



Human Resources Management
(AR.III) Department,
Secretariat,
Chennai-600 009.
திருவள்ளூர் ஆண்டு - 2054

Letter No.5352035 /AR.III/2023-1, dated 03.09.2023

From
Thiru. K.Nanthakumar, I.A.S.,
Secretary to Government.(FAC)

To
All Additional Chief Secretaries / Principal Secretaries /
Secretaries to Government, Secretariat,
Chennai - 600 009.(w.e)

All the Departments of Secretariat,
Chennai - 600 009.(w.e)

All Heads of Departments. (w.e)

Sir / Madam,

Sub: Right to Information Act, 2005 - Proactive disclosure under
section 4 of Right to Information Act, 2005 - Instructions -
Issued.

Ref: 1. Government Letter No.32667/AR.III/2020-01, Personnel
and Administrative Reforms Department, dated 25.01.2021.

2. From the State Chief Information Commissioner,
Tamil Nadu Information Commission, Letter
dated 31.07.2023.

I am directed to state that the Right to Information Act, 2005, primarily envisages to set out a practical regime of right to information for citizens to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every Public Authority. Further, the Act is meant to harmonize the conflicting interests of governance to preserve the confidentiality of sensitive information and right of citizens to know the functioning of the Government process in such a way so as to preserve the paramourcy of the democratic ideal.

2. In the reference second cited, the State Chief Information Commissioner, Tamil Nadu Information Commission, has requested all the Secretaries to the Government and Heads of the Departments to update their website in such a fashion that it follows the ethos of Section 4(2) of the Act. It helps the citizens to seek less information under Right to Information Act, 2005.

3. Section 4(1)(b) of the Right to Information Act, 2005, among others, envisages that every Public Authority shall publish the particulars of its Organisation, functions and duties; the powers and duties of its officers and employees; the rules, regulations, instructions, manuals and records held by it or under its control;

(P.T.O)

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the names, designations and particulars of the Public Information Officer; such other information as may be prescribed and thereafter update these publications every year (extract enclosed).

4. Section 4(2) of the Right to Information Act, 2005 emphasises that it shall be constant endeavour of every Public Authority to take steps in accordance with the requirement of section 4(1)(b) of the said Act to provide as much information *suo motu* to the public at regular intervals through various means of communications, including internet, so that the public have minimum resort to the use of this Act to obtain information (extract enclosed).

5. I am also directed to invite your attention to the reference 1st cited, wherein it has been requested that all Public Authorities shall proactively disclose Right to Information Applications and Appeals received and their responses, on the websites maintained by Public Authorities, with search facility, based on key words. Right to Information 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.

6. I am, therefore, directed to request you to -

- 1) publish the details of your department that are to be made public in the Government website in a proactive manner in accordance with the provisions of Section 4(1)(b) of the Right to Information Act, 2005.
- 2) upload the important Right to Information queries and First Appeals received in the Public Authority and corresponding Public Information Officer's reply / decision and First Appellate Authority reply / decision respectively, relating to public interest, at regular intervals.
- 3) update the website in such a fashion that it follows the ethos of Section 4(2) of the Right to Information Act, 2005.

This will reduce the filing of applications under the Right to Information Act, 2005, substantially and will ensure transparency and accountability of every Public Authority.

7. The above instructions may be followed scrupulously.

Yours faithfully,

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03/09/2023

for Secretary to Government(FAC)

S. S.
03/09/23

THE RIGHT TO INFORMATION ACT, 2005

ARRANGEMENT OF SECTIONS

Last Updated: 17-5-2021

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POWERS AND FUNCTIONS OF THE INFORMATION COMMISSIONS, APPEAL AND PENALTIES

18. Powers and functions of Information Commissions.

(l) "State Chief Information Commissioner" and "State Information Commissioner" mean the State Chief Information Commissioner and the State Information Commissioner appointed under sub-section (3) of section 15;

(m) "State Public Information Officer" means the State Public Information Officer designated under sub-section (1) and includes a State Assistant Public Information Officer designated as such under sub-section (2) of section 5;

(n) "third party" means a person other than the citizen making a request for information and includes a public authority.

CHAPTER II

RIGHT TO INFORMATION AND OBLIGATIONS OF PUBLIC AUTHORITIES

3. Right to information.—Subject to the provisions of this Act, all citizens shall have the right to information.

4. Obligations of public authorities.—(1) Every public authority shall—

(a) maintain all its records duly catalogued and indexed in a manner and the form which facilitates the right to information under this Act and ensure that all records that are appropriate to be computerised are, within a reasonable time and subject to availability of resources, computerised and connected through a network all over the country on different systems so that access to such records is facilitated;

~~(b) publish within one hundred and twenty days from the enactment of this Act,—~~

(i) the particulars of its organisation, 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 authorisations 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;

(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.

(2) It shall be a constant endeavour of every public authority to take steps in accordance with the requirements of clause (b) of sub-section (1) to provide as much information *suomotu* to the public at regular intervals through various means of communications, including internet, so that the public have minimum resort to the use of this Act to obtain information.

(3) For the purposes of sub-section (1), every information shall be disseminated widely and in such form and manner which is easily accessible to the public.

(4) All materials shall be disseminated taking into consideration the cost effectiveness, local language and the most effective method of communication in that local area and the information should be easily accessible, to the extent possible in electronic format with the Central Public Information Officer or State Public Information Officer, as the case may be, available free or at such cost of the medium or the print cost price as may be prescribed.

Explanation.—For the purposes of sub-sections (3) and (4), "disseminated" means making known or communicated the information to the public through notice boards, newspapers, public announcements, media broadcasts, the internet or any other means, including inspection of offices of any public authority.

5. Designation of Public Information Officers.—(1) Every public authority shall, within one hundred days of the enactment of this Act, designate as many officers as the Central Public Information Officers or State Public Information Officers, as the case may be, in all administrative units or offices under it as may be necessary to provide information to persons requesting for the information under this Act.

(2) Without prejudice to the provisions of sub-section (1), every public authority shall designate an officer, within one hundred days of the enactment of this Act, at each sub-divisional level or other sub-district level as a Central Assistant Public Information Officer or a State Assistant Public Information Officer, as the case may be, to receive the applications for information or appeals under this Act for forwarding the same forthwith to the Central Public Information Officer or the State Public Information Officer or senior officer specified under sub-section (1) of section 19 or the Central Information Commission or the State Information Commission, as the case may be:

Provided that where an application for information or appeal is given to a Central Assistant Public Information Officer or a State Assistant Public Information Officer, as the case may be, a period of five days shall be added in computing the period for response specified under sub-section (1) of section 7.

(3) Every Central Public Information Officer or State Public Information Officer, as the case may be, shall deal with requests from persons seeking information and render reasonable assistance to the persons seeking such information.

(4) The Central Public Information Officer or State Public Information Officer, as the case may be, may seek the assistance of any other officer as he or she considers it necessary for the proper discharge of his or her duties.

(5) Any officer, whose assistance has been sought under sub-section (4), shall render all assistance to the Central Public Information Officer or State Public Information Officer, as the case may be, seeking his or her assistance and for the purposes of any contravention of the provisions of this Act, such other officer shall be treated as a Central Public Information Officer or State Public Information Officer, as the case may be.

