

**'MINUTES OF THE THIRD MEETING OF THE 'SUB-COMMITTEE ON RTI ACT'
Date – 20.06.2009, Venue –: Andhra Pradesh Bhawan, New Delhi.**

List of Participants:

1. **Shri C. D. Arha**, Chief Information Commissioner, Andhra Pradesh & Convener, Sub-Committee;
2. **Prof M. M. Ansari**, Information Commissioner, Central IC;
3. **Shri M. L. Sharma**, Information Commissioner, Central IC;
4. **Smt. Annapurna Dikshit**, Information Commissioner, Central IC;
5. **Shri K. K. Mishra**, State Chief Information Commissioner, Karnataka;
6. **Shri S. Ramakrishnan**, State Chief Information Commissioner, Tamil Nadu;
7. **Shri Suresh V. Joshi**, State Chief Information Commissioner, Maharashtra;
8. **Shri Nyodek Yongamm**, State Chief Information Commissioner, Arunachal Pradesh;
9. **Dr. Mohd. Shakeel Ahmed**, State Information Commissioner, Bihar;
10. **Dr. Rajiv Sharma**, Director General, CGG, Hyderabad;
11. **Smt. Anita Gupta**, Additional Secretary, Central IC & Nodal Officer, Sub-Committee;
12. **Shri Vardhaman Vaidya**, Coordinator, RTI Cell, CGG, Hyderabad.

Address by the Convener

Shri Arha, CIC, AP and Convener, Sub-Committee welcomed all the participants attending the meeting and thanked them for coming. He expressed his regrets for any inconvenience due to change of venue, which had to be done due to certain unavoidable circumstances. The salient points on discussion related to different TORs (Terms of Reference) for the Sub-Committee are as follows:

ToR – 6: "To suggest modalities for creation of permanent broad based body for coordination between CIC and SICs"

DG, CGG, briefly, presented the changes that were made to the Draft MoU and MoA for the proposed NFICI (National Federation of Information Commissions of India) in accordance with the discussions during the last committee meeting as also in consultation with CIC, AP and requested for further inputs from the Sub-Committee on: (i) the exact legislation under which it could be registered even as it would be based in Hyderabad under the aegis of the APIC; (ii) the zonal representation to the General Body as also to the Executive Committee; (iii) representation from Central IC; (iv) basis for charging the Admission Fee and Annual Membership fee; (v) quorum proposed by CGG for the meetings of the Executive Committee as also the General Body.

CIC, Karnataka suggested that CGG study the Act of the Central Government which deals with the registration of societies whose members would be drawn from different States and make necessary changes to its latest draft. Further, he referred to the meeting of the sub-group of the Sub-Committee in Shimla and suggested that most of these points were discussed during this meeting and the sub-group's deliberations may be suitably incorporated in the latest draft presented by CGG. DG, CGG assured that CGG would work further on the Draft as suggested by CIC, Karnataka.

On this it was suggested by Shri S. Ramakrishnan, CIC, Tamil Nadu, that the latest draft submitted by CGG be circulated to all the members of the Sub-Committee and that their feedback or other inputs could be requested latest by 15th July, 2009.

Prof. Ansari, IC, CIC emphasized that the Sub-Committee's mandate is to suggest the modalities of the proposed Federation. In addition to the Drafts of the MoU / MoA per se, CGG should also present for the Sub-Committee's consideration, its related inputs, for instance, on the advantages of registering the proposed body under Society's Registration Act (and not under S. 25 of the Companies Act); or on why it has proposed two options (that it did) for grouping of States for membership to the Executive Committee of the proposed Federation. He emphasised that the proposed Federation should be registered well before the next Annual Convention to be organised by the Central IC to mark the 4th Anniversary of the RTI Act.

Since there were no other suggestions from those present, CIC, AP suggested that CGG circulate its latest draft (after incorporation of the points stated by SIC, Karnataka) to those members of the Sub-Committee who were not present for the meeting and that all members (including those present) would be requested to get back with their inputs latest by 15th July, 2009.

It was also agreed that CGG would submit its final report to the Sub-Committee on 31st July, 2009. The Sub-Committee would, in turn, submit it to CIC, Central IC, who would then decide whether any further inputs are to be sought on the proposed MoU and MoA from any other sources.

ToR – 4: "To identify the best practices in implementation of RTI Act"

By referring to the 'Executive Summary' in the latest draft for this study, CIC, AP presented to the Sub-Committee an account of the cases that had been documented in the latest draft. He also touched upon the additions made to the draft since the last Sub-Committee meeting.

DG, CGG pointed out that inputs, for this study, had been received from some States after the 2nd Sub-Committee Meeting. Thereupon, DG, DGG proposed to the Sub-Committee that several of the good practices that have been identified could be suggested by the Sub-Committee for immediate implementation by giving several instances from among the cases documented by CGG.

CIC, Karnataka gave an elaborate account of two of Karnataka IC's initiatives that could be included in this study report. The first pertained to "identifying a Public Authority under the Act" and also to "rationalising and making more comprehensive the Proactive Disclosures of similar / same PAs".

With respect to the first, he proposed that the criterion to be applied to identify a PA should be: ***whosoever is required to maintain its records and has a separate records for this purpose is a PA*** and is responsible for implementing the provisions of the Act as such – including the provisions of S. 4(1)(b), whereby PAs must also document and disclose the procedures / norms followed by them.

The second initiative elaborates upon this latter point. CIC, Karnataka stated that they picked up a thread from the emphasis laid by the 2nd ARC on Citizen's Charters. He cited the example of Deputy Commissioners in the State to state that, in terms of services they provide to the people, their procedures and norms should be uniformly applicable across the State. These procedures / norms after having been carefully studied for their rationalisation and for making them universally applicable, should be made public as required by the Act. Once this is done, Citizens' Charters could be formulated – seeking their inputs on these norms / procedure through a process of consultation with the citizens.

CIC, Karnataka pointed out that the KIC's suggestions to this effect had been accepted by the State Government, which had asked the State ATI to make further recommendations on this issue. Moreover, he also pointed out that KIC had plans to become a paper less office and DoPT funds would be used for this purpose and that CGG, Hyderabad was helping KIC on this front.

CIC, Maharashtra gave an example of the Municipal Corporation of Greater Mumbai (MCGM), where it would just not suffice to have one PIO at the headquarters and emphasised the absolute necessity for MCGM to have a PIO for every ward.

Prof Ansari, IC, put on record his commendation of the documentation work carried out by CGG and stated that it would be important to include points made by CIC, Karnataka as also Karnataka's move to stipulate certain specifications for an RTI application. He pointed that in some State, a restriction had been introduced in terms of the duration-in-terms-of-number-of-years about which information can be sought. He also opined that the improvements in service delivery that some of the good practices depict needs to be elaborated upon. Moreover, some more examples of this kind may be included.

CIC, Tamilnadu circulated a note mentioning the best practices in Tamilnadu which include disposal of cases at dak stage and creation of templates for streamlining the hearing and disposal of cases at the stage of final orders.

CIC, AP sought the Committee's take on the extent to which this report should "state the obvious" and should go into the "nuts and bolts" of how the Act should be implemented. There was a broad agreement on the fact that these good practices will have to be applied with suitable modifications, for every State has its own ethos. He cautioned against rushing into "ops" domain and emphasized the need for "Best Practice" to be confined to policy frame.

CIC, AP summarised this discussion stating, that recommendations for adaptation of good practices should be so pitched that they offer ideas at the level of policy making rather than going into the nuts and bolts of operationalisation which should be left to every State / PA to be worked out in keeping with its respective situation. He proposed that for this study also the participants for the meeting submit their suggestions / recommendations, if any, to CGG / APIC by 15th July, 2009 and that CGG would submit its final report by 31st July, 2009.

ToR - 1: "To assess the extent to which the recommendations made by the commissions under sec.25 of the act in the respective annual reports, have been implemented and to identify the major reasons, if any, for non-implementation of commission's recommendations"

DG, CGG presented to the Sub-Committee the brief note that had been prepared by further consolidation of the findings of this study which were earlier presented under 8 categories.

This consolidation was meant to analyse the nature of the recommendations and the status of their implementation from the point of view of the problems that the ICs pointed out as causes for the non-implementation of these recommendations. However, Prof Ansari, IC, CIC suggested that the earlier 8 heads be retained and the recommendations / the status of implementation / other inputs from the ICs be presented against these 8 heads.

It was agreed that CGG would confine itself, as laid out in the Sub-Committee's ToR, only to the issues / recommendations of the ICs in their ARs, which would be available to CGG. Some of these do include some of the orders of some ICs. These may be covered, but orders of ICs, per se, need not be gone into.

In this case too, the participants were requested to submit their inputs latest by 15th July, 2005 so that CGG could submit its final report by 31s July, 2009.

ToR - 2: "To prepare a comprehensive status report in respect of the major themes of Annual Convention of 2008, namely RTI and good governance, RTI and democracy, RTI and poverty alleviation, RTI and protection of individual privacy and RTI revolution in SAARC"

Prof. Ansari requested DG, CGG that CGG take up this study. DG, CGG agreed. Prof. Ansari requested the Nodal Officer of the Sub-Committee to dispatch to CGG all the relevant documents, including a summary note on the proceedings of the 3rd Annual Convention prepared by Shri M. L. Sharma, IC, CIC.

Prof. Ansari requested DG, CGG that CGG's paper on this ToR should appropriately capture the theoretical perspectives relating to the various themes / topics of the Convention, which were, perhaps, not adequately captured in all the presentations made during the Convention.

The Sub-Committee accepted that CGG would require 1 month for completing this Study and CIC would be given 1 week to submit all relevant and related documents to CGG after which the latter would commence its study.

ToR – 3: "To assess the adequacy of facilitation process for accessing public held information, mainly in terms of compliance of various provisions of the Act for promotion of Maximum disclosure of information"

Since, none of YASHADA's representatives were present for the meeting and since no draft had been received by either CIC, Maharashtra or by SIC, Bihar from YASHADA, no discussion was carried out on this Study.

CIC, Maharashtra and SIC, Bihar were requested to provide necessary inputs to YASHADA for it to be able to submit its draft on this Study for the consideration of all the members of the Sub-Committee by 15th July, 2009 and submit its final report by 31st July, 2009.

On this, Prof. Ansari stated that YASHADA's report should contain concrete (good and bad) examples to demonstrate how different PAs at various levels have been complying with various provisions of the Act.

ToR – 5: "To evolve an approach and suggest a methodology for assessing and creating public authorities in terms of greater transparency, accountability and least corruption"

DG, CGG presented the status of the work done by CGG so far. A note containing an exhaustive list containing 145 indicators had been circulated. He also presented to the Sub-Committee that Bihar IC had pointed out that 91 of the earlier suggested 116 indicators could be adopted. DG, CGG mentioned that this long list of indicators would be rationalised and finalised.

For this study too, the participants were requested to offer their suggestions latest by 15th July, 2009 and CGG was requested to finalise its report by 31st July, 2009.

There was a brief discussion about the Sub-Committee writing to the CIC, Central Information Commission for an extension of its term (which would, otherwise, expire on 16th July 2009). It was agreed that a request would be made for an extension of the Sub-Committee's term till 31st December 2009.

It was decided that that the next meeting of the Sub-Committee would be held at Hyderabad on 22nd August, 2009 at 11:00 A.M. CIC, AP indicated that Dr. MCR HRD IAP would be the venue.

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