

Mr Wajahat Habibullah

Central Chief Information Commissioner
Central Information Commission
Block IV, 5 Floor
JNU Old Campus
New Delhi - 110067

15 November 2005

Dear Mr Habibullah

Re: Promoting proper monitoring systems and annual reporting

I refer to our meeting on 31 October 2005 and my previous letters to your office. I note again that I am taking the liberty of writing formally to you to draw a key issue to your attention with a view to providing additional information to the Commission which I hope might be of use.

Specifically, you may recall that we discussed the importance of proper ongoing monitoring of applications and appeals, in light of the Commission's need to collect statistics for the purpose of producing the annual report required under section 25.

As you are no doubt aware, s.25(3) specifically requires that the Information Commission's annual report include statistics on:

- the number of requests made to each public authority;
- the number of decisions where applicants were not entitled to access to the documents pursuant to the requests, the provisions of this Act under which the decisions were made and the number of times such provisions were invoked;
- the number of appeals referred to the Information Commission for review, the nature of the appeals and the outcome of the appeals;
- particulars of any disciplinary action taken against any officer in respect of the administration of this Act; and
- the amount of charges collected by each public authority under this Act.

In order to ensure that the Information Commission is in a position to produce an inaugural annual report which complies with the minimum requirements of s.25, it is essential that all public authorities immediately put in place proper monitoring systems to ensure regular collection of the necessary statistics. As discussed at our meeting, we would commend to you the computer-based monitoring system developed by the United Kingdom for the purposes of its own Freedom of Information Act, which can be downloaded at www.gad.gov.uk/Publications/FOI.htm. (The monitoring tool can also be found on the Resource CD that we left with you during our meeting.) It could easily be modified to suit India's needs.

Recognising the different levels at which PIOs, APIOs and Appellate Authorities are stationed however, we understand that some form of paper-based and e-based monitoring system may be the most appropriate model for India at this time. For example, lower level officers could perhaps collect paper-based statistics which are collated and computerised at the district level and then fed into a broader departmental monitoring system. The Information Commission could then easily interrogate such a database in order to produce its annual report. The Commission could also encourage the monthly publication of such statistics on its website.

I understand the NIC is currently developing various systems needed to implement the Act, but I would encourage your office – as a champion of the Act and openness – to strongly encourage the Government, and the Department of Personnel and Training in particular, to deal with the challenge of monitoring and to develop the necessary systems and tools as an immediate priority.

Lastly, I would just like to again draw your attention to the question of when exactly the Commission's annual reports will be produced and published. Section 25(1) simply specifies an annual report be produced "at the end of each year" but it is not clear whether that is the calendar year, financial year or a year from the date of commencement of the Act. Public clarification from your office regarding the date the inaugural report will be published would be very welcome.

I would be happy to discuss this issue further with you, your fellow Commissioners and/or your staff at your convenience. If we can be of assistance in any other way, for example, by assisting with international research or by sharing international contacts or best practice standards, please do not hesitate to get in contact with me or my office on 9810 199 745 or (011) 2685 0523 or email me at majadhun@vsnl.com or maja@humanrightsinitiative.org. Alternatively please contact my colleagues – Mr. Venkatesh Nayak (venkatesh@humanrightsinitiative.org) or Ms Charmaine Rodrigues (charmaine@humanrightsinitiative.org) – for any further information or assistance in this matter.

Respectfully yours



Maja Daruwala
Director

Cc: Professor M M Ansari, Central Information Commissioner, Central Information Commission, Block IV, 5 Floor, JNU Old Campus, New Delhi – 110067
- Mr A N Tiwari, Central Information Commissioner, Central Information Commission, Block IV, 5 Floor, JNU Old Campus, New Delhi – 110067
- Mr O P Kejriwal, Central Information Commissioner, Central Information Commission, Block IV, 5 Floor, JNU Old Campus, New Delhi – 110067

- Ms Padma Balasubhranian, Central Information Commissioner, Central Information Commission, Block IV, 5 Floor, JNU Old Campus, New Delhi – 110067
- Mr B V R Subramaniam, Private Secretary to the Prime Minister, Prime Minister's Office, Room # 152, South Block, New Delhi - 110001
- Mr Arun Bhatnagar, Secretary, National Advisory Council (for distribution to all NAC members) 2 Motilal Nehru Place, New Delhi - 110001
- Mr T Jacob, Joint Secretary, Department of Personnel and Training, Government of India, Room # 111, North Block, New Delhi - 110001