

**Summary of Proceedings of
Brainstorming with Civil Society Organisations**

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**Venue: Civil Services Officers Institute, Kasturba Gandhi Marg, New
Delhi.**

Participants:

1. **Mr. B. B. Srivastava**, Secretary, Central Information Commission (CIC);
2. **Mr. Rajeev Kapoor**, Joint Secretary (JS), RTI Division, Department of Personnel and Training (DoPT);
3. **Mr. Akashdeep**, Joint Secretary, Central Information Commission (CIC);
4. **Mr. K. G. Verma**, Director, RTI Division, DoPT;
5. **Ms. Anuradha Chagti**, Deputy Secretary, RTI Division, DoPT;
6. **Dr. V. Vijay Kumar**, Professor, National Law School of India University, Bangalore, Karnataka;
7. **Mr. Shekhar Singh**, National Campaign for People's Right to Information (NCPRI), New Delhi;
8. **Mr. Nikhil Dey**, Mazdoor Kisan Shakti Sangthan (MKSS), Devdungri, Rajasthan;
9. **Mr. Arvind Kejriwal**, Parivartan, New Delhi;
10. **Dr. N. Bhaskara Rao**, Centre for Media Studies, New Delhi;
11. **Mr. Hemant Goswami**, Burning Brain Society, Chandigarh;
12. **Ms. Ruchi Gupta**, NCPRI, New Delhi;
13. **Ms. Sadhana Pandya**, Mahiti Adhikar Gujarat Pahal (MAGP), Ahmedabad, Gujarat;
14. **Ms. Pankti Jog**, MAGP, Ahmedabad, Gujarat;
15. **Mr. Bimal Khemani**, Akhil Bharatiya Grahak Panchayat, Aligarh, Uttar Pradesh;
16. **Mr. Narayan Varma**, Public Concern for Governance Trust (PCGT), Mumbai, Maharashtra;
17. **Mr. Saurabh Dhawan**, Commonwealth Human Rights Initiative (CHRI - India), New Delhi;
18. **Ms. Vrinda Choraria**, CHRI - India, New Delhi;
19. **Mr. Binu Arickal**, Samarthan, Bhopal, Madhya Pradesh;
20. **Dr. Srimat Roy**, Centre for Youth and Social Development (CYSD), Bhubaneswar, Orissa;
21. **Mr. Vijay Anand**, 5th Pillar, Chennai, Tamil Nadu;
22. **Mr. Puneet Anand**, 5th Pillar, Chennai, Tamil Nadu;
23. **Mr. T V R S Sharma**, Society for Andaman and Nicobar Ecology (SANE), The Andamans;
24. **Mr. Vikas Jha**, Participatory Research in Asia (PRIA), New Delhi
25. **Mr. Vardhaman Vaidya**, Centre for Good Governance, Hyderabad, Andhra Pradesh.

1. Director (RTI), DoPT, initiated the proceedings by extending a warm welcome to all the participants and thanked them for accepting DoPT's invitation at a short notice.
2. Sh. Rajeev Kapoor, Joint Secretary (RTI) in his inaugural address apprised the participants about the purpose of the consultation and what it aimed to achieve. He informed the participants that the brainstorming / consultation was to seek inputs from representatives of Civil Society – especially those who had long standing experience in promoting RTI so that the department could bring about the intended effective improvements in its functioning as well as that of the RTI regime.
3. A presentation was then made by DoPT about the achievements in the implementation of RTI and what the government perceived as areas requiring attention.
4. Sh. B. B. Srivastava, Secretary (CIC) presented the views on RTI implementation from the point of view of the Information Commissions. He highlighted three basic issues which are critical to the successful implementation of the RTI Act and which need to be set right. These are:
 - (i) Availability and access to information within a Public Authority through proper record management which calls for a Public Authority setting its own house in order. Implementation of relevant provisions of S. 4 more seriously, innovatively and efficiently. He referred to a recent report of the Director General of National Archives from which it can be made out that less than 10% of the public sector entities bothered to even report their compliance with the 'Public Records Act, 1993'. Having a clear road map for streamlining the implementation of the Public records Act and its operationalisation is crucial.

(ii) He observed that compliance with S. 4(1)(b) has largely remained a one-time activity at the time when the Act came into full force. There has been a lull since. It is important to make a particular official in a Public Authority responsible for its updation. Meticulous study of the questions / information requests that are usually received by a PA and making all such information available suo motu would go a long way in lessening the burden on citizens for getting the information they seek.

(iii) He stressed the fact that dissemination i.e. the manner in which information is made available proactively is also crucial. Disclosure of information on websites is of limited or no value for the 90% populace which has no access to the Internet. Some out-of-the-box thinking for designing apt formats to address this issue is also called for. This too has implications for good records management.

5. Dr. V. Vijay Kumar presented his views from an academic perspective. From his experiences he considered the following important for strengthening the RTI implementation regime:

- Sound steps need to be taken to ensure free flow of information such that a citizen has less and less reasons to take recourse to filing an application / complaint / appeal. Appropriate guidelines need to be issued regarding invoking S. 8.
- Implementation of the Public Records Act has been appallingly ignored. One needs to consider whether any apt provisions of this Act could be incorporated in the RTI Act, 2005 or in the relevant rules to further reinforce implementation of the RTI Act or whether there is any need to amend the Public Records Act to strengthen it. The fact that Public Records Act does not apply to State Governments needs to be looked into. Good practices in countries like the UK which are relevant in this regard by be appropriately adapted.

- Every Public Authority has its own mandate, and its way of functioning etc. In keeping with this, each Public Authority needs to evolve a policy of its own especially for its compliance with S. 4(1) (b). Similarly, 'Competent Authorities' defined in the Act which have certain specific responsibilities to carry out when it comes to disclosing certain information, which should also be looked into. Certain research is called for to ensure accountability of the Competent Authorities for RTI implementation as well.
- Proactive disclosures need to be made more accessible, understandable and meaningful, not only for those without internet connectivity, but also for those who are illiterate.
- Setting up an Ombudsman in the Information Commissions for continuously seeking inputs and studying good practices as also for addressing the problems that Public Authorities may face in implementing the RTI Act, 2005 may be considered.
- It may be helpful to look into the possibility of penalising frivolous applications only at the level of the Information Commission. A PIO / Public Authority cannot be given any authority to call an application frivolous.
- A district level directory of PIOs would help locate the PIOs easily. This task could be carried out best, perhaps, by NGOs. There is a key role that lawyers and law officers can also play. In Karnataka, for instance, some efforts have been made to link implementation of the RTI Act with that of the Legal Services Authority Act.
- Procedural propriety needs to be followed in the selection of Information Commissioners. It is also important that the Information Commissioners need to be trained so that they can function more effectively.

6. Mr. Nikhil Dey (MKSS) flagged the issue why the Information Commissions need to be approached on such a large scale. Departments need to look inward to address this issue and overhaul the way they deal with proactive disclosure, processing of applications and disposing of first appeals. This would perhaps address the issue of so many of the government's own employees filing RTI applications. It will also bring about certain other much needed reforms in the manner in which governments function.

With respect to availability of information on the web, he agreed with the earlier speakers, but shared the fact that availability of 97% of the NREGS-expenditure-related information on the web was very crucial to its close monitoring which can be seen as a success story in itself, for a programme of its scale.

He added that DoPT needs to further streamline and / or strengthen the support it has extended to Information Commissions (or ensure that State-level Nodal departments do so) such that they are not left short of any necessary resources. Appropriate directions should be issued for ensuring that the Commission's decisions and recommendations are implemented with all seriousness including the realisation of fines imposed on erring PIOs, in addition to the lapse on their part being made to reflect on their service record.

He pointed out that it was also important for the government to afford all necessary protection to people who are threatened after filing RTI applications. Issuing directions for making it mandatory for a PA to put all questions received by a PA and the replies on the web would be an important step to preempt threats to applicants. That apart full compliance with S. 4 has to be taken up in a campaign mode and the government should use all possible channels and all possible means – websites, wall paintings, audio-visual tools etc. (where applicable

benchmark with good practices) to promote proactive disclosure. Instituting rewards for performing officials and punishments for lapses and violations regarding compliance need to be instituted.

On the whole, he felt, there was much to celebrate the RTI regime. Its successes so far are a good reason to believe that there is no need for amending the Act. It is also important that representatives of the government and of the CSOs shelve the adversarial positions that they tend to take in this regard and work hand-in-hand. It would be of great mutual help for them to meet more often – on a larger scale – and keep talking to each other.

7. Dr. Shekhar Singh (NCPRI) made a reference to the RAAG study and invited all the participants to visit their website: <http://rti-assessment.org> for their comprehensive report and its summary. He stressed the need to spread RTI awareness in rural areas and to use multi-media approaches for the same. DoPT's funding therefore needs to be streamlined accordingly.

He cited the example ^{of} **'RAJANI'** the tele-serial which successfully advocated various rights-based aspects. The Case law available on RTI presented enough material to have similar episodes on RTI's success stories for which celebrities could also be associated with. He supported incorporating RTI modules in all kinds of training happening at all levels in the country. Use of postage stamps and post cards would be a good way to make it easy to make an RTI application (unlike "special envelopes" as suggested in the PwC report – whose availability could be an issue).

Each Public Authority should be asked by DoPT to have a PIO specifically designated to look after the updation of the Public Authority's proactive disclosure. Outsourcing the work of streamlining record management needs to be considered. SCAN VANS that could go

from place to place needs to be considered. This would help creating an effective back-up (thus preventing manipulation) even as the digitisation of records helps their easy retrieval. He also favoured introduction of RTI in syllabus at various levels and cited the example of the Supreme Court intervention in the matter of introducing studies of environment in school and college syllabus. He added that it could be a non-credit course.

He supported the view expressed earlier about proper orientation of Information Commissioners which is necessitated by the fact that there are serious variances in the decisions – on the similar issue(s) / matter(s) – of Information Commissions and / or of Information Commissioners of the same Commission and / or in the decisions of the same Information Commissioner. With respect to getting the orders of the ICs implemented and penalties realised, he felt that all that is needed is for DoPT to issue a circular in this regard. He supported the idea of 'National RTI Council'. Developing certain norms for the appointment of Information Commissioners and their composition is necessary, for there has to be a good amount of diversity in the Information Commissions.

He concluded by saying that there is a need for a parallel 'Public Grievances Commission', as a forward linkage, to look not only into the grievances regarding the acts of commission or omission of government servants / public officials that RTI would expose but also into all sorts of public grievances.

8. Mr. Arvind Kejriwal (PARIVARTAN) began his presentation by emphasizing that there was no need to amend the RTI Act and went on to make a strong pitch for the National RTI Council. This was further to his enumeration of certain key problems viz uneven fee structures; inadequate and uneven implementation of section 4; secret

and non-participatory process of appointment of Information Commissioners; and disappointing functioning of First Appellate Authorities and Information Commissions. He also favoured involvement of a wider number of stakeholders and hence he proposed that the said National Council would discuss all problems related to RTI implementation and should be headed by the Minister and have 70% representation from CSOs, and 15% each from Governments and Information Commissions.

Highlighting his serious concern about the victimization of RTI applicants he urged the setting up of a RTI helpline whereby such applicants or any other person could report any such case. If the calls are received at the national level, the entity would take the responsibility of forwarding to the State Government concerned for prompt action. This he suggested could be done along with the earlier proposed National level Call Centre which would be an upgradation of the 'Jankari' model experimented with in Bihar. He urged for its speedy operationalization as well. Finally, he stressed the need for rationalizing the content of various training that takes place at various levels in the country so that the message of RTI is not diluted in any way and its purpose is not defeated any way.

9. Mr. Narayan Verma, (PCGT) urged that DoPT be more proactive in its functioning and strengthen the RTI regime. He said that DoPT's Annual Report should clearly mention its work on RTI in a given year. He added to the earlier suggestion of all applications be uploaded on websites of the Public Authorities, their date or receipt and date of reply also being mentioned. He suggested that a "band of 200 RTI activists" be constituted under the aegis of the earlier-proposed National Council or otherwise to propagate RTI all over India. There is a need to have very good trainers who can train others. He concluded

saying that there has been good progress in RTI implementation but what remains to be done is much more.

10. Mr. Hemant Goswami (Burning Brain Society) – referring to some of the points raised earlier – said that even though it is true that the Public Records Act is not being implemented properly 15 years since its implementation, rules under this Act also exist and, hence, there is no real need to amend this Act, but only to implement it duly. He stated that certain aspects in the RTI Act were not clear and he cited the example of lack of clarity about the Gazette in which the rules of all Competent Authorities (CAs) under this Act should be published.

He stated that since there was no requirement for the rules of a Competent Authority to be endorsed by the legislature, there is no Parliamentary oversight of these rules as is called for. He felt that the DoPT should invoke Article 145 of the Constitution whereby the Central Government requires the rules of even the Union Judiciary to be such that they suit the Constitutional provisions. He suggested that the rules of all the Competent Authorities should be published in the Central Gazette. He added given that under the Constitution, all tribunals are controlled by the High Court concerned, there is no need for an Ombudsman as suggested earlier.

He supported making 'online payment' as an additional option available for payment of fees as stipulated in the RTI Act. He urged that all possible issues of conflict of interests in the RTI implementation regime need to be looked into and duly addressed.

11. Mr. Vikas Jha (PRIA) / Dr. Roy (CYSD) suggested that implementation of Section 4 by a Competent Authority would be facilitated better if all Public Authorities would have a stakeholders' meeting annually. They also suggested that each Competent Authority

needs to overhaul its grievance redress system. Ms. Pankti Jog, (MAGP) pointed out that rules of several Competent Authorities were actually violative of the letter and spirit of the RTI Act.

12. Mr. Binu Arickal (Samarthan) pointed that First Appellate Authorities should be enabled in all ways possible for better decision making including giving them the necessary authority to get their decisions implemented and drawn on all necessary resources from within the Public Authority. Popularising the Act through textbooks, as has been tried in some cases, was also offered a suggestion. Using people-friendly-technology for the filing of applications / appeals, he said, would go a long way.

13. Mr. Bimal Khemani ((ABGP) raised certain issues regarding the RTI implementation regime in Uttar Pradesh. It was pointed that such issues are more or less common to all States and it is not State-specific per se that are on the agenda of the consultation. He was requested, therefore, to offer his suggestions for improvement during the Group discussion. He concluded saying that training of all implementing official was of essence.

The group then broke up into groups and the "Action points" that emerged from the group discussions are as under:

Group Discussion

14. The vision and mission of the Department of Personnel and Training was placed before the participants. The outline of the workshop was also explained. The participants split into 4 random groups. Group I and II discussed the Vision of the RTI regime and how to achieve that vision. Group II and IV discussion was based on the stakeholders and Government as facilitators of the RTI regime. The

recommendations of the groups are attached at Annexure 'A'. Some of the major points emerging from above are:

a. Strengthening of disclosure of information under section 4 of the RTI Act

- Well defined rules have to be put in place to implement sections 4.1.a,c,d
- Create simple formats for disclosing information both proactively and reactively
- Focus on basic needs / essential services programs / schemes and Flagship programmes of the Government
- Appoint a 'dedicated PIO' (who can also be the Public Records officer, as listed in the Public Records Act 1993). Combining the designation of PIO and Record Officer.

b. RTI friendly record management system

- Standardize to the extent possible, record management practices, and fix responsibilities
- Make resources available for efficient records management
- Create a Core Group to work on the road map for facilitating compliance of the Public Records Act, throughout the hierarchy of government.
- Specific trainings on record management to facilitate the end to end process / procedures.

c. Constructive interaction among all stakeholders.

- National RTI Council
- 'Transparency Day' once a month for multi-stakeholder dialogue
- Joint campaigns and Open houses facilitated by CSOs

d. Implementation of Section 26 –Awareness Generation

- Social media campaigns- street plays, songs etc. highlighting RTI Act's benefits.

- Document best practices for dissemination
- Create a Media strategy and Engage CSOs (and Professional Experts) to carry it out (TV, radio, local newspapers). Mass Communication should be handled by experts.
- Create user manuals, guide books outlining the features of the Act and distribute in mass scale.
- Promote involvement of student groups especially national level organizations like NSS

e. Capacity Building of all stakeholders.

- Train PIOs and AAs in Administrative Law and RTI within 2 months of assumption of charge.

f. Effective Implementation of the RTI Act

- Reliance on Article 256 of the Constitution (whereby the Central Government can give appropriate directions to the State Governments- including for better implementation of Central law)
- Competent authorities defined under the Act have certain specific responsibilities to carry out with regard to disclosing certain information. This should be looked into.
- Additional persons to implement the Act either from within the department or from a parallel institution.
- Clearly earmarked budget for every department to implement RTI Act.
- Engage Volunteers of Civil Society Groups (after proper scrutiny) to help the departments and the Information Commissions in all things which might be necessary for implementation of RTI Act.

Conclusion

15. Joint Secretary, DoPT wrapped up the proceedings summarizing the presentations / discussions in the previous sessions and pointed out that there was much agreement on the key issues faced by the RTI implementation regime even though there were variations in the solutions that were suggested. He also emphasized that that the government and the RTI activists were essentially working toward the same goal. He stated that the Government is fully committed to the success of the RTI regime and that it would not do anything that would in any way dilute or weaken the RTI regime. He mentioned that this was a beginning of process of consultation .The participants could send in their other inputs even later as the process of strategy formulation would take about 2 months.

16. All participants were requested by DoPT to submit the filled-in questionnaire that was distributed to them in their Kits. It was mentioned that the filled-in questionnaire could also be sent to DoPT later by e-Mail / by post. DoPT would be arranging for dispatch of all the presentations made during the different sessions of the Consultation.

17. The deliberation ended with Director (RTI), DoPT delivering the formal vote of thanks.

Group – I

The vision of the RTI implementation regime should be:

Reduction in the need to file applications for information by making information readily available in public domain

Over the next 5 years, DoPT should:

- Reach out to all about RTI and a holistic S. 4(1)(b) with a view for ready and prompt disclosure of information.
- Guarantee accessibility post-application allowing all possible means for making applications and modes for making payments.
- Focus on basic needs / essential services programs / schemes
- Standardize to the extent possible record management practices, fix responsibilities
- Make resources available for efficient records management

The means that could be employed to achieve the aforesaid are:

- Create a Core Group [constituting members from DoPT, Dept. of Information Technology and Dept. of Culture – the nodal department for implementing the Public Records Act] to work on the road map for facilitating compliance not at some level but throughout the entire hierarchy of governments, timelines budgetary provisions looked for better records management and making documents easily accessible
- Create most simple formats for disclosing information both proactively and reactively
- Use of mass media (print / electronic/ people to people etc) for promoting the use of the RTI Act
- Use of ICE Technology for accessing information / applying for information (Jankari has in fact given a voice to the unheard)

- Proactive Disclosure to be integrated with all National Flagship Programmes
- Specific trainings on record management the end to end process / procedures, suo motu disclosure
- Systems of rewards and punishments to be built in

Group – III

The vision of the RTI implementation regime should be:

RTI regime is streamlined and supports a practical regime to facilitate a free flow of information. (backbone of the system)

Its Mission should be:

- Reduce the number of second appeals.
- Maximum information which should be disclosed to public is proactively disclosed.
- Public Information Officers and First Appellate Authorities give reasoned/ speaking orders.(section 4(1)(d))
- Information Commissions to dispose appeals and complaints to be disposed off within a reasonable period (60 days)

How to achieve this?

- Reliance on Article 256 of the Constitution (whereby the Central Government can give appropriate directions to the State Governments- including for better implementation of Central law)
- Training of PIOs and AAs in Administrative Law and RTI within 2 months of assumption of charge.
- Appointment of the members of the Commission on time and a fully trained and equipped Secretariat.
- RTI friendly record management system.
- Implementation of Section 26 of the RTI Act.

- Constructive interaction among all stakeholders.
- DoPT must create a subscriber system for dissemination of all circulars, orders etc.

Group – II

What can the Government do?

IMPLEMENTATION

- **Problem:** Sec 4.1(a), (c), (d)- Proactive Disclosure - absolutely non-existent.
- Appointment of a "dedicated PIO" (who can also be the Public Records officer, as listed in the Public Records Act 1993). Combining the designation of PIO and Record Officer.
- Additional persons to implement the Act either from within the department or from a parallel institution.
- Reducing/condensing all info available to a version required by public, sharing electronically
- Should be need based (qualitative assessment of the RTI applications filed) and in a form understandable by people.
- Should be taken to the people through mass media, mobile RTI clinic, press meets etc.

Making Rules Under RTI Act for implementation of Section 4 for Public Authorities

Sec 4.1.c- New projects, public opinion, amendments etc.

- Well defined rules have to be put in place by DoPT to implement sections 4.1.a,c,d
- Social media campaigns- street plays, songs etc. highlighting RTI Act's benefits.
- To further Section 26- Create a Media strategy and Engage CSOs (and Professional Experts) to carry it out (TV, radio, local

newspapers). Mass Communication should be handled by experts.

- Create user manuals, guide books outlining the features of the Act and distribute in mass scale.
- Flexible payment methods
- Clearly earmarked budget for every department to implement RTI Act.
- Capacity building exercises
- Efforts to reduce negativity within the system and the CSO network.
- Document best practices for dissemination

The superintendence, control and final authority of making the rules and publishing them in the official gazette for all competent authorities (Sec.28) should be with the DoPT. Such rules should be published in the Central Govt gazette. This will ensure that there is uniformity in the rules, and the fee under the RTI Act. The principle of reasonableness and the necessity to make separate rules could also be monitored and ensured.

- National RTI council to monitor implementation
- Open houses at various levels facilitated by CSOs
- Multi-stakeholder consultations and Joint campaigns
- Promote involvement of student groups especially national level organizations like NSS
- Engage Volunteers of Civil Society Groups (after proper scrutiny) to help the departments and the Information Commissions in all things which might be necessary for implementation of RTI Act.

How Can Civil Society Help the Government?

- Civil Society can provide oversight and monitoring mechanism to the Government.

- Can help to prepare the templates/ formats, etc. for pro-active disclosures.
- Civil society can also monitor the pro-active disclosure. Can act as the third party facilitator.
- Civil society has an important role to play in providing trainings and capacity building; both to the Government/Public sector and the general public.
- Independent research and analysis for strengthening of further policy formulation and implementation.
- Joint action.

Group - IV

Suo-Motu disclosure - Section 4(a) Strictures against Public Authorities

- Every department should have a RTI Support Cell
- Responsiveness should form part of service appraisal
- Payment of fees should be standardised
- DOPT to monitor compliance of decisions
- Training of PIOs (Multi stakeholders resource group for training purposes)
- All expenses to be made online with open access to all
- Nodal Departments for Zonal level Nodal Officers for monitoring of RTI implementation
- Creation of national level helpline for threats and attacks on RTI
- Single national website set up by NIC on which every RTI application made at Central or State level is uploaded, implementation is monitored and answers provided.
- Penalties to be realised and recorded in service record. DOPT to issue a circular to this effect.

- Section 4 should have timelines, rewards and punishments against nodal officers. There should be special financial allocation for this. Best practices should be invited from all States/Districts to be put on the website and further institutionalised. Section 4 template should be dynamic and should be revised every year. DOPT should set up multi stakeholder groups to prepare Section 4 templates for all departments.
- DOPT should recommend to all departments to come up with different mode of suo-motu disclosure like (i) website (ii) manuals (iii) printed annual reports (iv) information painted on walls (v) newspapers announcements (vi) Radio and Television (vii) Electronic DVD compilation etc.
- A monitoring cell by DOPT to oversee the working of different SIC and PA's State/Central
- No amendment now till full implementation of existing Act.

What Civil Society can do?

- Training and Awareness Programme
- IEC material development and IEC events
- Model suo-motu disclosure format
- Scheme specific model questionnaires
- Support to applicants by setting up RTI clinics
- Forming Citizens Watch Groups at different levels
- Media sensitization
- CSOs should voluntarily disclose all information set an example for a transparent reason

Interaction between the Government and the Civil Society

- National RTI Council
- 'Transparency Day' once a month for multi-stakeholder dialogue

- Setting up templates for helping in Section 4
- Organisation of joint training programme with involvement of CSOs, Media, Academies etc.
- Interactive website
- Civil Society can be encouraged to formulate reports and list public opinion on important issues