

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

**Decision No. CIC/SG/C/2011/900911/15246**  
**Complaint No. CIC/SG/C/2011/900911**

Complainant : Mr. C.J Karira  
Plot No. 26, Road No. 1,  
Balamrai Society, Mahendra Hills,  
Secunderabad, Andhr Pradesh– 500 026

Respondent : Registrar – cum- Secretary,  
**Pharmacy Council of India.**  
Combined Council’s Building Road  
Aiwan – E – Ghalib Marg,  
New Delhi – 110 002

**Facts arising from the Complaint:**

Mr. C.J Karira has filed the present Complaint under section 18 of the RTI Act (hereinafter ‘the Act’), with the Commission, stating that the Respondent, which is a public authority as per the said Act, has not published its manuals which should be published in pursuance of its obligations under section 4 (1) (b) of the Act.

The RTI Act 2005, under Section 4 (1) (b) mandates that all public authorities shall *suo moto* disclose information by publishing the same under 16 manuals. The Commission on perusal of the website of the Pharmacy Council of India had found that the said public authority had failed to publish the said manuals. This is in gross violation of the provisions of the Act which reads as under:

“4(1) (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;”*

Public Authorities were not only under an obligation to publish these manuals within 120 days of the enactment of the Act but also to update these manuals at regular intervals or at least once a year. It is pertinent to mention here that the Respondent had failed to fulfill either of its obligations under the Act even after 5 years of its coming into effect, thereby expressing its refusal to abide by the law so enacted. Obligations under section (4) were to be fulfilled by 12<sup>th</sup> October 2005. Such lackadaisical approach defeats the purpose of the legislation enacted for the welfare of the masses and to usher in transparency in the functioning of government institutions.

**The Commission upon receipt of this Complaint contacted the Respondent telephonically and it was assured that the manuals would be published within 15 days time. The Commission has now perused the website of the Council and observes that the manuals have since been published.**

The Right to Information is a fundamental right of the citizens which has been codified by the RTI Act, No. 22 of 2005. The Act envisions that all citizens shall receive information primarily by *suo moto* disclosures by various public authorities as prescribed by section (4) of the act. It further envisages that citizens would be required to specifically ask for information under section (6) only in a few cases. However, when Public Authorities do not fulfill their obligations under section (4), citizens have no way but to seek information under section (6), which in turn becomes a cost for the citizens as well as the government. Disclosures in accordance with Section (4) of the RTI Act are crucial to ensure transparency and accountability in public authorities. This would reduce the load of RTI Applications being filed with each public authority as information would be freely available to citizens and they would not have to apply for it.

## **Decision:**

### **The Complaint is allowed.**

In view of the aforesaid and from the facts before it, the Commission under the powers vested in it by section 19 (8) (a) of the RTI act, hereby directs the following:-

1. The manuals published in pursuant of section 4 (1) (b) of the Act, shall be updated regularly and necessary Standing orders shall be issued in this regard to the concerned officers.
2. The manuals shall be available as hard copy in the office of the CPIO.
3. Manual (xi) should be itemized and the report must be for the previous 2 years and there should also be a report on current budget estimates as per manual
4. A sign board of appropriate dimension shall be installed, mentioning the Name(s), designation(s), contact details including the office address/room number, availability hours and telephone numbers of the Central Public Information Officer(s), Central Assistant Public Information Officer(s) and First Appellate Authority, as the case may be, who have been notified under the RTI act 2005 (in case of a change of PIO or Appellate Authority, the sign board will be updated within ten days of the said change.) Information regarding the requisite fees to be paid under various provisions of the RTI Act 2005, modes of payment and the office where such fee will be accepted. Information regarding information Handbook/manuals published under section 4 (1) (b) of the act; their location and time when they can be accessed should be also mentioned on the board. The exact link/URL to the page on the website of the college/ department where the information handbook can be viewed will also be mentioned. **No acronym/abbreviation should be used. This information shall be inscribed both in English and Hindi, and shall be installed at a location having maximum public view.** This will be maintained by the head of the public authority/ head of institution as the case may be, or the officers so directed by him in writing, so long as the RTI act is in force.
5. The RTI link on the website should read as **“Right to Information Act 2005”**.

The above directions shall be complied by the 30<sup>th</sup> November 2011.

The Respondent shall send a report of compliance of the above directions to this Commission by 5<sup>th</sup> December 2011. The compliance report may be sent to [rtimonitoring@gmail.com](mailto:rtimonitoring@gmail.com), with a copy to the complainant and should contain the following essential information:

1. Measures taken to fulfill disclosure obligations under Section (4) including making information available on official website as well as hard copies of the information at the offices of the Departments.
2. Details of Standing orders issued.
3. Measures put in place to ensure regular updating of the information uploaded on the websites and made available at the offices.

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.

**Shailesh Gandhi**  
**Information Commissioner**  
**20<sup>th</sup> October 2011**

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