

MINUTES OF THE 5th MEETING OF THE 'SUB-COMMITTEE ON RTI ACT'
Date – 17.09.2009, Venue –: Gurjada Hall, Andhra Pradesh Bhawan, New Delhi.

List of Participants:

1. **Shri C. D. Arha**, Chief Information Commissioner, Andhra Pradesh (AP) & Convener, Sub-Committee;
2. **Shri K. K. Mishra**, State Chief Information Commissioner, Karnataka;
3. **Dr. S. V. Joshi**, State Chief Information Commissioner, Maharashtra;
4. **Shri Nyodek Yongamm**, State Chief Information Commissioner, Arunachal Pradesh
5. **Shri B. B. Shrivastav**, Secretary, Central Information Commission;
6. **Smt. Anita Gupta**, Additional Secretary, Central Information Commission & Nodal Officer, Sub-Committee;
7. **Shri A. Srinivas Kumar**, Dy. E. D., Centre for Good Governance (CGG), Hyderabad;
8. **Shri Vardhaman Vaidya**, Coordinator, RTI Cell, CGG.

Welcome Address by the Convener

Shri C. D. Arha flagged off the proceedings of the 5th meeting by extending a warm welcome to the participants.

He mentioned to those present that several members of the Sub-Committee as well as the Central Information Commissioners who were special invitees had expressed their inability to participate in the discussions in the 5th meeting and had expressed their regrets for the same. He also mentioned that Prof. Ansari, IC, CIC has informed that he would be reaching the venue late.

He brought to the notice of those present that the minutes of the previous meeting, especially some of the contentious points pertaining to ToR-6 should be discussed by those present for this meeting. He requested those present to take some time to go through the draft minutes and suggest changes, if any, were required.

Dr. S. V. Joshi suggested modifications to two of his points made during the meeting, which was noted by Coordinator, RTI Cell, CGG. One of these points pertained to the statistics of the number of second appeals that had been received by the Maharashtra Information Commission and the disposal rate of the concerned Commission. The other point was about how RTI was being used by people to get their grievances addressed and the importance of RTI as a tool to not just seek information but to also get grievances redressed.

This being the only suggestion for change received from those present, **Shri C. D. Arha** proposed that the minutes of the Sub-Committee meeting dt. 22.08.2009 held at Hyderabad and recorded be approved and, further suggested taking up a discussion, one-by-one, on the latest drafts submitted by CGG. The minutes were approved.

In accordance with the practice in the previous meetings of the Sub-Committee, **Shri C. D. Arha** suggested that ToR 6 be taken up first.

ToR(6):- To suggest modalities for creation of a permanent broad-based body for the purpose of coordination of various activities of CIC and SICs

Shri C. D. Arha informed those present that as concluded during the last meeting, APIC had proceeded with registering NFICI in Hyderabad under the Andhra Pradesh Societies Registration Act and that a Certificate had been issued which had been circulated for the kind perusal of all the participants of the 5th meeting.

He reiterated his stand that in doing so at least one specific and tangible output had been achieved by the Sub-Committee.

He added that in line with the recommendations of the Kashyap Committee that CGG would be a useful resource-support-organisation for any forum that would be created for better coordination between all the Information Commissions and for providing appropriate inputs to different stakeholders with the objective of strengthening RTI implementation.

Moreover, he said that coordination would become a very difficult and uneconomical task if the Federation is to be headquartered in New Delhi and it will be virtually impossible to provide it with backstopping support.

He also brought it to the notice of the house that that the present document of registration of the Federation had not been cast in stone and that, suitable changes could be made to the provisions of the existing document if the members of the Federation deem fit.

In any case, he stated that, there was no compulsion on any Information Commission to join the federation and it was entirely voluntary.

Dr. S. V. Joshi suggested that as for the membership fee to be paid by each Information Commission, it may be informally suggested to the Department of Personnel and Training (DoPT) that the latter agree to allow the interest amount accumulated on the grants given by it to the State Information Commissions to be utilised by the Commissions to make their membership contributions to the Federation.

Shri K. K. Mishra suggested that now that the Society had been registered, it was time to take the next steps toward circulation of the registration-document not only to all the members of the Sub-Committee, but also to all the Information Commissions so as to start enrolling them for membership of the Federation.

Shri C. D. Arha mentioned that the Chief Information Commissioner, Shri Habibullah had suggested that the communication regarding the establishment of the Federation should go from the Central Information Commission to the State Information Commissions. He requested **Shri B. B. Shrivastav** to do the needful in this regard.

At this point, **Shri K. K. Mishra** pointed out that the Executive Committee of the federation would have to meet once every 3 months, in which case it would be apt for the newly-registered entity to have its first meeting planned some time before or after the 2-day Annual Convention in coming October. Subscription of other members is not needed for now. The Executive Committee as mentioned in the Registration document could meet and subscription for other members could be opened immediately after the first meeting. Meanwhile, copies of the document as registered could be circulated among the prospective members and this could be done by the Central Information Commission.

He added that fortunately the Karnataka Information Commission has got relevant autonomy in the utilisation of its funds and it could subscribe for membership immediately upon receiving a copy of the document (of the Society) – as registered.

However, not all Information Commissions may have such leeway and may have to go through the "Treasury process", in which case it is important to circulate the relevant document of the Society – as registered alongwith the 'Certificate of Registration' to all concerned.

Dr. S. V. Joshi reiterated his point about requesting DoPT to allow the interest accumulated on funds released by it to be used today for the subscription fee – citing that such "transfer" is something that is routine in many Government Departments whereby surplus / unutilised funds from one scheme may be transferred for other

related purpose and that he is only suggesting that the interest amount be utilised for paying up the subscription fee.

Shri B. B. Shrivastav stated that circulation of the copy of the relevant document(s) of the said Society – as registered would be done immediately by CIC. However, it might be difficult to squeeze in the meeting of Executive Meeting of the Federation within the two days earmarked for the Annual Convention of the Central Information Commission because the schedule is fully packed already. Moreover, he pointed out that the DoPT has also called for a meeting on 14.10.2009.

Shri K. K. Mishra reminded the participants that it is imperative that the first meeting of the Executive Committee should be held within a period of 3 months. Subscription of prospective members is not that urgent. The first meeting could be attended only by the members of the Executive Committee and some special invitees.

Shri C. D. Arha pointed out that somebody from APIC or CGG would soon be appointed by APIC as the Secretary of the Federation and once appointed, would issue a notice about the meeting.

ToR(4):- To identify the best practices in implementation of RTI Act to promote open Government and to outline an action plan for adoption/adaptation by public authorities

Shri C. D. Arha gave a brief account of the cases of good practices / innovations documented by CGG in the draft submitted by the latter and appreciated the contribution made by Shri S. Ramakrishnan, State Chief Information Commissioner, Tamil Nadu in finalising the ToR. **Shri K. K. Mishra** congratulated CGG's efforts as well in piecing together the study on ToR-4. By way of suggestions for change, he pointed out a typographical error on pg. 53.

He also mentioned that the Government of Karnataka too had appointed a high-power Committee. He asserted that by definition, the decision of a 'High Power Committee' cannot be subject to any reexamination, except for orders to be obtained in circulation.

Shri C. D. Arha was of the opinion that the summary of recommendations may be modified to include Karnataka's name in the list of States having a High Power Committee to review RTI implementation. It was suggested that ToR-4 can be accepted by the Sub-Committee and CGG would, before sending the final draft to CIC, incorporate the latest changes suggested by Shri K. K. Mishra.

On this, the CGG representative brought to the notice of the Sub-Committee that some points on what the possible pitfalls in the implementation of an RTI Call Centre initiative could be faced have been added – as suggested in the last Sub-Committee meeting and a suggestion of exploring public private partnership models for implementing such initiatives had also been included.

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

Dr. S. V. Joshi before presenting his opening remarks as the 'Commissioner in the Lead Role' for ToR-2, appreciated the role of the Convener in steering the Sub-Committee through many difficulties. He also appreciated the untiring efforts of Dr. Rajiv Sharma, DG, CGG in providing support to the Sub-Committee.

He went on to give an overview of the five themes for the previous year's Annual Convention of the Central Information Commission and of the contents of the draft presented by CGG on this ToR and stated that with the RTI Act, 2005 coming into force

there had been positive impact on Good Governance, democracy and poverty alleviation. Various ways in which governance had been improved and democracy has been strengthened has been included in this draft. Good Governance and democracy, he said, are the two sides of the same coin.

He added that RTI and poverty alleviation too were strongly linked and went on to give an example of how a correspondent had unearthed malpractices in implementation of NREGS in Mokhada taluka of Maharashtra by using RTI. Thanks to the correspondent's efforts, it was found that 40% of the beneficiaries were "non-existent" (even though the names were correct) – in as much as they had either died or were not employed under EGS at all. This, finally, led to the rules of EGS being strengthened in the State and to stricter inspection by senior government authorities of implementation of EGS on the ground.

RTI and individual privacy is also a significant issue because one needs to be mindful of the fact that individual privacy is not violated in the name of openness. India is one of the countries that is not very sensitive to individual privacy as several countries like the United Kingdom and the United States of America are. As for RTI in countries of South Asia, it was evident that in all the other countries of this region, it is in a nascent stage of implementation.

In a nutshell, this report can be used in many ways to effect changes in bureaucracy and to effectively implement governmental programmes.

ToR(5):- To evolve an approach and suggest a methodology for assessing and grading public authorities in terms of greater transparency and accountability and least corruption

Shri C. D. Arha asked the CGG representative to briefly share with the participants what had been done with regard to ToR 5 since the last meeting. CGG representative submitted that the framework and set of indicators that had been proposed during the last meeting had been accepted by the Hon'ble members of the Sub-Committee. CGG has, however, in accordance with the suggestion of Prof. Ansari added a brief note on Key Points Emerging from the Study to the end. It has also worked on rephrasing some of the 100 indicators proposed to make them crisp.

Shri K. K. Mishra opined that there has to be some suggestion on the objective of the entire exercise and how the scoring methodology proposed by CGG could be put to use. To this the CGG representative submitted that Shri Satyanand Mishra, IC, CIC had, during the 2nd meeting of the Sub-Committee suggested that the Sub-Committee should advise the CIC that the framework and indicators be circulated to all the Nodal Departments with the suggestion that all governmental departments use them to assess their implementation of measures toward transparency, less corruption and effective implementation of RTI. He also observed that the proposed indicators go beyond assessing a Public Authority's compliance only with S. 4(1)(b). **Shri K. K. Mishra and Shri C. D. Arha** advised that this suggestion by Shri Satyanand Mishra, IC, CIC be stated, up front, in the study report.

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

CGG representative presented to the members what this draft contained. He mentioned that the Members in the Lead role for this ToR had approved the contents proposed by CGG during the last meeting and CGG had further worked on putting it in the structure as proposed by Prof. Ansari.

Three significant observations made by the members of the Sub-Committee on this ToR were:

- 1) wherever inputs from other Studies such as RAAG study or PwC study were being included, citations / references should be clearly provided. The recommendations made in such studies and those proposed to be made by the Sub-Committee should be clearly distinguished;
- 2) Some of the parts of the study report could be presented in a more brief / crisp manner; and
- 3) CGG should prepare a consolidated summary of recommendations of all the ToRs. This consolidated summary should be presented separately in addition to submitting the five study reports being presented with the contents arranged as suggested by Prof Ansari.

The CGG representative submitted to the Additional Secretary, CIC that CGG would submit all the final drafts as well as the consolidated summary document to her by e-mail by the evening of 21.09.2009 (19th, 20th & 21st being holidays for the Central Govt.).

The Additional Secretary would then arrange for getting the consolidated summary of findings and / or the reports (on ToRs 1 – 6) printed for them to be circulated during the Annual Convention on RTI to be organised by CIC.

ToR (1):- To assess the extent to which the recommendations made by the Commissions, under section 25 of the RTI Act, have been implemented; and, to identify the major reasons, if any, for non-implementation of Commissions' recommendations

The Sub-committee members observed that CGG's report on ToR-I be accepted – as no changes to the latest draft were suggested by any of the members present.

It was agreed that CGG would quickly work on the few changes suggested during this meeting and submit the revised documents along with the consolidated summary to the Additional Secretary, CIC for her to arrange to do the needful with respect to circulating relevant material during the impending Annual Convention on RTI to be organised by CIC.

Pending these marginal corrections, the Sub-Committee approved the detailed reports as prepared for ToR 1 to ToR 6 and in token of their approval appended their signatures in a letter to be handed over to the Chief Information Commissioner, CIC. Formal handing over will be done after the corrections have been duly carried out and convenience of the Chief Information Commissioner, CIC obtained.

It has been proposed that the next meeting of the Sub-Committee either be held at Jaipur, or in the alternative at Delhi, on 21st November, 2009 at 11:00 A.M. It has been suggested that during this meeting, the Sub-Committee would deliberate on the manner in which ToR-specific recommendations can be operationalised keeping in view the deliberations of the National Convention.

C. D. ARHA
Chief Information Commissioner, APIC
& Convener, Sub-Committee of the CIC