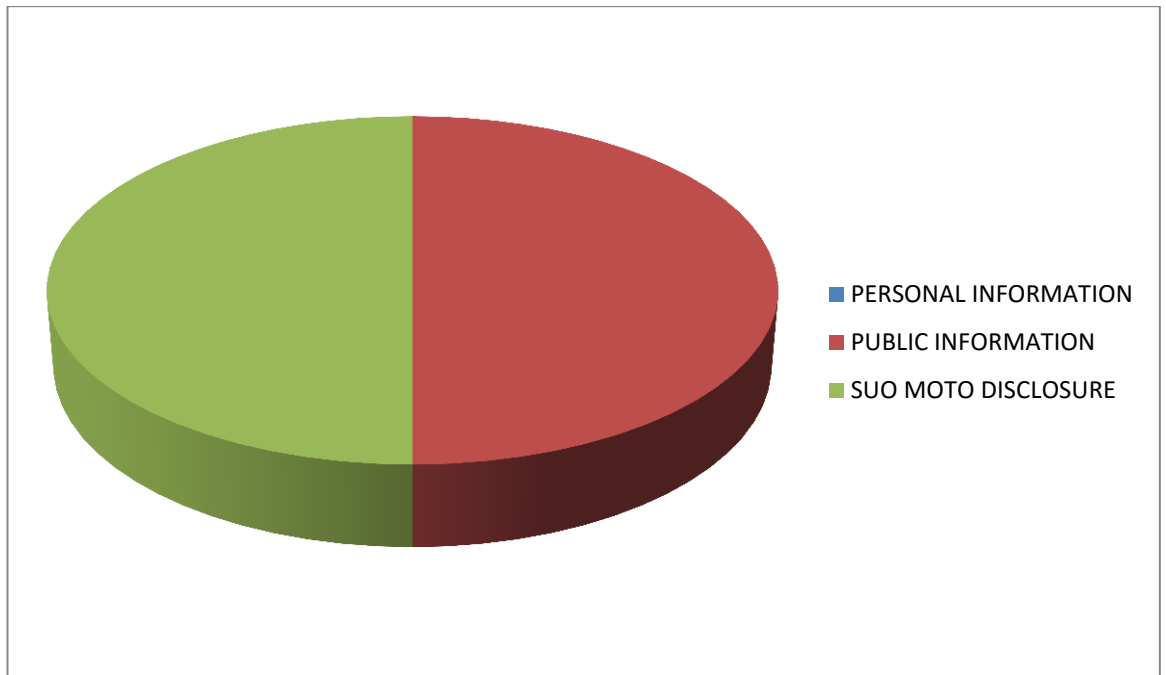
A total of 14 appeals were filed against the Ministry of External Affairs in the year 2015 before the CIC. 9 of these appeals sought Personal information whereas 4 sought Public information. One appeal was such where the details were not found. 2 appeals sought information which come under Section 4(1) of the RTI act.

24.CENTRAL INDUSTRIAL SECURITY FORCE



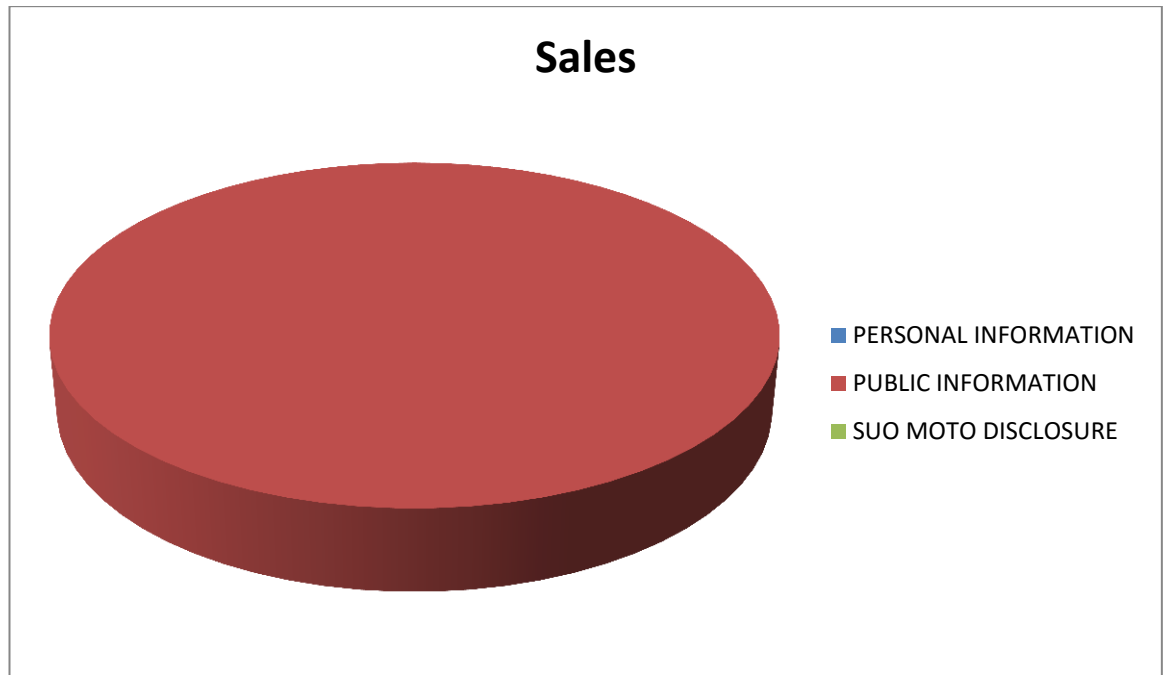
Only one appeal was filed against the CISF in the year 2015 before the CIC and the appeal sought information related to Public interest.

25. RAIL TEL CORPORATION OF INDIA LTD.



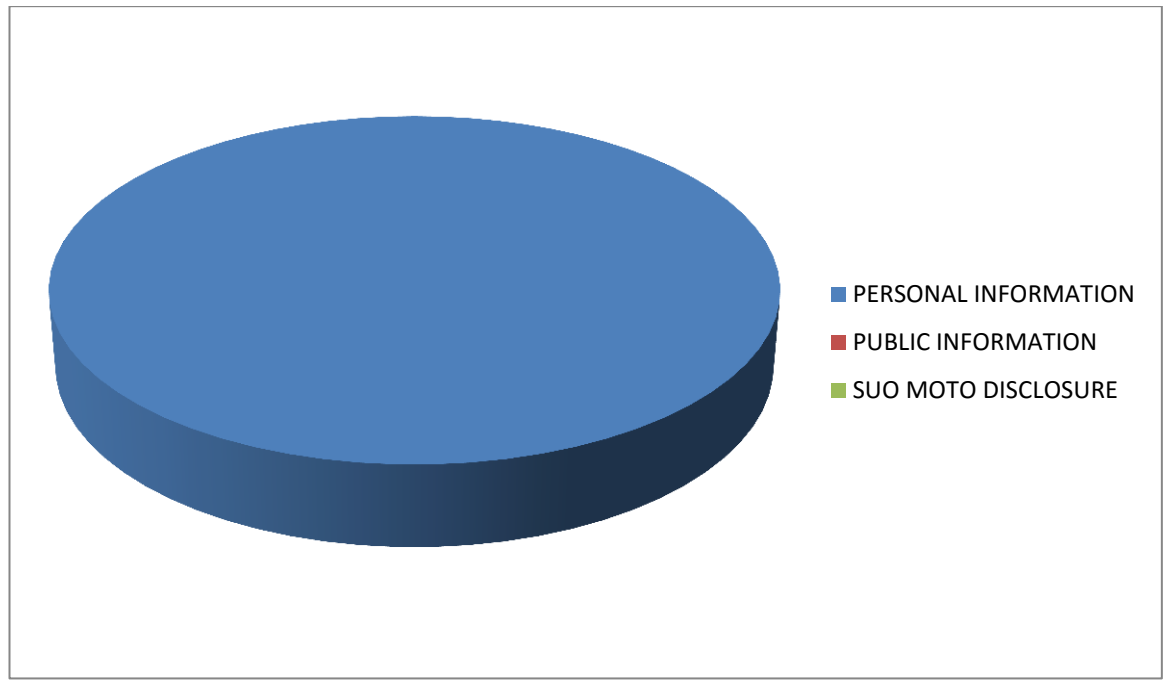
Only one appeal was filed against the Rail Tel Corporation of India Ltd. in the year 2015 before the CIC and it sought information related to Public interest. It also came under Section 4(1) of the RTI act.

26.GOVERNMENT OF NCT OF DELHI



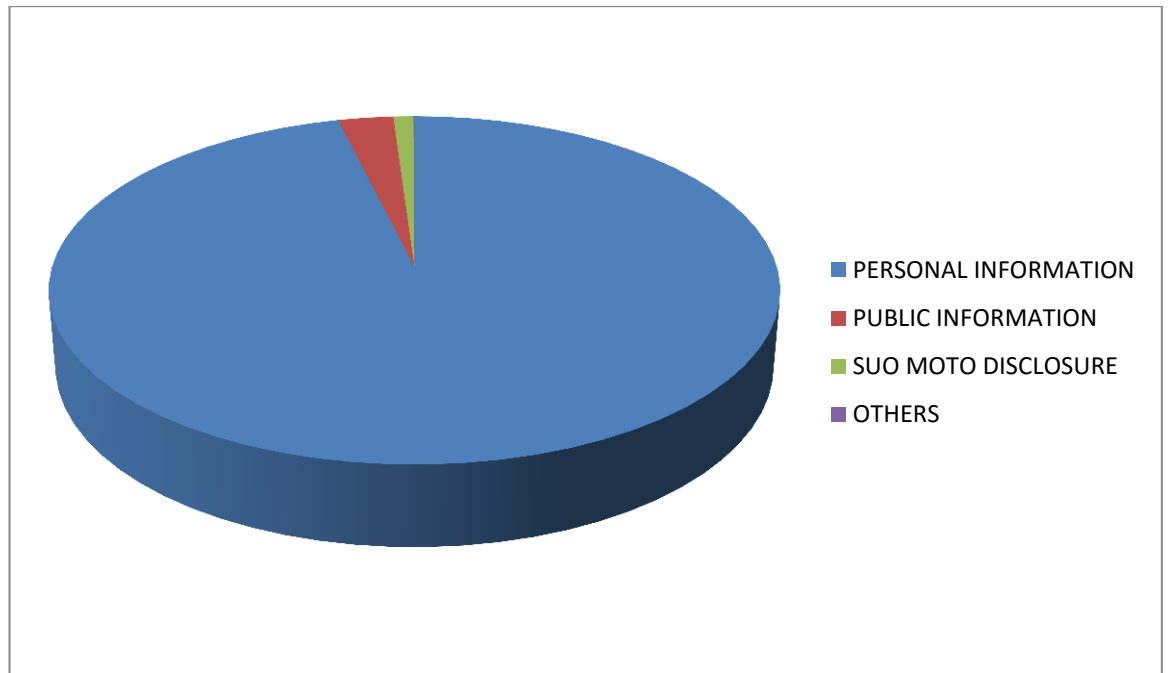
Only one appeal was filed before the CIC in 2015 against the Government of NCT of Delhi and it sought information related to matters of Public Interest.

27. INDIAN AIR FORCE



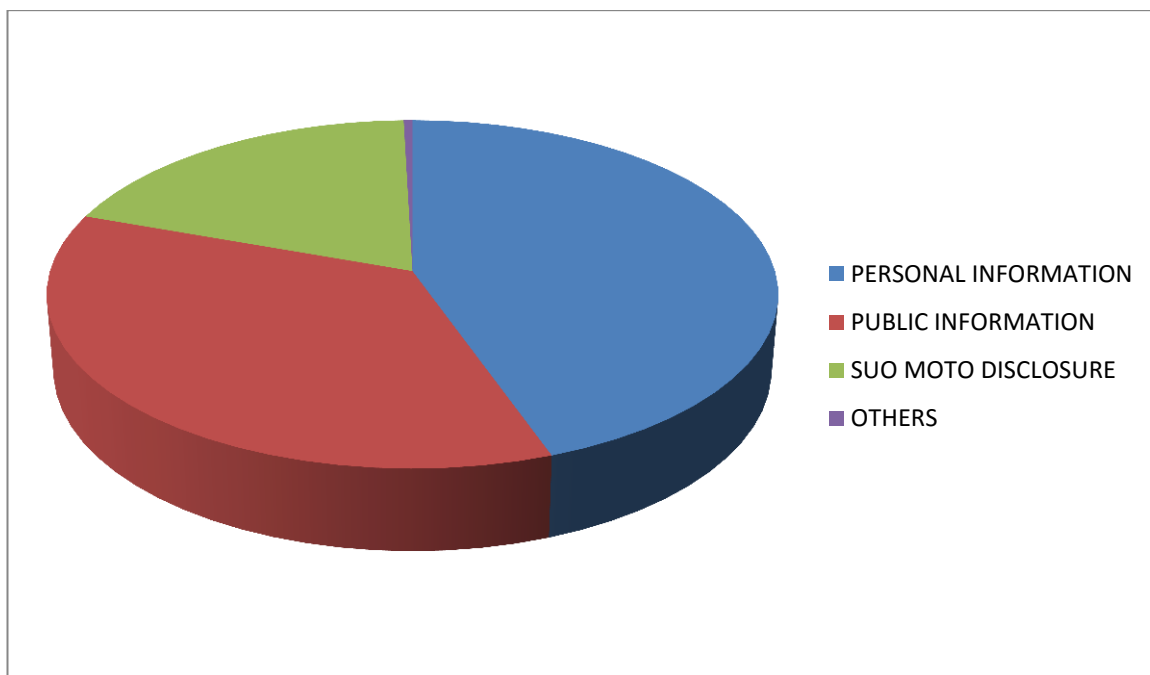
As many as 1333 appeals against the Indian Air Force were filed before the CIC in the year 2015. All these appeals sought for information which was personal in nature.

28. MINISTRY OF DEFENCE



As many as 2446 appeals were filed against the Ministry of Defence in the year 2015 before the CIC. 2366 of these appeals sought information which were personal in nature. 68 appeals sought information of Public interest. 25 appeals sought information which came under Section 4(1) of the RTI act and mandated Suo Moto disclosure by the respondent organization. However, there were 12 appeals where details were not found.

29. MINISTRY OF RAILWAYS



A Total of 2267 appeals were filed against the Railways (Ministry of Railways, Northern Railways, Southern Railways, Eastern Railways, Western Railways, West Central Railways, South Central Railways, North Western Railways, North Eastern Railways, North East Frontier Railways, Central Railway, East Central Railways etc.). 1317 of these appeals sought information which were personal in nature whereas 1060 sought information which were of Public interest. 566 appeals sought information which came under Section 4(1) of the RTI act and mandated proactive disclosure by the respondent organization. 13 appeals were such where details were not found.

CONCLUSION

After having gone through each of the 6536 cases given by Honourable IC Vijai Sharma Sir from 1.01.2015 to 31.12.2015, I found out that 5261 appeals sought for information which was Personal in nature. 1323 appeals sought for information which were Public in nature. 644 appeals sought for information which should have been proactively disclosed by the respondent organization. However, 56 such appeals were also encountered where details were not found.

After a thorough study of all these cases, I have found that the RTI act is mostly being used to secure information which is Personal in nature. Many a times, the RTI act is being misused to settle the scores or just to trouble the respondent organization. However, it has also been found that the level of compliance with Section 4 of the RTI act has been much lower than the required level by the Public authorities.

The Right to Information Act, 2005 can be a very effective tool in the 21st century democracy provided that the level of awareness increases among the common masses and people stop misusing it.

