

## **NATIONAL FEDERATION OF INFORMATION COMMISSIONS IN INDIA**

Minutes of 6<sup>th</sup> Annual General Body Meeting held on 21<sup>st</sup> May, 2016

Venue: Civil Services Officers Institute, Vinay Marg,  
Chanakyapuri, New Delhi.

Time: 10:00 A.M.

### **Participants present:**

#### **Board of Governors:**

- Shri R K Mathur, IAS (Retd.) CCIC., Central Information Commission, New Delhi & President
- Shri M. Ratan, IPS (Retd.) SCIC, Andhra Pradesh Information Commission & Vice President
- Shri H. Sekhar Das, IAS (Retd.), SCIC, Assam Information Commission
- Shri D.N. Narsimha Raju, IAS (Retd.), SCIC, Karnataka Information Commission
- Shri Toshi Aier, IAS (Retd.), SCIC, Nagaland Information Commission
- Shri S S Channy, IAS (Retd.), SCIC, Punjab Information Commission
- Shri K.T. Chankapa, IAS (Retd.) SCIC, Sikkim Information Commission

#### **Members:**

- Shri Ibobi Singh, IFS (Retd.) SCIC, Manipur Information Commission
- Shri C.D. Kynjing, IAS (Retd.) SCIC, Meghalaya Information Commission
- Smt Shashi Prava Bindhani, SIC, Odisha Information Commission
- Shri Suresh Choudary, IPS (Retd.) SCIC, Rajasthan Information Commission
- Shri Abraham K Tech, SIC, Arunachal Pradesh Information Commission

#### **Special Invitees:**

- Prof. M. Sridhar Acharyulu, Information Commissioner, Central Information Commission, New Delhi.
- Shri Sudhir Bhargava, Information Commissioner, Central Information Commission, New Delhi.
- Shri Matheim Linggi, SIC, Arunachal Pradesh Information Commission
- Shri Chanbemo Lotha, SIC, Nagaland Information Commission
- Mrs. Anjali Anand Srivastava, Secretary, Central Information Commission, New Delhi.

#### **Also present:**

- Shri S.P. Beck, Joint Secretary, Central Information Commission, New Delhi.
- Shri A. Vijaya Prakash, Executive Secretary, NFICI, Hyderabad

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The meeting commenced with welcome address by Shri M. Ratan, IPS (Rtd.) SCIC, Andhra Pradesh Information Commission and Vice-President, NFICI who gave a brief introduction about the Federation. He stated that

with the initiative of Sri C.D. Arha, IAS (Retd.), then CIC, A.P. Information Commission the Federation was formed during 2009. He stated that although the objectives of the Federation are noble, much time is not being spared towards the Federation due to day to day regular work of the Commissioners.

He informed the house that so far (26) State Information Commissions are enrolled as Members to the NFICI, except the State Commissions of Tripura, Madhya Pradesh and Uttar Pradesh and hoped that they would also join at the earliest, as letters were already addressed to them in the matter. He reiterated the criteria of payment of Rs.5.00 Lakhs towards admission fee (one time payment) and Rs.1.00 lakh towards annual membership fee every year. He then requested Shri R K Mathur, Central Chief Information Commissioner, New Delhi and President NFICI to preside over the meeting.

In his inaugural address Shri R K Mathur, welcomed all the Members who were present in the meeting and elicited their views on functioning of the Commissions, problems they are facing, common problems that need to be projected to the Central Government or the State Government. He stated that the prestige of the Commission the credibility and faith in the Act can be upheld only by its effective implementation by all information Commissioners. He informed that lately he has been hearing that the RTI which used to be very effective, is not proving to be so effective and not delivering the results that it was delivering. Complaints of pendency, of cases being heard after 3 years to 5 years are being expressed. He also stated that the Annual Report a requirement under the Act, has not been placed on the table of the Parliament or the table of the Assembly for last many years. He stated that this was therefore an opportunity, not necessarily for a structured meeting but for more frank discussions on variety of issues which impact all Commissioners. He also stated that we could learn from each others experiences and therefore have such meetings with reasonable frequency, so that one can continuously improve. He then requested the Executive Secretary, to read out his report.

**Executive Secretary Report:**

The Executive Secretary, appraised the Hon'ble members that the funds available with Federation as on 31<sup>st</sup> March, 2016 is as follows:

Under Fixed Deposits : Rs. 2,07,51,698.00  
In Current account : Rs. 5,98,204.00

It is stated that Rs. 32.00 Lakhs amount is received from various State Information Commissions during the Financial Year 2015-16 towards annual membership fee dues, as shown in the statement enclosed to the notes. It is further stated that the CIC Delhi has cleared an amount of Rs.2.00 lakhs on 19<sup>th</sup> May, 2016. He requested the other Member Commissions to pay the Annual Membership fee for the current financial year 2016-17 including the dues shown against them, in the statement enclosed with the notes. He further stated that Audit has been taken up for the Financial Year 2015-16, and a report will be submitted to the Member Commissions on its completion.

**Activities undertaken in the public interest by the NFICI:**

It is stated that the following activities were under taken by the Federation in the public interest.

- a) Creation of NFICI website through YASHADA, Pune.
- b) Creation of an E-mail ID: [info.nfici@gmail.com](mailto:info.nfici@gmail.com).
- c) Online quarterly magazine.
- d) Printing of RTI Act in Braille.
- e) Defending Government interest in the cases filed before National Consumer Disputes Redressal Commission (NCDRC).
- f) Short film on RTI Act. (under progress)

The Executive Secretary informed that an amount of Rs. 18.41 Lakhs has been spent so far for the said activities by the Federation.

It is put forth that the following decisions were taken in the last Board of Governors meeting held at New Delhi on 26.11.2015, and requested for confirmation of the issues to proceed with further action:

- 1. Autonomy to the Central & State Commissions** -Taken a decision to address letters to respective Governments
- 2. Powers of contempt to the Commissioners-** The issue is withdrawn as it requires amendment of the Act.
- 3. Voluntary disclosure of information by Public Authorities U/Sec. 4**  
Taken a decision to address letters to respective Governments to issue suitable instructions to the public authorities to strictly implement section 4 of the RTI Act.
- 4. Guidelines for effective functioning of 1st Appellate Authorities**  
A decision was taken to address the DOPT (GOI) for issuing suitable Guidelines in the matter to respective Governments.
- 5. Restrictions on seeking unlimited & huge information U/Sec. 6(1)**  
It was decided to address the DOPT (GOI) for issuing suitable guidelines in the matter.
- 6. Sanction of service pension to SICs-** It is brought to the notice of the chair, that only Non- Cadre Information Commissioners are being deprived of the service pension. Hence a decision is taken to address respective Governments to consider the issue of sanction of pension to Non-Cadre Information Commissioners.
- 7. Protection of RTI Activists who are sincerely working in the public Interest-** It was brought to notice of the chair that the GOI issued suitable guidelines vide letter No. F1/ 15/2010-1R dt. 25.8.2010 in the matter already. Hence a decision is taken to address letters to respective Governments to implement the same.

## **Agenda item 1 (a)**

### **1. Autonomy to the Central and State Information Commissions:**

The members felt that there is no autonomy to the Central and State Information Commissions particularly financial autonomy. Sri M. Ratan, CIC stated that the A.P. Information Commission gets around 8 crores per annum, but to spend the amount, the Commission has to again write to Government. Some Information Commissions expressed that they do not have money even for postal and petrol expenses.

The members decided that autonomy needs to be given to the Information Commissions for dealing with financial matters, and recruiting staff on contract and outsourcing basis, as required. It is resolved to address letters in the matter to respective Governments.

### **2. Power of Contempt to the Commissioners:**

The members discussed at length and came to a conclusion that the matter of contempt arises when the orders of the Commission are overlooked and not implemented by the public authorities represented by the PIOs. It was noted that the Commission already have some punitive powers in case of non-compliance.

It was, therefore decided to drop the matter for present as contempt powers to the Information Commissioners require Amendment of the Act and that as and when the Government of India decides to amend the Act, the matter may be reconsidered.

### **3. Voluntary disclosure of information by Public Authority U/s 4 of RTI Act, 2005**

With regard to proactive disclosure, Sri M. Ratan, CIC., APIC stated that in Andhra Pradesh and Telangana, the Public Authorities are insisted upon to follow the proforma given by the DoPT which is very simple. He further stated that, a quarterly meeting i.e, High Level Committee meeting of two hours duration with the Chief Secretary to Govt., regarding

implementation of RTI Act is taking place in A.P., and that the RTI activists insist for such meetings.

The then Chief Secretary to Govt. of A.P., Smt. Minnie Mathews had issued 8 circulars / Govt., Orders which are very useful and the bottom line was that the District Collector is the coordinating officer for implementing RTI Act in the District. The District Revenue Officer, who is No.2 to the District Collector, is the Nodal Officer for implementing the RTI Act in the Districts i.e., proactive disclosure under section 4(1) (b) by the public authorities in the District and appointing of District Level RTI activists on certain committees.

The Chief Information Commissioner, Karnataka informed that similar meetings are also being held in Karnataka with the Government, but there is no time period and the RTI activists are not called. The meeting is only between the Government and the Information Commission.

No other Information Commission has such meetings. The members noted that the RTI Act does not recognize 'activists'. The Federation decided to address letters to the respective Governments to issue suitable instructions for strict implementation of Sec.4.

#### **4. Guidelines to First Appellate authorities:**

With regard to role of First Appellate Authorities, the members felt that in many cases the First Appellate Authorities are ineffective and most of the FAAs uphold the orders of the PIOs. The Karnataka Information Commissioner stated that they insist for the presence of First Appellate Authority, and the First Appellate Authority appears before the Commission, so that they also follow the orders of the Commission.

Sri M. Ratan, CIC., APIC stated that earlier in AP, the First Appellate Authority used to attend the hearings, but later the Government felt that, their time should not be wasted, and it should not be insisted for their presence before the Commission.

The SIC, Orissa stated that the First Appellate Authority do appear before the Commission. The federation felt that the Information Commissions may direct the First Appellate Authority U/s 19(8) (a) to discharge his duty as the RTI Act gives a responsibility to the First Appellate Authority in terms of Sec. 19 (1) of the Act. However it is resolved that the matter may be referred to DOPT Govt. of India to issue suitable Guidelines

**5. Restrictions on seeking unlimited and huge information U/s 6(1):**

The members felt that if an applicant repeatedly filed RTI applications seeking vast information, it would result in disproportionately diversion of resources and time of Government employees' in furnishing information to such applicants.

The members felt that suo motu disclosure on the website reduces such type of applications. DoPT order says an application shall not ordinarily exceed 500 words. It is said that the High Court's have got its own rules, in disposing the 6 (1) applications received. It was decided to write to DoPT for issuing suitable guidelines in the matter.

**6. Sanction of service pension to State Information Commissioners, who are non cadre:**

The members felt that, non-cadre persons who are working as Information Commissioners are not getting pension after their retirement as Information Commissioners. Only in Haryana and Karnataka, the non-cadre Information Commissioners are getting pension. It is said that Sri Shailesh Gandhi, Information Commissioner, New Delhi is getting pension on his retirement, who had worked as a Non-Cadre Information Commissioner. Same rules need to be made applicable to other Information Commissioners also. It was resolved to address the respective Governments to sanction Pension to the State Information Commissioners irrespective of

their Cadre or Non-Cadre, on successful completion of their service as Information Commissioners.

### **7. Protection of RTI Activists who are sincerely working in the public Interest-**

The members felt that as per the earlier decision, the respective Governments may be addressed with a request to see that Government of India guidelines issued vide letter No. F1/ 15/2010-1R dt. 25.8.2010 are followed strictly.

#### **Agenda item 1 (b)**

**Drafting of Model RTI Rules for Information Commission in the Country:** After discussing the previous decisions, the President has drawn the attention of the Members for drafting of a Model RTI Rules for Information Commissions in the Country. The Chief Information Commissioner, A.P. Information Commission, assured the members that he will prepare the draft and send copies of the same to the Hon'ble Members for their suggestions, positively, well before the next meeting.

#### **Agenda item 1 (c)**

##### **(i) Amendment of sub section (1), (2) of Section 6 of the RTI Act.**

This item is proposed by the CIC West Bengal. Since the CIC West Bengal was not present to the meeting, this item could not be discussed.

##### **(ii) Execution of powers to the Commissions to enforce its orders:**

This item has already been discussed by the members at item No.2.

#### **Agenda item 1 (d)**

**Action plan on RTI in the public Interest to seek Registration of the Federation U/s. 12A & U/s. 80G of I.T. Act.**

The Executive Secretary said that he has apprised the members of the achievements of the Federation. However, Income Tax Department is



still not convinced with the achievements made by the NFICI in the public interest. The members may take further steps to promote future action plan in the public interest which denotes the word 'charity' under the provisions of the Sec. 12 A of I.T. Act. The Executive Secretary further said that the word ABROAD class mentioned in the Memorandum of Association and in the Rules and Regulations of the Bye Laws have become an obstacle to consider the request of registration of the Federation U/s.12 A, by the I.T. Department and there is need to remove the word **ABROAD** where it appears in the MoA and in the Bye Laws.

The members resolved to remove the word 'ABROAD' where ever it appears in the MoA and in the Bye Laws of the Society (Federation).

The Vice-President informed the members that, at present the Federation is having funds of Rs.2.20 crores, and getting an interest of Rs.14 lakhs p.a., out of which Rs.4 lakhs is being spent towards meetings, establishment and others. The members were requested to propose for better use of the funds in the public interest. The following suggestions emerged during the discussions:

- Conducting awareness programmes for the benefit of people.
- Conducting online RTI Certificate Courses through Centre for Good Governance (CGG), Hyderabad, and Yashwantrao Chavan Academy of Development Administration (YASHADA), Pune, Maharashtra.
- Monetary support be given to all States at Rs.2 lakhs each to spend towards awareness programmes. Each Information Commission to do their own programmes.
- Each state can send letters for conducting training programme to the PIOs/ officers.
- Training to PIOs at Village level, as the other PIOs are getting some training.

- Legal aid to be provided to information seekers who are poorest of the poor.
- To organize essay competitions and grant prizes, awards, scholarships to promote awareness among youngsters.
- Include lessons on RTI in the Text Books.
- Select some panchayats, and adopt them and bring RTI awareness to the ground level.

Some of the members felt that awareness programmes are not assigned to the State Information Commissions and it is the duty of the Government. However, a decision will be taken in the matter keeping in view the objects incorporated in the byelaws of the society (NFICI).

#### **Agenda item 1 (e)**

##### **Enhancement of remuneration to the Staff:**

The Executive Secretary put forth that the staff i.e. the Data Entry Operator is being paid Rs. 9,500/- p.m. and the Office Sub Ordinate is being paid Rs. 6,700/- p.m. which excludes EPF-13.36%, ESI-4.75%, Service charges-6.24%, Service Tax-14% and Swach Bharat Cess-0.5%. This is as per the State Government norms. Government of Telangana enhanced the remuneration of the Data Entry Operator from Rs. 9,500/- to Rs. 15,000/- and the remuneration of Office Subordinate from Rs. 6,700/- to Rs. 12,000/- vide G.O. Ms. No. 14 Finance (HRM-I) Department, dated 19/02/2016. It was agreed that NFICI staff may be given same benefits.

The Executive Secretary further put forth that the honorarium being paid to him is Rs. 5,000/- p.m. since Sept., 2011, and that the Chartered Accountant appointed is being paid Rs. 10,000/- p.a. Ever since from 2011 towards his fee, and requested the house for suitable enhancement.

It was decided to enhance the Honorarium of the Executive Secretary from Rs.5,000/- to Rs.10,000/-and also taken a decision to enhance the fee of the Chartered accountant from Rs. 10,000/- to Rs.15,000/- per annum.

The Executive Secretary requested for payment of the Bill of Rs. 34,000/- raised by the Auditor who had prepared NFICI ledgers for the Financial Years 2009-10, 2010-11, 2011-12, 2012-13, 2013-14 & 2014-15. This was agreed to.

**Agenda Item No. (1) (e)**

**Any other items with the permission of the chair:**

- (1) The Executive Secretary stated that the YASHADA, Pune in their Lr.No.CRTI-01/5016/Qua-NFICI, dated 16<sup>th</sup> April, 2016 (copy appended), has given a proposal for supply of online Quarterly Magazine at Rs.6,02,560/- per annum. They will supply 500 printed copies containing 16 pages each, and the cost of the project is given as Rs.7,10,160/- per annum, which includes 20% Intellectual and Administrative charges, and Service Charges @ 14.50%. If pages are increased, Rs. 6000/- per quarter will be charged extra.

The Federation took a decision for printing and supply of quarterly Magazine by YASHADA, Pune provided that the online quarterly magazine will continue within the project cost of printing and supply of the Quarterly Magazine, and to charge proportionately for each extra page, and not in lump sum.

(2) The Executive Secretary informed the Hon'ble Members that an Editorial Board was constituted during, 2013, in connection with NFICI Online Quarterly Magazine (News Letter) with the following members.

1. Shri Ratnakar Gaikwad, SCIC., Maharashtra
2. Shri K.S. Sripathi, SCIC., Tamilnadu
3. Shri R.I. Singh, SCIC., Punjab
4. Shri Lalhuma, SCIC., Nagaland
5. Shri Napalchyal, SCIC., Uttarakhand.

It was informed that the SCICs shown at Sl.Nos. 2, 3, 4, and 5 have since retired, it is necessitated to nominate new members to the Editorial Board. After discussions, the following were nominated as new Members to the Editorial Board.

- Shri Ratnakar Gaikwad, SCIC., Maharashtra (re-nominated)
- Shri D.N. Narsimha Raju, IAS (Rtd.), SCIC, Karnataka Information Commission
- Shri S.S. Channy, IAS (Rtd.), SCIC, Punjab Information Commission
- Smt Shashi Prava Bindhani, SIC, Odisha Information Commission
- Shri Abraham K Techhi, SIC, Arunachal Pradesh Information

The Director General, YASHADA, Pune is requested to send draft copies of the Quarterly Magazine among the Editorial Board Members seeking their suggestions before its final publication.

**Election of New Board of Governors to the Federation:**

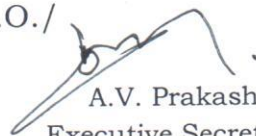
The General Body unanimously elected the following members as its New Board of Governors:

- Shri R.K. Mathur, IAS (Retd.) CCIC., Central Information Commission, New Delhi
- Shri M. Ratan, IPS (Rtd.) SCIC, Andhra Pradesh Information Commission
- Shri S S Channy, IAS (Retd.) SCIC, Punjab Information Commission
- Shri Ibobi Singh, IFS (Retd.) SCIC, Manipur Information Commission
- Shri C.D.Kynjing, IAS (Retd.) SCIC, Meghalaya Information Commission
- Shri Suresh Chowdhary, IPS (Retd.) SCIC, Rajasthan Information Commissioner.
- Smt. Shashi Prava Bindhani, SIC, rep. SCIC Odisha Information Commissioner.
- Shri Abraham K Techi, SIC, rep. SCIC Arunachal Pradesh Information Commission

The members congratulated the New Board of Governors elected and the Meeting concluded with a vote of thanks by the Executive Secretary to all the participants.

R K Mathur,  
Chief Information Commissioner,  
Central Information Commission.

/F.B.O./

  
A.V. Prakash  
Executive Secretary