

MEMO-INFORMATION REQUIRED

(See the Right to Information Act, 2005)

To
The Public Information Officers
 Ministry of Urban Development
 Nirman Bhavan
 Maulana Azad Road
 New Delhi: 110 011
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1	Name of the Applicant	RAKESH KUMAR GUPTA
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Particulars of Information requested

Basically applicant want information regarding

- 1 Kindly provide soft copy of records in DVD related to implementation of Central Information Commission's Directive No. CIC/AT/D/10/000111 Dated 15.11.2010 on Implementation of Section 4 of the RTI Act and Available in Ministry of Urban Development.
- 2 Kindly provide soft copy of records in DVD related to Action taken / recommended by DOPT / central Government / Ministry of Urban Development on Public Authority not implemented Central Information Commission's Directive No. CIC/AT/D/10/000111 Dated 15.11.2010 on Implementation of Section 4 of the RTI Act and Available in Ministry of Urban Development .
- 3 Kindly provide copy of proof of sending orders for implementation of Central Information Commission's Directive No. CIC/AT/D/10/000111 Dated 15.11.2010 on Implementation of Section 4 of the RTI Act to Delhi

Development Authority and Available in Ministry of Urban Development

4 Kindly provide soft copy of records in DVD related to Action taken / recommended by DOPT / central Government/ Ministry of Urban Development on Public Authority not Implementation of Section 4 of the RTI Act and Available in Ministry of Urban Development .

5
Delhi Development Authority

Kindly provide copy of proof of directions/ orders /notification for implementation of Section 4 of the RTI Act to Delhi Development Authority and Available in Ministry of Urban Development

6 Delhi Development Authority (department of Central Government) had not impletion Section 4 of RTII Act, 2005 – till date. Kindly provide copy of correspondence with these Ministry and Public Authority about implementation of Section 4 of RTI Act and directive by Central Information Commission's Directive No. CIC/AT/D/10/000111 Dated 15.11.2010 on Implementation of Section 4 of the RTI Act and Available in Ministry of Urban Development.

7

A Kindly Provide extract of the power of Central Government recommendation as well corrective .

B Kindly Provide copy of (like orders / recommendation) power (recommendation as well corrective) used by Central Government with regard to above mentioned Government department.

C Kindly provide ways , in what way Citizen may help Central Government so that Central Government usefulness in Implementation of Section 4 of

the RTI Act increased.

- 8 Kindly provide Inspection of Ministry of Urban Development records , to know , what Ministry of Urban Development had done till date to comply the fully Right to Information Act, 2005 and records related to matter mentioned in Point 1-7 above.

Kindly provide copy of records pointed out during inspection.

Place: Delhi

Date : 29 June 2017

A handwritten signature in black ink that reads "Rakesh Gupta". The signature is written in a cursive, flowing style.

Signature of applicant RAKESH K. GUPTA

Extracts of CENTRAL INFORMATION COMMISSION's Directive No.CIC/AT/D/10/000111 Dated 15.11.2010 on Implementation of Section 4 of the RTI Act.

Direction to Public Authorities u/s 19(8)(a) of RTI Act

Commission has been noting in its decisions that although the RTI Act has now been in place for five years, a key element of the law – voluntary disclosure by public authorities, enshrined in Section 4 of the Act – has not been fully implemented in letter and spirit. There are, no-doubt, departments and public authorities, which are more transparent and open than the others, but most do not conform to the matrix of disclosure set-out in Section 4.

Transparency has not become such a good idea because of the presence of the RTI Act, but it is good because transparency promotes good governance. Of the records, documents and files held by public authorities, a very large part can be made available for inspection, or be disclosed on request to the citizens, without any detriment to the interest of the public authority. This has not been done, or has still not been systematically addressed, largely because of an intuitive acceptance of secrecy as the general norm of the functioning of public authorities. This mental barrier needs to be crossed.

The following aspects need to be noted:-

(i) Secrecy should be the exception and not the norm, since as stated in the Preamble to the RTI Act, transparency of information is vital to a functioning democracy.

(ii) Often at times public authorities are unable to decide on what records and documents to be made public, or what parts of its action to be made open, mostly because of poor record-management-practices. Therefore, the first step towards promotion of transparency should be an improvement in the record-management practices.

(iii) When the record management practices are fully established in the public authority, the next step is to categorize the documents in terms of what can be disclosed voluntarily and what cannot be voluntarily disclosed.

(iv) The record-management practice, as much as possible, should be technologically driven. Technology should be used for efficient and wide dissemination of information subject to availability of resources and know-how.

(v) While Section 4 allows public authorities “reasonable time” for putting in place a good record management practice supported by technology.

(vi) Section 4 also enjoins Public Authorities to update the proactive disclosures every year.

The time has come now when the public authorities must start a sustained drive to inform their governance practices with transparency and to take the series of small

steps required to put in place a system which promotes it. Section 4 provides only a window to possible actions and, much more will need to be done in order to achieve the type of goals which are envisaged.

the commission further directs that the:

- (i) The information in compliance with Section 4 obligation by public authorities shall be uploaded on a portal to be set up exclusively for this purpose by the CIC.
- (ii) Within 30 days of this order, each public authority shall designate one of their senior officers as “TRANSPARENCY OFFICER” (with all necessary supporting personnel), whose task it will be
 - (a) to oversee the implementation of the Section 4 obligation by public authorities, and to apprise the top management of its progress.
 - (b) to be the interface for the CIC regarding the progress of (a).
 - (c) help promote congenial conditions for positive and timely response to RTI-requests by CPIOs, deemed-CPIOs.
 - (d) to be a contact point for the public in all RTI-related matters.
- (iii) Names of the Transparency Officers shall be communicated to the Commission by public authorities.

(A.N. Tiwari)

Chief Information Commissioner

(Annapurna Dixit) (Satyananda Mishra) (M.L. Shjarma)

Central Information Commissioner Central Information Commissioner Central Information Commissioner

(Shailesh Gandhi) (Sushma Singh) (Deepak Sandhu)

Central Information Commissioner Central Information Commissioner Central Information Commissioner

Authenticated By :-

(Aakash Deep Chakravarti)

Joint Secretary(Law) & Additional Registrar