

GOVERNMENT OF INDIA
MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS
(DEPARTMENT OF PERSONNEL & TRAINING)

RAJYA SABHA
UNSTARRED QUESTION NO. 3799
(ANSWERED ON 03.04.2025)

IMPLEMENTATION OF THE RIGHT TO INFORMATION ACT, 2005

3799. SHRI SHAKTISINH GOHIL:

Will the **PRIME MINISTER** be pleased to state:

- (a) whether Government is aware that schools, colleges, and hospitals in Delhi that have been allotted land at concessional rates are considered public authorities under the Right to Information (RTI) Act, 2005, and are thus subject to its provisions;
- (b) the measures being taken to ensure that these institutions comply with the RTI Act, particularly concerning proactive disclosure requirements under Section 4(1)(b);
- (c) the manner in which Government monitors and enforces compliance with the RTI Act among these institutions; and
- (d) whether there are any penalties or corrective actions in place for institutions that fail to adhere to the RTI Act's mandates?

ANSWER

**MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES
AND PENSIONS AND MINISTER OF STATE IN THE PRIME MINISTER'S OFFICE
(DR. JITENDRA SINGH)**

(a): In terms of Section 2(h)(d) of the RTI Act, 2005, any authority or body or institution of self-government established or constituted by notification issued or order made by the appropriate Government including any (i) body owned, controlled or substantially financed; (ii) non - Government organisation substantially financed, directly or indirectly by funds provided by the appropriate Government is considered as public authority.

(b) to (d): It is the obligation and responsibility of each and every Public Authority established under Section 2(h) of the RTI Act, 2005 to implement the provisions of the RTI Act. They are also under obligation to undertake the suo motu/proactive disclosure as mandated under Section 4(1)(b) of the RTI Act and comply with the guidelines issued by the Government from time to time.

In this regard, the Government issued exhaustive guidelines on implementation of suo motu disclosure under section 4 of RTI Act, 2005 vide OM No.1/6/2011-IR dated 15.04.2013 which were reiterated on 07.11.2019.

Para 4.5 of the aforesaid guidelines provide that the Central Information Commission should examine the third-party audit reports for each Ministry/Public Authority and offer advice/recommendations to the concerned Ministries/ Public Authorities.

Further, as per Section 25(5) of the RTI Act, if it appears to the Central Information Commission (CIC) that the practice of a public authority in relation to the exercise of its

functions under this Act does not conform with the provisions or spirit of this Act, it may give to the authority a recommendation specifying the steps which ought in its opinion to be taken for promoting such conformity. The CIC being the apex adjudicatory body set up under Section 12(1) of the RTI Act, functions autonomously without being subjected to directions by any other Authority under the RTI Act.

Furthermore, the CIC in terms of Sections 18-20 of the RTI Act, have sufficient powers to enquire into complaints and to adjudicate appeals, including complaints regarding any public authority claiming itself to not be a public authority.
