

F.No.295/78/2013-CX-9
Ministry of finance
Department of Revenue
Central Board of Excise and Customs

सीमा शुल्क मुख्य आयुक्त का कार्यालय
बंगलूर आंचल, बंगलूर-५६० ००९
24 JAN 2014
Office of the Chief Commissioner
of Customs, Bangalore Zone
New Delhi, dated 03.01.2014

To,
Sh. S.Umesh
CPIO & Assistant Commissioner (CCO)
Office of the Chief Commissioner of
Customs, C.R. Building,
Queens Road, Bangalore 560001

Supir
C.C.O

24/1/14

Subject: Information sought under Right to Information Act 2005 by Sh. R.K. Jain.

Sir,

I am directed to refer to your letter No.C.No.VIII/48/264/2013CCO II CC Cus BZ/83/14 dated 03.01.2014 on the above subject and to forward herewith a copy of the Board's letter dated 23.10.2013 & copies of the applications of Sh. R.K. Jain for necessary action at your end.

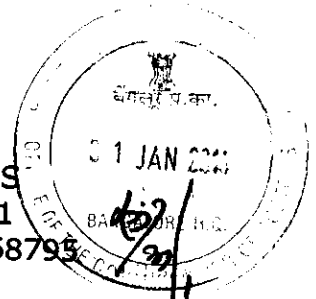
Encl: As above.

Yours faithfully


(Surendra Singh)

Under Secretary to the Govt. of India
Tel Fax: 23095570

OFFICE OF THE CHIEF COMMISSIONER OF CUSTOMS
C.R.BUILDING, QUEENS ROAD, BANGALORE 560001
Phone: 080-22862543/22862177 Fax: 080-22868793
E-mail: ccbz-customs@nic.in



C.No. VIII/48/264/2013 CCO II CC Cus BZ

Dated: 30.01.2014

To,
The CPIO
Bangalore / Mangalore Customs Commissionerate,
BANGALORE/MANGALORE

RTI Matter/Urgent
By SPEED POST

Sir,

Sub: Information sought under Right to Information Act - 2005
by Shri.R.K.Jain.

Please find enclosed copy of letters F.No.295/78/2013-CX-9 dated 10.01.2014 and 12.11.2013 and letter F.No.295/18/2011-CX-9 dated 30.10.2013 along with enclosures, received from the Board on the above subject.

The application is transferred under Section 6(3) of the RTI Act 2005 with a request to furnish information directly to the applicant.

Yours faithfully,

(S.UMESH)

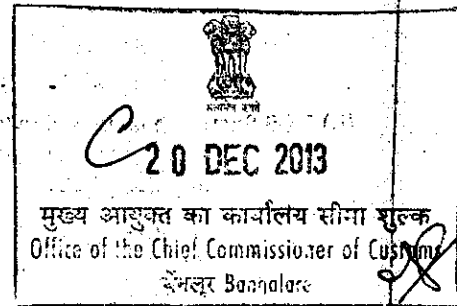
CPIO & Assistant Commissioner(CCO)

Encl: a/a

Copy to:

i) Shri. R.K.Jain, 1512-B, Bhishm Pitamah Marg, Wazir Nagar, New Delhi-110003
for information. (By Speed Post)

F.No.295/78/2013-CX-9
Government of India
Ministry of Finance
Department of Revenue
CBEC



New Delhi Dated: 12th November, 2013

To,

Sh. R.K. Jain,
1512-B, Bhishm Pitamah Marg,
Wazir Nagar, New Delhi-110003

Subject: Information sought under RTI Act 2005.

Sir,

I am to refer to your following application:-

- (i) No. RTI/P-698/7330/13 dated 17.10.2013 addressed to CPIO and Under Secretary (CX-9).
- (ii) No. RTI/P-74/7336/13 dated 17.10.2013 addressed to CPIO office of Chairperson, CBEC.
- (iii) OM No. 50/2/2013/193938/RTI Cell dated 7-11-2013 from Shri. V. Shreekumar, US (RTI) alongwith OM No.278-A/23/2013-Legal dated 28-10-2013 from S.R. Meeana, US(Legal)/CPIO and RTI application No. RTI/P-601/7332/2013 dated 17.10.2013 and your letter No. RTI/P-698/7332/2013/R8114 dated 9-11-2013.
- (iv) No. RTI/P-16/7357/13 dated 18.10.2013 addressed to CPIO and US Ad-II (A&B)
- (v) Letter No. 495/57/2013-Cus-vi dated 29-10-2013 from Shri Subodh Singh, OSD (Custom) alongwith RTI application No. RTI/P-692/7326/13 dated 17.10.2013 addressed to CPIO and Under Secretary (Cus-III&VI) and letter No.209367/13-RTI Cell dated 8-11-2013 from Shri V. Shreekurmar US(RTI) and your letter No. RTI/P-698/7326/13/R8111 dated 9.11.2013

2. The information in respect of CX-9 Section is as below:-

(A) CX-9 Section is still considering implementation of guidelines in para 1.4 on which a final decision has not yet been taken.

(B) CX-9 Section has not yet prepared any Action Taken Report as required in para 4.3.

(C) Action taken in respect of para 4.1:- 18-10-2013:- Copy of the DOPTs O.M. No.1/6/2011-IR dated 15.4.2013 was received by CX-9 Section from RTI Cell on 18.10.2013 vide OM dated 18.10.2013, which was addressed to all Sections in Department of Revenue.

23.10.2013:- (i) CX-9 Section, being Coordination Section in CBEC, forwarded copy of the aforesaid O.M. dated 18.10.2013 alongwith the OM dated 15-4-2013 to all the Chief Commissioners/ Directors General of CBEC on 23.10.2013 for compliance.

Action taken in respect of para 4.2:- CX-9 Section has not yet taken any decision in respect of implementation of guidelines in para 4.2.

Action taken in respect of para 4.4:- CX-9 Section has not yet taken any decision in respect of implementation of guidelines in para 4.4.

Action taken in respect of para 4.7:- RFD 2013-14 has already been finalized, hence no action is being taken now on para 4.7.

(D) CX-9 Section has uploaded/got uploaded the following information on the website of the CBEC:-

- i) RFD 2013-14 of CBEC.
- ii) Performance of CBEC RFD 2012-13 (Results)
- iii) Circular No. 296/110/2012-CX-9 dated 18-6-2013
- iv) Circular No. 971/15/2013 dated 29-5-2013

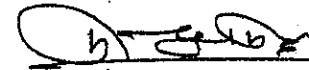
(E) Copy of OM dated 15-4-2013 of the Department of Personnel and Training has been circulated by RTI Cell, Department of Revenue on 18-10-2013 for necessary action on the points concerning them. CX-9 Section has also circulated the same on 23-10-2013 to all Chief Commissioners/ Directors General of CBEC for compliance.

3. In respect of the identical applications sent to other officers in CBEC, you may, if feel necessary, take up the matter directly with them, as the applications transferred by them are being re-transferred to them again.

4. An appeal against this lies to:-

Shri Akhil Kumar Khatri,
OSD (CX-9) Room No.251-B,
North Block New Delhi-110001

Yours faithfully



(Surendra Singh)

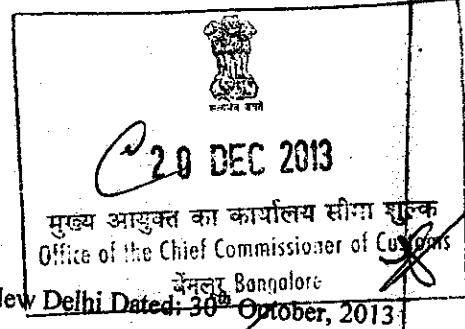
Under Secretary to the Govt. of India

Tel Fax: 2309557

Copy alongwith the copies of various identical applications of Shri R.K. Jain are returned in (original) to the following CPIOs with the request to send information to the applicant in respect of the points concerning them.

- (i) Shri S.R.Meena, CPIO/U5(Legal) their letter F.No. 278-A/23/2013-Legal dated 28-10-2013 alongwith application No.RTI/P-601/7332/13, dated 17.10.2013 from Shri R.K. Jain
- (ii) CPIO & US Ad.ii(A & B) alongwith application No. RTI/P-16/7357/13 dated 18.10.2013.
- (iii) Shri Subodh Singh, OSD (Custom) his letter No. 495/57/2013-Cus-vi dated 29-10-2013 alongwith RTI application No.RTI/P-692/7326/13 dated 17.10.2013.
- (iv) Copy to CPIO - CX-1, CPIO - CX-3, CPIO - CX-6, CPIO - CX-7, CPIO - CX-8, CPIO - CX-8A/ Legal, CPIO - CX-9, CPIO - Service Tax, CPIO - TRU-I, CPIO - TRU-II, CPIO - Cus-III, CPIO - Cus-IV, CPIO - Cus-V, CPIO - Cus-VI, CPIO - Cus-(TU), CPIO - Cus-(PAC-Cus/FTT), CPIO with the request that they may furnish information concerning them directly to Shri R.K.Jain. Applications received in this regard may not be transferred to CX-9 Section in future.
- (v) Copy also forwarded to -All Chief Commissioners and All Directors General in continuation of letter of even no date 23-10-2013 with the request that they may furnish information concerning them directly to Shri R.K.Jain. Applications received in this regard may not be transferred to CX-9 Section in future.

F.No.295/18/2011-CX-9
Government of India
Ministry of Finance
Department of Revenue
CBEC



To,

Sh. R.K. Jain,
1512-B, Bhishm Pitamah Marg,
Wazir Nagar
New Delhi-110003

Subject: Information sought under RTI Act 2005.

Sir,

I am to refer to your following RTI applications:-

- (i) No. RTI/P-692/7249/13 dated 7.10.2013, addressed to the undersigned, which was received on 10.10.2013.
- (ii) No. RTI/P-74/7254/13 dated 8.10.2013, addressed to CPIO, Ministry of Finance, Department of Revenue, Office of Chairperson, CBEC, which were received by the undersigned on 15.10.2013, on transfer by CPIO (RTI Cell), Department of Revenue vide letter dated 11.10.2013 .
- (iii) No RTI/P-16/7270/13 dated 08.10.2013, addressed to CPIO and Under Secretary (AD II A & B) Ministry of Finance, Department of Revenue, CBEC.
- (iv) No.RTI/P-692/7245/13, dated 7.10.2013, addressed to CPIO and Under Secretary (Cus III & VI) Ministry of Finance, Department of Revenue, CBEC forwarded to the undersigned vide OM No.R-50/2/2013/FTS-186494-S.O(RTI) dated 18.10.13 from Shri V. Sreekumar. US/CPIO, RTI Cell,
- (v) No.RTI/P-256/7271/13, dated 8.10.2013 addressed to CPIO and Under Secretary (CX-8A), CBEC, Hudco Vishala Building, Bhikaji Cama Place, New Delhi forwarded to the undersigned vide OM No.275/66/2013-CX-8A dated 23.10.13 from Shri Dharendra Kumar, CPIO/OSD (Legal).
- (vi) No.RTI/P-844/7272/13, dated 8.10.2013 addressed to CPIO, Public Accounts Committee, CBEC, Ministry of Finance, Department of Revenue, Hudco Vishala Building, Bhikaji Cama Place, R.K. Puram, New Delhi forwarded to the undersigned vide OM No. 240/10/2012-CX-7 dated 4.11.2013 from Shr. Manish Kumar Jha, CPIO/PAC, CBEC.
- (vii) Letter No 454/19/2013-Cus-V dated 24-10-2013 from Shri Aseem Nanda, OSD(ICD)/CPIO (Cus-V).

2. The information in respect of CX-9 Section is as below:-

(A) **18-10-2013:-** Copy of the DOPTs O.M. No.1/6/2011-IR dated 15.4.2013 was received by CX-9 Section from RTI Cell on 18.10.2013 vide OM dated 18.10.2013, which was addressed to all Sections in Department of Revenue.

23.10.2013:- (i) CX-9 Section, being Coordination Section forwarded copy of the aforesaid O.M. dated 18.10.2013 alongwith the OM dated 15-4-2013 to all the Chief Commissioners/ Directors General of CBEC on 23.10.2013 for compliance.

(ii) CX-9 Section is concerned only with paragraphs no. 1.4 (alongwith other sections of CBEC) and 5.0 of the guidelines and they are being considered for implementation.

(B) As given above under para (A).

(C) CX-9 Section is concerned only with paragraphs no. 1.4 (alongwith other sections of CBEC). CX-9 Section is also responsible for implementation of para 5.0.

(D) As already stated at para (A) above.

(E) Dy.No.1496/2013-CX-9 dated 21.10.2013.

(F) F.No. 295/18/2011-CX-9. Photocopy of relevant notesheet page no -5 is enclosed.

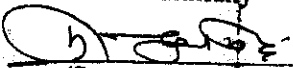
(G) You may carry out inspection on any working day on prior appointment.

3. In respect of the identical applications sent to other officers in CBEC, you may, if feel necessary, take up the matter directly with them, as the applications transferred by them are being re-transferred to them again.

4. An appeal against this lies to:-

Shri Akhil Kumar Khatri,
OSD (CX-9) Room No.251-B,
North Block, New Delhi-110001

Yours faithfully



(Surendra Singh)

Under Secretary to the Govt. of India

Tel Fax: 23095570

Copy alongwith the copies of various identical applications of Shri R.K. Jain are returned in (original) to the following CPIOs with the request to send information to the applicant in respect of the points concerning them.

(i):- CPIO & US Ad.II (A & B) alongwith application no. RTI/P-16/7270/13 dated 08.10.2013, and

(ii) CPIO/OSD(Cus-TU) their letter No.495/34/2013-Cus-VI, Dated 11.10.2013 And application No.RTI/P-692/7245/13, dated 7.10.2013 alongwith letter No.R- 50/2/2013/FTS-186494-S.O(RTI) dated 18.10.13 from Shri V. Sreekumar. US/CPIO, RTI Cell, and letter No.RTI/P-698/7254/13/R/7843 dated 14.10.2013 from Shri R.K. Jain

(iii) CPIO (CX.8 A)/OSD(Legal) their letter F.No. 275/66/2013-CX.8A,dated 23.10.2013 alongwith application No.RTI/P-256/7271/13, dated 8.10.2013 from Shri R.K. Jain

(iv) CPIO (CX-7)- their letter No. 240/10/2012-CX-9 Section dated 4.11.2013 alongwith application No.RTI/P-844/7272/13, dated 8.10.2013 from Shri R.K. Jain

(v) Shri Aseem Nanda, OSD(ICD)/CPIO (Cus-V) with reference to his letter No 454/19/2013-Cus-V dated 24-10-2013.

(vi) Copy to CPIO - CX-1, CPIO - CX-3, CPIO - CX-6, CPIO - CX-7, CPIO - CX-8, CPIO - CX-8A/ Legal, CPIO - CX-9, CPIO - Service Tax, CPIO - TRU-I, CPIO - TRU-II, CPIO - Cus-III, CPIO - Cus-IV, CPIO - Cus-V, CPIO - Cus-VI, CPIO - Cus-(TU), CPIO - Cus-(PAC-Cus/FTT), CPIO with the request that they may furnish information concerning them directly to Shri R.K.Jain. Applications received in this regard may not be transferred to CX-9 Section in future.

(vii) Copy also forwarded to -All Chief Commissioners and All Directors General in continuation of letter of even no date 23-10-2013 with the request that they may furnish information concerning them directly to Shri R.K.Jain. Applications received in this regard may not be transferred to CX-9 Section in future.

FR is a copy of the ltr dated 18.10.2013
received from RTI Cell regarding implement
of Suomoti disclosure under section 4 of
the RTI Act, w/o - issued guideline
regarding.

We may forward the same to
all CEOs of EBEC for information &
necessary action as per the pt -

by
21/10/13

~~SO. (culture)~~
~~US (CX-9)~~

In the first instance,
we may circulate copy
of the same to all CEOs
CC/DSs. copy to all Atcom
in EBEC has already
been circulated by DOR.

2 CX-9 section is concerned
only with para 1.4^{2.5.0} of the guidelines.
Action to implement the same
in CX-9 will be explored after
issue of the letter.

DFA

~~OSD (CX-9)~~

BT GLO
21-10-13

Commr (Coord.)

BT
22/10

~~OSD (CX-9)~~

my mb
21/10/13
BT

-141- 45

Application under Section 6 of the Right to Information Act, 2005

Ref. No. :RTI/P-601/7251/13

Dated : 8-10-2013

To


CPIO
Central Board of Excise and Customs Legal Cell
Hudco Vishala Building
Bhikaji Cama Place
New Delhi - 110066

| | | |
|----|---------------------------------|---|
| 1. | Name of the Applicant | R.K. Jain |
| 2. | Address | 1512-B, Bhisim Pitamah Marg Wazir Nagar New Delhi-110003 |
| | (b) Phone Nos. | 09810077977, 011-24651101, 011-24690707 |
| | (c) Fax No. | 011-24635243 |
| 3. | Whether a Citizen of India | Yes |
| 4. | Particulars of Information | |
| | Details of information required | (A) Please provide details of the implementation para 1.0 to 6.1 (including all sub-paras, clauses and sub-clauses) of the Guidelines issued under DOPT Office Memoranda No.1/6/2011-IR dated 15-4-2013 (copy enclosed). (B) Please provide date on which information referred to in points 1.1, 1.3, 1.4, 1.6, 2.1, 2.2(a) to 2.2(l), 3.4, 3.5, 3.6, 4.0 and 5.0 of the aforesaid Guidelines has been put in public domain and mode of such disclosure. (C) Please provide the name and designation of the Officers who are responsible for implementation of each of the paras 1.0 to 6.1 (including each of the clauses and sub-clauses) of the aforesaid Guidelines. (D) Please provide list of the items, paras, sub- paras, clauses and sub-clauses of aforesaid Guidelines have not so far been implemented and name of the official responsible for such non-implementation. (E) Please provide date and diary No. under which the aforesaid OM dated 15-4-2013 of DOPT has been received. (F) Please provide file Nos. under which the aforesaid OM dated 15-4-2013 has been dealt with and provide photocopies of all note sheets of said file / files. |

190255 11/10/13

(Copy cell)
hms
10/10/13

| | |
|----|---|
| | <p>(G) After providing the above information, please provide inspection of all records, documents, note-sheets and files relating to the information as referred to in point (A) to (F) above. Please provide inspection of complete file(s) even if they contain part of the information.</p> <p>Note:-If information sought in point (A) to (D) has not so far been suo-moto disclosed, please provide copies of said information to the application under section 4 of the RTI Act.</p> <p>Note:-Please provide pointwise information/response for each of above points.</p> |
| 5. | <p>I state that the information sought is covered under RTI Act and does not fall within the exemptions contained in sections 8 or 9 or any other provisions of the Right to Information Act, 2005 and to the best of my knowledge it pertains to your office. Information is being sought in larger public interest.</p> |
| 6. | <p>A Postal Order No. 13F 807406 for Rs. 10 towards payment of fee is enclosed herewith. You are requested to filling the name in which the Postal Order is payable.</p> |
| 8. | <p>As per Section 7 of the RTI Act, 2005 information is to be provided within 30 days of the Application.</p> |


 Signature of Applicant
 Telephone No. : 9810077977
 011-24651101, 24690707
 Fax No. 011-24635243

Place : New Delhi
 Encl. : as above
 ps-7251

Ref. No. :RTI/P-698/7330/13

Dated : 17-10-2013

To

CPIO & Under Secretary (CX.9)
Ministry of Finance, Deptt. of Revenue
Central Board of Excise & Customs
North Block
New Delhi - 110001


413

| | | |
|----|---------------------------------|---|
| 1. | Name of the Applicant | R.K. Jain |
| 2. | Address | 1512-B, Bhishm Pitamah Marg Wazir Nagar New Delhi-110003 |
| | (b) Phone Nos. | 09810077977, 011-24651101, 011-24690707 |
| | (c) Fax No. | 011-24635243 |
| 3. | Whether a Citizen of India | Yes |
| 4. | Particulars of Information | |
| | Details of information required | (A) Please provide details of the implementation of the direction issued in para 1.4.1 of the Guidelines enclosed with Office Memoranda No. 1/6/2011-IR , dated 15 April 2013 of the DOPT regarding proactive disclosure of RTI applications, appeals received and their responses on your website with search facility based on keyword. (B) Provide copy of the Action Taken Report submitted on the compliance of the Guidelines issued under Office Memoranda No. 1/6/2011-IR , dated 15 April 2013 of DOPT, as required under para 4.3 of the said Guidelines (C) Provide datewise details of the action taken by your public authority in relation to paragraph 4.1, 4.2, 4.4 and 4.7 of the aforesaid Guidelines of the DOPT and copies of all notesheets & correspondence (D) Please provide datewise details of the compliance of para 3.6 of the aforesaid Guidelines. (E) Please provide list of directions given in the aforesaid Guidelines which have not so far been implemented/operationalised by you till 17.10.2013 and expected date by which each one of them is expected to be implemented. |

LX-9
18/10

TIME BOUND
Right to Information Act Matter
Department of Revenue
RTI No. 13960/2013/RTI C&I
Date of Receipt: 17/10/2013

| | |
|----|---|
| | <p>NOTE:- As per paragraph 4.1 of the aforesaid guidelines all public authorities, including CIC is to make the aforesaid guidelines fully operationalised within a period of six-month, the said period of six-month has expired on 15th of October 2013, as the guidelines in question were issued on 15 April 2013.</p> <p>Note:-Please provide point-wise information/ response for each of above points.</p> |
| 5. | I state that the information sought is covered under RTI Act and does not fall within the exemptions contained in sections 8 or 9 or any other provisions of the Right to Information Act, 2005 and to the best of my knowledge it pertains to your office. Information is being sought in larger public interest. |
| 6. | A Postal Order No. 13F 808362 for Rs. 10 towards payment of fee is enclosed herewith. You are requested to filling the name in which the Postal Order is payable. |
| 8. | As per Section 7 of the RTI Act, 2005 information is to be provided within 30 days of the Application. |


Signature of Applicant
Telephone No. : 9810077977
011-24651101, 24690707
Fax No. 011-24635243

Place : New Delhi
Encl. : as above

①

F.No.295/18/2011-CX-9
Government of India
Ministry of Finance
Department of Revenue
CBEC

New Delhi Dated: 23rd October, 2013

To,
All Chief Commissioners/Directors General,
of CBEC


**Subject: Implementation of suo motu disclosure under Section 4 of the
RTI Act, 2005- Issue of guidelines regarding.**

Sir,

I am directed to forward herewith a copy of O.M. No. R-12011/2/2013-SO(RTI) dated 18-10-2013 alongwith a copy of O.M. No.1/6/2011-IR dated 15.4.2013 from Department of Personnel, Public & Pensions, Department of Personnel & Training on the subject noted above for information and compliance.

Encl: As above

Yours faithfully,


(Surendra Singh)

Under Secretary to the Govt. of India
Tel: 2309 2143

126
3

RTI MATTER

No. R-12011/2/2013-SO(RTI)
Government of India
Ministry of Finance
Department of Revenue
RTI Cell
.....

New Delhi, the 18th October, 2013

OFFICE MEMORANDUM

Subject: Implementation of suo motu disclosure under Section 4 of the RTI Act, 2005- Issue of guidelines regarding:

The undersigned is directed to enclose a copy of DOPTs O.M. No. 1/6/2011-IR dated 15th April, 2013 on the above subject which is self-explanatory.

2. All Sections/Officers in Department of Revenue are requested to comply with the instructions contained in the above O.M.

Encl: As above

V. Sreekumar
(V.Sreekumar)
Under Secretary (RTI)
T.No. 23095368

To,

- (i) All Officers/Sections in Department of Revenue.
- (ii) Technical Director, NIC, M/o Finance, North Block, New Delhi.
- (iii) SO(Computerisation Cell) with the request to take up the matter with NIC for making necessary changes/up-dation of the website of Department of Revenue.

Smt. RB
18/10/13
~~*[Signature]*~~
~~*[Signature]*~~

1426
21-10-2013

V. Sreekumar
(V.Sreekumar)
Under Secretary (RTI)
T.No. 23095368

2

No.1/6/2011-IR
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

North Block, New Delhi
Dated the 15th April, 2013

OFFICE MEMORANDUM

Subject: Implementation of *suo motu* disclosure under Section 4 of RTI Act, 2005 – Issue of guidelines regarding:

Section 4(1)(b) of the RTI Act lays down the information which should be disclosed by Public Authorities on a *suo motu* or proactive basis. Section 4(2) and Section 4(3) prescribe the method of dissemination of this information. The purpose of *suo motu* disclosures under Section 4 is to place large amount of information in public domain on a proactive basis to make the functioning of the Public Authorities more transparent and also to reduce the need for filing individual RTI applications.

2. Since the promulgation of the Act in 2005, large amount of information relating to functioning of the government is being put in public domain. However, the quality and quantity of proactive disclosure is not up to the desired level. It was felt that the weak implementation of the Section 4 of the RTI Act is partly due to the fact that certain provisions of this Section have not been fully detailed and, in case of certain other provisions there is need for laying down detailed guidelines. Further there is need to set up a compliance mechanism to ensure that requirements under section 4 of the RTI Act are met.

3. In order to address the above, Government of India constituted a Task Force on *suo motu* disclosure under the RTI Act, 2005 in May 2011 which included representatives of civil society organizations active in the field of Right to Information, for strengthening compliance with provisions for *suo motu* or proactive disclosure as given in Section 4 of the RTI Act, 2005. Based on the report of the Task Force, the Government have decided to issue guidelines for *suo motu* disclosure under section 4 of the RTI Act.

4. Guidelines for Central Government Ministries/Departments are on:
- i. *Suo motu* disclosure of more items under Section 4.
 - ii. Guidelines for digital publication of proactive disclosure under Section 4.
 - iii. Detailing of Section 4(1)(b)(iii), 4(1)(b)(iv), 4(1)(b)(xi) and 4(1)(b)(xiv)
 - iv. Compliance mechanism for *suo motu* disclosure (proactive disclosure) under the RTI Act, 2005.
5. The above guidelines are enclosed. However, it may be kept in mind that proactive disclosure should be done in the local language so that it remains accessible to public. It should be presented in a form that is easily understood and if technical words are used they should be carefully explained. As provided in section 4, disclosure should be made in as many mediums as feasible and disclosures should be kept up to date. The disclosure of information may be made keeping in mind the provisions of Section 8 to 11 of the RTI Act.
6. Central Government Ministries/ Departments should undertake *suo motu* disclosure and ensure compliance based on these guidelines.
7. The enclosed guidelines may be brought to the notice of all for compliance.

Manoj Joshi
(Manoj Joshi)
Joint Secretary
Tele : 23093668

1. All the Ministries/Departments of the Government of India
2. Union Public Service Commission, Lok Sabha Secretariat, Rajya Sabha Secretariat, Cabinet Secretariat, Central Vigilance Commission, President's Secretariat, Vice-President's Secretariat, Prime Minister's Office, Planning Commission, Election Commission.
3. Central Information Commission.
4. Staff Selection Commission, CGO Complex, New Delhi
5. O/o the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.

Copy to : Chief Secretaries of all the States/UTs.

Guidelines on *suo motu* disclosure under Section 4 of the RTI Act

INDEX

| S. No. | Chapter | Page No. |
|--------|---|----------|
| 1 | <i>Suo motu</i> disclosure of more items under Section 4 | 1 |
| 2 | Guidelines for digital publication of proactive disclosure under Section 4 | 4 |
| 3 | Guidelines for certain clauses of Section 4(1)(b) to make disclosure more effective | 7 |
| 4 | Compliance with provisions of <i>suo motu</i> disclosure | 12 |

INDEX

Guidelines on *suo motu* disclosure under Section 4 of the RTI Act

1.0 *Suo motu* disclosure of more items under Section 4

Sub-section 4(2) of the RTI Act, 2005 requires every public authority to take steps in accordance with the requirements of clause (b) of sub-section 4(1) to provide as much information *suo motu* to the public at regular intervals through various means of communication, including internet, so that the public have minimum resort to use the Act to obtain information. Accordingly, the Public Authorities may proactively disclose the following items also under the *suo motu* disclosure provisions of Section 4:

1.1 Information related to Procurement

1.1.1 Information relating to procurement made by Public Authorities including publication of notice/tender enquiries, corrigenda thereon, and details of bid awards detailing the name of the supplier of goods/services being procured or the works contracts entered or any such combination of these and the rate and total amount at which such procurement or works contract is to be done should be disclosed. All information disclosable as per Ministry of Finance, Department of Expenditure's O.M. No 10/1/2011-PPC dated 30th November, 2011 on Mandatory Publication of Tender Enquiries on the Central Public Procurement Portal and O.M. No. 10/3/2012- PPC dated 30th March, 2012 on Implementation of comprehensive end-to-end e-procurement should be disclosed under Section 4. At present the limit is fixed at Rs. 10.00 lakhs. In case of procurements made through DGS&D Rate Contracts or through Kendriya Bhandar/ NCCF, only award details need to be published. However information about procurement which fall within the purview of Section 8 of the RTI Act would be exempt.

1.2 Public Private Partnerships

1.2.1 If Public services are proposed to be provided through a Public Private Partnership (PPP), all information relating to the PPPs must be disclosed in the public domain by the Public Authority entering into the PPP contract/concession agreement. This may include details of the Special Purpose Vehicle (SPV), If any set up, detailed project reports, concession agreements, operation and maintenance manuals and other documents generated as part of the implementation of the PPP project. The documents under the ambit of the exemption from disclosure of information under section 8(1)(d) and 8(1)(j) of

6

the RTI Act would not be disclosed *suo motu*. Further, information about fees, tolls, or other kinds of revenue that may be collected under authorization from the Government, information in respect of outputs and outcomes, process of selection of the private sector party may also be proactively disclosed. All payments made under the PPP project may also be disclosed in a periodic manner along with the purpose of making such payment.

1.3 Transfer Policy and Transfer Orders ✓

1.3.1 Transfer policy for different grades/cadres of employees serving in Public Authority should be proactively disclosed. All transfer orders should be publicized through the website or in any other manner listed in Section 4(4) of the Act. These guidelines would not be applicable in cases of transfers made keeping in view sovereignty, integrity, security, strategic, scientific or economic interests of the State and the exemptions covered under Section 8 of the Act. These instructions would not apply to security and intelligence organizations under the second schedule of the RTI Act.

1.4 RTI Applications

1.4.1 All Public Authorities shall proactively disclose RTI applications and appeals received and their responses, on the websites maintained by Public Authorities with search facility based on key words. RTI applications and appeals received and their responses relating to the personal information of an individual may not be disclosed, as they do not serve any public interest.

1.5 CAG & PAC paras

1.5.1 Public Authorities may proactively disclose the CAG & PAC paras and the Action Taken Reports (ATRs) only after these have been laid on the table of both the houses of the Parliament. However, CAG paras dealing with information about the issues of sovereignty, integrity, security, strategic, scientific or economic interests of the State and information covered under Section 8 of the RTI Act would be exempt.

1.6 Citizens Charter ✓

1.6.1 Citizens Charter prepared by the Ministry/Department, as part of the Result Framework Document of the department/organization should be proactively disclosed and six monthly report on the performance against the benchmarks set in Citizens Charter should also be displayed on the website of public authorities.

1.7 Discretionary and Non-discretionary grants

1.7.1 All discretionary /non-discretionary grants/ allocations to state governments/ NGOs/Other institutions by Ministry/Department should be placed on the website of the Ministry/Department concerned. Annual Accounts of all legal entities who are provided grants by Public Authorities should be made available through publication, directly or indirectly on the Public Authority's website. Disclosures would be subject to provisions of Section 8 to 11 of the RTI Act.

1.8 Foreign Tours of PM/Ministers ✓

1.8.1 A large number of RTI queries are being filed on official tours undertaken by Ministers or officials of various Government Ministries/Departments. Information regarding the nature, place and period of foreign and domestic tours of Prime Minister are already disclosed on the PMO's website.

1.8.2 As per DoPT's OM No. 1/8/2012-IR dated 11/9/2012, Public Authorities may proactively disclose the details of foreign and domestic official tours undertaken by the Minister(s) and officials of the rank of Joint Secretary to the Government of India and above and Heads of Departments, since 1st January, 2012. The disclosures may be updated once every quarter.

1.8.3. Information to be disclosed proactively may contain nature of the official tour, places visited, the period, number of people included in the official delegation and total cost of such travel undertaken. Exemptions under Section 8 of the RTI Act, 2005 may be kept in view while disclosing the information. These instructions would not apply to security and intelligence organisations under the second schedule of the RTI Act, 2005 and CVOs of public authorities.

2.0 Guidelines for digital publication of proactive disclosure under Section 4

2.1 Section 4 lays down that information should be provided through many mediums depending upon the level of the public authority and the recipient of information (for example, in case of Panchayat, wall painting may be more effective means of dissemination of information), and that more and more proactive disclosure would gradually be made through Internet. There is need for more clear guidelines for web-based publication of information for disclosure.

2.2 The Department of Information Technology has been working on setting of technical standards for government websites and the Department of Administrative Reforms & Public Grievances has published guidelines for websites of Government Departments. These guidelines prescribe the manner in which websites need to be designed and how information should be disclosed. While adhering to the standards of government guidelines as laid down by Department of Information Technology and Department of Administrative Reforms & Public Grievances, the following principles additionally should also be kept in view to ensure that websites' disclosures are complete, easily accessible, technology and platform neutral and in a form which conveys the desired information in an effective and user-friendly manner.

- a) It should be the endeavor of all public authorities that all entitlements to citizens and all transactions between the citizen and government are gradually made available through computer based interface. The 'Electronic Delivery of Services Bill, 2012' under formulation in Government of India would provide the necessary impetus.
- b) Websites should contain detailed information from the point of origin to the point of delivery of entitlements/services provided by the Public Authorities to citizens.
- c) Orders of the public authority should be uploaded on the website immediately after they have been issued.
- d) Website should contain all the relevant Acts, Rules, forms and other documents which are normally accessed by citizens.

- e) Websites should have detailed directory of key contacts, details of officials of the Public Authority.
- f) It is obligatory under Section 4(1)(b)(xiv) of the RTI Act for every Public Authority to proactively disclose 'details in respect of the information, available to or held by it, reduced in an electronic form'. The website should therefore indicate which digitally held information is made available publicly over the internet and which is not.
- g) As departments reorganize their systems and processes to enable themselves for electronic service delivery, it is recommended that the requirement of bringing due transparency as provided in the RTI Act is given adequate consideration at the design stage itself.
- h) To maintain reliability of information and its real time updation, information generation in a digital form should be automatically updated on the basis of key work outputs, like a muster roll and salary slip (NREGA in Andhra Pradesh) or formalization of a government order (Andhra Pradesh). Such an approach will lead to automation of proactive disclosure.
- i) Information must be presented from a user's perspective, which may require re-arranging it, simplifying it etc. However, original documents in original formats should continue to be made available because these are needed for community monitoring of government's functioning.
- j) The 'National Data Sharing and Accessibility Policy' by the Department of Science and Technology is based on the principle that all publicly funded information should be readily available. The policy has been notified in March, 2012 and the schedule should be strictly adhered to.
- k) Information and data should be presented in open data formats whereby it can be pulled by different Application Protocol Interfaces to be used in different fashions more appropriate to specific contexts and needs. Information/ data can, for instance, be presented in powerful visual ways using visualisation techniques. Such visual representation of information/ data can give insights that may remain largely

hidden in a textual or tabular presentation of data. In some contexts, pictures and audio/videos recordings etc may be more useful. There have been moves in some parts of the country to video record Gram Sabha meetings. A picture of a NREGA worksite, for instance, may tell much more than words can. All such different media and forms should be used for proactive disclosure.

- 1) Every webpage displaying information or data proactively disclosed under the RTI Act should, on the top right corner, display the mandatory field 'Date last updated (DD/MM/YY)'.

3.0 Guidelines for certain clauses of Section 4(1)(b) to make disclosure more effective

3.1 The elements of information listed in the various sub-clauses of Section 4(1)(b) must be disclosed in an integrated manner. For example, the functions and responsibilities of a public authority cannot be understood in isolation from the powers and functions of its employees, the norms that inform its decision making processes and the rules, instructions and manuals that are used in the discharge of its functions. Description of one element presupposes the existence of another. So every public authority must endeavour to integrate the information mentioned in these sub-clauses while preparing voluntary disclosure materials.

3.2 Considering that disclosure in regard to certain sub-clauses have been relatively weak, detailed guidelines for four sub-clauses are given below:

3.3 Guidelines for section 4(1)(b)(iii) - "the procedure followed in the decision-making processes, including channels of supervision and accountability".

3.3.1 All government departments have specific duties and responsibilities under the respective Allocation of Business Rules (AOB) issued by the appropriate Government. The constitutional provisions and statutes each department is required to implement are clearly laid down in the AOB. The manner of disposal of matters assigned to each Department/Ministry is described in the Transaction of Business Rules (TOB). Additionally, every department would have a specific set of schemes and development programmes which they are required to implement directly or through their subordinate offices or other designated agencies. These documents contain the specific operations that every Public Authority is required to undertake in the course of implementing the programme or scheme. Every operation mandated under the AOB read with the TOB would be linked to a specific decision-making chain. All government officers have to follow laid down office procedure manual or the other rules which gives details of how representations, petitions and applications from citizens must be dealt with. Templates, formats, and basic steps of decision-making are briefly explained in such manuals. These descriptions constitute the elements of decision-making processes in general.

3.3.2 Additionally, in the routine work of governance, government functionaries are required to make decisions in a discretionary manner but broad guiding principles are laid down in some rule or the other. For example, the General Financial Rules lay down procedures for a variety of operations relating to government finances. How sanction must be accorded for incurring expenditure; how losses to government must be reported; how responsibility for losses may be fixed on any government servant; how budgets, demand for grants are prepared and submitted; how public works must be sanctioned and executed; how commodities and services may be procured by a public authority; are all explained in these manuals which are updated from time to time. The challenge is to present a simplified version of the decision-making procedure that is of interest to a common citizen.

3.3.3 In view of the above, the guidelines for detailing the decision making processes are as follows:

(a) Every public authority should specifically identify the major outputs/ tangible results/ services/ goods, as applicable, that it is responsible for providing to the public or to whosoever is the client of the public authority.

(b) In respect of (a) above, the decision-making chain should be identified in the form of a flow chart explaining the rank/grade of the public functionaries involved in the decision-making process and the specific stages in the decision-making hierarchy.

(c) The powers of each officer including powers of supervision over subordinates involved in the chain of decision-making must also be spelt out next to the flow chart or in a simple bullet-pointed format in a text-box. The exceptional circumstances when such standard decision-making processes may be overridden and by whom, should also be explained clearly. Where decentralization of decision-making has occurred in order to grant greater autonomy to public authorities, such procedures must also be clearly explained.

(d) This design of presentation should then be extended to cover all statutory and discretionary operations that are part of the public authority's mandate under the AOB read with the TOB.

(e) In the event of a public authority altering an existing decision-making process or adopting an entirely new process, such changes must be explained in simple language in order to enable people to easily understand the changes made.

3.4 Guidelines for Section 4(1)(b)(iv) - "the norms set by it for the discharge of its functions".

3.4.1 Primarily, the intention of this clause is that every public authority should proactively disclose the standards by which its performance should be judged. Norms may be qualitative or quantitative in nature, or temporal or statutory norms. In order to ensure compliance with this clause, public authorities would need to disclose norms for major functions that are being performed.

3.4.2 Citizen Charters, which are mandatory, for each central Ministry/Department/Authority, are good examples of vehicles created for laying down norms of performance for major functions and for monitoring achievements against those standards.

3.4.3 Wherever norms have been specified for the discharge of its functions by any statute or government orders, they should be proactively disclosed, particularly linking them with the decision making processes as detailed earlier. All Public Authorities should proactively disclose the following:

- a) Defining the services and goods that the particular public authority/office provides directly (or indirectly through any other agency/contractor).
- b) Detailing and describing the processes by which the public can access and/or receive the goods and services that they are entitled to, from the public authority/office along with the forms, if any prescribed, for use by both the applicant and the service providing agency. Links to such forms (online), wherever available, should be given.
- c) Describing the conditions, criteria and priorities under which a person becomes eligible for the goods and services, and consequently the categories of people who are entitled to receive the goods and services.

- d) Defining the quantitative and tangible parameters, (weight, size, frequency etc.) and timelines, that are applicable to the goods and services that are accessible to the public.
- e) Defining the qualitative and quantitative outcomes that each public authority/office plans to achieve through the goods and services that it was obligated to provide.
- f) Laying down individual responsibility for providing the goods and services (who is responsible for delivery/implementation and who is responsible for supervision).

3.5 Guidelines for Section 4(1)(b)(xi)- "the budget allocated to each of its agency, indicating the particulars of all plans, proposed expenditures and reports on disbursements made".

3.5.1 The public authorities while disclosing their budgets shall undertake the following:

- (a) Keeping in view of the technical nature of the government budgets, it is essential that Ministries/Departments prepare simplified versions of their budgets which can be understood easily by general public and place them in public domain. Budgets and their periodic monitoring reports may also be presented in a more user-friendly manner through graphs and tables, etc.
- (b) Outcome budget being prepared by Ministries/Departments of Government of India should be prominently displayed and be used as a basis to identify physical targets planned during the budgetary period and the actual achievement vis-à-vis those targets. A monthly programme implementation calendar method of reporting being followed in Karnataka is a useful model.
- (c) Funds released to various autonomous organizations/ statutory organizations/ attached offices/ Public Sector Enterprises/ Societies/ NGOs/ Corporations etc. should be put on the website on a quarterly basis and budgets of such authorities may be made accessible through links from the website of the Ministry/Department. If a subsidiary does not have a website then the budgets and expenditure reports of

such subsidiary authority may be uploaded on the website of the principal Public Authority.

(d) Wherever required by law or executive instruction, sector specific allocations and achievements of every department or public authority (where feasible) must be highlighted. For example, budget allocation and target focusing on gender, children, Scheduled Castes and Scheduled Tribes and religious minorities should be specially highlighted. The sector-wise breakup of these targets and actual outcomes must be given in simplified form to enable the vulnerable segments of society to better understand the budgets of public authorities.

3.6 Guidelines for Section 4(1)(b)(xiv) – details in respect of information, available to or held by it, reduced in an electronic form.

3.6.1 On the one hand, this clause serves as a means of proactively disclosing the progress made in computerizing information under Section 4(1)(a) of the RTI Act in a periodic manner. On the other, it provides people with clarity about the kinds of electronic information that, although not held by the public authority, is available to them. For example the stocks of ration available with individual fair price shops may not be held by the District Civil Supplies office, but may be available at a subordinate formation.

3.6.2 Keeping in view the varied levels of computerization of records and documents in public authorities, data about records that have been digitized may be proactively disclosed on the respective websites, excluding those records /files /information that are exempted under Section 8. The data about digitized record may include the name of the record and any categorization or indexing used; the subject matter and any other information that is required to be compiled in relation to a file as prescribed by Manual of Office Procedure (and to be prescribed by MOP for electronic records that is under finalization by DARPG), the division/ section/ unit/ office where the record is normally held; the person, with designation, responsible for maintaining the record; and the life span of the record, as prescribed in the relevant record retention schedule.

4.0 Compliance with Provisions of *suo motu* (proactive) disclosure under the RTI Act

4.1 Each Ministry/Public Authority shall ensure that these guidelines are fully operationalized within a period of 6 months from the date of their issue.

4.2 Proactive disclosure as per these guidelines would require collating a large quantum of information and digitizing it. For this purpose, Ministries/Public Authorities may engage consultants or outsource such work to expeditiously comply with these guidelines. For this purpose, the plan/non-plan funds of that department may be utilized.

4.3 The Action Taken Report on the compliance of these guidelines should be sent, along with the URL link, to the DoPT and Central Information Commission soon after the expiry of the initial period of 6 months.

4.4 Each Ministry/ Public Authority should get its proactive disclosure package audited by third party every year. The audit should cover compliance with the proactive disclosure guidelines as well as adequacy of the items included in the package. The audit should examine whether there are any other types of information which could be proactively disclosed. Such audit should be done annually and should be communicated to the Central Information Commission annually through publication on their own websites. All Public Authorities should proactively disclose the names of the third party auditors on their website. For carrying out third party audit through outside consultants also, Ministries/Public Authorities should utilize their plan/non-plan funds.

4.5 The Central Information Commission should examine the third-party audit reports or each Ministry/Public Authority and offer advice/recommendations to the concerned Ministries/ Public Authorities.

4.6 Central Information Commission should carry out sample audit of few of the Ministries/ Public Authorities each year with regard to adequacy of items included as well as compliance of the Ministry/Public Authority with these guidelines.

4.7 Compliance with the proactive disclosure guidelines, its audit by third party and its communication to the Central Information Commission should be included as RFD target.

5.0 Nodal Officer

5.1 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. The Nodal Officer would work under the supervision of the Secretary of the Ministry/Department or the HOD of the attached office, as the case may be. Nodal Officers of Ministry/Department and HOD separately should also ensure that the formations below the Ministry/Department/Attached Office also disclose the information as per the proactive disclosure guidelines.

6.0 Annual Reports to Parliament/Legislatures

6.1 Government has issued directions to all Ministries/Departments to include a chapter on RTI Act in their Annual Reports submitted to the Parliament. Details about compliance with proactive disclosure guidelines should mandatorily be included in the relevant chapter in Annual Report of Ministry/Department.



सीमा शुल्क आयुक्त का कार्यालय, केंद्रीय राजस्व भवन, पी.बी.सं.5400, क्वीन्स रोड, बेंगलूर
OFFICE OF THE COMMISSIONER OF CUSTOMS, CENTRAL
REVENUE BUILDING, P.B. NO.5400, QUEEN'S ROAD,
BANGALORE- 560 001

सी.स./C.No. VIII/05/16/2013 Cus.Tech

दिनांक/Date: 28.02.2014

To
Shri R.K. Jain,
1512-B, Bhishm Pitamag Marg,
Wazir Nagar, NEW DELHI -110 003

BY RPAD

Gentleman,

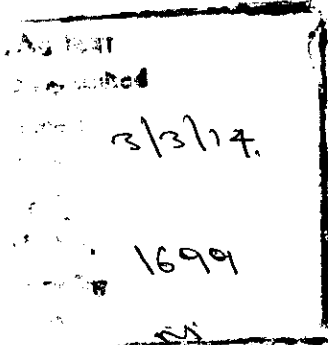
Sub: Information sought under RTI Act, 2005 by Shri R.K. Jain,
New Delhi - reg.

-x-x-x-

Please refer to your letters No. RTI/P-601/7251/13/dated 08-10-2013 & RTI/P-698/7330/13/dated 17-10-2013 received in this office vide letter C.No.VIII/48/264/2013 CCO II CC Cus BZ dated 31.01.2013 on the above subject.

2. With reference to your application dated 08.10.2013 mentioned ibid, as per the guidelines issued under DOPT Office Memoranda No. 1/6/2011-IR dated 15.04.2013, this Commissionerate has put in public domain the applicable data from time to time which is available in the website of Bangalore Customs Commissionerate.

3. As regards your application dated 17.10.2013, the RTI applications, appeals received and their responses are also being uploaded in the website of this Commissionerate.



Recd
Ab
3/3/14

भवधिया/Yours faithfully,

(S.UMESH)

सहायक आयुक्त (सी.पि.ऐ.ओ)
ASST. COMMISSIONER (CPIO).

Copy to the CPIO, Office of Chief Commissioner of Customs, Bangalore Zone,
Bangalore w.r.t. letter C.No.VIII/48/264/2013 CCO II dated 30.01.2014.