

TIME BOUND/RTI ACT 2005
MOST IMMEDIATE

GOVERNMENT OF MEGHALAYA
INFORMATION & PUBLIC RELATIONS DEPARTMENT

No. IPR.30/2005/Pt.II/14

Dated Shillong, the 19th August, 2005

From: Shri P.J. Bazeley
Chief Secretary to the Government of Meghalaya

To,

1. Additional Chief Secretary to the Government of Meghalaya,
2. Principal Secretaries/Commissioner & Secretaries/Secretaries of Administrative Departments.
3. All Commissioner of Division
4. All Heads of Departments
5. All Deputy Commissioners

Sub: Implementation of the Right to Information Act 2005.

Dear Sir/Madam,

1. The Right to Information Act (RTI Act) received the assent of the President of India on June 15, 2005. Certain provisions (Sec. 4, 5, 12, 13, 15, 16, 24, 27 and 28) related to the preparations necessary for the implementation of this Act came into immediate effect on June 15, 2005 itself. Other provisions of this RTI Act will come into force on the 120th day from June 15th, 2005 that is on October 12, 2005.

2.1 In Sec. 2. (h) of the RTI Act, 2005 the definition of 'public authority' has been given. According to this definition the following bodies in the State of Meghalaya are "public authorities"-

- (i) All Administrative Departments of the Secretariat.
- (ii) All Directorates of the Government, except for those Departments which do not have any Directorate.

Public authorities may be identified at the following levels as well depending upon the structure and nature of functions of each Directorate.

- (a) Commissioner of Division Level
 - (b) District level
 - (c) Sub-divisional level
 - (d) Block level.
- (iii) Autonomous District Councils

- (iv) All public Corporations, Councils, Authorities, Institutes, Autonomous bodies and other similar bodies (whose offices may be located at different levels in the manner of Directorates);
- (v) All local bodies such as Municipal Boards and Town Committees.
- (vi) All such NGOs, which are substantially financed directly or indirectly by the State Government.

2.2 The following may also be noted

- (a) Below the State Level, each Department, in consultation with Directorate(s), under it will identify in the most optimal manner, the public authorities at lower tiers i.e. at the District and Sub-Divisional levels.
- (b) The Administrative Departments shall also list out Councils, Corporations, Authorities etc. which shall be identified as public authorities and transmit instructions contained in the Right to Information Act, 2005 to such bodies for compliance.
- (c) The Urban Affairs Department shall take necessary steps to convey instructions in implementing the Right to Information Act, 2005 to local bodies under its purview.
- (d) The District Council Affairs Department will convey necessary instructions for implementation of the Right to Information Act, 2005 to the Autonomous District Councils.
- (e) The Administrative Departments shall also identify and list NGOs that are funded by public funds and such NGOs shall be informed that they may fall under the ambit of the provision of the Right to Information Act, 2005 and requested to take necessary action accordingly.

2.2 The above process of identification of the public authority may be completed within the target date and the list of "public authority" so identified may be communicated to Information & Public Relations Department.

- 3. Orders have been issued earlier requiring Officers and Employees of all public authorities to be appraised with a complete understanding of the RIT Act. Provision of necessary materials about this Act and organization of meetings and workshop in order to explain the scope of the Act must be ensured, by all concerned. Such action must be undertaken at all levels within public authorities located in all Departments.
- 4. All public authorities mentioned in para 2 above will be required to designate Officers as follows-
 - i. Public Information Officer (PIO) - Sec 5
 - ii. Assistant Public Information Officer – Sec 5
 - iii. Departmental Appellate Authority –first appeal-Sec 19.

The following guidelines may be observed while designating these Officers: -

- (i) It is the responsibility of the PIO to provide information within 30 days to a person making the request. Therefore, this officer has the greatest level of

importance under the RTI Act. While designating a PIO it may be borne in mind that such Officers be designated who, to a large extent, will be able to provide the requested information at their level itself so that the need for obtaining the requested information from any other office is reduced as much as possible.

- (ii) In every public authority as many PIOs may be designated, as may be required.
- (iii) Every Department may appoint as many PIOs, as may be required, keeping in mind, its dimensions, activities, number of offices, nature of work and the information needs of common people. PIOs may be appointed at the level of the Administrative Departments, the Head of Department, the District etc. as per the requirement.
- (iv) As far as possible PIOs should be officers who are not required to undertake frequent field visits as part of their main responsibilities.
- (v) As far as possible PIOs may be Heads of their Offices, so that they are capable of providing information which is under the control of their office to the common people easily.
- (vi) There is a provision in this Act for the designation of Assistant PIOs also. According to the provision of the Act, if an Assistant PIO receives an information request from an individual, he is required to dispatch the request to the concerned PIO within a maximum of 5 days. A subordinate officer or employee below every PIO is required to be designated Assistant PIO. Every department may, according to its requirement, designate Assistant PIOs at the level of the block and the sub-division. The objective (of appointing an Assistant PIO) being- if the PIO is unable to contact the common people in far off places, then information may be made available to them through the Assistant PIO who is situated closest to them.
- (vii) Every public authority is required to designate a Departmental Appellate Authority (DAA) who will be senior in rank to the PIO. In order to provide easy access to the common people, the DAA may as far as possible be appointed at the same place as that of the PIO.
- (viii) PIOs, Assistant PIOs and Appellate Authorities may be designated in all NGOs which have been identified as public authorities.
- (ix) The convenience of the common people must be borne in mind while deciding upon the numbers and levels of designation of PIOs and Assistant PIOs. It should also be ensured that agents and middle men are not allowed to flourish.

5. Under Sec. 4. of the RTI Act, every public authority is required to disclose information voluntarily on 16 points. The following points may be borne in mind in relations to 'proactive disclosure' of information –

- (i) Every public authority will be required to prepare 16 information manuals.
- (ii) These manuals will have to be prepared for the following levels (of operation) keeping in mind the dimensions, activities, nature of work and the information needs of the common people in each Department.
 - (a) Administrative Department Level.
 - (b) HOD/Commissioner of Division Level.

- (c) District Level.
- (d) Sub-Divisional Level.
- (e) Block Level.

Flexibility may be observed while preparing the contents of the manual. The contents of manuals prepared for different levels are themselves likely to be varied. Some contents may be similar to manuals at all levels. Some contents may be available in the manual prepared at the district level which may not be available in the manual prepared at the level of Administrative Department or the Head of Department.

While designing the contents of these manuals at different levels the probable information needs of the common people at those levels should be kept in mind.

- (iii) The main objective of Sec. 4. is that all public authorities proactively publish to the maximum extent such information that will be of interest to the common people so that the need for requesting information under this Act becomes minimal. This basic principle may be borne in mind while preparing the manual.
- (iv) As the main objective of proactive disclosure is to provide information to the common people voluntarily, every public authority may conduct an extensive study and analysis of the kinds of information that common people ordinarily seek by approaching their office.
- (v) With a view to providing information to the common people easily, categories of information other than the 16 points mentioned in Sec. 4. of the Act may be incorporated in various departmental website so as to bring down to a minimum their need for seeking information through applications.
- (vi) These manuals will require to be updated at regular intervals. A system regarding timelines for updating each category of information will be designed while formulating the rules under this Act.
- (vii) The information contained in these manuals will be required to be made accessible to common people through the medium of books, notice boards, departmental libraries and the internet and be made available for inspection in offices. Every Department will decide as to which information should be made available in which medium at which level (of operation) after taking into consideration the available resources, the nature of information concerned and the convenience of the common people.

6. It is necessary to provide training to PIOs/Assistant PIOs and Departmental Appellate Authorities for implementing the RTI Act. For this purpose the Meghalaya Administrative Training Institute (MATI), Shillong will prepare a programme for providing the initial training for Masters Trainers.

Through these Master Trainers 2-day training programmes for all PIO and Departmental Appellate Authorities will be organized in every district. These training programmes will be organized by the District Magistrates under the supervision of the MATI, Shillong as soon as possible.

MATI may seek the assistance of external institutions like Common Wealth Human Rights Initiatives, New Delhi, while organizing these training programmes.

7. The following tasks also need to be undertaken in order to prepare for the implementation of the RTI Act-

- (i) Constitution of the Information Commission
- (ii) Issue of notification exempting security and intelligence agencies from the purview of this Act.
- (iii) Framing of rules under this Act.
- (iv) Preparing a "Practical Guide Manual" about this Act in simple language for educating the common people and for the convenience of administrative offices.

The above tasks will be completed by the Department of Information and Public Relations in coordination with the concerned Departments.

8. The Implementation Schedule for major activities is at Annexure – I and the Time Schedule for preparation of manuals is at Annexure – II

9. Action may be taken in diligent and timely manner on all the points mentioned in this letter.

Kindly acknowledge receipt.

Yours faithfully

(P. J. Bazeley)

Chief Secretary to the Government of Meghalaya