

Resolution passed by the national convention of RTI activists in Pune held on 12th and 13th May with respect to the functioning of CIC and SICs.

1. If any PIO says that information cannot be provided because the files are missing, the following action should be taken in all such cases:
 - a. Public authority should be asked to provide a list of officials who were supposed to be the custodians of that file before it went missing.
 - b. An FIR should be registered against those officials by name
 - c. Simultaneous departmental enquiry should be ordered by the Commission to fix responsibility within a week.
 - d. Commission should direct the public authority to impose penalty on guilty officials within the next 7 days of fixing responsibility.
 - e. The Commission should direct reconstruction of file and the information should be provided to the citizen.
 - f. For every case of loss of file, the Commission should also enquire whether it was some deficiency in record maintaining systems of the department which led to loss of files. If so, they should direct appropriate changes in systems under section 19 (8)

2. If files are reported lost at Information Commission itself, the Commission should take all the steps listed above for loss of files by PIO.
3. Show cause notice must: If there has been any delay in responding to an RTI application, a show cause notice should compulsorily be sent to the PIO to explain the reasons for delay or denial of information. If it relates to denial of information under section 8 or any other section and the citizen alleges malafide, then the Information Commission must compulsorily issue a show cause notice. There should be an open hearing thereafter the issue of show cause notice in which both the parties should be called. An order for either imposing penalty or dropping penalty should be passed in open court rather than behind the back of the parties.
4. Case should not be closed till complete information is received and the citizen reports satisfaction.
5. If any public authority does not receive RTI application, does not accept fee or harasses citizen in any other manner in submitting application or providing receipt or acknowledgement, such complaints should be directly accepted under section 18.
6. For every second violation by any PIO, Information Commission should invoke section 20 (2) in addition to section 20 (1)
7. Information Commissions should ensure that the penalties imposed by them are recovered and are entered in the ACRs of the officials.
8. If a citizen invokes life and liberty clause, the Commission should directly entertain such complaint under sec 18 and should dispose it off within 48 hours.
9. "Life and liberty" should be defined as provided under article 21 of the Constitution.

10. It has been seen that some Information Commissioners are accepting the hospitality of public authorities whose cases, they are hearing. This is being done under the garb of holding RTI workshops in those public authorities. Information Commissioners should immediately stop doing this. The Commissions should come out with a model code of conduct on the lines as it exists for judges.
11. If any state has more than one Information Commissioner, they should be spread out in the state rather than holding hearings from only one city.
12. No Information Commissioner should be allowed to deal with any Department where he/she served any time in the past, as there is a direct conflict of interest.
13. Both parties should be treated equally. Often, the officers from public authority are seen to be having tea with the Commissioner before hearing. This severely affects the independence of the commissioner and his ability to act against the officials.
14. Both parties should be heard in every case. Principles of natural justice should be respected.
15. Many Commissioners do not pass orders in open court, which is violation of rules. Every order should be passed in open court.
16. All Information Commissions should themselves abide by section 4 disclosures.
17. No format should be insisted upon for filing an appeal. Similarly, only one copy of appeal should be asked rather than three or five copies as is being done today.
18. Many Information Commissions have not submitted their reports under section 25 of RTI Act. It is requested that they submit it soon.
19. Some information commissions are providing orders for a cost. This should be stopped forthwith. Orders should be provided free of cost.
20. Every case in which decision is passed in favor of the citizen should lead to appropriate compensation for costs incurred and for mental harassment. This should be recovered from the salary of the responsible officer as in the case of Chhattisgarh.
21. PIO and AA should not be allowed to be represented by anyone including lawyers. They should appear in person.
22. All orders should be in a format so that the basic information about that case is reflected in every case. We are developing such a format through consultations and will make our suggestions soon.
23. Acknowledgement no should be given to the complainant/ appellant on the spot, if he is filing by hand or should be dispatched within 24 hours of receipt by post.
24. The Commission should ensure that the first hearing in every matter should take place within 30 days of receipt of complaint/ appeal and there should not be a gap of more than 10 days between two hearings.
25. "Human Rights" should be interpreted to mean as defined in various international treaties to which India is a signatory.
26. The offices of Information Commissions should be made disabled friendly and should be at such places where they are easily accessible to the public.
27. All hearings at Information Commissions should be video recorded.
28. The Information Commissions may like to create awareness, but they should do it themselves rather than sub-letting funds to NGOs or other agencies.

Resolution passed by the national convention of RTI activists in Pune held on 12th and 13th May with respect to the implementation of Section 4.

1. For implementation of Section 4 state/central Government should take audit of every public authority. Public Authorities that do not comply with Section 4 should be enquired upon by the Govt.

2. CIC or SIC should dispose off complaints against non compliance of Section 4 on priority basis.

3. CIC or SIC should recommend necessary action against the erring Public Authority to the concerned governments

4. If applications are made for information under Section 4 then the information should be supplied at actual cost and not at the prescribed charges of Rs.2 per page.

5. CIC, SIC and government should treat non compliance of Section 4 as a refusal of information and accordingly take action on the erring Public Authority

6. In every state NGOs should frequently take audit of compliance of Section 4 in various Public Authorities'.