

MINUTES OF THE 7th MEETING OF THE 'SUB-COMMITTEE ON RTI ACT'
Date – 15.03.2010, Venue –: Gurjada Hall, Andhra Pradesh Bhawan, New Delhi.

List of Participants:

1. **Shri Wajahat Habibullah**, Chief Information Commissioner, Central Information Commission;
2. **Shri C. D. Arha**, Chief Information Commissioner, Andhra Pradesh & Convener, Sub-Committee;
3. **Prof M. M. Ansari**, Information Commissioner, Central Information Commission;
4. **Shri P. S. Rana**, Chief Information Commissioner, Himachal Pradesh;
5. **Dr. S. V. Joshi**, Chief Information Commissioner, Maharashtra;
6. **Dr. Mohd. Shakeel Ahmed**, Information Commissioner, Bihar;
7. **Smt. Deepak Sandhu**, Information Commissioner, Central Information Commission;
8. **Shri G. Madhavan**, Chief Information Commissioner, Haryana;
9. **Shri B. B. Shrivastav**, Secretary, Central Information Commission;
10. **Smt. Anita Gupta**, Additional Secretary, Central Information Commission & Nodal Officer Sub-Committee;
11. **Shri Vardhaman Vaidya**, Coordinator, RTI Projects, CGG.

Shri C. D. Arha initiated the proceedings of the 7th meeting of the Sub-Committee by extending a warm welcome to **Shri Wajahat Habibullah**, whom he thanked for his presence and his valuable support throughout the Sub-Committee's deliberations. **Shri C. D. Arha** also welcomed the other participants and thanked them for taking time out to participate in this meeting – which he said would be the last meeting of the Sub-Committee since the Sub-Committee's work now complete and its tenure is coming to an end on 31.03.2010. There does not appear to be any reason for any extension of its term.

Thereafter, **Shri C. D. Arha** drew attention to two key points agreed during the 6th meeting:

- 1) Communication being sent from CIC announcing the establishment of 'National Federation of Information Commissions in India' (NFICI) and requesting the State Governments/State Information Commissions to appropriately support this initiative;
- 2) The group of 'Lead Information Commissioners' for each of the Sub-Committee's ToRs looking into the earlier set of ToR-specific recommendations and presenting action points, if any, to expedite and facilitate early implementation.

Thereupon, **Shri C. D. Arha** requested, those present, for updates on the two points. To this, **Shri B. B. Shrivastav**, mentioned that letters, from CIC, had been sent to all the Chief Secretaries and State Information Commissions informing them about the setting up of NFICI and requesting them to put in place a mechanism whereby supporting the respective Information Commissions, first, with the "Admission Fee" and, subsequently, with the "Annual Membership Fees" both of which could be institutionalized. He added that a letter had also been written to Secretary, DoPT and the matter would be pursued with him by CIC. **Shri C. D. Arha** thanked **Shri B. B. Shrivastav** and said that the letter had been well received in all the states and that the top echelons in the Government were sensitized about it; and that it had a sanguine impact.

Shri Wajahat Habibullah mentioned that it would be helpful for him to have a Bank Account in the name of NFICI and an account number he could communicate to all the State Information Commissions. Thereupon, **Shri C. D. Arha** announced that, as agreed during the 6th meeting, an account has been opened in the Saifabad Branch of the State Bank of India in Hyderabad. He also mentioned that the Account No. is: **31090170883, IFS Code: SBIN0007315** and that a one-page-note carrying the Account information had been circulated.

With respect to the ToR-specific-action-points-related-inputs, it was decided to start with ToR – 3. **Dr. Mohd. Shakeel Ahmed** had distributed a note on the points he had culled out from the Sub-Committee's report on this ToR. **Dr. Suresh Joshi**, who was the other Lead Information Commissioner for this ToR stated that he fully endorsed the note submitted by **Dr. Mohd. Shakeel Ahmed**. **Shri C. D. Arha** sought to know from **Dr. Mohd. Shakeel Ahmed** if the Jaankari experiment had been working well, for there seems to be some urgency in several States to emulate this initiative. **Dr. Mohd. Shakeel Ahmed** mentioned that within its limited sphere it has been working well, more so given that some of the earlier problems like the applications being sent to the Departments, telephone lines not consistently working etc. have been addressed.

Shri G. Madhavan pointed out that it was very crucial to have well-trained operators at the Call Centre. **Shri C.D.Arha** concurred saying that in Andhra Pradesh, the call centre employees should be able to help an applicant by correctly identifying a PIO from a list of 1,86,000 PIOs.

Shri Wajahat Habibullah agreed and added that another issue with the Bihar experiment is that it would work well if an application and the two subsequent appeals are made through this channel itself, for the record after an application is made is probably only with the Call Centre. To this **Smt Deepak Sandhu** said that it is important that when an application received over the phone and sent to a PIO, a copy is marked to the applicant.

Shri B. B. Shrivastav pointed out that during his earlier stint as Principal Secretary, Land Reforms in the Government of Bihar, several applications were received by the Department on a daily basis, which used to be forwarded to the PIO concerned and a copy would be sent to the applicant. **Shri B. B. Shrivastav** added that this receiving-&-forwarding-of-applications is all that the Call Centre is aimed to achieve. Application fees are charged in the phone bill.

Shri G. Madhavan reiterated his earlier point that infrastructure at the Call Centre and training of the staff is really essential especially in view of the fact that they may also have to help people sending in applications from rural areas. **Shri Wajahat Habibullah** added that there are several things about the Jankari model that need to be improved upon and the issues are not insurmountable. These issues may need to be carefully looked into after closely studying the processes.

Prof. M. M. Ansari mentioned that the Lead Members for ToR 1, 2 & 5 could not interact since the last meeting. **Shri C. D. Arha** requested **Prof. M. M. Ansari** to consider if the summaries of the 3 ToRs that have been circulated already could be finalized as they have been included in the Sub-Committee's report or if he would like to reprioritize the recommendations and / or add to them and submit it to the CIC before 31.03.2010. To a clarification regarding the entity to whom the recommendations of the Sub-Committee would be addressed, it was suggested by **Shri C. D. Arha** that these would come out as Sub-Committee's recommendations to the stakeholders concerned and NFICI would follow up with them.

Shri C. D. Arha, then presented the suggestions that emerge from the Study on ToR – 4 for various entities for which the Lead ICs also were **Thiru S. Ramkishnan, CIC, Tamil Nadu** and **Shri M. D. Kaurani, CIC, Rajasthan**. **Shri C. D. Arha** enumerated all those initiatives at various levels within the country as also in other countries and the key takeouts form therein, which could be accepted in toto or adapted for adoption – as applicable – by various stakeholders of the RTI regime.

To the observations made by **Shri C. D. Arha**, **Shri Wajahat Habibullah** suggested that there is, possibly, scope for studying some of these initiatives further. He added that inclusion of the private sector in the ambit of RTI, as said to be a practice in South

Africa, for instance, is also followed in Bangladesh. However, in South Africa, its not working well, because they do not have an institution, like the Information Commission, dedicated to dealing with cases of violation. Such cases, therefore, end up in courts. South Africa's legal-judicial system being very time-consuming, these cases take years to be settled. Such aspects of a practice, he suggested, also need to be looked into before drawing any conclusions about practices of other countries and NFICI should take it up.

Shri Wajahat Habibullah also referred to the system adopted in Maharashtra of constituting benches of the SIC on a regional level and added that the Video Conferencing has emerged as a very potent mechanism to deal with the issue of reaching out to far flung, rural areas. Importantly, this mechanism, is also easy to implement (given the availability of the necessary facilities at the level of the districts) and, hence, should be clearly indicated as an option – under the practices that have adopted 'Information and Communication Technologies' for better implementation of RTI. **Shri C. D. Arha** agreed that video conferencing, indeed, offers a good opportunity and a suggestion to this effect would be appropriately included in the recommendations if not clearly, referred to already.

As for **ToR 6**, **Shri P. S. Rana** said that based upon the suggestions of the lead ICs – himself and **Shri K.K. Misra, CIC, Karnataka** – NFICI had already been set up and this was one of the ToRs whose suggestions had already been implemented. **Shri P. S. Rana** also mentioned that a letter had been written by CIC to all Chief Secretaries, about what was decided during the last meeting and that the Himachal Pradesh Information Commission had received the copy of the letter sent to the Chief Secretary of Himachal Pradesh.

Shri C. D. Arha restated that the letter had been received in Andhra Pradesh as well, and mentioned, once again, about having opened the account. He added that till such time as NFICI's headquarters move to New Delhi, to a location that **Prof. M. M. Ansari** has been tasked to finalize, its office would be located in APIC, Hyderabad.

Prof. M. M. Ansari, as the lead member of the Programme Committee of NFICI presented a note to **Shri Wajahat Habibullah** about his points (arrived at after discussing with some of the members of the 'Programme Committee') about the steps that NFICI could take up in the near future. These next steps, as suggested, included:

1. Preparing a brochure on NFICI indicating its objectives; its proposed functions and funding requirements.
*Regarding this it was suggested by **Shri Wajahat Habibullah that Smt. Deepak Sandhu, and Smt. Sushma Singh, IC, CIC** would look into content development for the brochure. It was suggested by **Smt. Deepak Sandhu** that the way to go about this would be for the Programme Committee to work out the contents and, then, have Department of Audio Visual Publicity (DAVP) identify an agency to do the designing, layout and printing. It was also suggested that CGG's assistance may be sought with drafting the contents, if the Programme Committee would like to do so. **Shri P. S. Rana** suggested that **Shri K. K. Misra's** inputs should also be sought since he has been associated with NFICI's formation right from the very beginning. This was agreed.*
2. Reviewing the implementation of RTI in the States with emphasis on how the functioning of Information Commissions has helped the implementation regime.
Regarding this other next step, it was agreed that this review would be done under the leadership of an Information Commissioner from each of zones (of States) proposed in the NFICI document. The report on this study would be drafted by the lead member concerned. The names thus finalized by the participating members were as follows:

Zone	Lead Commission / Commissioner
Zone 1 ICs: Andhra Pradesh, Karnataka, Tamil Nadu, Kerala	Andhra Pradesh IC [Shri C. D. Arha]
Zone 2 ICs: Haryana, Punjab, Himachal Pradesh, Uttarakhand	Haryana IC [Shri G. Madhavan]
Zone 3 ICs: Assam, Arunachal Pradesh, Nagaland, Sikkim	Assam CIC(Mr. Deepak Narain Dutt)
Zone 4 ICs: Maharashtra, Goa, Gujarat, Rajasthan	Maharashtra IC [Dr. S. V. Joshi]
Zone 5 ICs: Bihar, Jharkhand, Uttar Pradesh	Bihar IC [Shri A. K. Choudhary, CIC, Bihar]
Zone 6 ICs: Mizoram Manipur, Meghalaya, Tripura	Mizoram CIC(Mr. Robert Hrangdawla)
Zone 7 ICs: Orissa, West Bengal, Madhya Pradesh, Chhattisgarh	Orissa CIC(Mr. D.N. Padhi)

Dr. S. V. Joshi suggested that if the aforesaid is to help achieve something useful, instead of focusing on a general topic like strengthening implementation of S. 4(1) it would help to focus on S. 4(1) from the point of view of some of the burning issues of the present and then suggesting relevant disclosure templates to the State Governments. These issues, he said, are: (a) poverty reduction with special emphasis on employment generation; (b) minimizing corruption; (c) climate change and (d) distribution of food grains. He also suggested that the respective Administrative Training Institutes would be significant partners for these studies.

To this **Shri G. Madhavan** suggested that implementation issues would differ from State to State. **Shri C. D. Arha** suggested that to identify the scope of this study the ICs concerned should focus fully on the words used by **Prof. M. M. Ansari**. **Shri Wajahat Habibullah** mentioned that the focus has to clearly remain on S. 4(1) and concurred that ATIs would be important partners for these studies. He also mentioned that in the different States there would be different areas of issues and improvements which may have to be taken on board in the studies. **Prof. M. M. Ansari** added that **Dr. S. V. Joshi** is, in fact, suggesting an approach which would get incorporated in this study.

3. Printing and publishing the Sub-Committee's Report - after requisite summarization / editing
About this it was agreed that the Central Information Commission would examine this issue.
4. Exploring if there were any areas for amendments to be made to the 'RTI Act, 2005' - such that its implementation could be strengthened.
It was agreed that this would for the time being only be an academic exercise, since the NFICI cannot take any position on this as there is no knowing what amendments could possibly be made to the Act.

The meeting ended with **Shri C. D. Arha** thanking all the participants for their valuable suggestions. He reiterated that this was the last meeting of the Sub-Committee. He again thanked **Shri Wajahat Habibullah** for his constant support and guidance. He also complimented and thanked **Shri B. B. Shrivastav** and **Smt. Anita Gupta** for their support throughout.

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