

Government of Orissa  
General Administration (AR) Department

11/8/2010

No.: RTI(N)-16/10/ 15,758 /RTI, Bhubaneswar, dated the 7th August, 2010

From

Sri Tarun Kanti Mishra, IAS  
Chief Secretary

To

All Principal Secretaries/  
Commissioner-cum-Secretaries/  
Secretaries to Government

Sub: Mandatory Disclosure under Section 4(1)(c) of RTI Act.

Sir,

This is to inform you that as per the provisions of Section 4(1)(c) of RTI Act it is mandatory for every Public Authority to publish all relevant facts while formulating important policies or announcing the decisions which affect public. Accordingly, all Administrative Departments had taken measures for their disclosure under the relevant provisions of law.

Meanwhile, the Central Information Commission have explained the provisions of Section 4(1)(c) of RTI Act in their order dated 07.07.2010 (copy enclosed) and have held that Section 4(1)(c) requires proactive disclosure of proposed laws, policies and amendments thereto or to existing laws/ policies to enable the citizens to debate in an informed manner and provide useful feedback to the government, which may be taken into account before finalizing such laws/ policies.

In view of the aforesaid decision of the Central Information Commission necessary steps may be taken for uploading of all proposed laws, policies and amendments thereto for compliance of the mandatory provisions of the said Act.

I & PR Department, being the nodal department in the matter would monitor the progress from time to time.

Yours faithfully,

  
Chief Secretary

**CENTRAL INFORMATION COMMISSION**  
**Club Building (Near Post Office)**  
**Old JNU Campus, New Delhi - 110067**  
**Tel: +91-11-26161796**

Decision No. CIC/SG/C/2010/000345+000400/8440  
Complaint No. CIC/SG/C/2010/000345+000400

**Complainant** : Mr. Venkatesh Nayak  
B-117, Second Floor  
Sarvodaya Enclave,  
New Delhi-110017

**Respondent** : Chief Secretary  
Government of National Capital Territory of  
Delhi,  
Delhi Sachivalaya,  
New Delhi -110002

**Facts arising from the Complaint:**

The Complainant filed 2 RTI applications with the PIO, Home Department, GNCTD and PIO, Lt. Governor's Secretariat, GNCTD on 03/03/2010 asking for proactive disclosure of the contents of the Delhi Police (Amendment) Bill, 2010 (the "DP Bill") in furtherance to Section 4(1)(c) of the RTI Act. However, the Complainant did not receive any reply within the prescribed time period and filed a complaint under Section 18 of the RTI Act with the Commission.

The Complainant informed the Commission that subsequent to the filing of the complaint, the RTI application was transferred to the Commissioner of Police, Delhi Police by the PIO, O/o of the Lt. Governor's Secretariat, GNCTD. The PIO, Police Headquarters informed the Complainant on 30/3/2010 that the DP Bill had been placed on the websites of the Delhi Police, GNCTD and the Ministry of Home Affairs, Government of India. The Complainant was further informed on 26/3/2010 by the PIO, Home Department, GNCTD that the DP Bill had been placed on the website of GNCTD and comments were invited from "citizens of GNCTD (sic), NGO, RWA media persons etc."

**Observations:**

Section 4 of the RTI Act mandates *suo motu* disclosure of information in public domain by public authorities. More specifically, Section 4(1)(c) of the RTI Act provides as follows:

"4. (1) Every public authority shall—

c) *publish all relevant facts while formulating important policies or announcing the decisions which affect public;*"

A plain reading of Section 4(1) (c) of the RTI Act suggests that every public authority is required to publish or disclose all facts and circumstances which are relevant and taken into account while formulating policies and taking decisions that would affect the public. Section 4(1)(c) of the RTI Act requires proactive disclosure of proposed laws/ policies and amendments thereto or to existing laws/ policies to enable citizens to debate in an informed manner and provide useful feedback to the government, which may be taken into account before finalizing such laws/ policies.

Given that the DP Bill is a significant legislative change, the relevant public authorities involved in drafting of the said bill had a duty to proactively disclose its contents under Section 4(1)(c) of the RTI Act. The concerned public authority, however, acted only after the Complainant approached the Commission and filed a complaint under Section 18(1) of the RTI Act. The public authority should have disclosed the contents of the DP Bill *suo motu* and by omitting to do so, the very purpose of Section 4(1) of the RTI Act stands defeated. The Commission has further observed that at present, the GNCTD is not fully complying with Section 4 of the RTI Act and therefore, is of the view that citizens must be provided with means to debate legislative and policy changes which are likely to affect public lives as contemplated by the GNCTD. The citizens individually are the sovereigns of the democracy and they delegate their powers in the legislature. The RTI Act has recognized this and Section 4(1) (c) is meant to ensure that the citizens would be kept informed about proposals for significant legislative and policy changes.

**Decision:**

The complaint is allowed.

In view of the aforesaid, the Commission, under the powers vested in it vide Sections 25(3) (g) and 25(5) of the RTI Act hereby directs the Chief Secretary, GNCTD to develop a credible mechanism in all departments for proactive and timely disclosure of draft legislations/ policies and amendments thereto or to existing laws/ policies in the public domain, as required under Section 4(1)(c) of the RTI Act, during the process of their formulation and before finalization.

Notice of this decision be given free of cost to the parties.  
Any information in compliance with this order will be provided free of cost as per section 7(6) of RTI, Act, 2005.

**Shailesh Gandhi**  
**Information Commissioner**  
07 July 2010

*(In any correspondence on this decision, mention the complete decision number.)(SP)*

B.K. Patnaik  
Chief Secretary, Orissa



Phone: (+91 674) 253 4300 /6700  
Fax: (+91 674) 253 6660  
Email: csori@nic.in

No. 29486 /CS ((IPR)  
Bhubaneswar, the 22nd September, 2010

To

Not  
Impressed

Principal Secretaries/ Commissioner-cum-Secretaries/  
Secretaries of all Government Departments.

RTI cell

**Sub: Compliance to the mandatory provisions as contained in the  
Section-4 (1)(c) of the RTI Act, 2005.**

Madam/Sir,

Not  
23/9/10

The implementation of the Right to Information Act, 2005 assumes much  
significance considering its relevance to effect transparency and accountability in the  
system of governance.

2. The process of implementation, inter-alia, requires compliance to the  
mandatory provisions as contained in the Section-4(1)(c) of the RTI Act, 2005.

3. While implementing the quasi-judicial order of Orissa Information  
Commission, the Government of Orissa in the Nodal Department of Information and  
Public Relations have put in place the RTI Central Monitoring Mechanism available at  
[www.rti.orissa.gov.in](http://www.rti.orissa.gov.in).

4. The aforementioned mechanism has the provision for suo motto  
disclosure of all policies/decisions affecting the public contained the Section-4(1)(c)  
of the RTI Act, 2005.

5. As earlier intimated by the Government in the Nodal Department vide  
their Letter No.18414 dated 26.5.2010 the expenditure incurred for this purpose has  
to be borne by respective Public Authorities.

6. All the Public Authorities are hereby impressed upon to join the RTI  
Central Monitoring Mechanism to ensure the pro-active disclosure of all policies and  
decisions under Section-4 (1)(c) of RTI Act, 2005 and monitor the progress on  
quarterly basis.

This may strictly be adhered to.


Yours faithfully,

**CHIEF SECRETARY,  
ORISSA**

Memo No. 29487 <sup>(34)</sup> /I & PR

Date 22.9.10

Copy forwarded to Member, Board of Revenue, Cuttack/RDC (Central)/(Northern)/(Southern) Division/all District Magistrate and Collectors for information and similar action.

  
Principal Secretary to Govt. &  
Nodal Officer, RTI

Memo No. 29488 <sup>(75)</sup> /I & PR

Date 22.9.10


Copy forwarded to all Heads of Department for information and similar action.

  
Principal Secretary to Govt. &  
Nodal Officer, RTI

Memo No. 29489 /I & PR

Date 22.9.10

Copy forwarded to the Commissioner-cum-Secretary, Orissa Information Commission, B-1, Toshali Plaza Bhawan, Satya Nagar, Bhubaneswar, for kind information of Hon'ble Orissa Information Commission with a reference to their Letter No. 15095/OIC dated 28.8.10.

  
Principal Secretary to Govt. &  
Nodal Officer, RTI

Memo No. 29490 /I & PR

Date 22.9.10

Copy forwarded to Luminous Infoways, N-6/373, Nayapalli, Jayadev Vihar, Bhubaneswar-751015 for information and necessary action.

They are requested to immediately contact the Heads of all Public Authorities and elicit required information as per Section-4(1)(c) of the RTI Act, 2005.

  
Principal Secretary to Govt. &  
Nodal Officer, RTI