

Audit Report
of
Proactive Disclosure under RTI Act, 2005
of
Hindustan Petroleum Corporation Limited
Under Ministry of Petroleum & Natural Gas
A Government of India Enterprise

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FOREWORD

Pro-active disclosure prescribed under Section 4 of the RTI Act, 2005 is of vital importance as it details large categories of information relating to functioning of the concerned Public Authority

Department of Personnel and Training, Ministry of Personnel, Public Grievances & Pensions, Government of India, has been laying down great emphasis on effective Proactive/Suo Motu disclosure as prescribed under Section 4 of the RTI Act. If the public authorities fulfill the requirements as per Section 4 of RTI Act 2005, then the requests coming to the public authorities for seeking information under RTI Act are likely to be considerably less. In general, this aspect is not up to the expectation level by the public authorities. Hence, to strengthen the pro active/ suo motu disclosure, DoPT has come out with detailed instruction vide DoPT OM No 1/6/2011-IR dated 15th April 2013. This OM prescribed number of further categories of information under section 4 of the RTI Act for suo-motu disclosure

Guidelines, also prescribed instructions for digital publication of pro active disclosure and also explain certain clauses of 4 (1)(b) to make the disclosure more effective. Chapter-4 of DoPT guidelines dt 15th April 2013 prescribes the procedure for compliance of the provision of suo motu / proactive disclosure.

The guidelines further say that the Action Taken Report (ATR) of the compliance should be sent to the DoPT and Central Information Commission (CIC) soon after the expiry of the initial period of six months. The guidelines lay down one of the most important mechanisms in terms of getting its pro active disclosure package audited by the third party every year to ensure effective compliance of the guidelines.

2 HPCL has been involved in effective implementation of the RTI Act since 2005, and has conducted large number of training programmes on various facets on RTI Act for different levels of officers involved in implementation of the RTI Act. HPCL has also developed training material, Handbooks, Posters, banners and standalone RTI portal (A online Mechanism for effective handling of RTI) to facilitate the implementation of the RTI Act.

3 Consequent to the issue of DoPT guidelines on suo motu disclosure vide DoPT OM No 1/6/2011-IR dated 15th April 2013, HPCL now undergoes Third Party Audit of suo-motu disclosures.

4 Based on above, this analytical report, brings out the information already disclosed and suggested areas for improvement. It is hoped that Audit Report will help strengthen the suo motu disclosures of Hindustan Petroleum Corporation Ltd on its website www.hindustanpetroleum.com to meet the information needs of the citizen



PREFACE

1 The Right to Information Act was enacted on **June 15, 2005**. is an instrument to promote transparency and accountability in the functioning of every public authority. The objectives of the RTI Act- 2005 are that each citizen is empowered to seek and receive information from public authorities so that the accountability of the organization to the public at large and stake holders in particular is enhanced.

2 Right to Information Act 2005 is an Act having 31 sections. It has empowered every citizen of the country to seek and receive any information from any public authority in the country without assigning any reason for seeking the information. It is an attempt to move from opaqueness to transparency, ultimately leading to good governance. Empowered Citizen can seek information from any public authority by way of RTI application with requisite fee. Citizen can also have access to information thorough suo motu disclosures displayed on Website of Public Authority.

3 Section 4 (i) (b), 4(i) (c) and 4 (i) (d) of the RTI Act-2005 lists categories of information which public authorities are required to so-motu disclosure without any request from the citizen. This is called duty to publish on the part of the public authority. Looking into relevance and importance of suo motu disclosure, DoPT has issued detailed guidelines on implementation of suo-motu disclosure under section 4 of RTI Act 2005. Vide Office Memorandum No.1/6/2011-IR dated 15th April, 2013. The said guidelines issued by DOPT have broadly 4 chapters viz.

- (a) Suo-motu disclosure of more item under section 4
- (b) Guidelines for digital publication of pro active disclosure under section 4
- (c) Guidelines for certain clauses of Section 4(1) (b) to make suo-motu disclosures more effective. Section 4(i) (b) (iii), 4(i)(b)(xi) 4(1)(b) xiv etc.
- (d) Compliance with provisions of suo-motu disclosure

4 Regarding compliance mechanism, DoPT OM dated 15 April 2013 stipulates as under:-



(i) Each public authority shall ensure that these guidelines are fully operationalized within the specified time limit.

(ii) The ATR on the compliance of these guidelines should be sent to the DOPT and CIC

(iii) Each public authority should get its pro active disclosure package audited through third party every year.

(iv) Third party audit of the suo motu disclosure should cover compliance with the pro active disclosures prescribed in the guidelines Section 4 of the RTI Act including adequacy of the items included in the package. The audit should examine whether there are any other types of information which could be pro actively disclosed.

5 Such audit should be done annually and should be communicated to the Central Information Commission (CIC) and published on the web site of the public authority concerned. All public authorities are required to pro actively disclose the names of the third party auditors on their web sites. The Central Information Commission (CIC) is required to examine the third party audit reports and offer advice/recommendations to the concerned public authority. DOPT has issued reminders for compliance of the requirement for conducting third party audit vide its reminders dated 10 Dec 2013 and 22nd Sept 2015.

6. In view of the above Hindustan Petroleum Corporation Ltd. (HPCL), Under Ministry of Petroleum and natural Gas, Government of India has carried out third party audit on proactive disclosures as per Section 4 of RTI Act 2005.

7. In this back ground ,data collected, data analyzed and conclusion of the recommendations are given on findings of proactive disclosures available on website of Hindustan Petroleum Corporation Ltd i.e www.hindustanpetroleum.com , which was narrated in sub sequent Chapters.

CHAPTER-1

INTRODUCTION

1.1 While enacting the Right to Information Act, the Legislature has laid emphasis that the primary duty of the public authorities is to publish proactively information relating to its functioning without waiting for the citizens to file RTI application for seeking information. In accordance with this, a large category of information has been prescribed in section 4(1) (b)(c) and (d) to be suo motu disclosed. There are 16 specific categories of information which are mentioned in section 4(i)(b) and each of those categories contains various items making it more elaborate and exhaustive. The 17th item under section 4(i) (b) mentions that such other information as may be prescribed also needs to be suo motu disclosed. The seventeen category of information mentioned in section 4(1) (b) are as under:-

- (i) the particulars of its organization, functions and duties;
- (ii) the powers and duties of its officers and employees;
- (iii) the procedure followed in the decision making process, including channels of supervision and accountability;
- (iv) the norms set by it for the discharge of its functions;
- (v) the rules, regulations, instructions, manuals and records, held by it or under its control or used by its employees for discharging its functions
- (vi) a statement of the categories of documents that are held by it or under its control;
- (vii) the particulars of any arrangement that exists for consultation with, or representation by, the members of the public in relation to the formulation of its policy or implementation thereof;
- (viii) a statement of the boards, councils, committees and other bodies consisting of two or more persons constituted as its part or for the purpose of its advice, and as to whether meetings of those boards, councils, committees



and other bodies are open to the public, or the minutes of such meetings are accessible for public;

(ix) a directory of its officers and employees;

(x) the monthly remuneration received by each of its officers and employees, including the system of compensation as provided in its regulations,

(xi) the budget allocated to each of its agency, indicating the particulars of all plans, proposed expenditures and reports on disbursements made;

(xii) the manner of execution of subsidy programmes, including the amounts allocated and the details of beneficiaries of such programmes;

(xiii) particulars of recipients of concessions, permits or authorizations granted by it;

(xiv) details in respect of the information, available to or held by it, reduced in an electronic form;

(xv) the particulars of facilities available to citizens for obtaining information, including the working hours of a library or reading room, if maintained for public use;

(xvi) the names, designations and other particulars of the Public Information Officers;

(xvii) such other information as may be prescribed; and thereafter update these publications every year;

1.2 4(1) and 4(1)(d) of the RTI Act prescribes as under

1.3 4(1) (c), 4 (1) (d), Section (4) (2) and 4(3) prescribe the method of dissemination of information.



1.4 After promulgation of RTI Act, large volumes of information has been put in public domain by public authorities. However, the quality and quantity of the information disclosed has been criticized by the Civil Society and other stake holders as it leaves a lot more to desire. To augment the quality and quantity of information to be put in public domain, DoPT came out with the guidelines for implementation of suo motu disclosure under section 4 of the RTI Act vide its OM No.16/2011-IR dated 15th April 2013. Salient features of the same are re-produced below:--

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

1.5.1 Suo motu disclosure of more items under Section (4)

DOPT Issued Guidelines on the implementation of Suo moto disclosure under section 4 of the RTI Act, 2005 which are available on the [DOPT website](#).



CHAPTER-2

ANALYSIS OF DATA COLLECTED

Name of Public Authority being Audited:

Hindustan Petroleum Corporation Ltd.(HPCCL)
(A Government of India Enterprise)
17, Jamshedji Tata Road, P.O.Box No.11041
Mumbai-400020

Website:

<http://www.hindustanpetroleum.com>

On analysis of the data collected, following areas for improving contents and the quality of the disclosure have been identified:-

(1) **Particulars of its organization, functions and duties (Section 4(1) (b)(i))**

(i) Functional chart of the organization has been displayed.

(ii) Details of the organization like genesis, inception formation of the department and Head Regions are updated from time to time is displayed.

(2) **Powers & Duties of its officers & employees (Section 4(1) (b) (ii))**

(i) Job description is displayed but the duty list is yet to be disclosed.

(3) **Procedure followed in the decision making process (Section 4(1)(b) (iii))**

Process and channel for decision making is available



(4) Norms for discharge of functions (Section 4(1) (b)(iv))

All the identified items under the heading 'requirement' are found displayed on the Website of the organization.

(5) Rules, regulations, instructions, manuals and records (for discharging function- Section 4(1) (b) (v))

List of Title and nature of the record/ manual/ instruction. the Acts, Rules, and Office memorandum etc. are disclosed.

(6) Categories of documents held by the authority under its control (Section) 4(1) (b) (vi))

Available.

(7) Particulars for any arrangement for consultation with or representation by the members of the public in relation to the formulation of policy or implementation therefore (Sec. 4(1) (b) (vii))

HPCL being a commercial organisation engaged in the refining of crude oil and marketing of finished products and allied products does not have formal arrangement or committee wherein public can attend to formulate policies in the area of activity of HPCL.

(8) Boards, Councils, Committees and other Bodies constituted as part of the Public Authority functioning (Section 4 (1) (b) (viii))

The requirement under this parameter to the extent they are applicable has been done. As regards attending of meetings by the public and accessibility of the minutes of such meetings etc. to the public are not applicable to the department, hence no such details are found displayed or disclosed

(9) Directory of Officers and employees Section 4(1) (b) (ix))

All required information has been disclosed.

(10) Monthly remuneration received by officers & employees including system of compensation n (Section 4(1) (b) (x)

Elaborate information on the grades and salaries and nature of DA etc is provided

(11) Budget allocated to each agency including all plans, proposed expenditures and reports on disbursement made etc. (Section 4(1) (b) (xiii)



Budget allocation under Refinery and marketing units. Summary disclosed.

(12) Manner of execution of subsidy programmers (Section 4(1)(b) (xii))

HPCL informs that it does not have subsidy programme for public. hence not applicable.

(13) Particulars of recipients of concessions, permits or authorizations granted by the public Authority (Section 4(1) (b) (xiii)

HPCL informs that it does not give out any concessions, permits or grants any authorisations. However consumers availing subsidised LPG, the details are made available under transparency portal <http://www.myhpgas.in>, which is linked to the RTI Information manual

(14) Information available in electronic form(Section 4(1) (b) (xiv))

List of documents in electronic form and other details like all relevant forms and other documents related to HPCL. which are normally accessed by citizens, entitlements/service provided, directory of key contacts, details of officials, all publicly funded information disclosed. Similarly, last date when the information was updated has also been displayed.

(15) Particulars of facilities available to citizens for obtaining information(Section 4(1)(b) (xv))

HPCL does not maintain any library /reading room for the use of Public. However HPCL informs that information pertaining to various business units of HPCL are available on its website www.hindustanpetroleum.com.

(16) The names, designation and other particulars of the PIOs Section 4(1) (xvi)

Yes.

(17) Such other information as may be prescribed under Section 4(1) (b) (xvii)

All the required details under the above parameters are available on the website www.hindustanpetroleum.com

**(18) Are important policies or decisions which affect public informed to them?
Under Section 4(1)(c)**

HPCL does not involve in making policies for public, however appropriate policies / circulars from ministry are promptly disclosed on website.



(19) Are reasons for administrative or quasi judicial decision taken communicated to affected persons (Section 4(1) (d))

The required information is provided internally. HPCL informs that as they are not statutory bodies, but an implementing body, they do not take administrative or Quasi Judicial decisions that affect the public at large, that require publishing on the website

(20) Dissemination of information widely and in such form and manner which is easily accessible to the public (Section 4 (3))

Dissemination of information is widely done through web site, Notice boards, news papers, Public announcements, media broadcasts and internet.

(21) Whether information Manual/Hand book available free of cost or not (Section 4 (4))

Yes, Manual are available and downloadable free of cost

(22) Information related to procurement

All relevant information under this head is disclosed.

(23) Public Private Partnership

The organization is not involved in any Public Private Partnership (PPP), as such none of the requirement under this parameter has been displayed for disclosure.

(24) Transfer Policy and Transfer Orders

While Transfer Policies is displayed, and Transfer orders are not.

(25) RTI applications

HPCL has standalone web based Online portal for handling of RTI, however this online portal is not accessible to the public.

(26) CAG & PAC paras

Required details are not available on the information manual.



(27) Citizen's Chart

Citizen's charter is being displayed. As regards six monthly reports on the performance against the bench marks set in citizen chart, the details are not available.

(28) Discretionary & Non discretionary Grants

The above parameter is not available on the website.

(29) Foreign/Domestic tour of Ministers/officials

The details of Foreign & domestic visits undertaken by the officials of the rank of joint secretaries and above not seen. HPCL informs that there are no officials of the level of JS and above in HPCL.

(30) From of accessibility of information Manual/Hand book (Section 4 (4))

Accessibility of Information Manual/Hand Book is available through the website, in bilingual form.

(31) Language in which information Manual/Hand Book available

Information is disclosed both in English and Hindi..

(32) When was the information Manual/Hand Book last updated

The information manual/Hand book was updated, as declared on the "last updated on" line as 22/03/2016.



CHAPTER -3

CONCLUSION AND RECOMMENDATION

It is observed that the web site of the Hindustan Petroleum Corporation Ltd (HPCL) www.hindustanpetroleum.com is user friendly and attempt has been made to disclose most of the recommendations to meet the requirement of the citizen. However, to improve the suo-motu disclosure the following may also be considered for disclosure on the web site of the HPCL. It is also noted that information about the various rules/services etc is not limited to only the RTI page and the whole website is considered under proactive disclosure of information

- a) List of various documents / rules & regulations / Manuals under each category disclosed
- b) Transfer Policies are available, however Transfer orders display is limited to employees
- c) HPCL has standalone Online portal for effective handling of RTI, however this online portal is not accessible to citizens
- d) CAG / PAC required details to be disclosed.
- e) Citizen's charter is being displayed. As regards six monthly reports on the performance against the bench marks set in citizen charter, the requisite details are yet to be finalized and displayed.
- f) The details of Foreign & domestic visits undertaken by the officials of the rank of Joint secretary and above, if any, to be proactively displayed.
- g) Information is disclosed both in English and Hindi. However it would be desirable to have the information Manual and Hand book regional languages also.
- h) Details of all CPIO's / AA/ Public grievances officers are displayed. Also the detail of RTI Nodal officer is prominently displayed on the RTI page

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