



सत्यमेव जयते

**AUDIT REPORT OF THE  
MINISTRY OF ROAD TRANSPORT & HIGHWAYS ON  
PROACTIVE DISCLOSURE UNDER RTI ACT, 2005  
JULY 2016**



भारत सरकार

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## **FOREWORD**

Pro- active disclosure prescribed under Section 4 of the RTI Act, 2005 is of vital importance as it details large categories of information relating to functioning of the concerned Public Authority. Department of Personnel and Training, Ministry of Personnel, Public Grievances & Pensions, Government of India, has been laying down great emphasis on effective Proactive/Suo Motu disclosure as prescribed under Section 4 of the RTI Act. If the Public Authorities fulfill the requirements as per Section 4 of RTI Act 2005, then the requests for seeking information from these authorities under RTI Act are likely to be considerably less. In general, this aspect is not up to the expectation level from the Public Authorities. Therefore, to strengthen the pro active/suo motu disclosure, DOPT has come out with detailed instruction vide DOPT OM No. 1/6/2011-IR dated 15<sup>th</sup> April 2013. These instructions stipulate that each Ministry/Public Authority shall ensure that these guidelines are fully operationalised within a period of six months from the date of their issue. The guidelines further say that the Action Taken Report (ATR) of the compliance should be sent to the DOPT and Central Information Commission (CIC) soon after the expiry of the initial period of six months. The guidelines lay down one of the most important mechanisms in terms of getting its pro active disclosure package audited by the third party every year to ensure effective compliance of the guidelines.

2. The ISTM has been involved in capacity building of Civil Servants of various Public Authorities for effective implementation of the RTI Act, 2005 by conducting large number of training programmes on various facets on RTI Act for different levels of officers. ISTM has also developed training material and shared it with various Public Authorities to facilitate the implementation of the RTI Act. ISTM has rich experience of conducting the third party audit of pro-active suo motu disclosure on the web sites made by the Public Authorities especially Central Ministries /Departments.

3. Consequent to the issue of DOPT guidelines on suo motu disclosure vide DOPT OM No. 1/6/2011-IR dated 15<sup>th</sup> April 2013, ISTM has received requests from various Public Authorities for conducting third party audit. Based on the requests,

ISTM has taken up the third party audit of suo motu disclosure made by **Ministry of Road Transport and Highways (MoRTH)**, Government of India, as first study, post April 2013 guidelines.

4. I am happy to state that the team constituted for the study has come out with a report clearly indicating the information that has already been disclosed. It also includes suggestions for improvement in various areas. I am sure the reports submitted by the study team will go a long way in strengthening the suo motu disclosures of the **MoRTH** to further meet the information needs of the citizen.



(SUNITA H KHURANA)  
DIRECTOR

## **PREFACE**

1. The Right to Information Act enacted on **June 15, 2005**, is an instrument to promote transparency and accountability in the functioning of every Public Authority. The objectives of the RTI Act- 2005 are that each citizen is empowered to seek and receive information from Public Authorities so that the accountability of the organization to the public at large and stake holders in particular is enhanced.

2. However, the Right to Information Act 2005 is a small Act having only 31 sections. It has empowered every citizen of the country to seek and receive any information from any Public Authority in the country without assigning any reason for seeking the information. It is an attempt to move from opaqueness to transparency, ultimately leading to good governance. Broadly, there are following two ways by which information needs of the citizen can be:-

(i) One is to file an RTI application seeking information within the time frame specified in the RTI Act through the Public Information Officer of the organization concerned. This mode put an onus for incurring cost on the citizen for seeking information and on Public Authorities for receiving, processing and responding to the request for the information. This is a costly and time consuming mode of seeking and furnishing information.

ii) The alternative mode which is prescribed in the RTI Act is for pro active and suo-motu disclosure. Section 4 (i) (b), 4(i) (c) and 4 (i) (d) of the RTI Act-2005 lists categories of information which Public Authorities are required to disclose suo-motu without any request from the citizen. This is called duty to publish on the part of the Public Authority. Looking into relevance and importance of suo-motu disclosure, DOPT has issued detailed guidelines on implementation of suo-motu disclosure under section 4 of RTI Act 2005 vide Office Memorandum No.1/6/2011-IR dated 15<sup>th</sup> April, 2013. The said guidelines issued by DOPT have four chapters viz:-

- (a) Suo-motu disclosure of more items under section 4
- (b) Guidelines for digital publication of pro active disclosure under section 4
- (c) Guidelines for certain clauses of Section 4(1) (b) such as Section 4(i) (b) (iii), 4(i)(b)(xi) 4(1)(b) xiv etc to make suo-motu disclosures more effective.
- (d) Compliance with provisions of suo-motu disclosure

3. Regarding compliance mechanism, DOPT OM dated 15 April 2013 stipulates as under:-
- (i) Each Public Authority shall ensure that these guidelines are fully operationalized within the specified time limit.
  - (ii) The Action Taken Report (ATR) on the compliance of these guidelines should be sent to the Department of Personnel & Training (DOPT) and Central Information Commission (CIC)
  - (iii) Each Public Authority should get its pro active disclosure package audited through third party every year.
  - (iv) Third party audit of the suo motu disclosure should cover compliance with the pro active disclosures prescribed in the guidelines Section 4 of the RTI Act including adequacy of the items included in the package. The audit should examine whether there are any other types of information which could be pro actively disclosed.
4. Such audit should be done annually and should be communicated to the Central Information Commission (CIC) and published on the web site of the Public Authority concerned. All Public Authorities are required to pro actively disclose the names of the third party auditors on their web sites. The Central Information Commission (CIC) is required to examine the third party audit reports and offer advice/recommendations to the concerned Public Authority. DOPT has issued reminders for compliance of the requirement for conducting third party audit vide its reminders dated 10 Dec 2013 and 22<sup>nd</sup> Sept 2015.
5. In view of the instructions stated above, **Ministry of Road Transport and Highways (MoRTH)**, Government of India has approached ISTM for conducting the third party audit. ISTM accepted the request of **MoRTH** and constituted a committee with the composition of one Faculty Member and an External Consultant for deciding the methodology, carrying out the third party audit and submitting reports to MoRTH, CIC, DOPT and ISTM.
6. In this back ground ISTM has conducted the third party audit of **MoRTH** and the data collected, data analyzed and conclusion of the recommendations are given in subsequent Chapters

## **COMPOSITION OF AUDIT TEAM**

### **MENTOR/GUIDE**

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### **TEAM**

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## **CHAPTER-1**

### **INTRODUCTION**

1.1. The proactive disclosure of information by each Public Authority relating to its functions as prescribed under the Right to Information Act has been emphasized as the primary duty of the Public Authorities without waiting for the citizens to file RTI application for seeking information. In accordance with this, a large category of information has been prescribed in section 4(1) (b)(c) and (d) to be disclosed suo motu. There are 16 specific categories of information which are mentioned in section 4(i)(b) and each of those categories contains various items making it elaborate and exhaustive. The 17<sup>th</sup> item under section 4(i) (b) mentions that such other information as may be prescribed also needs to be disclosed suo motu. The seventeen categories of information mentioned in section 4(1) (b) are as under:-

- (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 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 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;

**1.2** Sections 4(1) (c) and 4 (1) (d) of the RTI Act mandates as under:

- i) Publish all relevant facts while formulating important policies or announcing the decisions which affect public;
- ii) Provide reasons for its administrative or quasi-judicial decisions to affected persons.

**1.3** Section 4(2), 4(3) and 4(4) prescribes the method of dissemination of information.

**1.4** After promulgation of RTI Act, large volumes of information has been put in public domain by Public Authorities. However, the quality and quantity of the information disclosed has been criticized by the Civil Society and other stake holders as it leaves a lot more to desire. To augment the quality and quantity of information to be put in public domain, DOPT came out with the guidelines for implementation of suo motu disclosure under section 4 of the RTI Act vide its OM No.16/2011-IR dated 15<sup>th</sup> April 2013. Salient features of the these guidelines are re-produced below:-

## **1.5 Guidelines on suo motu disclosure under Section 4 of the RTI Act**

### **1.5.1 Suo motu disclosure of more items under Section (4)**

Sub Section 4(2) of the RTI Act, 2005 requires every Public Authority to take steps in accordance with the requirements of clause (b) of sub section 4(1) to provide as much information suo motu to the public at regular intervals through various means of communication, including internet, so that the public have minimum resort to use the Act to obtain information. Accordingly, the Public Authorities may proactively disclose the following items also under the suo motu disclosure provisions of Section 4:

#### **1.5.1.1 Information related to Procurement**

Information relating to procurement made by Public Authorities including publication of notice/tender enquiries, corrigenda thereon, and details of bid awards detailing the name of the supplier of goods/services being procured or the works contracts entered or any such combination of these and the rate and total amount at which such procurement or works contract is to be done should be disclosed. All information discloseable as per Ministry of Finance, Department of Expenditure's OM No.10/1/2011-PPC dated 30<sup>th</sup> November, 2011 on Mandatory Publication of Tender Enquiries on the Central Public Procurement Portal and OM No.10/3/2012-PPC dated 30<sup>th</sup> March, 2012 on implementation of comprehensive end-to-end e-procurement should be disclosed under Section 4. At present the limit is fixed at R.10.00 Lakhs. In case of procurements made through DGS&D Rate Contracts or through Kendriya Bhandar/NCCF, only award details need to be published. However, information about procurement which fall within the purview of Section 8 of the RTI Act would be exempt.

#### **1.5.1.2 Public Private Partnership**

If Public services are proposed to be provided through a Public Private Partnership (PPP), all information relating to the PPPs must be disclosed in the public domain by the Public Authority entering into the PPP contract/concession agreement. This may include details of the Special Purpose Vehicle (SPV), if any set up, detailed project reports, concession agreements, operation, maintenance manuals and other documents generated as part of the implementation of the PPP project. The documents under the ambit of the exemption from disclosure of

information under Section 8(1)(d) and 8(1) (j) of the RTI Act would not be disclosed suo motu. Further, 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. All payments made under PPP project may also be disclosed in a periodic manner along with the purpose of making such payment

#### **1.5.1.3 Transfer Policy and Transfer Orders**

Transfer policy for different grades/cadres of employees serving in Public Authority should be proactively disclosed. All transfer orders should be publicized through the web site or in any other manner listed in Section 4(4) of the Act. These guidelines would not be applicable in cases of transfers made keeping in view sovereignty, integrity, security, strategic, scientific or economic interests of the State and the exemptions covered under Section 8 of the Act. These instructions would not apply to security and intelligence organizations under the second schedule of the RTI Act.

#### **1.5.1.4 RTI Applications**

All Public Authorities shall proactively disclose RTI applications and appeals received and their responses, on the websites maintained by Public Authorities with search facility based on key words. RTI applications and appeals received and their responses relating to the personal information of an individual may not be disclosed, as they do not serve any public interest.

#### **1.5.1.5 CAG & PAC paras**

Public Authorities may proactively disclose the CAG&PAC paras and the Action Taken Reports (ATRs) only after these have been laid on the table of both the houses of the Parliament. However, CAG paras dealing with information about the issue of sovereignty, integrity, security, strategic, scientific or economic interests of the State and information covered under Section 8 of the RTI Act would be exempt.

#### **1.5.1.6 Citizen Charter**

Citizens Charter prepared by the Ministry/Department, as part of the Result Frame work documents of the department/organization should be proactively

disclosed and bi-annually report on the performance against the benchmarks set in Citizens Charter should also be displayed on the website of Public Authorities.

#### **1.5.1.7 Discretionary and Non-discretionary grants**

All discretionary /non discretionary grants/allocation to State governments/ NGOs /other institutions by Ministry /Department should be placed on the web site of the Ministry/Department concerned. 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 web site. Disclosures would be subject to provisions of Section 8 to 11 of the RTI Act.

#### **1.5.1.8 Foreign Tours of PM/Ministers**

A large number of RTI queries are being filed on official tours undertaken by Ministers or officials of various Government Ministries/Departments. Information regarding the nature, place and period of foreign and domestic tours of Prime Minister are already disclosed on the PMO's website.

**1.5.1.9** As per DOPT's OM No.1/8/2012-IR dated 11.9.2012, Public Authorities may proactively disclose the details of foreign and domestic official tours undertaken by the Minister(s) and officials of the rank of Joint Secretary and above to the Government of India and Heads of Departments, since 1<sup>st</sup> January, 2012. The disclosure may be updated once every quarter.

Information to be disclosed proactively may contain nature of the official tour, places visited, the period, number of people included in the official delegation and total cost of such travel undertaken. Exemptions under Section 8 of the RTI Act, 2005 may be kept in view while disclosing the information. These instructions would not apply to security and intelligence organizations under the second schedule of the RTI Act, 2005 and CVOs of Public Authorities.

### **1.6 Guidelines for digital publication of proactive disclosure under Section 4**

**1.6.1** Section 4 lays down that information should be provided through many mediums depending upon the level of the Public Authority and the recipient of information( for example, in case of Panchayat, wall painting may be more effective

means of dissemination of information), and that more and more proactive disclosure would gradually be made through internet. There is need for clear guidelines for web-based publication of information of disclosure.

- 1.6.2** The Department of Information Technology has been working on setting of technical standards for government web sites and the Department of Administrative Reforms & Public Grievances has published guidelines for websites of Government Departments. These guidelines prescribe the manner in which websites need to be designed and how information should be disclosed. While adhering to the standards of government guidelines as laid down by Department of Information Technology and Department of Administrative Reforms & Public Grievances, in its guidelines available on [www.egovstandards.gov.in/sites/default/files/GOI\\_Web\\_Guidelines.pdf](http://www.egovstandards.gov.in/sites/default/files/GOI_Web_Guidelines.pdf). The following principles additionally should also 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:-
- (a) It should be the endeavor 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 Services Bill, 2012' under formulation in Government of India would provide the necessary impetus.
  - (b) Websites should contain detailed information from the point of origin to the point of delivery of entitlements/ services provided by the Public Authorities to citizens.
  - (c) Orders of the Public Authority should be uploaded on the website immediately after they have been issued.
  - (d) Website should contain all the relevant Acts, Rules, forms and other documents which are normally accessed by citizens.
  - (e) Websites should have detailed directory of key contacts, details of officials of the Public Authority.
  - (f) It is obligatory under Section 4(1)(b)(xiv) of the RTI Act for every Public Authority to proactively disclose 'details in respect of the information, available to or held by it, reduced in an electronic form'. The website should therefore indicate which digitally held information is made available publicly over the internet and which is not.

- (g) As departments reorganize their systems and processes to enable themselves for electronic service delivery, it is recommended that the requirement of bringing due transparency as provided in the RTI Act is given adequate consideration at the design stage itself.
- (h) To 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 government order (Andhra Pradesh). Such an approach will lead to automation of proactive disclosure.
- (i) Information must be presented from a user's perspective, which may require rearranging it, simplifying it etc. However, documents in original formats should continue to be made available because these are needed for community monitoring of government's functioning.
- (j) 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.
- (k) 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 visualization 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 useful. There have been moves in some parts of the country to video record Gram Sabha meetings. A picture of NREGA worksite, for instance, may tell much more than words can. All such different media and forms should be used for proactive disclosure.
- (l) Every webpage displaying information or data proactively disclosed under the RTI Act should, on the top right corner, display the last updated date/month/year (DD/MM/YY).

## **1.7 Guidelines for certain clauses of Section 4(1)(b) to make disclosure more effective**

**1.7.1** The elements of information listed in the various sub-clauses of Section 4(1)(b) must be disclosed in an integrated manner. For example, the functions and responsibilities of a Public Authority cannot be understood in isolation from the powers and functions of its employees, the norms that inform its decision making processes and the rules, instructions and manuals that are used in the discharge of its functions. Description of one element presupposes the existence of another. So every Public Authority must endeavour to integrate the information mentioned in these sub-clauses while preparing voluntary disclosure materials.

**1.7.2** Considering that disclosure in regard to certain sub-clauses have been relatively weak, detailed guidelines for four sub-clauses are given below:-

## **1.8 Guidelines for section 4(1)(b)(iii)- “the procedure followed in the decision-making processes, including channels of supervision and accountability”.**

**1.8.1** All departments have specific duties and responsibilities under the respective Allocation of Business Rules (AOB) issued by the appropriate Government. The constitutional provisions and statutes each department is required to implement are clearly laid down in the AOB. The manner of disposal of matters assigned to each Department/Ministry is described in the Transaction of Business Rules (TOB). Additionally, every department would have a specific set of schemes and development programmes which they are required to implement directly or through their subordinate offices or other designated agencies. These documents contain the specific operations that every Public Authority is required to undertake in the course of implementing the programme or scheme. Every operation mandated under the AOB read with TOB would be linked to a specific decision-making chain. All government officers have to follow laid down office procedure manual or other rules which give details of how representations, petitions and applications from citizens must be dealt with. Templates, formats, and basic steps of decision-making are briefly explained in these manuals. These descriptions constitute the elements of decision making processes in general.

**1.8.2** Additionally, in the routine work of governance, government functionaries are required to make decision in a discretionary manner but broad guiding principles are laid down in some rule or the other. For example, the General Financial Rules lay down procedure for a variety of operations relating to government finances. How sanction must be accorded for incurring expenditure; how losses to government must be reported; how responsibility for losses may be fixed on any government servant; how budgets, demand for grants are prepared and submitted; how public works must be sanctioned and executed; how commodities and services may be procured by a Public Authority, are all explained in these manuals which are updated from time to time. The challenge is to present a simplified version of the decision-making procedure that is of interest to a common citizen.

In view of the above, the DOPT guidelines vide OM No. 1/6/2011/-IR dated 16<sup>th</sup> April, 2013 gives the following details for decision making processes:

- (a) Every Public Authority should specifically identify the major outputs/tangible results/services/goods, applicable, that it is responsible for providing to the public or to whosoever is the client of the Public Authority
- (b) In respect of (a) above, the decision-making chain should be identified in the form of a flow chart explaining the rank/grade of the public functionaries involved in the decision-making process and the specific stages in the decision-making hierarchy.
- (c) The powers of each officer including powers of supervision over subordinates involved in the chain of decision making must also be spelt out next to the flow chart or in a simple bullet-pointed format in a text-box. The exceptional circumstances when such standard decision-making processes may be overridden and by whom, should also be explained clearly. Where decentralization of decision making has occurred in order to grant greater autonomy to Public Authorities, such procedures must also be clearly explained.
- (d) This design of presentation should then be extended to cover all statutory and discretionary operations that are part of the Public Authority's mandate under the AOB read with the TOB.
- (e) In the event of a Public Authority altering an existing decision-making process or adopting an entirely new process, such changes must be explained in



simple language in order to enable people to easily understand the changes made.

**1.9 Guidelines for Section 4(1q) (b)(iv)- “the norms set by it for the discharge of its functions”**

**1.9.1** Primarily, the intention of this clause is that every Public Authority should proactively disclose the standards by which its performance should be judged. Norms may be qualitative or quantitative in nature, or temporal or statutory norms. In order to ensure compliance with this clause, Public Authorities would need to disclose norms for major functions that are being performed.

**1.9.2** Citizen charters, which are mandatory, for each central Ministry /Department /Authority, are good examples of vehicles created for laying down norms of performance for major functions and for monitoring achievements against those standards.

**1.9.3** Wherever norms have been specified for the discharge of its functions by any statute or government orders, they should be proactively disclosed, particularly linking them with the decision making processes as detailed earlier. All Public Authorities should proactively disclose the following:-

- (a) Defining the services and goods that the particular Public Authority/office provide directly (or indirectly through any other agency/contractor).
- (b) Detailing and describing the processes by which the public can access and/or receive the goods and services that they are entitled to, from the Public Authority/office along with the forms, if any prescribed, for use by both the applicant and the service providing agency. Links to such forms (on line), wherever available, should be given.
- (c) Describing the conditions, criteria and priorities under which a person becomes eligible for the goods and services, and consequently the categories of people who are entitled to receive the good and services.
- (d) Defining the quantitative and tangible parameters, (weight, size, frequency etc.) and timelines that are applicable to the goods and services that are accessible to the public.

- (e) Defining the qualitative and quantitative outcomes that each Public Authority/office plans to achieve through the goods and services that it was obligated to provide.
- (f) Laying down individual responsibility for providing the goods and services (who is responsible for delivery/implementation and who is responsible for supervision).

**1.9.4 Guidelines for Section 4(1)(b)(xi)-“the budget allocated to each of its agency, indicating the particulars of all plans, proposed expenditures and reports on disbursements made”**

**1.9.4.1** The Public Authorities while disclosing their budgets shall undertake the following:

- (a) Keeping in view of the technical nature of the government budgets, it is essential that Ministries/Departments prepare simplified versions of their budgets which can be understood easily by general public and place them in public domain. Budgets and their periodic monitoring reports may also be presented in a more user-friendly manner through graphs and tables etc.
- (b) Outcome budget being prepared by Ministries/Departments of Government of India should be prominently displayed and be used as basis to identify physical targets planned during the budgetary period and the actual achievement vis-à-vis those targets. A monthly programme implementation calendar method of reporting being followed in Karnataka is a useful model.
- (c) Fund released to various autonomous organizations/ statutory organizations/ attached offices/ Public Sector Enterprises/ Societies/ NGOs/Corporations etc. should be put on the website on a quarterly basis and budgets of such authorities may be made accessible through links from the websites of the department. If a subsidiary does not have a website then the budgets and expenditure reports of such subsidiary authority may be uploaded on the website of the principal Public Authority.
- (d) Wherever required by law or executive instruction, sector specific allocations and achievements of every department or Public Authority (where feasible) must be highlighted. For example, budget allocation and target focusing on gender, children, Scheduled Castes and Scheduled Tribes and religious minorities should be specially highlighted. The sector-wise breakup of these

targets and actual outcomes must be given in simplified form to enable the vulnerable segments of society to better understand the budgets of Public Authorities.

**1.9.5 Guidelines for Section 4(1)(b)(xiv)-details in respect of information, available to or held by it, reduced in an electronic form**

**1.9.5.1** On the one hand, this clause serves as a means of proactively disclosing the progress made in computerizing information under Section 4(1) (a) of the RTI Act in a periodic manner. On the other, it provides people with clarity about the kinds of electronic information that, although not held by the Public Authority, is available to them. For example the stocks of ration available with individual fair price shops may not be held by the District Civil Supplies office, but may be available at a subordinate formation.

**1.9.5.2** Keeping in view the varied levels of computerization of records and documents in Public Authorities, data about records that have been digitized may be proactively disclosed on the respective websites, excluding those records/files/information that are exempted under Section 8. 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 compiled in relation to a file as prescribed by Manual of Office Procedure (and to be prescribed by MOP for electronic records that is under finalization by DARPG), the division/section/unit office where the record is normally held; name of the person, with designation, responsible for maintaining the record; and the life span of the record, as prescribed in the relevant record retention schedule.

## **CHAPTER-2**

### **PROCEDURE ADOPTED**

**2.1** To begin with Committee/Team critically examined the existing and available literature on the subject including following documents:-

- (a) Section 4(1) of the RTI Act
- (b) DOPT OM No.1/6/2011-IR dated 15 April 2013
- (c) Previous studies conducted by ISTM for audit of suo motu disclosure of the following Ministries during the year 2009-10 are as under:-

- Department of Higher Education
- Ministry of Corporate Affairs
- Ministry of Tourism
- Ministry of Tribal Affairs
- Ministry of Health & Family Welfare(NRHM)
- Ministry of Civil Aviation
- Ministry of Power
- Ministry of Panchayati Raj
- Ministry of Agriculture and Cooperation
- Ministry of Earth Sciences
- Ministry of Telecom
- Ministry of New & Renewable Energy
- Ministry of Urban Development
- Ministry of Textiles
- Ministry of Culture
- Ministry of Home Affairs

(d) Study conducted by Basic Management Services (BMS) training participants in the year 2007 for generating parameters for suo motu disclosure under Section 4(1)(b)(c) and (d) of the RTI Act.

(e) Third party audit of Department of Personnel and Training, Govt. of India, conducted by Indian Institute of Public Management in.2014

(f) Third party audit of National Institute of Wind Energy, Ministry of New and Renewable Energy, Govt. of India, conducted by Institute of Secretariat Training and Management, Govt. of India in August, 2015

2.2. After examining the available literature listed above, the study team developed an exhaustive check list of laying down parameters on the requirement of proactive/suo motu disclosure by the Public Authorities. Copy of the format/check lists developed by the audit team is placed at **Annexure-1**. As may be seen the parameters runs from S.No. 1 to 32 and the requirement worked out under each of these 32 parameters runs into 130 sub items.

2.3 The committee applied parameters and the requirements generated to the proactive disclosure done by the MoRTH on its web sites ([www.morth.nic.in](http://www.morth.nic.in)) and identified the area which requires further disclosure.

2.4 After the initial application of the check list on the web site of MoRTH, it was considered necessary to visit the organization and discuss with the officials there about their current disclosure and the areas requiring improvement. Accordingly, **Shri K.S. Kumar, External Consultant** visited MoRTH on **18<sup>th</sup> December, 2015** and discussed in detail the suo motu disclosure currently being done by the MoRTH and the areas for further improvement. The consultant had a detailed discussion with Mr. Krishna Swami, CPIO and Mr. S.K. Geeva, U.S, RTI Cell of MoRTH. Subsequently the consultant visited the Ministry on two more days and held detailed discussion. A copy of the format/checklist prepared was handed over to them for data collection. The data submitted by the Ministry is available in Chapter-3.

2.5 The audit team thereafter analyzed the data collected and areas for improvement where identified. The subsequent Chapters of the report provide the analysis of the data and conclusions, recommendations of the committee.

### CHAPTER-3 DATA COLLECTED

<b>Name of Public Authority being Audited:</b>	<b>Ministry of Road Transport &amp; Highways (MoRTH)</b> Government of India Transport Bhawan 1, Parliament Street New Delhi-110001
<b>Website:</b>	<a href="http://morth.nic.in/">http://morth.nic.in/</a>

S. No.	Particulars	Retention	Quantitative Remarks	Observations
<b>Information to be disclosed under Section 4(d) (b) of RTI Act</b>				
1	<b>Particulars of its organization, functions and duties [Section 4(1)(b)(i)]</b>	<ul style="list-style-type: none"> <li>o Name and addresses of the organization</li> <li>o Head of the organization</li> <li>o Key objectives</li> <li>o Functions and duties</li> <li>o Organization Chart</li> <li>o Functional chart</li> <li>o Other details like genesis, inception formation of the department and the HoDs</li> </ul>	<ul style="list-style-type: none"> <li>* Available on the web page under the link contact us.</li> <li>* Detail of Head of the Organization is available on the Web Page under About Us, sub link Telephone directory</li> <li>* Available on the Web Page under About Us, sub link Induction Material.</li> <li>* Available on the Web Page under link Right to Information, under sub link suo motu Disclosure-Manual of Organisational History &amp; Functions.</li> <li>* Available on the Web Page under link Right to Information, under sub link suo motu Disclosure-Manual of Organisational History &amp; Functions.</li> <li>* Functional chart is not available, But functions wing /Division-wise are mentioned in the above mentioned induction material under the link 'About us'</li> <li>* Available on the Web Page under link 'Right to Information', under sub link 'suo motu Disclosure-Manual</li> </ul>	

		from time to time as well as the Committees/ commissions constituted from time to time	of Organisational History & Functions'. Name of HOD, Committees /Commissions are not available.
		o Link to branches/ Regional Centres.	* No linkage available.
2	<b>Powers &amp; Duties of its officers &amp; employees [Section 4 (1) (b) (ii)]</b>	o Powers and duties of officers	* Powers and duties are available on the Web Page under the link 'Right to Information, in different manuals'. * These are also available in 'the Right to Information Link-various manuals' pertaining to each Wing.
		o Powers and duties of other employees	* Not indicated
		o Rules/orders under which powers and duties are derived and exercised. To be laid down in easy and understandable manner	* Rules and orders are available on the Web Page under link 'Acts/Rules /Notifications'.
		o Work allocation, job description and/or duty lists	* Work Allocation of Divisions /Sections Available on the Web Page under 'About Us', sub link 'Induction Material'. * These are also available in the 'Right to Information Link'– 'various manuals' pertaining to each Wing.
		o Structural, positional and functional charts,	* Structural chart available in the Induction material under the main link About us. This is also available in Annual Report under publications.
		o Schemes and development programme	* Available on the Web Page under link Right to Information, under sub link suo motu Disclosure-Manual of Transport Wing.
3	<b>Procedure followed in decision making process [Section 4(1) (b) (iii)]</b>	o Process and channel for decision making-decision making charts/flow chart	* Broad channel of submission is indicated in the Induction Material under the link- 'About us'- 'Induction material'.
		o Final decision making authority.	* As given in CSMOP. Varies from case to case with reference to delegation of

			powers (Administrative /Financial)
		o Related provisions, acts, rules etc.	* Available under Link 'Acts, Rules, Notifications'.
		o Time limit for taking a decision, wherever applicable	* Available under link 'About us'- 'CCC'.
		o Delegation of Power-Rules/ procedures	* Available in link 'About us' under link 'Induction Material' as Annexure
		o Major output/ tangible results/ services/goods	* Available under the link- 'Roads & Highways-Targets & Performance'.
4	<b>Norms for discharge of functions [Section 4(1) (b) (iv)]</b>	o Nature of functions/services offered	* Nature of functions and services are given in induction material given under the link 'About us' on main page of website.
		o Norms/standards for functions/service delivery	* Norms standards for functions service delivery is given in the CCC available under the link 'About us' on main website.
		o Process by which these services can be accessed	* Details indicated under citizen/clients charters
		o Time limits for achieving the targets	* Targets performance is given under the link 'Roads and Highways' on the main page of website.
		o Process of redressal of grievance	* Process of redressal of grievance is given under the link 'Right to Information' on the main page.
		o Reference document prescribing the norms	* Reference documents prescribing norms would include CCC, RFD. Further efficiency parameters are given under the link Roads and Highways. * The above details are also covered in the manuals pertaining to different Wings under the main link Right to Information on main page.



5	<b>Rules, regulations, instructions, manuals and records for discharging functions [Section 4 (1) (b) (v)]</b>	o Title and nature of the record/ manual/instruction	* Various publications are available under the link 'Publications' on main page including their names title.
		o The Acts /Rules /manuals, Office memorandum etc.	* Various Act, Rules, Notifications are available on the main page of the website under the link 'Acts, Rules and Notifications'.
		o Summary of contents of above for easy understanding of public	* The titles given sum up the matter contained in the link
6	<b>Categories of documents held by the authority under its control [Section 4 (1) (b) (vi)]</b>	o Title of the documents	* Covered in various manuals under the link 'Right to Information'.
		o Category of documents	* Not indicated
		o Custodian of the documents	* Not indicated
7	<b>Particulars for any arrangement for consultation with or representation by the members of the Public in relation to the formulation of policy or implementation thereof [section 4 (1) (b)(vii)]</b>	o Relevant rule, circular etc. for consultation.	* Covered in various manuals under the link 'Right to Information'.
		o Arrangement adopted for consultation with or representation by the members of the public in the functional areas of the organisation.	* Under the link 'Road Transport' on the main page, the Draft Road Transport & Safety Bill. 2015 is available. * Under the link 'Road Transport' suggestions have been called for from the stake holders on draft evaluation manual for evaluation of performance of contractors.
		o Days or time specified for visitors.	* Under the link 'Right to Information'- 'Public Grievance Redressal Machinery' information on Information and facilitation counter and contact officers and their Tele Nos have been given.
8	<b>Boards, councils, Committees and other bodies constituted as part of the Public Authority functioning</b>	o Names of the Boards, Councils, Committees etc.	* On the main page under the link 'Road Transport' order on constitution of Group of Ministers on Road Safety and Road Transport is given. * Further Notification dated 30.5.2014 regarding

	<b>[Section 4 (1) (b) (viii)]</b>		<p>constitution of a Committee to monitor progress of WP(Civil) No. 295/2012 regarding Road Safety is given.</p> <ul style="list-style-type: none"> <li>* Further Sundar Committee Report on Road Safety and Traffic Management is also given.</li> <li>* Reports of the Working Group on 4Es of Road Safety is also placed in public domain.</li> <li>* Notification on reconstitution of Road Safety council is also given.</li> <li>* Under the Link 'Roads &amp; Highways', Minutes of the meeting of the Committee to consider minor deviation in respect of retail outlets stand uploaded.</li> <li>* Under link 'Road Transport', Report of the Committee to consider safety of Occupants of 3-Wheeler Auto Rickshaws</li> </ul>
		o Composition & Powers and functions	* Available in the individuals orders constituting the committees/boards
		o Whether their meetings are open to the public?	* Not indicated
		o Whether the minutes of the meeting are open to the public.	* The minutes of the committees are available on the website
		o Link Place where the minutes if open to the public are available and the process of areas by the common citizen.	* No specific links for access to common citizen is available
9	<b>Directory of Officers and employees Section 4(1) (b) (ix)]</b>	o Name, designation and Division	* Available upto Section Officer level under the link 'About Us' on main page.
		o Location, Telephone (both office & Residence), and email.	* Available upto section officers under the link about us on main page. However, residential telephone number not indicated in most in the cases.

10	<b>Monthly Remuneration received by officers &amp; employees including system of compensation [section 4 (1) (b) (x)]</b>	o Name & Designation of the employee & Monthly remuneration	* Name and Designation and monthly remuneration is available under the link 'Right to Information'- sub link 'suo motu disclosure'- further link manual of Admn Wing.
		o System of compensation as provided by in its regulations	* Not indicated
11	<b>Budget allocated to each agency including all plans, proposed expenditures and reports on disbursements made etc. [Section 4(1) (b) (xi)]</b>	o Details of budget in simple form which can be easily understood by the non professional and layman	* Available on the main page of website under link 'Publication'- sub link detailed 'demands for grants', Outcome Budget is available. Related reports are also available under link Government Accounting data.
		o Outcome budget & Providing clear picture regarding the actual achievement vis-a-vis the targets.	* Not indicated
		o Periodic monitoring Reports, Revised budget, if any & Report on expenditure made and place where the related reports available	* Not specifically indicated
12	<b>Manner of execution of subsidy programmers [Section 4(1) (b) (xii)]</b>	o Name of the programmes or activities, objective of the programmes, procedure to avail benefits, duration of the programme /scheme, physical and financial targets of the programme, Nature /scale of subsidy /amount allotted, eligibility criteria for grant of subsidy and details of beneficiaries of subsidy programme (Number profile etc.)	* Schemes details are available under 'Road Transport' like Scheme for strengthening public transport system * Research Schemes link is available under the link 'Roads and Highways' on the main website.
13	<b>Particulars of recipients of concessions,</b>	o Concessions permits or authorizations granted by Public Authority	* A separate link National Permit is available on the website indicating release of

	permits or authorizations granted by the Public Authority [section 4(1) (b) (xiii)]	<ul style="list-style-type: none"> <li>○ For each concessions, permit or authorization granted <ul style="list-style-type: none"> <li>✓ Eligibility criteria</li> <li>✓ Procedure for getting the concession/grant and / or permits or authorizations</li> <li>✓ Name and address of the recipients given concessions/permits or authorization</li> <li>✓ Date of award of concessions/permits or authorizations</li> </ul> </li> </ul>	<p>amounts to States representing their share of consolidated fees on national permit.</p> <ul style="list-style-type: none"> <li>* OWC and ODC permissions are available under the link 'Roads and Highways'.</li> <li>* Online access permission for fuel stations private properties along NHs is available under the link 'Roads and Highways' which leads to online portal.</li> </ul>
14	Information available in electronic form [Section 4(1) (b) (xiv)]	<ul style="list-style-type: none"> <li>○ List of document available in electronic form and the data about digitalized records/files/reports/information which shall include the name of the record; any categorization or index used; subject matter and other information; Division /section /unit office where the record is normally held; the person with designation responsible for maintaining the record; and life span of the record.</li> <li>○ Details of information not available in electronic form.</li> </ul>	<ul style="list-style-type: none"> <li>* Most information is available in electronic form on the Ministry's website. However, disclosure does not meet the requirement of the Section 4(1) (b) (xiv)</li> <li>* No specific details available</li> </ul>
15	Particulars of facilities available to citizens for obtaining information [section 4 (1) (b) (xv)]	<ul style="list-style-type: none"> <li>○ Name &amp; location of the facility-Computerized information and facilitation counter (IFC)</li> <li>○ The address and location of the facility and the contact details</li> <li>○ Working hours of the facility and the details of information made available</li> </ul>	<ul style="list-style-type: none"> <li>* Available under the link 'Right to Information' – 'suo motu disclosures'- Manual of Public Grievance Redress Machinery.</li> <li>* Not available</li> <li>* Available under the link 'Right to Information' – 'suo motu disclosures', Office orders.</li> </ul>

		o Fee/charges to get the copies of the document	* Not available
		o Facility for inspecting the documents which are not available electronically should also be provided	* Information is given to individuals in reply to his specific RTI Application for inspection.
16	<b>The Names, designation and other particulars of the PIOs Section 4 (1) (b) (xvi)</b>	o Name & Designation of PIOs and Appellate Authority, their contact details—Phone number & email, subject matter within their jurisdiction and details of Nodal Officer.	* These are available under the link Right to Information on the main page. * However, the subject/ functional jurisdiction of PIOs and AAs not indicated.
17	<b>Such other information as may be prescribed under section 4(1) (b) (xvii)</b>	o Annual Report	* Annual Reports are available under the link Publication.
		o Annual Returns	* Annual Returns are available under the link Right to information.
		o FAQs	* The link for FAQs are available on the main page.
		o Citizen's charter of the public authority	* CCC is available under the link 'About us' on main page.
		o Grievance redressal mechanisms.	* The link for Grievance Redress Mechanism is available under the link Right to Information on main page.
		o List of completed schemes /Projects /programmes	* List of completed Projects and programmes under the link major improvement projects under the link Roads and Highways on main page.
		o List of schemes /projects /programmes underway	* Available under different links.
		o Any other information.	* Not indicated
<b>* Miscellaneous</b>			
18	<b>Are important policies or decisions which affect public informed to them? [Section 4 (1) (c)]</b>	o Publish all relevant facts while formulating important policies or announcing decisions which affect public.	* Letters / OMs are uploaded on the website However, no details are indicated separately.

19	<b>Are reasons for administrative or quasi-judicial decisions taken, communicated to affected persons</b>	<ul style="list-style-type: none"> <li>○ Provide reasons for its administrative or quasi-judicial decisions to affected persons.</li> </ul>	* No separate details for administrative or quasi-judicial decisions seem to be available.
20	<b>Dissemination of information widely and in such form and manner which is easily accessible to the Public [section 4 (3)]</b>	<ul style="list-style-type: none"> <li>○ Website, Notice boards, Newspapers, Public Announcements, Media Broadcasts, Internet or, any other means including inspection.</li> </ul>	* No details available except for the information available on the website.
21	<b>Whether information Manual Handbook available free of cost or not [Section 4 (4)]</b>	<ul style="list-style-type: none"> <li>○ Free or at a reasonable cost of the medium,</li> </ul>	* No manual on RTI is available on the website.
<b>Additional Category of Information to be disclosed under guidelines – Suo Motu disclosure of more items under Section 4</b>			
22	<b>Information related to procurement</b>	<ul style="list-style-type: none"> <li>○ Tender-Notices enquiries Corrigenda thereon.</li> <li>○ Details of bid awards, detailing the name of the supplier of goods/services being procured or work contract.</li> <li>○ Rate and total amount at which such procurement or work contracts were awarded.</li> </ul>	<p>* E- Tender link is available on the main page of website. It leads to sub link viz CI India Pvt Ltd and ITC. Currently C1 India Pvt Ltd is providing platform for e Procurement. By clicking C1 India Pvt Ltd. the details of Tender No. Tender title Department and Category and a link to view the document are also provided.</p> <p>* Details of Tender are also available at a glance on the main page.</p>

23	<b>Public Private Partnership</b>	<ul style="list-style-type: none"> <li>o Details of the Special Purpose Vehicle (SPV), if any set up,</li> <li>o Detailed project reports,</li> <li>o Concession agreement,</li> <li>o Operation and maintenance manual, and</li> <li>o Other documents generated as part of the implementation of the Public Private Partnership</li> </ul>	<ul style="list-style-type: none"> <li>* A separate link to PPP is available under the link Roads and Highways on main page. Details of the projects, concessionaire agreement etc. are available therein.</li> </ul>
24	<b>Transfer Policy and Transfer Orders.</b>	<ul style="list-style-type: none"> <li>o Disclosure incomplete</li> <li>(i) Transfer policy for different grades/cadres</li> <li>(ii) Transfer orders</li> </ul>	<ul style="list-style-type: none"> <li>* Transfer Policy of Group A Technical Officer in the Ministry are available on the website in the form of Office Order dated 25<sup>th</sup> June, 2003 and transfer Policy in respect of SOs, Assistants, UDCs, LDCs and MTS vide Officer Order dated 8.1.2013 is available under the link, Establishment Section Circular.</li> <li>* Transfer Orders are also available under the said link.</li> </ul>
25	<b>RTI Applications</b>	<ul style="list-style-type: none"> <li>o RTI application and appeals received and their responses (except relating to personal information) and</li> <li>o Loaded on the websites, search facility based on keywords</li> </ul>	<ul style="list-style-type: none"> <li>* Not done so far.</li> </ul>
26	<b>CAG &amp; PAC paras</b>	<ul style="list-style-type: none"> <li>o CAG and PAC-ATR of those have been laid on the table of both the houses of Parliament</li> </ul>	<ul style="list-style-type: none"> <li>* Details of new PAC Reports and new Audit Paras as per printed report of C&amp;AG, and broad details figure in the Annual Report of the Ministry issued every year a copy of which is available on the website under link Publications.</li> </ul>
27	<b>Citizen's Charter</b>	<ul style="list-style-type: none"> <li>o Citizen's Charter</li> </ul>	<ul style="list-style-type: none"> <li>* Citizen/Clients Charter available under the link About Us on the main page.</li> </ul>

		<ul style="list-style-type: none"> <li>o RFD (Result Framework document)</li> </ul>	<ul style="list-style-type: none"> <li>* RFD is available under the link Publications on the main page.</li> </ul>
		<ul style="list-style-type: none"> <li>o Bi-annual reports on the performance against the bench marks set in citizen chart</li> </ul>	<ul style="list-style-type: none"> <li>* Bi-annual reports not available.</li> </ul>
28	<b>Discretionary &amp; Non-discretionary Grants</b>	<ul style="list-style-type: none"> <li>o Details of discretionary grants/allocation and</li> <li>o Annual accounts of legal entities that are provided grants by Public Authorities.</li> </ul>	<ul style="list-style-type: none"> <li>* Not available.</li> </ul>
29	<b>Foreign/Domestic Tour of Ministries/officials</b>	<ul style="list-style-type: none"> <li>o The details of foreign &amp; domestic visits undertaken by the officials of the rank of JS to the Government of India and HODs details to be included therein <ul style="list-style-type: none"> <li>✓ Purpose of visit</li> <li>✓ Place of visited</li> <li>✓ Period</li> <li>✓ No. of People included with officials delegation</li> <li>✓ Expenditure incurred on such tours.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>* Details of Foreign Tours of all Officers undertaken is available under the link Right to Information- sub link suo motu disclosures. This indicates the name, designation, dates and purpose of visit and expenditure involved and also number of peoples in delegation.</li> <li>* Domestic Tour details are not uploaded.</li> </ul>
<b>Form of Disclosure</b>			
30	<b>Form of accessibility of Information Manual/Handbook [Section 4(4)]</b>	<ul style="list-style-type: none"> <li>o Electronic or printed or both.</li> </ul>	<ul style="list-style-type: none"> <li>* Website gives the information about the Ministry and its Wings /Division under the line Right to Information- suo motu disclosures in the form of manuals.</li> <li>* Induction material is available under the link 'About us'. Induction Material in printed form is also available.</li> <li>* A pocket book under the title Building National Highways Developing Nation, First Year Progress Report-2015 in printed form is available.</li> <li>* E Book Progressive Year Book, May 2015 is available on the main page of website.</li> </ul>



31	<b>Language in which information Manual/Handbook available</b>	o English/Hindi	<ul style="list-style-type: none"> <li>* Website gives the information about the Ministry and its Wings /Division under the line Right to Information- suo motu disclosures in the form of manuals in English and Hindi.</li> <li>* Hindi website link is available on the main page of website.</li> <li>* A pocket book under the title Building National Highways Developing Nation, First Year Progress Report-2015 is available in English only.</li> <li>* E Book Progressive Year Book, May 2015 is available English and Hindi on the main page of website.</li> </ul>
		o Vernacular /Local Language /regional language	* Not available
32	<b>When was the information Manual/Handbook last updated?</b>	o Annual updating in required and the date of last updated needs to be displayed.	Certain manuals under the link Right to Information have been updated some time back. Some of the manuals are yet to be updated and reshaped.

**(5) Rules, regulations, instructions, manuals and records (for discharging function- Section 4(1) (b) (v))**

No separate information available under this heading. However, various acts, rules, notifications etc. are available on the main page of the website.

**(6) Categories of documents held by the authority under its control (Section) 4(1) (b) (vi))**

No separate list under this heading has been uploaded.

**(7) Particulars for any arrangement for consultation with or representation by the members of the public in relation to the formulation of policy or implementation therefore (Sec. 4(1) (b) (vii))**

No institutionalized arrangements appear to be available for consultation with or representation by the members of the public in relation to formulation of policy or implementation. However, suggestions have been called for from stake holders in certain cases.

**(8) Boards, Councils, Committees and other Bodies constituted as part of the Public Authority functioning (Section 4 (1) (b) (viii))**

The names of Boards, committees etc. are available under certain sub links. However, information needs to be available in detailed form under RTI act.

**(9) Directory of Officers and employees Section 4(1) (b) (ix))**

Information available only upto the rank of Section Officers. Detailed information needs to be uploaded.

**(10) Monthly remuneration received by officers & employees including system of compensation n (Section 4(1) (b) (x))**

Information is available under RTI link- sub link Manual of Admin Wing. However, the information needs to be completed and updated from time to time.

## **CHAPTER-4**

### **ANALYSIS OF DATA COLLECTED**

On analysis of the data collected, following areas for improving contents and the quality of the disclosure have been identified:-

**(1) Particulars of organization, functions and duties (Section 4(1) (b)(i))**

- (i) Most of the information under this section like name and address of the organization, Head of the organization, key objectives, functions and duties, organizational chart etc. are available under different links like 'About us' and related sub links. It would more appropriate if all the information is available under RTI link.
- ii) Functional chart is not available. Similarly links to branches/regional centres are also not available.

**(2) Powers & Duties of its officers & employees (Section 4(1) (b) (ii))**

Much of the information under this section is available under the link Right to Information in the form of different manuals. Some of the information like work allocation of Divisions/Sections as well as structural chart are available under the link 'About us' and sub link Induction Material. There is need therefore to consolidate the information under specific link under RTI.

**(3) Procedure followed in the decision making process (Section 4(1)(b) (iii))**

Some information is available under the link 'About us' – Induction material. Information regarding major output/tangible results/services/goods is available in a sketchy form under the link Roads and Highways- Targets and Performance. However, detailed information regarding process and channel of decision making needs to be put in place in a detailed form.

**(4) Norms for discharge of functions (Section 4(1) (b)(iv))**

Information under this section are available in different forms under the link 'About us', 'Roads and Highways' etc. However, there is a need to provide the consolidated information under RTI link with the specific heading 'Norms for discharge of functions'.

**(11) Budget allocated to each agency including all plans, proposed expenditures and reports on disbursement made etc. (Section 4(1) (b) (xi))**

Information is available under the link publication. However, the same should be available under RTI link.

**(12) Manner of execution of subsidy programmers (Section 4(1)(b) (xii))**

Details of schemes are available under the link Roads and Highways on the main website. However, detailed subsidy programmes should be indicated specifically under the RTI Link.

**(13) Particulars of recipients of concessions, permits or authorizations granted by the Public Authority (Section 4(1) (b) (xiii))**

The details are available under a separate link- National Permit. Some information is also available under the link Roads and Highways. However, the information needs to be uploaded under RTI act.

**(14) Information available in electronic form (Section 4(1) (b) (xiv))**

Though most of the information is available in electronic form, there is no separate list of documents available in electronic form. A list of such documents needs to be prepared and uploaded under the RTI act.

**(15) Particulars of facilities available to citizens for obtaining information (Section 4(1)(b) (xv))**

The details of facilitation centre are not available and needs to be included.

**(16) The names, designation and other particulars of the PIOs Section 4(1) (xvi)**

The information is available and displayed.

**(17) Such other information as may be prescribed under Section 4(1) (b) (xvii)**

Annual reports are available under the link Publication and are Annual returns are available under the link RTI. The information needs to be updated periodically and should be linked to RTI.

**(18) Are important policies or decisions which affect public informed to them? Under Section 4(1)(c)**

Available under the link 'Roads and Highways' and 'Road Transport' on the main page.

**(19) Are reasons for administrative or quasi judicial decision taken communicated to affected persons (Section 4(1) (d))**

No specific information is available.

**(20) Dissemination of information widely and in such form and manner which is easily accessible to the public (Section 4 (3))**

E-book May, 2015 available in English and Hindi on the main page of the website.

**(21) Whether information Manual/Hand book available free of cost or not (Section 4 (4))**

No separate information manual/handbook is available. However, information in the form of e-book May, 2015 is available in English and Hindi and also in the form of pen drives.

**(22) Information related to procurement**

Details are available in the main page of the website. However, this needs to be uploaded on the RTI link

**(23) Public Private Partnership**

A separate link– PPP available under the link Roads and Highways. However, this needs to be uploaded under RTI link.

**(24) Transfer Policy and Transfer Orders**

Some transfer policy and transfer orders are available on the website. However, there is no link under RTI heading.

**(25) RTI applications**

No information in this regard have been uploaded so far.

**(26) CAG & PAC paras**

The information is not available under a separate link. However, details of CAG & PAC paras are available in brief in the Annual Report. The information should be available under separate link under RTI

**(27) Citizen's Chart**

Information about Citizen's Charter and RFD are available under the links 'About us' and 'Publications' on the main page. Six monthly reports are not available.

**(28) Discretionary & Non discretionary Grants**

No information available.

**(29) Foreign/Domestic tour of Ministers/officials**

Details of foreign tours of officers are available under RTI link. However, domestic tour details are not uploaded.

**(30) From of accessibility of information Manual/Hand book (Section 4 (4))**

No departmental Handbook is available.

**(31) Language in which information Manual/Hand Book available**

Not applicable

**(32) When was the information Manual/Hand Book last updated**

Not applicable

## **CHAPTER -5**

### **CONCLUSION AND RECOMMENDATION**

A perusal of the website of the **Ministry of Road Transport and Highways (MoRTH)** indicates that substantial amount of information is available. However, there is scope for improvement in a number of areas. In order, therefore to make the website more user friendly and citizen centric, the following conclusion/observations may be considered for implementation:-

- a) The job description and Power/functions of the various functionaries should be available in detail.
- b) The details of Committees, Councils, Boards and minutes of the meeting wherever feasible should be uploaded on the website. This should be available under the RTI link.
- c) Complete details of the Ministry specific Acts, rules, instruments, Manuals, OMs etc. should be available at one place under one link.
- d) The details about the custodians of various categories of documents held by the organization should be available in the website.
- e) List of documents in electronic form and other details like relevant Acts, Rules, forms and other such documents which are normally accessible by the citizen regarding their entitlement/services provided should be available under RTI link.
- f) Organization may consider creating institutional mechanism for allowing the members of public to visit the organization on some specific days.
- g) The organization may also consider institutionalizing a mechanism for seeking public view/suggestion on new policy/acts proposed.
- h) The remuneration and other compensation provided to each employee of the Ministry should be available and updated from time to time .
- i) A separate directory of key functionaries with their contact details should be available at one place so that public can interact with them.
- j) Name and location of the facility- computerized information and facilitation counter should be available under RTI link.
- k) Detailed Internal transfer policy of officers and staff and all transfer orders should be uploaded under RTI link.
- l) RTI applications and appeals received and their responses should be uploaded in the RTI link( except relating to personal information )

- m) Six monthly reports on the performance against the bench marks set in citizen charter/Result Framework Document (RFD) should be uploaded under the RTI link.
- n) The details about the various domestic visit under taken by the officials of the rank of JS to the Govt. of India and HODs need to be uploaded under RTI link.
- o) Manual and Hand Book on RTI etc to meet the information needs of the citizens may also be prepared in Hindi, English and regional language and displayed under RTI link. Such Manual/Hand books may also be updated periodically
- p) Every information displayed in the website should indicate the last date of updation prominently in a DD/MM/YY format. This would ensure that information provided on the website its recent and of utility citizen seeking information.

In order to facilitate citizens requirement, all information which are to be disclosed suo-motu should be either available under RTI heading or should be accessible through a link through RTI heading. There is a need to make the available information user friendly so that the citizen can access information with ease.

During the discussions with the CPIO and Under Secretary, RTI Cell of the Ministry, it emerged that frequent transfer of officers is leading to accumulation of RTI applications with the incoming officers. This is a serious cause of concern. The Ministry may therefore consider issuing internal instructions to the effect that any officer being relieved should dispose of all the pending RTI applications. The final NOC for relief to be issued only subject to disposal of all pending RTI applications.

It has been found that the CPIOs in the Ministry are generally of the rank of Deputy Secretary. While this needs to be appreciated, it is a matter of concern that in spite of the fact that CPIOs are of a substantially higher rank of DS, there is a large number of RTI applications which are pending disposal for durations much beyond the prescribed time limits. The Ministry may therefore, consider conducting awareness workshops of a day's duration for all CPIOs. The workshop should emphasize the importance of RTI and the consequences of keeping RTI applications pending for unduly long periods.



## **ANNEXURE-1**

### **Extracts of Section 4(1)(b)(c) and (d) of RTI Act, 2005**

#### **4. (1) Every Public Authority shall**

(b) Publish within one hundred and twenty days from the enactment of this Act,-

- (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 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 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 or 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;
- 
- c) publish all relevant facts while formulating important policies or announcing the decisions which affect public;
  - d) provide reasons for its administrative or quasi-judicial decisions to affected persons.

## **ANNEXURE-2**

**DOPT OM No.1/6//2011-IR dated 15<sup>th</sup> April 2013 regarding implementation of suo motu disclosure under Section 4 of RTI Act, 2005-Issue of guidelines regarding**

Section 4(1)(b) of the RTI Act lays down the information which should be disclosed by Public Authorities on a suo motu or proactive basis. Section 4(2) and Section 4(3) prescribe the method of dissemination of this information. The purpose of suo motu disclosures under Section 4 is to place large amount of information in public domain on a proactive basis to make the functioning of the Public Authorities more transparent and also to reduce the need for filing individual RTI application.

2. Since the promulgation of the Act in 2005, large amount of information relating to functioning of the government is being put in public domain. However, the quality and quantity of proactive disclosure is not up to the desired level. It was felt that the weak implementation of the 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 certain other provisions there is need for laying down detailed guidelines. Further there is need to set up a compliance mechanism to ensure that requirements under Section 4 of the RTI Act are met.
3. In order to address the above, Government of India constituted a Task Force on suo motu disclosure under the RTI Act, 2005 in May 2011 which included representative of civil society organizations active in the field of Right to Information, for strengthening compliance with provisions for suo motu or proactive disclosure as given in Section 4 of the RTI Act, 2005. Based on the report of the Task Force, the Government have decided to issue guidelines for suo motu disclosure under Section 4 of the RTI Act.
4. Guidelines for Central Government Ministries/Departments are on:-
  - i. Suo motu disclosure of more items under Section 4.
  - ii. Guidelines for digital publication of proactive disclosure under Section
  - iii. Detailing of Section 4(1)(b)(iii), 4(1)(b)(iv), 4(1)(b)(xi) and 4(1)(b)(xiv)

iv. Compliance mechanism for suo motu disclosure (proactive disclosure) under the RTI Act, 2005.

5. The above guidelines are enclosed. However, it may be kept in mind that proactive disclosure should be done in the local language so that it remains accessible to public. It should be presented in a form that is easily understood and if technical words are used they should be carefully explained. As provided in section 4, disclosure should be made in as many mediums as feasible and disclosures should be kept up to date. The disclosure of information may be made keeping in mind the provisions of Section 8 to 11 of the RTI Act.

6. Central Government Ministries'/Departments should undertake suo motu disclosure and ensure compliance based on these guidelines.

7. The enclosed guidelines may be brought to the notice of all for compliance.

Sd/-

(Manoj Joshi)

Joint Secretary

Tele: 23093668

1. All the Ministries/Departments of the Government of India
2. Union Public Service Commissions, Lok Sabha Secretariat, Rajya Sabha Secretariat, Cabinet Secretariat Central Vigilance Commission, President's Secretariat, Vice President's Secretariat, Prime Minister's Office, Planning Commission, Election Commission
3. Central Information Commission
4. Staff Selection Commission, CGO Complex, New Delhi
5. Staff Selection Commission, CGO Complex, New Delhi
6. O/o the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.

## **Guidelines on suo motu disclosure under Section 4 of the RTI Act**

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## **Guidelines on suo motu disclosure under Section 4 of the RTI Act**

### **1.0 Suo motu disclosure of more items under Section (4)**

Sub Section 4(2) of the RTI Act, 2005 requires every Public Authority to take steps in accordance with the requirements of clause (b) of sub section 4(1) to provide as much information suo- motu to the public at regular intervals through various means of communication, including internet, so that the public have minimum resort to use the Act to obtain information. Accordingly, the Public Authorities may proactively disclose the following items under the suo motu disclosure provisions of Section 4.

#### **1.1. Information related to Procurement**

**1.1.1** Information relating to procurement made by Public Authorities including publication of notice/tender enquiries, corrigenda thereon, and details of bid awards detailing the name of the supplier of goods/services being procured or the works contracts entered or any such combination of these and the rate and total amount at which such procurement or works contract is to be done should be disclosed. All information discloseable as per Ministry of Finance, Department of Expenditure's OM No.10/1/2011-PPC dated 30<sup>th</sup> November, 2011 on Mandatory Publication of Tender Enquiries on the Central Public Procurement Portal and OM No.10/3/2012-PPC dated 30<sup>th</sup> March, 2012 on implementation of comprehensive end-to-end e-procurement should be disclosed under Section 4. At present the limit is fixed at R.10.00 Lakhs. In case of procurements made through DGS&D Rate Contracts or through Kendriya Bhandar/NCCF, only award details need to be published. However, information about procurement which fall within the purview of Section 8 of the RTI Act would be exempt.

#### **1.2. Public Private Partnerships**

**1.2.1** If Public services are proposed to be provided through a Public Private Partnership (PPP), all information relating to the PPs must be disclosed in the public domain by the Public Authority entering into the PPP contract/concession agreement. This may include details of the Special Purpose Vehicle (SPV), if any set up, detailed project reports, concession agreements operation and maintenance manuals and other documents generated as part of the implementation of the PPP

project. The documents under the ambit of the exemption from disclosure of information under Section 8(1)(d) and 8(1) (j) of the RTI Act would not be disclosed suo motu. Further, 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. All payments made under the PPP project may also be disclosed in a periodic manner along with the purpose of making such payment.

### **1.3. Transfer Policy and Transfer Orders**

**1.3.1** Transfer policy for different grades/cadres of employees serving in Public Authority should be proactively disclosed. All transfer orders should be publicized through the web site or in any other manner listed in Section 4(4) of the Act. These guidelines would not be applicable in cases of transfers made keeping in view sovereignty, integrity, security, strategic, scientific or economic interests of the State and the exemptions covered under Section 8 of the Act. These instructions would not apply to security and intelligence organization under the second schedule of the RTI Act.

### **1.4. RTI Applications**

**1.4.1** All Public Authorities shall proactively disclose RTI applications and appeals received and their responses, on the websites maintained by Public Authorities with search facility based on key words. RTI applications and appeals received and their responses relating to the personal information of an individual may not be disclosed, as they do not serve any public interest.

### **1.5 CAG & PAC paras**

**1.5.1** Public Authorities may proactively disclose the CAG&PAC paras and the Action Taken Reports (ATRs) only after these have been laid on the table of both the houses of the Parliament. However, CAG paras dealing with information about the issue of sovereignty, integrity, security, strategic, scientific or economic interests of the State and information covered under Section 8 of the RTI Act would be exempt.

## **1.6 Citizen Charter**

**1.6.1** Citizens Charter prepared by the Ministry/Department, as part of the Result Frame work documents of the department/organization should be proactively disclosed and six monthly report on the performance against the benchmarks set in Citizens Charter should also be displayed on the website of Public Authorities.

## **1.7 Discretionary and Non-discretionary grants**

**1.7.1** All discretionary /non discretionary grants /allocation to state governments /NGOs /other institutions by Ministry /Department should be placed on the web site of the Ministry/Department concerned. 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 web site. Disclosures would be subject to provisions of Section 8 to 11 of the RTI Act.

## **1.8. Foreign Tours of PM/Ministers**

**1.8.1** A large number of RTI queries are being filed on official tours undertaken by Ministers or officials of various Government Ministries/Departments. Information regarding the nature, place and period of foreign and domestic tours of Prime Minister are already disclosed on the PMO's website.

**1.8.2** As per DOPT's OM No.1/8/2012-IR dated 11/9/2012, Public Authorities may proactively disclose the details of foreign and domestic official tours undertaken by the Minister(s) and officials of the rank of Joint Secretary to the Government of India and above and Heads of Departments, since 1<sup>st</sup> January, 2012. The disclosures may be updated once every quarter.

**1.8.3** Information to be disclosed proactively may contain nature of the official tour, places visited, the period, number of people included in the official delegation and total cost of such travel undertaken. Exemptions under Section 8 of the RTI Act, 2005 may be kept in view while disclosing the information. These instructions would not apply to security and intelligence organizations under the second schedule of the RTI Act, 2005 and CVOs of Public Authorities.



## **2.0 Guidelines for digital publication of proactive disclosure under Section 4**

**2.1** Section 4 lays down that information should be provided through many mediums depending upon the level of the Public Authority and the recipient of information( for example, in case of Panchayat, wall painting may be more effective means of dissemination of information), and that more and more proactive disclosure would gradually be made through internet. There is need for more clear guidelines for web-based publication of information of disclosure.

**2.2** The Department of Information Technology has been working on setting up technical standards for government web sites and the Department of Administrative Reforms & Public Grievances has published guidelines for websites of Government Departments. These guidelines prescribe the manner in which websites need to be designed and how information should be disclosed, while adhering to the standards of government guidelines as laid down by Department of Information Technology and Department of Administrative Reforms & Public Grievances, the following principles additionally should also 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.

- (a) It should be the endeavor 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 Services Bill, 2012' under formulation in Government of India would provide the necessary impetus.
- (b) Websites should contain detailed information from the point of origin to the point of delivery of entitlements/ services provided by the Public Authorities to citizens.
- (c) Orders of the Public Authority should be uploaded on the website immediately after they have been issued.
- (d) Website should contain all the relevant Acts, Rules, forms and other documents which are normally accessed by citizens.
- (e) Websites should have detailed directory of key contacts, details of officials of the Public Authority.

- (f) It is obligatory under Section 4(1)(b)(xiv) of the RTI Act for every Public Authority to proactively disclose 'details in respect of the information, available to or held by it, reduced in an electronic form'. The website should therefore indicate which digitally held information is made available publicly over the internet and which is not.
- (g) As departments reorganize their systems and processes to enable themselves for electronic service delivery, it is recommended that the requirement of bringing due transparency as provided in the RTI Act is given adequate consideration at the design stage itself.
- (h) To 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 government order (Andhra Pradesh). Such an approach will lead to automation of proactive disclosure.
- (i) Information must be presented from a user's perspective, which may require rearranging it, simplifying it etc. However, originally documents in original formats should continue to be made available because these are needed for community monitoring of government's functioning.
- (j) 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.
- (k) 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 visualization 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 useful. There have been moves in some parts of the country to video record Gram Sabha meetings. A picture of NREGA worksite, for instance, may tell much more than words can. All such different media and forms should be used for proactive disclosure.

- (l) 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).

**3.0 Guidelines for certain clauses of Section 4(1)(b) to make disclosure more effective**

**3.1** The elements of information listed in the various sub-clauses of Section 4(1)(b) must be disclosed in an integrated manner. For example, the functions and responsibilities of a Public Authority cannot be understood in isolation from the powers and functions of its employees, the norms that inform its decision making processes and the rules, instructions and manuals that are used in the discharge of its functions. Description of one element presupposes the existence of another. So every Public Authority must endeavour to integrate the information mentioned in these sub-clauses while preparing voluntary disclosure materials.

**3.2** Considering that disclosure in regard to certain sub-clauses have been relatively weak, detailed guidelines for four sub-clauses are given below:

**3.3. Guidelines for section 4(1)(b)(iii)- "the procedure followed in the decision-making processes, including channels of supervision and accountability"**

**3.3.1** All departments have specific duties and responsibilities under the respective Allocation of Business Rules (AOB) issued by the appropriate Government. The constitutional provisions and statutes each department is required to implement are clearly laid down in the AOB. The manner of disposal of matters assigned to each Department/Ministry is described in the Transaction of Business Rules (TOB). Additionally, every department would have a specific set of scheme and development programme which they are required to implement directly or through their subordinate offices or other designated agencies. These documents contain the specific operations that every Public Authority is required to undertake in the course of implementing the programme or scheme. Every operation mandated under the AOB read with the TOB would be linked to a specific decision-making chain. All government officers have to follow laid down office procedure manual or the other rules which gives details of how representations, petitions and applications from

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citizens must be dealt with. Templates, formats, and basic steps of decision-making are briefly explained in such manuals. Their descriptions constitute the elements of decision making processes in general.

**3.3.2** Additionally, in the routine work of governance, government functionaries are required to make decision in a discretionary manner but broad guiding principles are laid down in some rule or the other. For example, the General Financial Rules lay down procedure for a variety of operations relating to government finances. How sanction must be accorded for incurring expenditure; how losses to government must be reported; how responsibility for losses may be fixed on any government servant; how budgets, demand for grants are prepared and submitted; how public works must be sanctioned and executed; how commodities and services may be procured by a Public Authority, are all explained in these manuals which are updated from time to time. The challenge is to present a simplified version of the decision-making procedure that is of Interest to a common citizen.

**3.3.3** In view of the above, the guidelines for detailing the decision making processes are as follows:

- (a) Every Public Authority should specifically identify the major outputs/tangible results/services/goods, applicable, that it is responsible for providing to the public or to whosoever is the client of the Public Authority
- (b) In respect of (a) above, the decision-making chain should be identified in the form of a flow chart explaining the rank/grade of the public functionaries involved in the decision-making process and the specific stages in the decision-making hierarchy.
- (c) The powers of each officer including powers of supervision over subordinates involved in the chain of decision making must also be spelt out next to the flow chart or in a simple bullet-pointed format in a text-box. The exceptional circumstances when such standard decision-making processes may be overridden and by whom, should also be explained clearly. Where decentralization of decision making has occurred in order to grant greater autonomy to Public Authorities, such procedures must also be clearly explained.

- (d) This design of presentation should then be extended to cover all statutory and discretionary operations that are part of the Public Authority's mandate under the AOB read with the TOB.
- (e) In the event of a Public Authority altering an existing decision-making process or adopting an entirely new process, such changes must be explained in simple language in order to enable people to easily understand the changes made.

### **3.4 Guidelines for Section 4(1q) (b)(iv)- "the norms set by it for the discharge of its functions"**

**3.4.1** Primarily, the intention of this clause is that every Public Authority should proactively disclose the standards by which its performance should be judged. Norms may be qualitative or quantitative in nature, or temporal or statutory norms. In order to ensure compliance with this clause, Public Authorities would need to disclose norms for major functions that are being performed.

**3.4.2** Citizen charters, which are mandatory, for each central Ministry /Department /Authority, are good examples of vehicles created for laying down norms of performance for major functions and for monitoring achievements against those standards.

**3.4.3** Wherever norms have been specified for the discharge of its functions by any statute or government orders, they should be proactively disclosed, particularly linking them with the decision making processes as detailed earlier. All Public Authorities should proactively disclose the following:-

- (a) Defining the services and goods that the particular Public Authority/office provides directly (or indirectly through any other agency/contractor)
- (b) Detailing and describing the processes by which the public can access and/or receive the goods and services that they are entitled to, from the Public Authority/office along with the forms, if any prescribed, for use by both the applicant and the service providing agency. Links to such forms (o line), wherever available, should be given.

- (c) Describing the conditions, criteria and priorities under which a person becomes eligible for the goods and services, and consequently the categories of people who are entitled to receive the good and services.
- (d) Defining the quantitative and tangible parameters, (weight, size, frequency etc.) and timelines that are applicable to the goods and services that are accessible to the public.
- (e) Defining the qualitative and quantitative outcomes that each Public Authority/office plans to achieve through the goods and services that it was obligated to provide.
- (f) Laying down individual responsibility for providing the goods and services (who is responsible for delivery/implementation and who is responsible for supervision).

**3.5 Guidelines for Section 4(1)(b)(xi)-“the budget allocated to each of its agency, indicating the particulars of all plans, proposed expenditures and reports on disbursements made”**

**3.5.1** The Public Authorities while disclosing their budgets shall undertake the following:

- (a) Keeping in view the technical nature of the government budgets, it is essential that Ministries/Departments prepare simplified versions of their budgets which can be understood easily by general public and place them in public domain. Budgets and their periodic monitoring reports may also be presented in a more user-friendly manner through graphs and tables etc.
- (b) Outcome budget being prepared by Ministries/Departments of Government of India should be prominently displayed and be used as basis to identify physical targets planned during the budgetary period and the actual achievement vis-à-vis those targets. A monthly programme implementation calendar method of reporting being followed in Karnataka is a useful model.
- (c) Fund released to various autonomous organizations /statutory organizations /attached offices /Public Sector Enterprises /Societies /NGOs /Corporations etc. should be put on the website on a quarterly basis and budgets of such authorities may be made accessible through links from the websites of the department. If a subsidiary does not have a website then the budgets and

expenditure reports of such subsidiary authority may be uploaded on the website of the principal Public Authority.

- (d) Wherever required by law or executive instruction, sector specific allocations and achievements of every department or Public Authority (where feasible) must be highlighted. For example, budget allocation and target focusing on gender, children, Scheduled Castes, Scheduled Tribes and religious minorities should be specially highlighted. The sector-wise breakup of these targets and actual outcomes must be given in simplified form to enable the vulnerable segments of society to better understand the budgets of Public Authorities.

### **3.6 Guidelines for Section 4(1)(b)(xiv)-details in respect of information, available to or held by it, reduced in an electronic form**

**3.6.1** On the one hand, this clause serves as a means of proactively disclosing the progress made in computerizing information under Section 4(1) (a) of the RTI Act in a periodic manner, on the other, it provides people clarity about the kinds of electronic information that, although not held by the Public Authority, is available to them. For example the stocks of ration available with individual fair price shops may not be held by the District Civil Supplies office, but may be available at a subordinate formation.

**3.6.2** Keeping in view the varied levels of computerization of records and documents in Public Authorities, data about records that have been digitized may be proactively disclosed on the respective websites, excluding those records/files/information that are exempted under Section 8. 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 compiled in relation to a file as prescribed by Manual of Office Procedure (and to be prescribed by MOP for electronic records that is under finalization by DARPG), the division/section/unit office 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.



#### **4.0 Compliance with provisions of suo motu (proactive) disclosure under the RTI Act**

**4.1** Each Ministry/Public Authority shall ensure that these guidelines are fully operationalised within a period of 6 months from the date of their issue.

**4.2** Proactive as per these guidelines would require collating a large quantum of information and digitizing it. For this purpose, 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.

**4.3** The Action Taken Report on the compliance of these guidelines should be sent, along with the URL link to the DOPT and Central Information Commission soon after the expiry of the initial period of 6 months.

**4.4** Each Ministry/Public Authority should get its proactive disclosure package audited by third party every year. The audit should cover compliance with the proactive disclosure guidelines as well as adequacy of the items included in the package. The audit should examine whether there are any other types of information which could be proactively disclosed. Such audit should be done annually and should be communicated to the Central Information Commission annually through publication on their own websites. All Public Authorities should proactively disclose the names of the third party auditors on their website. For carrying out third party audit through outside consultants also, Ministries/Public Authorities should utilize their plan/non plan funds.

**4.5** The Central Information Commission should examine the third-party audit reports for each Ministry/Public Authority and offer advice/recommendations to the concerned Ministries/Public Authorities.

**4.6** Central Information Commission should carry out sample audit of few of the Ministries/Public Authorities each year with regard to adequacy of items included as well compliance of the Ministry/Public Authority with these guidelines.

**4.7** Compliance with the proactive disclosure guidelines, its audit by third party and its communication to the Central Information Commission should be included as RFD target.

## **5.0 Nodal Officer**

**5.1** Each Central Ministry/Public Authority should appoint a senior officer not below the rank of 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 of the HOD of the attached office, as the case may be. Nodal Officers of Ministry/Department and HOD separately should also ensure that the information below the Ministry/Department/Attached Office also disclose the information as per the proactive disclosure guidelines.

## **6.0 Annual Reports of Parliament/Legislatures**

**6.1** 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.

## ANNEXURE-3

SL NO. 22 (R)  
I-34014/184/2013/RTI  
Government of India  
Ministry of Road Transport & Highways  
(RTI Section)



Transport Bhavan, New Delhi  
Dated 22<sup>nd</sup> June, 2015

To,

Rajeev Kumar Kundi  
Deputy Director (Coord)  
Room No. 114,  
ISTM, DoPT,  
Administrative Block,  
Opp. Bersarai Market,  
JNU Campus (Old)  
New Delhi-67

Subject: Implementation of suo motu disclosure under Section 4 of the RTI Act, 2005-  
Audit thereof

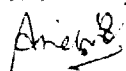
Sir,

I am directed to refer to this Ministry's letter of even number dated 26<sup>th</sup> March 2015 on the above cited subject and to say that reply on the matter is still awaited. It is pertinent to mention that as per the provisions contained in Section 4 (i)(b) of RTI Act, 2005, Public Authorities are required to disclose information on suo motu basis in order to make functioning of Public Authorities more transparent in order to reduce the need for filing individual RTI Applications. Further, each Ministry / Public Authority is also required to get its pro-active disclosure audited by third party every year and also required to pro-actively disclose the name of third party auditors on the website after which the Central Information Commission will examine the third party audit reports. In this connection, a copy of letter no. 19/1/2013/MoRe dated 12.3.2015 received from CIC is enclosed.

2. You are, therefore, requested to indicate as to whether ISTM can undertake such audit and also requested to provide the modalities and Terms of Conditions for conducting the audit including the cost aspects and time period within which such audit would be conducted.

End: as above

Yours faithfully

  
(S.K. Geeva)

Under Secretary to the Government of India  
Tel: 23739250

