

KNOWLEDGE AND EXPERIENCE SHARING WORKSHOP -

for Secretaries of Information Commissions

24-04-2010, Centre for Good Governance, Hyderabad

Participants:

1. Mr. B. B. Srivastava, IAS, Secretary, Central Information Commission;
2. Dr. Rajiv Sharma, IAS, Director General, Centre for Good Governance (CGG), Hyderabad;
3. Mrs. Anuradha Chagti, Deputy Secretary, RTI Division, Department of Personnel and Training, Government of India;
4. Mr. K. R. W. Yesudas, IAS (Retd.), Secretary, Andhra Pradesh Information Commission;
5. Mr. L. N. Surywanshi, Secretary, Chhattisgarh State Information Commission;
6. Mr. Pratap Singh Meena, Secretary, Goa Information Commission;
7. Mr. Nandan Ray, Secretary, West Bengal Information Commission;
8. Mr. Parag Karkare, Under Secretary, Madhya Pradesh Information Commission;
9. Mrs. Soyimna Aier Koza, Under Secretary, Nagaland Information Commission;
10. Mr. Vardhaman Vaidya, Knowledge Manager & Coordinator, Knowledge Partner and National Resource Centre (KP & NRC), CGG, Hyderabad;
11. Mrs. J. Lakshmi, Knowledge Manager, CGG, Hyderabad;
12. Mr. Manas Ranjan Kar, Knowledge Manager, CGG, Hyderabad;
13. Ms. Nayana RenuKumar, Knowledge Manager, CGG, Hyderabad;
14. Ms. Vasantha Pratha, Knowledge Manager, CGG, Hyderabad;
15. Ms. G. Padma, Team Leader, IT Projects, CGG, Hyderabad.

A one-day knowledge and experience sharing workshop was organized by Centre for Good Governance (CGG) in association with Department of Personnel and Training (DoPT), Government of India in Hyderabad on 24 April 2010. (Agenda is enclosed as Annexure-I)

The workshop started with Dr Rajiv Sharma, Director General, CGG welcoming Shri B. B. Srivastava, Smt. Anuradha S. Chagti, and the Secretaries and / or their representatives from several State Information Commissions. A round of introduction of all participants followed. Dr, Sharma then requested Mrs. Chagti to dilate on the objectives of the workshop.

Mrs. Chagti gave a brief introduction to the objective an activities envisaged under the Centrally-sponsored Plan Scheme and for the KP & NRC and spelt out the objectives of the workshop as follows:

- To discuss the efficacy of the CSPS under which DOPT is extending financial assistance, among others, to all State Information Commissions;
- To discuss the financial and functional progress of the activities proposed and carried out by ICs under the CSPS;
- To appraise the ICs of the role of CGG as KP & NRC on RTI (for DoPT) and the progresses made under the KP & NRC project;
- To discuss the role of ICs in strengthening the implementation of the RTI Act in respective states.
- To provide a forum / opportunity to the ICs' representatives to discuss the issues and challenges they are faced with.

Explaining that there are three components like IT enablement, propagation of RTI and construction of IC building under which financial assistance is extended to the ICs under CSPS, she informed that the third component has been added recently for construction of IC's own building. However, she also stated the caveat that for the latter purpose land has to be purchased / earmarked in the name of the ICs and 50% matching grant should be borne by the respective state governments.

Mrs. Chagti then highlighted the role of CGG as KP & NRC, which in a way was envisaged as a virtual centre of interaction for ATIs, ICs, CGG and DoPT and hence sought that a dynamic system of interaction needed to be developed with regular inputs from all stakeholders. The RTI gateway portal developed by CGG was, thus, to be the virtual ground for interaction.

She also sought suggestions from the participants regarding indicators of result framework document being prepared by DoPT as desired under the Performance Management and Evaluation systems even as she also informed the participants that DoPT had been working on finalizing a logo for RTI and working out a communication strategy for disseminating the same to all in different states she sought cooperation from them.

Dr. Rajiv Sharma took the opportunity to remind the participants about the role played by the ICs in guiding the direction of RTI through the Annual Conventions and the constitution of the Sub-Committee to which CGG had extended its resource support and designed tools for monitoring the progress. The DG then requested Mr. B. B. Srivastava, Secretary, CIC to deliver the keynote address.

Shri B. B. Srivastava in his keynote address said that “S. 3 of the RTI Act embodies the principle of the Act and everything in the Act emanates from this section.” Though he felt there was still a long way to go for true implementation of the Act, he, however, expressed the achievements of the Act so far and said “The Act since inception has left no aspect of governance untouched”.

- Terming “freedom of information”, “right to information” and “access to information” as the three essential components of the RTI Act, Mr. Srivastava held the PIOs and the 1st AAs are very much responsible for proper implementation of the Act.
- Towards proper implementation of the Act, he felt the necessity of Public Authorities (PAs) themselves having access to information at their level was crucial. In this regard, he opined that “if S. 4 of the Act is be implemented in letter and spirit, it will go a long way in setting the practical regime of right to information”.
- Referring to the provisions under S. 4 as morally, ethically and legally binding, Mr. Srivastava called for ICs to introspect as to what had been done within the Information Commissions themselves to ensure availability of information under this section. He exhorted ICs to be proactive in adhering to the provision under S. 4 and move from “demand driven regime” to “supply driven regime”. He further felt that this would ensure that the PAs move away from a “culture of reluctant response” to a “culture of complete openness”.
- He suggested that S. 4 of the Act addresses the supply side responsibilities. He referred to S. 4 (1) in this regard, which says that every public authority shall—

maintain all its records duly catalogued and indexed in a manner and the form which facilitates the right to information under this Act;. He opined that if all the provisions of Section 4 (1, 2, 3 and 4 and their sub-parts) were adhered to in full by all PAs, transparency would be a reality.

- At this point, he referred to a report on the implementation of the Public Records Act presented by the DG of the National Archives in 2006 which revealed that out of 1,565 record creating agencies only 130 were functional. This, he felt was indicative of the scant attention accorded to records management.

- He emphasized using innovative ways to disseminate information. According to him the development programmes/schemes of government especially its flagship schemes must disclose everything to the public. In this regard he felt that awareness generation programmes were, however, largely oriented towards asking for information rather than building the capacity to implement the provisions of S. 4. He maintained that increased awareness may not reduce the number of RTI applications, but may improve the quality of queries and in the process repetitive questions could get avoided.

- He opined that S. 25 and the recommendations made therein needed to be monitored thoroughly to ensure that the Commission's suggestions were adhered to. "Monitoring of recommendations made under Section 25 is a major process in itself and the process has to be necessarily 'dynamic', he said. He observed that the administrative resources at the disposal of the Information Commissions were inadequate to ensure monitoring of their recommendations as well. In this regard, he urged DoPT to take the lead to show all PAs how S. 4 can be adhered to in entirety.

- Finally, stating that there were provisions under the Act to issue recommendations to PAs to disclose information under Section 4 (1)(b), he said that ICs have to lead by example.

The keynote address by the Secretary, CIC was followed by a presentation on KP & NRC by the CGG team. Mr. Vardhaman Vaidya, made a presentation of the RTI Gateway that has been designed and created and the various aspects thereof. Aspects of the gateway were discussed threadbare including the resources that would be made available on the

same. The proposed case-law directory was discussed wherein ICs evinced interest in knowing how the same are categorised as 'significant' or 'landmark' for which it was informed that a legal expert of the team helps in categorisation.

The participants mentioned that a case once uploaded is sometimes taken up at High Court level and cannot be said to be complete in all respects. Hence what is 'significant' could turn out complete different through the HC's interpretation of the same. The participants also felt that they could make the same available through soft copies sent to CGG for uploading to help the team. The Project Reporting and Monitoring System (PRMS) for CSPS was also demonstrated for the ICs to submit their reports on the physical and financial progress on .

After this, other representatives of State ICs made their presentations – in the order proposed in the agenda:

Shri Yesudas, Secretary Andhra Pradesh IC made a formal presentation on their work. The highlights of the presentation are:

- No. of applications has increase tremendously (644%)
- Electronic file tracking system : Auto generated number for all documents auto receipt for applicants, SMS status of application
- APSIC are regularly publishing annual report
- Building under the central scheme already started. Land has been obtained
- Dissemination of awareness material
- Major problems:
 - More than 50 % application without proper enclosures. SIC have to return the application asking for application according to guidelines (24,000)
 - Pendency has gone up due to large number of applications
 - Rural area: 11% in 206 to 42% in 2009
 - Penalties: 499 show cause notice, warning 32.
 - Total staff: 10 non gazetted, 7 gazetted. Heavy workload
 - Budget : 2 crore
 - Understaffing : Staff has not increased, work has increased

- Cases already disposed are piling up, no record room
- Delegate powers to the commission for appointment
- Training is a major concern especially at lower levels (PIOs).

Mr. Yesudas submitted to the participant an elaborate note on the aforesaid statistics which also stated in detail the activities APIC had carried out using CSPA funds and maintained that the remaining funds would be utilized in the near future in keeping with the guidelines of the Scheme. The note submitted by Secretary APIC is attached as Annexure-II.

Mr. L. N. Surywanshi, Secretary Chhattisgarh State IC made a presentation on the problems noticed by the SIC such as improper record management, departmental arrangements for cash deposits being improper, revenue records not being updated properly, low turn-out of applicants. Some of the suggestions made by Mr. Surywanshi to minimize the problems are:

- Issuing an order to maintain proper records
- Fixing a time limit to deposit copying fees
- Special drives to update and maintain land records
- Establishing state and district level monitoring committees, etc.

Mr. Surywanshi too submitted a detailed note to all the participants of the workshop, on behalf of the Chhattisgarh State Information Commission, which is attached as Annexure-III.

Shri Pratap Singh Meena, Secretary, Goa Information Commission gave a low down on the acute resource constraints faced and to illustrate stated that one of the Commissioners sits in a building belonging to another government organisation and walks to the Commission's office for holding his court. On the whole, he said though that the Commission was functioning effectively and that implementation of the RTI Act in Goa had led to a set up the excessive secrecy and corruption in the working of the Government.

However, there was still a long way to go. He emphasised that with resource support from the State Government difficult to come by, DoPT's continued support to the State Information Commission is going to be crucial. He, however, pointed out that one positive thing was that funds were received by the State Government by way of grant and

he was himself the drawing and disbursing officer, hence the Commission enjoyed a relative degree of financial autonomy.

He informed the DoPT representative that the Rs. 3.5 lakh received by the GoA Information Commission (from DoPT in 2008-09) so far had been spent on sensitisation of all the official at the district and sub-district levels through out the State. Accordingly, copies of the RTI Act ere printed and widely distributed in the district and sub-district offices. Copies of the Act were also distributed to the officials of the municipalities in the State. Mr. Meena also assured that the Commission would continue doing its bit in future to strengthen the RTI implementation regime.

The key points raised in the presentation made by Shri Parag Karkare, Under Secretary of the Madhya Pradesh IC were:

- The Commission is 3 + 1 but, there is a vacancy at the level of the Chief of SIC post, which has resulted in large pendency in case disposals
- In all there are about 10000 appeals
- 5-6000 complaints
- Out of these 3500 appeals are pending, and 2500 complaints are pending
- The IC is understaffed
- Procedure for filing complaints is a very lengthy unlike other ICs. To address this kind of a procedure the requisite staff is not available.
- CGG, Hyderabad is extending helping in IT enablement
- The IC has acquird land from the governement. About 2 crores have been allotted by the state on the condition that resources are procured from DoPT first.
- Compliance of the departments of the State with S. 4 (1)(b) leaves a lot to be desired. There are instances of the PIOs approaching the IC for advise. The SIC has, however, maintained that capacity building and publicity is beyond its purview and is actually a function of the Appropriate Government(s).

Ms. Soyimna Aier Koza, Under Secretary, Nagaland Information Commission presented the progress made under CSPS and even as she highlighted the difficulties faced by the Commission. The key points she presented on the functioning of the State Information Commission in general and the work initiated by it under CSPA were as follows:

- Compared to other states Very less cases, no problem in handling cases

- High rate of penalty : 12 cases of penalty out of 45 cases come to the commission
- IT enablement opportunity has been utilised
- Video conferencing facility set up
- All possible assistance being sought from CGG, Hyderabad
- 70% dissemination: Identified NGOs active in RTI, extended financial grants and undertook propagation in some parts of the state. School, colleges church leaders etc.
- Publishing activities has also been undertaken: Translation of RTI act into four dialects
- CICs and the ICs have been visiting all the districts (11) of the state
- Fully utilize all the grants
- Comprehensive guide from DoPT has been found quite useful and popular
- Only one annual report, preparing for second report
- Acquired land for building, proposal for 4 storey building has been prepared
- Websites underutilized in state due to connectivity problems
- Attitude towards RTI very casual coupled with very low level of awareness

Mr. Nandan Ray, Secretary, West Bengal Information Commission in his presentation said:

- Rate of disposal not very good
- Government nonchalance towards RTI affecting the building construction also
- Sec 4(1) b do not exist in most offices, updating them is a farther issue
- Ensuring compliance of the RTI provisions by Pas
- Poor translation of the at in Bengali
- No guideline handbook in Bengali
- Off late, ATI is undertaking some training

- Lack of interagency coordination between ATI and SIC has been a problem slowly improving.

Mr. Ray also circulated a detailed note for all the participants, which has been attached here as Annexure-IV.

Mr. Ray's presentation was followed by a wrap-up statement by Mrs. Anuradha Chagti who took the opportunity to thank all the participants for the intense deliberations they had, which she said have provided key inputs for DoPT about the next steps. She reminded the participants, once again, to submit at the earliest their responses to the questionnaire circulated by DoPT seeking responses on the strategy for strengthening the RTI regime in the near future.

She also provided a preview of the key activities that DoPT would be taking up for stakeholder consultation, especially a workshop proposed in June 2010 – the date for which would be finalised soon.