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कार्मिक एवं प्रशिक्षण विभाग  
Department of Personnel & Training  
Website. [www.istm.gov.in](http://www.istm.gov.in)

**Audit Report**  
of  
**Proactive Disclosure under RTI Act, 2005**  
of  
**National Institute of Wind Energy (NIWE)**  
**Ministry of New and Renewable Energy**  
**Government of India**

**Conducted by**  
**Institute of Secretariat Training & Management**  
**Government of India**

**AUGUST 2015**

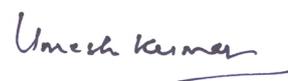
## FOREWORD

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 coming to the public authorities for seeking information under RTI Act are likely to be considerably less. In general, this aspect is not up to the expectation level by the public authorities. Hence, 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. This OM prescribed number of further categories of information under section 4 of the RTI Act for suo-motu disclosure. Guidelines, also prescribed instructions for digital publication of pro active disclosure and also explain certain clauses of 4 (1)(b) to make the disclosure more effective. Chapter-4 of DoPT guidelines dt 15<sup>th</sup> April 2013 prescribes the procedure for compliance of the provision of suo motu/pro active disclosure. The 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 effective implementation of the RTI Act since 2005, and has conducted large number of training programmes on various facets on RTI Act for different levels of officers involved in implementation of the RTI Act. ISTM has also developed training material and shared it with various public authorities to facilitate the implementation of the RTI Act and also has conducted number of training programmes on RTI Act for various Central Government/Public Sector Undertaking officers for capacity building. 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 request, ISTM has taken up the third party audit of suo motu disclosure made by National Institute of Wind Energy (NIWE), Ministry of New and Renewable Energy, 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 analytical report bringing out the information already disclosed and suggested areas for improvement. I am sure the reports submitted by the study team will go a long way in strengthening the suo motu disclosures of the NIWE to further meet the information needs of the citizen.



**(UMESH KUMAR )  
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 2 ways by which information needs of the citizen can be met. 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.

3. 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 so-motu disclosure 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 broadly 4 chapters viz:-

- (a) Suo-motu disclosure of more item 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) to make suo-motu disclosures more effective. Section 4(i) (b) (iii), 4(i)(b)(xi) 4(1)(b) xiv etc.

(d) Compliance with provisions of suo-motu disclosure

4. 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 ATR on the compliance of these guidelines should be sent to the DOPT and 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.

5. 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.

6. In view of the above National Institute of Wind Energy (NIWE), Ministry of New and Renewable Energy, Government of India has approached ISTM for conducting the third party audit. ISTM has accepted the request of NIWE and has 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 NIWE, CIC, DOPT and ISTM.

7. In this back ground ISTM has conducted the third party audit of NIWE and the data collected, data analyzed and conclusion of the recommendations are given in subsequent Chapters

## **COMPOSITION OF AUDIT TEAM**

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## **CHAPTER-1**

### **INTRODUCTION**

1.1. While enacting the Right to Information Act, the Legislative has laid emphasis that the primary duty of the public authorities is to publish proactively information relating to its functioning 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 suo motu disclosed. 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 more 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 suo motu disclosed. The seventeen category 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 4(1) and 4(1)(d) of the RTI Act prescribes as under

1.3 4(1) (c), 4 (1) (d), Section (4) (2) and 4(3) prescribe 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 same 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 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

### **15.1.3 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 six monthly 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 to the Government of India and above 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 more 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, 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,

(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).'

#### **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 (AOD) 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 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.

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 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.

## **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 good 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 (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; 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 As a first step Committee/Team critically examined the existing and available literature on the subject as the first step which includes 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

(d) Study conducted by BMS 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

2.2. After examining the available literature listed above, the Committee developed an exhaustive check list of laying down parameters on the requirement of proactive/ suo motu disclosure by the public authorities. The parameters which

were generated runs from sl No.1 to 32. The requirement worked out under each of those 32 parameters runs into 130 sub items. Copy of the format/check lists developed by the audit team is placed at **Annexure 'A'**

2.3 The committee applied parameters and the requirements generated to the proactive disclosure done by the NIWE on its web sites (**niwe.res.in**) and identified the area which requires further disclosure.

2.4 After the initial application of the check list on the web site of NIWE, 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. Govindrajulu, Joint Director, ISTM** visited NIWE on **24<sup>th</sup> Jul 2015** and discussed in detail the suo motu disclosure currently being done by the NIWE and the areas for further improvement.

2.5 The management of NIWE was very receptive and promised to improve the identified areas of improvement. In fact, they started implementing the identified areas of improvement after discussion with Shri K. Govindrajalu, Joint Director, ISTM.

2.6 After adopting the detailed procedure, the data was collected on the designed format/check list. The completed format/ check list indicating the data so collected is given in subsequent chapters.

2.7 The data collected was analyzed and the areas for improvement were identified. The subsequent chapters of the report provide the analysis of data and conclusion/recommendation of the committee.

### Chapter-3 Data Collected

<b>Name of Public Authority being Audited:</b>	<b>National Institute of Wind Energy (NIWE)</b> Ministry of New and Renewable Energy), Government of India Velachery - Tambaram Main Road Pallikaranai, Chennai - 600 100
<b>Website:</b>	<a href="http://niwe.res.in">http://niwe.res.in</a>

Sl. No.	Parameter	Requirement	Qualitative Observations/ Remarks
<b>Information to be disclosed under Section 4(1)(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>▫ Name and address of the organization</li> <li>▫ Head of the organization</li> <li>▫ Key Objectives</li> <li>▫ Functions and duties</li> <li>▫ Organization chart</li> <li>▫ Functional chart</li> <li>▫ Other details like genesis, inception formation of the department and the HoDs from time to time as well as the Committees/ Commissions constituted from time to time.</li> <li>▫ Link to branches/Regional centres</li> </ul>	<p style="text-align: center;">√</p> <p style="text-align: center;">√</p> <p style="text-align: center;">√</p> <p>Functional chart of the org has been displayed</p> <p>The committee/commissions constituted from time to time are yet to be disclosed</p>
2.	<b>Powers &amp; Duties of its officers &amp; employees [Section 4 (1) (b) (ii)]</b>	<ul style="list-style-type: none"> <li>▫ Powers and duties of officers</li> <li>▫ Powers and duties of other employees</li> <li>▫ Rules/ orders under which powers and duties are derived and exercised. To be laid down in easy and understandable manner</li> <li>▫ Delegation of Powers</li> <li>▫ Work allocation, job description and/or duty lists</li> <li>▫ Structural, positional and functional charts,</li> <li>▫ Schemes and development programmes</li> </ul>	Job description is displayed but the duty list is yet to be disclosed. Structural, position and functional charts were not disclosed.
3.	<b>Procedure</b>	▫ Process and channel for	Process and channel for

	<b>followed in decision making process [Section 4(1) (b) (iii)]</b>	<p>decision making-decision making charts/flow chart.</p> <ul style="list-style-type: none"> <li>▫ Final decision making authority</li> <li>▫ Flow chart explaining decision making</li> <li>▫ Related provisions, acts, rules etc.</li> <li>▫ Time limit for taking a decision, wherever applicable.</li> <li>▫ Delegation of Power-Rules/procedures</li> <li>▫ Major output/tangible results/services/goods</li> </ul>	decision making is displayed, however, the flow chart is not found.
4.	<b>Norms for discharge of functions [Section 4(1) (b) (iv)]</b>	<ul style="list-style-type: none"> <li>▫ Nature of functions/ services offered</li> <li>▫ Norms/ standards for functions/ service delivery</li> <li>▫ Process by which these services can be accessed</li> <li>▫ Time- limits for achieving the targets</li> <li>▫ Process of redressal of grievance</li> <li>▫ Reference document prescribing the norms.</li> </ul>	As the identified items under the heading 'requirement are found displayed
5.	<b>Rules, regulations, instructions, manuals and records for discharging functions [Section 4(1) (b) (v)]</b>	<ul style="list-style-type: none"> <li>▫ Title and nature of the record/ manual/ instruction</li> <li>▫ The Acts/ Rules / manuals etc. Office memorandum etc</li> <li>▫ Summary of contents of above for easy understanding of public.</li> </ul>	Title and nature of the record/manual/instruction, the Acts, Rules and OM etc. is required to be prepared and disclosed for easy understanding of public.
6.	<b>Categories of documents held by the authority under its control [Section 4(1) (b) (vi)]</b>	<ul style="list-style-type: none"> <li>▫ Title of the documents</li> <li>▫ Category of documents</li> <li>▫ Custodian of the documents</li> </ul>	The details about the custodian of the documents have not been displayed
7.	<b>Particulars for any arrangement for consultation with or representation</b>	<ul style="list-style-type: none"> <li>▫ Relevant rule, circular etc for consultation.</li> <li>▫ Arrangement adopted for consultation with or representation by the members of the public in the</li> </ul>	<p style="text-align: center;">√</p> <p>It was observed that the organization is not involved in policy formation. However, they are involved</p>

	<b>by the members of the public in relation to the formulation of policy or implementation thereof [Section 4(1) (b) (vii)]</b>	<p>functional areas of the organization.</p> <ul style="list-style-type: none"> <li>▫ Days or time specified for visitors</li> </ul>	in implementation of the policy and accordingly they need to have some mechanisms for allowing the members of public to visit them on some specific days or time. No such arrangement exists as of now.
8.	<b>Boards, Councils, Committees and other Bodies constituted as part of the Public Authority functioning [Section 4 (1) (b) (viii)]</b>	<ul style="list-style-type: none"> <li>▫ Names of the Boards, Councils, Committees etc.</li> <li>▫ Composition</li> <li>▫ Powers and functions</li> <li>▫ Whether their meetings are open to the public?</li> <li>▫ Whether the minutes of the meeting are open to the public.</li> <li>▫ Link to the source where the minutes if open to the public are available and the process of access by the common citizen.</li> </ul>	The requirement under this parameter to the extent they are applicable has been done. As regard attending of meetings by the public and accessibility of the minutes of such meetings etc. to the public are not applicable to the department, hence no such details are found displayed or disclosed.
9.	<b>Directory of Officers and employees Section 4(1) (b) (ix)]</b>	<ul style="list-style-type: none"> <li>▫ Name, designation and Division</li> <li>▫ Location, Telephone (both office &amp; Residence) , and email</li> </ul>	All required information has been disclosed
10.	<b>Monthly Remuneration received by officers &amp; employees including system of compensation [Section 4 (1) (b) (x)]</b>	<ul style="list-style-type: none"> <li>▫ Name &amp; Designation of the employee</li> <li>▫ Monthly remuneration</li> <li>▫ System of compensation as provided by in its regulations.</li> </ul>	Organization has not disclosed the system of compensation as provided by in its regulations
11.	<b>Budget allocated to each agency including all plans, proposed expenditures and reports on disbursements made etc. [Section 4(1) (b)]</b>	<ul style="list-style-type: none"> <li>▫ Details of budget in simple form which can be easily understood by the non professional and layman.</li> <li>▫ Funds allotted to branches/regional centers</li> <li>▫ Outcome budget,</li> <li>▫ Providing clear picture regarding the actual achievement vis-à-vis the</li> </ul>	N/A N/A

	<b>(xi)]</b>	<p>targets.</p> <ul style="list-style-type: none"> <li>▫ Periodic monitoring Reports</li> <li>▫ Revised budget, if any</li> <li>▫ Report on expenditure made and location where the related reports available.</li> </ul>	
12.	<b>Manner of execution of subsidy programmers [Section 4(1) (b) (xii)]</b>	<ul style="list-style-type: none"> <li>▫ Name of the programmes or activities</li> <li>▫ Objective of the programmes</li> <li>▫ Procedure to avail benefits</li> <li>▫ Duration of the programme/scheme</li> <li>▫ Physical and financial targets of the programme</li> <li>▫ Nature/scale of subsidy/ amount allotted</li> <li>▫ Eligibility criteria for grant of subsidy</li> <li>▫ Details of beneficiaries of subsidy programme (Number profile etc.)</li> </ul>	Required information under this parameter has been disclosed
13.	<b>Particulars of recipients of concessions, permits or authorizations granted by the Public Authority [Section 4(1) (b) (xiii)]</b>	<ul style="list-style-type: none"> <li>▫ Concessions, permits or authorizations granted by Public Authority</li> <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>	The requirement identified under this parameter is not applicable.
14.	<b>Information available in electronic form [Section 4(1) (b) (xiv)]</b>	<ul style="list-style-type: none"> <li>▫ List of documents available in electronic form</li> <li>▫ 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</li> </ul>	N/A

		<p>designation responsible for maintaining the record; and life span of the record.</p> <ul style="list-style-type: none"> <li>▫ Details of information not available in electronic form.</li> <li>▫ Orders of public authorities</li> <li>▫ All relevant Acts, Rules, forms and other documents which are normally accessed by citizens</li> <li>▫ Entitlements/services provided</li> <li>▫ Directory of key contacts, details of officials</li> <li>▫ All publicly funded information</li> <li>▫ Visual presentation</li> <li>▫ Date last updated information .</li> </ul>	<p style="text-align: center;">√ √  √ √  √ √  To be done</p>
15.	<b>Particulars of facilities available to citizens for obtaining information [Section 4 (1) (b) (xv)]</b>	<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> <li>▫ Fee/ charges to get the copies of the document.</li> <li>▫ Facility for inspecting the documents which are not available electronically should also be provided.</li> </ul>	<p style="text-align: center;">√  N/A</p>
16.	<b>The Names, designation and other particulars of the PIOs Section 4(1) (b) (xvi)</b>	<ul style="list-style-type: none"> <li>▫ Name &amp; Designation of PIOs and Appellate Authority.</li> <li>▫ Their Contact details –phone number &amp; email.</li> <li>▫ Subject matter within their jurisdiction.</li> <li>▫ Details of Nodal Officer</li> <li>▫ Details of link P 10 and first AA</li> </ul>	<p>Except the details of Nodal Officer, other components of requirement under the above para meter have been disclosed.</p>
17.	<b>Such other information as may be prescribed</b>	<ul style="list-style-type: none"> <li>▫ Annual Report</li> <li>▫ Annual Returns</li> <li>▫ FAQs</li> <li>▫ Citizen’s charter of the public</li> </ul>	<p style="text-align: center;">√ √ √ √</p>

	<b>under Section 4(1) (b) (xvii)</b>	<p>authority</p> <ul style="list-style-type: none"> <li>▫ Grievance redressal mechanisms</li> <li>▫ List of completed schemes/ projects/ programmes</li> <li>▫ Success of stories</li> <li>▫ List of schemes/ projects/ programmes underway</li> <li>▫ Audit paras along with ATR</li> <li>▫ Any other information.</li> <li>▫ Frequently asked information</li> </ul>	All the required details under the above parameters are available in the Performance Evaluation Report (PER) and RFD
<b>Miscellaneous - RTI Act 4 (1) (c), (d), 4 (3), 4(4)</b>			
18	<b>Are important policies or decisions which affect public informed to them? [Section 4 (1) (c) ]</b>	<ul style="list-style-type: none"> <li>▫ Publish all relevant facts while formulating important policies or announcing decisions which affect public.</li> </ul>	N/A
19	<b>Are reasons for administrative or quasi-judicial decisions taken, communicated to affected persons [Section 4 (1) (d) ]</b>	<ul style="list-style-type: none"> <li>▫ Provide reasons for its administrative or quasi-judicial decisions to affected persons.</li> </ul>	Internally done
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</li> <li>▫ Notice boards</li> <li>▫ Newspapers</li> <li>▫ Public announcements</li> <li>▫ Media broadcasts</li> <li>▫ Internet or</li> <li>▫ Any other means including inspection</li> </ul>	<p style="text-align: center;">√</p>
21	<b>Whether Information Manual/ Handbook available free of cost or not [Section 4 (4)]</b>	<ul style="list-style-type: none"> <li>▫ Whether prepared or not</li> <li>▫ Available free or at a reasonable cost of the media</li> </ul>	<p style="text-align: center;">Yes</p> <p>These are available on free of cost</p>
<b>Additional Category of Information to be disclosed under guidelines –SuoMotu disclosure of more items under Section 4</b>			
22	<b>Information related to</b>	<ul style="list-style-type: none"> <li>▫ Tender- Notices/Enquiries corrigenda there on.</li> </ul>	√

	<b>Procurement</b>	<ul style="list-style-type: none"> <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 style="text-align: center;">√</p> <p style="text-align: center;">√</p>
23	<b>Public Private Partnership</b>	<ul style="list-style-type: none"> <li>▫ Details of the special purpose vehicle (SPV), if any set up</li> <li>▫ Detailed project reports</li> <li>▫ Concession agreement</li> <li>▫ Operation and maintenance manual.</li> <li>▫ Other documents generated as part of the implementation of the Public Private Partnership project.</li> </ul>	N/A
24	<b>Transfer Policy and Transfer Orders</b>	<ul style="list-style-type: none"> <li>▫ Transfer policy for different Grades/Cadres</li> <li>▫ Transfer orders</li> </ul>	Only one centre
25	<b>RTI Applications</b>	<ul style="list-style-type: none"> <li>▫ RTI applications and appeals received and their responses ( except relating to personal information)</li> <li>▫ Loaded on the websites, search facility based on keywords.</li> </ul>	<p style="text-align: center;">Yet to be displayed</p> <p style="text-align: center;">Will be done</p>
26	<b>CAG &amp; PAC paras</b>	CAG and PAC- ATR of those which have been laid on the table of both the houses of Parliament.	Required details are being disclosed
27	<b>Citizen's Charter</b>	<ul style="list-style-type: none"> <li>▫ Citizen's Charter</li> <li>▫ RFD (Result Framework Document)</li> <li>▫ Six monthly reports on the performance against the bench marks set in citizen chart.</li> </ul>	<p style="text-align: center;">√</p> <p style="text-align: center;">√</p> <p style="text-align: center;">To be finalized and displayed</p>
28	<b>Discretionary &amp; Non-discretionary Grants</b>	<ul style="list-style-type: none"> <li>▫ Details of discretionary grants/ allocation</li> <li>▫ Annual accounts of legal entities that are provided grants by Public authorities.</li> </ul>	<p>N/A</p> <p>N/A</p>
29	<b>Foreign/ Domestic Tour of Ministers /</b>	▫ The details of Foreign & domestic visits undertaken by the officials of the rank of JS to	(all goes from email internally)

	<b>Officials</b>	the Govt. of India and HODs, Details to be included therein : Purpose of Visit Place of visit Period No. of People included with official delegation Expenditure incurred on such tours. Report submitted on completion of tours	
<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>▫ Electronic or printed or both.</li> </ul>	√ Accessibility of information Manual/Hand Book is available both through Electronic and printed.
31	<b>Language in which Information Manual/ Handbook available</b>	<ul style="list-style-type: none"> <li>▫ English / Hindi</li> <li>▫ Vernacular/ Local Language / regional language.</li> </ul>	√ Information is disclosed both in English and Hindi. However, information Manual and Hand book are required to be prepared in regional language also.
32	<b>When was the information Manual/ Handbook last updated?</b>	<ul style="list-style-type: none"> <li>▫ Annual updating is required and the date of last updated needs to be displayed.</li> </ul>	Updated and disclosed

## **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 its organization, functions and duties (Section 4(1) (b)(i) )**

(i) Functional chart of the organization has been displayed.

(ii) Details of the organization like genesis, inception formation of the department and the HoDs from time to time is displayed. However, the Committee/Commissions constituted from time to time are yet to be displayed/disclosed.

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

(i) Job description is displayed but the duty list is yet to be disclosed.

(ii) Structural, positional and functional charts were not displayed/disclosed.

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

i) Process and channel for decision making is displayed, however, the , flow chart is not found.

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

i) All the identified items under the heading 'requirement' are found displayed on the web site of the organization.

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

Title and nature of the record/ manual/ instruction, the Acts, Rules, and Office memorandum etc. need to be displayed. Summary of contents of the said records, Acts etc. is required to be prepared and disclosed for easy understanding of public.

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

The details about the custodian of the documents have not been displayed

**(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) )**

It was observed that the organization is not involved in policy formation. However, they are involved implementation of the policy and accordingly they need to have some mechanism for allowing the members of public to visit them on some specific days or time. No such arrangement exists as of now.

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

The requirement under this parameter to the extent they are applicable has been done. As regards attending of meetings by the public and accessibility of the minutes of such meetings etc. to the public are not applicable to the department, hence no such details are found displayed or disclosed.

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

All required information has been disclosed.

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

Organization has not disclosed the system of compensation as provided by in its regulations.

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

Not applicable to this organization.

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

Required information under this parameter has been disclosed.

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

The requirement identified under this parameter is not applicable as the organization is not involved in grant of any concessions/permits or authorization

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

List of documents in electronic form and other details like all relevant Acts, Rules, forms and other documents which are normally accessed by citizens, entitlements/service provided, directory of key contacts, details of officials, all publicly funded information and visual presentation are available and displayed and other components of requirement under the above parameter have not been displayed/disclosed, being not applicable in the case of this department. Similarly, last date when the information was updated has not been displayed.

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

Name & location of the facility-computerized information and facilitation Counter has been displayed. Other components of requirements under the above parameter have not been displayed, being not applicable in the case of this department.

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

Except the details of Nodal officer, other components of requirement under the above parameter have been displayed/ disclosed.

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

All the required details under the above parameters are available in the Performance Evaluation Report (PER) and RFD.

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

Not applicable. Hence, required information under the above parameters has not been disclosed/displayed.

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

The required information is provided internally.

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

Dissemination of information is widely done through web site, Notice boards, news papers, Public announcements, media broadcasts and internet.

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

Yes, these are available on free of cost

**(22) Information related to procurement**

All relevant information under this head is disclosed.

**(23) Public Private Partnership**

The organization is not involved in any Public Private Partnership (PPP), as such none of the requirement under this parameter has been displayed for disclosure.

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

As the organization is located at one Centre only, transfer from one location to another is not applicable. However, organization needs to formulate some policy for transfer of Adm staff and others on key appointments within the organization at the same location from one division to another.

**(25) RTI applications**

RTI applications and appeals received and their responses are yet to be displayed.

**(26) CAG & PAC paras**

Required details are being displayed/disclosed.

**(27) Citizen's Chart**

Citizen's charter and RFD(Result Frame work documents) are being displayed. As regards six monthly reports on the performance against the bench marks set in citizen chart, the requisite details are yet to be finalized and displayed.

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

The above para meter is not applicable to the organization, as they are not involved in grant of any discretionary or non discretionary grants.

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

The details of Foreign & domestic visits undertaken by the officials of the rank of JS and HoD are yet to be displayed. However, the expenditure incurred on such tour and submissions of the report on completion of tours are available internally.

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

Accessibility of Information Manual/Hand Book is available both through Electronic and printed.

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

Information is disclosed both in English and Hindi. However, information Manual and Hand book are required to be prepared in regional language also.

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

The information manual/Hand book was recently updated and displayed.

## CHAPTER -5

### CONCLUSION AND RECOMMENDATION

It is observed that the web site of the **National Institute of Wind Energy (NIWE)** is user friendly and attempt has been made to disclose most of the recommendations which may meet the requirement of the citizen. However, to improve the suo-motu disclosure the following may also be considered for disclosure on the web site of the organization.

- a) The structural, positional and functional charts of the organization
- b) Historical evolution of the organization including genesis, inception, formation and the details up to current status
- c) Details of HoDs from time to time.
- d) Details of the committees etc constituted from time to time,
- e) Job description and duty list of various functionaries,
- f) Flow chart showing channel for decision making,.
- g) The title and nature of the records, manuals, instructions, Acts, Rules and OMs etc.
- h) Summary of the contents of the said records, Acts etc particularly about the substantive functioning of the organization for easy understanding of the public,
- i) The details about the custodian of the various categories of the documents held by the organization.
- j) 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

- k) Organization may consider creating institutional mechanism for allowing the members of public to visit the organization on some specific days.
- l) System of compensation as provided in its regulation for officers and employees,.
- m) Directory of key contacts in the organization with which the public can interact
- n) Name and location of the facility- computerized information and facilitation counter,
- o) Details of Nodal officer appointed in the organization as per the DoPT instruction dated 15<sup>th</sup> April 2013
- p) Internal transfer policy of Adm. Staff and other key appointments within the organization may be formulated and disclosed.
- q) RTI applications and appeals received and their responses( except relating to personal information )
- r) Six monthly reports on the performance against the bench marks set in citizen charter/Result Framework Document (RFD).
- s) The details about the various domestic visit undertaken by the officials of the rank of JS to the Govt. of India and HODs.
- t) Manual and Hand Book on RTI etc to meet the information needs of the citizens may also be prepared in regional language and disclosed. Such Manual/Hand books may also be updated periodically
- u) Date of last updating of the information may be displayed on the suo motu disclosure.

**ANNEXURE-1****Proforma/Checklist prepared by the team Institute of Training & Management, Government of India**

<b>Name of Public Authority being Audited:</b>	<b>National Institute of Wind Energy (NIWE)</b> Ministry of New and Renewable Energy), Government of India Velachery - Tambaram Main Road Pallikaranai, Chennai - 600 100
<b>Website:</b>	<a href="http://niwe.res.in">http://niwe.res.in</a>

<b>Sl. No.</b>	<b>Parameter</b>	<b>Requirement</b>	<b>Qualitative Observations/ Remarks</b>
<b>Information to be disclosed under Section 4(1)(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>▫ Name and address of the organization</li> <li>▫ Head of the organization</li> <li>▫ Key Objectives</li> <li>▫ Functions and duties</li> <li>▫ Organization chart</li> <li>▫ Functional chart</li> <li>▫ Other details like genesis, inception formation of the department and the HoDs from time to time as well as the Committees/ Commissions constituted from time to time.</li> <li>▫ Link to branches/Regional centres</li> </ul>	
2.	<b>Powers &amp; Duties of its officers &amp; employees [Section 4 (1) (b) (ii)]</b>	<ul style="list-style-type: none"> <li>▫ Powers and duties of officers</li> <li>▫ Powers and duties of other employees</li> <li>▫ Rules/ orders under which powers and duties are derived and exercised. To be laid down in easy and understandable manner</li> <li>▫ Delegation of Powers</li> <li>▫ Work allocation, job description and/or duty lists</li> <li>▫ Structural, positional and functional charts,</li> <li>▫ Schemes and development programmes</li> </ul>	
3.	<b>Procedure followed in decision making process [Section</b>	<ul style="list-style-type: none"> <li>▫ Process and channel for decision making-decision making charts/flow chart.</li> <li>▫ Final decision making authority</li> </ul>	

	<b>4(1) (b) (iii)]</b>	<ul style="list-style-type: none"> <li>▫ Flow chart explaining decision making</li> <li>▫ Related provisions, acts, rules etc.</li> <li>▫ Time limit for taking a decision, wherever applicable.</li> <li>▫ Delegation of Power-Rules/procedures</li> <li>▫ Major output/tangible results/services/goods</li> </ul>	
4.	<b>Norms for discharge of functions [Section 4(1) (b) (iv)]</b>	<ul style="list-style-type: none"> <li>▫ Nature of functions/ services offered</li> <li>▫ Norms/ standards for functions/ service delivery</li> <li>▫ Process by which these services can be accessed</li> <li>▫ Time- limits for achieving the targets</li> <li>▫ Process of redressal of grievance</li> <li>▫ Reference document prescribing the norms.</li> </ul>	
5.	<b>Rules, regulations, instructions, manuals and records for discharging functions [Section 4(1) (b) (v)]</b>	<ul style="list-style-type: none"> <li>▫ Title and nature of the record/ manual/ instruction</li> <li>▫ The Acts/ Rules / manuals etc. Office memorandum etc</li> <li>▫ Summary of contents of above for easy understanding of public.</li> </ul>	
6.	<b>Categories of documents held by the authority under its control [Section 4(1) (b) (vi)]</b>	<ul style="list-style-type: none"> <li>▫ Title of the documents</li> <li>▫ Category of documents</li> <li>▫ Custodian of the documents</li> </ul>	
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>	<ul style="list-style-type: none"> <li>▫ Relevant rule, circular etc for consultation.</li> <li>▫ Arrangement adopted for consultation with or representation by the members of the public in the functional areas of the organization.</li> <li>▫ Days or time specified for visitors</li> </ul>	
8.	<b>Boards, Councils, Committees and other Bodies</b>	<ul style="list-style-type: none"> <li>▫ Names of the Boards, Councils, Committees etc.</li> <li>▫ Composition</li> </ul>	

	<b>constituted as part of the Public Authority functioning [Section 4 (1) (b) (viii)]</b>	<ul style="list-style-type: none"> <li>▫ Powers and functions</li> <li>▫ Whether their meetings are open to the public?</li> <li>▫ Whether the minutes of the meeting are open to the public.</li> <li>▫ Link to the source where the minutes if open to the public are available and the process of access by the common citizen.</li> </ul>	
9.	<b>Directory of Officers and employees Section 4(1) (b) (ix)]</b>	<ul style="list-style-type: none"> <li>▫ Name, designation and Division</li> <li>▫ Location, Telephone (both office &amp; Residence) , and email</li> </ul>	
10.	<b>Monthly Remuneration received by officers &amp; employees including system of compensation [Section 4 (1) (b) (x)]</b>	<ul style="list-style-type: none"> <li>▫ Name &amp; Designation of the employee</li> <li>▫ Monthly remuneration</li> <li>▫ System of compensation as provided by in its regulations.</li> </ul>	
11.	<b>Budget allocated to each agency including all plans, proposed expenditures and reports on disbursements made etc. [Section 4(1) (b) (xi)]</b>	<ul style="list-style-type: none"> <li>▫ Details of budget in simple form which can be easily understood by the non professional and layman.</li> <li>▫ Funds allotted to branches/regional centers</li> <li>▫ Outcome budget,</li> <li>▫ Providing clear picture regarding the actual achievement vis-à-vis the targets.</li> <li>▫ Periodic monitoring Reports</li> <li>▫ Revised budget, if any</li> <li>▫ Report on expenditure made and location where the related reports available.</li> </ul>	
12.	<b>Manner of execution of subsidy programmers [Section 4(1) (b) (xii)]</b>	<ul style="list-style-type: none"> <li>▫ Name of the programmes or activities</li> <li>▫ Objective of the programmes</li> <li>▫ Procedure to avail benefits</li> <li>▫ Duration of the programme/scheme</li> <li>▫ Physical and financial targets of the programme</li> <li>▫ Nature/scale of subsidy/ amount allotted</li> <li>▫ Eligibility criteria for grant of subsidy</li> <li>▫ Details of beneficiaries of subsidy programme (Number profile etc.)</li> </ul>	

13.	<b>Particulars of recipients of concessions, permits or authorizations granted by the Public Authority [Section 4(1) (b) (xiii)]</b>	<ul style="list-style-type: none"> <li>▫ Concessions, permits or authorizations granted by Public Authority</li> <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>	
14.	<b>Information available in electronic form [Section 4(1) (b) (xiv)]</b>	<ul style="list-style-type: none"> <li>▫ List of documents available in electronic form</li> <li>▫ 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> <li>▫ Orders of public authorities</li> <li>▫ All relevant Acts, Rules, forms and other documents which are normally accessed by citizens</li> <li>▫ Entitlements/services provided</li> <li>▫ Directory of key contacts, details of officials</li> <li>▫ All publicly funded information</li> <li>▫ Visual presentation</li> <li>▫ Date last updated information .</li> </ul>	.
15.	<b>Particulars of facilities available to citizens for obtaining information [Section 4 (1) (b) (xv)]</b>	<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>▫ Fee/ charges to get the copies of the document.</li> <li>▫ Facility for inspecting the documents which are not available electronically should also be provided.</li> </ul>	
16.	<b>The Names, designation and other particulars of the PIOs Section 4(1) (b) (xvi)</b>	<ul style="list-style-type: none"> <li>▫ Name &amp; Designation of PIOs and Appellate Authority.</li> <li>▫ Their Contact details –phone number &amp; email.</li> <li>▫ Subject matter within their jurisdiction.</li> <li>▫ Details of Nodal Officer</li> <li>▫ Details of link P 10 and first AA</li> </ul>	
17.	<b>Such other information as may be prescribed under Section 4(1) (b) (xvii)</b>	<ul style="list-style-type: none"> <li>▫ Annual Report</li> <li>▫ Annual Returns</li> <li>▫ FAQs</li> <li>▫ Citizen’s charter of the public authority</li> <li>▫ Grievance redressal mechanisms</li> <li>▫ List of completed schemes/ projects/ programmes</li> <li>▫ Success of stories</li> <li>▫ List of schemes/ projects/ programmes underway</li> <li>▫ Audit paras along with ATR</li> <li>▫ Any other information.</li> <li>▫ Frequently asked information</li> </ul>	
<b>Miscellaneous - RTI Act 4 (1) (c), (d), 4 (3), 4(4)</b>			
18	<b>Are important policies or decisions which affect public informed to them? [Section 4 (1) (c) ]</b>	<ul style="list-style-type: none"> <li>▫ Publish all relevant facts while formulating important policies or announcing decisions which affect public.</li> </ul>	
19	<b>Are reasons for administrative or quasi-judicial decisions taken, communicated to affected persons [Section 4 (1) (d) ]</b>	<ul style="list-style-type: none"> <li>▫ Provide reasons for its administrative or quasi-judicial decisions to affected persons.</li> </ul>	
20	<b>Dissemination of information widely and in such form and manner which is easily</b>	<ul style="list-style-type: none"> <li>▫ website</li> <li>▫ Notice boards</li> <li>▫ Newspapers</li> <li>▫ Public announcements</li> </ul>	

	<b>accessible to the public [Section 4 (3)]</b>	<ul style="list-style-type: none"> <li>▫ Media broadcasts</li> <li>▫ Internet or</li> <li>▫ Any other means including inspection</li> </ul>	
21	<b>Whether Information Manual/ Handbook available free of cost or not [Section 4 (4)]</b>	<ul style="list-style-type: none"> <li>▫ Whether prepared or not</li> <li>▫ Available free or at a reasonable cost of the media</li> </ul>	
<b>Additional Category of Information to be disclosed under guidelines –<i>SuoMotu</i> 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 there on.</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>	
23	<b>Public Private Partnership</b>	<ul style="list-style-type: none"> <li>▫ Details of the special purpose vehicle (SPV), if any set up</li> <li>▫ Detailed project reports</li> <li>▫ Concession agreement</li> <li>▫ Operation and maintenance manual.</li> <li>▫ Other documents generated as part of the implementation of the Public Private Partnership project.</li> </ul>	
24	<b>Transfer Policy and Transfer Orders</b>	<ul style="list-style-type: none"> <li>▫ Transfer policy for different Grades/Cadres</li> <li>▫ Transfer orders</li> </ul>	
25	<b>RTI Applications</b>	<ul style="list-style-type: none"> <li>▫ RTI applications and appeals received and their responses ( except relating to personal information)</li> <li>▫ Loaded on the websites, search facility based on keywords.</li> </ul>	
26	<b>CAG &amp; PAC paras</b>	CAG and PAC- ATR of those which have been laid on the table of both the houses of Parliament.	
27	<b>Citizen's Charter</b>	<ul style="list-style-type: none"> <li>▫ Citizen's Charter</li> <li>▫ RFD (Result Framework Document)</li> <li>▫ Six monthly reports on the performance against the bench marks set in citizen chart.</li> </ul>	

28	<b>Discretionary &amp; Non-discretionary Grants</b>	<ul style="list-style-type: none"> <li>▫ Details of discretionary grants/ allocation</li> <li>▫ Annual accounts of legal entities that are provided grants by Public authorities.</li> </ul>	
29	<b>Foreign/ Domestic Tour of Ministers / Officials</b>	<ul style="list-style-type: none"> <li>▫ The details of Foreign &amp; domestic visits undertaken by the officials of the rank of JS to the Govt. of India and HODs, Details to be included therein : <ul style="list-style-type: none"> <li>✓ Purpose of Visit</li> <li>✓ Place of visit</li> <li>✓ Period</li> <li>✓ No. of People included with official delegation</li> <li>✓ Expenditure incurred on such tours.</li> <li>✓ Report submitted on completion of tours</li> </ul> </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>▫ Electronic or printed or both.</li> </ul>	
31	<b>Language in which Information Manual/ Handbook available</b>	<ul style="list-style-type: none"> <li>▫ English / Hindi</li> <li>▫ Vernacular/ Local Language regional language.</li> </ul>	
32	<b>When was the information Manual/ Handbook last updated?</b>	<ul style="list-style-type: none"> <li>▫ Annual updating is required and the date of last updated needs to be displayed.</li> </ul>	

**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-III**

### **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 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 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:

#### **1.1. 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 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, 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.
- (i) Every webpage displaying in 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 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 b y 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 good 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 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.

### **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 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.

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 web sites. 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

formation 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.

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