

Session - I

Enforcement of Section 4 of the RTI Act and Creation of 'E-Districts'

Recommendations

1. The duty of Government is to pro-actively make available key information to all. The Public Authorities to ensure that all records that are appropriate to be computerized are, within a reasonable time and subject to availability of resources, computerized and connected through a network all over the country on different systems so that access to such records is facilitated.
2. Various Commissions have been directing the public authorities to indicate the 'standard procedure' followed by it. Such a system has worked well in Regional Passport offices. All Public Authorities could be directed to replicate the procedure for various services being provided by them. This may result in making them more accountable to citizens.
3. It is suggested that strict directions be issued by the Central Government, that all the State Governments /Public Authorities should fulfill their obligations laid down under Section 4 of the RTI Act, 2005. Failing which, may lead to penal provisions being invoked against such Public Authority. Secretary of the Department may be held responsible in this

regard and be clearly held culpable in case of non-compliance of Section 4(1) (b).

4. The Central and State Governments must necessarily make adequate fiscal allocations for computerization and connectivity from Information Commission level to Mandal/Taluk level Public Authorities so as to effectively operationalise the provisions of the RTI Act.
5. Standardization of procedure is must for the disclosures mandated under Section 4 of the Act. System devised by National Informatics Centre (NIC) for submitting RTI-Application / Response; 1st Appeal; 2nd Appeal may be used.
6. Gram Panchayat is a unique institution, when it comes to e-governance for the following reasons:
 - a. Primacy of Gram Sabha and its impact on the Gram Panchayat; requirement of keeping the Gram Sabha (the citizenry) well informed, by the Gram Panchayat.
 - b. Benefits to citizens flowing from over the counter services.
 - c. Service level objectives and benefits in the Gram Panchayat context could be optimized by making use of E-governance.
7. National Panchayat Portal (www.panchayat.gov.in) may be used for updating information to the level of panchayat. A standardised format in which the information may be

provided, is available on this website. The State Governments may ensure this with the Blocks and Panchayats.

8. Commission to note recommendations in their Annual Report to be considered for computerisation of information.
9. Make all Government services accessible to the common man in his locality, through common service delivery outlets and ensure efficiency, transparency & reliability of such services at affordable costs to realise the basic needs of the common man”
-27 Mission Mode Projects (MMPs)
10. Citizen-centric approach to delivery of selected (bulk) services through Common Service Centres (CSC) involving back office enablement, by way of digitization of relevant records, process redesign, and automation of processes/workflow.
11. Notification of e-District services under section 4(1) of the Act to enable and legally enforce sharing of information as prescribed, electronically.
12. e-District to act as an enabler for facilitating objectives/ services relating to RTI being achieved/delivered. RTI’s legal framework to be leveraged by e-District to make information sharing/
e-services irreversible.
13. Need/feasibility of notifying CSCs as APIOs under the Act

14. At the moment the e-Districts Plan is implemented in phased manner. In Phase-I, 8 to 10 States have been selected, whereas in Phase-II national roll-out will be made.
15. The RTI services in e-District could be for reaching the applications, tracking status of the applications, receiving services from the Public Information Officer and its delivery to the citizen.
16. The core-services under the e-District could be used by the Certificates, Social Welfare, Revenue Court and Ration Card.
17. However, the Public Authorities may ensure to make use of the technology with the available resources.

Session - II

“Autonomy and other Administrative Matters Relating to the Information Commissions”:

Recommendations

1. Required budget be deducted by the Central Government from the allocated budget of the concerned State.
2. The Central/State Governments should finance the Central/State Information Commissions in the form of Grants-in-Aid with charge budget.
3. To amend/adding to Section 13(1) sub-section 1.
 - a). The word 'five' appearing at para 2 of sub-section (1) of section 13 of the Act be substituted by the word 'six'
 - b). Another subsection (1A) be added after subsection (1) of section 13 of the Act which should read as follows:

"If the office of the Chief Information Commissioner becomes vacant or if any such Chief Information Commissioner is by reason of absence or for any other reason, unable to perform the duties of his office those duties shall, until some person appointed under clause (1) to the vacant office has entered on the duties thereof or, as the case may be, until the Chief Information

Commissioner has resumed his duties, be performed by such other Information Commissioner as the President may appoint for the purpose."

4. Equating the SIC with High Court Judges and that of Central Information Commissioners with the Supreme Court Judges and providing equal facilities as is being given to them.
5. Considering pension to those Commissioners who had not been a Government servant.
6. Treating State Information Commissioners as State Guests
7. Order of Precedence may be amended indicating the positions of the Information Commissioners.
8. Power of Contempt should be given to the Information Commissions so as to implement their orders.
9. Head of the erring public authority / Appellate Authorities can be treated as deemed CPIO/SPIO and thereby invoking penalty provisions under Section 20(1) of the RTI-Act.
10. A Confederation / Conference of Information Commissions may be formed for regular meetings for having better coordination among the Commissions and cohesion in their decisions.
11. Honorarium/incentives to PIOs/APIOs for doing additional work.

12. In the absence of any contempt provision under the RTI Act, it is suggested that the compensation clause under Section 19(8)(b) of the Act can be invoked against the public authorities for non-compliance of the Commissions' decisions.

Session – III

“Enforcement of Decisions and Penal Clauses of the Act”

Recommendations

Inquiries & Appeal: Procedural Aspects:

1. The grounds of a complaint u/s 18 and for an appeal u/s 19 are over-lapping. Separate grounds should be there for appeals and complaints. Clause (b)(c) and (e) of section 18(1) may be deleted as these grounds are basically for exercising appellate powers u/s 19.
2. There is no uniformity of procedure of enquiry – the procedure for hearing under section 19 and for conducting enquiry u/s 18 should be clearly outlined.

Powers of Commission:

3. The proceedings before the Commission be deemed to be judicial proceedings within the meaning of Chapter X of IPC.
4. Commission has been conferred powers of a civil court u/s 18(3). This power may be incorporated into a separate section within the same chapter V so that it becomes applicable to all proceedings (including enquiry, appeal & penalty proceedings).

5. Similarly the provisions under section 19(7) and 19(8) may be incorporated in separate sections in Chapter V so that these powers can be applied in case of all proceedings before the Commission.
6. The powers of civil court u/s 18(3) have been given only for limited purposes. These do not cover powers concerning execution of decrees and recovery of fine etc.

Enforceability of decisions – Powers of Contempt

7. There are instances of non-compliance of orders passed by the Commission. Specific provisions may be recommended to be included in the RTI Act itself for dealing with contempt proceedings.
8. The amount of penalty imposed or compensation awarded by the Commission should be made recoverable as an arrear of land revenue. For this purpose, a separate section 20A may be added.
9. Section 20 should be amended so as to give discretion to the Commission to decide the quantum of penalty. The word “shall” appearing in section 20(1) may be substituted by the word “may”.

Miscellaneous:

10. **Accountability of Public Authorities & First Appellate Authorities should be ensured:** Amendments may be made in section 20 & 21.

11. **Dismissal of frivolous or vexatious complaints:** A new section may be inserted for the purpose either as 20B or as section 7A.
12. **Review Power:** The Act should contain a provision for **review of its own decision** by the Commission.
13. **Fee for Appeal:** There should be a specific provision for fee in case of an appeal. Some states have framed rules prescribing **fees for appeal**.
14. **Unlawful destruction and non-retrieval of records:** A penal provision may be introduced for the same.

It was decided that a Standing Committee will examine the above recommendations.

Session - IV

Future Evolution of the RTI Regime

Recommendations

1. The RTI Act should be included in the syllabus at High School and College level education.
2. Adequate budget allocation to conduct publicity, training and for educational programmes for the information-seekers and the information- givers.
3. As per Section 2(j), the individual official, how senior or junior he may be in the hierarchy of a public authority, who holds the information can be held responsible for disclosure of the same, and can thus be brought within the ambit of penalty provisions of Section 20(1) (in the absence of penal provisions for AAs and public authorities).
4. Information of public interest can be taken to door-steps of citizens.
5. Commissions can prioritize second-appeals / complaints, which are of public interest, over the ones which are self-centric and self-serving.
6. Uniformity in fees, further-fees (costs) and charges for inspection, etc. throughout the country.

7. Uniformity as regards disclosure obligations for items such as Annual Confidential Reports (ACRs), Annual Property Returns (APRs), DPC Proceedings, Income Tax Returns, etc.
8. Central Government should provide a draft rules to all the State Governments to ensure uniformity in service conditions of officers / employees of the Commissions all over the country.
9. Warrant of Precedence should be prepared showing the positions of the Chief Commissioners and Commissioners.
10. The Central Government may issue instructions to all the States to treat the CICs and SCICs as State Guests during their official / personal visits.
11. More publicity on RTI Act should be done by Doordarshan and All India Radio. Alternatively, the Central Information Commission can run its own private TV Channel dedicated to RTI.
12. RTI journal be made for circulation among the Commissions.
