

**'MINUTES OF THE SECOND MEETING OF THE 'SUB-COMMITTEE ON RTI ACT'
Date – 18.04.2009, Venue –: Andhra Pradesh Bhawan, New Delhi.**

List of Participants:

1. **Shri Wajahat Habibullah**, Chief Information Commissioner, Central IC;
2. **Prof M. M. Ansari**, Information Commissioner, Central IC;
3. **Shri Satyanand Mishra**, Information Commissioner, Central IC;
4. **Shri Shailesh Gandhi**, Information Commissioner, Central IC;
5. **Shri K. K. Mishra**, State Chief Information Commissioner, Karnataka;
6. **Shri P. S. Rana**, State Chief Information Commissioner, Himachal Pradesh;
7. **Shri S. Ramakrishnan**, State Chief Information Commissioner, Tamil Nadu;
8. **Shri Suresh V. Joshi**, State Chief Information Commissioner, Maharashtra;
9. **Dr. Mohd. Shakeel Ahmed**, State Information Commissioner, Bihar;
10. **Shri C. D. Arha**, State Chief Information Commissioner, Andhra Pradesh & Convener of the Sub-Committee;
11. **Dr. Rajiv Sharma**, Director General, CGG, Hyderabad;
12. **Shri Pramod Mane**, Adviser, RTI Cell, YASHADA, Pune;
13. **Ms. Anita Gupta**, Additional Secretary, Central IC & Nodal Officer of the Sub-Committee;
14. **Dr. Sunil Dhapte**, Deputy Director, YASHADA;
15. **Shri Vardhaman Vaidya**, Coordinator, RTI Cell, CGG, Hyderabad.

Inaugural Session

Address by the Convener & the Chief Guest

Shri Arha, SCIC, AP welcomed all participants. He mentioned that copies of the Drafts submitted by CGG on ToR-1 & 4 have been distributed to be taken up for discussion first. He requested Shri Habibullah, CIC, Central IC to share his thoughts.

CIC, Central IC expressed his full support for the work of the Sub-Committee and appreciated the work done so far by different members and the support provided by CGG, Hyderabad and YASHADA, Pune. He stated that TOR – 4 is of special importance because recommendations made to various institutional stakeholders regarding best practices will go a long way in bringing about the much needed uniformity and improvement in the RTI regime.

Other Suggestions

SCIC, Karnataka pointed out that even though the Best Practices-related study is being jointly done by CGG and YASHADA, the documentation should not remain confined to Andhra Pradesh and Maharashtra. ALL ICs should be requested to provide inputs on various best practices. DG, CGG explained that the draft documentation was not restricted to these two States, but covered initiatives from other States and other countries.

With respect to ToR – 6, SCIC, TN said that it would be better to have a Resident Officer / Secretary General for the proposed Federation.

Second Session

Discussions during this Session were carried out ToR-wise. These are as follows.

ToR – 6

Initially, SCIC, Karnataka, one of the ICs in the lead role stated his observations on the draft MoA & AoA submitted by CGG:

- The Sub-Committee should consider an appropriate term for the Governing Body. It could be referred to as Board of Directors or Board of Governors. It would be appropriate, perhaps, to use the latter term.
- The Sub-Committee should consider who should be the office Bearers. There are some inconsistencies in the draft as far as reference to office bearers is concerned, which should be removed.
- There won't be enough resources to support a full-time President. There should be an Executive Vice – President. There need not be a post of a Joint Secretary.
- As suggested by SCIC, TN, it would be good to have a Secretary General, who could be a competent retired officer – suitably compensated out of the funds.
- The Sub-Committee should consider if there should be any distinction between large and small States for the purpose of annual contribution to be made to the Federation.
- An Admission Fee of Rs. 5 lakhs as a one-time contribution and Rs. 1 lakh as Annual Membership Fee could be charged. A separate participants' fee should be collected for the various events conducted from time-to-time.
- The word Networking should be omitted, even though the Federation would definitely facilitate networking.

Prof. Ansari, IC, CIC observations on the Draft MoA & AoA were as follows.

- ICs could be clubbed together region-wise. Membership could be, accordingly, allocated. Each group would nominate a member to the governing body with due concern to seniority. This will ensure regional representation in the Federation as also in its governing body.
- He concurred with the earlier suggestions of having the posts of an Executive Vice President and Secretary General with a key coordination role.
- The objectives should be briefly stated. Instead of Networking, words such as cooperation and coordination, mandated by the Act itself, could be used.
- The objectives and composition of the Board of Governors need to be further deliberated upon by the members of the Sub-Committee.
- The documents should be legally vetted before registration.

SCIC, HP suggested that elections could be avoided. Each regional grouping could nominate its representative from amongst itself. Some rotation formula could be worked out by which each Commission could be represented.

Shri Gandhi, IC, CIC expressed his agreement to having President / Executive Vice President. He suggested that it would be better to register the Federation under 'Section 25' of the 'Companies Act' so that it can have more flexibility and unnecessary paper work can be avoided. He also supported a rotation system, as SCIC, HP had suggested and suggested that there could be 3-year tenure for the members of the Governing Body and the rotation formula could be such that continuity in its functioning could be ensured.

Shri S. Mishra, IC, CIC suggested that bringing out various publications should be one of the key activities of the Federation. This should be explicitly stated in the MoA. A proposal could be sent to the Government of India (GoI) to give an annual grant to the Federation. The Sub-Committee should consider following the NREGA pattern, which provides for co-opting with Civil Society Organisations.

On this point, SCIC, Karnataka observed that it becomes difficult to co-opt with CSOs. When some CSOs are left out, it raises a controversy.

Prof. Ansari, IC, CIC added that given that this Federation is exclusively for Information Commissioners, membership should be restricted only to Information Commissioners. The events organised by the Federation could be thrown open to all NGOs to participate.

SCIC, Karnataka pointed out that the 'Administrative Reforms Commission' (ARC) has suggested that an organisation be set up for coordination among ICs. ARC has used a specific term for it. The proposed Federation could be named accordingly. This would make it easier to get a grant from the GoI. SCIC, TN suggested that another option for receiving a grant would be to approach the 'Planning Commission' for a contribution to the Federation's corpus – interest on which could fund some of the recurring expenditure.

With respect to the IT application designed by CGG for facilitating an online interface amongst various ICs, Shri S. Mishra, IC, CIC suggested that there should be a search tool, whereby the users can have access to issue-specific decisions of various ICs and other useful reference material.

DG, CGG stated that CGG could design the tool if it could be paid its professional fees. To this, Shri Gandhi, IC, CIC suggested that there is a website developed for publishing judgments of the Judiciary. A similar website could be developed for free for the ICs. There would, however, be some user charges. **The Convener, SCIC, AP suggested that DG, CGG discuss the matter with Shri Gandhi, IC, CIC and report to the Sub-Committee.**

The Convener, SCIC, AP suggested that a 4-member Group consisting of him; SCIC, HP, SCIC, Karnataka and Prof. Ansari would further deliberate upon the draft and after finalization send it to the CIC, Central Information Commission for further appropriate action.

ToR – 4

Initiating discussions, CIC, APIC stated that the paper prepared by the CGG and the inputs as received from YASHADA have already been circulated. As a re-cap, he mentioned the broad contours again and thereafter the discussion was thrown open. SCIC, Maharashtra mentioned that Annual Reports of ICs need to be studied for getting ideas about best practices. He also said that there is a need to build some consensus on what should be the structure of Annual reports.

Shri Gandhi, IC, CIC narrated a good practice followed in the US whereby every document created by any official gets published on the web. In India, however, computer literacy among government officials is very low. Unless, we ensure appropriate skill training in computers to all public officials and adopt a practice similar to that in the US, desired levels proactive disclosure will never be achieved.

SCIC, Karnataka observed that this study related to ToR - 4 (regarding Best Practices) has a fairly large scope. **CGG should write to all ICs concerned and get their inputs.** He narrated two initiatives taken by the Karnataka IC – related to limiting the no. of questions in an RTI application as also the number of words in which the questions should be drafted and the Karnataka ICs proposal regarding how to determine a Public Authority. He said that he would be sending CGG documentation regarding this.

DG, CGG assured that a communication would be sent to all Information Commissions to get their inputs on the best practices by them and by other organisations in their State. The Convener, SCIC, AP, suggested that when CGG writes to the Information Commissions, they be given 30 days to respond.

ToR – 1

DG, CGG presented the salient points of the work done by CGG so far and mentioned that responses to the information sought from ICs were received only from four ICs. IC, Bihar mentioned that many State Governments have not submitted Action Taken Reports on the ICs' recommendations.

SCIC, HP said that it was probably not fair to ask the ICs about what the government had done on their recommendations. It is for the Government to respond. Moreover, recommendations, when they are presented, finally, should be generalised and not IC- or State-specific.

To this, the Convener, SCIC, AP stated that it would be more difficult to get the State Governments to respond. The ICs can be expected to have a fair knowledge of whether their recommendations have been implemented or not. Prof. Ansari, IC, CIC suggested that in the event that all the ICs covered do not respond, CGG may make some content analysis of the suggestions in the ARs of ICs and present its finding under the 8 heads already identified by it without naming any IC.

ToR – 5

DG, CGG presented the status of the work done by CGG so far and said that some relevant indicators from a study done by CGG and the GoI shall also be incorporated. He requested for some more ideas from the Sub-Committee on this study.

Prof Ansari stated that the output of this study should be an approach / methodology / a theoretical / conceptual framework which anybody can adopt to rate transparency, accountability and lack of corruption in PAs. Shri S. Mishra, IC, CIC suggested that this methodology could be handed over to the General Administration / Administrative Reforms Departments of State Governments to use it to improve their functioning. The Convener, stressed that some scoring is a must to get a clear picture and emphasized some of the basic tenets that each IC and the Government must adhere to.

ToRs – 2 & 3

With respect to studies with YASHADA on these ToRs, **SCIC, AP, the Convener, requested for further elaboration of the initial notes prepared by YASHADA are absolutely necessary. He also requested, SCIC, Maharashtra to offer hands-on guidance to YASHADA. He said that it would NOT be right to proceed with available information without waiting for all information to come by. Prof. Ansari, IC, CIC requested the Nodal Officer to provide YASHADA with all the material that CIC has that would be helpful to YASHADA to start its work.**

In conclusion, it was agreed that inputs as required may be obtained from the Committee members, all the Information Commissions as well as from other Stake Holders. These may be collected, collated, analyzed and presented in a final shape at the next meeting of the Sub-Committee. As considerable amounts of inputs are yet to be received and thereafter papers have to be given a final shape, sufficient time must be given to Committee Members to complete their task on hand. Keeping this in view it was decided that the next Sub-Committee meeting will be held on **Saturday, the 20th June, 2009**. The venue and time will be the same i.e., **11 a.m. at Conference Hall, A.P. Bhavan, New Delhi**.

**C.D.ARHA
Chief Information Commissioner, APIC &
Convener**