

Our Report* at a Glance (*12.10.05- 31.03.06)

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Components of the Report

- The right to information: from people's movement to legislation
- Key Roles and Responsibilities of the Central Information Commission
- Proactive Disclosure- Strategies for Success
- Overview of Implementation of the RTI Act 2005
- Significant Initiatives by Ministries/Departments/Public authorities and Suggestions for Reforms
- Central Information Commission's Suggestions for Reform

Success Strategies: Section 4 Disclosure

- It fundamentally restructures the debate from what should be revealed to what must be kept secret and undoubtedly reflects the potency of India's vibrant democracy.
- The Central Information Commission can, under Section 19 (8) (a) (iii), require every public authority to “publish certain information or categories of information” under the Act. Should the public authority not comply, Section 19 (8) (c) gives the Commission the power to “impose any of the penalties provided under this Act”.

Poor Compliance

- Public authorities cite two main reasons for the general lack of compliance with Section 4.
- Several organisations are reluctant to accept themselves as public authorities since they are unclear about who is the final authority that would declare a public authority
- The lack of budgetary resources, especially in the panchayats, delays the efforts of public authorities to electronically publish data

Recommendations for effective Electronic Records Management(1)

- Be transparent about the weeding out process they follow within their organisation by uploading the rules regarding the same on their website.
- Scan, store and index all papers, for end users, i.e. the public, beginning with those that are mandatory to be disclosed under Section 4.
- Create a built-in system for electronically storing, indexing, searching and referencing information so that records can be retrieved after any period of time, with ease.

Recommendations for effective Electronic Records Management(2)

- Manage e-mails, as they are a record of the day-to-day activities of an organisation
- Set a target to convert existing and newly created public records to electronic records. Milestones may be decided for different stages of transition.
- Re-evaluate existing office norms that govern the discharge of functions in an organisation and change these norms to meet the requirements of a transition towards the electronic management of records

Overview

- Legal provision under the Act: Section 25 of the RTI Act entrusts the Central Information Commission (CIC) with the responsibility of monitoring the implementation of the Act and preparing a report on the same during each year.
- **RARDBMS:** National Informatics Centre (NIC), has designed and developed software that enabled Ministries to place the above information on the website of the Commission.

Report in figures (2005-06)

- **Number of Ministries = 47**
- **Total number of public authorities listed/registered in the database = 938**
- **Total number of requests received under the Act = 24,436**
- **Total number of the rejected requests = 3,387 (13.9%)**
- **Total number of cases where disciplinary action is taken in respect of administration of the Act = 2**

Cost and fee

- **Total amount of fees and additional charges collected = Rs. 5,08,749**
- **Average amount paid (fees + addl. charges) by the citizen per request = Rs. 20.82**
- **Total number of cases where penalty is levied and collected = 0**

Section 8 & its uses by Public Authorities

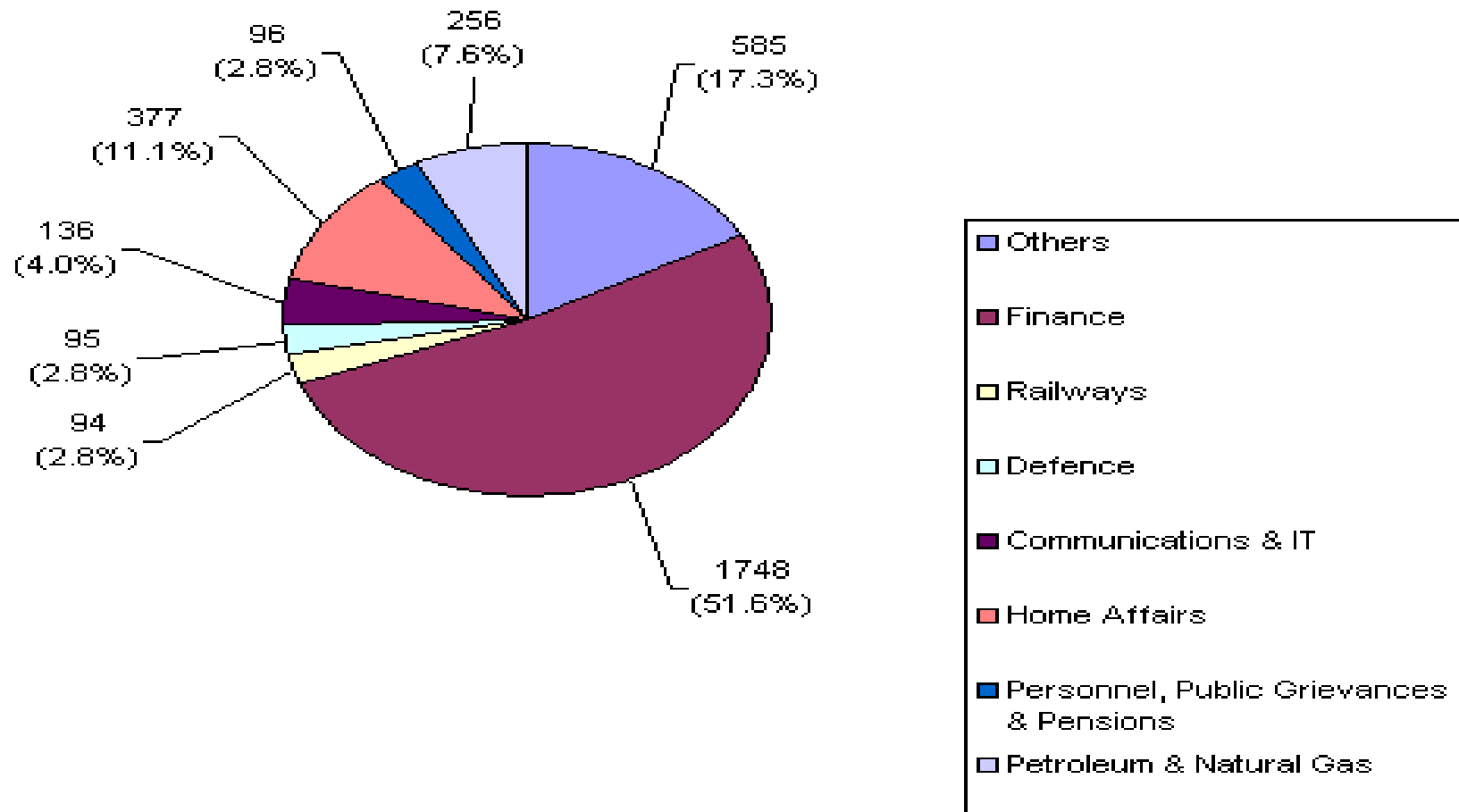
- ◆ Total number of times provisions under Section 8 were invoked = 2,267
- ◆ Total number of times provisions under Section 9 were invoked = 27
- ◆ Total number of times provisions under Section 11 were invoked = 103
- ◆ Total number of times provisions under Section 24 were invoked = 40
- ◆ Total number of times provisions under other sections, (i.e. under sections other than 8,9,11&24) were invoked = 1,314

Top Ministries in terms of number of times requests were rejected under various Sections in 2005-06

S.No.	Ministry/Independent Department	Number of requests received	Number of requests rejected	Number of times requests were rejected under various sections				
				Section 8	Section 9	Section 11	Section 24	Others
(1)	(2)	(3)	(4)					
1	Ministry of Finance	4770	1748 (36.65)	1019	17	63	11	884
2	Ministry of Home Affairs	1316	377 (28.65)	338	0	5	18	31
3	Ministry of Petroleum & Natural Gas	1012	256 (25.3)	191	0	3	3	65

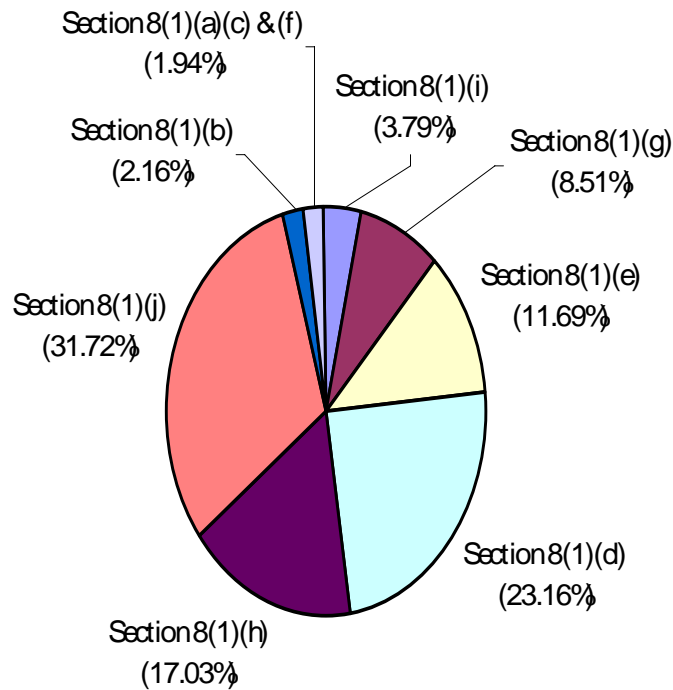
Distribution of requests rejected

Requests rejected



Distribution of the various provisions invoked under Section 8 while rejecting requests

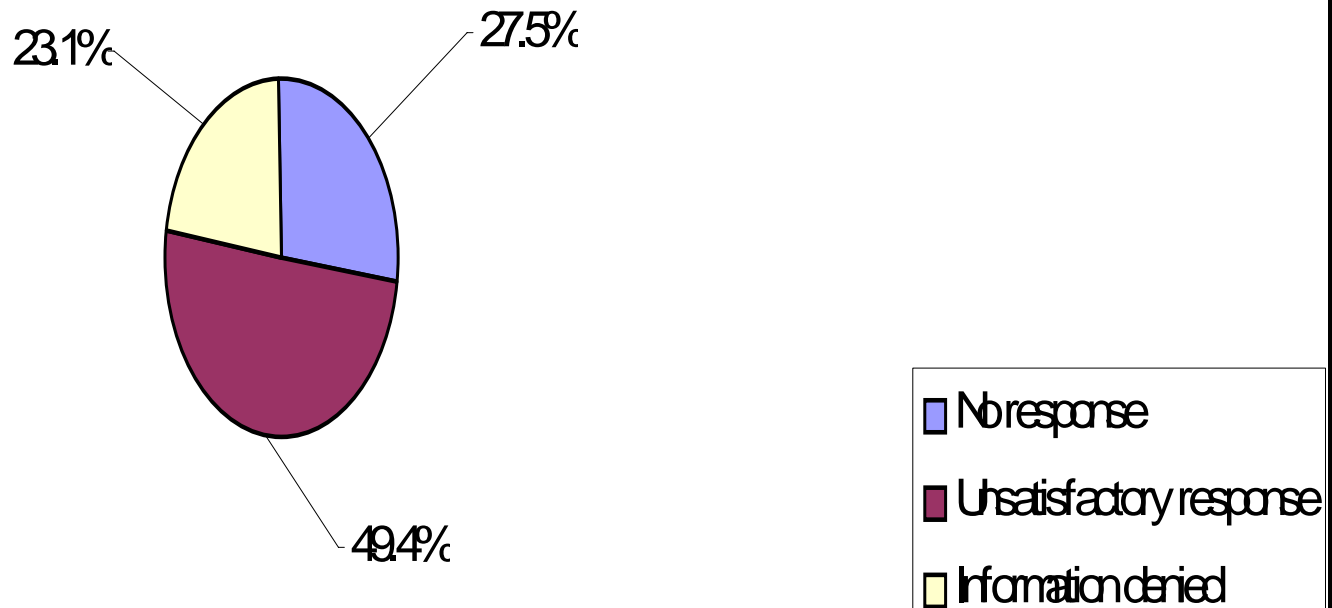
[Total number of times (cumulative) provisions were invoked: 2267]



Outcome of appeals decided by the Commission

Total references received	Appeals disposed as				
	Accepted	Rejected	Remanded	Others	Pending
451	192	86	7	156	10

Distribution of Appeals by their underlying causes



Suggestions for reforms as viewed by the Public Authorities

- **Appointment/removal of the Central Public Information Officer may be done in consultation with the Central Information Commission.**
- **Implementation of the Act may be reviewed at regular intervals to evaluate the challenges and difficulties that arise.**
- **Clarifications may be issued on how correct and accurate information can be collected from all postal circle offices in the country in the case of requests that are of an all-India nature.**
- **The Commission should make it clear whether, in the case of a query from a media agency, the Central Public Information Officer is obliged to take appropriate action even if he is of the level of Deputy Secretary/Under Secretary.**

Some more

- The definition of public authority under Section 2 (h) may be reviewed.
- The Rules may be modified to define the level or depth of details required in responding to the information request.
- The time frame of one month for replying to queries may be increased; the number of questions in a single representation may be restricted to only one; suitable amendment may be made in the Act so as to specify/curtail the number of applications an applicant can make on the same issue.
- The Act may specify incentives for Public Information Officers as a method of ensuring that they do justice to this job.
- Important decisions taken by the Central Information Commission in various appeal cases may be circulated to all Ministries/Departments for guidance; guidelines giving examples and illustrations of cases that Section 8 (1) (j) covers may also be issued.

Conclusions (1)

- The proper indexing and computerisation of records for regular and consistent publishing on the website of the public authority, so that members of the public do not need to personally file an application or visit the official to seek information.
- An efficient categorisation of records in terms of the number of years for which they would be preserved and then weeded out, and ensuring publicity for such categorisation so that the public would be aware of what information is available and not ask for that which does not exist.

Conclusions (2)

- **Public authorities must develop the software to process applications online at the level of the Public Information Officer and of the Appellate Authority as well. This would help meet the Act's aim of not inconveniencing citizens who want to access information. To this end, public authorities must also develop an online system of depositing of fees/information charges. Information can be released once the final payment is made**

Thank You