

SPEED-POST

- 629 LC/1111-2005

भारत के नियंत्रक-महालेखा परीक्षक का कार्यालय
OFFICE OF THE COMPTROLLER
AND AUDITOR GENERAL OF INDIA

दिनांक
Date

Dated 7th October 2005

To

Director General of Audit/Pr Accountant's
General/Accountants General/Pr Director of Audit (Audit
Offices (Civil. Receipt, Local Bodies, MABs, Defence, P&T,
Railways)

Subject: - Right to Information Act, 2005 - Disclosure of
Information - regarding

Sir/Madam

In continuation of Hqs letter of even number dated 6.10.2005,
the following instructions are issued for disclosure of information in
terms of Sections 7 and 8 of the RTI, Act 2005.

2. Audit Matter :

2.1 According to Article 151(1) of the Constitution of India, the
Reports of the Comptroller and Auditor General of India relating to the
accounts of the Union shall be submitted to the President, who shall
cause them to be laid before each House of Parliament. Under
Clause (2) of the said Article, the Reports of the Comptroller and
Auditor General of India relating to the accounts of a State shall be
submitted to the Governor of the State, who shall cause them to be
laid before the Legislature of the State. Under Section 8 (1)(c), there
is no obligation to disclose information that would cause breach of
privilege of Parliament or the State Legislature.

2.2 The Audit Report goes through various processes before its
finalization. Having regard to the intent and provisions of the RTI Act,
all documents/information contained in Inspection Reports and other
like documents issued to the auditee may be disclosed. The intent to

(2)

report any matter to Parliament/State Legislature is established for the first time only when 'Draft Audit Para/Draft Review' is sent to the Government (auditee entity) for confirmation of facts & figures and for comments. Accordingly, privilege may be claimed only in respect of Draft Audit Paras/Draft Reviews and 'Bond copies' of Audit Reports sent for signature of CAG. Once the Audit Report is laid on the Table of the Parliament/State Legislature(s) it would come within the public domain. Audit memos, Half Margins and other working papers that relate to Inspection Reports and Audit Reports are internal in nature may not be disclosed.

2.3 In future all Inspection Reports may be issued with the following disclaimer statement: -

" The Inspection Report has been prepared on the basis of information furnished and made available by ----- (Name of auditee entity). The Office of Accountant General (Name) disclaims any responsibility for any misinformation and/or non-information on the part of auditee."

In respect of information being sought on past I.Rrs, information may be disclosed to any person with a similar disclaimer statement.

2.4 In case of request for letters and other communications issued by the auditee entity, action may be taken in terms of Section 6(3) of the Act to transfer the request to the concerned public authority under intimation to the petitioner within the time limit prescribed under the Act. This will relate to all letters and communications issued by the auditee entity and mentioned in the Inspection Reports and Audit Reports already placed before Parliament/Legislature.

3. Administration Matters

3.1 In respect of documents relating to office management, Administrative Reports brought out by each office can be made available for the prescribed cost. Information relating to the budget details, details regarding welfare activity, recreation, details regarding tenders etc. after conclusion of the contract, promotion, appointment, pay fixation, gradation list, roster details can be disclosed.

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9/10/05
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(3)

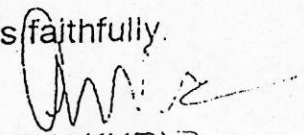
3.2 Information that are purely personal in nature the disclosure of which has no relationship with any public activity or interest need not be disclosed in terms of Section 8(1)(f) of the Act. In this category the personal details of the Government servants, their family, GPF balance, CRs, etc should not be disclosed.

4. The obligation under the Act is to disclose only the information available and it is not necessary to generate information for disclosure. As a general rule, internal noting should not be disclosed.

5. A copy of the 'Right to Information (Regulation of Fee and Cost) Rules, 2005 issued by Department of Personnel & Training vide Notification dated 16.9.2005 is enclosed for levy of fee/cost for disclosure of information.

6. Receipt of this letter may please be acknowledged.

Yours faithfully.



(A.K. THAKUR)
Director General (Audit)

Subject: Expeditious furnishing of information on RTI requests and appeals.

It is noticed that while furnishing information in response to RTI applications and appeals, sections/wings frequently do not conform to the timelines communicated, resulting in filing of 2nd appeals to the CIC.

Your kind attention is invited to the following Sections of the RTI (Act), its impact on the deemed PIOs, and action required to be taken by the deemed PIOs and officers responsible for furnishing the information:

A. **Section 5(5)** of the Act mentions that any officer whose assistance has been sought shall render assistance to the CPIO, and **for the purposes of any contravention of the provisions of the Act, such other officer (officer whose assistance is taken) shall be treated as CPIO.**

On receipt of a request (u/S 6 of the Act) for information, **Section 7(1)** of the Act requires the CPIO to either provide the information or reject the request as expeditiously as possible, and in any case within 30 days of the receipt of the request. To discharge this statutory duty, the CPIO requires the assistance of the concerned Wings in HQ, who hold the information to be furnished.

Section 19(6) of the Act requires the First Appellate Authority to dispose off an appeal within 30 days of its receipt.

Section 20 (1) of the Act confers power on the Central Information Commission to impose penalties for instances of non-compliance.

Where the CIC is of the opinion that the **CPIO has not furnished the information within the time specified under sub-section (1) of Section 7** or malafidely denied the request for information, or knowingly given incorrect, incomplete or misleading information or destroyed information which was subject of the request or obstructed in any manner in furnishing the information, **it shall impose a penalty of two hundred and fifty rupees each day, till the application is received or information is furnished, the total amount of such penalty shall not exceed twenty five thousand rupees.**

Section 20 (2) of the RTI Act, 2005 confers power on the CIC to recommend for disciplinary action against the CPIO under service rules applicable to her/him.

It needs to be noted that any penalty/disciplinary action following an infraction of RTI Act, shall finally be levied/taken on the deemed PIO or the officer responsible. The CPIO and FAA merely route requests, and forward information, and shall not be responsible for delays, non-furnishing of information, furnishing of incorrect information etc.

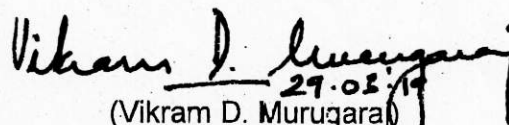
Timely disposal of RTI Requests and Appeals is, therefore, in the interest of the Department and the concerned deemed PIOs. It is requested that information in response to RTI requests and appeals be furnished expeditiously, and in any case not beyond 7 calendar days of receipt of request from the RTI Cell.

B. On several occasions, Sr.AOs/AOs of the concerned sections/ wings refuse to receive RTI applications endorsed to them and return the same to RTI Cell without any acknowledgement or formal reply/remarks in writing, or citing reasons for not receiving the application. In such cases, there is no documentation of non-receipt of RTI applications by the concerned section/wing. In some cases where the applications are received, they are returned by sections/wings (without any written comments/formal reply), 3-4 days after being forwarded by RTI Cell. This delays the entire cycle of furnishing of information, which culminates in filing of first appeal, and subsequent appeals to the CIC.

Therefore, if the information sought in an RTI application does not pertain to the concerned section/wing, the same should be returned to RTI Cell latest by the next working day, with a formal reply citing the reasons for not accepting the same, or the name of the concerned section/wing to which the information sought pertains.

C. Furthermore, information in response to RTI applications is routinely furnished by Sr. AOs/AOs of some sections/wings, without the approval of the deemed PIO. It is also seen (in cases where more than one section/wing exist under the control of one deemed PIO) that the Sr.AO/AO of one section/wing responds stating that the information sought does not pertain to that section/wing, without transferring the same to another concerned section/wing under the same deemed PIO. This results in unnecessary delay in furnishing information to RTI applicants, as the request for information has to be again endorsed to another section/wing under the same deemed PIO.

It may please be ensured that replies to RTI requests are furnished only after approval of the deemed PIO.


29.03.19
(Vikram D. Murugara)
Pr. Director (HQ) & FAA

OFFICE OF THE COMPTROLLER AND AUDITOR GENERAL OF INDIA
NEW DELHI

RTI CELL

File No. 764-RTI/Misc.8-2017

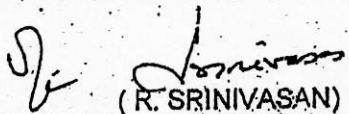
Dated:- 28.4.2017

Sub: Expeditious furnishing of information on RTI request.

Section 7 (1) of the RTI Act requires the CPIO on receipt of request under Section 6 of the Act, as expeditiously as possible and in any case within 30 days of the receipt of the request, either provide the information or reject the request. The Central Public Information Officer to discharge the statutory duties requires the assistance of the concerned Wings in the Headquarter office who are the holder of information to be furnished in response to a RTI request. Section 5 (5) of the Act mentions that any officer whose assistance has been sought shall render assistance to the CPIO, and, for the purposes of any contravention of the provisions of the Act, such other officer (officer whose assistance is taken) shall be treated a CPIO. Section 20 of the Act confers power on the Central Information Commission to impose penalty for non-furnishing of information within the time limit prescribed under the Act.

2. Furnishing information expeditiously is, therefore, in the interest of all the deemed CPIOs whose assistance is sought by the CPIO in the disposal of RTI request.

3. It is kindly requested that information in response to RTI request is furnished expeditiously within a period of 7 days on receipt of request from the RTI Cell.


(R. SRINIVASAN)
PR. LEGAL ADVISOR & CPIO



**TRANSPARENCY AUDIT
REPORT
OF
PUBLIC AUTHORITIES
(Comptroller & Auditor General)**

Compiled by:

**THE INDIAN LAW INSTITUTE
(Deemed University)**

Bhagwan Das Road
New Delhi – 110001



THE INDIAN LAW INSTITUTE


(DEEMED UNIVERSITY)

Accredited with 'A' Grade by NAAC

AUDIT CERTIFICATE

This is to certify that Indian Law Institute has prepared this Transparency Audit Report of Public Authorities under **Comptroller & Auditor General**. The Transparency Audit was done by a team of Research Scholars coordinated by Ms. Jupi Gogoi, Assistant Professor of the Institute.

The audit was carried out as per Central Information Commission (CIC) Auditing Standards for proactive disclosure by public authorities' upto February 2017. The audit covered compliance of facilities available to citizens for obtaining information for the concerned public authority *u/s 4 (b) [i-xvii]* of the Right to Information Act, 2005. There may be possibilities that some public authorities might have updated information in their respective websites subsequently. In case any such information reported to this Institute or CIC by concerned public authority, the Institute will incorporate the same in its subsequent audit.


(S.C. Prusty)
Registrar

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1	<u>Comptroller & Auditor General</u>	
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Name of Public Authority being audited: Comptroller & Auditor General

Sl. No	Parameters 1	Requirements 2	Rating Scale 3	Score 4	Qualitative Observations/ Remarks 5
1	Language in which Information Manual/ Handbook available	<input type="checkbox"/> English <input type="checkbox"/> Vernacular / Local Language	Language in which available: • Both English & Vernacular: 2 • In 1 language only: 1 • Not available: 0	2	
2	When was the information Manual/ Handbook last updated?	<input type="checkbox"/> Annual updation	• During last 1 year: 2 • More than 1 year ago: 1	2	
3	Dissemination of information widely and in such form and manner which is easily accessible to the public [Section 4 (3)]	Use of the most effective means of communication like <input type="checkbox"/> Notice boards <input type="checkbox"/> Newspapers <input type="checkbox"/> Public announcements <input type="checkbox"/> Media broadcasts <input type="checkbox"/> Internet or <input type="checkbox"/> Any other means including	Dissemination of information done using • At least two effective means of communication: 2 • Only one means of communication: 1 • No means of communication used: 0	0	

4	Procedure followed in decision making process [Section 4(1) (b) (iii)]	<input type="checkbox"/> Process of decision making <input type="checkbox"/> Final decision making authority <input type="checkbox"/> Related provisions, acts, rules etc. <input type="checkbox"/> Time limit for taking a decision, if any <input type="checkbox"/> Channels of supervision and accounts <input type="checkbox"/> Nature of functions/services offered	<input type="checkbox"/> Fully disclosed: 2 <input type="checkbox"/> Partially disclosed: 1 <input type="checkbox"/> Not disclosed: 0	2	
5	Norms for discharge of functions [Section 4(1) (b) (iv)]	<input type="checkbox"/> Norms/standards for functions / service delivery <input type="checkbox"/> Time-limits for achieving the targets <input type="checkbox"/> Reference document prescribing the	<input type="checkbox"/> Fully disclosed: 2 <input type="checkbox"/> Partially disclosed: 1 <input type="checkbox"/> Not disclosed: 0	2	

<p>6</p>	<p>Budget allocated to each agency including all plans, proposed expenditures and reports on disbursements made etc. [Section 4(1) (b) (xi)]</p>	<p><input type="checkbox"/> Total Budget for the Public Authority <input type="checkbox"/> Budget for each agency and plan & programmes <input type="checkbox"/> Proposed expenditures <input type="checkbox"/> Revised budget for each agency, if any <input type="checkbox"/> Report</p>	<p><input type="checkbox"/> Fully disclosed: 2 <input type="checkbox"/> Partially disclosed: 1 <input type="checkbox"/> Not disclosed: 0</p>	<p>2</p>	
<p>7</p>	<p>Manner of execution of subsidy programmes [Section 4(1) (b) (xii)]</p>	<p><input type="checkbox"/> Name of the programme or activity <input type="checkbox"/> Objective of the program <input type="checkbox"/> Procedure to avail benefits <input type="checkbox"/> Duration of the programme/scheme <input type="checkbox"/> Physical and financial targets of the</p>	<p><input type="checkbox"/> Fully disclosed: 2 <input type="checkbox"/> Partially disclosed: 1 <input type="checkbox"/> Not disclosed: 0</p>	<p>0</p>	

8	Particulars of recipients of concessions, permits or authorisations granted by the Public Authority [Section 4(1) (b) (xiii)]	<input type="checkbox"/> Concessions, permits or authorisations granted by Public Authority <input type="checkbox"/> For each concession, permit or authorisation granted <input type="checkbox"/> Eligibility criteria <input type="checkbox"/> Procedure for	<input type="checkbox"/> Fully disclosed: 2 <input type="checkbox"/> Partially disclosed: 1 <input type="checkbox"/> Not disclosed: 0	0	
9	Are important policies or decisions which affect public informed to them? [Section 4(1) (c)]	<input type="checkbox"/> Publish all relevant facts while formulating important policies or announcing decisions which affect public	At all times: 2 Sometimes : 1 Never : 0	0	

10	Are reasons for administrative or quasi-judicial decisions taken, communicated to affected persons [Section 4(1) (d)]	<input type="checkbox"/> Provide reasons for its administrative or quasi-judicial decisions to affected persons	At all times: 2 Sometimes : 1 Never : 0	0	
CATEGORY SCORE (A)				10	
Maximum Possible Category Score				20	
CATEGORY PERCENTAGE (A)				50%	

'B' Category Parameters (Medium Importance)

Sl. No	Parameters 1	Requirements 2	Rating Scale 3	Score 4	Qualitative Observations/ Remarks 5
1	Form of accessibility of Information Manual/ Handbook u/s 4 (1) b	<ul style="list-style-type: none"> • Electronic format • Printed format 	Information Manual available in: <ul style="list-style-type: none"> • In Both Formats: 2 • In one format only: 1 • Not available : 0 	2	
2	Whether Information Manual/ Handbook available free of cost or not	<ul style="list-style-type: none"> • Free or • At a reasonable cost of the medium 	Cost at which available : <ul style="list-style-type: none"> • Free: 2 • At Reasonable cost: 1 • At High cost: 0 	2	

3	Rules, regulations, instructions, manuals and records for discharging functions [Section 4(1) (b) (v)]	<input type="checkbox"/> Title and nature of the record / manual / instruction <input type="checkbox"/> Gist of contents	<input type="checkbox"/> Fully disclosed : 2 <input type="checkbox"/> Partially disclosed : 1 <input type="checkbox"/> Not disclosed : 0	2
4	Categories of documents held by the authority under its control [Section 4(1) (b) (vi)]	<input type="checkbox"/> Title of the document <input type="checkbox"/> Category of document <input type="checkbox"/> Custodian of the document	<input type="checkbox"/> Fully disclosed : 2 <input type="checkbox"/> Partially disclosed : 1 <input type="checkbox"/> Not disclosed : 0	2
5	Information available in electronic form [Section 4(1) (b) (xiv)]	Details of information available in electronic form <input type="checkbox"/> Name/title of the document/record/other information <input type="checkbox"/> Location where available	<input type="checkbox"/> Fully disclosed : 2 <input type="checkbox"/> Partially disclosed : 1 <input type="checkbox"/> Not disclosed : 0	2
6	Particulars of facilities available to citizens for obtaining information [Section 4(1) (b) (vii)]	<input type="checkbox"/> Name & location of the facility <input type="checkbox"/> Details of information made available <input type="checkbox"/> Working hours of the facility <input type="checkbox"/> Contact Person & contact details (phone, fax, email)	<input type="checkbox"/> Fully disclosed : 2 <input type="checkbox"/> Partially disclosed : 1 <input type="checkbox"/> Not disclosed : 0	2

7	Such other information as may be prescribed under Section 4(1) (b) (xvii)	<input type="checkbox"/> Citizen's charter of the public authority <input type="checkbox"/> Grievance redressal mechanisms <input type="checkbox"/> Details of applications received under RTI and information provided <input type="checkbox"/> List of completed schemes/projects/programmes <input type="checkbox"/> List of schemes/projects/programmes	<input type="checkbox"/> Fully disclosed: 2 <input type="checkbox"/> Partially disclosed: 1 <input type="checkbox"/> Not disclosed: 0	0	
8	Receipt & Disposal of RTI applications	<input type="checkbox"/> Details of applications received under RTI and information provided	<input type="checkbox"/> Fully disclosed: 2 <input type="checkbox"/> Partially disclosed: 1 <input type="checkbox"/> Not disclosed: 0	0	
CATEGORY SCORE (B)				12	
Maximum Possible Category Score				16	
CATEGORY PERCENTAGE (B)				75.00%	

'C' Category Parameters (Low Importance)

Sl. No	Parameters 1	Requirements 2	Rating Scale 3	Score 4	Qualitative Observations/ Remarks 5
1	Particulars of its organization, functions and duties [Section 4(1) (b) (i)]	<input type="checkbox"/> Name and address of the organisation <input type="checkbox"/> Head of the organisation <input type="checkbox"/> Key Objectives <input type="checkbox"/> Functions and duties <input type="checkbox"/> Organisation chart <input type="checkbox"/> Any other	<input type="checkbox"/> Fully disclosed: 2 <input type="checkbox"/> Partially disclosed: 1 <input type="checkbox"/> Not disclosed: 0	2	

2	Powers & Duties of its officers & employees [Section 4(1) (b) (ii)]	<input type="checkbox"/> Powers and duties of officers (administrative, financial & judicial) <input type="checkbox"/> Powers and duties of other employees <input type="checkbox"/> Rules/orders under which powers and duties are	<input type="checkbox"/> Fully disclosed: 2 <input type="checkbox"/> Partially disclosed: 1 <input type="checkbox"/> Not disclosed: 0	2	
3	Particulars for any arrangement for consultation with or representation by the members of the public in relation to the formulation of policy or implementation thereof [Section 4(1) (b) (vii)]	<input type="checkbox"/> Relevant rule, circular etc. <input type="checkbox"/> Arrangements for consultation with or representation by the members of the public in policy formulation / policy implementation	<input type="checkbox"/> Fully disclosed: 2 <input type="checkbox"/> Partially disclosed: 1 <input type="checkbox"/> Not disclosed: 0	2	

4	Boards, Councils, Committees and Other Bodies constituted as part of the Public Authority [Section 4(1) (b) (viii)]	<input type="checkbox"/> Name of the Board, Council, committee etc <input type="checkbox"/> Composition <input type="checkbox"/> Powers & functions <input type="checkbox"/> Whether their meetings are open to the public? <input type="checkbox"/> Whether the minutes	<input type="checkbox"/> Fully disclosed: 2 <input type="checkbox"/> Partially disclosed: 1 <input type="checkbox"/> Not disclosed: 0	2	
5	Directory of Officers and employees [Section 4(1) (b) (ix)]	<input type="checkbox"/> Name and designation <input type="checkbox"/> Telephone, fax and email ID	<input type="checkbox"/> Fully disclosed: 2 <input type="checkbox"/> Partially disclosed: 1 <input type="checkbox"/> Not disclosed: 0	2	

6	Monthly Remuneration received by officers & employees including system of compensation [Section 4(1) (b) (x)]	<input type="checkbox"/> Name and designation of the employee <input type="checkbox"/> Monthly remuneration <input type="checkbox"/> System of compensation as provided by in its regulations	<input type="checkbox"/> Fully disclosed: 2 <input type="checkbox"/> Partially disclosed: 1 <input type="checkbox"/> Not disclosed: 0	2	
7	Names, designations and other particulars of public information officers [Section 4(1) (b) (xvi)]	<input type="checkbox"/> Name and designation of the Public Information Officer, Assistant Public Information Officer (s) & Appellate Authority <input type="checkbox"/> Address, telephone numbers and email ID of	<input type="checkbox"/> Fully disclosed: 2 <input type="checkbox"/> Partially disclosed: 1 <input type="checkbox"/> Not disclosed: 0	2	

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CATEGORY SCORE (C)	14	
Maximum Possible Category Score	14	
CATEGORY PERCENTAGE (C)	100.00%	

S.No.	PERCENTAGE	PERCENTAGE OBTAINED	WEIGHTAGE	ADJUSTED SCORE
	1	2	3	2 x 3
1	A Category Parameter s	50.00%	0.5	25.00%
2	B Category Parameter s	75.00%	0.30	22.50%
3	C Category Parameter s	100.00%	0.2	20.00%
FINAL SCORE				67.50%
GRADE				B