

# Public Authority RTI Compliance Guide: Section 4 Disclosure, PIO Designation, Records and Annual Returns



## Guidelines for Public Authority

#RTI #RightToInformation #RTIAct2005 #India #DPDP2025  
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**Direct answer.** A public authority must organise records, publish Section 4 information on its website, designate Public Information Officers and First Appellate Authorities, respond to RTI applications through the statutory process, maintain appeal and request data, and support annual reporting to the Information Commission.

This guide is for the head of department, the head of office, vigilance branches, internal RTI Cells, audit teams and supervising secretaries who must answer for the institution's RTI performance. It maps each duty under the Right to Information Act, 2005 to a working checklist and provides a monthly dashboard format. For the officer-level reply method see [PIO RTI Reply Guide](#) and for setting up the RTI Cell see [RTI Cell SOP guide](#).

## 1. Section 2(h): what is a public authority

Section 2(h) of the RTI Act defines a public authority as any authority or body or institution of self-government established or constituted:

- by or under the Constitution,
- by any other law made by Parliament or a State Legislature,
- by notification or order of the appropriate government,

and includes any body owned, controlled or substantially financed by government, and any non-

government organisation substantially financed directly or indirectly by funds provided by the appropriate government.

The definition is intentionally wide. A society, a Section 8 company, an autonomous body or a regulator that meets the test of substantial finance or control is a public authority. The first decision the Head of Office should record is whether the institution is a public authority and which level of government is the “appropriate government”. Both decisions feed into PIO designation, FAA designation, the choice of Information Commission and the rules that apply.

## 2. Section 4: record management duty

Section 4(1)(a) requires every public authority to maintain its records duly catalogued and indexed in a manner and form that facilitates the right to information, and to ensure that all records appropriate to be computerised are computerised within a reasonable time, and connected through a network all over the country, so that access to such records is facilitated.

The record-management duty has three operational elements:

1. **Cataloguing.** A current index of file series with retention codes.
2. **Indexing.** Each file is paginated and indexed; an order sheet records dates and signatures.
3. **Computerisation.** Where the record is appropriate to be digitised, it should be digitised on a defined timeline, with a backup and a retention policy.

A public authority that says “the file is missing” without producing a missing-file report is in breach of Section 4(1)(a). Information Commissions have repeatedly held that loss of records does not extinguish the right.

## 3. Section 4(1)(b): the seventeen-point suo-motu disclosure

Section 4(1)(b) requires every public authority to publish, within 120 days of the enactment of the Act, the following information, and to update it from time to time. The seventeen items are listed below in a table that doubles as a publication checklist.

| # | Item  | Suggested URL slug             | Update cycle |
|---|---|--------------------------------|--------------|
| 1 | Particulars of organisation, functions and duties   | /about/organisation            | Annual       |
| 2 | Powers and duties of officers and employees   | /about/powers-duties           | Annual       |
| 3 | Procedure followed in decision-making, including channels of supervision and accountability               | /about/decision-making         | Annual       |
| 4 | Norms set for the discharge of functions  | /about/service-norms           | Annual       |
| 5 | Rules, regulations, instructions, manuals and records held or used by employees in discharge of functions | /resources/rules               | On change    |
| 6 | Statement of categories of documents held or under control  | /resources/document-categories | Annual       |
| 7 | Particulars of any arrangement for consultation with, or representation by, the public                    | /participate/consultations     | Quarterly    |

| #  | Item  | Suggested URL slug            | Update cycle                   |
|----|---|-------------------------------|--------------------------------|
| 8  | Statement of boards, councils, committees and other bodies; whether their meetings are open to the public, and whether minutes are accessible | /about/committees             | Quarterly                      |
| 9  | Directory of officers and employees   | /about/directory              | Quarterly                      |
| 10 | Monthly remuneration received by officers and employees, and the system of compensation   | /about/remuneration           | Monthly                        |
| 11 | Budget allocated to each agency, including all plans, proposed expenditure and reports on disbursement  | /finance/budget               | Quarterly                      |
| 12 | Manner of execution of subsidy programmes, with allocations and beneficiary details   | /schemes/subsidy              | Quarterly                      |
| 13 | Particulars of recipients of concessions, permits or authorisations   | /transparency/concessions     | Quarterly                      |
| 14 | Details of information available or held in electronic form   | /resources/electronic-records | Annual                         |
| 15 | Particulars of facilities for citizens to obtain information, including library and reading-room hours  | /rti/facilities               | Annual                         |
| 16 | Names, designations and other particulars of PIOs and FAAs  | /rti/officers                 | Live (within 7 days of change) |
| 17 | Such other information as may be prescribed   | /rti/other                    | As prescribed                  |

Section 4(2) requires constant endeavour to take steps in accordance with sub-clause (b) of sub-section (1) to provide, suo motu, as much information as possible at regular intervals through various means of communication, including the internet, so that the public has minimum resort to the use of this Act.

#### 4. Section 4 update discipline

A static disclosure page is a stale disclosure page. The compliance discipline is:

- **Item owner.** Each of the seventeen items has a named owner at Deputy Secretary level or equivalent.
- **Last updated stamp.** Every disclosure page carries a “Last updated on [date]” footer.
- **Quarterly review.** The RTI Cell circulates a checklist on the first working day of each quarter; owners certify update or no-change.
- **Audit.** The annual internal audit programme covers Section 4 disclosure and reports any non-compliance to the Head of Office.

#### 5. Section 5: designation of PIOs and APIOs

Section 5(1) requires every public authority to designate, within 100 days of the enactment of the Act, as many officers as Central or State Public Information Officers as may be necessary to

provide information to persons requesting the information. Section 5(2) provides for Assistant PIOs at sub-divisional, sub-district or other levels to receive applications and forward them.

Designation discipline:

- **Order in writing.** Designation is by office order, gazette-notified where the rules so require, and uploaded to item 16 of the disclosure page.
- **Coverage.** A PIO at every administrative unit that holds records likely to be sought; an APIO at every public-facing field office.
- **Continuity.** When a PIO is transferred, the designation order names the successor and the changeover date. There must be no gap.
- **Training.** Newly designated PIOs are trained within 30 days. Refresher annually.

## 6. FAA designation

The First Appellate Authority is “such officer who is senior in rank to the PIO” under Section 19(1). Designation discipline:

- **One step up.** The FAA is at least one rank senior to the PIOs whose orders the FAA hears.
- **No conflict.** The FAA must not be the supervisory officer who has himself dealt with the file as a decision-maker on the substantive matter.
- **Published.** Item 16 of the suo-motu disclosure must list FAA name, designation, address, telephone and email.
- **Continuity.** Successor named on transfer.

## 7. The RTI Cell

Every public authority of any size should set up a centralised RTI Cell to coordinate receipt, transfer, fee accounting, register-keeping, hearing logistics for the FAA, second-appeal compliance and annual return. The RTI Cell does not decide RTI applications; the PIO does. The RTI Cell is the engine that lets the PIO decide on time. For the full SOP, registers, templates and email formats, see [How to set up an RTI Cell](#).

## 8. Annual return to the Information Commission

Section 25(2) requires every Ministry or Department, in relation to the public authorities within its jurisdiction, to collect and provide such information to the Central or State Information Commission as is required to prepare its annual report under Section 25(1). In practice, every public authority files an annual return to the Commission through its parent Ministry or Department.

The annual return typically captures:

| Annual return field                           | Source register   |
|---|-------------------|
| Number of RTI applications received           | Diary register    |
| Number decided within 30 days                 | Decision register |
| Number where information was supplied in full | Decision register |

| Annual return field  | Source register                   |
|--|-----------------------------------|
| Number rejected and the section invoked                              | Decision register, exemption-wise |
| Number of first appeals filed  | Appeal register                   |
| Number of first appeals allowed, partly allowed, dismissed           | FAA order register                |
| Number of second appeals or complaints to the Information Commission | Second-appeal register            |
| Penalty proceedings, if any  | Disciplinary register             |
| Fee collected  | Fee register                      |
| Section 4 update status  | Section 4 register                |

The return is submitted by the date prescribed by the Ministry or Department, normally before the financial-year close.

## 9. Record retention schedule

A workable retention discipline distinguishes:

- **A class.** Permanent. Policy files, statutory orders, scheme guidelines, audit reports, important correspondence with constitutional bodies. Never weeded.
- **B class.** 10 years. Procurement files above a threshold, project files, recruitment files, individual service records of retired employees.
- **C class.** 5 years. Routine administrative files, leave files, day-to-day correspondence not falling in A or B.
- **D class.** 3 years. Receipts, dispatches, daily registers and routine intimations.

Weeding is by a register entry, not by silent disposal. The destruction certificate is itself a record under Section 2(i) and is disclosable on RTI request.

## 10. Website disclosure checklist

Use the following short checklist when a citizen visits the public authority's website:

- Is "RTI" in the top navigation?
- Does the RTI page list PIOs, APIOs and FAAs with name, designation, address, phone and email?
- Is the seventeen-point Section 4(1)(b) information published, item by item, with last-updated dates?
- Is the application form, fee and mode of payment clearly stated?
- Is there an online application route or, at minimum, an email address that accepts RTI applications?
- Is the previous year's annual return uploaded?
- Is the procurement, scheme and beneficiary data updated quarterly?
- Are file noting redaction practices documented?
- Is the link to the relevant Information Commission given?

A public authority that ticks all nine boxes will reduce its incoming RTI volume substantially

while improving citizen trust.

## 11. Monthly RTI dashboard format

The Head of Office should review a one-page monthly dashboard. The format:

| Field                                       | This month | Year to date |
|---|------------|--------------|
| Applications received                       |            |              |
| Applications transferred under Section 6(3) |            |              |
| Replies issued in 30 days                   |            |              |
| Replies delayed                             |            |              |
| Section 8 refusals (clause-wise)            |            |              |
| Fee collected (Rs)                          |            |              |
| First appeals filed                         |            |              |
| First appeals allowed or partly allowed     |            |              |
| Second appeals filed against this office    |            |              |
| Penalty notices received                    |            |              |
| Section 4 items updated this month          |            |              |

A trend line of “replies delayed” and “first appeals allowed” is the single best indicator of system health.

**Compliance warning.** A public authority that fails to designate a PIO, fails to publish Section 4 information or fails to file the annual return is exposed to Information Commission directions and adverse comment in the Commission's annual report to the legislature. Section 19(8)(a) empowers the Commission to direct the appointment of PIOs and the publication of categories of information.

## 12. Frequently asked questions

**Is a non-government organisation a public authority?**

It is, if it is substantially financed directly or indirectly by funds provided by the appropriate government. The Supreme Court considered the threshold of “substantial finance” in *Thalappalam Service Cooperative Bank (2013)*. The test is functional, not arithmetic; recurring grant-in-aid that materially supports the institution's functioning will normally meet it.

**How many PIOs should a department designate?**

As many as are reasonably required so that no record-holding unit is left without one. A single PIO at the headquarters with no APIOs at field offices is rarely adequate.

**Can the same officer be PIO and FAA?**

No. The FAA must be senior in rank to the PIO whose order the FAA hears. The same officer wearing both hats defeats Section 19(1).

### Is Section 4 mandatory or directory?

Mandatory. Section 4(1) uses “shall”. Information Commissions have directed compliance and the Supreme Court has affirmed the centrality of suo-motu disclosure in *CPIO, Supreme Court of India v. Subhash Chandra Agarwal* (2019).

### Does a public authority have to maintain RTI registers electronically?

The Act does not prescribe the format. Electronic registers are recommended for any public authority receiving more than ten RTI applications a month, for searchability and dashboarding.

### Who signs the annual return to the Information Commission?

The PIO designated for the purpose, countersigned by the Head of Office. The parent Ministry or Department consolidates and forwards.

### What happens if the public authority is restructured or dissolved?

Records and PIO duties pass to the successor public authority. A formal handover note records the transfer. Records of dissolved bodies, where there is no successor, are typically kept by the parent Ministry's archives unit.

## Internal links

- PIO RTI Reply Guide
- FAA guide
- RTI Cell SOP
- Section 4 deep-dive
- Section 2 definitions
- Guide for RTI applicants
- Sample RTI applications
- Second appeal to the Information Commission
- Landmark CIC decisions

## Sources

- Right to Information Act, 2005, Sections 2(h), 4, 5, 19, 25
- Department of Personnel and Training, RTI Master Circular
- Central Information Commission annual reports, available on <https://cic.gov.in>
- *Thalappalam Service Cooperative Bank Ltd v. State of Kerala*, (2013) 16 SCC 82
- *CPIO, Supreme Court of India v. Subhash Chandra Agarwal*, (2020) 5 SCC 481

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## Right to Information Wiki

The working reference for India's Right to Information Act, 2005.



**Read online**

<https://righttoinformation.wiki/guide/guidelines-for-public-authority>

**Main website**

<https://righttoinformation.wiki/>

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