



Letter Ms. No. 987
Public (Estt. I & Leg.) Dept.,
Secretariat, Chennai-9.
Dated: 07.10.2005.

From
Thiru N. Narayanan, IAS,
Chief Secretary to Government,

To
The Secretaries to Government,
All Departments of Secretariat.

Sir/Madam,

Sub: Acts – Right to Information Act, 2005 – Implementation of the
Act – Regarding.

I am directed to state that the Right to Information Bill, 2005 as passed by the Houses of Parliament received the assent of the President on 15th June, 2005. The Right to Information Act, 2005 has also been published in the Gazette of India on 21st June, 2005. A copy of the Act is enclosed.

2. The provisions of sub-section (1) of section 4, sub section (1) and (2) of section 5, sections 12, 13, 15, 16, 24, 27 and 28 of the Act shall come into force at once and the remaining provisions of the Act shall come into force on the 120th day i.e. 12th October, 2005 of its enactment.

3. The Act envisages various tasks to be completed by the State Government within the stipulated time. I am to request you to pursue action on the following issues.

(A) PUBLIC AUTHORITIES

Section 2(h) of the Right to Information Act, 2005 defines the Public Authorities. As may be seen therefrom, the Public Authority would include the following.

- (i) All Administrative Departments of Secretariat.
- (ii) All Heads of Departments/ Directorates/Commissionerate of the Government.

- (iii) All Public Corporations, Councils, Authorities, Institutes Autonomous bodies and other similar bodies.
 - (iv) Local bodies including Corporation/Municipalities/Panchayats/Panchayat Union etc.
 - (v) All NGOs which are substantially financed directly or indirectly by State Government.
- B) Thus, virtually all the administrative units are bound to provide information as requested by the public. Public Information Officers, Assistant Public Information Officers and Appellate Authority as required under the Right to Information Act, 2005 are to be appointed for every Public Authority. Broad guidelines on appointment of the Public Information Officers and Appellate Authority are given below:
- (i) In the Departments of Secretariat, the Additional Secretary / Joint Secretary may be appointed as Appellate Authority and the Deputy Secretary / Under Secretaries may be appointed as Public Information Officers. The Secretaries to Government shall review the implementation of the Act periodically.
 - (ii) At the Head of the Department/ Directorate level, the Head of the Department or Additional Director shall be the Appellate Authority. Joint Director / Deputy Director may be appointed as Public Information Officers.
 - (iii) It is necessary to appoint Public Information Officers / Assistant Public Information Officers as District / Division / Taluk levels. In all these cases, the head of the Office may be appointed as Appellate Authority and the officer next below him may be appointed as Public Information Officers.
 - (iv) In Corporations and Public Sector Undertakings, the Managing Director may be appointed as Appellate Authority. The Company Secretary to the Corporation may be appointed as Public Information Officer.
 - (v) The designation of Public Information Officers / Appellate Authorities may be completed before 10th October 2005.

(C) PREPARATION OF MANUALS:

Under Section 4 of the Right to Information Act, every Public Authority is

required to disclose information voluntarily on 16 points. These manuals are to be prepared at Government / Heads of Departments / Revenue District / Revenue Division / Taluk level keeping in mind dimensions, activities, nature of work and the information that needs to be divulged to the common people in each department. It is advisable to have one manual at State level and other at District level. The contents of manuals are likely to differ at various levels. However, it may be ensured that there is no variation on factual information. While designing the contents of the manuals at different levels, the requirements of the common people at those levels should be kept in mind. The following guidelines may be taken note of:

- (i) The main objective of sec.4 is that all public authorities proactively publish to the maximum extent such information that will be interest to the common people so that the need for requesting information under this Act becomes minimal.
- (ii) As the main objective of proactive disclosure is to provide information to the common people voluntarily, every public authority may conduct an extensive study and analysis of the kinds of information that common people ordinarily seek on approaching their office.
- (iii) With a view to providing information to the common people easily, categories of information other than the 16 points mentioned in Sec.4 of the Act may also be included in this manual so as to bring down to a minimum their need for seeking information through applications.
- (iv) A template has been prepared for these manuals pursuant to discussions held by Tata Consultancy Services (TCS) with Principal Secretaries and Secretaries of some Departments of Uttranchal Government. Though it is not possible to develop a common format for all public authorities, this template may be used as a guide while preparing these manuals. Modifications and amendments to the template may be incorporated, if necessary.
- (v) The information contained in these manuals will be required to be made accessible to common people through the media of books, notice boards, Departmental libraries and the Internet and also made available for inspection in offices. Every Department will decide as to which information should be made available in which medium at which level (of operation) after taking into consideration the available resources, the nature of information concerned and the convenience of the common people.

The compilation of these manuals may be completed by 10th of October 2005.

D) ACT NOT TO APPLY TO CERTAIN ORGANISATIONS

The Secretaries are requested to take steps to notify certain organizations pertaining to security / intelligence, if any, for exclusion from the purview of the Act (Sec.24)

E) INTERNAL PROCEDURES:

The Secretaries are requested to define procedure for processing requests, collecting information, creating facilities for inspection of documents etc. well in advance. "Single Window" concept may be adopted in true spirit.

F) AMENDMENTS TO EXISTING ACTS, RULES, etc.

Section 22 of the Act envisages that the Act would have over riding effect over any other Act, Rule or Order. Therefore, the Secretaries are requested to review all such Acts and instruments which are in conflict with the Right to information Act and suggested amendments.

G) TRAINING:

One of the important aspects of implementation of Right to Information Act is that it calls for sensitizing and training employees of the Government. The Anna Institute of Management shall evolve a training programme at State Level and also at district level having regard to the above points so as to sensitize and train the Government employees/ officers on implementation of Right to Information Act, 2005. The Secretary, Rural Development Department will evolve a training programme so far as the local bodies are concerned.

As the Right to Information Act, 2005, has come into force with effect from 15th June 2005 and the preparatory phase of 120 days is getting over on 12th October, 2005, I am to request you to give top priority to the implementation of the Act.

Yours faithfully,
for Chief Secretary to Government