

**Administrative Reforms Commission's 1<sup>st</sup> Report titled  
'Right to Information – Master Key to Good Governance'**

**Accepted Recommendations**

<b>Sl. No.</b>	<b>Recommendations made by Administrative Reforms Commission (ARC)</b>	<b>Government's Decision</b>	<b>Action Taken</b>
1.	<p><b>1. The Official Secrets Act (Para 2.2.12):</b></p> <p>(b) The equivalent of the existing Section 5, in the new law may be on the lines recommended by the Shourie Committee as quoted below:            “ 5(1) If any person, having in his possession or control any official secret which has come into his possession or control by virtue of:</p> <p>(b1) his holding or having held an office with or under government, or            (b2) a contract with the government, or            (b3) it being entrusted to him in confidence by another person holding or having held an office under or with the government, or in any other manner,            i. communicates, without due authority such official secret to another person or uses it for a purpose other than a purpose for which he is permitted to use it under any law for the time being in force; or            ii. fails to take reasonable care of, or so conducts himself as to endanger the safety of the official secret; or            iii. wilfully fails to return the official secret when it is his duty to return it, shall be guilty of an offence under this section.</p> <p>5(2) Any person voluntarily receiving any official secret knowing or having reasonable ground to believe, at the time he receives it, that the official secret is communicated in</p>	<p>(b) The recommendation has been accepted. MHA will come up with a legislation after due consultations.</p>	<p>(b) The MHA has sought the approval of the Cabinet for introduction of Official Secrets (Amendment) Bill, 2011. The meeting of Committee of Secretaries (CoS) was held on 11/04/2012. The COS meeting held by Cabinet Secretary on 11.04.2012 decided that Inter-Ministerial Group (IMG) should include a representative of DOPT and consider the proposed definition of 'Espionage', 'Enemy', and 'Secret'. Expanded IMG met on 08.05.2012 under the Chairmanship of JS(IS), MHA. Minutes of the meeting are awaited.</p>

Sl. No.	Recommendations made by Administrative Reforms Commission (ARC)	Government's Decision	Action Taken
	<p>contravention of this Act, he shall be guilty of an offence under this section.</p> <p>5(3) A person guilty of an offence under this section shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.</p> <p>Explanation: For the purpose of this section, 'Official Secret' means any information the disclosure of which is likely to prejudicially affect the sovereignty and integrity of India, the security of State, friendly relations with foreign states, economic, commercial, scientific and technological matters relating to national security and includes: any secret code, password, sketch plan, model, article, note or document in relation to a prohibited place.”(2)</p>		
2.	<p><b>4. Exempted organizations (Para 2.5.6)</b></p> <p>(b) The Second Schedule of the Act may be reviewed periodically.(7)</p>	(b) The recommendation has been accepted.	(b) Second Schedule is reviewed as and when needed. It was reviewed by the Committee of Secretaries (CoS) recently and necessary amendments have been notified in the Gazette on 28.03.2008.
3.	<p><b>4. Exempted organizations (Para 2.5.6)</b></p> <p>(c) All organizations listed in the Second Schedule have to appoint PIOs. Appeals against orders of PIOs should lie with CIC/SICs.</p>	(c) The recommendation has been accepted.	(c) All the organizations included in the Second Schedule

Sl. No.	Recommendations made by Administrative Reforms Commission (ARC)	Government's Decision	Action Taken
	(This provision can be made by way of removal of difficulties under section 30)(8)		have been advised to designate Central Public Information Officers (CPIOs) and Appellate authorities.(F.No.1/24/2007 – IR dated 14.11.2007)
4.	<p><b>5. The Central Civil Services (Conduct) Rules (Para 3.1.4)</b></p> <p>(a) Civil Services Rules of all States may be reworded on the following lines:  “Communication of Official Information:  Every Government servant shall, in performance of his duties in good faith, communicate to a member of public or any organisation full and accurate information, which can be disclosed under the Right to Information Act, 2005.  Explanation – Nothing in this rule shall be construed as permitting communication of classified information in an unauthorised manner or for improper gains to a Government servant or others.(9)</p>	(a) The recommendation has been accepted.	(a) Rule 11 of the CCS (Conduct) Rules has been amended suitably. State Governments have also been advised to carry out amendments in their Manuals. (F.No.11013/6/2007 – Estt (A) dated 14.11.2007.
5.	<p><b>6. The Manual of Office Procedure (Para 3.2.3)</b></p> <p>(a) Para 116 of the Manual of Office Procedure, needs to be reworded as follows:  “Communication of Official Information: Every Government Servant shall, in performance of his duties in good faith, communicate to a member of public or any organization full and accurate information, which can be</p>	(a) The recommendation has been accepted.	(a) Para 116 of the Central Secretariat Manual of Office Procedure(CSMO P) vide F.No.46013/3/2007 – O&M dated 10 May 2008 has been amended.

Sl. No.	Recommendations made by Administrative Reforms Commission (ARC)	Government's Decision	Action Taken
6.	<p>disclosed under the Right to Information Act. (Nothing stated above shall be construed as permitting communication of classified information in an unauthorized manner or for improper gains to a Government Servant or others).”(10)</p> <p>(c)The State Governments may be advised to carry out similar amendments in their Manuals, if such provisions exist therein (12)</p>	<p>(c) The recommendation has been accepted.</p>	<p>(c) State Governments have been advised accordingly.</p>
7.	<p><b>7. Classification of Information (Para 4.1.8)</b></p> <p>(a) The GOI should amend the Manual of Departmental Security Instructions in the following manner:</p> <p>(i) Information Deserving Classification (Para 3) It would be advisable for each Ministry/Department to identify the information, which deserves to be given a security classification. Ordinarily, only such information should be given a security classification which would qualify for exemption from disclosure under the Right to Information Act, 2005. The Classification of documents should be done as per the following guidelines. Section of the RTI Act to which Classification information pertains 8(1)(a) Top Secret 8(1)(b) Confidential 8(1)(c) Confidential 8(1)(d) Secret 8(1)(e) Confidential 8(1)(f) Secret 8(1)(g) Top Secret/Secret</p>	<p>(a) The recommendation has been accepted with modifications and it was noted that it was not possible to classify documents on the basis of various Sections of the RTI Act. However, the first para of the existing para 3 of the Manual of Department Security Instructions might be amended by incorporating the following in the existing provisions:</p> <p>“It would be for each Ministry/Department to identify information which deserves to be given a security classification. Ordinarily, only such information should be given a security classification, which would qualify for exemption from disclosure under the RTI Act, 2005.”</p> <p>MHA would take action to give necessary guidelines to Ministries.</p> <p>MHA would further take necessary action to incorporate</p>	<p>The following amendments/ changes have been carried out by Gol No.1/11014/08 - CDN dated 13th June, 2008 in the Manual of Departmental Security Instructions, 1994:-</p> <p>(a) Clause 2.2 “Guidelines to ensure proper classification of documents”: To ensure proper classification of documents, only an officer not below the rank of Joint Secretary in the Government of India would have the authority to</p>

Sl. No.	Recommendations made by Administrative Reforms Commission (ARC)	Government's Decision	Action Taken
	<p>8(1)(h) Secret/Confidential  8(1)(i) Confidential  8(1)(j) Confidential/restricted  9 Confidential/restricted</p> <p>Explanation: The above-mentioned classification should be generally followed. It is quite possible that information may be covered by more than one exemption; in that case the information should be given the classification of the higher category. Also if it is felt by the competent authority that circumstances of a case demand a higher classification than what is indicated above, then the same may be done by an authority, which is empowered to give such a classification</p> <p>Provision should be made to include annual confidential reports of officers and examination question papers and related matters in the exemptions under the RTI Act. This may be done by way of removal of difficulties under Section 30.</p> <p>(ii) Upgrading and Downgrading (Para 2.3)</p> <p>Documents once classified as "Top Secret" or "Secret", should remain so classified as long as required but not exceeding 30 years. Documents classified as confidential and restricted should remain so for a period not exceeding 10 years. However, the competent classifying officer may, for reasons to be recorded in writing, authorise continued classification beyond the period prescribed above if information, the disclosure of which would cause</p>	<p>necessary changes in the Manual of Departmental Security Instructions with regard to sub-para (ii) (upgrading and down grading) and sub-para (iii) (officer authorised to accord grading).</p>	<p>classify information originally as "Top Secret", an officer not below the rank of Deputy Secretary would have the authority to classify information originally as "Secret" and not below the rank of Under Secretary will have the authority to classify information originally as "Confidential".</p> <p>(b) Clause 2.3 "classification of documents":</p> <p>The documents once classified as "Top Secret", "Secret" should remain so classified as long as required but not exceeding 30 years. The documents classified as "Confidential" and "Restricted" should remain so classified for a period not exceeding 10 years. Automatic declassification of the classified</p>

Sl. No.	Recommendations made by Administrative Reforms Commission (ARC)	Government's Decision	Action Taken
	<p>damage to national security or national interest. A recipient officer of appropriate rank in a Ministry or Department may upgrade the security classification of a document received from outside, but this raised classification will be limited only to the Ministry or Department. (S)He will, however, have no authority to downgrade the security classification of a document received, without the concurrence of the originator. Within the same Department, an officer superior to the originator would have the authority to downgrade or upgrade the classification.</p> <p>(iii) Officer Authorised to Accord the Grading:  Top Secret Not below Joint Secretary  Secret Not below Deputy Secretary  Confidential Not below Under Secretary</p> <p>The State Governments may authorise officers of equivalent rank to accord the grading.(13)</p>		<p>documents will take place after the lapse of the periods prescribed above. However, an officer superior to the officer authorized to classify such documents may, for reasons to be recorded in writing, authorize continued classification beyond the periods prescribed above if disclosure of the information would cause damage to National security or National interest. A recipient officer of appropriate rank in a Department or Ministry may upgrade the security classification of a document received from outside, but this raised classification will be limited only to the Ministry or Departments. He will, however, have no authority to downgrade the security classification of a</p>

Sl. No.	Recommendations made by Administrative Reforms Commission (ARC)	Government's Decision	Action Taken
			<p>documents received, without the concurrence of the originator. Within the same department, an officer superior to the originator would have the authority to downgrade or upgrade the classification.</p> <p>(c) Clause 2.7 included vide Office Memorandum No.III/11014/6/97-IS(D.III) dated 6th February, 2002 of Manual of Department of Security Instructions regarding "Automatic declassification" will stand deleted.</p> <p>(d) Para 3 regarding information deserving classification may be read as under: "It would be for each Ministry/Department to identify the information, which deserves to be given a security</p>

Sl. No.	Recommendations made by Administrative Reforms Commission (ARC)	Government's Decision	Action Taken
			classification. Ordinarily, only such information would be given a security classification, which would qualify for exemption from disclosure under the RTI Act, 2005". The illustration of information given would remain unchanged.
8.	<p><b>8. Building Institutions (Para 5.2.5)</b></p> <p>(b) The GOI should ensure the constitution of SICs in all States within 3 months.(15)</p>	(b) The recommendation has been accepted.	(b) All the 27 States to which the Right to Information Act extends, have constituted the State Information Commissions (SICs).
9.	<p><b>9. Designating Information Officers and Appellate Authorities (Para 5.3.4)</b></p> <p>(iii) All public authorities may be advised by the Government of India that alongwith the Public Information Officers they should also designate the appellate authority and publish both, together.(20)</p>	(iii) The recommendation has been accepted	(iii) All the Public Authorities have been requested to designate the appellate authorities and publish their particulars alongwith the particulars of Central Public Information



Sl. No.	Recommendations made by Administrative Reforms Commission (ARC)	Government's Decision	Action Taken
			Officers (CPIOs) vide DOPT's OM No.1/4/2008-IR dated 25th April, 2008. The information provided by different Ministries has been compiled by NIC, DOP&T.
10.	<p><b>10. Organizing Information and Record keeping (Para 5.4.11)</b></p> <p>(f) All organizations, which have jurisdiction over an area equal to or exceeding a district, should be funded and required to complete the process of digitization by the end of 2009. All sub-district level organizations should complete this task by the end of 2011. The controlling Ministries/ Departments at Union and State level should lay down a detailed road map for this purpose with well-defined milestones within 6 months, so that this could be implemented as a priority item in the Eleventh Five Year Plan.(27)</p>	<p>(f) The recommendation has been accepted in principle. However, this is an ongoing process. Digitization will be done by Ministries/ Departments in identified priority areas.</p>	<p>(f) Digitization would be done by Ministries/ Departments in identified priority areas. The Department of Information &amp; Technology has been requested to examine the possibility of digitization.</p> <p>O&amp;M Section of the Department has issued an OM addressed to the Chief Secretaries of all States, Secretaries of all Ministries/ Departments requesting them to prepare a detailed road map for the purpose of</p>

Sl. No.	Recommendations made by Administrative Reforms Commission (ARC)	Government's Decision	Action Taken
			digitization by the end of 2009
11.	<p><b>11. Capacity Building and Awareness Generation (Para 5.5.5.)</b></p> <p>(a) Training programmes should not be confined to merely PIOs and APIOs. All government functionaries should be imparted atleast one day training on Right to Information within a year. These training programmes have to be organized in a decentralized manner in every block. A cascading model could be adopted with a batch of master trainers in each district.(28)</p>	<p>(a) The recommendation has been accepted.</p>	<p>(a) Necessary instructions have been issued to all Central Ministries/ Departments, State Governments, Central/State Training Institutes vide letter No.17014/1/2007-TRG (RTI) dated 13.07.2007.</p>
12.	<p>(b) In all general or specialized training programmes, of more than 3 days duration, a half-day module on Right to Information should be compulsory.(29)</p>	<p>(b) The recommendation has been accepted with a modification that in all training programmes of one week or more wherever possible a one hour module on Right to Information should be included. Training Division has issued instructions to this effect to all Central Ministries/Departments, State Govts., Central Training Institutes and State Training Institutes.</p>	<p>(b) Necessary instructions have been issued on 13.07.2007 to all Central Ministries/ Departments, State Govts., Central Training Institutes and State Training Institutes to the effect that a one hour module on RTI be incorporated in all training programmes of one week or more duration.</p>
13.	<p>(c) Awareness campaigns should be entrusted to credible non profit organizations at the State level.</p>	<p>(c) The recommendation has been accepted as far as it relates to expenditure from the normal</p>	<p>(c) All the States/UTs have been requested to</p>

Sl. No.	Recommendations made by Administrative Reforms Commission (ARC)	Government's Decision	Action Taken
14.	<p>They should design a multi media campaign best suited to the needs, in the local language. The funds earmarked (as mentioned in para 5.4.11.d) could be utilized for this purpose.(30)</p> <p>(d) Appropriate governments should bring out guides and comprehensible information material within the prescribed time.(31)</p>	<p>budget.</p> <p>(d) The recommendation has been accepted.</p>	<p>involve NGOs vide DOPT letter No.1/26/2007-IR dated 19.01.2008.</p> <p>(d) Guides have been issued for the Information Seekers, the Central Public Information Officers (CPIOs), the Public Authorities and the First Appellate Authorities.</p>
15.	<p>(e) The CIC and the SICs may issue guidelines for the benefit of public authorities and public officials in particular and public in general about key concepts in the Act and approach to be taken in response to information requests on the lines of the Awareness Guidance Series referred to above (para 5.5.1).(32)</p>	<p>(e) The recommendation has been accepted with a modification that such guidelines may be issued by the appropriate Government in consultation with the CIC/SICs.</p>	<p>(e) Guidelines have been issued.</p>
16.	<p><b>12. Monitoring Mechanism (Para 5.6.4)</b></p> <p>(a) The CIC and the SICs may be entrusted with the task of monitoring effective implementation of Right to Information Act in all public authorities. (An appropriate provision could be made under Section 30 by way of removal of difficulties).(33)</p>	<p>(a) The recommendation has been accepted.</p>	<p>(a) The CIC &amp; the SICs under Section 25 of the Act are already entrusted with the task of monitoring effective implementation of the Right to Information Act in all public</p>

Sl. No.	Recommendations made by Administrative Reforms Commission (ARC)	Government's Decision	Action Taken
17.	(c) Each public authority should be responsible for compliance of provisions of the Act in its own office as well as that of the subordinate public authorities.(35)	(c) The recommendation has been accepted.	authorities.  (c) It is mandated by the Act.
18.	<p><b>12. Monitoring Mechanism (Para 5.6.4)</b></p> <p>(d) A National Coordination Committee (NCC) may be set up under the chairpersonship of the Chief Information Commissioner with the nodal Union Ministry, the SICs and representatives of States as members. A provision to this effect may be made under Section 30 of the Act by way of removing difficulties. The National Coordination Committee would:</p> <p>(i) serve as a national platform for effective implementation of the Act,  (ii) document and disseminate best practices in India and elsewhere,  (iii) monitor the creation and functioning of the national portal for Right to Information,  (iv) review the Rules and Executive orders issued by the appropriate governments under the Act,  (v) carry out impact evaluation of the implementation of the Act; and  (vi) perform such other relevant functions as may be deemed necessary(36)</p>	(d) The recommendation has been accepted.	(d) A proposal to constitute a committee is under examination.
19.	<p><b>13. Facilitating Access (Para 6.2.7)</b></p> <p>(a) In addition to the existing modes of payment, appropriate governments should amend the Rules to include payment through postal orders.(37)</p>	(a) The recommendation has been accepted. An amendment has been made to the Fee Rules notifying Indian Postal Order as one of the modes for payment of fee for seeking information.	(a) Fee Rules have been amended making IPO as one of the methods of payment of fee.

Sl. No.	Recommendations made by Administrative Reforms Commission (ARC)	Government's Decision	Action Taken
20.	(b) States may be required to frame Rules regarding application fee which are in harmony with the Central Rules. It needs to be ensured that the fee itself does not become a disincentive.(38)	(b) The recommendation has been accepted.	(b) All the Chief Secretaries of States/UTs (except J&K State), the Registrars of All High Courts and the Registrars of the Supreme Court have been requested to prescribe application fee/other fees similar to fees prescribed by the Central Government vide Letter No.F.1/5/2011-IR dated 26.04.2011.
19.	(c) Appropriate governments may restructure the fees (including additional fees) in multiples of Rs 5. {e.g. instead of prescribing a fee of Rs. 2 per additional page it may be desirable to have a fee of Rs. 5 for every 3 pages or part thereof}.(39)	(c)The recommendation has been accepted.	(c) The proposed mechanism to levy fee for supply of additional information was not found workable and Department of Administrative Reforms & Public Grievances was requested to take up the matter with Group of Ministers to drop the proposal from the list of accepted recommendations.  The existing fee

Sl. No.	Recommendations made by Administrative Reforms Commission (ARC)	Government's Decision	Action Taken
20.	(e) As all the post offices in the country have already been authorized to function as APIOs on behalf of Union Ministries/Departments, they may also be authorized to collect the fees in cash and forward a receipt along with the application.(41)	(e) The recommendation has been accepted.	<p>of Rs.2/- per additional page in respect of RTI information is appropriate as it is very simple and straight forward and is working smoothly. As per the recommendation having a fee of Rs.5/- for every three pages or part thereof will create confusion for general public. Accordingly, Department of Personnel &amp; Training is of the view that changes in fee rates as proposed by the Commission need not be made. Accordingly, the matter will be taken to Group of Ministers (GoM) for re-consideration.</p> <p>(e) This arrangement already exists.</p>

Sl. No.	Recommendations made by Administrative Reforms Commission (ARC)	Government's Decision	Action Taken
<p><b>21.</b></p> <p><b>22.</b></p> <p><b>23.</b></p> <p><b>24.</b></p>	<p><b>14. Inventory of Public Authorities (Para 6.3.2)</b></p>		
	<p>(a) At the Government of India level the Department of Personnel and Training has been identified as the nodal department for implementation of the RTI Act. This nodal department should have a complete list of all Union Ministries/Departments which function as public authorities.(42)</p>	<p>(a) The recommendation has been accepted.</p>	<p>(a) A list of Union Ministries/ Departments has already been posted on RTI portal.</p>
	<p>(b) Each Union Ministry/Department should also have an exhaustive list of all public authorities, which come within its purview. The public authorities coming under each ministry/ department should be classified into (i) constitutional bodies, (ii) line agencies, (iii) statutory bodies, (iv) public sector undertakings, (v) bodies created under executive orders, (vi) bodies owned, controlled or substantially financed, and (vii) NGOs substantially financed by government. Within each category an up-to-date list of all public authorities has to be maintained.(43)</p>	<p>(b) The recommendation has been accepted.</p>	<p>(b) Necessary instructions have been issued to all the Ministries/ Departments vide DOPT's OM No.1/2/2007-IR dated 23.03.2007.</p>
	<p>(c) Each public authority should have the details of all public authorities subordinate to it at the immediately next level. This should continue till the last level is reached. All these details should be made available on the websites of the respective public authorities, in a hierarchical form.(44)</p>	<p>(c) The recommendation has been accepted</p>	<p>(c) All the Ministries/Deptts. and States/UTs have been advised accordingly vide DOPT's OM No.1/33/2007-IR dated 14th November, 2007.</p>
<p>(d) A similar system should also be</p>	<p>(d) The recommendation has</p>	<p>(d) All the</p>	

Sl. No.	Recommendations made by Administrative Reforms Commission (ARC)	Government's Decision	Action Taken
	adopted by the States.(45)	been accepted.	Ministries/Deptts. and States/UTs have been advised accordingly vide DOPT's OM No.1/33/2007-IR dated 14th November, 2007.
25.	<p><b>17. Application to Non Governmental Bodies (Para 6.6.6)</b></p> <p>(a) Organisations which perform functions of a public nature that are ordinarily performed by government or its agencies, and those which enjoy natural monopoly may be brought within the purview of the Act.(48)</p>	<p>(a) (b) (c) &amp; (d): The recommendations have been accepted in principle. However, as it is a new Act, the norms would evolve as the jurisprudence develops. Government would look into the specific norms accordingly.</p>	<p>(a) (b) (c) &amp; (d): As it is a new Act the norms will evolve as the jurisprudence develops. The Act, however, covers the NGOs substantially financed through the Government Funds.</p>
26.	<p>(b) Norms should be laid down that any institution or body that has received 50% of its annual operating costs, or a sum equal to or greater than Rs.1 crore during any of the preceding 3 years should be understood to have obtained 'substantial funding' from the government for the period and purpose of such funding.(49)</p>	<p>It was noted that the Act did cover NGOs substantially financed through Government funds.</p>	
27.	<p>(c) Any information which, if it were held by the government, would be subject to disclosure under the law, must remain subject to such disclosure even when it is transferred to a non-government body or institution.(50)</p>		
28.	<p>(d) This could be achieved by way of removal of difficulties under</p>		



Sl. No.	Recommendations made by Administrative Reforms Commission (ARC)	Government's Decision	Action Taken
	section 30 of the Act.(51)		
29.	<p><b>18. Time Limit for Information Beyond 20 Years (Para 6.7.6)</b></p> <p>(a) The stipulation of making available 20-year old records on request should be applicable only to those public records which need to be preserved for such a period. In respect of all other records, the period of availability will be limited to the period for which they should be preserved under the record keeping procedures <b>(52)</b></p>	(a) The recommendation has been accepted.	(a) A clarification explaining the correct intent of the Act has been issued vide DOPT's OM No.10/20/2006-IR dated 21 <sup>st</sup> September, 2007.
30.	<p><b>19. Mechanism for Redressal of Public Grievances (Para 6.8.3)</b></p> <p>States may be advised to set up independent public grievances redressal authorities to deal with complaints of delay, harassment or corruption. These authorities should work in close coordination with the SICs/District Single Window Agencies, and help citizens use information as a tool to fight against corruption and misgovernance, or for better services.<b>(55)</b></p>	The recommendation has been accepted.	The State Governments have been advised accordingly vide DAR&PG letter No.D-13014/02/2007- PG dated 22.11.2007
31.	<p><b>20. Frivolous and Vexatious Requests (Para 6.9.5)</b></p> <p>(a) Section 7 may be amended to insert sub section (10) as follows:  "The PIO may refuse a request for information if the request is manifestly frivolous or vexatious.  Provided that such a refusal shall be communicated within 15 days of receipt of application, with the prior approval of the appellate authority.  Provided further that all such refusals shall stand transferred to CIC/SIC, as the case may be and the CIC/SIC shall dispose the case as if it is an</p>	(a) The recommendation has been accepted partially the proposed provision subject to the deletion of the second proviso from.	(a) & (b) It was proposed to amend the RTI Act and inter-alia to take care of this recommendation of the Administrative Reforms Commission (ARC) . However, it has been felt that it is difficult to define Frivolous and

Sl. No.	Recommendations made by Administrative Reforms Commission (ARC)	Government's Decision	Action Taken
32.	<p>appeal under section 19(3) of the RTI Act".(56)</p> <p>(b) It may be provided that information can be denied if the work involved in processing the request would substantially and unreasonably divert the resources of the public body Provided that such a refusal shall be communicated within 15 days of receipt of application, with the prior approval of the appellate authority. Provided further that all such refusals shall stand transferred to CIC/SIC, as the case may be and the CIC/SIC shall dispose the case as if it is an appeal under section 19(3) of the RTI Act. This may be accomplished by way of removal of difficulties or framing of appropriate Rules.(57)</p>	<p>(b) The recommendation has been accepted subject to the deletion of the second proviso from the proposed provision. However, necessary changes may be made in the language of the provision.</p>	<p>Vexatious applications. Further, it has been decided not to amend the RTI Act.</p> <p>The Department of Administrative Reforms &amp; Public Grievances may take up the matter with the Group of Ministers to drop paras 6.9.5 (a) &amp; (b) relating to Frivolous and Vexatious requests from the list of accepted recommendations and place the same in the category of non-accepted recommendations.</p>
33.	<p><b>21. Application of the Act to the Legislature and the Judiciary (Para 7.11)</b></p> <p>(a) A system of indexing and cataloguing of records of the legislatures, which facilitates easy access should be put in place. This could be best achieved by digitising all the records and providing access to citizens with facilities for retrieving records based on intelligible searches.(58)</p>	<p>(a) The recommendation has been accepted.</p>	<p>(a) The Ministry of Parliamentary Affairs has taken up the matter with the Rajya Sabha Sectt./Lok Sabha Sectt./ Secretariats of State Legislative Assemblies. They have received report from the Rajya Sabha Sectt. and 23 States. The M/o Parl. Affairs has been requested on 14/02/2012 to furnish the latest</p>
34.	<p>(e) The administrative processes in the district and the subordinate courts should be computerized in a time bound manner. These processes should be totally in the public</p>	<p>(e) The recommendation has been accepted. The Department of Justice would take necessary action.</p>	

Sl. No.	Recommendations made by Administrative Commission (ARC) Reforms	Government's Decision	Action Taken
	domain.(62)		<p>position.</p> <p>(e) The D/o Justice has informed that the Govt. approved the Central Sector Scheme of Computerization of Distt. And Subordinate Court of the Country and for upgradation of ICT infrastructure of the Higher Court at a cost of Rs. 441.80 Crores in Feb., 2007. In Sept., 2010 due to increase in number of Court complexes and Courts; increase in rate of product and services and expansion of scope and addition of new items, the project cost was revised to Rs. 935 Crore with 14,249 Courts by the Central Govt. The project timelines was also revised as under:</p> <p>(i) Phase I – till 31/03/2012, ICT enablement of 12000 Courts.  (ii) Phase II - till 31/03/2014, ICT enablement of 2249 Courts.</p> <p>On 31<sup>st</sup> August, 2012, the NIC of the implementing</p>

Sl. No.	Recommendations made by Administrative Reforms Commission (ARC)	Government's Decision	Action Taken
			<p>agency i.e Department of Justice has reported that 10,686 Courts have been ICT enabled.</p> <p>The para may be treated as implemented.</p> <p>D/o JUSTICE As on 31 October 2012, 11,165 Courts have been ICT enabled. Efforts are being made to complete the project on time. However, in case of delay in its implementation at Taluka level courts which are a challenge to computerize, extension for the time overrun the Project would be sought from the competent authority.</p>
<p><b>35.</b></p>	<p><b>21. Application of the Act to the Legislature and the Judiciary (Para 7.11)</b></p> <p>(b) A tracking mechanism needs to be developed so that the action taken by the executive branch on various reports like CAG, Commissions of Enquiry and House Committees is available to legislators and public, online.(59)</p>	<p>(b) The recommendation has been accepted in principle.</p>	<p>(b) Such a mechanism is already in place in most Ministries.</p>
<p><b>36.</b></p>	<p>(c) The working of the legislative committees should be thrown open to the public. The presiding officer of the committee, if required in the</p>	<p>(c) The recommendation has been accepted.</p>	<p>(c) The Rajya Sabha Sectt. has informed that the General Purpose</p>

Sl. No.	Recommendations made by Administrative Reforms Commission (ARC)	Government's Decision	Action Taken
37.	<p>interest of State or privacy, may hold proceedings in camera.(60)</p> <p>(d) The records at the district court and the subordinate courts should be stored in a scientific way, by adopting uniform norms for indexing and cataloguing.(61)</p>	<p>(d) The recommendation has been accepted.</p>	<p>Committee of Rajya Sabha did not find the recommendation favourable to the functioning of the Legislative Committees.</p> <p>(d) Ministry of Law and Justice has issued instructions to all the Districts and Subordinate Courts in this regard.</p>

\*\*\*\*\*

**Administrative Reforms Commission's 1<sup>st</sup> Report titled  
'Right to Information – Master Key to Good Governance'**

**Recommendations not accepted**

Sl. No.	Recommendations made by Administrative Reforms Commission (ARC)	Government's Decision	Action Taken
1.	<p><b>1. The Official Secrets Act (Para 2.2.12):</b></p> <p>(a) The Official Secrets Act, 1923 should be repealed, and substituted by a chapter in the National Security Act, containing provisions relating to official secrets.(1)</p>	<p>(a) The recommendation has not been accepted. OSA is the only law to deal with the cases of espionage, wrongful possession and communication of sensitive information detrimental to the security of the State. This law has stood the test of time and has a very high conviction rate.</p> <p>The National Security Act (NSA) provides for preventive powers to deal with likely threats to maintenance of public order and security of the country, maintenance of essential services etc. It provides for preventive detention but does not define any substantive offence. On the other hand, the OSA is a substantive law.</p>	<p>(a) MHA will come up with an appropriate legislation in the matter. Ministry of Home Affairs has set up an inter-ministerial group for reformulating section 5 of the Official Secret Act.</p>
2.	<p><b>2. Governmental Privilege in Evidence (Para 2.3.8)</b></p> <p>(a) Section 123 of the Indian Evidence Act, 1872 should be amended to read as follows:            (1) "123.(1) Subject to the provisions of this section, no one shall be permitted to give any evidence derived from official records which are exempt from public disclosure under the RTI Act, 2005.            (2) Where he withholds such permission, he shall make an affidavit containing a statement to that effect and setting forth his reasons therefor            (3) Where such officer has withheld</p>	<p>(a) The recommendation has not been accepted. Amendments are not necessary as there is a specific provision under Section 22 of the RTI Act to this effect.</p>	<p>No action is called for.</p>

Sl. No.	Recommendations made by Administrative Reforms Commission (ARC)	Government's Decision	Action Taken
	<p>permission for the giving of such evidence, the Court, after considering the affidavit or further affidavit, and if it so thinks fit, after examining such officer or, in appropriate cases, the Minister, orally:</p> <p>a) shall issue a summons for the production of the unpublished official records concerned, if such summons has not already been issued</p> <p>b) shall inspect the records in chambers; and</p> <p>c) shall determine the question whether the giving of such evidence would or would not be injurious to public interest, recording its reasons therefor.</p> <p>(4) Where, under sub-section (3), the Court decides that the giving of such evidence would not be injurious to public interest, the provisions of subsection</p> <p>(1) shall not apply to such evidence. Provided that in respect of information classified as Top Secret for reasons of national security, only the High Court shall have the power to order production of the records.”</p> <p>Section 124 of the Indian Evidence Act will become redundant on account of the above and will have to be repealed.</p> <p>Accordingly, the following will have to be inserted at the appropriate place in the Code of Civil Procedure, 1908 and the Code of Criminal Procedure, 1973:</p> <p>“Any person aggrieved by the decision of any Court subordinate to the High Court rejecting a claim for privilege made under section 123 of the Indian Evidence Act, 1872 shall have a right to appeal to the High Court against such decision, and such appeal may be filed notwithstanding the fact that the proceeding in which the decision was pronounced by the Court is still pending.”(3)</p>		

Sl. No.	Recommendations made by Administrative Reforms Commission (ARC)	Government's Decision	Action Taken
<p>3.</p> <p>4.</p>	<p><b>3. The Oath of Secrecy (Para 2.4.4)</b></p> <p>(a) As an affirmation of the importance of transparency in public affairs, Ministers on assumption of office may take an oath of transparency alongwith the oath of office and the requirement of administering the oath of secrecy should be dispensed with. Articles 75(4) and 164 (3), and the Third Schedule should be suitably amended.(4)</p> <p>(b) Safeguard against disclosure of information against the national interest may be provided through written undertaking by incorporation of a clause in the national security law dealing with official secrets.(5)</p>	<p>(a) &amp; (b): The recommendations were not accepted because in spite of the RTI Act, a Union Minister will be required to maintain official secrets.</p>	<p>No action is called for.</p> <p>No action is called for.</p>
<p>5.</p>	<p><b>4. Exempted organizations (Para 2.5.6)</b></p> <p>(a) The Armed Forces should be included in the Second Schedule of the Act.(6)</p>	<p>(a) The recommendation has not been accepted. However, Defence Ministry may like to bring a comprehensive proposal for consideration.</p>	<p>No action is called for.</p>
<p>6.</p>	<p><b>6. The Manual of Office Procedure (Para 3.2.3)</b></p> <p>(b) Para 118 (1) should be deleted.(11)</p>	<p>(b) The recommendation has not been accepted. (This para in the Manual of Office Procedure is about treating the notes portion of a file as confidential).</p>	<p>No action is called for.</p>



Sl. No.	Recommendations made by Administrative Reforms Commission (ARC)	Government's Decision	Action Taken
7.	<p><b>8. Building Institutions (Para 5.2.5)</b></p> <p>(a) Section 12 of the Act may be amended to constitute the Selection Committee of CIC with the Prime Minister, Leader of the Opposition and the Chief Justice of India. Section 15 may be similarly amended to constitute the Selection Committee at the State level with the Chief Minister, Leader of the Opposition and the Chief Justice of the High Court.<b>(14)</b></p>	<p>(a) The recommendation has not been accepted as the existing provision in the Act has no infirmity and that it should continue.</p>	<p>No action is called for.</p>
8.	<p>(c) The CIC should establish 4 regional offices of CIC with a Commissioner heading each. Similarly regional offices of SICs should be established in larger States.<b>(16)</b></p>	<p>(c) The recommendation has not been accepted as it involves huge financial implications and does not appear to serve any purpose.</p>	<p>No action is called for.</p>
9.	<p>(d) At least half of the members of the Information Commissions should be drawn from non civil services background. Such a provision may be made in the Rules under the Act, by the Union Government, applicable to both CIC and SICs.<b>(17)</b></p>	<p>(d) The recommendation has not been accepted as the Act provides that persons of eminence in public life with wide knowledge and experience in different fields might be appointed to the post of Chief Information Commissioner / Information Commissioners.</p>	<p>No action is called for.</p>

<p><b>10.</b></p>	<p><b>9. Designating Information Officers and Appellate Authorities (Para 5.3.4)</b></p> <p>(i) All Ministries/ Departments / Agencies / Offices with more than one PIO have to designate a nodal Assistant Public Information Officer with the authority to receive requests for information on behalf of all PIOs. Such a provision should be incorporated in the Rules by appropriate governments.<b>(18)</b></p>	<p>(i) The recommendation has not been accepted as the provisions regarding receiving applications under the Act are adequate and that there is no need to make any rules as recommended by the Commission. However, it has been decided that executive instructions could be issued requesting the public authorities to specify a central point where all the RTI applications could be deposited/received.</p>	<p>No action is called for.</p>
<p><b>11.</b></p>	<p>(ii) PIOs in Central Secretariats should be of the level of atleast Deputy Secretary /Director. In State Secretariats officers of similar rank should be notified as PIOs. In all subordinate agencies and departments officers sufficiently senior in rank and yet accessible to public may be designated as PIOs.<b>(19)</b></p>	<p>(ii) The recommendation has not been accepted as the Act does not prescribe the level of PIOs. The information is generally available at lower level and it is easier to provide the information to the information seeker at that level.</p>	<p>No action is called for.</p>
<p><b>12.</b></p>	<p>(iv) The designation and notification of Appellate Authorities for each public authority may be made either under Rules or by invoking Section 30 of the Act.<b>(21)</b></p>	<p>(iv) The recommendation has not been accepted as it is not necessary to do so by framing rules or issue of orders under Section 30. However, necessary executive instructions would be issued by the Department of Personnel and Training.</p>	<p>(iv) The Department of Personnel and Training will, however, issue executive instructions.</p>

<b>10. Organizing Information and Record keeping (Para 5.4.11)</b>			
<b>13.</b>	(a) Suo motu disclosures should also be available in the form of printed, priced publication in the official language, revised periodically (at least once a year). Such a publication should be available for reference, free of charge. In respect of electronic disclosures, NIC should provide a single portal through which disclosures of all public authorities under appropriate governments could be accessed, to facilitate easy availability of information.(22)	(a) The recommendation has not been accepted as it is difficult to print information periodically and practically not possible. A small change in situation would require another edition of the publication. It is also not cost effective. However, there is already an RTI portal where all the Ministries/Departments may post their information.	No action is called for.
<b>14.</b>	(b) Public Records Offices should be established as an independent authority in GOI and all States within 6 months by integrating and restructuring the multiple agencies currently involved in record keeping. This Office will be a repository of technical and professional expertise in management of public records. It will be responsible for supervision, monitoring, control and inspection of record keeping in all public offices.(23)	(b) & (c) The recommendations were not accepted as there was no need for setting up of a new independent authority/office as the Public Records Office in Government of India and States. Existing bodies involved in record management, such as, National Archives and Department of Administrative Reforms & Public Grievances should be strengthened by providing more funds and technical expertise. Public Records Act, 1993 should be strengthened for enforcing discipline in record management.	No action is called for.
<b>15.</b>	(c)Public Records Office would function under the overall supervision and guidance of CIC/SIC. (24)		
<b>16.</b>	(d) As a one time measure, GOI should earmark 1% of the funds of all Flagship Programmes for a period of five years for updating records, improving infrastructure, creating manuals and establishing the Public Records Offices. (An amount not	(d) The recommendation has not been accepted as updating of records, improving of infrastructure and creating manuals is a continuing process for which no separate funds are needed to be earmarked.	No action is called for.

17.	<p>exceeding 25% of this should be utilized for awareness generation.)(25)</p> <p>(e) As a one time measure, GOI may create a Land Records Modernisation Fund for survey and updation of all land records. The quantum of assistance for each State would be based on an assessment of the field situation.(26)</p>	<p>However, all public authorities should update their records, improve their infrastructure etc. from within their resources by making provisions in their budget.</p> <p>(e) The recommendation has not been accepted as the States are already modernizing their land records, which is also one of the components of the national E-Governance Programme. There is, therefore, no need to create such a Fund.</p>	No action is called for.
18.	<p><b>12. Monitoring Mechanism (Para 5.6.4)</b></p> <p>(b) As a large number of Public Authorities exist at regional, state, district and sub district level, a nodal officer should be identified wherever necessary by the appropriate monitoring authority (CIC/SIC) to monitor implementation of the Act.(34)</p>	<p>(b) The recommendation has not been accepted as it is likely to generate inter-departmental conflict.</p>	No action is called for.
19.	<p><b>13. Facilitating Access (Para 6.2.7)</b></p> <p>(d) State Governments may issue appropriate stamps in suitable denominations as a mode of payment of fees. Such stamps would be used for making applications before public authorities coming within the purview of State Governments.(40)</p>	<p>(d) The recommendation has not been accepted as the Indian Postal Order has already been made one of the modes of payment of fee, and as such there is no need to have stamps.</p>	No action is called for.
20.	<p><b>15. Single Window Agency at District Level (Para 6.4.2)</b></p> <p>A Single Window Agency should be set up in each District. This could be achieved by creating a cell in a</p>	<p>The recommendation has not been accepted as it is not possible to setup a single window agency in each</p>	No action is called for.

	district-level office, and designating an officer as the Assistant Public Information Officer for all public authorities served by the Single Window Agency. The office of the District Collector/Deputy Commissioner or the Zilla Parishad is well suited for location of the cell. This should be completed by all States within 6 months.(46)	district by the Central Government since complaints pertain to different areas and time would be lost in distributing them to relevant offices.	
21.	<b>16. Subordinate Field Offices and Public Authorities (Para 6.5.4)</b> The lowest office in any organization which has decision making power or is a custodian of records should be recognized as a public authority.(47)	The recommendation has not been accepted as any office which has decision-making power or is a custodian of a record is legally bound to give information under the RTI Act. There is no advantage in recognizing it as a distinct public authority.	No action is called for.
22.	<b>18. Time Limit for Information Beyond 20 Years (Para 6.7.6)</b> (b) If any public authority intends to reduce the period upto which any category of record is to be kept, it shall do so after taking concurrence of the Public Records Office as suggested in para 5.4.11.(53)	(b) & (c) The recommendations have not been accepted.	No action is called for.
23.	(c) These recommendations could be implemented by way of removal of difficulties under Section 30 of the Act.(54)		No action is called for.

\*\*\*\*\*