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KALEIDO SCOPE

STANDING CONFERENCE OF PUBLIC ENTERPRISES



RTI ACT Promoting
Transparency & Accountability





**SCOPE Academy of
Public Sector Enterprises
(APSE)**



Management Development Program for CPSEs

**Developing Future Leaders:
Challenges and Opportunities for
Middle Level Managers**

Day & Date

**Monday 31st July 2017
to
Friday 4th August 2017**

on Residential Basis

at

Venue: Clarks Amer Hotel, JLN Marg, Jaipur - 302 018

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मंत्री
भारी उद्योग एवं लोक उद्यम
भारत सरकार



Minister of
Heavy Industries & Public Enterprises
Government of India

अनंत ग. गीते
ANANT G. GEETE



MESSAGE

I am extremely happy to note that SCOPE is bringing out a **Special Issue of KALEIDOSCOPE on Transparency and Right to Information Act** showcasing good practices being adopted by Public Sector Enterprises (PSEs). The Special Issue will also include articles/papers by eminent professionals which will help in gaining better understanding of the Act and its smooth implementation.

RTI Act is a landmark legislation which empowers citizen of India to seek information from public authorities, thereby promoting transparency and accountability in these organizations. PSEs have taken a number of initiatives to ensure that provisions of RTI Act are implemented in true letter and spirit. SCOPE, on its part, has been playing a crucial role in promoting best practices and resolving issues concerning PSEs on RTI.

I compliment SCOPE for promoting transparency, accountability and overall excellence in PSEs.


(Anant G. Geete)

R. K. MATHUR
Chief Information Commissioner



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Message

It gives me immense pleasure to know that Standing Conference of Public Enterprises (SCOPE) is coming out with special issue of KALEIDOSCOPE on Transparency and Right to Information Act (RTI).

Information is empowerment both for the Central Public Sector Units (CPSUs) and information Sectors. This is because RTI Act ensures transparency and accountability both of which are pillars of good corporate governance. With the help of this legislation, Public Sector Enterprises have been able to enhance their brand image and have become more competitive in the international market. People can assist the public sector in bringing out more transparency, accountability and better management in PSUs through information made available under this Act.

I appreciate and compliment SCOPE as an apex Public-Sector Organisation for taking these proactive and progressive steps under RTI Act and encouraging more transparency in their functioning. I wish SCOPE all the success for the magazine and extend my best wishes for all their endeavours.


(Radha Krishna Mathur)

CHAIRMAN'S DESK



Free flow of information and transparency are important pillars of good governance. An informed citizenry is vital for the functioning of a true democracy. The Right to Information Act 2005 is a landmark legislation which empowers citizens of India to seek information under the control of public authorities, thereby promoting transparency and accountability in their functioning. It is a powerful Act to contain corruption, encourage people's participation in decision making process, and enhance efficiencies for socio economic development of the country. It has been nearly 12 years since this Act has been in existence and there is no doubt that the Act has played a pivotal role in ensuring greater probity, openness, and transparency in the functioning of public authorities.

Public Sector Enterprises (PSEs) have excelled in best practices of corporate governance. Transparency and ethical business practices are the corner stones of their functioning. They have implemented the Act in true letter and spirit. They have been complying with the provisions of the Act and have created required infrastructure for its successful implementation. Creation of RTI Cell, proactive disclosures on websites, timely response to citizens request to information, capacity building programmes, proper record management systems and robust mechanisms are some of the noteworthy initiatives of PSEs. Their transparent approach to business operations have instilled trust and confidence of various stakeholders in them.

SCOPE, the apex body of PSEs, has been making endeavours for holistic development of PSEs including the smooth implementation of RTI. A Steering Committee has been formed to deliberate issues concerning PSEs in the area of RTI. SCOPE has also instituted SCOPE Meritorious Award for RTI Act 2005 Compliance to recognize the efforts of PSEs. From time to time, various programmes, workshops, interactive sessions have been organized for sharing good practices and learning from each other's experiences. Awareness and experience sharing workshop on RTI have also been organized in different regions of the country. These programmes have been found very informative and beneficial by PSE executives.

Though the PSEs have demonstrated their true commitment towards RTI Act, SCOPE has been receiving some suggestions and also concerns from PSEs. One of the concerns relates to

a large number of vexatious and frivolous applications, which has become huge burden in terms of time and cost. The misuse of the Act for vested interests has been a matter of grave concern which is adversely affecting the performance of enterprises. Efforts should be made to discourage use of RTI for seeking unreasonable information.

With a view to provide a platform to PSEs to deliberate on issues relating to RTI, SCOPE is organizing a National Meet of CPIOs, PIOs, Appellate Authorities in New Delhi. The Meet will provide excellent opportunities to the participants to clarify their queries and evolve practical solutions. I am sure, PSEs will take benefit of this Meet as this will help in better understanding of the Act and its smooth implementation. On this occasion, SCOPE is also bringing out a Special Issue of KALEIDOSCOPE which showcases good practices adopted by PSEs and also carries insightful contribution from experts.

I take this opportunity to thank PSEs and eminent experts for their rich contribution to the Special Issue. I hope the readers will find this issue very informative and useful.

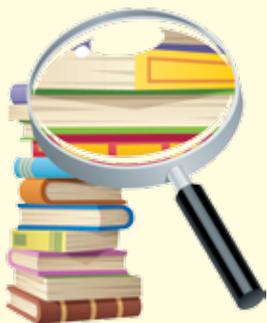


(Ved Prakash)
Chairman, SCOPE

Widening the Ambit of RTI Act for Inclusivity



Dr. U.D. Choubey
Director General, SCOPE



The public sector has always followed high standards of transparency and accountability in their functioning. As an extended arm of the government, the Public Sector Enterprises (PSEs) have embraced the RTI Act in letter and spirit. They have put in place systems and processes to be more compliant in their approach towards implementation of RTI Act.

The last few years have seen an unprecedented increase in public awareness about Right to Information or Freedom of Information. There is growing concern among people to know how the decisions are made in political and economic sphere for the welfare of the society and the socio economic development of country. As a result, there has been worldwide increase in enactment of Right to Information Laws/ Acts which has ushered in a new era of transparency, openness and good governance.

India became the 48th country in the world to enact Right to Information Act. The Act has been enacted to strengthen basic tenets of democracy and make it more participatory by empowering citizens to access information, thus ensuring greater transparency and accountability and improving governance. The Act is a huge step forward in improving quality of governance promoting judicious use of resources, increasing efficiencies in the systems and improving delivery

mechanisms so that the benefit reaches the targeted beneficiaries. In fact, it serves as an instrument of effective governance and inclusive growth.

The public sector has always followed high standards of transparency and accountability in their functioning. As an extended arm of the government, the Public Sector Enterprises (PSEs) have embraced the RTI Act in letter and spirit. They have put in place systems and processes to be more compliant in their approach towards implementation of RTI Act. Creation of Separate RTI Cell, appointment of CPIOs/ APIOs, online processing of applications, relevant information disclosure on the website reflect the true spirit with which PSEs are implementing the Act. Adoption of new technology, digitization of documents and records have reduced time, cost and facilitated transparent and efficient operations. The RTI Act has in fact, further enhanced the standards of corporate governance and good image of PSEs.

Globally, a strong co-relation between corruption and some form of RTI or Freedom of Information laws has been found. A study of ten least corrupt countries has highlighted a long history of such laws being responsible for good governance and development of the country vis-à-vis most corrupt countries. Good governance is increasingly seen as an instrument of economic and social development to the extent that many countries have even brought political parties under the ambit of RTI or Freedom of Information laws.

A total of 44 countries, including France, Sweden, Italy, Japan, Poland, Kazakhstan and Nepal, have brought political parties under transparency laws making it mandatory to disclose information about their source of income, donation details, assets, liabilities, expenditure & campaign expenditure.

Though this may be farfetched in India right now as even private and non-government sector do not come under the ambit of RTI, it is not a bad idea to ultimately move in that direction. India is a vast country with a population of about 1.2 billion. It faces the challenge of making the development process more inclusive, faster and sustainable. For better living environment of its people, it is making substantial investment in social sectors like health, education, basic amenities etc. As most of these areas are still not covered under any statutory or regulatory framework, chances of malpractices are very high which can result insurmountable economic loss and slower economic growth.

Increasing investment is also

being made in infrastructure development to create a multiplier effect on overall development. Since infrastructure projects require huge investment and have long gestation period, the government is encouraging PPP mode, involving both public and private sectors to accelerate development process in the country.

India became the 48th country in the world to enact Right to Information Act. The Act has been enacted to strengthen basic tenets of democracy and make it more participatory by empowering citizens to access information, thus ensuring greater transparency and accountability and improving governance. The Act is a huge step forward in improving quality of governance promoting judicious use of resources, increasing efficiencies in the systems and improving delivery mechanisms so that the benefit reaches the targeted beneficiaries. In fact, it serves as an instrument of effective governance and inclusive growth.

Under such a scenario, it present a very strong case to bring checks and balances in private corporate sector, as to promote transparency in the system of procurement and overall governance thus curbing corruption. As RTI is a formidable tool to promote transparency and reduce incidences of malpractices from public sphere, widening the ambit of RTI is an essential pre-requisite. This will not only ensure a level playing field between two entities but will also bring transparency in economic and commercial sphere and also foster greater responsiveness towards overall development. The RTI Act today covers only government sector including PSEs broadly based on the premise that the sector uses public money. But this needs to be taken into account that all money is public money as private sector and NGOs also mobilize resources directly or indirectly from public or tax payers money.

As such, not only RTI but also proper audit including CAG audit to bring more transparency and accrue in the corporate sector in case of PPP. Similarly, all the NGOs need to be covered under the RTI Act as they handle large public money and are not enrolled through statutory/regulatory norms.

The Act has been in force for nearly 12 years. It has no doubt brought perceptible change in terms of transparency, accountability, empowerment and wider participation of various stakeholders in decision making process. More and more people are using RTI seeking varied information. The institution of CIC has taken innovative methods to spread the access of information which include

greater use of advanced technology, national RTI helpline, use of video conferencing for CIC hearing, online filing of appeals and complaints etc.

RTI Act has, undoubtedly, improved transparency and accountability and PSE brand in domestic and international market. However, there are some impediments which reduce its efficacy. PSEs, on account of their constitution and parliamentary accountability, are accountable to large many complex and heterogeneous checks and balances and RTI Act is another addition in the system. Therefore, multilayer system of checks and balances need convergence for clarity and smooth functioning.

The foremost important thing while providing information as per the act is to strike a balance between transparency and confidentiality. The RTI Act must have certain safeguards which can promote transparency while protecting the necessary privacy and confidentiality lest an organization loses its competitive edge. For example, in United Kingdom if information can reasonably be accessible by other means then it is exempted in the Freedom of Information Act. Similarly, such a provision must exist in the RTI Act so that it is truly used for the purpose it is meant.

Also, a PSE must also have the same privileges in seeking information from a private sector enterprise so that it creates a level-playing field. Such a level-playing field between government and non-government sectors rests on the principle of equity, especially when the listed private player or NGO is holding public money



through shareholders and financial institutions.

Despite proactive disclosure of information, the number of frivolous and vexatious applications is increasing by the day. Such frivolous and vexatious applications need to be tackled properly under the Act. Habitual information seekers who file applications to meet their vested interest must be dealt with separately and there should be penalties for seeking irrelevant queries, particularly with ill-motives. This is a must so that the whole purpose of the Act does not get defeated. Sometimes, all the efforts and administrative time put in by the CPSE becomes futile when the information is returned because of wrong address given by the applicant. This may happen when RTI Act is misused to create hurdles and cause delays in important projects. Hence, the Act should not be allowed to be misused by persons with vested interest and that has no larger public interest.

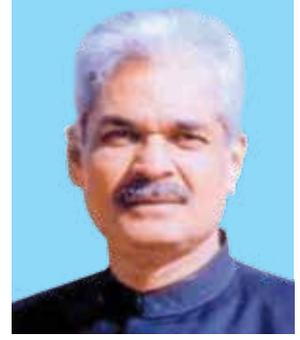
There is also a need for capacity building by enhancing the number of trained manpower both in the institution of Chief

Information Commission (CIC) and CPSEs to tackle the large number of queries. Besides, clarity on the government policies and guidelines should be ensured. A Department of Personnel and Training (DOPT) circular dated 15.4.2013 envisages disclosure of information related to public-private partnership (PPP) by the public authority. But, as of now, PPPs do not fall under the ambit of the RTI Act.

The Circular further requires all the private and public authorities to be audited by third parties every year and the report uploaded on their respective websites. But the guidelines for the audit are yet to be framed and published by the DoPT. This kind of confusion should be avoided and all the government departments should function in tandem to ensure clear dissemination.

We are now entering the more advanced phase of the RTI regime. Addressing these issues will clearly help to make the Act more inclusive with greater clarity for ensuring its effective implementation and to uphold the spirit of the Act for which it was envisioned ■

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सूचना आयुक्त

भारतीय अर्थव्यवस्था के विकास में सार्वजनिक क्षेत्र के उद्यमों का अत्यंत महत्वपूर्ण योगदान रहा है। एक ओर जहां वे उद्योगों के बेहतर संचालन का नमूना प्रदर्शित करते हैं, वहीं दूसरी ओर कारपोरेट सोशल रिस्पॉन्सबिलिटी सीएसआर के जरिए वे अपनी सामाजिक जिम्मेदारी का निर्वहन करते हैं। इसी प्रकार उन्होंने जन सूचना अधिकार अधिनियम को अधिक प्रभावी एवं कारगर बनाने में भी अपनी महत्वपूर्ण भूमिका निभाई है। मुझे हर्ष है कि स्कोप द्वारा पारदर्शिता और सूचना अधिकार अधिनियम विषय पर एक विशेष संस्करण प्रकाशित किया जा रहा है, जिसमें इस विषय से जुड़े सभी महत्वपूर्ण मुद्दों पर विश्लेषण का प्रकाशन किया जाएगा। यह प्रयास न केवल सामयिक होगा, बल्कि विभिन्न सार्वजनिक उपक्रमों से जुड़े 13 लाख अधिकारियों एवं कर्मचारियों को भी इससे विशेष प्रेरणा मिलेगी।

सबसे पहला आरटीआई आवेदन 12 अक्टूबर, 2005 को पुलिस स्टेशन पुणे शहर में दाखिल की गयी। तब से सूचना अधिकार पद्धति ने पिछले 12 वर्षों का लम्बा सफर तय कर लिया है, जिसमें इसे अपार सफलता मिली है। जितनी सूचना इस अधिनियम के माध्यम से नागरिकों द्वारा मांगी गयी है, यह इस बात का परिचायक है कि इस पद्धति को जन साधारण का अभूतपूर्व समर्थन प्राप्त हुआ है।

परिवर्तन का प्रबंधन (Management of Change) एक महत्वपूर्ण विषय है, जो एमबीए की कक्षाओं में पढ़ाया जाता है तथा सार्वजनिक एवं निजी उपक्रमों द्वारा भी इस दिशा में गंभीर प्रयास किये जा रहे हैं। जन सूचना अधिकारियों की तरफ से भी इसके प्रति एक सकारात्मक प्रतिक्रिया दी जा रही है और आशा है कि निकट भविष्य में इस दिशा में और प्रगति होगी।

सूचना अधिकार अधिनियम के लागू होने के एक दशक बाद समाज के विभिन्न वर्गों तथा सूचना पद्धति से जुड़े विभिन्न घटकों ने इस पद्धति की समीक्षा की और लगभग सभी घटकों ने यह माना कि सूचना अधिकार अधिनियम नागरिकों के सशक्तिकरण की दिशा में एक सशक्त माध्यम के रूप में उभरा है। एस.सी.ओ.पी.ई. (Standing Committee of Public Enterprises) ने भी इस अधिनियम के क्रियान्वयन की समीक्षा की। इसकी समीक्षा के निष्कर्ष के अनुसार और 50 प्रतिशत से भी कम लोक प्राधिकारियों ने सूचना अधिकार अधिनियम की धारा 4(1)(बी) के तहत सूचना का अग्रसक्रिय प्रकटन किया है। स्कोप ने इस तथ्य को भी स्वीकार किया कि ज्यादा से ज्यादा आवेदन कर्मचारियों की व्यक्तिगत व्यथा से संबंधित हैं। साथ ही उसने जन सूचना अधिकारियों एवं प्रथम अपीलीय अधिकारियों के प्रशिक्षण

के बारे में गंभीरता से एक अभियान चलाने की आवश्यकता को भी महसूस किया। स्कोप के उक्त निष्कर्ष निश्चित रूप से महत्वपूर्ण हैं।

सिविल सोसायटी संगठनों की समीक्षा में जो तथ्य निकलकर सामने आए उनमें कुछ मुख्य यह हैं कि लोक प्राधिकारियों द्वारा सूचना अधिकार अधिनियम की धारा 8 के अंतर्गत सूचना का अधिकाधिक अस्वीकरण किया जा रहा है। प्रथम अपीलीय अधिकारी सूचना अधिकार अधिनियम द्वारा निर्धारित अपने दायित्वों का निर्वहन ठीक तरीके से नहीं कर रहे हैं। सूचना निर्धारित समय पर नहीं मिल रही है और विलम्ब से प्राप्त सूचना महत्वहीन हो जाती है। इनकी एक अन्य मुख्य शिकायत है – लोक प्राधिकारियों द्वारा सूचना अधिकार अधिनियम की धारा 5(4) की अपेक्षा 6(3) का अधिकाधिक प्रयोग। उपरोक्त संदर्भ में सूचना अधिकार अधिनियम की पद्धति को और सशक्त बनाने के लिए गंभीरता से प्रयास किये जाने की आवश्यकता है। आज वो समय आ गया है जब हम गंभीरता से उन पहलुओं पर अपना ध्यान केन्द्रित करें, जो बार-बार इस पद्धति में उभर कर सामने आते हैं। कुछ ऐसे बिंदुओं पर मैं आपका ध्यान आकर्षित करना चाहूंगा:-

- 1 puk vf/kdkj vf/kfu; e dh /kjk 4(1) %ch/2 ds varxZ: vxl f0;

RTI SCOPE तथा अन्य नागरिक सामाजिक संगठनों, दोनों ही इस तथ्य से सहमत हैं कि सूचना अधिकार अधिनियम की धारा 4(1)(बी) के अंतर्गत लोक प्राधिकारियों द्वारा अग्रसक्रिय प्रकटन आज भी अपेक्षित स्तर पर नहीं हुआ है। अधिकांश लोक प्राधिकारियों को इस दिशा में और पहल करने की आवश्यकता है। मेरी राय है कि इस संदर्भ में एक मुख्य समस्या यह भी रही है कि सूचना अधिकार अधिनियम की धारा 4(1)(बी) के अंतर्गत प्रकाशित किये जाने वाली सूचना पर भी लोक प्राधिकारियों में मत-वैभिन्य की स्थिति है। लोक प्राधिकारी यह सुनिश्चित नहीं कर सकते हैं, कि कौन-कौन सी सूचना को अग्रसक्रिय रूप से प्रकट और अद्यतन किया जाए। ऐसी स्थिति में मेरा सुझाव यह होगा कि, वैसे तो 4(1)(बी) में दस्तावेजों के वर्गीकरण और प्रकटन के संबंध में जानकारी दी गयी है, पांच महत्वपूर्ण शीर्षकों, यथा—चार्टर ऑफ ड्यूटी, विभिन्न अधिकारी, बजट, परियोजनाएं तथा व्यवस्थापन/प्रबंधन, के अंतर्गत सारी महत्वपूर्ण जानकारी को प्रकट की जाने की शुरुआत की जा सकती है। प्राधिकरण में उपलब्ध दस्तावेजों का समुचित तरीके से वर्गीकरण करना, उन्हें सूचीबद्ध करना और उपलब्ध संसाधनों के आलोक में उनका कंप्यूटरीकरण करना और दस्तावेजों की प्रकृति के आधार पर उनका अग्रसक्रिय प्रकटन करना अनिवार्य है। जितनी शीघ्रता से इस लोक प्राधिकारियों द्वारा इस लक्ष्य की पूर्ति कर ली जाएगी, इससे संबंधित सूचना आवेदनों का निस्तारण उतना ही सुगम होगा। यहां मैं यह भी कहना चाहूंगा कि ऐसे प्रकटन से सूचना आवेदनों की संख्या में कमी आएगी अथवा नहीं, लेकिन इससे संबंधित आवेदनों के निस्तारण की प्रक्रिया काफी सुगम हो जाएगी।

• **1 puk vf/kdij vf/kfu; e% , d f'kdj r fuokj.k i) fr%** यह सर्वविदित है कि ज्यादा से ज्यादा आवेदन, जो सार्वजनिक उपक्रमों में इस



सबसे पहला आरटीआई आवेदन 12 अक्टूबर, 2005 को पुलिस स्टेशन पुणे शहर में दाखिल की गयी। तब से सूचना अधिकार पद्धति ने पिछले 12 वर्षों का लम्बा सफर तय कर लिया है, जिसमें इसे अपार सफलता मिली है। जितनी सूचना इस अधिनियम के माध्यम से नागरिकों द्वारा मांगी गयी है, यह इस बात का परिचायक है कि इस पद्धति को जन साधारण का अभूतपूर्व समर्थन प्राप्त हुआ है। परिवर्तन का प्रबंधन (Management of Change) एक महत्वपूर्ण विषय है, जो एमबीए की कक्षाओं में पढ़ाया जाता है तथा सार्वजनिक एवं निजी उपक्रमों द्वारा भी इस दिशा में गंभीर प्रयास किये जा रहे हैं। जन सूचना अधिकारियों की तरफ से भी इसके प्रति एक सकारात्मक प्रतिक्रिया दी जा रही है और आशा है कि निकट भविष्य में इस दिशा में और प्रगति होगी।

अधिनियम के अंतर्गत दाखिल किये जाते हैं, वो व्यक्तिगत शिकायतों से संबंधित होते हैं। सूचना आवेदनों की त्रैमासिक अथवा मासिक समीक्षा से सार्वजनिक उपक्रमों के शीर्ष अधिकारी को यह स्पष्ट आभास मिलेगा कि उनके कौन-से तंत्र/प्रणाली में सुधार की आवश्यकता है। वर्तमान में उल्लेखनीय है कि अपवादों को यदि छोड़ दिया जाए, तो कोई भी आम नागरिक, सूचना केवल सूचना के लिए नहीं मांगता है। वांछित सूचना की विवेचना करते समय जरूरत इस बात की होनी चाहिए कि मांगी गई सूचना में अंतर्निहित तथ्यों पर ध्यान केन्द्रीत किया जाए तथा इस अधिनियम के प्रावधानों के अंतर्गत रहते हुए संबंधित शिकायत का समाधान प्रस्तुत करने की कोशिश की जाए। अतः लोक उपक्रमों के दृष्टिकोण में इस तरह से बदलाव लाये जाने की आवश्यकता है कि सूचना आवेदनों को सिर्फ निस्तारण करने की दृष्टि से न देखा जाए, बल्कि उनके जरिए उनमें उठाए गए मुद्दों के आधार पर प्रणाली में गुणात्मक सुधार करने का प्रयास भी किया जाए।

• **iEke vihyh vf/kdijh dh Hfedl%** सूचना अधिकार प्रणाली को सफल बनाने की दिशा में प्रथम अपीलीय अधिकारी की भूमिका काफी महत्वपूर्ण साबित हो सकती है,



क्योंकि पदनामित प्रथम अपीलीय अधिकारी, न केवल पद एवं प्रतिष्ठा में जन सूचना अधिकारी से वरिष्ठ होता है, बल्कि उसकी अधिकारिता भी बृहद होती है और सबसे बड़ी बात यह है कि किसी शिकायत विशेष के संदर्भ में एक प्राधिकरण से जुड़े तथ्यों एवं उसकी वस्तुस्थिति की उसे बेहतर समझ होती है। कई प्रकरणों में ऐसा पाया जाता है कि प्रथम अपीलीय अधिकारी या तो अधिनियम द्वारा निर्धारित अपने कर्तव्यों का अनुपालन ही नहीं करते हैं अथवा यदि ऐसा किया भी जाता है, तो बगैर मामले का परीक्षण किए या तो अपीलकर्ता, या फिर जन सूचना अधिकारी के पक्ष में एकतरफा आदेश पारित कर दिया जाता है। दोनों ही परिस्थितियों में यह समुचित अनुपालन नहीं कहा जा सकता है, क्योंकि अपीलकर्ता के विरोध में दिया गया निर्णय एक नागरिक के सूचना के अधिकार को समाप्त कर देता है तो दूसरी तरफ जन सूचना अधिकारी को ऐसी सूचना प्रदान करने के लिए बाध्य किया जाता है, जिसे उपलब्ध कराना, अव्यवहारिक, श्रमसाध्य एवं समयसाध्य होता है और प्राधिकार के संसाधनों पर भार भी होता है। अतः सूचना अधिकार अधिनियम के सफल क्रियान्वयन के लिए प्रथम अपीलीय

अधिकारियों को समय-समय पर विशेष रूप से प्रशिक्षण प्रदान किये जाने की आवश्यकता है।

• **l puk vf/kdij vf/kfu; e dk nq lk kx%** विशेष रूप से स्कोप की समीक्षा का एक महत्वपूर्ण निष्कर्ष इस अधिनियम के दुरुपयोग के रूप में सामने आया है। इससे न केवल लोक प्राधिकारियों के समय एवं श्रम का अपव्यय होता है, बल्कि इस अधिनियम से संबंधित अन्य आवश्यक मामलों में निर्णय भी प्रतिकूलता से प्रभावित होते हैं। मैं इस बात से सहमत हूँ कि लोक प्राधिकारियों के पास बहुत सारे ऐसे आवेदन भी दाखिल किये जाते हैं, जिनका कोई विशिष्ट उद्देश्य नहीं होता है। संभवतः ऐसे आवेदन लोक प्राधिकारियों को तंग करने के उद्देश्य से ही दाखिल किये जाते होंगे। लेकिन यहां एक उल्लेखनीय तथ्य यह है कि सूचना अधिकार अधिनियम में ही ऐसे आवेदनों को निस्तारित करने हेतु बहुत सारे उपाय अधिकथित हैं। लोक प्राधिकारियों को चाहिए कि वे उन उपायों का सहारा लें। आयोग भी ऐसे आवेदनों का निस्तारण करते हुए अधिनियम के ऐसे संगत प्रावधानों का उपयोग करता है।

• **Hfe fjdkMZ dk izaku%** मामलों का न्यायनिर्णयन करते समय एक विशेष प्रकार की सूचना/दस्तावेजों की मांग अक्सर आयोग के सामने आती है, वह है—भूमि से संबंधित रिकार्ड। भारतवर्ष में जमीन से जुड़े प्रश्न अत्यंत संवेदनशील होते हैं। कोल इंडिया लिमिटेड और इसके सहायक ईकाईयों के संदर्भ में रिकार्ड के अनुरक्षण के प्रति कोई निश्चित नीति नहीं है। कभी 30 से 35 वर्ष की सूचना/दस्तावेज भी उपलब्ध करा दिये जाते हैं और कभी 5 से 7 वर्ष के दस्तावेज भी काफी पुराने हो जाते हैं। दिलचस्प तथ्य यह है कि ऐसे प्रश्नों का उत्तर भी किसी निश्चित नियम/प्रक्रिया के अंतर्गत नहीं दिये जाते हैं। अक्सर लोक प्राधिकारियों से यह दलील सामने आती है कि रिकार्ड उपलब्ध नहीं हैं। आयोग अक्सर इस तथ्य पर बल देता है कि प्रत्येक लोक प्राधिकारियों के पास उनके द्वारा धारित दस्तावेजों की प्रकृति के अनुसार एक सुपरिभाषित रिकार्ड रिटेन्शन शिड्यूल होना अनिवार्य है, क्योंकि केवल यह जवाब कि रिकार्ड उपलब्ध नहीं हैं, न तो न्यायोचित है और न ही विधिसम्मत। उल्लेखनीय है कि अधिगृहित जमीनों से संबंधित भूमि दस्तावेज काफी महत्वपूर्ण दस्तावेज हैं और काफी पुराने दस्तावेजों की अनेकों मांग आयोग के समक्ष आती रहती है। प्रत्येक संगठन का एक रिकार्ड रिटेन्शन शिड्यूल होना अनिवार्य है। इससे न केवल रिकार्डों का प्रबंधन बेहतर हो जाएगा बल्कि उन्हें आसानी से खोज पाना भी संभव हो जाएगा। अंत में यहां यह उल्लेख प्रासंगिक होगा कि सूचना का अधिकार अधिनियम को पूरे विश्व में चौथा सर्वश्रेष्ठ अधिनियम घोषित किया गया है। सार्वजनिक उपक्रमों की यह जवाबदेही है कि इस पद्धति को अपने सर्वोत्तम कार्यशैली के जरिए विश्व का सर्वश्रेष्ठ अधिनियम बनाने की कोशिश करें। ■

Girish case is no Precedent

Public servant's misconduct is not his family affair



Prof. M. Sridhar Acharyulu
Central Information
Commissioner

Summary of presentation in CIC organized Seminar on "Implementation of RTI", attended by Information Commissioners from all over India on 19.5.2017

The RTI Act was made in 2005 to make every public office and servant answerable. Even as secrecy is being replaced by transparency in most of the Government offices with this Act, a 2012 order of Supreme Court was used to build secrecy around complaints and punishments for misconduct by public servants.

More than 60 percent RTI applications are rejected by using order of Supreme Court in *Girish Ramachandra Deshpande* case. This pocket pistol decision was used to shoot down RTIs. The DoPT, which being a nodal agency to implement RTI has quickly issued an Office Memorandum (OM) directing PIOs to deny requests for such information.

Girish was an applicant seeking copies of complaints and departmental action against one public servant, which was denied by PIO, First Appellate Authority and Information Commission saying it as his personal information. *Girish's* writ petition was rejected. In 2011 the Bombay

High Court Division Bench (DB) also dismissed Letters Patent Appeal. Relentlessly *Girish* filed Special Leave Petition (SLP) before Supreme Court, which also was dismissed in 2012. The apex court ruled that "the performance of employee/officer in public office is primarily a matter between employer and employee, those aspects are governed by service rules, which fall under 'personal' category and its disclosure causes unwarranted invasion of privacy of those officers". Six authorities in a row ignored the fact that here employer is not a private shop but the Government of the people, who should know about misconduct of their servants.

The question is: Whether apex court order in *Girish* is legally binding precedent? No. Supreme Court just dismissed special leave, which is not full-fledged hearing of appeal.

Article 136 Constitution of India says "Notwithstanding anything in this Chapter, the Supreme Court may, in its discretion, grant special leave to appeal from any judgment,

decree, determination, sentence or order in any cause or matter passed or made by any Court or Tribunal in the territory of India". On the other hand, Article 141 says *the law declared by the Supreme Court shall be binding on all courts within the territory of India.* Whether dismissal of SLP under Article 136 will also amount to declaration of law (precedent) under Article 141? No.

The apex court ascertained in **Kunhayammed v State of Kerala** (2000), that it can reverse, modify or affirm the judgment appealed from in appellate jurisdiction (u/A 141), but not in discretionary jurisdiction u/A 136, which power has to be exercised sparingly. After admitting SLP, and SC agreed with HC on merits, both judgments merge to form law. If dismissal of SLP was with reasons, then also it is no law, though it binds the parties. This principle was laid down by the apex court in **Dhakeshwari Cotton Mills** case, 1955, and reiterated in *Hari Singh*, 1993 saying "dismissal of SLP will



not create any precedent". Thus Girish where SLP was dismissed, though with reasoning is no declaration of law.

This was reaffirmed in *Bhakra Beas Management Board v. Krishan Kumar Vij.*, (2010). It was explained: "Even if the merits have been gone into, they are the merits of the special leave petition only. In our opinion neither doctrine of merger nor Article 141 of the Constitution is attracted to such an order".

When Girish order can't be a precedent, Bombay HC order could be a precedent but only in territory Maharashtra. Even that is not so, because there are several precedents established by Supreme Court contradicting *Girish*.

Most important order is that of SC in *R Rajgopal* (1996) saying "any right to privacy must encompass and protect the personal intimacies of the home, the family, marriage, motherhood, procreation and child-rearing. None can publish anything concerning the above matters without his consent - whether truthful or otherwise and whether laudatory or critical". Information that formed part of public record or court

record does not give rise to any privacy, except in cases of female victims in sexual crimes. If an IAS officer or a subordinate employee embezzles public funds leading to punishments or disciplinary

There are several High Court orders diluting Girish further. Bombay HC in *Surup Singh Naik v Maharashtra (2007)* said what cannot be denied to Parliament should not be denied to citizen [Proviso to S 8(1) or RTI Act]. In this case disease related information of a convicted minister was held not personal. In *DP Jangra v SIC (2001)* and in *Omprakash v Uttarakhand (2012)*. High Courts made it clear that information about assets of public servant is matter of public interest.

action, how can that be his 'family affair'? If misappropriation or misconduct of public servant is declared as his private affair, that will be the end of Right to Information.

Apex court further explained 'privacy' in several cases, for instance in *Naz Foundation (2011)* citizen's sexual relations was protected. In *PUCL v UoI (2003)*, and *ADR v UoI (2002)* information about education, criminal cases and properties of contestant's public servants was held to be in public domain.

Surprisingly *Girish* case says even property statements are personal through Lokpal Act, the Parliament made it clear that every public servant has to publish annual property statements. In *PUCL v UoI (1997)* apex court justified the phone tapping, if is done as per procedure established by law.

There are several High Court orders diluting *Girish* further. Bombay HC in *Surup Singh Naik v Maharashtra (2007)* said what cannot be denied to Parliament should not be denied to citizen [Proviso to S 8(1) or RTI Act]. In this case disease related information of a convicted minister was held not personal. In *DP Jangra v SIC (2001)* and in *Omprakash v Uttarakhand (2012)* High Courts made it clear that information about assets of public servant is matter of public interest. Kerala High Court (DB) in *Centre for Earth Sciences Studies v. Anson Sebastian (2010)* and Delhi HC in *UPSC v RK Jain (2012)* held disclosure regarding domestic enquiry was not prohibited.

The pocket pistol without bullets and this OM need to be buried ■

RTI and Digitization



Bimal Julka¹

Information Commissioner
Central Information
Commission

Democratic government stands on two pillars namely; transparency and accountability as it is the fundamental goal of a democratic government to put peoples will into action and be answerable to people for the same. Over 95 countries around the world have implemented some form of Freedom of Information Legislation. Sweden's Freedom of Press Act, 1766, is the oldest law in the world with regard to dispensation of information to the public at large. Thus, an easy and reliable access to information for people all over the world is a paramount requisite of every democratic republic and the Right to Information Act, 2005 in India, is a fine example to it, which aims to suffice the objective of effective and smoother delivery of information to the people. The Preamble/ Short Title of the RTI Act, 2005 reads as under:

"An Act to provide for setting out the 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, the constitution of a Central Information Commission and State Information Commissions and for matters connected therewith or incidental thereto."

Genesis of RTI Act, 2005: Constitutional Perspective

The Right to Information regarding the functioning of public institutions owes its genesis to Article 19 (1) (a) of the Constitution of India. The Hon'ble Supreme Court has declared in a plethora of cases that the most important value for the functioning of a healthy and well informed democracy is transparency. The Constitution Bench judgment of this Court in the case of State of U.P. vs. Raj Narain, AIR 1975 SC 865, ruled that it is a Government's responsibility like ours, where all the agents of the public must be responsible for their conduct, there can be but few secrets. The people of this country have a right to know every public act,

everything that is done in a public way, by their functionaries. The right to know, which is derived from the concept of freedom of speech, though not absolute, is a factor which should make one wary, when secrecy is claimed for transactions which can, at any rate, have no repercussion on public security. To cover with veil of secrecy, the common routine business is not in the interest of public.

In the case of *S.P. Gupta v. President of India and Ors.*, AIR 1982 SC 149, a seven Judge Bench of this Court made the following observations regarding the Right to Information:-

".....Now, if secrecy were to be observed in the functioning of Government and the processes of Government were to be kept hidden from public scrutiny, it would tend to promote and encourage oppression, corruption and misuse or abuse of authority, for it would all be shrouded in the veil of secrecy without any public accountability. But if there is an

¹ Views of the author are personal and do not reflect the views of the Central Information Commission.

open Government with means of information available to the public, there would be greater exposure of the functioning of Government and it would help to assure the people a better and more efficient administration. There can be little doubt that exposure to public gaze and scrutiny is one of the surest means of achieving a clean and healthy administration. It has been truly said that an open Government is clean Government and a powerful safeguard against political and administrative aberration and inefficiency.”

In the case of the *Union of India vs. Association for Democratic Reforms*, AIR 2002 SC 2112, a three Judge Bench of this Court held unequivocally that:- “The right to get information in a democracy is recognized all throughout and is a natural right flowing from the concept of democracy (Para 56).”

The Hon’ble Supreme Court in the case of *PUCCL vs. Union of India*, (2003) 4 SCC 399, had held that “.....It should be properly understood that the fundamental rights enshrined in the Constitution such as, right to equality and freedoms have no fixed contents. From time to time, this Court has filled in the skeleton with soul and blood and made it vibrant. Since the last more than 50 Years, this Court has interpreted Articles 14, 19 and 21 and given meaning and colour so that the nation can have a truly republic democratic society.”

The result of continuous pressure by various stakeholders resulted in the formulation of the Freedom of Information Act (“FOI”) in the year 2002 by the Parliament. Even though the legislation

was lauded to be a landmark in the history of India yet in order to ensure greater and more effective access to information, the National Advisory Council and others suggested certain changes. In view of the significant changes proposed, and to effectuate the right to information recognized under Article 19 of the Constitution of India, 1950, it was decided to repeal the Freedom of Information Act, 2002 and enact the Right to Information Act, 2005.

The RTI Act, 2005, as noted in its very preamble, does not create any new right but only provides machinery to effectuate the fundamental right to information. The institution of the CIC and the SICs are part of that machinery.

Role of RTI for Good Governance

RTI Act, 2005 is enacted for four primary objectives:

This Act ensures to eradicate any kind of corruption in Public Authority by providing mandatory obligation to the Public Authority to ensure to disseminate the information sought by the Indian citizen within a certain time period with nominal fee. Moreover, Section 4(1)(b) imposes Public authority to maintain and provide access all the information specified in the Section 4(b) by applying suo moto action.

- Greater Transparency in functioning of public authorities.
- Improvement in accountability and performance of the Government.
- Promotion of partnership between citizens and the Government in decision making process; and
- Reduction in corruption in the Government departments.

The basic scheme of the Act is detailed below

- To secure access to information under the control of public authorities
- To promote transparency and accountability in the working of every public authority by way of Suo Motu Disclosure of Information

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- The constitution of a Central Information Commission and State Information Commissions
- Timely response to RTI applications and First Appeals
- Matters connected to Public Authority or incidental thereto

Categorization of RTI queries encountered by Commission during hearings:

Service Related Matters:

- Own Annual Confidential Report,

- Payment of salary gratuity dues and reasons for delay in payment, Medical allowances, HRA and other benefits
- Reasons for removal from service,
- Grant of promotion, Non-inclusion of name in seniority lists, etc
- Copy of service book/ service record,
- Queries related to deduction of taxes eg. Professional tax, etc from salary,

Administrative Matters:

- Applications for seeking inquiry report,
- Correspondences between various authorities regarding vigilance proceedings,
- Attendance register copies,
- Copies of Charge Sheet,
- Officers competent to issue charge sheet,
- Transfer Related Issues, etc.

Examination Related Matters:

- Answer sheet/OMR sheet, Question paper, Category wise cut off marks (written examination, physical examination, personal interview, etc),
- Position in Merit List

Third Party Information:

- Service Records of Other Employees:
- Details of periodical posting of employees,
- Service book/ Service record
- Vigilance proceedings against third parties
- Year-wise details of salary,
- Medical claims,
- Copies of income tax declaration form,
- Salary details
- Caste Certificates of third parties, etc

Information sought in relation to Matrimonial Disputes:

- Designation of spouse
- Details of annual increment
- Place of working
- Copies of revised PPO
- Details of travel undertaken by husband/ wife, etc
- Action taken on Tax Evasion Petitions (TEP)
- Income Tax Returns (ITRs) of Spouse and other family members

Issues related to Claims/ Compensation

- Compensation provided to the dependents of victims of accidents/ untoward incidents,
 - Claims for non- receipt of Goods/ Parcel
 - Memo given by drivers after accidents and memo reports of station master,
 - Statement of deceased,
 - CCTV footage of accidents, etc
- Submission of Online Returns by Public Authority

In order to fulfill its mandate of preparing and submitting the Annual Report, the Commission invites online returns from the Public Authorities in accordance with Section 25(3) of the RTI Act. As per the Annual Report of CIC for the year 2015-2016, the number of Public Authorities (PA) registered with the CIC were 2023 and the number of PAs that had submitted online returns were 1903 which meant that only 120 PAs had not submitted the returns and 94.07% submitted returns during the reporting year 2015-16 which was the highest compliance level achieved since inception of the RTI mechanism.

Disposal of Appeals / Complaints by the Commission- Automatic Generation of Data

To facilitate reporting of pendency and disposal figures on real time basis, the workflow system was modified. This resulted in automatic generation of opening balances of pending cases also indicating figures on registration, disposal and closing balance of cases at the end of a particular reference period. The system now provides expandable hyperlink for details of the cases in all four categories i.e opening balance, registration, disposal and closing balance. Particulars of file number, name of appellant/complainant, Public Authority, date of registration, date of hearing and the date of disposal are shown against each of the above category. The details can also be seen for cases allocated to each Information Commissioner, unlike earlier manual arrangements which provided details in respect of the Commission as a whole. The reconciliation process resulted in generating the reporting figures on real time basis. The details can be seen under the hyperlink "Monthly Progress Report" at <http://cic.gov.in>

Registration/Disposal of Cases by Commission during 2015-2016

The database regarding registration/disposal of the cases during the reporting year in the Commission is as follows:

Registration of the cases during 2015-16	25960
Disposal of the cases during 2015-16	28188
Pending cases for disposal as on 1st April 2016	34982



Initiatives of the Commission

- **E-COURT:** The Central Information Commission has decided to implement an e-Court system, launching a new software for appeals and complaints management and introducing a paperless system for hearing in the Commission, enabling quicker disposal of cases and efficient record management.

- **Digitization of Old Records:** The Commission has approximately 1.50 lakhs physical files of cases in its record room and in its various offices. The Commission has decided to digitize all these files. Thereafter, physical files will be weeded out in accordance with the policy adopted by the Commission.

Experience of the Commission in dealing with RTI matters for suo-moto disclosure of information under public domain

Suo moto disclosure of information by all public authorities at regular intervals on public platforms like the Internet

and so on is a key facet of the RTI mechanism. The objective outlined in the preamble to the RTI Act, 2005 can be cherished if all public authorities comply with proactive disclosure norms.

Other important duties of public authority under Section 4 include cataloguing, indexing and computerisation of records, publishing certain basic information pertaining to each organisation within a specified timeframe, publishing all relevant facts while making important policy decisions and ensuring every information is disseminated widely and in an easily accessible manner for the public.

However, even after more than a decade since the enactment of the RTI Act, there are several glaring examples of violation of Section 4 by the public authorities that have not published even the basic information expressly specified in Section 4(1)(b), leave alone disclosing any additional information suo moto.

The Commission in its Annual Report 2012-2013, observed that despite having good information & communication technology (ICT) infrastructure, mandatory disclosure norms remain unattended.

Enforcement of Section 4 guidelines by public authorities remains to be one of the major hindrances in the RTI mechanism since Section 4 obligations are made applicable to public authority as an institution and responsibility is not affixed on any specific officer. In the case of, *Delhi Development Authority vs. Central Information Commission & Others* (2010), the Delhi High Court observed: "Section 4 merely sets out the obligations of the public authorities. It doesn't provide the machinery to enforce the implementation of these obligations."

One of the method adopted to enforce compliance of Section 4 by the Commission was a direction on a Complaint filed under Section 18 to publish information under Section 19(8)(a)(iii).

However, in *Chief Information Commissioner & Anr vs State of Manipur & Anr* (2011), the Supreme Court adopted strict construction of Sections 18 and 19 and upheld the view that the Central or State Information Commission while entertaining a complaint under Section 18 of the RTI Act has no jurisdiction to pass an order providing for access to the information. The only order that can be passed by the Commission under Section 18 is an order of penalty provided under Section 20 of the RTI Act, 2005.

The Department of Personnel & Training (DoPT) vide its OM dated 15 April 2013 while emphasizing the need to set up a “compliance mechanism to ensure that requirements under section 4 of the RTI Act are met” directed that “each Central Ministry/ Public Authority should appoint a senior officer not below the rank of a Joint Secretary and not below rank of Additional HOD in case of attached offices for ensuring compliance with the proactive disclosure guidelines”.

Another significant direction in the DoPT memorandum was that each public authority should get its proactive disclosure package audited annually by a third party like consultants etc. However, there is a palpable resistance amongst Public Authority officials to comply with the order by public authorities. Not many know about the designation, role and responsibilities of a nodal officer envisaged in the said memorandum of DoPT. Due to non-compliance of its memorandum dated 15, April 2013, the DoPT issued another reminder dated 22.09.2014 re-directing all public authorities to get their proactive disclosure package audited by a third party. However, designating a senior officer to only monitor implementation of Section 4 of the RTI Act, 2005 is of little significance since their duties don't include receiving complaints from public in cases of non-fulfillment of Section 4. It is felt that there is an urgent need for removing the ambiguity regarding Commissions' powers under Sections 18 and 19 and framing a defined legislative framework for enforcement of

section 4 disclosure obligations. A sense of dynamism with changing times needs to be introduced to realize the objective of the RTI act, 2005 in letter and spirit.

The Way Ahead

Commission

- **Infrastructural Improvement:** Even though several steps have been initiated by the Commission to address the needs and requirements of the stakeholders within the RTI ecosystem, there is always scope for improvement. Efforts can be made in further improving the technical infrastructure through easier and better access to VC facilities, digitization and centralization of records pertaining to each case, linking of files relating to same information seeker to address duplicity of case files, etc
- **Improvement in Staff Skillset** through periodic workshops and training sessions on RTI Act, 2005 in General and specific skillset in particular
- **Facilitating ease of access to information.**

Information Seekers

- **Sensitization regarding Rights** available to the citizens as per the RTI Act, 2005
- **Awareness about the objective of the RTI Act and the nature of information that can be sought:** It has been experienced on several occasions that information seekers approach the Commission for redressal of their personal grievances or in furtherance of their personal difference.
- **Greater Awareness and understanding of “Public Interest”.**

Public Authorities

- **Capacity Building Programme for CPIOs**
- **Due Diligence while Appointing CPIOs/ FAAs:** Each Public Authority should exercise due care and caution while appointing CPIOs/ FAAs to ensure that highly motivated and committed officers are appointed for such positions.
- **Sensitization regarding provisions of RTI Act, 2005 and nature of information that can be disclosed to citizens**
- **Greater Awareness and understanding of “Public Interest”.**
- **Periodic Audits of type of information repeatedly asked by information seekers:** Once analysed information can be proactively disclosed on the website in accordance with the provisions of Section 4 of the RTI Act, 2005.

Judiciary

In a democratic country like India, the role of judiciary cannot be undermined. The Judiciary which acts as the guardian of the Fundamental Rights and watchdog of the constitutional provisions exercises its power of judicial review to keep a check on exercise of powers by the Legislatures and Executive. The Judiciary by way of its orders and judgments promotes social justice and its role and significance in the RTI mechanism is immense considering that the judgments pronounced by Higher Courts act as guiding principle for all concerned and help in developing the RTI jurisprudence which is still at its nascent stage. ■

Transparency Transforms: Precept To Practice



I. C. Srivastava, IAS (Retd.)
Chairman, Transparency
International India

Transparency in public life and administration is considered an essential and key element, besides accountability and integrity, for realization of objectives of good governance in a democratic system, more so in a Parliamentary democracy like India. Governance cannot be talked about without mentioning two of its pillars, namely transparency and accountability. “In a democratic set up like India, the right of franchise is not sufficient, but right to know the affairs of the state is necessary,” says an eminent thinker. Mr. Justice Krishna Iyer rightly observed, “the essential measure to ensure a responsible political system is to grant right to information, without which an intelligent participation is not possible in a democracy”.

Transparency as a tool of good governance seeks to inculcate, among politicians and administrators as also in the varied echelons of bureaucracy, sensitivity and accountability towards felt needs of people by providing adequate and update information about objectives, plans, schemes and programmes of all public authorities. It also seeks to change mindsets of rulers

who should be held answerable for all their actions to people in general and those affected by their decisions in particular from time to time. Thus, transparency in any administrative set up becomes sine qua non for achievement of goals and objectives including elimination of corruption, the biggest obstacle to development.

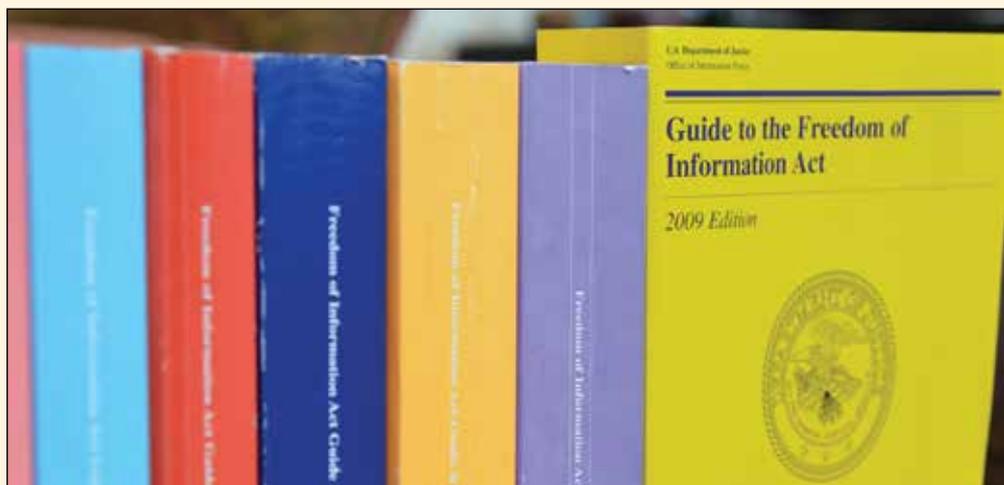
It is in this perspective and also as a measure of administrative reforms that Right to Information Act was enacted by Parliament in the year 2005 after nearly six decades of independence. The RTI Act proved a bed-rock and sheet anchor for translating precept of transparency to a sustainable practice in administration and public life viz a viz political and electoral dynamics. We may recall, in this context, the advice of visionary Sardar Patel, the first Home Minister of India to IAS officers ‘to maintain to the utmost true impartiality and incorruptibility’ of administration by keeping away from the ‘politics and communal wrangle’ and ‘render your service without fear or favour and without expectation of any extraneous rewards’. This clarion call to higher bureaucracy which leads the lower ranks embodies the

kernel of practicing transparency because in order to remain impartial and incorruptible, an administrative officer has to demonstrate transparency all the year round keeping his eyes and ears open with necessary sensitivity and by providing information to common citizens about all activities, duties and functions carried out in his or her office in a good interface with populace in the area and jurisdiction.

Seventy years of India’s experience in development and experiment in democracy has brought forth the fact that administration has delivered services in patches of periods and specific situations especially in holding general elections, decadal Census and in delivering relief in calamity – floods, fires, earthquakes etc. besides fighting wars, mainly against Pakistan. Time and again, individual civil servants have not only risen to the occasion in demanding grueling tasks but also left an imprint not only by their qualities of head and heart but also by transparent style of functioning. For instance, Mr. Rao’s role in Surat sanitation work in the after math of plague was judged as commendable by all standards.

It is another matter that politicians of all shades and hue and powers that be have almost always played hide and seek in their public life by conducting public affairs and administrative offices under their charge in an opaque and motivated manner according to the expedient needs of a given situation. They profess to be preceptors of transparency but fail to practice it while in office. Politicians apart, the strong bureaucratic structures, a legacy of the British Rule have been mainly responsible for the authoritarian viz a viz transparent approach in the course of nation building. Plethora of schemes floated and implemented by the overarching Planning Commission (replaced with Niti Ayog, by the present Government were based on giver-beneficiary or donor-receiver mode of governance in the absence of any clear-cut definition of development. In this perspective, the administrative reforms suggested by various committees mainly focused on reforming the structures besides Centre-State relations and redressal mechanism for grievances.

However, the Second Administrative Reforms Commission sought to institute a transparent and accountable administration at all levels by the use of Right to Information and by setting up E-governance architecture in almost all spheres of governmental activities. The use of RTI has gathered momentum over the years and according to Aruna Roy (the renowned Social Activist who steered the national campaign and fight to bring about RTI legislation), there are nearly 80 lakh RTI activists in India, who have done a commendable job in



ushering in transparency and information in public domain for scrutiny and social audit.

The use of RTI has been reinforced by the use of Information and Communication Technology (ICT) which has revolutionized life and living for the common man slowly and steadily. Mobile phone embodies the most active and visible instrument of the ICT revolution. Airlines, Railways, Telecom and Postal Services have brought about a sea change in delivering their services in a most effective, efficient and sustainable manner. The question, however, arises whether ICT revolution has helped in delivery of public services by the majority of Government departments and authorities. The answer is a loud 'No'!

It may be recalled that after Chief Ministers' Conference in May, 1997, Government of India together with some States launched Citizens' Charters in the years, 1998-2000 based on the 'charter' entitlement of citizens conceptualized by Margaret Thatcher, the British P.M. in late eighties of twentieth century and enforced by John Major, her successor. Although Citizens' Charters are weakly

alive in some states (Rajasthan included), they have been replaced by the Right to Public Services or Guaranteed Delivery of Services Acts in as many as 19 states. In some states like Rajasthan, Citizens' Charters have also survived as Rajasthan Guaranteed Delivery of Services Act, 2011 covers only 18 departments and 153 services. This Act seeks to guarantee only timely delivery of services but not their quality as quality standards have not been defined. Undoubtedly, there is lack of awareness among masses about the existence or efficacy of this Act. A similar situation prevails in other States. In Karnataka, an NGO was entrusted with monitoring and strengthening of implementation mechanism for SAKALA Act but after the coordinator government office-in-charge left the monitoring has floundered. In a study by an NGO Jaguar in Bareilly (UP), it was found that there is no awareness among the masses as well as officials about the UP Right to Service Act. In Punjab, the Act covers 28 Departments and 351 services but only 0.5 percent of 29 lakh applicants were receiving services within the specified time limit.

Monitoring of Right to Services Acts in various states has proved to be the biggest bottleneck in their implementation. Monitoring holds the mirror to flow of information and feedback to any scheme or programme in respect of resources, supplies demand and citizens' behavior patterns. Information Facilitation Centres envisaged earlier by Government of India for keeping the citizens informed of available services by providing information and necessary forms etc. have not been set up by line departments in field offices. Common Service Centres are languishing in the villages for lack of proper infrastructure and trained manpower. Training of personnel especially for CSCs in IT and monitoring, therefore, assumes importance in regard to their sensitization so as to enable them to help the rural folk in filling up forms etc. E-mitra or information kiosks set up by private vendors are already working on-line to provide certificates, copies of records and other information related tasks. The need to train and sensitize them also needs to be emphasized for human factor in bureaucratic machinery is very crucial for successful implementation of the Right to Services Acts.

CSCs should be converted into facilitation centres to be managed by trained manpower as mentioned above and also equipped with necessary forms and other certification formats, Transparency should be the basis for new monitoring mantra in public life and administration. Proactive disclosure of information updated from time to time online and offline too as envisaged under Sec. 4 of RTI Act would help disseminate necessary

data; government orders, rules and regulations etc. Officers should display, on notice boards, names of concerned officials with related subjects and Mobile phone Nos. noted against their names in all public offices where common man has access for securing services mentioned in the Service Act. No or little scope should be left for generation of complaints for people will, as usual, grease the palm of local officials and not resort to appeal for redressal of grievances for lack of inclination, time and energy required for such pursuance.

Transparency as a tool of good governance seeks to inculcate, among politicians and administrators as also in the varied echelons of bureaucracy, sensitivity and accountability towards felt needs of people by providing adequate and update information about objectives, plans, schemes and programmes of all public authorities. It also seeks to change mindsets of rulers who should be held answerable for all their actions to people in general and those affected by their decisions in particular from time to time.

In April 2016, Rajasthan Govt. entrusted monitoring of grievances to Parliamentary Secretaries. Transparency should be the guiding and shining star of politics too – why not? After all, parties are the mechanisms through which power is exercised in a democracy. In most democracies, parties perform crucial educative functions too. But with the weakening of intra-party democracy, a number of persons with criminal precedents are being fielded by party bosses for election to Parliament and State Assemblies. Supreme Court had, therefore, intervened and decisively laid down that a 'law-breaker' cannot be allowed to become a 'law-maker', thereby directing the Election Commission to prescribe a declaration on oath by each candidate along with the Nomination Form Paper to the legislative bodies to disclose their Criminal and Financial antecedents in a prescribed format. Politics being inseparable from political parties, the latter need to match their precept of transparency with the practice of public disclosure, in a transparent manner, of their resources and expenditure made for electoral and other goals. It is important to recall that in 2011, two RTI querists – The Association for Democratic Reforms (ADR), an NGO and an informed citizen Shri Subhash Agarwal appealed to Central Information Commission (CIC) on refusal by political parties to share information about their account and activities. The full bench of CIC ruled that six national political parties needed to provide information as sought through required RTI apparatus because they were recipients of valuable state resources in the form of land, accommodation and

tax exemptions, which amounted to substantial funding by the public exchequer thus making them public bodies answerable under RTI Act.

There are different dimension of transparency which is now prevailing in our society, whether in the form of e-governance, open-check books, activity spending, government performance etc. In order to make the whole system more clear and transparent each and every single person starting from public officers, clerks, ministers to the common man in the society. Everyone must take equal initiative in order to remove corruption from every corner of each section of society rather than depending fully upon NGOs and government and leading our country towards a better corruption free tomorrow. People nowadays are not giving much value to their inner morality and they are getting their work done by offering bribe to the public officials even if it is not necessary. One another step which can be taken for more upgradation of transparency in the society is the development of information technology as it will reduce the time consumption and also one added advantage is that it will not involve too much consumption of papers and files in the offices. The problem of red-taping can also be synchronized leaving less scope of demanding extra expenses for doing the right job at right time. Now, transparency, participation and collaboration are the three major dimensions which are identified by various other countries administration for the successful open government. Modes of transparency can be implied by



According to Institute for Democracy and Electoral Assistance (IDEA) Hand Book and its website in nearly 60 Countries including UK, Japan, Canada, France, Germany and Thailand, political parties are bound to disclose all contributions beyond a specified threshold amount. Anonymous donations are banned in these countries. Unfortunately, India is not among them. Ideally, we need a body like Federal Election Commission of USA, which supervises all financial transactions by political bodies which have solicited or spent money to support or defeat federal candidates.

government but in it the citizens need to participate in order to smooth working of the system.

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cash contributions beyond a limit and also put a ceiling on election related expenses of individual political parties. There is promise of hope! But will self-preservation instinct of political party bosses be inclined to bring about transparency at the risk of self-destructive and unforeseen factors. There is promise of hope!

Finally, we may recall even as hind sight wisdom, that in 1975 in a case relating to expenditure on Security of the Country, Justice K. K. Mathew, the then CJI had observed that barring State Security Concerns every citizen has a right to be informed of expenditure in any office in which decisions are taken by civil servants. Seeds of transparency in public offices seem to have been embedded in his judicial observations. Ironically, RTI Act could be enacted in 2005, i.e. thirty years after J. Mathew's remarks. However, it is dismaying that Supreme Court, the guardian of Constitution has, somehow, been reluctant so far to implement CIC's directions to make available

RTI information as sought by an applicant who had filed an appeal before CIC against the refusal of Registrar who was asked to appear before the Commission. Judicial activism has failed in this case to live upto standards of transparency. In this context, it is also useful to cite CIC's latest direction in Army's Macchil, 2010 and Parthibal 2010, J&K fake encounter cases to share the information with RTI applicant about the Court martial proceedings of five soldiers in the former and court of enquiry in the latter case as reported in TOI daily dated 17th November 2016. It is a happy augury for ushering in of transparency even in security related matters wherein in larger public interest is served by disclosure of information under RTI.

In conclusion, it is clear that the constitutional mandate to ensure justice according to procedure established by Law has to be translated from precept to practice by its 'Watchdogs' and guardian angels viz. Chief

Election Commissioner, Chief Vigilance Commissioner, Chief Information Commissioner, Comptroller and Auditor General (CAG). Both CIC and CAG have wielded their authority befittingly and have risen to the occasion more than once to institutionalize transparency in the functioning of the Government, the Executive. Chief Election Commissioner has sent his suggestions to Government of India for amendments in Representation of People Act with a view to decriminalize politics and for banning politicians with criminal precedents. But Government of India has yet to respond in this regard. On the other hand, CVC's role has been rightly redefined by the Supreme Court in relation to control over CBI and in overseeing measures for elimination of corruption in the larger public interest and transparency.

However, as a tribute to present Central Government's efforts, we may consider unearthing of black money by declaring illegal tender currency notes of Rs. 500 & 1000 denominations as the most important milestone in the journey to bring about transparency in personal and public life.

Last but not the least, let us recall the fundamental duty of all citizens under Article 51 A of the Constitution of India, especially sub Article 10, "to Strive towards excellence in all spheres' of individual and collective, activities so that nation constantly, rises to higher levels of endeavour and achievement". ■

To Disclose or not to Disclose

Some Conflicting Trends in India's Right to Information Jurisprudence¹



Venkatesh Nayak*

In much the same way as the flow of its waters fashions a river's banks, actual implementation determines the scope and contours of every law. Judicial interpretation lends clarity to its meaning and implication and provides valuable guidance to duty-holders tasked with implementing the law. The Right to Information Act (RTI Act) is in its 13th year of implementation. Despite gathering a solid reputation for its simplicity, evidenced not only by its procedures but also in the language in which it is drafted, the RTI Act has lent itself to litigation in countless cases. The corpus of decisions issued by the Information Commissions at the Centre and in the States may run into a few lakhs, although no attempt has been made to compile these figures officially. Meanwhile, a few hundred of

these cases have escalated to the High Courts and more than a score to the Supreme Court as well. Their interpretation of crucial provisions of the Act has not been uniform. The purpose of this paper is to examine select judgements of the courts which have rendered conflicting interpretation of key provisions of the RTI Act and point to the urgent need for ironing out the difficulties they pose.

Seeking information about action taken on grievances

A common trend that many Information Commissioners have pointed out since the commencement of the RTI Act's implementation is that citizens use it as a means of seeking redress of their grievances. In the initial years, an impression was created that most of the second appeals

and complaints entertained by the Central Information Commission (CIC) related to grievances of government employees regarding service matters. More recently, a multi-State sample study conducted by the Research Assessment and Analysis Group (RAAG) has shown that about 16% of the RTI applications are related to citizens' grievances about the manner of functioning of the government or its agencies.²

Faced with one such case, where a Public Information Officer (PIO) failed to provide a proper reply about the action taken on a grievance-related RTI application, the High Court of Kerala ruled that the PIO is duty bound to disclose whether any action has been taken on the grievance of the citizen, instead of dismissing it as being out of jurisdiction of his Minister.³ On the other hand, the Allahabad High Court ruled

¹This is a shorter version of the presentation on a similar subject that the author made at the national seminar on Implementation of the Right to Information, organised by the Central Information Commission on 19 May, 2017 at the Auditorium of SCOPE Complex, in New Delhi.

²See People's Monitoring of the RTI Regime in India, 2011-13: Report, accessible on RAAG's website at: <http://nebula.wsimg.com/m/93c4b1e26eb3fbd41782c6526475ed79?AccessKeyId=52EBDBA4FE710433B3D8&disposition=0&alloworigin=1>, accessed on 27 June, 2017.

³ Mannatil Kumar vs The Central Information Commissioner & Ors., W.P. (C) No. 2261 of 2014, jjt dated 23/10/2014 [Single Bench- SB].

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in another case that a citizen cannot use RTI to pressurise a public authority to take action on a plaint or petition under the garb of seeking information.⁴ As the petition in the latter case related to an ongoing criminal case the High Court ruled that there was no provision in the Code of Criminal Procedure, 1973 (CrPC) to entertain such applications from either the accused or from third parties.

With the deepest respect to the wisdom of the Court, in our humble opinion, the right of the RTI applicant to know what action was taken on his petition cannot be brushed aside by holding that such petition was not maintainable under the CrPC. Courtesy demands that the applicant be informed about the status of action taken on the petition in accordance with the law when a formal request is made under the RTI Act. That is the purpose of the RTI Act, as spelt out in its preamble, namely, to make the Government and its instrumentalities accountable to the governed

How is substantial financing to be determined?

Section 2(h)(ii) of the RTI Act includes 'non-government organisations' that are "substantially financed" under its purview. High Courts have observed that this provision is broader than the scope of Article 12 of the Constitution which include not only the legislature and the



executive but all other authorities that are amenable to the writ jurisdiction of the Supreme Court and the High Courts (by virtue of Article 226). However, neither the RTI Act, nor the RTI Rules, nor the occasional executive instructions issued by the appropriate governments detailing the implementation of various provisions of the RTI Act, define, what will be treated as 'substantial financing'.

During the initial years of implementation of the RTI Act, several non-government organisations such as educational trusts and societies, cooperative societies and private companies challenged the findings of Information Commissions holding them as 'public authorities' under the RTI Act. An analysis of more than 20 judgements of the High Courts of Punjab and Haryana, Delhi, Kerala, Allahabad, Bombay, Jharkhand and Karnataka undertaken by this author, showed that the following criteria were identified as being adequate for treating such

bodies as 'public authorities':

- Investment by a Government in a company (50% or lesser equity participation);
- Public funds or grants-in-aid provided to private bodies;
- Public funds provided for constructing buildings or infrastructure facilities;
- Lease of public land for use at concessional rates of rent;
- Permitting use of public buildings or infrastructure free of charge over long periods;
- Exemption from the payment of taxes.

However, in September, 2013, the Hon'ble Supreme Court of India changed this jurisprudential trend by holding that "merely providing subsidies, grants, exemptions, privileges etc. as such cannot be said to be providing funding to a substantial extent, unless the record shows that the funding was so substantial to the body which practically runs by such funding and but for such funding, it would struggle to exist."⁵

⁴ Subhash Chandra Vishwakarma vs CIC UP State Information Commission, Misc. Bench No. 69 of 2016 [2016 (115) ALR 805] [Division Bench-DB].

⁵ Thalappalam Ser. Coop. Bank Ltd. & Ors. vs State of Kerala & Ors., Civil Appeal Nos. 9020, 9029 & 9023 of 2013 [2013 (12) SCALE 527]

It must be said that with the deepest respect to wisdom of the Apex Court that it did not examine the hitherto jurisprudential trend contained in the more than 20 judgements issued by various High Courts on the same subject. As a result the jurisprudential trend that had developed to make more and more private bodies performing public services, or functions or enjoying control of public assets or tax subsidies, transparent to the citizenry, was reversed without adequate reasoning.

Two years later, in another case the Hon'ble Delhi High Court held that the aided schools receiving 95% of more of their funding from the Government of the National Capital of Delhi would also not become public authorities under the RTI Act.⁶ The Court reasoned that as it had been held in a 1992 decision of the same Court that such schools did not have juristic identity, therefore, cannot be treated as public authorities under the RTI Act either. In this author's humble opinion, this amounts to disregarding even the narrowed down criteria laid down by the Apex Court in Thalappalam. At this rate it would be difficult to bring several non-government organisations under the jurisdiction of the RTI Act as they would cite these conflicting judgements to their benefit. What

is required is for every ministry and department to clearly identify all non-government organisations within their jurisdiction that are substantially financed and publicise the list in accordance with the Office memorandum issued by the Department of Personnel and Training in July, 2007 for greater clarity on the issue of coverage of such bodies.⁷

Accessing service-related records of public sector employees

It is common knowledge that a large number of serving or ex-employees of government and other public sector entities use the RTI Act to access service-related information about themselves or their colleagues. For example, in recent years, the Ministry of Defence has been hauled up before the CIC with the largest number of appeals and complaints regarding non-disclosure or partial disclosure of information. Most of the litigants are serving or retired employees of the ministry or the defence forces. Ordinarily, service-related information should be easily available to the employee concerned through regular channels of communication. However due to bottlenecks in the regular channel, they are compelled to use the RTI route.

Courts have ruled on this issue in a variety of cases. A gist of some of these pronouncements is given below to demonstrate the unevenness of the development of the RTI jurisprudence in this regard.

While dismissing a Special Leave Petition for disclosure of service-related records, the Apex Court held in 2011 that income tax returns, immovable property statements, show cause notices, chargesheet and service records of an employee are personal information whose disclosure has no relationship to any public activity or interest. They ought not to be disclosed unless there is a clear overriding public interest.⁸

However, the High Court of Kerala has been more proactive in requiring transparency of service-related matters even when such information is requested by third parties. For example, in a 2010 case, the High Court ruled that annual confidential reports (ACRs) of an employee maintained by a public authority may be disclosed to any other employee under the RTI Act.⁹ However, two years later, the Hon'ble Delhi High Court took note of these views of the Kerala High Court but ruled in favour of maintaining the confidentiality of ACRs vis-à-vis third party

⁶ The Public Information Officer Govt. of NCT of Delhi vs Saurabh Sharma & Ors., W.P. (C) No. 4675 of 2012, jjt dated 29/09/2015 [SB].

⁷ See OM No. 1/12/2007-IR dated 31 July, 2007 on the subject: Preparation of Inventory of Public Authorities under the RTI Act, issued pursuant to the recommendations of the Second Administrative Reforms Commission in 2006 in its 1st report entitled: Right to Information, master Key to Good Governance.

⁸ Girish Ramchandra Dshpande vs Cen. Information Comr., [(2013] 1SCC 212]. Treating this order as a precedent, several public authorities, Information Commissions and even High Courts have used it as the basis for rejecting access to all kinds of personal information of civil servants submitted as per official requirements. In a scholarly critique, Central Information Commissioner, Prof. M. Sridhar Acharyulu presented at the same national seminar of the CIC where this author made a presentation on the topic of this paper, has shown how such practices are illegal and illegitimate. See the text of his presentation on the CIC's website at: [http://cic.gov.in/sites/default/files/2017/P5-Girishcase%20M%20Sridhar%20Acharyulu%20\(1\).pptx](http://cic.gov.in/sites/default/files/2017/P5-Girishcase%20M%20Sridhar%20Acharyulu%20(1).pptx), accessed on 27 June, 2017.

⁹ Centre for Earth Science Studies vs Dr. Mrs. Anson Sebastian Scientist EI & Anr. [AIR 2010 Ker 151] [DB]

requestors.¹⁰ In this author's humble opinion, although the Kerala High Court's judgement has only persuasive value for the Delhi High Court, the former matter having been decided by a Division Bench, its findings ought not to have been disregarded by a Single Judge Bench. On the contrary it ought to have been referred to a larger bench of the Court to make a determination.

It is overwhelming to say the least that within the same High Court different Benches have ruled varyingly on similar service-related matters. For example, in 2007 a Full Bench of the CIC (5 members) ruled in favour of disclosure of the proceedings of the Departmental Promotions Committee (DPC). Seven years later, the Delhi High Court ruled against the automatic disclosure of DPC proceedings in a case involving an employee of THDC India Ltd. The instant case was remanded back to the CIC for reconsideration, requiring the CIC to treat the RTI applicant as a third party. The CIC's earlier decision favouring disclosure was not even examined by the Court.

However, three months later, another Single Bench of the Delhi High Court refused to even remand back to the CIC another case where an employee sought access to DPC proceedings, treating the earlier case as a precedent for non-disclosure. Interestingly, the same public authority, namely, THDC India Ltd., was challenging the order of disclosure in this case as well. This judgement did not even acknowledge an earlier case where the same High Court had

permitted the disclosure of DPC proceedings and even the minutes of the Appointment Committee of the Cabinet under the RTI Act. In this latter case the Court had taken note of a judgement from the pre-RTI era to hold that even cabinet confidentiality provided by Article 74(2) of the Constitution would not apply to such service matters.

This uneven jurisprudence has created confusion for duty-holders tasked with implementing the RTI Act, namely, PIOs, appellate authorities and Information Commissions, alike. It is important that all stakeholders come together to find ways of harmonising these conflicting judicial pronouncements so that a category of information that is available in one jurisdiction is not denied to a citizen in another. RTI being a fundamental right must be enjoyed by all citizens in equal measure.

Conclusion

There are many more instances where High Courts have ruled differently on similar matters. For example, while a Division Bench of the Kerala High Court ruled that Hindu temples would be squarely covered by the RTI Act, a Single Bench of the Madras High Court ruled that temples cannot be treated as public authorities on their side of the border. Different High Courts have ruled varyingly about the applicability of the principle found in the proviso under Section 8(1) of the RTI Act, namely, "information which cannot be denied to the Parliament or a State Legislature shall not be denied to any person." While some have ruled that this principle applies only to the exemption provided for personal information under Section 8(1)(j) of the RTI Act, other have ruled that it applies to all ten exemption clauses listed therein. Benches of varying strength of the Delhi and Bombay High Courts have given conflicting views on this very issue.

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¹⁰ R K Jain vs Union of India & Anr., [2012 (279) ELT 16 (Del.)] [SB]

Right To Information - A Tool For Good Governance

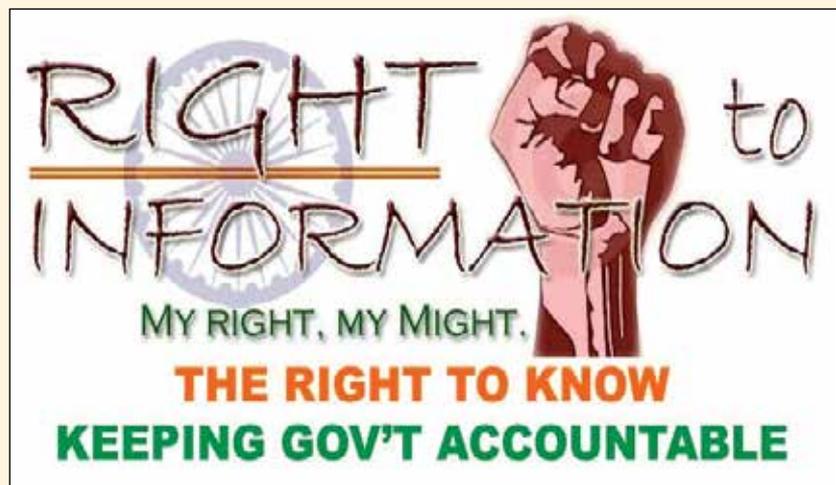


D. Singh
CMD, IREL



A. K. Pal
GM (HR & OD) &
CPIO, IREL

Our Hon'ble Prime Minister Narendra Modi ji has time and again emphasized the need of 'Good Governance' for the development of the country. In pursuit of good governance, for which transparency, accountability, communication, efficacy etc. are some of the essential prerequisites, the right to information to people is the key to establish a development oriented and vibrant nation led by 'Good Governance'.



The Supreme Court of India, in various judgements prior to enactment of the Right to Information (RTI) Act, 2005 had interpreted RTI as the fundamental right as embodied in "Right to Freedom of Speech and Expression" and "Right to Life" as enshrined in Article 19 and 21 respectively of Constitution of India.

In the aforesaid context, the preamble of the RTI Act, 2005 rightly summarizes the objective of the Act inter alia as to provide for setting out the 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 public

authority including Government organisations and its constituent/allied bodies. With the enactment of the RTI Act in 2005, this law has emerged as a strong weapon in the hands of citizens for ensuring transparency and accountability in government departments/organizations and acknowledged as one of the most empowering and progressive legislation, post independent India.

The RTI Act was enacted and made effective in 2005 and since then this law has proved to be a strong weapon in the hands of people for ensuring transparency in government departments and containing corruption. The right to information makes public government authorities

answerable for their actions, places the internal rules/regulations and decisions in public domain, ensures that stated objectives of the public authority are attained, bridges the gulf between public authorities and the citizen and inculcate a sense of ownership and participation amongst people.

Each of us know the success stories of RTI in all levels of society, such as village, block, district, town or cities, it has benefited the people in getting public authorities taking prompt action in activities which affect their day-to-day life, whether it is about getting a ration card, licenses, benefits out of government schemes etc. Almost after 12

years of implementation of the RTI Act, it has faced and thrown a lot of challenges. Still, it is felt that the RTI Act is not effective due to low level of awareness among people especially at rural areas, lack of sincere efforts for capacity building of Public Information Officers (PIOs) and disposal of long pending appeals, perception that RTI applicants are troublemakers leading to threatening, physical attacking them, and at times leading to death of RTI activists. Though the stated objectives of the RTI Act are achieved by bringing in transparency and accountability, at times the RTI Act has been misused by a few for their personal gain rather than serving public interest. And in those cases, it has become a huge burden on public authorities to dedicate a lot of time and energy to dispose of mischievous and protracted RTI applications.

Notwithstanding the above, needless to mention that, over the years Public Sector Enterprises, which are running on commercial lines, are in the forefront of rightful implementation of various provisions of RTI Act by furnishing adequate voluntary disclosures by various means (Section 4 of RTI Act), desired information under the law (Section 3 of RTI Act) in an efficient manner reflecting the transparency and accountable manner of running of Public Sector Enterprises without sacrificing their commercial interest. Over the years, these Public Sector Enterprises have put in adequate infrastructure within their organisation for smooth implementation of RTI Act and putting in a lot of effort in capacity building of their Public Authorities.



However, certain persons/ organizations aligned with vested interests and not related to any public interest are causing harassment to public authorities

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of Public Sector Enterprises. Everyone is aware that these commercially run Public Sector Enterprises are operating in a fiercely competitive atmosphere and compete against the private sector enterprises which are not obliged to provide any information. At times, these vested interests cause grave injury to the commercial interest of these Public Sector Enterprises and inhibits the leadership to take bold and risky decisions and generally slows down the process of decision making. Similarly, third party information is another important aspect under Section 11 of RTI Act which needs to be looked into. The interest of the third party has also to be considered while disposing of an RTI application in many occasions. The disclosure of information should not violate the right to privacy of any person.

Like any legislation, RTI Act, in due course of time, will also evolve as a more comprehensive legislation fulfilling its stated objective eliminating the deficiencies and improving its efficacy and emerging as a more empowering tool for all stakeholders. ■

Transparency and Right to Information Act

Its Implementation, good practices adopted by and issues of concern of PSEs



M. Nagaraj
CMD, PEC

The introduction of the Right to Information Act 2005 was a landmark in Indian Democracy. It brought about a paradigm shift in the very functioning of the country. India, the world's largest democracy is now a truly participative, open, transparent and accountable democracy. The Right to Information Act of 2005 opened the hallowed portals of information and knowledge, till then, accessible to only the select few in administration and brought it forward to the discerning public at large. Such a handy, effective, efficient, inexpensive and readily available tool for empowerment had rarely been available to the masses before. It enabled the ordinary citizen to ask for public information and get it, in a time bound manner. The prestigious Ramon Magsaysay Award Foundation recognized and awarded India's efforts internationally for this powerful grassroots initiative towards transparency.

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He had further said that there was little doubt that this Act would be one of the most empowering and progressive legislations passed in post Independence India. This Act provided for better governance, and impact on the very nature of governance itself.

In a democracy, the people elect the government. The government appoints public servants to serve the people. There is a lot of power and authority vested with the government and the public servants, the purpose of which is to enable them to function and to fulfil their responsibilities in the better interest of the nation. In order to keep a check on the possible misuse of power and to ensure that they fulfil their duty, the subject act has proven to be extremely useful.

RTI, as it popularly came to be known, is being used for eradicating corruption and promoting social justice to all. It was the first time that citizens had not just the right but an accessible and reliable medium to know how their money was being spent, how and why decisions were being made in the corridors of power, and thus to recognize discrepancies, if any, in promised and actual action. Free flow of

information is essential for the health of democratic society. Honest officers feel strengthened as decisions are now open to civil society and media scrutiny, which acts as a deterrent to any extraneous pressures.

Under the Act, each government office has to mandatorily have an Appellate Authority, a Chief Public Information Officer and a Nodal Officer whose responsibility it is to provide information to the applicant. Keeping in mind the sheer volume of applications and having the support of available human resources, bigger organizations have been able to establish full-fledged RTI Cells with officers devoted to only handling RTI queries. The imperative has always been to promptly provide information as asked, in a transparent and fair manner, within the deadline. Employees are trained and timely appraised with the latest developments. Every officer knows the importance of RTI and prioritizes it. It hasn't been entirely smooth sailing, though. Some RTI activists have been targeted, threatened and killed. Various reports have detailed how some of them who asked for crucial information that threatened to expose alleged corruption were eliminated. It is thus of singular importance that the law and its implementation towards protection of whistle blowers needs to be strengthened to allow right minded citizens to come forward and reclaim their rights. The media, political parties, citizens' groups and the government all need to make a collective effort towards this goal.

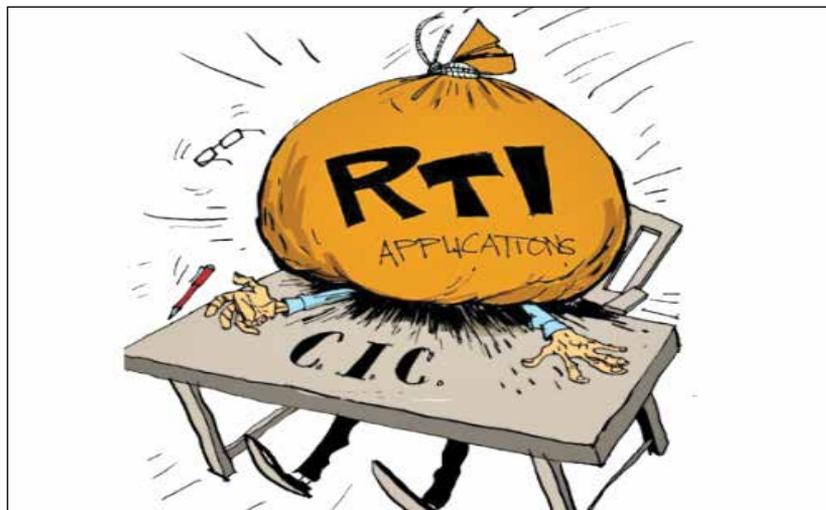
Sometimes, it seems that there is an



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abuse/ misuse by the applicants, some of whom repeatedly ask for the same information in different forms, perhaps, as a pressure tactic. Some ask for information dating back to several decades, others ask for third party details of employees that can prove to be a deterrent to privacy and security. Yet some ask for data that is not under the purview of the Act, such as trade secrets, etc. Many a time, the information has to be manually sourced from very old files as, at present, most of the public sector is in the process of digitisation and of utilizing software for everything. At others times, competitors try to know strategic and future plans in a bid to drive ahead.

For small organizations where there is often a resource challenge, as with fewer employees, the scope of responsibilities is wide, the employee has to prioritize the RTI applications before routine work. That naturally leads to accumulation of work and increased pressure. It is also seen that many a time, one's honest intention and efforts seems to be questioned. Naturally, officers are discouraged and become



circumspect about taking quick decisions. The focus shifts from results and outcomes to processes and tasks. As such, the process is stretched out, leading to a loss on the competitive field in terms of both time and money, especially as the private and international players are not impeded by such lacunae. Commercial and business opportunities are thus, jeopardised, creating a massive hurdle in the path of growth. There is also a dichotomy between the need for transparency and accountability on the one hand and protecting honest civil servants from undue harassment on the other.

There is often a lack of or low availability of supporting organisational infrastructure such as computers, scanners, photocopiers, etc. As the majority of the workforce in the public sector is retiring, knowledge repositories need to be revisited, updated and maintained. Further, new employees need to be trained. In fact, continual training including refresher training, specialist training, core

focus groups, training the trainer, etc. for all employees would be tremendously beneficial and help in effective implementation of the Act. In all its method and compliance, the execution of this Act on a daily, routine basis by the First Appellate, Chief Public Information Officers, Nodal Officers, and all the other employees whose duty it is to provide information, is a huge responsibility. It is unfortunate that there are penalties for non-compliance but no incentives for taking on the mammoth task. This has a demoralising and demotivating effect on the foot soldiers of the government machinery.

The resolution of these issues is bound to spur positivity and spearhead productivity and employee engagement in the public sector. The embracing of technology, particularly E-Governance will, further, provide the desired impetus to transparency through instant, systematic, online, easy and readily available data collation,

processing and communication of information.

Greater public awareness of the Act, including its broad outline and intricacies needs to be made. The people need to know what all they can know! More effort in this aspect, amongst the marginalised communities, including women, tribal communities and the under privileged sections of our society needs to be made. Towards this objective, radio, television, theatre, movies, advertisements, nukkad natak, newspapers, word of mouth and social media need to be deployed towards focussed awareness and participation of the different public demographics. Protection of the information seekers is paramount.

The Right to Information Act (RTI) has proved to be a revolutionary force, a true champion of the spirit of the Constitution, a custodian of values and a torch towards freedom, knowledge and independence. "The right to know is the right to live," said Aruna Roy, the internationally acclaimed social scientist. To quote the Supreme Court, "The concept of an open government is the direct emanation from the right to know which seems to be implicit in the right of free speech and expression guaranteed under Article 19(1) (a)... Right to know is a basic right which citizens of a free country aspire in the broader horizon of the right to live in this age in our land under Article 21 of the Constitution." It is hoped that it is continued thus, whilst guarding the honest, without diluting its essential essence of transparency, responsibility and accountability. ■

RTI Act 2005 - Implementation in HPCL

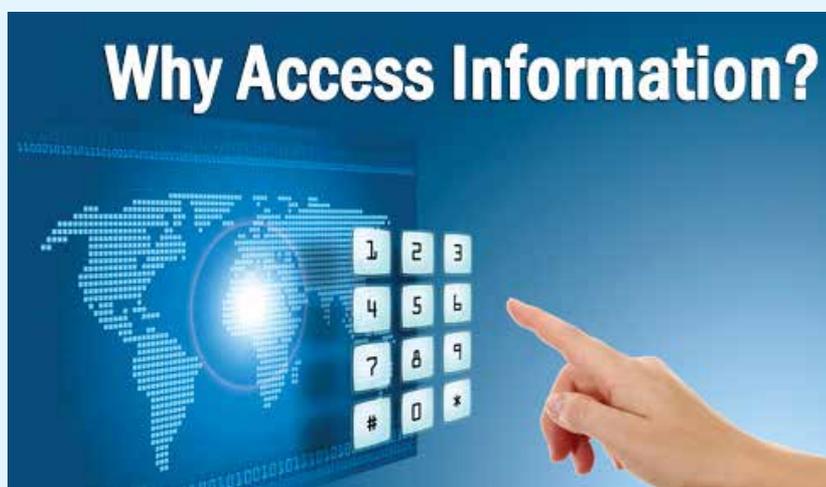


M. K. Surana
CMD, HPCL

Right to Information (RTI) Act - 2005 was enacted by Government of India on 15th June, 2005 and came into force on 12th October 2005. RTI Act is inter-alia designed to promote transparency and accountability in the functioning of Public Authorities.

HPCL was among the first Oil PSU to develop the online RTI-MIS module during the year 2008 itself, with robust workflow mechanism for compliance with the requirements of the RTI Act. The salient features of HPCL's RTI MIS system are listed below:

- System with an in-built mechanism for centralized monitoring and clearances.
- System which allows to and fro communication between RTI Cell and CPIOs/ Appellate Authorities.
- RTI Cell ensures consistency and correctness of replies amongst its various CPIOs. Administration of the portal is completely integrated with HPCL's central employee database.
- Over 200 officials as Central Public Information Officers (CPIOs) and over 33 Officials as Appellate Authorities are mapped



in the system. Updates done whenever required.

- The system has inbuilt email alert mechanism which helps the concerned CPIO/AA to respond to the communication concerning RTI application in a time bound manner.
- In addition, RTI cell also provides inputs to CPIOs/AAs with regard to relevant CIC decisions and High Court / Supreme Court judgments etc. pertaining to the queries. Being a commercial organization, it is necessary to ensure that any commercial or sensitive information is not inadvertently released by CPIOs.

From 1st October 2016, HPCL switched over from above mentioned RTI-MIS system to Govt of India's RTI online system for RTI receipt and handling.

The Suo Moto disclosures, in line with the requirements of Section 4 of the RTI Act 2005, are displayed on HPCL's website which are regularly updated from time to time.

HPCL has had a successful journey of RTI since the inception of the Act. Every year, HPCL conducts a number of RTI workshops, training sessions, awareness campaigns through digital and print media for its employees. Ready reckoners on

important CIC decisions, and educative mailers, Handbook on RTI handling etc. to create awareness about this important arm of government machinery across all officers handling RTI and also for the benefit of general employees. Also posters on RTI Act have been displayed at various administrative offices of HPCL. HPCL has developed online central database for important CIC Decisions/ Supreme Court judgments, Guidelines and Standard formats to equip CPIO's to respond to RTI Applications in line with the provisions of the Act.

Annually, approx. 3500 RTI Applications and approx. 350 First Appeals are handled by HPCL.

HPCL has provided information manual on its Corporate Website http://www.hindustanpetroleum.com/rtiinfo_manual in line Section 4(1) of the RTI Act, 2005.

Furthermore, as per guidelines issued by DoPT, HPCL has proactively provided information related to procurement, including award of tenders by providing linkage to the Central Procurement Portal, HPCL's Transfer Policy, Citizens' Charter, CAG paras etc.

HPCL's corporate website is a medium for proactive sharing of information with the citizens and public at large. All Information brochures, guides, and forms regarding recruitment, dealer selection etc. have been provided on the website in line with the guidelines. HPCL has developed various citizen centric modules which auto-generate information such as refill delivery and consumption data, SKO dispatch from terminals etc. Information



pertaining to employees, both personal and relevant official data

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are made available to them in their portals. In addition, digital versions of Corporation's Annual Report, Sustainability Report, CSR activities, Shareholding and Dividend information etc. are made available on the website.

Requirements regarding RTI Nodal officer and the reporting about RTI in the Annual reports have been complied with.

HPCL conducts regular sensitization workshops and trainings at regular intervals exclusively for CPIOs and Appellate Authorities, which is an ongoing exercise. Besides this, the RTI Cell in HPCL conducts interactive sessions at various locations, pan India to familiarize all the employees [both management and non-management] to explain the nuances of this Act.

The HPCL RTI portal carries various important circulars and directives issued by DoPT besides major judgments and decisions passed by the CIC, High Court and Supreme Court for the reference of CPIOs/AAAs. The CPIOs/FAAs are kept abreast with the latest developments in this regime through informative and educative e-mailers. ■

RTI Act - Perspective of REIL



A K Jain
MD, REIL

Rajasthan Electronics & Instruments Limited, Jaipur is a Mini Ratna Public Sector Enterprises, under the administrative control of Ministry of Heavy Industries & Public Sector Enterprise, Government of India. The REIL has implemented the provision of RTI Act 2005 within a period of 120 days, from the date of the implementation of RTI Act 2005 on 12th October 2005.

Under the provisions of the Act, any citizen of India may request information from a 'public authority' (a body of Government or 'instrumentality of State') as per section 2(h) of the act, which is required to be furnished expeditiously or within thirty days. The Act also requires every public authority to proactively disclose the information and computerise their records for wide dissemination by publishing certain categories of information so that the citizens need minimum recourse to request for information formally under RTI.

The RTI Act specifies that citizens have a right to: request any information (as defined); take copies of documents; inspect

The information under RTI has to be supplied as per the fee prescribed under RTI Fee Rules except for Below Poverty Level Card (BPL Card) holders. Hence, the reply of the PIO is necessarily limited to either providing or denying the request (in whole or part). The time between the reply of the PIO and the time taken to deposit the further fees for information is excluded from the time 30 days. If information is not provided within the time limit, it is treated as deemed refusal. Refusal with or without reasons may be ground for appeal or complaint to 1st Appellate Authority. Further, information if not provided within the times prescribed is to be given free of charge.

documents, works and records; take certified samples of materials of work; and obtain information in the form of printouts, diskettes, floppies, tapes, video cassettes or in any other electronic mode.

The information under RTI has to be supplied as per the fee prescribed under RTI Fee Rules except for Below Poverty Level Card (BPL Card) holders. Hence, the reply of the PIO is necessarily limited to either providing or denying the request (in whole or part). The time between the reply of the PIO and the time taken to deposit the further fees for information is excluded from the time 30 days. If information is not provided within the time limit, it is treated as deemed refusal. Refusal with or without reasons may be ground for appeal or complaint to 1st Appellate Authority. Further, information if not provided within the times prescribed is to be given free of charge.

Considering that, providing each and every information asked for under the Act may severely jeopardise national interest, some exemptions as per section 8 are provided for in the Act. Information which has



been expressly forbidden to be published by any court of law or tribunal or the disclosure of which may constitute contempt of court; information, the disclosure of which would cause a breach of privilege of Parliament or the State Legislature; information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party may be denied.

REIL though implementing in right spirit, however faces challenges' in implementing the provisions of RTI Act, as given below:

- Information's which are not general in nature and not meant for the citizens of India like Intellectual Property such as, information related to the manufacturing line of Company's product.
- There are cases, in which the information is related to employees, like company rules pertaining to the CDA Rules, Promotion policies & guidelines, Transfer policies and guidelines etc.

- Information's which are related to commercial/ trade secrets like, disclosure of information of a business competitor pertaining to the pricing of a product etc.
- Information being asked by a citizen for the purpose of meeting personal requirement to complete thesis/project work etc.

Difficulties in implementation of RTI Act

- At times, REIL receives applications under RTI, from the concerned Ministries to provide information to the applicant(s), whether REIL posses that information or not, which result in loss of administrative time.
- At times, REIL receives applications under RTI, from the applicant(s), which are not available in compiled form at our end.

Type of information(s) generally sought by applicants

Information seekers frequently sought information in respect of

service matter such as vacancy, recruitments, promotion policies, & reservation etc., Business related information such as copies of agreements, contract awarded, details of orders received, copies of invoice, ordered value etc., Personal information such as salary details, travel details etc., Information related to expenditure incurred on print media like display of advertisement in magazines etc.

Transparency

The REIL has disclosed suo-motto most of the information(s) which are available on records and related to the general public, on Company's website. Any such information which is on Company's website, are being provided to the applicant, if it is in the interest of mass as a whole, on receipt of application under RTI , and falls in the category of information, which are not covered in the exemptions under the provision of RTI.

Capacity building/structure of the department within the Company

The Company has a designated PIO, APIA, AAPIO and Appellate Authority, for the execution of RTI Act. These officials are discharging their duties in addition to their core tasks and responsibilities assigned to them. Looking to the volume of RTI applications being received under RTI Act, and the size of the Company, information is being provided to the applicant within the given time frame under RTI Act. ■

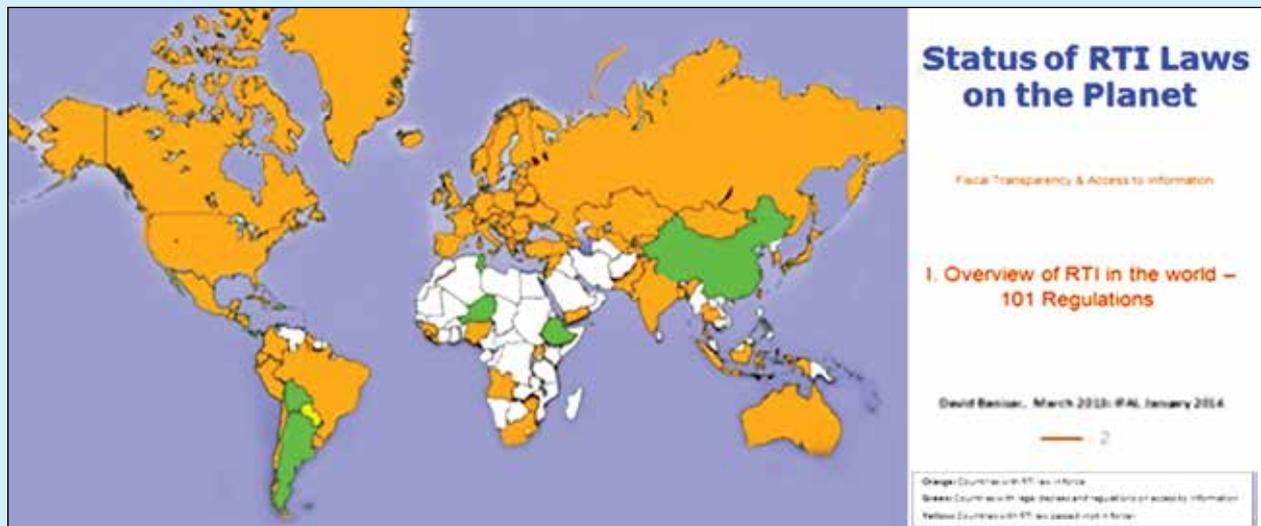
GAIL has Robust Mechanism for Dealing with RTI matters



Dr. Subir Bikas Mitra
ED (Law & HR), GAIL

The guiding principle behind Right to Information (RTI) Act is that; giving information is the rule and not giving information is an exception. Meaningful substantive democracy ought to be founded on the notion of an informed public adequately equipped to participate thoughtfully and actively in the governance of the country. If transparency and accountability are the imperatives for sustaining democratic governance, access to information is a vital instrument of societal transformation and the Right to Information Act, 2005 helps in achieving the same. Besides ensuring greater transparency, it also acts as a deterrent against the arbitrary exercise of public powers.

Right to Information Act is a potent tool in the hands of citizens to ensure accountability and transparency in the functioning of public authorities.



Implementation process of RTI Act, 2005 in GAIL (India) Ltd.

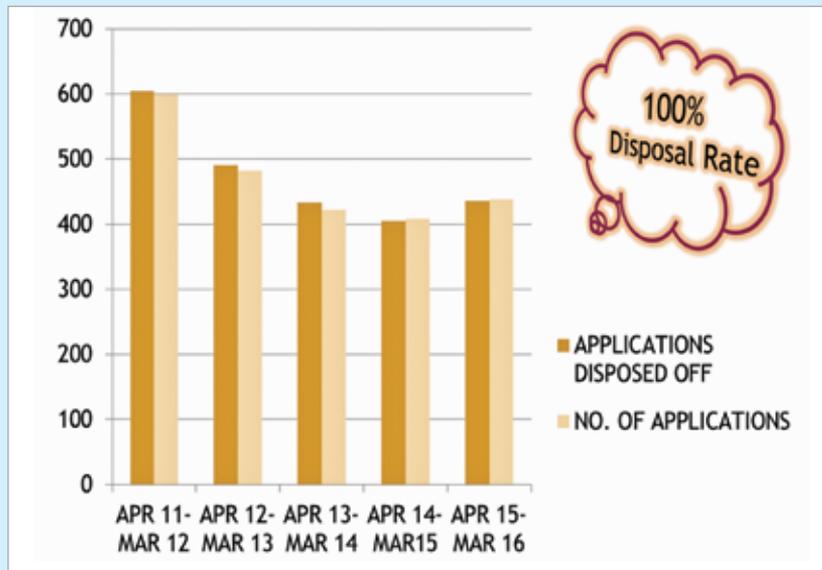
- GAIL has a robust mechanism for dealing with RTI matters and a separate RTI Cell working at Corporate level along with 40 ACPIOs nominated at different

sites/ locations/ work centres all over the company and 08 Executive Director level officers (Vertical Heads) as Appellate Authorities.

- RTI guidelines depicting structure, mandate & functioning of the nominated CPIO/

ACPIO/ AAs are web-hosted on GAIL's website.

- GAIL has achieved 100% disposal rate in respect of RTI applications (online & offline).
- The provisions of RTI Act, 2005 are being complied through Corporate RTI Cell in GAIL. CPIO



is assisted by 01 Chief Manager & 01 Dy. Manager & reports to ED (Law& HR). The RTI Cell and its working mechanism is audited through 3rd party Auditors on yearly basis.

Proactive disclosure by GAIL (India) Ltd. - Practices adopted

- GAIL ensures proactive disclosure by way of web-hosting information regarding RTI queries/appeals which allows the general public at large, besides the Applicant to also view the information available in public domain of GAIL. This not only avoids filing of repetitive Applications on similar issues but also reduces the number of RTI Applications considerably.
- RTI has played a pivotal role in systemic improvement in the functioning of the organization especially on the basis of recommendations of 3rd Party Auditors.
- Since 13th July, 2016, GAIL has been made LIVE on the DoPT, Govt. of India **RTI Online Portal**.

As per the DoPT directives, Nodal Officer has also been nominated for the Online Portal.

- An Internal employee survey was also conducted on recommendations of Corporate Ethics Committee so as to analyze and understand the filing of RTI Applications by GAIL Employees.

The basic tenets of Right to Information is upholding of truth and ethical governance which in turn entails that the decisions taken by Management should be guided by justice, equity and fair play.

In order to provide transparency and accountability in the working of the organization, GAIL's Ethics Committee stressed the need for review of system and advised to undertake the following:-

- Age analysis of the employees as RTI applicants
- Categorization/ classification of applications e.g. employee grievances, commercial, contractual and other issues.
- Nature of repeat applications.

- Employee level-wise analysis of applications received from employees/ex-employees.
- Analysis of the seasonality of the applications.

GAIL, as a progressive organization, has been continuously improvising its HR policies and systems in order to align them with the changing times and making them more employees friendly. An employee survey is a vital factor in revisiting the policies. The employee engagement survey apart from indicating engagement levels of the employees also revealed the key drivers having a significant positive and negative impact on the engagement level of the employees. One of such survey conducted in GAIL (India) Ltd. depicted the overall Engagement Score of 71%. The survey brought out several positive aspects such as 'Co-workers' (Engagement level of 77%), 'Benefits' (Engagement level of 74%) and 'Work Tasks' (Engagement level of 73%).

At the same time, few areas such as 'Performance Assessment' (Engagement level of 45%), 'Recognition' (Engagement level of 51%) and 'People/HR Practices' (Engagement level of 59%) came up as improvement areas.

On the basis of the outcome of Engagement Survey, Corporate HRD Department initiated process of reviewing the existing Performance Management System for Executives in order to make it more objective and transparent and to assess the performance of an individual in terms of parameters which are critical for performing that role effectively. Further, in order to foster a culture of appreciation, a

comprehensive Rewards Scheme consisting of 2-3 new awards for employees in addition to the existing ones such as Women's Award was also formulated.

There is an Employee Grievance Redressal Committee in GAIL which specifically looks into employees grievances. Thus, GAIL as an organization, ensures effective redressal of employees issues and concerns through the said Committee. The idea is to ensure that maximum number of employee related issues are addressed through the Redressal Committee and Employees do not resort to RTI. CIC has clarified the said issue in its several decisions. However, in the case of **H. K. Bansal v. DoT, New Delhi (CIC/BS/A/2014/002319-SA)**, it was categorically held that:-

“RTI Act is a means to advance public interest; not to be used as a tool to harass the public authority by a workless or disgruntled employee-serving/retired.

It reflects criminal wastage of time and, if unchecked, will chock the functioning of the public authority. If this is allowed, the public authority cannot focus on their regular duties and their whole time will be devoted to such frivolous/vexatious/useless/repeated/ multiple/ obnoxious RTI questions. This is misuse and it has to be prevented”. Thus, GAIL has tried to provide a mechanism for resolution of Internal grievances of employees by ensuring greater transparency in sharing of ACR Records and other Performance related Data. Over the years this has

considerably helped in reducing the number of RTI Applications filed by GAIL employees.

It is to be noted that in the year 2017, for the first time, no RTI Application has been received pertaining to Annual Appraisal, Annual Placement Exercise and Departmental Promotions primarily on account of effective disclosures by GAIL. This clearly upholds transparency in the process of annual exercise being undertaken by GAIL in relation to performance rating, transfer and promotions in GAIL.

The above cases clearly prove that the RTI Cell as a core group is extremely effective in handling RTI Queries and have been effectively disposing RTI Application on a daily basis.

Case study pertaining to judicious disposal of RTI applications in GAIL. First appellate authority's decision challenged by, CPIO, GAIL

Case-1

In this case, the Applicant had sought “previous year papers of last 05 years along with answer keys for instrumentation/control & instrumentation, electronics and allied branches for the post of Trainee Engineers/Graduate Engineers etc. along with other related information”. Reply was furnished to the applicant by the CPIO well in time except for the query pertaining to last 05 year papers along with answer sheets as the information sought was exempted under Section 8(1)(d)

“information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, unless the competent authority is satisfied that larger public interest warrants the disclosure of such information”;

However, 1st Appellate Authority/ED(Law) while disposing off the appeal preferred by the applicant directed CPIO to furnish information on the query.

As the information was connected to secrecy of GAIL Norms/Regulations, CPIO was of the considered view that such information is only for commercial interest of the RTI applicant and has nothing to do with public interest at large. Accordingly, CPIO preferred an appeal to 2nd Appellate Authority i.e. CIC for not providing this information as sought for.

After listening to both CPIO & 1st Appellate Authority and relying on the Judgement of Delhi High Court, CIC in his order dated 28.12.2012 gave verdict to withhold the information sought by the applicant as the same fell within the purview of exempted information & thus the order dated 09.07.2012 of 1st Appellate Authority was set aside. *CIC while dealing with the said Case had also remarked that it is rather an interesting case.*

Case-2

In Case No. CIC/LS/A/2012/002127/SH & CIC/LS/A/2012/002456/SH, CIC Decision dated: 24th Dec., 2012 pertaining to a Serial Applicant.

CPIO, GAIL challenged the Award passed by First Appellate Authority. The FAA had passed the order that Appellant may inspect the concerned documents in HRD Department& further directed the CPIO to forward the information/inputs to Appellant within 15 days from receipt of information from the concerned process owners.

CPIO had challenged the decision of FAA before Hon'ble CIC on 31.08.2012.

CIC in its decision referred to the observations of Hon'ble Supreme Court in the case of CBSE Vs. Aditya Bandopadhyay in which it was held that "the information seekers should not create a situation whereby 75% of the time of the 75% public servants is spent only in responding to the RTI applications to the detriment of their routine duties." CIC also stated that "The Act should not be allowed to be misused or abused to become a tool to obstruct the national development and integration, or to destroy the peace tranquility and harmony among its citizens. Nor should it be converted into a tool of oppression or intimidation of honest officials striving to do their duty....."

CIC advised the Appellant to keep the same in view while exercising his right under RTI Act& disposed of the appeal accordingly.

Issue of concern - Penalty imposed by CIC

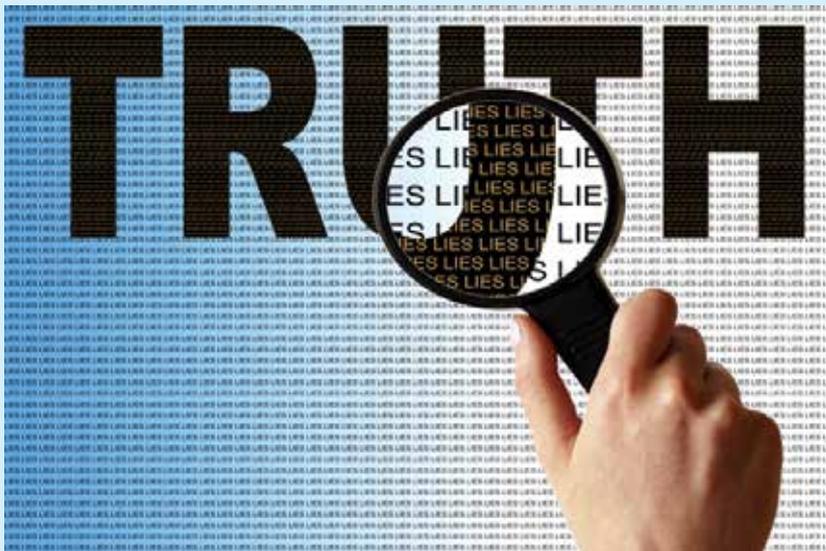
RTI Cell in GAIL operates strictly in line with the provisions of the RTI Act. However, one issue that has always remained a major one is the issue with regard to imposition of penalty on CPIO's by CIC/ Courts.

After going through the provisions of the RTI Act, it is apparently clear that First Appellate Authorities (FAA) enjoy immunity with regards to penal provisions of the Statute on account of being considered as quasi-judicial bodies. However, such immunity is not available to CPIOs.

During the course of disposal of RTI Queries, in the true spirit of the RTI Act, sometimes information is not disclosed by CPIO's in good faith to protect larger interest of the Organization. (i.e On the understanding that the information desired falls under exempted information, disclosure of which is exempted u/s 8 of the Act). The said decision is also generally upheld by the First Appellate Authorities (FAA).

However, on account of the immunity enjoyed by (FAA), penalty is usually imposed on CPIO's for non-disclosure of information by CIC/Courts, which is a very crucial situation from the point of view of CPIO's.

Thus, despite the decision pertaining to non-disclosure being taken by CPIO and duly upheld by the FAA, imposition of penalty only on CPIO does not seem fair and reasonable.





It is therefore my considered opinion to evolve an internal mechanism in each PSU for hedging of penalties imposed on CPIO at least with respect to cases where the decision taken in good faith is duly upheld by FAA so as to ensure that some provisioning could be done to bear such penalties by the Organization.

In view of above, Section 21 of the RTI Act needs to be looked into which says:-

“Protection of action taken in good faith.—No suit, prosecution or other legal proceeding shall lie

against any person for anything which is in good faith done or intended to be done under this Act or any rule made thereunder.”

The above issue has been deliberated with the office of CIC on several occasions and it was pointed out by them very rightly that such provisions would only prove detrimental and would act as a deterrent. Thus the said issue needs to be duly deliberated upon in order to ensure effective attainment of objectives enshrined under the RTI Act in its true letter and spirit, while protecting the interest of CPIO’s

acting in good faith in the interest of the Organization.

Disclaimer: The above submissions is to be considered merely as individual’s views based on personal experiences and should not be construed for holding information by CPIO. Further, the inputs and comments are specific to the particular case and cannot be generalized. All the above inputs hold good for particular case till the time a contrary view is taken by CIC or by the Court of Law. ■



RTI in Letter & Spirit at NTPC



S. P. Singh
ED, & AA, NTPC

The Right To Information Act became effective on 12.10.2005 throughout our country except in the state of J&K. The Act empowers citizen of India to access the information available with any "Public Authority", with an aim to bring transparency and accountability in the working and containing, corruption. As per Section 2(h) of the Act, all the CPSE's are 'Public Authorities' and hence obliged to provide information sought by the public under this Act.

Right to Information Act, 2005 has been a significant legislation of Government of India, in order to give the citizens an access to information under control of "public authority". It is the duty of all Public Authorities to comply with all the provisions of the RTI Act.

Why This Act

Under the shelter of confidentiality or the Official Secrets Act 1923, all the information held with Public Authorities, was being denied, inspite of the fact that The Freedom of Information Act 2002 was also in existence. Therefore, with the enactment of the Act in the year 2005 we have entered an era of transparency in the system of official working.

RTI in NTPC

NTPC has taken a number of initiatives for smooth implementation of the Act such as appointing APIOs at all its power stations / head offices apart from the CPIO located in the head quarter at New Delhi. In all, there are over 40 APIOs in NTPC.

NTPC being India's largest power producer and with its presence across the country, is receiving a lot of RTI applications. The number has increased exponentially over the years and the cumulative figure has gone over 10500. An analysis of these applications show that over 30% applications relate to Human Resource (HR) related issues.

The percentage of first appeals and second appeals in case of NTPC is approximately 25% and 6% respectively which itself reflects that the satisfaction level of appellants is sufficiently high at the first level itself.

Present Scenario

The Act has been in existence for over 11 years now. It emerges from the past experience that this Act is being misutilized for vested interests/ which have no larger public interest. It will be appropriate here to produce extracts from the speech of the

Hon'ble Prime Minister on the occasion of Seventh Annual Convocation of CIC on October 12, 2012 in New Delhi which are so relevant even now:

- The citizens' right to know should definitely be circumscribed if it encroaches on an individual's privacy.
- There is a fine balance required to be maintained between the right to information and the right to privacy, which stems out of the fundamental right to life and liberty.
- There are concerns about frivolous and vexatious use of the Act in demanding information, disclosure of which cannot possibly serve any public purpose.
- Such queries besides serving little productive purpose are also a drain on the resources of public authorities, diverting precious manhours that could be put to better use.
- Sometimes information covering a long time-span or a large number of cases is sought in an omnibus manner with the objective of discovering an inconsistency or mistake, which can be criticized.
- There is also a need to change perceptions about the right to information, noting that it should not be viewed as an irritant "but

something that is good for us collectively”.

Important Decisions

There have been two landmark decisions relating to RTI. The first one by Hon'ble Delhi High Court and the other one by Hon'ble Supreme Court. The brief of these decisions is reproduced below for better understanding and implementation of RTI Act 2005 by Public Authorities (PAs).

Hon'ble High Court of Delhi, LPA No. 900/2010 Dated 23rd March, 2012 in the case of Bharat Sanchar Nigam Ltd. (Appellant) versus Shri Chander Sekhar – Respondent

Background

The appellant had floated a tender titled 'GSM Phase-VI' for the installation of 93 million GSM lines, in four parts. M/s KEC International Ltd. was one of the bidders in the said tender. The respondent, claiming to be one of the shareholders of the said KEC International Ltd., on 02.07.2009 applied under the provisions of the Right to Information Act, 2005 seeking information regarding complete report of Evaluation of Tender on the Financial Bids received from various bidders.

Decisions

The CPIO of the Appellant Authority vide letter dated 30.07.2009 declined the information under Section 8(1)(d) of the Act. The first Appellate Authority vide order dated 08.09.2009 confirmed the order of the CPIO. The CIC in its order dated 10.11.2009 issued directions for disclosing the information. The learned Single Judge dismissed the writ petition

preferred by the appellant impugning the order.

The extracts from the decision of the Hon'ble Delhi High Court dated 23rd March, 2012 are reproduced below:

- Confidentiality or secrecy is the essence of sealed bids. The same helps the contract awarding party to have the most competitive and best rates / offer.
- We may at this stage notice that the Freedom of Information Act prevalent in United States of America as well as the Freedom of Information Act, 2000 in force in United Kingdom, both carve out an exception qua trade secrets and commercial or financial information obtained from a person and which is privileged or confidential. It has been held that unless persons having necessary information are assured that it will remain confidential, they may decline to cooperate with officials and the ability of government to make intelligent well-informed decisions will be impaired. Yet another test of whether the information submitted with the bids is confidential or not is of whether such information is generally available for public perusal and of whether such information is customarily made available to the public by the business submitter. If it is not so customarily made available, it is treated as confidential.
- The appeal is therefore partly allowed. The matter is remanded back to the CIC. If the respondent is still desirous of the information sought, the CIC shall issue notice to the parties whose bids are evaluated in the evaluation process and decide the request of the respondent after following the procedure



under Section 11 of the Act.

Hon'ble Supreme Court of India, New Delhi October 3, 2012

Civil Appellate Jurisdiction

Special Leave Petition (Civil) No. 27734 of 2012 (@ CC 14781/2012)

Girish Ramchandra Deshpande ..
Petitioner

Versus

Central Information Commission
& Others .. Respondents

Background

The petitioner herein had submitted an application on 27.8.2008 before the Regional Provident Fund Commissioner (Ministry of Labour, Government of India) calling for various details relating to third respondent, who was employed as an Enforcement Officer in Sub-Regional Office, Akola, now working in the State of Madhya Pradesh. As many as 15 queries were made to which the Regional Provident Fund Commissioner, Nagpur, the CPIO concerned had denied part of the information sought u/s 8(1)(j) since it related to **Income Tax Returns and Property Returns of third party**.



The Hon'ble Supreme Court ruled

- “We are in agreement with the CIC and the courts below that the details called for by the petitioner i.e. copies of all memos issued to the third respondent, show cause notices and orders of censure/ punishment etc. are qualified to be personal information as defined in Clause (j) of Section 8(1) of the RTI Act.
- The performance of an employee/officer in an organization is primarily a matter between the employee and the employer and normally those aspects are governed by the service rules which fall under the expression “personal information”, the disclosure of which has no relationship to any public activity or public interest. On the other hand, the disclosure of which would cause unwarranted invasion of privacy of that individual. Of course, in a given case, if the Central Public Information Officer or the State Public Information Officer of the Appellate Authority is satisfied that the larger public interest justifies the disclosure of such information, appropriate orders could be passed but the petitioner cannot claim those details as a matter of right.

- The details disclosed by a person in his income tax returns are “personal information” which stand exempted from disclosure under Clause (j) of Section 8(1) of the RTI Act, unless involves a larger public interest and the Central Public Information Officer or the State Public Information Officer or the Appellate Authority is satisfied that the larger public interest justifies the disclosure of such information. The petitioner in the instant case has not made a bona-fide public interest in seeking Information, the disclosure of such information would cause unwarranted invasion of privacy of the individual under Section 8(1)(j) of the RTI Act.

- We are, therefore, of the view that the petitioner has not succeeded in establishing that the information sought for is for the larger public interest. That being the fact, we are not inclined to entertain this special leave petition. Hence, the same is dismissed.

In the High Court of Delhi at New Delhi LPA 34/2015 & C.m.no.1287/2015 Dated 09.04.2015 In The Case Of Subhash Chandra Agarwal (Petitioner) Versus The Registrar, Supreme Court Of India & Ors (Respondents)

Background

The appellant filed an application under the RTI Act with the Central Public Information Officer, Department of Justice, Government of India seeking the information relating to the details of the medical facilities availed by the individual judges and their family members of the Supreme Court in last three

years including the information relating to expenses on private treatment in India or abroad.

Decisions

The CPIO, to whom the said application was transferred under Section 6(3) of the Act rejected the same by order dated 02.02.2011 on the ground that it is an exempted information under Section 8(1)(j) of the Act. The appeal preferred by the appellant was dismissed by the First Appellate Authority by order dated 07.03.2011. However, the further appeal to the CIC was allowed and by order dated 03.08.2011, the CIC directed the CPIO to provide the total amount of medical expenses of individual judges reimbursed by the Supreme Court during the last three years both in India and abroad wherever applicable. There was also a direction that the CPIO shall bring to the notice of the competent authority in the Supreme Court and ensure that arrangements are made in future for maintaining the information as expected in Section 4(1)(a) of the RTI Act. In pursuance thereof, by letter dated 30.08.2011, the CPIO while furnishing the actual total expenditure for the years 2007-08, 2008- 09 and 2009-10, informed the appellant that the judge-wise information regarding actual total medical expenditure is not required to be maintained and is not maintained. Contending that the information furnished by CPIO is not in compliance with the order dated 03.08.2011, the appellant again approached the CIC and thereupon by order dated 01.02.2012 the CIC reiterated its directions dated 03.08.2011.

Aggrieved by the said order, the appellant filed W.P.(C)

No.1842/2012. By the order under appeal, the learned Single Judge allowed the writ petition holding that the order passed by CIC purportedly in exercise of power under Section 19(8)(a)(iv) of the Act is erroneous.

While taking note of the fact that the information sought by the respondent/appellant was with regard to expenses incurred on medical facilities of judges retired as well as serving and that the said information is personal information which is exempted from disclosure under Section 8(1)(j) of the RTI Act and that the medical bills would indicate the treatment and/or medicines required by individuals and the same would clearly be an invasion of the privacy, the learned Single Judge held that the question of issuing any directions under Section 19(8)(a)(iv) of the Act to facilitate access to such information does not arise.

The extracts from the decision of Hon'ble High Court dated 17.04.2015 are reproduced below:

“We have given our thoughtful consideration to the rival submissions made by the parties. It is no doubt true that the RTI Act, 2005 is aimed at providing access to the citizens to information under the control of public authorities in order to promote transparency and accountability in the working of the every public authority. However, as held in the case of Aditya Bandopadhyay & Ors. (Supra) the RTI Act contains certain safeguards by providing exemption from disclosure of certain information including the information which would cause unwarranted invasion of the privacy of the individual except

where the larger public interest justifies the disclosure of such information.

It is no doubt true that Section 19(8)(a)(iv) empowers the appellate authority to require the public authority to make necessary changes to its practices in relation to the maintenance, management and destruction of record for the purpose of securing compliance with the provisions of the RTI Act. However, as rightly held by the learned Single Judge the said power cannot be invoked to direct creation of information but the same can be only with regard to the existing information.

The information sought by the appellant includes the details of the medical facilities availed by the individual judges. The same being personal information, we are of the view that providing such information would undoubtedly amount to invasion of the privacy. We have also taken note of the fact that it was conceded before the learned Single Judge by the learned counsel for the appellant herein that no larger public interest is involved in seeking the details of the medical facilities availed by the individual judges. It may also be mentioned that the total expenditure incurred for the medical treatment of the judges for the period in question was already furnished by the CPIO by his letter dated 30.08.2011 and it is not the case of the appellant that the said expenditure is excessive or exorbitant. That being so, we are unable to understand how the public interest requires disclosure of the details of the medical facilities availed by the individual judges. In the absence of any such larger public interest, no direction whatsoever can be issued under Section 19(8)(a)

(iv) of the Act by the appellate authorities. Therefore on that ground also the order passed by the CIC dated 01.02.2012 is unsustainable and the same has rightly been set aside by the learned Single Judge.

For the aforesaid reasons, the appeal is devoid of any merits and the same is accordingly dismissed.”

Conclusion

- The Act should be applicable to all authorities, Government and Private, to offer level playing field to all.
- Analysis of RTI applications indicate that maximum number of applications are received from aggrieved employees working or retired.
- There are cases where applicants have used RTI to get hold of personal details such as Property details and service related documents of the Officers who took action against them with an aim to unnecessarily harass the duty bound Officers.

The Act is a very powerful tool in the hands of general public to get information which was concealed by public authorities on one pretext or the other. The scope of the act needs to be widened by including NGOs and Private Players in the ambit of the act to offer level playing field.

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Transparency in Public Sector:

Right to Information Act, Its Implementation and Concerns



Nishi Saigal
CGM (Law), IOC

The contemporary times witnessed a growth of public awareness about the Right to Information (RTI), testimony to which is the increasingly large number of RTI queries being disposed by the various Public Sector Enterprises (PSEs). On the one hand, RTI democratized the information by enabling its dissemination to all the citizens equally, and on the other, it decentralized the governance structures thus making the People of India the biggest stakeholder in the path to good governance. Right to Information Act became operational on 12th October, 2005, and generated varied undercurrents in the Indian industrial sector, particularly with respect to its applicability on the PSEs and the corresponding disclosure obligations on them. Despite RTI being envisaged as a tool for the eradication of inefficiency, maladministration and corrupt practices in the Public Sector, certain practical issues surfaced during the course of the implementation of the Act in the previous decade.

The various issues that hinder the effective implementation of

the RTI Act may be classified under two heads i.e. demand-side deficiencies (on the part of the applicants) and supply-side deficiencies (on the part of Public Authorities and Information Commissions).

Issues on the Demand-Side (on the part of the applicants)

Acute low standards of public awareness: Section 26 of the Act provides that the appropriate government may develop & organize educational programmes to advance the understanding of the public, particularly the weaker sections, about their rights as contemplated by the Act. Generally, it has been observed that the awareness levels among women in rural areas are lesser than their male counterparts and among weaker sections (OBC/SC/ST) is lesser than general category citizens about RTI Act.

Constraints in filing applications: Section 6 of the Act mandates the Public Information Officers (PIOs) to provide reasonable assistance to the applicant in drafting and submission of the

application. But, the already overworked PIOs are unable to perform this statutory function as desired. Also, Section 6 provides for an electronic channel to apply for information, but various public authorities still lack the adequate infrastructure for the same. Apart from this, various states have different payment channels and some states have excluded easy payment channels like postal orders etc. Moreover, the standardization of the RTI application is yet to be manifested.

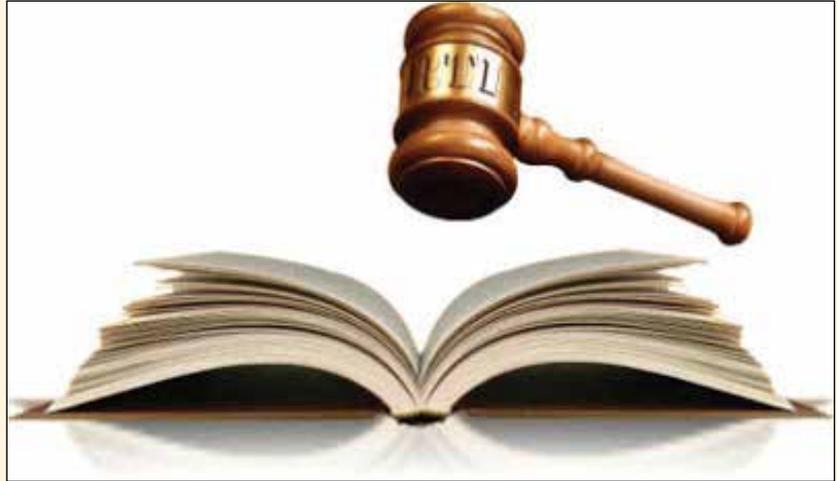
Constraints in record inspection: Section 7(9) of the Act requires information to be provided in the manner requested, unless it disproportionately diverts the resources of the public authority. Sometimes, information requests require collation and analysis of data for the previous 10 years or so, where PIOs are unable to inspect the records. In this regards, an initiative by the Bombay Municipal Corporation (BMC) to allow the information seekers to inspect the records themselves has been categorized as a good practice and may be replicated in other public sector entities.

Issues on the Supply-Side (on the part of public authorities and information commissions):

Failure to provide information within specified time: Section 7 of the Act mandates the PIOs to provide information within 30 days of the receipt of the application. The PIOs are challenged in providing information due to inadequate record management procedures with the Public Authorities because of non-availability of enabling infrastructure like computers, internet connectivity, scanners etc.

Inadequate training of officials: For RTI Act to be implemented in letter and spirit, the first and foremost requirement is of empowering the PIOs to discharge their duties effectively. A survey conducted by Price Waterhouse Coopers found that 55% of the PIOs did not receive any RTI training. Low levels of awareness regarding the judgments of Information Commissions further deteriorate their performance..

Obsolete record management practices: Section 4 of the Act contemplates maintaining all records duly catalogued, indexed and computerized and connected through a network all over the country (within a reasonable time and subject to resources) in a manner to facilitate the Right to Information under the Act. Non-availability of basic infrastructure in various field offices of the PSEs has hampered the provision for computerization and networking of records from becoming effective. In this regard, Gujarat Archives Department along with



Right to Information Act became operational on 12th October, 2005, and generated varied undercurrents in the Indian industrial sector, particularly with respect to its applicability on the PSEs and the corresponding disclosure obligations on them. Despite RTI being envisaged as a tool for the eradication of inefficiency, maladministration and corrupt practices in the Public Sector, certain practical issues surfaced during the course of the implementation of the Act in the previous decade.

Gujarat Legislative Assembly have adopted digitization of records for quick disposal of RTI queries involving data of historical significance

Lack of motivation among PIOs: The provisions of the Act are penal in nature where in the event of any breach of the specified time, penalties are imposed on the PIOs, whereas no incentive is given for taking the responsibility of implementing RTI Act. This is aggravated by the non-allocation of additional staff at the PIOs' disposal for RTI related activities.

Reluctance in proactive disclosures: Section 4 of the Act provides for the type of information that needs to be provided by the Public Authorities on suo motu basis. The internal processes to address the requirement of suo motu basis are not defined in many Public Authorities, particularly departments/undertakings of State Governments. Neither the State Government nor the Information Commissions have taken adequate steps to ensure the compliance of this basic provision.

Non-applicability of RTI on



private sector: PSEs falling under the purview of RTI see their private sector counterparts as having more competitive edge in the business, particularly due to the various compliances the PSEs are subjected to. This argument can be reinforced by the fact that in the cases of acquisitions and takeovers, the Government is not willing to possess a stake of more than 50% so that the acquired entity does not fall under the purview of RTI and other compliances to which PSEs are bound.

Pendency in Information Commissions: The rise in the number of RTI applications with every passing year have simultaneously witnessed a

rise in the appeals filed in the Information Commissions. In certain states, the respective State Information Commissions are facing overwhelming pendency which can be illustrated by the “wait period” of more than 12 months, thus, discouraging citizens from filing the appeals. For the RTI Act to be effective, the pendency if not eradicated, needs to be brought down to lower levels by instituting operational reforms.

The Right to Information Act 2005 has ushered in a new era of transparency and people’s access to information in India. The implementation of the Act is gathering momentum with each passing day. Government,

civil societies and the media have generally lent their might to the realization of citizens’ right to information through this revolutionary Act. In light of the various scams that have surfaced in the corporate world, private enterprises may not be allowed to remain completely out of the ambit of the Act as they are also handling public money. Applicability of certain quintessential provisions of the Act would also reinforce a level playing field for all the players in the market, irrespective of being a public or private sector entity. What is most important at present juncture is to give an honest chance to the Act to operate without negative stumbling blocks and bottlenecks. Public Sector Enterprises must be pioneers in the effective implementation of the Act as they can certainly add unparalleled momentum to a paradigm shift towards transparency so that the objectives of the Act are realized to the fullest. Replication of suitable best practices as developed by the various public authorities in our respective PSEs coupled with a pragmatic value-laden culture that promotes transparency and accountability is a sine qua non for the successful implementation of the RTI Act. ■



Applicability of RTI Act, 2005 in Public Sector Undertakings & Other Public Authorities



J. K. Bodha
ED, Law, ONGC

The right to get information in a democracy is recognized all throughout and is a natural right flowing from the concept of democracy. To fulfil this object, strengthen and codify the right to information of the citizens the Right to Information Act, 2005 (hereinafter referred to as “the RTI Act”) was enacted by the parliament. It came into force from October, 2005 and since then it has relaxed the information disclosure regime in India. The RTI Act replaced and repealed the Freedom of Information Act, 2002.

The main object of the RTI Act is to envisage setting out of a practical regime of right to information for citizens to secure access to information under the control of public authorities with a main purpose of promoting transparency and accountability in the working of every public authority.

The RTI Act has brought a sea change in the domain of public information. Before this Act the accountability of public authority was minimal. This Act has promoted transparency and accountability in administration by making the Government more open to public scrutiny. It has

been able to fulfil to a certain extent its objectives but there are still many challenges to be met and changes to be brought.

Impact of RTI Act upon Public Sector Undertakings:

Right to information includes access to the information which is held by or under the control of any public authority and includes the right to inspect the work, document, records, taking notes, extracts or certified copies of documents/ records and certified samples of the materials and obtaining information which is also stored in electronic form. The RTI Act covers all the PSUs and other Public Authorities. It lays down a specific procedure and a timeline for providing information to the applicants.

ONGC is one of the first Government Undertaking, which started to entertain online RTI application from August, 2016. Till date we have received some 13545 applications under the RTI Act.

- Time and again it has been observed that the information sought does not cover any specific point but is very general

in nature. This may be due to the fact that the intention of the applicant is merely to cause trouble and not obtain any substantial information. There have been decisions of the CIC vehemently discouraging such frivolous applications and taking the applicants to task.

- Making working of public authorities transparent though is the main objective of the Act, but under section 8 it provides certain information which is exempted from disclosure.

The Hon’ble Supreme Court of India in **CBSE Vs. Aditya Bandopadhyaya** has held “*The provisions of the Right to Information Act should not be allowed to be misused. Indiscriminate and impractical demands or directions under RTI Act for disclosure of all and sundry information (unrelated to transparency and accountability in the functioning of public authorities and eradication of corruption) would be counterproductive as it will adversely affect the efficiency of the administration and result in the executive getting bogged down with the non-productive work of collection and furnishing information. The Act should not be allowed to be misused or abused, to become a tool to obstruct the national development*”

and integration, or to destroy the peace, tranquility and harmony among its citizens. Nor should it be converted into a tool of oppression or intimidation of honest officials striving to do their duty.”

- **Non-disclosure of information during investigations /court cases**—Access to information, under Section 3 of the Act, is the rule and exemptions under Section 8, the exception. Section 8 being a restriction on this fundamental right, must therefore be strictly construed. It should not be interpreted in manner as to shadow the very right itself. Under Section 8, exemption from releasing information is granted if it would impede the process of investigation or the prosecution of the offenders.

In *Bhagat Singh v. CIC & Ors.* the High Court of Delhi has held that “mere existence of an investigation process cannot be a ground for refusal of the information; the authority withholding information must show satisfactory reasons as to why the release of such information would hamper the investigation process. Such reasons should be germane, and the opinion of the process being hampered should be reasonable and based on some material.” Similarly in *B.S. Mathur v. PIO*, the same High Court held “the burden is on the public authority to show in what manner the disclosure of such information would ‘impede’ the investigation”.

Another important decision of the CIC in this regard has been in the matter of *Shri Milap Choraria vs. CBDT*. In this case the appellant sought information regarding file containing decisions pertaining to the applicant himself and hence

personal in nature. The inspection of this file had no relationship to any public activity or interest. The matter being wholly personal to the applicant was treated to be an exemption u/s 8(1)(j) of the RTI Act. Here it was decided by the CIC that “a public authority must not be obligated to explain its conduct by revealing the entire decision making process to the very litigant with whom it may be engaged in a dispute legal or otherwise”.

This decision holds lot of relevance, where during litigations, various types of

The RTI Act has brought a sea change in the domain of public information. Before this Act the accountability of public authority was minimal. This Act has promoted transparency and accountability in administration by making the Government more open to public scrutiny. It has been able to fulfil to a certain extent its objectives but there are still many challenges to be met and changes to be brought.

information is sought by the litigant under the aegis of RTI for strengthening their personal matters.

- Whenever any departmental enquiry is going on against any employee, the Public Authority is not bound to disclose any information sought by him under the provisions of this Act which are sought with a mala-fide intention of strengthening their own stand. In *Sarvesh Kaushal vs. F.C.I and others* the appellant had applied for documents relating to the departmental enquiry launched against him in a corruption case. The CIC, rejecting the appeal, held that *the departmental enquiry, which was in progress against him, was a pending investigation under law, and the same attracted the provisions of Section 8(1)(h). Therefore, there is no question of disclosing any information relating to his prosecution. Similar decision was given by CIC in Dr. B.L. Malhotra vs. The National Small Industries Corporation Ltd. also.*

- Another very important aspect which needs to be addressed is that the RTI Act makes it amply clear that it caters to the citizen who is seeking some information from the public authorities and does not talk about question raised by them regarding procedure/ working etc. of the public authorities. Here it is pertinent to draw a distinction between “information” and “question”. Applications which raise questions rather than seek information may not fall under the purview of the Act and may have to be dealt with accordingly. Further care has to be taken to ensure that only the information available is provided and no new information is generated.

- Information on internal documents/ note sheets- Undoubtedly compliance with the provisions of the RTI Act is of utmost importance. But this does not include divulgement of internal information contained in the noting-sheets of the organization. While providing such information, the Public Authority has a right to blackout those sentences which cover sensitive information.

In *Dr. K.C. Vijayakumaran Nair vs. Department of Post* it was decided that "the file notings in the instant case; contain information relating to transfer/posting. The competent authority of the respondent may have taken the decision keeping in view of the overall interests of the respondent. It is, therefore, not for any employee, how-so-ever he may be affected, to know as to why or how the decision was taken by the competent authority. The disclosure of such information is not in the public interest as the appellant has asked for the information for promotion of his personal interest. Under the RTI, the employees are not expected to question the decisions of the superior officers in the garb of seeking information."

- Care has to be taken that RTI does not turn into tool for Vendetta by an employee against organization for some grievances. In *Smt. Uma Kanti & Shri Ramesh Chandra vs. Navodaya Vidhyalaya* the appellant sought information/documents on 375 items regarding various issues pertaining to the Department. No information was furnished by the CPIO. Respondents during the hearing brought to the notice of the Commission that these various RTI applications which the Commission noticed were actually thick piles of

papers containing questions and proforma and the information sought by the Appellants was spread over 20 years concerning thousands of employees. The Commission directed the Respondents not to consider the RTI-applications filed by this Appellant and his wife since the RTI cannot be turned into a tool for vendetta of an employee against his Organisation for some grievance that one harbours against it.

- Protection of commercial interest, commercial confidence and third party information is very essential. Whenever any public dealing is involved, commercial confidence has to be safeguarded. Each time a tender is floated, though the tender document is a public document but the bids and other information received is confidential. Instances are there when other bidders with mala-fide intentions or because of any personal rivalry under the purview of RTI have sought certain information which violates this confidentiality. In such situations the applications are to be dealt strictly in accordance with the provisions of Section 11 of the RTI Act with due care.

In *Mrs R Anil Kumar vs Bhel*, the CIC has observed CPIO cannot deny copies of the technical and price bids, merely by invoking Section 8 (1) (d) of the RTI Act, without providing adequate justification for the denial. Further, a decision regarding whether and to what extent the information concerning the technical and price bids can be disclosed, should be taken after issuing notices to the bidders and following the procedure laid down under Section 11 of the RTI Act. If the information sought by the bidders of the third party is

in the welfare of the public at large then according to the CIC, with due procedure of law section 11 the same must be provided.

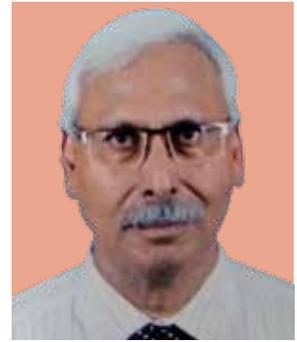
- The CIC has noticed instances where certain applicants have made it a habit to repeatedly file applications only with a purpose of harassing and wasting time of the public authority and the commission. In such situations, the CIC has taken stern warning to the applicants not to file frivolous RTI applications in future.

Conclusion

RTI Act has been one of the friendliest legislations ever. Thousands of people have benefitted from it. It has gone a long way in bringing about a transparency and accountability among the public authorities and preventing corruption. But on the flipside there have been numerous instances where the power given to the people has been misused for frivolous gains and satisfying mala-fide intentions. The fate of any law depends upon the awareness and participation of the people responsible for its implementation. Hence, to make this Act a master key to good governance and to derive maximum benefit out of it, it is our duty to be more vigilant and conscious while dealing with the applications filed under it. ■



SCOPE Commitment Towards RTI



O. P. Khorwal
Convener
SCOPE Steering Committee
on RTI

Standing Conference of Public Enterprises (SCOPE) is an Apex professional body and Employers Organisation representing the Central Public Sector Enterprises. SCOPE has been a catalyst in sharpening the Government focus on Reforms and Restructuring of PSE's in tune with the opening up of Indian economy. SCOPE also serves as interface between the Government of India (GoI) and its Member Enterprises in order to promote excellence in organisations and making them globally competitive. Thus, SCOPE is playing a pivotal role in ensuring implementation of the RTI Act, 2005 in Member Enterprises which are Public authorities. At the initial stage of the RTI implementation during 2005-2006, SCOPE understood the concerns of the CPSEs in implementation of the government statute and the problem being faced by them in addressing these to the concerned authorities. Considering the gravity of the issues, SCOPE had drawn the action plan in order to remove their difficulties in implementation of RTI Act in right spirit. SCOPE emphasized that it is the moral duties of all CPSEs to implement the Act in

right spirit and to comply with all the provisions under the RTI Act. SCOPE is organizing workshops on RTI Act for awareness of the same to its constituents for its smooth implementation.

As per the plan, first of all SCOPE constituted a "Steering Committee on RTI" with representatives from different sectors of CPSEs such as power, oil, steel, gas, manufacturing, engineering etc. The steering committee deliberated and short listed the issues and made the presentation to the Board Members of SCOPE.

SCOPE then organized an interactive session between Mr. W. Halibullah, the then Chief Information Commissioner and CEOs of CPSEs which was attended by more than 60 CMDs, CEOs & Directors on Board. All the short listed issues were addressed to the CIC. CIC appreciated the initiative of SCOPE and it was very fruitful and most of the doubts were removed by providing proper clarification by CIC on the issues such as number of questions in one RTI application, time limit of 30 days, misuse of commercial information, identity of the applicant etc. CIC further suggested the following:

- All CPSEs to streamline the Record Management System for faster retrieval of the documents and providing the information in stipulated time of 30 days.
- To bring more transparency in the day-to-day functioning by simplification of system and procedures.
- Disseminating more & more information as proactive disclosures through manuals and website.
- To generate a "negative lists" covering the items needs to be exempted from disclosure by all CPSEs and make it public.
- In order to create awareness among the employees of CPSEs, SCOPE should conduct region-wise workshops/seminars on RTI Act implementation.

As training was considered utmost important and priority for smooth implementation of RTI Act, hence SCOPE organized a one day workshop on RTI for CPIOs and APIOs of CPSEs which was attended by more than 70 (seventy) participants. The feedback was very encouraging and lot of issues were emerged which were referred to the Steering Committee of SCOPE for further deliberation and their

recommendations. Based on the recommendation of Steering Committee, SCOPE again addressed the issues to CIC in their office. During the interactive meeting held with Mr. A. N. Tiwari, the then Chief Information Commissioner, wherein all the information Commissioners and 8 CMDs/CEO's from various CPSEs were present. After long deliberation on bringing further transparency in the Corporate Governance, CIC suggested that SCOPE can play a key role by In providing the training to CPIO & Senior officials of CPSEs.

SCOPE accepted the challenge to arrange workshop in all the regions of the country for CPSEs. So far, SCOPE has organised 10(Ten)RTI workshop/symposium/sensitization programme in all the regions including the North East which has benefited approx. 2500 officers and conducted 3 interactive session with top management which has been benefited approximately to top officials.

SCOPE is also aiming for bringing out more transparency in the governance and management of CPSEs, which is an objective of the RTI Act enacted by the Indian Parliament. So, in order to understand the problems based on various feedbacks from members, SCOPE took another initiative to conduct the study on "Good Practices in RTI Implementation by the CPSEs". The study was conducted in 2012, the observations were very alarming such as no serious attention to RTI by some of the CPSEs, non compliance of fully Section 4, inordinate delays in providing the information, lot of fear psycho among officials no clarity what to be given, negligible knowledge in

using exemptions etc.

SCOPE then decided to extend active support in the capacity building of all its member enterprises by providing guidance and advisory services on RTI, such as providing 'Standard RTI Manual "for compliance of Section 4 by PA, created a data base for important circulars & decisions on RTI, prepared templates for various replies by CPIO & AA etc in the year 2013 and uploaded on the SCOPE web site for the use of CPSEs.

In order to bring the CPIOs and Appellate Authorities of the CPSE under one platform and to understand their concerns in implementation and to arrange interaction with the CIC & ICs SCOPE took further initiative for organizing CPIO's conference of CPSEs in Delhi during the month of June 2013. Since then every year SCOPE is organizing Annual Meet of CPIOs/AA/Nodal Officers every year. This year it is scheduled on 6th & 7th July, 2017. SCOPE shall continue its endeavor in supporting smooth implementation of RTI Act among CPSEs in true spirit. The issues and recommendations that emerged during the conference were sent for consideration to CIC or DoPT. In the chain of interactive session on RTI with CIC by SCOPE, a panel discussion was also organized at SCOPE Convention Centre, New Delhi, wherein CMDs/CEOs/Directors of CPSEs from most of the sectors attended and participated. This was very useful and CIC highlighted the importance and use of Section 7(9) with respect to management of "voluminous Information", as well as explanation on "commercial confidence" with



respect to information related to trade secret, bids received from the bidders, Section 8(1)(d) ,"intellectual property" Clause for the information related to engineering data, feasibility reports, R&D reports again section 8(1)(d) and use of 10(2) etc. This had been benefitted to the CPSEs in better management of RTI applications.

In view to make the RTI system paperless and less time consuming, SCOPE with the support of TCIL, developed the software program for 'Online processing of RTI application". This was inaugurated by Dr. U. D. Choubey, DG, & Chairman, Steering Committee on RTI SCOPE at Shillong during the RTI Workshop. It shall be made available soon.

"SCOPE in view to have better implementation of RTI Act among member CPSEs have introduced Annual Excellence Award on RTI Act implementation" NTPC and GAIL have bagged the award in 2016. The Steering Committee regularly meets, deliberates on the issues of concerns of CPSEs & policy matters related to RTI and committed & continue for ensuring all support to CPSEs. ■

RTI Implementation in NHPC Ltd.



Deepak Saigal
CE(C) & CPIO, NHPC

RTI Act is the historic and revolutionary post-independence legislation aimed towards improving transparency and corporate governance. Over the last decade, RTI has become a very important tool for citizens of India to obtain information and scrutinize the functioning of Public Authorities and to indirectly check corruption in the state activities. In India, RTI as a concept is not new but has its traces in the ancient history where the great Emperor Ashoka was the first to realise that his masses must have right to information. He inscribed his policies, programmes and ideas on the rocks and pillars across his regime. He used local language so that people could easily

understand the same.

NHPC Ltd is implementing RTI since inception of the Act in 2005. NHPC has centralized system consisting of single CPIO of the rank of Chief Engineer located at Corporate office and around 40 APIOs located at various NHPC project locations along with an Appellate Authority (of rank of Executive Director) and a Transparency Officer (for suo-motu disclosures). Since Jan 2016 NHPC Ltd has also been linked to DoPT RTI Online Portal.

Though NHPC power stations/projects are located at very remote locations close to disturbed areas near borders, spread from far North east region, Himachal, Jammu & Kashmir, Uttaranchal

and some of which are even cut from road connectivity for 5-6 months during the year but NHPC has developed a robust monitoring mechanism & able to do RTI Implementation efficiently in time bound manner with consistent application/ appeal disposal rates of about 99%.

For effective implementation of RTI Act, NHPC has taken many initiatives with objective of creating awareness and sensitivity about the provisions of the Act among all employees. Aim is to create awareness among employees by clarifying the basic principles and remove fears in the mind of employees in disclosure of Information so that they can effectively perform





their allocated functions without sacrificing the commercial interest of the organisation. The same includes:-

- Regular training of Employees (both in-house and outside nominations)
- Encouraging employees to undertake on line RTI course of DOPT.
- Publications of RTI Handbook (Two editions-English & Hindi)
- RTI Week Celebrations (Banners, Quiz Competition/ Debates)
- Creating of RTI corner on Intranet (where Circulars, Press news, CIC Judgements etc are uploaded) for reference of employees.
- Inviting Experts/ Information Commissioners for sharing views on RTI.
- Periodically Updating &

Incr-easing the scope under Suo-motu disclosures on website.

- Updating the Record Management Systems.

Further NHPC Ltd extends all help to RTI applicants (specially in remote villages near our project locations) by assisting them in filing application and flexibility in depositing of fees.

In line with provisions of RTI Act,



NHPC is providing training to all employees in phase wise manner. RTI training is the part of Training Calendar of NHPC and conducted across the all units by experts in RTI field. Further, officers of RTI department corporate office periodically visit projects/ power stations and have interactive session with employees and clear their confusion, doubts if any.

RTI as is being presently implemented can be made more effective and efficient by enhancing low level of awareness among masses as the RTI platform often is being used in attempt to solve all types of Public Grievances, redressal of all problems (legal, contractual, personal, administrative etc.) for which other forums are already existing. Way needs to be found in dealing with other challenges like Habitual RTI Applicants and RTI in fictitious names and contact addresses. ■



Transparency and Right to Information Act-

Its Implementation, Good Practices Adopted and Issues of Concern of PSEs



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Right to Information Act-2005, came into being during 2005 with the sole motive of creating a practical regime of transparency for the Indian citizenry, excluding the state of Jammu and Kashmir. An initial time was provided for setting up the Commissions, designation of Public Information Officers, and preparation of information on suo-motu. After initial set up, the organizations started implementing the Act and the requests for information were replied in line with the provisions contained in the Act. During initial stages, the requests for seeking information were in less number but with the passage of time and as the awareness increased amongst the citizens through various means like TV ads, news papers and websites, the number of requests for seeking information has been increasing spirally and now the situation has reached to such an extent that people are making its use even for resolving the complex natured issues.

The main objective of the Act was to control corruption by way of bringing transparency in the functioning of the public

authorities, but instead of making the genuine use of the Act, the public knowingly or unknowingly have started using it for taking undue advantage. As far as the implementation of the Act is concerned, the PSEs have made due efforts in this direction and have established various good practices in the organizations. In GRSE, the CPIO does not make use of the routine dak section for dispatching the RTI replies, rather he or his representative goes to post office and dispatches the replies through speed post, which not only ensures the timely delivery of replies to the information seekers but also makes the CPIO able to track the replies sent with the documentary evidence. The good use of the Act is beneficial to the citizens, as it is not only a low cost solution but also has a timeline for supply of information. At GRSE, the CPIO has framed the guidelines and the format for seeking information and uploaded the same on its website for the benefit of the citizens, by stating clearly the address for sending the RTI application and the documents required to be attached in a user friendly

manner. Such an initiative of providing the required details helps the citizens while applying for seeking information. The *suo-motu* disclosures have also been prepared with the help of Assistant CPIO and uploaded on the GRSE website.

The following issues and concerns are very serious in nature needing immediate redressal:

- The CPIOs are designated by the public authorities from the existing pool of talent from within the organization and the job of RTI compliance is left to them as an additional responsibility. The efforts made for achieving the compliance to RTI Act by the CPIOs is generally invisible due to which the CPIOs are not being provided with the required resources and recognition. The CPIOs are just being made to run from pillar to post for complying to the requirements of the citizens. The CPIOs are the backbone under the public authorities for implementing the RTI Act but there is no reward for good work. Rather the Act provides for the imposition of penalty in case of failure in providing

the desired information as per the timeline, format and requirement. The penalty to them is personal penalty and not the organizational penalty. In my opinion, the penalty should be on the organization and not on the CPIO, as the CPIO has been assigned this task not as a full time but as an additional responsibility and that too has to be achieved with the help of the custodian departments. The concept of deemed CPIO is not of much help in this regard. The First Appellate Authority under the organizations are normally the head of the organization, which is good. After the First Appeals are decided by the First Appellate Authorities, the second level of decision lies at the level of Information Commissioner.

- Many people have misconceptions about the RTI Act and this affects the functioning of RTI implementation in the organizations. One such misconception is thinking that the RTI is simply a post office job for the CPIOs and the CPIOs must give priority to the departmental jobs. Such thinking is also not wrong from the organizational point of view, but due priority needs to be attached to compliance of RTI Act as well. Under the process, the CPIOs are just becoming as the sandwich between the public and the public authority. The public authorities must realize that the role of CPIO is very critical and quasi-judicial in nature, who decides on the matters of providing or not providing the information to the information seekers by applying logic, provisions of the Act, rules and statutes in vogue from time to time. The CPIO is the deciding authority regarding involvement of public interest in the matters of

providing information. To enable the CPIOs, the public authorities must nominate them for relevant trainings/conferences in spite of pressing job demands in their own area of work. The CPIO should not be below the rank of General Manager or equivalent and must have exposure in the legal field. The CPIOs must be given due support by the public authority in all matters, as they are the backbone to protect the interests of the citizens as well as the public authorities and support the justice.

- The day by day increasing misuse of the Act is becoming the burning concern for the public authorities, as many citizens are finding ways and means to harass the CPIOs by filing unwarranted requests for seeking unreasonable, non-genuine and hypothetical information running into volumes of pages not only in their own names but also in the names of their family members, relatives and other members of the society. When the CPIOs are not able to comply the timeline, then these applicants do not hesitate in rebuking and threatening the CPIOs and complaining against them to their bosses with a view to malign their official and social position and also demand for imposing the penalty upon the CPIOs. The applicants further threaten the CPIOs for dire consequences and demand the compensation from the public authorities for their alleged physical harassment, mental agony, and alleged distress. The remedy to this menace can be in clearly defining the eligibility of the information seekers and the justification of seeking the information. It is not understood as to why the information seekers should not follow transparency

in seeking the information. Clearly spelt out purpose of seeking the information will help the CPIOs for providing the desired information to the point. In actual practice, it is seen that the real query is camouflaged by the information seekers while seeking the information and thus it makes the CPIOs over burdened in preparing the unneeded information. If the RTI applications are also filed in a clear and transparent manner, the 50 % unnecessary burden on the CPIOs will automatically get reduced. In summary, anyone and everyone should not be eligible to seek anything and everything related or even unrelated information without the justification for seeking the same. There must be a provision for imposing penalty on the habitual and frivolous information seekers in the Act.

- The application fee of Rupees ten is very low and negligible in fact, which put unnecessary financial burden on the public authorities. In my opinion, the actual costs incurred for providing the information must be recovered from the information seekers. This will not only put a check in demanding voluminous information unnecessarily by the citizens but also save the organizational money and efforts.

- There needs to be a consistency in the decisions given by the RTI Authorities at various stages.

- The public authorities must be ordered to make RTI Cells so that the RTI Matters may be dealt with in more dedicated and professional manner to help the citizens in giving the decisions in time.

- As the Act is already 12 years old, professionalism must be achieved in this field by all concerned. ■

Transparency and the Right to Information Act, 2005



Amit Mohaan Meharia
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In order to promote transparency and accountability in Administration, Parliament passed “Right to Information Bill, 2004 on 15th June, 2005. The Right to Information Act (for short “the Act”) was notified in the Gazette of India on 21st June, 2005, after repealing the Freedom of Information Act, 2002. The Act has become fully operational from 12th October, 2005 so as to enable a citizen of India to secure access to information under the control of Public Authorities. The Act mandates timely response to citizen requests for government information. It applies to all States and Union Territories of India, except the State of Jammu and Kashmir, which is covered under a State-level Law. Prior to the Act being passed by the Parliament, the RTI Laws were first successfully enacted by the state governments of Tamil Nadu (1997), Goa (1997), Rajasthan (2000), Karnataka (2000), Delhi (2001), Maharashtra (2002), Madhya Pradesh (2003), Assam (2002) and Jammu and Kashmir (2004). Some of these State level enactments have been widely used. While the Delhi RTI Act is

still in force, Jammu & Kashmir has its own Right to Information Act of 2009, the successor to the repealed J&K Right to Information Act, 2004 and its 2008 amendment¹.

The Right to Information (for short “RTI”) is derived from our fundamental right of freedom of speech and expression under Article 19 of the Constitution. If we do not have information on how our government and public institutions function, we cannot express any informed opinion on it, democracy revolves around the basic idea of citizens being at the centre of governance and the freedom of press is an essential element for a democracy to function. It is thus obvious that the main reason for a free press is to ensure that citizens are informed. Thus, it clearly flows from this, that the citizen’s right to know is paramount.

Salient features of Right to Information Act, 2005 :-

- The term “Information” includes any mode of information in any form of record, document, e-mail, circular, press release,

contract sample or electronic data etc.

- Any citizen (excluding the citizens within J&K) may request information from a ‘public authority’ (a body of Government or ‘instrumentality of State’) which is required to reply expeditiously or within thirty days.

- Citizens have a right to request any information (as defined); take copies of documents; inspect documents, works and records; take certified samples of materials of work; and obtain information in the form of printouts, diskettes, floppies, tapes, video cassettes or in any other electronic mode.

- The Act relaxes the Official Secrets Act of 1889 which was amended in 1923 and various other special laws that restricted information disclosure in India. In other words, the Act explicitly overrides the Official Secrets Act and other laws in force as on 15 June 2005 to the extent of any inconsistency.

- Applicant can obtain Information within 30 days from the date of request in a normal

¹ Article on Right to Information Act, 2005 available at <http://www.legaldesire.com/right-to-information-act-2005/>



case. In specific circumstances, information can be obtained within 48 hours from time of request, if it is a matter of life or liberty of a person.

- The Act also requires every public authority to computerize their records for wide dissemination and to pro-actively publish certain categories of information so that the citizens need minimum recourse to request for information formally. The Act, in particular, requires every public authority to publish 16 categories of information. This includes the particulars of its organization, functions and duties; powers and duties of its officers and employees; procedure followed in the decision making process; norms set for discharge of its functions; rules, regulations, instructions, manuals and records, held by it or under its control or used by its employees for discharging its functions; etc.

- The Act enumerates the types of information(s) that are exempted from disclosure². However, these exempted

information(s) or those exempted under the Official Secrets Act can be disclosed if public interest in disclosure outweighs the harm to the protected interest³. Also, the exempted information(s) would cease to be exempted if 20 years have lapsed after occurrence of the incident to which the information relates.

- Penalty for refusal to receive an application for information or for not providing information is Rs. 250/- per day but the total amount of penalty should not exceed Rs. 25,000/-.

- If an applicant is not supplied information within the prescribed time of 30 days or 48 hours, as the case may be, or is not satisfied with the information furnished to him, he may prefer an appeal to the first appellate authority who is an officer senior in rank to the Public Information Officer (for short "PIO"). If still not satisfied the applicant may prefer a second appeal with the Central Information Commission (CIC)/ State Information

Commission (SIC) within 90 days from the date on which the decision should have been made by the first appellate authority or was actually received by the appellant.

Implementation of the Act within Public Sector Enterprises

The implementation of the Act has been started by a number of the PSEs in the year 2005 itself wherein a RTI Cell has been formed in the PSEs. As per the records and reports available on the online portal of various PSEs, for the implementation of the Act by PSEs, a centralized system is being followed by PSEs.

Like in case of Indian Oil Corporation Limited there is one centralised monitoring cell at Corporate Office, under the Executive Director (CA & LAW). There are 46 Central Public Information Officer (for short "CPIO") & 33 Appellate Authorities for all business unit heads & Corporate & Regional offices for smooth implementation of the RTI Act in IOCL for all its business Units/Corporate & Regional Offices. Applications are being received by CPIO or Assistant Central Public Information Officer (for short "ACPIO") as per provisions in the RTI Act and implementation guidelines. However, correspondence or information to the applicant is being provided as per centralised method by respective CPIO only. Appellate Authorities (for short "AA") are independently receiving the appeals related

² Section 8(1) and section 9 of the Act

³ Section 8(2) of the Act

to their respective areas/ departments/ business unit and disposing of the same in line with the provisions in the Act within 30 days except in one case where appeal was disposed of beyond 30 days but prior to 45 days and reasons for delay has been put on the records⁴.

Further, in case of GAIL India Limited, the company had nominated the Appellate Authority (AA), CPIO & ACPIO during the year 2005 and also notified the same on its website. As per the system being followed for the implementation of the Act in GAIL, there is one (1) centralised CPIO & seven (7) Appellate Authorities and having forty (40) ACPIOs at all its business Units/ projects. Applications are being received by CPIO or ACPIOs as per provisions of the Act and implementation guidelines. However, correspondence or information to the applicant is being provided as per centralised method by CPIO only. For better and fast management of the RTI applications providing of the information speedily, one nodal officer in each department has been nominated for co-ordination & making available the information pertaining to their respective departments. Nodal officers are arranging information from their respective departments and providing to CPIO or ACPIO. AA are independently receiving the appeals related to their respective areas/ departments/business unit and disposing of the same in line with the provisions in the Act within 30 days⁵.



In modern constitutional democracies, it is axiomatic that citizens have a right to know about the affairs of the Government which, having elected by them, seek to formulate sound policies of governance aimed at their welfare. However, like all other rights, even this right has recognized limitations.

It is by no means absolute. In transactions which have serious repercussions on public security, secrecy can legitimately be claimed because it would then be in the public interest that such matters are not publicly disclosed or disseminated.

Good practices adopted by Public Sector Enterprises

When framing the RTI Act, Section 4 was a commitment and promise of Parliament to ensure that 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 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.

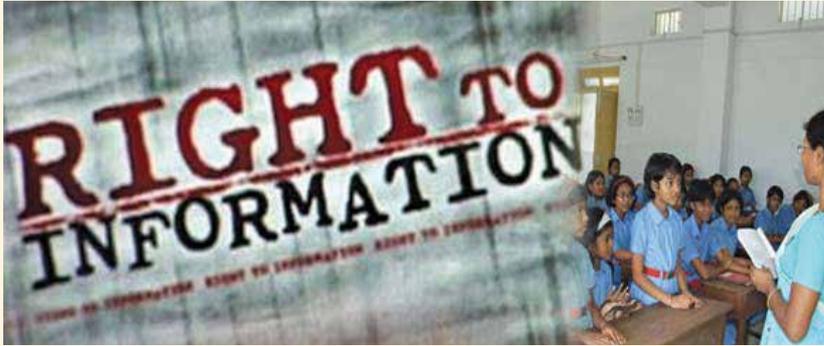
Many PSEs are implementing the Act in its right and true spirit which may be seen from the status of applications and appeals that have been disposed of by CPIO within the prescribed time limit. PSEs are sharing the said information regularly through newsletters and on online platform every year.

The problems faced by Public Sector Enterprises under RTI

In modern constitutional

⁴ IOCL's RTI Audit Report available at <https://www.iocl.com/download/rti-audit-report.pdf>

⁵ GAIL's RTI Audit Report available at http://www.gailonline.com/final_site/pdf/RTI/Audit_Report-RTI-2015-16.pdf



democracies, it is axiomatic that citizens have a right to know about the affairs of the Government which, having elected by them, seek to formulate sound policies of governance aimed at their welfare. However, like all other rights, even this right has recognized limitations. It is by no means absolute. In transactions which have serious repercussions on public security, secrecy can legitimately be claimed because it would then be in the public interest that such matters are not publicly disclosed or disseminated.

One of the major component of the Section 8(1)(j) of the Act is that it exempts the information which would cause unwarranted invasion of privacy of individual unless the PIO or the appellate authority is satisfied that the larger public interest justifies the disclosure of such information. It is to be noted that this section is specifically concerned about “the privacy of individual and no other bodies or institutions”. It cannot be applied when the information concerns institutions, societies, organizations or corporate. This shows that privacy to some extent could only be maintained by an individual and no other body could entertain this power.

At one end, Privacy acts as basis for claiming exemption from revealing the information at the same time Preamble to the Act provides for setting out the practical regime of right to information for citizens to secure

The Right to Information (for short “RTI”) is derived from our fundamental right of freedom of speech and expression under Article 19 of the Constitution. If we do not have information on how our government and public institutions function, we cannot express any informed opinion on it, democracy revolves around the basic idea of citizens being at the centre of governance and the freedom of press is an essential element for a democracy to function. It is thus obvious that the main reason for a free press is to ensure that citizens are informed.

access to information under the control of public authorities and in order to promote transparency and accountability in the working of every public authority.

In the matter of Subhash Chandra Agarwal vs. Supreme Court of India⁶, the Central Information Commission held that even Supreme Court and High Court Judges having come within the purview of the Act have been directed to disclose their assets and it has been put into practice but before implementation again it was put under the case of privacy as a basis for claiming exemption. The work of Central Information Commission is really appreciable but sometimes this might lead to conflicting with our fundamental right because the term “privacy” as well “right to information” has not been defined in a wider sense. It completely depends upon the interpretation and precedents.

Conclusion

Keeping in view the above discussion, it is apparent that the Right to Information Act, 2005, has been seen as the key to strengthen participatory democracy & promoting people-centric governance. Access to information can empower the masses of the country to demand their rights. It is a boon for a country like India which is seeing a cancerous growth of corruption, lack of public accountability and bureaucratic indifference and numerous other ills. The main aim is to bring people close to governance by informed citizens, transparency in administration as well as public accountability and minimizing corruption. ■

⁶ AIR 2010 Del 159

Information Sharing Leads To Transparency



Usha Popat

Senior Manager (RTI) and
Nodal Officer, BPCL

In tune with the modern trend of customer focus, BPCL was one of the pioneer companies to restructure the organization, with formulation of seven Strategic Business Units (SBUs) of which 6 are customer facing SBUs - Retail, LPG, Lubes, Aviation, Industrial & Commercial, Gas and done is an asset based SBU - Refineries. In all segments of our operations and services, BPCL is governed by its corporate values of trust, involvement, ethics, collaboration, innovation, customer centricity and development of people.

At BPCL, all our endeavours are driven by a promise to deliver :

'Innovation' – newer products & services consistently,

'Reliability' - in our actions & governance and

'Care' – shown uniformly in all our dealings.

The RTI Act was enacted to promote transparency and accountability in the functioning of the Public Authority. We at Bharat Petroleum have a strong belief that while the RTI Act helps us to establish accountable and responsible governance,

it also serves as a mechanism to create a better balance in the equation of power between those who hold and control information and the citizen, who is both the author and beneficiary of democracy.

BPCL firmly believes that sharing information with the public about our activities is a continuous process, and helps to reduce the public demand for information on one hand and creates a sense of trust in BPCL on the other. We are confident, with our conscious endeavour, approach and abiding by the spirit of the RTI Act, any information seeker through normal course of action would be satisfied on getting the required information through the RTI route, which not only will help them but would improve our brand equity as well. Such information seekers also indirectly create much required positive vibes in the existing challenging market.

Compliance of RTI ACT, 2005 –Structure & Process in BPCL

In compliance to its obligations under the RTI Act, BPCL had

designated General Manager Marketing Corporate at Chairman's Office for dealing with complaints filed under this Act, as a single window from the time of implementation of the Act in October 2005 till 2011. The approval was taken from the highest body – Committee of Functional Directors.

BPCL has enhanced from a Single Window to three Central Public Information Officers (CPIOs) to take care of LPG, Retail and Others separately. Taking into account the need, the number of CPIOs and Appellate Authorities (AAs) has increased today to one Nodal Officer, 87 CPIOs, 12 AAs and one Transparency Officer. The overall monitoring of RTI and necessary guidance are being issued regularly to ensure uniformity and timely response at every level in the Corporation.

The CPIO and his team look after the RTI response and monitoring at every Region/Headquarters. Based on regular transfers and movements of staff in the Company, the new CPIO list is prepared and approved at the Executive Director level and circulated to all to enable them



to take charge on RTI related to their portfolio, pertaining to their Territory/Region and Headquarters.

The Appellate Authorities are at a very senior level of Deputy General Manager/ General Manager/ Executive Director level, to ensure the appeals are properly dealt with and also to provide necessary direction and guidance to CPIO on their area on a regular basis.

Handling of RTI

From physical handling of RTI queries in BPCL, we moved towards a technology driven in-house RTI web package in 2012, wherein we could log into the RTI queries, replies, appeals received and its replies, CIC Hearing Notices, rejoinder submission and compliance and were centrally monitored.

Effective 1st August 2016, BPCL has been aligned to Department of Personnel & Training (DoPT)'s RTIonline and training was provided by the Marketing Corporate Team to all CPIOs, AAs and their teams resulting in smooth transition to the new

system. Monitoring Pendency Reports is done and regular reminders sent to ensure that there are no delays in responding to RTI applications.

Knowledge Sharing Systems

- **Newsletter/ RTI e-journal:** A regular RTI News e-journal is being issued to share our learning on RTI from various applications that we receive. We provide specific internal and external case studies for dissemination of information to BPCL employees and staff dealing with RTI. The effort is to streamline our actions in such a way that we have our information ready and clear for responding in time. We can also check on our procedures, so that we bring down the number of RTI applications, which is possible by encouraging staff at all levels to be transparent, balanced and stakeholders finally.

- **RTI Circulars & Quiz Programmes:** Regular RTI Circulars are being issued to all CPIOs and AAs related to the process and procedure to be followed, in order to update them to ensure uniformity and create

sensitivity and importance to RTI implementation. Quiz programmes enable employees to enhance their knowledge and be aware of the importance of RTI.

- **Training and development:** We organize regular RTI Workshops/ training programmes for all the new and existing CPIOs every year and also discuss various case studies and decisions, to enable them to equip themselves and ensure transparent and apt response of every query.

Types & Number of Applications Received

The RTI applications are broadly categorized into areas ranging from product pricing, subsidy and profitability, refill booking and general queries in LPG, selection and management of Dealer/ Distributorships, to media advertising and corporate expenses. These have been raised from the time the RTI Act 2005 came into force. Ensuring every application is given its due respect and responses are sent through the proper channel to the applicant in the stipulated time has, in fact, enlarged the Company's commitment to transparency and responsibility to its stakeholders. BPCL has diligently responded to all RTI applications received, and ensured nil penalty, which is a good indicator of a satisfied applicant.

SuoMoto Disclosure – Section 4 (1)(b)

BPCL has published all mandatory information and detailed procedure for sending RTI applications in its corporate website www.bharatpetroleum.in. under the Head RTI. The all-India list of CPIOs and Appellate Authorities has also been provided here.

The mandatory information as per Section 4 (1)(b) of the RTI Act 2005 has also been made available in Hindi and all queries raised in Hindi are replied first in English, followed by the reply in Hindi. BPCL is now in the process of updating the site to include more information as per our recent experiences.

Information Sharing

In addition to the mandatory disclosures, BPCL has provided the following information on its corporate website :

- BPCL has its own e-bharatgas site wherein all information related to the distributor network, their performance and rating, customer consumption details, number of customers who've given up LPG subsidy, selection process/guidelines of distributors, display of the names of all candidates selected as per the guidelines etc. are available to the public and customers.

- BPCL also has its own Customer Care System, Smart Line, with a unique toll-free telephone number 1800 22 4344, where customers can contact and lodge their complaints, suggestions and views; these are logged and redressed/action initiated within the time frame. Any complaint not replied on time is escalated to the highest level to resolve it in a time bound manner. Complaints can also be received online.

- The Bharat Petroleum website has all details related to its SBUs viz. Refineries, Retail, I&C, LPG, Lubes, Aviation and Gas. The basic details including price build up, product details, details of Retail Outlets and LPG distributors are also available for

the public to view.

- BPCL has, on its website, displayed the Citizen Charter explaining the rights of customers and the methodology to approach the concerned authority on any specific issue.

- BPCL has a separate site under the head, 'Vigilance' where the public can approach them for specific issues.

- All high valued items are tendered through e-tendering to the public and the details are uploaded on the site for public viewing.

BPCL Network and RTI Queries

BPCL has a large network with customer interfaces as shown below :

Retail Outlets	13983
SKO / LDO Dealers	1001
LPG Distributors	4684
LPG Customers	595,00,000

Considering the large network, the number of RTI queries is negligible, as shown in the following table :

RTI handling in BPCL since inception of the RTI Act, 2005

Period 2005-06 to 2016-2017			
Period	CPIO	Appellate	CIC
2005-06	143	0	1
2006-07	644	115	14
2007-08	888	178	22
2008-09	1225	224	64
2009-10	1753	295	67
2010-11	2726	415	74
2011-12	3737	519	38
2012-13	3850	645	88
2013-14	3567	495	53
2014-15	3779	626	78
2015-16	3896	488	148*
2016-17	3464	387	82
Total	29672	4387	732

*Old cases

Various complaints and RTI queries received from time to time have enabled us to enhance our systems and made us more transparent, customer centric and accountable.

The RTI can be used as a barometer for evaluating the standards of governance in general and the delivery of services in particular. Wise heads of departments can conclude from the tenor of the RTI applications what is right or wrong in their establishments and take corrective measures, to improve the processes and systems. Transparency is both an ideal and an ideology and the BPCL journey continues in its search for excellence. ■

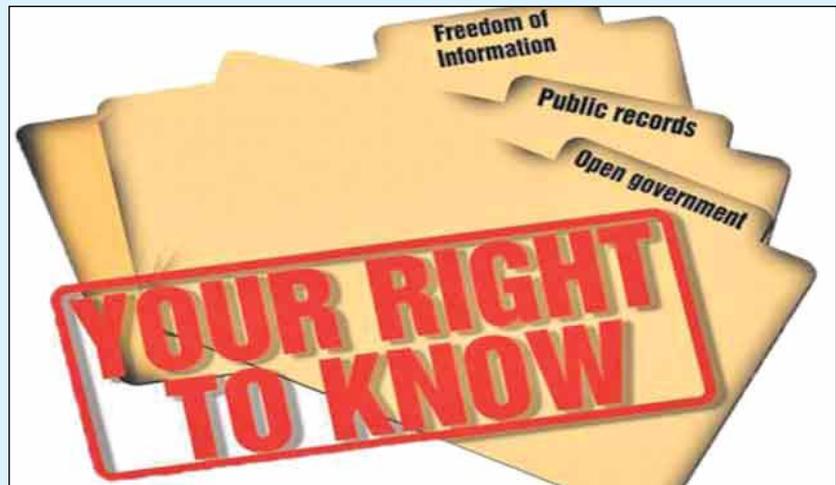
Implementation of the RTI Act in the Steel Authority of India Limited



G.G. Gautam
DGM (P-RTI, CO-ORDN, RB) & CPIO, SAIL

SAIL, a Maharatna Company, is the largest Steel producer in India, with turnover of more than Rs. fifty thousand crores and employs as on 31st March, 2017 is @83000 employees. SAIL has been occupying a pioneer position in implementation of RTI Act, in letter and spirit. SAIL is a multi-unit organisation having five Integrated Steel Plants, three Special Steel Plants along with captive mines for iron ores. SAIL also have an extensive marketing network and many units spread across the length and breadth of the country.

SAIL has appointed Public Information Officers/ Asstt. Public Information Officers and Appellate Authorities and Transparency Officer under Section 5 & Section 19(1) of RTI Act in each Plant and Unit for speedy redressal of the queries received under the Act. The provisions under the Act are being complied with by all Plants and Units of SAIL. All statutory reports including Annual Report are being sent to M/o Steel & also being posted on SAIL website. Under Sec. 5(5), all the officers line manager responsible for providing information to the PIO are called Deemed PIO and



are made equally responsible as PIO towards timely providing of information to the applicant.

An Exclusive RTI Portal for SAIL has been developed and link is available on SAIL Website. All the SAIL Plants/Units have listed 17 manuals, details of Authorities under the Act on the SAIL website www.sail.co.in. Quarterly Returns, Annual Returns on implementation of RTI Act 2005 are being submitted online through the CIC portal. Implementation of online request is introduced in SAIL from 1st May 2015. A compilation of Record Retention Policy of various functions of Corporate

Office has also been uploaded on the SAIL website. In addition, compilations of important decision of CIC, DOPT circulars and High Court (HC) cases have also been uploaded on SAIL Website.

Each and every year Awareness Programs/ workshops on 'Obligation of Public Authorities under RTI' are being organised at SAIL corporate office/ Plants/ Units and Information Commissioner has been present in most of these programs. SAIL is also conducting Experience Sharing Sessions 'with PIOs of other PSUs such as NTPC, GAIL, ONGC, BHEL. In addition, Awareness Programmes on RTI Act are held

at Plant and Units & Corporate office level regularly.

The **Officer Association of Bhilai Steel Plant** in Collaboration with NGO's organised a Two Week Information Campaign on RTI at Bhilai of Bhilai Steel Plant and SAIL Corporate office organised Half day in Kaushambi Residential area for mass communication on RTI. The idea behind organising this workshop was to create awareness amongst masses

through main stream media. Assistance was also provided to those who wished to use RTI but did not have sufficient awareness regarding the same.

SAIL as whole a total **3564** applications and **612** appeals were received under RTI Act, 2005 in the company during the financial year 2016-17 from 1st April 2016 to 31st March 2017, all of which have been disposed off within the stipulated time

frame under the Act. CIC has also taken up 82 cases and all these cases were disposed of in favour of SAIL by CIC. Since enactment of the RTI Act, SAIL as whole a total of **35346** applications and **5135** appeals were received up to 31st March 2017 and these were disposed as per stipulated time frame. CIC has also taken up **676** cases and all these cases were disposed of in favour of SAIL by CIC. ■

Performance Highlights of Corporate RTI Cell

S. No.	Performance Highlights of Corporate RTI Cell
1.	Being 1 st amongst the major PSUs-Record Retention Policy/Schedule of Personnel Directorate hosted on SAIL website.
2.	Transparency Officer has been appointed in SAIL Plants/Units to adhere to the guidelines of MOS/CIC and hosted on SAIL website.
3.	System improvement introduced to enhance transparency and voluntary disclosures of information to reduce RTI requests.
4.	Provided guidelines to other PIOs/Appellate Authorities in dealing with RTI queries and implementing provisions under RTI Act.
5.	Video Conferencing is being done for CIC cases hearing with Plants and Units.
6.	Participated and contributed in the deliberations of the Steering Committee of SCOPE.
7.	Presented SAIL initiatives at seminar organised by SCOPE awareness and interactive workshop on RTI Act for its smooth implementation in the CPSEs.
8.	Lecture delivered to implementation of Right to Information Act 2005 in SAIL, for learning mission to INDIA by Delegation of senior representatives of Government. Civil society and the media from NIGERIA and LIBERIA.
9.	Initiatives taken for enhancing IT interface in RTI Section for easy retrieval/record keeping etc.
10.	Online RTI implemented in SAIL on 1 st May, 2015 with the collaboration of DOPT.

Right To Information –

An Act to Ensure Good Governance & Transparency



Smita Singh
Dy. Manager (Law)
MMTC

“Where a society has chosen to accept democracy as its creedal faith, it is elementary that the citizens ought to know what their government is doing.”

- Justice P N Bhagwati

Governance should be an open book. “Good governance” and “right to information” are complimentary to each other. A democratic government requires accountability which necessarily requires transparency, and an aware citizenry. Right to Information initially was recognized as an interpretation of the fundamental right of “Freedom of speech and expression”. However, gradually the importance of this right in strengthening the governance process and ensuring accountability was realized and the right was codified under the Right to Information Act 2005.

The preamble of this act underlines the importance of the act in creating an informed citizenry, ensure transparency of information, contain corruption and hold governments and its instrumentalities accountable to the governed. It is one of the most empowering and progressive

legislations passed in the post independence era. The act also provides the space to maintain a harmonious balance between release of information and preventing conflict with public interests including efficient operations of the government, optimum use of limited fiscal resources and the preservation of confidential & sensitive information.

The Act and its rules define a format for requisitioning information at nominal charges, a time period within which information must be provided, a method of giving the information, and some exemptions for information which will not be given. The act applies to Central, State Governments and all public authorities.

A public authority as defined in the act is any authority or body or institution of self-government established or constituted

- by or under the Constitution,
- by any other law made by Parliament,
- by any other law made by State Legislature,
- by a notification issued or order made by the appropriate Government and includes any
- body owned, controlled or substantially financed,
- non-government organization substantially financed - which, in clauses (a) to (d) are all, directly or indirectly funded by the appropriate Government.

Public sector units are covered well within the wide ambit of the definition and this obliges the PSUs to comply with various statutory requirements under the act. Right to information under the act includes the right to inspection of work; taking notes, extracts or certified



copies of documents; taking separate samples of material; obtaining information in any electronic mode or through printouts where such information is stored in a computer or in any other device.

The act emphasizes on adopting a proactive approach towards dissemination of information, and obliges the public authorities to maintain all records duly catalogued and indexed in a manner which facilitates the objective of the act. It also provides a list of 18 items which need to be published by the public authorities for easy access of the citizenry.

MMTC in compliance with these statutory obligations of the act has put up these 18 items and other related information on its official website which is being updated on a timely basis. Apart from this various public information officers have been designated in the office and a detailed list of the PIOs of the organization is provided on its website alongwith the information related to appellate authority and transparency officer. MMTC has always worked towards

Public sector units are covered well within the wide ambit of the definition and this obliges the PSUs to comply with various statutory requirements under the act. Right to information under the act includes the right to inspection of work; taking notes, extracts or certified copies of documents; taking separate samples of material; obtaining information in any electronic mode or through printouts where such information is stored in a computer or in any other device.

maintaining transparency in its work. The company develops and organizes various educational programs to create awareness amongst its officials on how the recent developments under the legislation and the various interpretations by courts and tribunals affect the working under the act. Special editions on RTI compliances are passed in the quarterly in house legal magazine of the company.

However like any other Act, RTI also calls for judicious implementation and the act creates sufficient provisions to prevent its misuse. The objective of the act is to promote and protect public interest. It requires judicious acumen to analyze the RTI queries and prevent promotion of selfish interests at the altar of public resources. It needs to be understood that RTI is a tool for ensuring participatory development and not a tool for harassment of public officials or a way to stall the development procedure. The act per se provides sufficient safeguards vide section 8-10 to exempt providing of certain information. The CIC and the honorable Supreme court of India through various pronouncements have always reprimanded unnecessary and useless RTI applications.

RTI Act 2005 was enacted to play a critical role in systematic corrections rather than limiting its success to individual cases. RTI Act is a step towards ensuring a stronger and vibrant democratic process in India. The effective implementation of which however rests on proper compliance of the statutory provisions and preventing promotion of selfish interests. ■

Public Interest under Right to Information Act



V. K. Kesarwani
DGM (Law), REC

The Central Public Information Officer of the Public Authority on receipt of the request from the citizen has to provide the information as expeditiously as possible, and in any case within thirty days of the receipt of the request or reject the request for any of the reason specified in Section 8 & 9. Further, under Section 8 of the RTI Act, there is no obligation to give any citizen information which is available to person in his fiduciary relationship or which include commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of the third party or information which relate to personal information the disclosure of which has no relationship to any public activity or interest or which would cause un warranted invasion of the privacy of individual unless the Competent Authority/ CPIO is satisfied that the larger public interest justifies the disclosure of such information.

So the question arises what is public interest and whether it is capable of any precise decision. In various decisions, it has been held that the expression “public

interest”, like “public purpose”, is not capable of any precise definition. However, it has been held that ‘public purpose’ needs to be interpreted in the strict sense and public interest has to be construed keeping in mind the balance between right to privacy and right to information. The decision has to be based on objective satisfaction recorded for ensuring that larger public interest outweighs unwarranted invasion of privacy or other factors stated in the provision.

The Hon’ble Supreme Court in R. K. Jain Vs Union of India (1933) 4 SCC 120 has narrated that the factors to decide the public interest immunity would include

- where the contents of the documents are relied upon, the interests affected by their disclosure;
- where the class of documents is invoked, whether the public interest immunity for the class is said to protect;
- the extent to which the interests referred to have become attenuated by the passage of time or the occurrence of intervening events since the matters contained in the documents themselves

came into existence;

- the seriousness of the issues in relation to which production is sought;
- the likelihood that production of the documents will affect the outcome of the case;
- the likelihood of injustice if the documents are not produced...”

In Stroud’s Judicial Dictionary, volume 4 (IV Edition), Public Interest has been defined as:

“a matter of public or general interest does not mean that which is interesting as gratifying curiosity or love or information or amusement but that in which a class of community have a pecuniary interest, or some interest by which their legal rights or liabilities are affected’

Purpose and Scheme of the RTI Act

The scheme of the Act contemplates for setting out the 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. It was aimed at providing free access to information with the object of making governance more transparent and accountable. Another right of a citizen protected under the Constitution is the right to privacy. This right is enshrined within the spirit of Article 21 of the Constitution. Thus, the right to information has to be balanced with the right to privacy within the framework of law.

Section 8 is one of the most important provisions of the Act as it is an exception to the general rule of obligation to furnish information. It gives the category of cases, where the public authority is exempt from providing the information. To such exemptions there are inbuilt exceptions under some of the provisions, where despite exemption, CPIO may furnish the information in the larger public interest which shows the wide scope of these provisions as intended by the framers of law. In such cases the CPIO has to apply its mind whether it is a case of exemption within the provisions of the said section.

The scheme of the Act contemplates for setting out the 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. It was aimed at providing free access to information with the object of making governance more transparent and accountable. Another right of a citizen protected under the Constitution is the right to privacy. This right is enshrined within the spirit of Article 21 of the Constitution.

Court Decisions on Public Interest

The Supreme Court in Bihar Public Service Commission Vs. Saiyed Hussain Abbas Rizwi (2012) 13 SCC 61 held that the statutory exemption provided under Section 8 of the Act is the rule and only in exceptional circumstances of larger public interest the information would be disclosed. It was also held that 'public purpose' needs to be interpreted in the strict sense and public interest has to be construed keeping in mind the balance between right to privacy and right to information. The relevant extract from the said judgment is quoted below:

"The expression "public interest" has to be understood in its true connotation so as to give complete meaning to the relevant provisions of the Act. The expression "public interest" must be viewed in its strict sense with all its exceptions so as to justify denial of a statutory exemption in terms of the Act. In its common parlance, the expression "public interest", like "public purpose", is not capable of any precise definition. It does not have a rigid meaning, is elastic and takes its colour from the statute in which it occurs, the concept varying with time and state of society and its needs.

The satisfaction has to be arrived at by the authorities objectively and the consequences of such disclosure have to be weighed with regard to the circumstances of a given case. The decision has to be based on objective satisfaction recorded for ensuring that larger public interest outweighs unwarranted invasion of privacy or other

factors stated in the provision". The Hon'ble Delhi High Court in its decision dated 13/07/2012 wherein while discussing on the issue of disclosure of information in larger public interest held as under:

"The second half of the first part of Clause (j) of Section 8(1) shows that when personal information in respect of a person is sought, the authority concerned shall weigh the competing claims i.e., the claim for the protection of personal information of the concerned person on the one hand, and the claim of public interest on the other, and if "public interest" justifies disclosure, i.e., the public interest outweighs the need for protection of personal information, the concerned authority shall disclose the information."

Furthermore, the Hon'ble Supreme Court of India in (Girish Ramchandra Deshpande Vs. Central Information Commission & others.) has held as under:

"Of course, in a given case, if the Central Public Information Officer or the State Public Information Officer of the Appellate Authority is satisfied that the larger public interest justifies the disclosure of such information, appropriate orders could be passed but the petitioner cannot claim those details as a matter of right."

The significant judgment of the Supreme Court can also be taken note of in understanding the term



"public interest the context of the RTI Act, 2005". In 'S. P. Gupta v President of India', AIR 1982 SC 149, Justice Bhagwati, in referring to 'public interest', maintained: "Redressing public injury, enforcing public duty, protecting social, collective, 'diffused' rights and interests vindicate public interest... [in the enforcement of which] the public or a class of the community have pecuniary interest or some interest by which their legal rights or liabilities are affected."

In State of Gujarat Vs Mirzapur MotiKureshiKasabJamat&others AIR 2006 Supreme Court 212, the Apex Court held "the interest of general public (public interest) is of a wide importance covering public order, public health, public security, morals, economic welfare of the community, and the objects mentioned in Part IV of the Constitution [i.e. Directive

Principles of State Policy]".

The Central Information Commission in Mr. Vijay Goswami Vs University of Delhi has also thrown some light on this term. Public interest includes "disclosure of information that leads towards greater transparency and accountability" in the working of a public authority.

It is, therefore, to be concluded that it is a statutory exemption which must operate as a rule and only in exceptional cases disclosure can be permitted that too for reasons to be recorded demonstrating satisfaction to the test of larger public interest. It will not be in consonance with the spirit of provision contained in Section 8, if in a mechanical manner, CPIO disclose information which may be protected in terms of the provisions of Section 8 of the RTI Act 2005. ■

RTI- A Potent Tool



Kompal Bali
Officer-Online RTI Portal
RTI Cell (Legal Department)
GAIL

“Truth about the Action must be known, Truth about the Inaction must be known;

Truth about the Prohibited Action must be known, Mysterious are the ways of ACTION”

[(Bhagavad Gita Chap. 4) Sloka 23]

Right to Information Act is a potent tool in the hands of citizens to ensure accountability and transparency in the functioning of public authorities. If transparency and accountability are the imperatives for sustaining democratic governance, access to information is a vital instrument for societal transformation and the Right to Information Act, 2005 helps in achieving the same.

Information leads to knowledge and knowledge brings empowerment which in turn helps in containing corruption. However, like all other rights, RTI is also not an absolute right and is subject to various limitations such as the confidentiality of sensitive information, fidelity and fiduciary

relationships etc. The approach should be towards ensuring effective implementation of all provisions of RTI Act through certain process redesigning & organizational alignment at all levels.

RTI Act, 2005 - Disclosed Vs. Exempted Information

The right to information is not an absolute right. As not all information pertaining to public authorities can be shared with the public. Sensitive information is generally not shared in order to protect larger public interest.

Thus, information can legitimately be withheld, but only under circumstances where

disclosure of information is likely to cause serious harm to specific, important public interests. All right to information laws include provisions that allow certain types of information to be withheld from the public. These provisions are commonly called “exemption provisions” or “exclusion clauses”.

A brief summary of Decisions given by CIC has been prepared for dealing with day-to-day queries/cases while stating circumstances wherein information was held to be exempted and where information was disclosed under RTI Act, 2005. The same will serve as a Ready Reckoner for all RTI Applicants as well as for information providers.

Information to be Disclosed

Matter Relating To	Gist of the CIC Decision	Details of Decision
Allotment of Retail Outlets	The entire process of allotment of retail outlets (RO's) and the procedure followed for preparation of merit list should fall under public domain. Accordingly, the information sought should be furnished to the Appellant.	281/IC(A)/2006 dated 18.09.2006
Award of Marks	The Appellant had asked for the list of candidates, who appeared for Departmental Examination for Fast Track Promotion to LSG Cadre 2003 and 2004 and the marks secured by them. While the CPIO has furnished a copy of the seniority list, he has however, denied disclosure of marks scored by the candidates in the said examination, u/s 8(1)(e) and (j) of the Act. The Information Commissioner decided that the recruitment and selection of staff should be fair and objective so as to select the competent staff. Accordingly, the entire process relating to selection of candidates should be put in public domain. In view of this, there is no reason why the seniority list together with the total marks obtained by the candidates should not be disclosed.	Decision No. 2001/IC(A)/2008 dated 25.02.2008
Award of Contract	The Applicant had requested for all the records pertain to award of contract & its termination, which had been denied u/s 8(1) (d) of the Act. The CIC stated that information relating to the manner in which the contract was awarded, terminated and settled as per the established procedure cannot be treated confidential; therefore, the exemption claimed by the CPIO u/s 8(1) (d) of the Act from disclosure of information is not justifiable.	Decision No. 1778/IC(A)/2007 dated 28-07-2007
Disciplinary Proceedings	<p>The Appellant sought to know the reasons for not conveying him the decision of the Appellate Authority in disciplinary proceedings against him on the ground that the said information is not exempted under Sec. 2(f). As regards other information sought, he was allowed to inspect the records.</p> <p>The CIC decided that under Sec. 4(1)(d), a Public Authority is required to provide reasons for its administrative or quasi-judicial decisions to affected persons. Accordingly, the CPIO was directed to provide the reasons for not conveying the decisions of the appellate authority on the Appellant's representation. It was also stated that since the matter concerning the disciplinary action taken against the respondent is complete and over, there is no justification for withholding the information as asked by the Appellant.</p>	Decision No. 1822/IC(A)/2008 dated 10.01.2008

DPC Proceedings relating to Promotion	CIC directed the PIO to provide copies of DPC proceedings, along with the list of recommended candidates and the reason for promotion of a junior officer in the list of empanelled officers, as asked by the Appellant.	Decision No. 1810/IC(A)/2008 dated 08.01.2008
Information from Government	The government cannot wrongly classify its documents as Secret and then claim exemption from disclosure.	CIC/A/12/2006 dated 21.02.2006 decision No. 12
Information already available on website	Information regarding the stock of cylinders during 2003-2006 was sought though it was available on the website; CIC allowed the furnishing of such information and also allowed the inspection of records which was pleaded to be old to be furnished to the Applicant.	Decision No. 1429/IC(A)/2007 dated 07.11.2007
Marks in Examination & Interview	To maintain transparency in the examination process, the marks obtained by the Appellant, irrespective of whether he has been selected or not, should be disclosed along with the cut-off marks.	Appeal No. 972/ICPB/2007 dated 25.09.2007
Promotion of Employee	<p>The Appellant asked for the name of officers responsible for losing her ACR's because of which she could not be promoted. The Information Commissioner held that a major objective of the RTI Act has been to promote good governance so as to ensure a reasonable degree of accountability and performance in the working of public authorities. The main ground for denial of promotion to the Appellant is her missing ACRs for two years.</p> <p>In the course of hearing, it clearly emerged that the Appellant's superior officials have either withheld her ACRs for malafide reasons or there may be other forms of mischief leading to destruction of the records. In any case, the concerned officials of the respondent are responsible for dereliction in their duties and responsibilities in so far as writing of ACRs are concerned. And, therefore, they are liable to face the penalty proceedings under the provisions of the RTI Act. The PIO is, therefore, directed to provide the details of the concerned officials who are responsible for the missing ACRs for 1994 and 1995, within 15 working days from the date of issue of this decision, failing which penalty proceedings would be initiated against all those officials, who may be responsible for non-compliance with the official obligations</p>	Decision No. 2053/IC(A)/2008 dated 04.03.2008
Potential Misuse	Excuse of "potential misuse" of the information sought by the Applicant is not sufficient ground to deny information	10/1/05/CIC dated 25.02.2006 decision No. 15

Services of Lawyer	Availing services of lawyers for representation before the Commission discouraged by CIC.	CIC/MA/A/2005/00004 dated 02.05.2006 decision No. 80
Termination of Employment	The Appellants had asked for copies of the relevant documents relating to the issuance of termination order and subsequent decision to withdraw the termination order, which was denied by the CPIO on the ground that the grievances on service matters are not covered under the RTI Act. The CIC stated that under Section 4(1)(d) of the Act, every Public Authority is expected to indicate the grounds for taking a decision to the affected persons. Accordingly, there is no reason why the respondent should not reveal the grounds on the basis of which the orders for termination of services of the Appellants were issued and the grounds on the basis of which the said order was cancelled / withdrawn.	Decision No. 2021/IC(A)/2008 dated 28.02.2008
Tour Program & Travel Expenses	Tour programs and travel expenses of a public authority are not personal information and the same has to be disclosed.	07/IC(A)/CIC/2006 dated 06.03.2006 decision No. 25

Information Exempted under RTI

Matter Relating To	Gist of the CIC Decision	Details of Decision
Board Agenda	Agenda papers contain lot of inputs including the details of commercial activities & strategies of the company and is exempted under Sec. 8(1)(d)	Decision No. 587/IC(A)/2007 dated 08.03.2007
Credit Rating	The credit rating of a company may not be furnished by the bank to a person not directly in connection with the concerned company.	Decision No. 863/ICPB/2007 dated 10.09.2007
Customer Information	Banks have to keep confidentiality in relation to the accounts of its customers and no third party could, under the RTI Act, seek disclosure of information relating to customer accounts.	Decision No. 875/ICPB/2007 DATED 10.09.2007
Disciplinary action against other employee	The information sought for relate to the disciplinary action taken against the officials of the respondent. Such actions are taken in public interest under the Service (Conduct) Rules, which have sufficient provisions for redressal of grievances of the affected persons. The complainant has however not been able to demonstrate as to how he is affected in the case relating to other employees. Unless an information seeker is able to indicate as to how he is affected in the case or as to what is the public interest in seeking the information, the allegations made on certain presumptions are not enough ground for disclosure of information relating to the official details of the employees of the respondent.	Decision No. 1847/IC(A)/2008 dated 15.01.2008

Evaluated Answer Sheets	Evaluated answer sheets of self or others cannot be disclosed. However, "answer key" and "award of marks" cannot be kept secret.	ICPB/A-2/CIC/2006 dated 06.02.06 decision no. 6 & ICPB/A-3/CIC/2006 dated 10.02.06 decision no. 8 & 11/532006-CIC dated 02.05.2006 Decision No. 83
Fiduciary Relationship	When a counsel is engaged, a fiduciary relationship is created between the client and the advocate. Thus, any information given by the client and received from the counsel (including the payment of bills) need not be disclosed.	41/ICPB/2006 dated 30.06.2006 Decision No. 41
Grievance Redressal	The appellant sought the reasons for delay in promotion, seniority list, and non-payment of officiating allowance and denial of his transfer to Delhi, etc. He has also sought to know whether approval of the competent authority was obtained in certain matters relating to the activities of the respondent. He was not satisfied even after the reply was furnished. CPIO argued that in the garb of RTI Act, the Appellant was seeking Redressal of his grievances. The CIC stated that the redressal of grievances does not fall under the purview of the Commission and the appellant was advised to approach the competent authority, which may do the needful.	Decision No. 1814/IC(A)/2007 dated 09.01.2008
Information beyond the one sought in original application	The PIO is not obliged to furnish any information apart from that sought in original application. For any further information a fresh application must be made.	Decision No. CIC/WB/A/2007/00060 to 062 dated 27.11.2007
Information regarding future course of action	CIC upheld the view of the appellate authority that information relating to future course of action, which is not in any material form, is not "information" within the definition of "Information" in Section 2(f).	Appeal No. ICPB/A-15/CIC/2006 – Order dated 13.04.2006
Information sought not specific	If the information sought is not specific in terms of the source, year, quantity, etc. and it is not clear which CPIO may be in possession of the information, the applicant ought not to venture on fishing spree for the information. He should clearly specify the information and identify the Public Authority, which may be in possession of the relevant information.	Decision No. 733/MA/A/2007/00131 dated 25.05.2007
Personal opinion of CPIO	Personal opinion of CPIO on the issues that are addressed by the appellant to disciplinary authority cannot be disclosed, since no public interest in seeking the information for himself is involved.	Decision No. 220/IC(A)/2006
Voluminous information	The information sought by the appellant was voluminous. The appellant was therefore directed to minimize and prioritize the requirement of data / information, so that the same could be provided at the least cost, as considerable amount of resources would have to be deployed by the Bank for providing the information asked for by him.	Appeal No. 26/IC(A)/06 – Order dated 07.04.2006

Acceptance of RTI Application	A public authority can divide responsibilities amongst PIOs, but every PIO has to accept every application.	10/1/2005/CIC dated 25.02.06 decision no. 15
Compensation & Cost	A public authority can only ask for costs as prescribed in the Act and the Rules, and cannot ask for compensation for their time and other costs incurred.	23/IC(A)/2006 dated 10.04.06 decision no. 56
Deemed CPIO	Custodian of information is deemed CPIO.	Decision No. CIC/OK/C/2006/00163 dated 26.03.07
Non-appearance of Appellant before Appellate Authority	The first appellate authority had dismissed the appeal before only on the grounds of non-appearance of appellant. Such grounds are not sufficient for dismissing the case under the RTI where it is optional for an appellant to appear even at the level of this Commission, after having filed his appeal / complaint. It would have been, therefore fitting for the first appellate authority to have taken a decision on the merits of the case, even where the appellant opt not to be present.	Decision No. CIC/WB/A/2007/00256 dated 04.02.2008
Right of Hearing	An appellant has a right to be heard by the first appellate authority.	CIS/AT/A/2006/00040 dated 27.03.06 decision no. 42
Show cause	Show cause against CPIO to explain why fine not be imposed on him and also why the Commission should not recommend disciplinary action against him for going against the spirit of the RTI Act and threatening an Appellant for lawfully resorting to the RTI.	Decision No. CIC/OK/A/2007/00282 dated 25.09.2007

Disclaimer :The above inputs and comments are specific to the particular case and cannot be generalized. All the above inputs hold good for particular case till the time a different view is taken by CIC.



Right to Information Act – Issues and challenges



Aman Madan

Advocate & RTI Expert
Online RTI.com

The Right to Information means that every citizen has the right to be informed and aware of what is going on in our country, to know about our government and it's functioning. This right makes for an empowered and aware citizen who is enabled to raise questions and seek answers, for everything that the government is doing (or not doing).

In a democracy, as citizens, we all have certain rights. Every citizen has the right to express themselves in the manner as entitled to under our Constitution. A true democracy is based on the principles of transparency and accountability. A democracy works for the people and thus, the citizens have the right to know, what is being done for them and how it is being done.

The Right to Information (RTI) Act was enacted in 2005 with a view to have an informed and aware citizenry and to ensure that there is transparency in the way our government and its institutions operate, in the long term as well as its day to day affairs. The main rationale behind such legislation was to empower the people with a tool through which they could question and know about the activities that the

government and its institutions undertake.

After all, the public has a right to know and the same has been laid down in the Indian Constitution as well. Every citizen contributes and pays to the government through multiple forms. The government is, therefore answerable to the citizens in all forms. A citizen has therefore, every right to know how the money is being spent, on what it is being spent so on and so forth. RTI opens up the methods and procedures adopted by the government to the citizens.

It has been twelve years since the Right to Information has come into effect and it has had its share of ups and downs.

There is an argument that even though the RTI Act has come a long way in terms of opening up the methods and procedures of government institutions, some institutions are averse to the idea of opening up act and this limits the scope of promoting transparency and accountability in the functioning of institutions. Lack of awareness of such a law and how to use it effectively is also a major hurdle in the scenario of the right to information. However, given the journey of the enactment of the law related

to disclosure of information and its usage and applicability, various developments raises a lot of hope that it could become a more potent and real tool to be used by the public. This requires some careful planning and comprehensive thinking and moreover, will, on the part of the institutions and the public to make the RTI Act more effective.

In 2016, the Centre for Law and Democracy and Access to Info Europe, came out with its ranking based on the quality of the Right to Information Laws prevailing in different countries across the world. India was placed at the 5th position out of 111 countries that have similar existing law.

The rankings were determined on the basis of the following parameters

S N.	Section	Points
1	Right to Access	6
2	Scope	30
3	Requesting Procedures	30
4	Exceptions and Refusals	30
5	Appeals	30
6	Sanctions and Protections	8
7	Promotional Measures	16
	Total Score	150

Here are the top 10 countries

TOP 10	Points
Mexico	136
Serbia	135
Sri Lanka	131
Slovenia	129
India	128
Albania	127
Croatia	126
Liberia	124
El Salvador	122
Sierra Leone	122
BOTTOM 10	Points
Austria	33
Liechtenstein	39
Philippines	46
Tajikistan	49
Iran	50
Jordan	53
Germany	54
Kazakhstan	57
Taiwan	58
Dominican Republic	59

Source: Global Right to Information Rating (www.rti-rating.org)

There are some areas of concern which, if addressed properly, could go a long way in ensuring the proper implementation and utilization of this tool of the right to know by the citizens.

Firstly, there is still a lack of awareness about the RTI Act amongst the general masses. People are still not adequately aware about the benefits of this Act especially at the grassroots level. Thus, it is imperative upon the government as well as the civil society to educate the masses about the usage of this tool to empower them and be aware about this important right. Educational and awareness campaigns on a mass scale should be undertaken to spread the message about the RTI Act.

Secondly, using the RTI Act should be a simple and



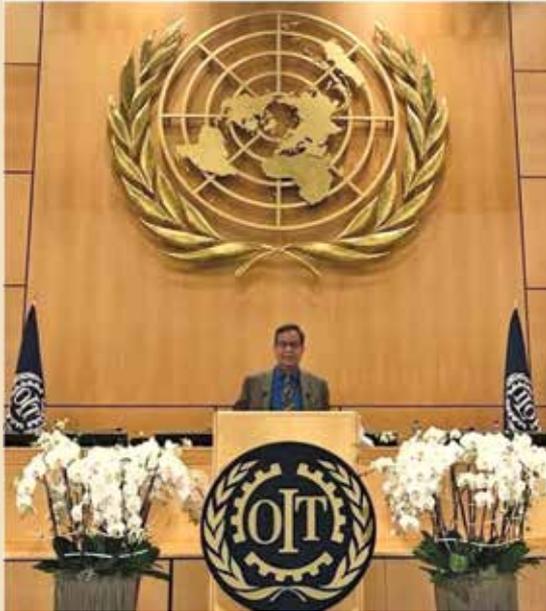
easy-to-use process. However, there are certain hindrances which restrict its easy usage because of multiples rules and policies. There are different rules across different authorities and departments under which one can file a RTI Application. Add to this fact that these rules are easily not available and makes it a challenging task for information seekers. These factors create constraints in using this Act as the general masses find it in arduous task to locate the department specific rules for filing an application for seeking information. Thus, it is very important to have a uniform and standard set of rules for filing an application as it will become more convenient and hassle free for the applicant.

Thirdly, the inadequate exposure and awareness in the government departments in dealing with RTI Applications is an area of great concern. Due to lack of proper training and exposure to the Public Information Officers (PIO) and First Appellate Authorities (FAA), the quality of responses and information provided to applicants is also greatly affected. It is important that the concerned authorities should put greater emphasis and focus on building capacities in terms of knowledge of the Act and render regular and proper training to officers.

Establishment of a comprehensive training mechanism for dealing with RTI Applications is the need of the hour.

Fourthly, the issue of protection to whistleblowers and their safety and security is an area of concern that needs immediate attention. It is important that there are clear cut provisions for the protection of people who use the RTI Act that leads to blowing the lid off any corrupt practices. We have often seen, especially in rural areas, that such people are victimized and it imperative upon the authorities to ensure that whistleblowers not be victimized against any vendetta activities. Protection would prove as a confidence building measure which would encourage more people to use the RTI to highlight irregularities and discrepancies in any government functioning.

RTI Act has had both positives and negatives. The time has come to make it more comprehensive and effective by bringing about some effective changes and amendments which are practical and real and are not mere illusions or handouts. It is time to take some concrete action to remove irregularities and discrepancies in functioning of government institutions by making the Right to Information Act more comprehensive. ■



**Dr. U.D. Choubey,
Director General,
SCOPE participated
in the 106th
session of the ILO
Conference at
Geneva, Switzerland.**

DG, SCOPE Speaks in **OECD Global Meeting at Dubai**



On the invitation from OECD, Dr. U.D. Choubey, Director General, SCOPE spoke on Reforms taken in Public Sector Enterprises in India. The occasion was the OECD 2nd Meeting of the Global Network

on Corporate Governance of State Owned Enterprises (SOEs) held in Dubai where large number of countries represented their State owned Enterprises.

Dr. Choubey complimented

Government of India for initiating large number of reforms including classification of PSUs into Maharatna, Navratna and Miniratna, listing of PSUs on Stock Exchanges, improving Corporate Governance, leadership qualities and appropriate succession planning etc. He advocated for well documented Ownership Policy for public sector enterprises.

DG, SCOPE concluded by saying that public sector enterprises in India have done better in the post liberalization era and also has successfully made headway towards global competitiveness. Indian CPSEs have taken Corporate Social Responsibility (CSR) in both letter and spirit.

DG, SCOPE Meets **Director General, ILO**

Dr. U. D. Choubey, Director General, SCOPE met Mr. Guy Ryder, Director General, ILO during Annual International Labour Conference held in June 2017 at Geneva. DG, SCOPE briefed Mr. Guy Ryder about massive reforms taking place in India in all sectors of economy and highlighted the performance of PSEs. He also presented his latest book (The Last inning and Beyond).



Dr. U.D. Choubey, DG, SCOPE elected Member (Executive Committee) of India International Centre

Dr. U.D. Choubey, Director General, SCOPE once again has been elected as Member of the Executive Committee of the India International Centre (IIC). Dr. Choubey has made significant contribution in promoting excellence in public sector enterprises and has actively been associated with IIC.



SCOPE Celebrates International Yoga Day



SCOPE celebrated the International Yoga Day on 21st June, 2017. Mr. Ved Prakash, Chairman, SCOPE & CMD, MMTC inaugurated the celebration of International Yoga Day at SCOPE Convention Centre by lighting of lamp. Dr. U. D. Choubey, DG, SCOPE addressed and encouraged employees to practice yoga for healthy body & mind. Mr. S.A.

Khan, Group General Manager, Corporate Affairs, SCOPE was also present. Large many employees of SCOPE and PSUs participated in the Yoga camp. On this occasion, Yoga guru Saurabh Samir from Munger Yoga Centre shared the benefits of Yoga and also demonstrated the exercises.



SCOPE - Academy of Public Sector Enterprises (APSE) conducts its Fifth Executive Development Program

SCOPE -Academy of Public Sector Enterprises (APSE) successfully conducted its fifth Executive Development Program for CPSE Executives. The five day program commenced from 29th May, 2017 and concluded on 3rd June 2017. In his opening address to the participants, during the inaugural session on the first day, **Dr U.D.Choubey, Director General, SCOPE** apprised the participants the unique features of the SCOPE APSE Executive Development programs which provide a holistic view of the Public Sector and familiarize the participants with the challenges/ opportunities the Public Sector provides. These supplement the in house programs conducted by respective CPSEs which mostly impart customized training specific to their own industry requirements. APSE Programs, he said, would, besides augmenting the managerial skills, help in grooming the participants towards a bright future and develop a talent pool within. This he said is extremely important in the context of the external business environment becoming highly competitive whether it is Public Sector or any other sector and acquiring cutting edge skills is the only option. **Mr. P. M. Chandriah, Managing Director, Bengal Chemicals & Pharmaceuticals Ltd.** was the **Distinguished Guest of honour** said there are immense opportunities to rise in the Public Sector and drew attention to the fact those holding CEOs posts now were also management trainees when they



Mr. Ved Prakash, Chairman, SCOPE & CMD, MMTC presenting certificates to the participants of the 5th batch of the Executive Development Programme of SCOPE Academy of Public Sector Enterprises (APSE) in presence of Dr. U.D. Choubey, Director General, SCOPE.

started their career. Such instances of rise in professional career are demonstrative of their impulsive and relentless inner urge to excel and make a career for themselves. He said the nation has reposed immense faith in the Public Sector and it is the moral responsibility of each CPSE employee to deliver. He cited his own career graph, which began with very humble moorings and reaching to the top position in a CPSE. He said that he never left an opportunity that came along his way to pass by. He exhorted the participants to exhibit utmost dedication and commitment in their work, maintain high levels of integrity both on personal & professional fronts and fully justify the confidence reposed by the nation in them. Mr Chandriah believed in always being good and helpful to others and they will surely remember and would be of help at some point in future. The

participants felt highly motivated by the turnaround story of Bengal Chemicals and Pharmaceuticals Ltd. **Mr Ashok Bhat, Director, Mindshare HR Consulting** gave an overview of the program content and design. While the behavioural and soft skills part of the program were taken care by Mr Bhat and his team the other sessions were taken by very eminent faculty from academic institutions and domain experts from CPSEs. Prof. Sunita Singh Sengupta, Dean and Professor, Faculty of Management Studies, University of Delhi, dealt with history and key developments, role, categories and ownership in CPSEs. **Mr. Shantanu Roy, Executive Director, GAIL (INDIA) Ltd.** threw light on Memorandum of Understanding (MOU) system, its historical antecedents and its evolving architecture in CPSEs as a system for strategic performance

accountability, and on setting of MOU Targets.

Dr. Ganesh Singh, Program Director, All India Management Association (AIMA), spoke on and gave a presentation on “Developing passion for work as core values for personal and organizational excellence”.

Mr. Sanjay Bhoosreddy, IAS, CVO, MMTC Ltd. discussed the role and responsibilities of CPSEs in effective implementation of RTI Act and functioning of Vigilance in CPSEs.

Dr. Garima Dadhich, Assistant Professor, Indian Institute of Corporate Affairs enlightened the participants on the legal, institutional and administrative frame work of Corporate Governance in CPSEs.

Prof. Simrit Kaur, Professor of Public Policy, Faculty of Management Studies, and University of Delhi discussed the impact of reforms and liberalization and the emerging role, structure of the public sector in the context of Globalization and Competitiveness.

Professor P. K. Chaubey, Senior Consultant, IGNOU and former Professor Economics at the Indian Institute of Public Administration familiarized the participants with the key features of the Constitution of India, and took another session on ‘Public Finance – Key Definitions’.

Mr. Ajay Shukla, Additional General Manager, NTPC Ltd. spoke on “Project Management”.

Dr. Sudhir Kapur, Additional General Manager, MMTC Ltd. enlightened the executives on the social economic and political developments and the impact they have on international trade and financial markets.

In another session **CS Sutanu**



Sinha, former CEO of the Institute of Company Secretaries of India dealt with the structure of CPSE boards, procedures, their functioning in the context of the Companies Act 2013 and also spoke on Corporate Social Responsibility policies and practices in CPSEs.

Mr. V. S. N. Rao, Additional General Manager, MMTC LTD. took session on conduct, discipline and appeal rules.

Mr. Vilas Bhujang, former Executive Director of Airports Authority of India, spoke on affirmative action for the socially and economically backward and other weaker sections of the society.

Mr. Ashok Bhat, Director, Mindshare HR Consultancy Pvt. Ltd. took all the sessions covered in ‘Behavioural module’. The behavioral module of the program focused broadly on three themes critical to the success of executives in the early phase of their career. The first theme focused on thoughtful choices executives need to exercise to be able to successfully make career transitions that help them progress towards better integration with organizational roles. The second theme highlighted the role executives play in the strategy execution process and in the measurement of its outcomes

and impact. The third theme dealt with the development of psycho social capabilities and emphasized the need for executives to enhance understanding of the self (self awareness) and others and using that understanding to effectively manage people in the context of interpersonal, team, decision making and leadership processes.

The behavioral module was delivered through a mix of case studies, group exercises, simulations and instrument based assessments.

Mr. Ved Prakash, Chairman, SCOPE & CMD, MMTC, gave the certificates of participation & interacted with the participants along with DG, SCOPE. The participants shared with them their impressions and their learning from the six-day program. They felt that the participants’ feedback in such programs is a very useful tool in further improving the program content and design. The participants from different CPSEs, who attended the program, appreciated the entire program and expressed that the entire program content (Contextual and Behavioural Modules) was very informative and useful.

Ms Hema Koul, Program Coordinator proposed vote of thanks at the end of inaugural session. ■

Conference Facilities at SCOPE Convention Centre

The centrally air-conditioned SCOPE Convention Centre at SCOPE Complex, Lodhi Road, New Delhi provides excellent conference facilities to PSEs, Govt. Departments, Autonomous Bodies, Institutions/NGOs etc. The Auditorium and other Conference Halls are equipped with projector and screen facilities, sound & light control room with recording & P.A. facility, etc. Details of the capacity of the Auditorium and other Halls, which are available on nominal tariff are given below.

Auditorium



The Auditorium having capacity of 310 persons (300 Chairs + 10 Nos. Chairs at stage) capacity equipped with mikes on dias and podium on stage.

Mirza Ghalib Chamber



The chamber having capacity of 108 persons (102 Nos. Chairs + 6 Nos. Chairs on Dias) equipped with mikes on table, dias and podium.

Tagore Chamber



The chamber having capacity of 92 persons (86 Nos. Chairs + 6 Nos. Chairs on Dias) equipped with mikes on dias, tables & podium.

Bhabha Chamber



The chamber having capacity of 44 persons (24 Nos. Chairs on round table and 20 Nos. Chairs on sides) equipped with mikes on dias, tables & podium.

Fazal Chamber



The chamber having capacity of 25 persons (15 Nos. Chairs on round table and 10 Nos. Chairs on sides) capacity with board room type sitting arrangement equipped with mikes.

Business Centre



The Business Centre having capacity of 7 persons equipped with multi point Video Conferencing System (1+3), at three locations at a time for National & International both.

Annexe II



The Annexe-II having capacity of 25 Persons.

Banquet Hall



The banquet hall having capacity of 500 Persons for the purpose of lunch & dinner. Sitting arrangement could be done for 90 persons.

Tansen Chamber at UB



The Tansen Chamber having capacity of 50 persons having stage and podium.

Annexe I



The Annexe-I having capacity of 25 Persons.

Amir Khusro Chamber at UB



The Amir Khusro Chamber having capacity of 50 persons having facility of stage and podium.

For Booking & Tariff details please contact

Mr. M. L. Maurya, GM (Tech.)
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STANDING CONFERENCE OF PUBLIC ENTERPRISES

1st Floor, Core No. 8, SCOPE Complex, Lodhi Road, New Delhi - 110003 Phone: 011-24311747, 011-24360101 • Fax: 011-24361371

Conference Facilities at SCOPE Minar Convention Centre

SCOPE Minar, an architecturally conceived in the form of two high rise curvilinear tower blocks sitting on a four storey circular Podium Block, is strategically located in Laxmi Nagar District Centre, Delhi -110092 and housing around 40 PSEs of repute. It is one of the known buildings of East Delhi. It has a very size Reception Foyer giving ambience look inside the building. There is a green environment all around the SCOPE Minar with large size planters all around. The building is also having state of art Convention Centre, comprising four halls i.e.

Convention Hall



A large sized Convention hall having sitting capacity of 300 delegates. Various seminars, training programmes, presentations, get to gather etc. are conducted in Convention Hall. It provides ambient and peaceful environment for the programmes.

Meeting Hall



Meeting hall having "U" shaped table, with a meeting capacity of 65 delegates. Most widely used for small size meetings and training programmes, group discussion, power point presentations etc.

VIP Lounge



VIP Lounge having sitting capacity of 60 delegates. The executives and higher level officers, Directors, CMDs can use it as waiting lounge also.

SCOPE Academy of Public Sector Enterprises



SCOPE Academy of Public Sector Enterprises (APSE) conducts induction level programmes for PSEs executives. It has three training halls, one with capacity of 40 persons and two halls with capacity of 30 persons each for training purpose.

There is a wide space for vehicle parking that cater for a capacity of 700 cars, including the newly built good quality Banquet Hall wherein 300 delegates can comfortably dine at a time, makes it special to deliver an all-round conducive meeting environment .

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SCOPE Forum of Conciliation and Arbitration (SFCA)



SCOPE had set up an Arbitration Cell known as SCOPE Forum of Conciliation and Arbitration (SFCA) mainly to settle disputes between PSUs and its associates. This was inaugurated on 9th January, 2004 by Shri Santosh Gangwar, the then Hon'ble Minister of State for Heavy Industries, Public Enterprises and Parliamentary Affairs, which was attended by the then Secretary, Ministry of Heavy Industries and Public Enterprises, Joint Secretary, DPE, CMDs and other senior officers of Govt. of India and PSUs.

SFCA has framed its own rules prescribing consolidated fee structure and expenses with the assurance that arbitration proceedings shall be completed in the shortest possible time and shall be more economical in comparison to other institutions. A panel of expert Conciliators and Arbitrators has also been drawn which consists

of retired Judges of Supreme Court, High Court, retired Secretaries, Joint Secretaries of Govt. of India, Chief Executives, Directors and senior officials of Govt. of India and PSEs, besides Advocates and C.As and other professionals.

The Forum has its own infrastructure with a spacious Arbitration Hall having sitting capacity of 15 persons with all the modern facilities such as projector for live projection of record of proceedings on a large screen with free service of mineral water, tea/coffee and biscuits. High tea and lunch can also be arranged by the Forum on request in advance at the cost of the parties by authorised caterer of SCOPE.

PSUs are requested to advise the concerned officials to avail facilities of the Forum and refer cases to SCOPE Forum of Conciliation and Arbitration (SFCA).

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When sky is the limit the clouds cannot blur our vision

Coal is sunshine trapped beneath the earth.
Our endeavour is to bring it
to your home and hearth.



Coal Production in MT

Kayakalp Model of Governance: It is based on transparency, ethics and philanthropy which is aimed at "inclusive growth."



A Zero Grievance Company: It is clarion call to make the company a Zero Grievance Company by addressing grievances of all stakeholders. "Samadhan Kendra" a single window redressal has been opened in CCL HQrs & areas.



Green Technology : Ensuring the growth with human face and minimizing carbon footprints of our activities by restoring eco-system.



Central Coalfields Limited



(A Miniratna Company)

Darbhanga House , Ranchi, Jharkhand - 834029

18003456501 (Toll Free) 7091093753

Central Coalfields (@ CCL Ranchi) www.centralcoalfields.in

PSEs Declare Results



Mr. B. Ashok, the then Chairman, IndianOil outlining achievements across IndianOil's key performance parameters in his address to the media at the Corporation's Annual Press Conference.

IndianOil reports highest ever profit of Rs 19,106 cr.

IndianOil posted a net profit of Rs. 19,106 cr. for the financial year 2016-17 as compared to a profit of Rs.11,242 cr. in the last fiscal. The income from operations for the financial year 2016-17 was Rs. 4,45,373 cr. as compared to Rs. 4,06,828 cr. in 2015-16. The audited financial results of IndianOil were approved at the meeting of the Board of Directors held recently. IndianOil's income from operations was Rs.1,22,285 cr. in Q4 FY 16-17 as compared to Rs. 98,719 cr. in the corresponding quarter of 2015-16. Profit for the last quarter of 2016-17 is Rs. 3,721 cr. as compared to Rs. 2,006 cr. in the corresponding quarter of 2015-16.

The Board of Directors recommended a final dividend of 10percent (Rs. 1 per share). This is in addition to Interim Dividend of 180percent (Rs. 18.00 per share) paid during the year.

For the last quarter of 2016-17, IndianOil's product sales volumes, including exports, was 21.100 million tonnes. The refining throughput was 17.087 million tonnes in Q4 FY 16-17 and the throughput of the Corporation's countrywide pipelines network was 19.843 million tonnes during the same period. The gross refining margin (GRM) for the last quarter of 2016-17 was US\$ 8.95 per bbl as compared to US\$ 2.99 per bbl in the corresponding quarter of 2015-16.

NTPC Surges Ahead-Profit Before Tax up 24.30 percent

NTPC Ltd. generated additional 8.339 Billion Units to cross 250 Billion Units mark in fiscal 2016-17 against back drop of declining national PLF, . The

total generation was 250.314 Billion Units as against 241.977 Billion Units generated in the previous year, an increase of around 3.45 percent. During the FY2016-17, NTPC Coal stations achieved PLF of 78.59 percent as against National PLF of 59.88 percent. Further, during the 4th quarter, Coal stations, Gas stations & Hydro Stations clocked availability factor of 91.62 percent,93.49 percent & 106.37 percent respectively.

The Company registered over 10 percent increase in the total income. The total income is Rs. 79,342.30 Cr. as against Rs. 72,009.16 Cr. reported in the previous year. For the FY 2016-17, audited profit before exceptional items and tax is Rs. 13,170.85 Cr. as against Rs. 10,595.77 Cr. for FY 2015-16, registering an increase of ~ 24.30 percent. The Profit After Tax of FY 2016-17 was Rs. 9,385.26 Cr.. The unaudited total income for the Q4 FY 2016-17 is Rs. 20,886.85 Cr. as against the unaudited total income of Rs. 18,732.41 Cr. in the corresponding quarter of FY 2015-16, registering an increase of 11.50 percent. For the Q4 FY 2016-17, unaudited profit before exceptional items and tax is Rs. 3,790.90 Cr. as compared to Rs. 3,648.31 Cr. in the corresponding quarter of previous year registering an increase of 3.91 percent.

The Board of Directors has recommended Final Dividend for the FY 2016-17 at the rate of 21.70 percent (Rs. 2.17 per share) on the face value of paid-up equity share of Rs. 10/- each, subject to the approval of shareholders in the Annual General Meeting scheduled to be held in September 2017. The Company had paid Interim Dividend at the rate of Rs.26.10 percent (Rs. 2.61 per share) in February 2017. Thus, total dividend for the Financial Year will be 47.80 percent of the paid-up capital of the Company i.e Rs.4.78 per share. This is the 24th consecutive year for payment of dividend.

GAIL's PAT up 57 percent in FY 2016-17 year-on-year, touches Rs 3,503 cr

GAIL (India) Limited registered a 57 percent rise in Profit after Tax for the Financial Year 2016-17 with the PAT increasing to Rs 3,503 cr. from Rs 2,226 cr. in the last fiscal. The rise in profit was boosted largely by a turnaround in the Company's Petrochemical business, increase in profits from Gas Transmission business and partial sale of stake in Mahanagar Gas Limited (MGL), despite lower price realisation in Polymer and Liquid hydrocarbons. These results are after considering impairment of Investment in Ratnagiri Gas and Power Pvt. Ltd. (RGPPL) in 4th quarter of FY 2016-17 for Rs.783 cr..



GAIL's Press Conference.

GAIL's PAT excluding non-operating one offs (i.e. gain from stake sale in MGL and impairment of Investments in RGPPL) is Rs 3,797 cr., an increase of 71 percent year-on-year (yoy).

The Board has proposed a final total dividend of Rs. 2.70 per share (subject to approval of shareholders) making the total dividend for the year Rs. 1,535 cr., up by 120 percent as compared to FY 2015-16. The earning per share is also up by 57 percent to Rs. 20.71 per share on increased paid-up equity. During FY 16-17, GAIL also issued Bonus share in ratio of one bonus share for every three equity shares held.

The Company registered growth in physical performance in FY 2016-17 in all segments on year-on-year basis. Sale of Petrochemicals was up by 73 percent, Natural Gas Marketing & Transmission volumes rose by 10 percent and 9 percent

respectively, LPG Transmission volume was up by 19 percent while Liquid Hydrocarbon Sales went up by 2 percent.

During the year 2016-17, as per consolidated financial statements, the total group sales (Gross) stood at Rs. 49,237 cr. and the Group PAT was Rs. 3,374 cr.. CGD group companies (IGL, MGL, GAIL GAS) and PLL have continued to add to the group profit.

However, ONGC Petro Additions Ltd. and Brahmaputra Cracker and Polymer Ltd., being in their first year of operation and under stabilisation did not positively contribute to the Group bottom line. Taking together the impact, EPS as per consolidated statement was Rs. 19.91 per share as against Rs. 11.05 per share in the previous year.

SAIL achieves 14 percent improvement in sales turnover; Trims losses by 30 percent in FY 17

Management's intensive focus on operational excellence retains SAIL EBIDTA positive in all four quarters of FY17.

The audited financial results of Steel Authority of India Ltd. (SAIL) for the financial year 2016-17 (FY17) were taken on record by the Board of Directors recently. Management's continual thrust on gaining operational excellence has led SAIL to remain EBIDTA positive for four consecutive quarters, which stood at Rs 671.6 Cr. vis-à-vis Rs (-) 2,203 Cr. over corresponding period over last year (CPLY) recording an increase of Rs. 2875 Cr.. The Company has narrowed down its losses by around 30 percent in FY17 and recorded an overall improvement including production, sales and productivity.

The Company's sales turnover recorded an improvement of around 14 percent in FY17 and stood at Rs 49,180 Cr. compared to Rs 43,294 Cr. over CPLY. SAIL recorded the best ever sales performance, for any given year, during FY 17 with a growth of 8 percent over CPLY. The total sales stood at 13.11 Million Tonnes (MT) in FY17 as compared to 12.12 MT in FY16. On the production front as well, the Company recorded a growth of 12 percent in saleable steel production for FY17 over FY16. The techno-economic parameters showed improvement



in FY17 of 3 percent in Coke rate and 6 percent in BF productivity over CPLY. The Profit After Tax (PAT) narrowed to Rs (-) 2,833 Cr., an improvement of 30 percent, over CPLY which stood at Rs (-) 4,021 Cr. in FY16. Speaking on the occasion, Chairman, SAIL, Mr. P.K. Singh said, "The Company's uninterrupted efforts to achieve operational excellence has helped us become EBDITA positive for the fourth time in a row. Despite the sharp hike in imported and domestic coal prices, which has also neutralized the NSR gains, we have managed to compress the loss. There is an improvement in the performance on all accounts."

REC posts its Highest Ever Annual Profit of Rs. 6,246 Cr.

Rural Electrification Corporation Ltd. (REC) announced its financial results for the quarter and year ended 31st March 2017 in a meeting held recently.

The Total Income of the Company for the year ended 31 March 2017 has risen to Rs. 24,096 cr. as against Rs. 23,757 cr. in the previous corresponding year. The Profit before Tax (PBT) for the year is Rs. 8,861 cr. : an increase of 10 percent over the corresponding last year. The company has registered an increase of 11 percent in Profit after Tax (PAT) over the



corresponding last year, which stands at Rs. 6,246 cr. The Net worth of the company has increased to Rs. 33,326 cr. registering a growth of 16 percent over the corresponding last year. Loan Book of the company has increased to Rs. 2,01,929 cr. and the outstanding borrowings is Rs. 1,67,517 cr. as on 31 March 2017. Gross NPAs stand at 2.41 percent as at 31 March 2017 as against 2.11 percent as at 31 March

2016. Interest Coverage Ratio has improved to 1.64 percent as at 31 March 2017 as against 1.56 percent as at 31 March 2016. The Authorised Capital of the Company as at 31 March 2017 is Rs. 5,000 cr..

Petronet LNG earns highest ever profit of Rs.1,706 Cr. for FY 2016-17

During the FY 2016-17, Petronet LNG's Dahej Terminal processed highest ever LNG quantities of 714 TBTU, which is 26 percent above the LNG quantities process in FY 2015-16, i.e. 566 TBTUs and operated at 106 percent of its average increased nameplate capacity. The overall quantities processed by the Company in FY 2016-17 was 728 TBTU as compared to 580 TBTU processed in 2015-16.

The Company registered the highest ever profit of Rs 1,706 Cr. in the FY 2016-17, which stood at Rs 913 Cr. in the corresponding period, witnessing a growth of 87 percent. The Company has reported profit after tax of Rs 471 Cr. in the current quarter which is the highest ever profit in a quarter and is an increase of 92 percent over the corresponding quarter (i.e. Rs 245 Cr.). The significant increase in profit over the corresponding quarter ended 31st March, 2016 and corresponding FY 2015-16 respectively, is due to higher volumes processed because of the increase in the Regasification capacity, post expansion of the Dahej Terminal and better efficiency achieved in the operations. The Company made an investment of Rs 75 Crore (approx.) for 26% equity in the India LNG Transport Company No (4) Pvt Ltd (Vessel named Prachi) in the current quarter. The Company has created a wholly owned subsidiary company in the name of Petronet LNG Foundation (Not For Profit Company) to further the CSR initiatives of the Company. The Board of Directors has recommended a bonus issue of 1:1 and an increase in the Authorised Capital of the Company from Rs 1,200 Crore to Rs 3,000 Crore, subject to the approval of the shareholders.

The Board of Directors has also recommended a dividend of Rs. 5.00 per equity share of Rs 10 each (50.00%) for the year 2016-17 subject to the approval of the shareholders.

BHEL Regains Growth & Profitability

Surpasses 12th Plan Capacity Addition Target ; Wins largest-ever export order



Mr. Atul Sobti, CMD, BHEL

Bharat Heavy Electricals Limited (BHEL) has achieved double digit growth in its topline and bounced back into profit in fiscal 2016-17, ending the year with significant traction in growth drivers.

During the year, BHEL recorded a turnover of Rs.28,840 Cr., up 11 percent over the previous year - after reversing the trend of negative topline growth prevailing for the last three years. The company also returned to profitability with a Profit Before Tax (PBT) of Rs. 628 Cr., compared to a loss of Rs.1164 Cr. (IND-AS restated) in the last fiscal. Net Profit (PAT) stood at Rs. 496 Cr., against a net loss of Rs.710 Cr. (IND-AS restated) in the previous year.

Notably, enhanced focus on project execution has resulted in BHEL achieving a capacity addition of 45,274 MW during the 12th Five Year Plan period (2012-17), surpassing the target of 41,661 MW set by the government for BHEL, by 9 percent. With this, BHEL continues to remain the single largest contributor to the country's power generation capacity addition.

During the year, BHEL commissioned/synchronized 8,539 MW of power generating equipment. With this, the company's installed power generating capacity has gone up to 178 GW, across the world.

BHEL has also forayed as a co-developer into power generation with the commencement of commercial operation of the first 800 MW unit at its Yeramarus TPS (2x800 MW) - a joint venture with equity contribution from KPCL, BHEL and IFCI.

BHEL secured orders worth Rs.23,489 Cr. during 2016-17 in its power, industry and export segments. This was achieved despite subdued business environment and global economic uncertainties. The company ended the year with a total order book of over Rs.1,05,200 Cr..

A major highlight of the year was the largest ever export order, valued at US\$1.5 billion (Rs.10,000 Cr.), for setting up 1,320 MW (2x660 MW) Maitree Super Thermal Power Project in Bangladesh. Significantly, won against stiff international competitive bidding, this is BHEL's largest power project order in the international market.

During 2016-17, BHEL also secured maiden export orders from Benin, Togo, Chile and Estonia, expanding its global footprint to 82 countries across all the six continents.

Leveraging its experience of over three decades in Solar PV (SPV), the company is capitalising on emerging opportunities in the segment. During the year, BHEL set a new record in its Solar PV business, by supplying 176 MW of SPV modules in a single year, marking a significant contribution to the nation's green initiatives. BHEL has also enhanced its annual manufacturing capacity of solar cells to 105 MW and solar modules to 226 MW during the year. In addition, the company also made a breakthrough by winning the highest SPV power plant orders for 131 MW including single largest order of 65 MW from NLC India Ltd.

During the year, BHEL-built thermal power generating sets generated an all-time high 549 Billion Units of electricity which was 58.2 percent of the total thermal power generated in the country. BHEL-built thermal sets continued to demonstrate world-class performance. 20 sets registered Plant Load Factor (PLF) of over 90 percent and 56 sets between 80 percent-90 percent. Significantly, 219 BHEL-make coal-based sets achieved an Operating Availability (OA) of more than 90 percent. 161 BHEL make coal-based sets clocked uninterrupted operation of more than 90 days. BHEL-built nuclear



sets achieved a PLF of 77.5 percent and an OA of 78.9 percent.

Hindustan Copper Improves Performance

The financial performance of Hindustan Copper Limited through the year 2016-17 has improved substantially in spite of adverse market conditions. Celebrating its silver jubilee year, the Company has registered an increase of 63 percent in Profit after Tax (PAT) from Rs 37.97 cr. to Rs 62.17 cr. in the FY 2016-17.

The Copper sales volume has shot up by 20 percent to 28,888 tonnes compared to 24,112 tonnes in corresponding period last year. Overall, compared to last year, during FY 16-17, the turnover has registered a growth of 14 percent from Rs 1068.95 cr. to Rs 1216.94 cr..

Considering the capex requirement in coming years, the Board has declared a dividend to its shareholders at the rate of 30 percent of the PAT from continuing and discontinuing operation.

During the year, the Company expects significant progress in mine development activities as a Mine Developer and Operator agency has been appointed to develop Banwas mine at Khetri. Also, Environment and Forest clearances have been obtained for its mines at Kendadih and Rakha and for re-opening projects located in Ghatsila, Jharkhand. The Company's flagship project of mine expansion at Malanjkhand underground mines is also being commissioned successfully.

HCL's focus in the next fiscal would be to expedite the expansion programme and ramp up production from Gujarat Copper Project at Bharuch in the minimum possible time.

NFL records net profit of Rs. 207 Cr. during 2016-17

National Fertilizers Limited (NFL), reported Profit Before Tax of Rs. 325 cr. for the year 2016-17 recording an increase of 13 percent over 2015-16's PBT of Rs. 288 cr.

The company also earned a net profit of Rs. 207 cr. for the financial year. During the year, the Company recorded ever highest Urea production

of 38.10 Lakh MT with a capacity utilization of 118 percent. This accounts for 15.5 percent share of the total Urea production in the country. NFL's contribution shall immensely help to reduce the import of Urea.

With a record sale of 37.58 Lakh MT of Urea, 2.14 Lakh MT of imported DAP and 3400 MT of imported Bentonite Sulphur, the company has achieved a total fertilizer sale of over 39.75 Lakh MT, which is the best-ever sales performance of the company. The company has also done a record sale of Rs. 190 cr. of industrial products this year recording a growth of around 49 percent over the sale in previous year.

In addition to its core business, the Company also entered into joint ventures and imports, which gave impetus to profits. The Company has also initiated Seed Multiplication Programme for production of certified seeds in NFL's own brand name, 'Kisan' and sold 8,300 quintals of certified seeds of wheat during Rabi 2016-17.

The incredibly good performance was accomplished by meticulous planning, sustained operation of plants and strategic planning of marketing activities.

NALCO's Q4 net profit registers 25.23 percent growth over Q4 of previous fiscal

Weathering sluggishness in the metal market across the globe, fluctuating prices in the LME and increase in input costs of raw materials, National Aluminium Company Limited (NALCO) has been riding on its overall growth in production, improving productivity and sales performance to register a profit in the 2016-17 fiscal.

According to the audited financial results for 2016-17, taken on record by the Board of Directors in a meeting held recently, during the 4th quarter NALCO has registered a growth of 25.23 percent with a net profit of Rs. 268 cr. as against Rs 214 cr. during the corresponding quarter of the previous fiscal. The figure also represents an 86 percent jump over the net profit of Rs.144 cr. reported in the preceding quarter. Overall, during 2016-17, the company has posted a net profit of Rs. 669 cr., compared to Rs. 787 cr. achieved during the previous year. The gross turnover of the company during 2016-17 has been Rs. 7933 cr. ■

Awards & Accolades to PSEs

Raksha Mantri's Awards for Performance Excellence and Innovation

Bharat Dynamics Limited (BDL) has been conferred with Raksha Mantri's Institutional Award for Excellence in Performance for the year 2014 – 15 and Group / Individual Award in Innovation category for the year 2014 - 15.

BDL has achieved a record turnover of Rs 4,872 Crore in 2016 -17 and a Compound Annual Growth Rate of 39.89 percent over the last three years.

The Award for Excellence in Performance was presented to Mr.V. Udaya Bhaskar, CMD, BDL and Mr. V. Gurudatta Prasad, Director (Production), BDL by Union Minister for Defence, Finance and Corporate Affairs, Mr. Arun Jaitley at Manekshaw Centre, New Delhi recently.

Group/Individual Award for Innovation category was presented to Mr. K. Diwakar, Director (Technical),BDL, Mr. M. Sreedhar Rao, Additional General Manager (Design & Engineering), BDL and team by the Union Minister in New Delhi recently. The Innovation Award has been conferred in recognition of the innovative efforts in the Design and Development of Amogha - I Anti-Tank Guided Missile by the Design & Engineering Division of the Company.



Mr. V. Udaya Bhaskar, CMD, BDL and Mr. V. Gurudatta Prasad, Director (Production), BDL receiving the award for Excellence in Performance for the year 2014-15 from Union Minister for Defence, Finance and Corporate Affairs, Mr. Arun Jaitley in New Delhi.

NBCC CMD Conferred APEA Awards 2017



In a function held in New Delhi recently, Dr. Anoop Kumar Mittal, CMD, NBCC (India) Ltd. was awarded Asia Pacific Entrepreneurship Awards 2017 under the Construction Industry segment (Individual Category) in recognition of his exemplary contribution in the growth of the Company and also in the field of the Construction Industry as a whole. This prestigious award bestowed upon him demonstrates his leadership, dedication and commitment to make NBCC a world class construction organization.

BEL wins six Raksha Mantri's Awards

Bharat Electronics Ltd (BEL) won six of the prestigious Raksha Mantri's Awards for Excellence for the years 2014-15 and 2015-16. Mr M. V. Gowtama, CMD, Directors and other senior officers of BEL received the awards from Mr. Arun Jaitley, Raksha Mantri, and Mr Subhash Bhamre, Raksha Rajya Mantri, at a ceremony organised in New Delhi recently.

Here are the six awards won by BEL:

Raksha Mantri's Group/Individual Award for "Indigenisation" for the year 2014-15 under the category On Order Projects for Doppler Weather Radar (S Band Doppler Weather Radar & C Band Polarimetric Doppler Weather Radar) developed by the Development & Engineering (D&E) Division



Mr. M. V. Gowtama, CMD, BEL, and Mr. Girish Kumar, Director (Bangalore Complex), BEL, receiving from Mr. Arun Jaitley, Raksha Mantri

of the Naval Systems 2 (Radar Systems & Fire Control Systems) Strategic Business Unit (SBU), BEL-Bangalore.

Raksha Mantri's Group/Individual Award for "Design Effort" for the year 2014-15 under the category On Order Projects for LYNX U2 Naval Gun Fire Control System developed by the D&E Division of Naval Systems 2 SBU, BEL-Bangalore, for the Indian Navy.

Raksha Mantri's Institutional Award for "Best Performance in Export" for the year 2015-16.

Raksha Mantri's Best Performing Division/Factory/Shipyard Award for the "Best Performing Division" among DPSUs for Naval Systems 2 SBU, BEL-Bangalore, for the year 2015-16.

Raksha Mantri's Group/Individual Award for "Indigenisation" for the year 2015-16 under the category On Order Projects for the Light Weight Portable Laser Target Designator developed by the D&E Division of BEL-Pune.

Raksha Mantri's Group/Individual Award for "Design Effort" for the year 2015-16 under the category On Order Projects for the Test Bed for Automated Air Defence Control and Reporting System (ADC&RS) developed by the D&E Division of Network Centric System (NCS) Group/Air Defence Control and Reporting System/NSC SBU of BEL-Ghaziabad, for the field force of the Indian Army.

OIL Bags Golden Peacock National Training Award and Golden Globe Tigers Award 2017

Oil India Limited (OIL) recently bagged the Golden Peacock National Training Award 2017 and Golden Globe Tigers Award 2017 for Industry excellence in Training. While the Golden Globe Tigers Award was conferred to OIL for Learning & Development (L&D) Department's initiative under "Best Development Programme in Public Sector for Workers" (Excellence in Training and Development), the Golden Peacock National Training Award 2017 was given for OIL's efforts in the field of innovative Learning & Development.



Team Oil India Limited Golden Globe Award.

The Golden Peacock National Training Award 2017 was given away during India's Dubai Global Convention 2017 in Dubai by Sheikh Nahyan bin Mubarak Al Nahyan, Cabinet Member and Minister of Culture and Knowledge Development, Govt. of UAE, among others dignitaries, to Mr. B. P. Sarma, RCE, OIL and Mr. R.K Talukdar, GM (L&D), OIL and Lt. Gen. J. S. Ahluwalia, PVSM (Retd.), President, Institute of Directors, India.

The Golden Globe Tigers Award was given to OIL at Golden Globe Tigers Awards Night 2017 organised at Pullman City Centre Hotel and Residences, Kuala Lumpur, Malaysia. OIL won from among 214 applicants, including SMEs, public, private, government enterprises and NGOs for the year 2017. ■

PSEs Ink MoU

MCL signs Rs. 5 Cr. MoU with ALIMCO



Mr. A. K. Pandey, General Manager (CSR), MCL and Mr. R. K. Mathur, DGM and In-charge AAPC-Bhubaneswar(ALIMCO) with Mr D. R. Sarin, CMD, ALIMCO after signing MoU.

Around 10,000 needy people with orthopaedic disabilities in Angul, Jharsuguda, Sambalpur and Sundargarh of Odisha will be provided aids and appliance by Mahanadi Coalfields Limited (MCL)

at a cost of Rs 5 crore under Corporate Social Responsibility (CSR).

In this regard, MCL signed a Memorandum with ALIMCO (Artificial Limb Manufacturing Corporation of India), for providing aids and appliances to needy people with orthopaedic disability in its four operational districts in Odisha.

The MoU was signed recently by Mr. A. K. Pandey, General Manager , CSR, MCL and Mr. R. K. Mathur, DGM and In-charge AAPC-Bhubaneswar, ALIMCO in the presence of Mr D. R. Sarin, CMD, ALIMCO, Kanpur and Mr B. B. Mishra, General Manager, Civil, In-charge MCL Office, Bhubaneswar.

NALCO inks MoU with Government setting Higher Targets

National Aluminium Company Limited (Nalco) signed an MoU with the Ministry of Mines, Govt. of India setting higher targets in production, productivity, turnover and CAPEX for the FY 2017-18. The MoU was signed between Mr. Arun Kumar, Secretary, Ministry of Mines and Dr. Tapan Kumar Chand, CMD, Nalco in New Delhi recently. Secretary, Mines complimented the management



Mr. Arun Kumar, Secretary, Ministry of Mines and Dr. Tapan Kumar Chand, CMD, Nalco at the MoU signing in New Delhi

in NALCO for the excellent performance of the company in 2016-17 and its robust business plan for 2017-18. The MoU was formulated as per the new Department of Public Enterprise guidelines and finalized after discussions with both Inter-Ministerial Committee as well as Ministry of Mines.

Mr. Subash Chandra, Joint Secretary, Ministry of Mines, and other senior officials of Ministry and Nalco were present on the occasion.

REC sanctions Rs.10,453 Cr. and signs MoUs worth Rs. 85,723 Cr.

REC signed MoUs with TANGEDCO and TANGEDCO and TANTRANSCO for financial assistance of Rs. 60,063 cr. and Rs. 25,660 cr. respectively in the presence of Mr. Thangamani, Minister of Electricity, Govt. of Tamil Nadu and Principal Secretary (Energy), Govt. of Tamil Nadu recently at Chennai. The financial assistance is towards Implementation of various Generation, Transmission and Distribution projects in the State of Tamil Nadu during the next five years. Dr. P.V. Ramesh, IAS, CMD, REC also handed over



Dr. P.V. Ramesh, IAS, CMD, REC during the MoU signing ceremony with Mr. Thangamani, Minister of Electricity, Govt. of Tamil Nadu and Principal Secretary (Energy), Govt. of Tamil Nadu.

the Sanction letter for Rupee Term Loan (RTL) of Rs.10,453 cr. for implementation of 2x660 MW Udangudi Super Critical Thermal Power project during the ceremony.

CMD and Directors of TANGEDCO and TANT-RANSCO lauded REC for their support in development of power sector in the state.

BHEL commissions 3 MW Solar Photovoltaic (PV) Power Plant

Bharat Heavy Electricals Limited (BHEL) has commissioned a 3 MW Solar PV Power Plant in the Union Territory of Dadra and Nagar Haveli. The Solar PV Power Plant was recently inaugurated by the Prime Minister of India, Shri Narendra Modi.

BHEL has executed this project on turnkey basis for Dadra and Nagar Haveli Power Distribution

Corporation Limited, at Velugam.

Significantly, BHEL is presently executing Solar PV projects of about 180 MW for various customers. BHEL offers EPC solutions for both off-grid and grid interactive Solar PV power Plants and has set up solar plants in various locations in India including the Lakshadweep Islands for island electrification. BHEL manufactures Solar Cells

and Modules at its units in Bengaluru. Space grade solar panels using high efficiency cells and space grade Battery panels are manufactured at its Electronics System Division, Bengaluru. BHEL is one of the few companies in India whose solar business is backed by a dedicated R&D team at the company's Amorphous Silicon Solar Cell Plant (ASSCP) in Gurugram.

PSEs CSR Initiatives

AAI Flags off the Ambulance service



Dr. Guruprasad Mohapatra, IAS, Chairman, AAI flagging off one Traveller Ambulance with Advanced Life Support Systems (ALS) for Longding District, Arunachal Pradesh.

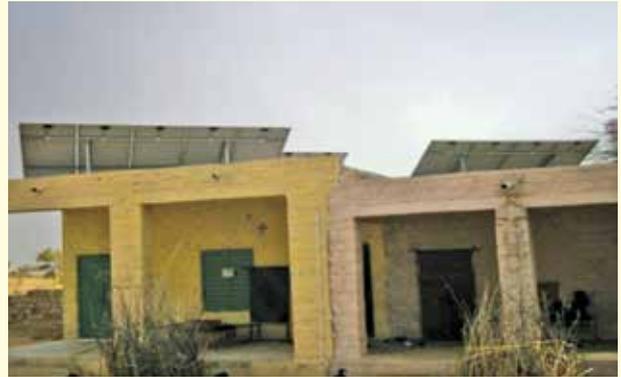
Airports Authority of India committed to deliver its Social Corporate Responsibility, has provided an Ambulance Service with Advanced Life Support Systems (ALS) for Longding District of Arunachal Pradesh with an objective of strengthening the health services in the remote North-East Region under Airports Authority of India's CSR Initiatives.

Dr. Guruprasad Mohapatra, IAS, Chairman, AAI while flagging off the ambulance service said that, "The ALS ambulance shall definitely bring a big relief to the patients coming from far off places and will be a great support to the Primary Health Centre facility in the Longding District of Arunachal Pradesh.

AAI, has in the past provided similar ambulance facilities to the Primary Health Centre at Pakyong, Sikkim, and also to Dr. Shakuntala Misra National Rehabilitation University, Lucknow and Primary Health Centre at Udaipur, Rajasthan."

CEL services to the Nation in Rural Development through solar energy

Central Electronics Limited (CEL) has pioneered in development of Solar PV in the country and has the distinction of having manufactured India's first Solar Cell in 1977 and first Solar Panel in 1978 and has also set up India's first Solar Power Plant in 1992.



CEL's Project under its CSR Programme.

CEL has done yeoman services to the nation in the area of Rural Development through solar energy and has successfully implemented a number of Govt. programmes for provision of home lighting systems, street lighting systems as well as community facilities including entertainment facilities and primary health service (facilities) in remote areas of the country including Chhatisgarh, remote areas of Assam, Jharkhand, Ladakh etc.

In recent years, CEL has brought solar energy to the reach of almost 10,000 beneficiaries in remote villages of Rajasthan & Bihar under CSR programmes of leading PSUs. CEL has also recently commissioned micro grids in two villages in Gaya district of Bihar under another CSR programme along with provision of solar water pumping system on an innovative entrepreneur driven revenue model along with drip irrigation system.

In another CSR project for a leading PSU, CEL had provided 1500 number solar home lighting systems along with mobile charging facilities and equal number of solar lanterns to villagers of Leh and Kargil.

Other projects taken up by CEL in recent years, for various PSUs and Govt. agencies include: Provision of 1500 home lighting systems along with mobile charging facilities and provision of Television and

R.O systems for three village panchayat samitis in Jaisalmer (Rajasthan).



Provision of 1400 home lighting system along with street lighting and charging points in Mehsana (Gujarat).

Pilot project for new type of home lighting systems in 8 states of the country.

NCL extends helping hand to a school for children with special needs

Ms. Radha Kotturi, President, Sampda Mahila Samiti provided a month supplies of stationery, items of daily use and groceries in Vasudha Kalyani Divyaang Vidyalaya, Ambedkar Nagar, Sonebhadra. The team spent time with children and had an elaborate conversation. Ms. Kotturi, encouraged children to channelize all efforts and energies towards attainment of their goals. School management thanked Team Mahila Mandal for their support and anticipated continued help on similar lines.

NRL sponsors training on Candle making in Meghalaya



Members of Sampda Mahila Samiti ,CWS Jayant providing supplies of daily use items, stationery and groceries to school of children with special needs

Numaligarh Refinery Ltd. has embarked on a mission of training the youth of North East states in candle making and supporting them in setting up of self sustaining candle making units. Towards this end, a training program was inaugurated recently by MP (Rajya Sabha), Meghalaya-,Ms. Wansuk Syiem in Thangsning village located at the outskirts of Shillong. Also present on the occasion were GM(Mktg. & BD) NRL, Mr. Bruno Ekka; Liaison Officer to MP, Ms. L N Jyrwa; Executive Director, Women for Integrated Sustainable Empowerment

(WISE)-Sister Judith, Village headman and a few other NRL officials.

NRL's CSR Venture on skilling youths yields results



Ms. Wansuk Syiem, MP ,Rajya Sabha, Meghalaya , Mr. Bruno Ekka, GM-Mktg. & BD, NRL and NRL officials in Thangsning village

Under NRL's CSR program focusing on skill development of beneficiaries, 30 youths from the vicinity of Refinery are currently undergoing a 6-month training on Ayurveda Panchakarma at the Santhigiri-NRL Institute of Paramedical Sciences in Guwahati inaugurated by Chief Minister of Assam, Mr. Sarbananda Sonowal in the month of January 2017.



Students from Santhigiri-NRL Institute of Paramedical Sciences

Good results of this noble endeavor is already evident as 12 students out of the above batch of 30 from the Institute have been appointed as Panchakarma Attenders at the All India Institute of Ayurveda, New Delhi under the Ministry of AYUSH, Govt. of India, to be subsequently upgraded as per their experience.

REIL installs Solar Power Plant and Solar LED Street Lights



Mr. A. K. Jain, MD, REIL, District Governor, Mr. Ramesh Chaudhary, Rotarian, Dr. Sudhir Calla and Prof. Ravindra Nagar, MNIT Jaipur at the Solar Power Plant built by REIL.

Rajasthan Electronics & Instruments Limited (REIL) executes several Corporate Social Responsibility (CSR) activities for the underprivileged section of the society under which, REIL recently installed a 1.12 kWp Solar Power Plant with tube-lights and

ceiling fans and 12W x 75W Solar LED Street Lights at the primary school and streets of the village Chimanpura (Dhab Ka Nalla), Jaipur. This Solar Power Plant was handed over by Mr. A. K. Jain, MD, REIL in the presence of District Governor Mr. Ramesh Chaudhary, Rotarian Dr. Sudhir Calla and Prof. Ravindra Nagar, MNIT Jaipur recently.

Chimanpura, Dhab Ka Nalla is an under privileged village which has also been selected by MNIT Jaipur for skill up-gradation and infrastructure development activities under Unnat Bharat Abhiyaan of Government of India. The primary school in the village, established 25 years back and only 17-18 kms from Jaipur city on National Highway to Delhi, does not have a Grid Power Connection. Understanding the basic need of electricity for the students and villagers, Solar Power Plant and Solar LED Street lights were installed by REIL in the school and at village streets for the up-gradation of the village so that the students can study and the villagers can complete their routine activities during the off-electricity hours too.

Commencement of Sea Trials MDL Yard 11876 (Khanderi)

Khanderi, the second of the six Scorpene class submarines being built in India at MDL, sailed out recently from Mumbai harbour for her maiden sea sortie. It was also the first major trial for her propulsion plant and a very important milestone in the construction programme.

The successful trial moved the submarine a significant step closer to her induction into the Indian Navy later this year. She will now be put through her paces via a rigorous set of trials, which are designed to test her operating envelop to the maximum.

The first Scorpene, Kalvari, is presently being readied for delivery in July / August this year, after having been put through a grueling set of trials over the past one year, including successful live missile and torpedo firings.





Prime Minister Flags off the first UDAN Flight under Regional Connectivity Scheme (RCS) on Shimla – Delhi sector

Prime Minister Shri Narendra Modi, recently flagged off the maiden UDAN - Ude Desh Ka Aam Naagrik flight under the Regional Connectivity Scheme (RCS). Already touted to be a revolution in the aviation sector, the first flight took off from Jubbarhatti Airport, Shimla to New Delhi. On this occasion, the Hon'ble Prime Minister also flagged off flights on Kadapa-Hyderabad and Nanded - Hyderabad sectors under the Scheme through video link.

Airports Authority of India under the aegis of Ministry of Civil Aviation is the implementing agency for this prestigious initiative of Government of India



Prime Minister, Shri Narendra Modi flagging off the first UDAN Flight under Regional Connectivity Scheme (RCS) on Shimla – Delhi sector at Jubbarhatti, Shimla Airport in the presence of Mr. Acharya Devvrat, Governor, Himachal Pradesh, Mr. Virbhadra Singh, Chief Minister, Himachal Pradesh, Mr. P. Ashok Gajapathi Raju, Union Minister of Civil Aviation, Mr. J. P. Nadda, Union Minister for Health & Family Welfare, Mr. Jayant Sinha, Union Minister of State for Civil Aviation and Mr. R.N. Choubey, Secretary (Civil Aviation.)

and is committed to providing under-served and un-served air connectivity to currently airports across the country.

BHEL pays 79 percent Dividend for fiscal 2016-17

Bharat Heavy Electricals Limited (BHEL) has proposed an equity dividend of 79 percent (including 40 percent interim dividend paid earlier) for fiscal 2016-17. Significantly, not only is this four times the dividend paid (20 percent) in the previous year but also the highest dividend to be paid by the company in the last three years. With this, the company has maintained its impeccable track record of rewarding investors by paying dividends uninterrupted for four decades without a break.



Mr. Atul Sobti, CMD, BHEL presenting the dividend cheque to Mr. Anant G. Geete, Minister for Heavy Industries & Public Enterprises.



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