

A.N. Tiwari
Information Commissioner
Central Information Commission, India

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A Proposal for Setting up the Institute for Transparency and Accountability Studies (ITAS)

I. INTRODUCTION

The Indian Constitution has established democratic foundations for the State and admirably sustained its functioning. More than half a century old history of democracy in India holds testimony to the intrinsic relationship between the state and the citizens as embedded in the Constitution. The Vision document of the Planning Commission states that India's economic and teleological transition is accompanied by a multifaceted political transformation which may well be slower, less clearly defined and less visible, but will nonetheless have profound impact on the functioning of the government 20 years from now. Going forward, Vision 2020 document defines good governance as *'farsighted and dynamic leadership to maximise national prosperity, individual freedom and social equity through responsive, transparent and accountable administration that removes all the bottlenecks to economic development (Annex - A)*. The democratic governance does not come without bottlenecks/dangers. In the context of dangers to democracy Mahatma Gandhi, said that *"there is no human institution but has its dangers. The greater the institution the greater the chances of abuse. Democracy is a great institution and, therefore, it is liable to be greatly abused. The remedy, therefore, is not avoidance of democracy, but reduction of possibility of abuse to a minimum."*¹

¹ Mind of Mahatma, Quoted at <http://www.mkgandhi.org/momgandhi/chap72.htm> sourced from Young India 7-5--
Level 14, SolNet House, 70 The Terrace, P.O. Box 10152, Wellington 6143, New Zealand
Telephone +64 4 473 9533, Facsimile +64 4 471 2254
Conference website: www.icic2007.org.nz

Perhaps, seen in the context of what Mahatma has said the Right to Information Act has created a legal framework seeking to plug the possibility of abuse of democracy at operational level. Accountability and transparency go to the core of representation, they shed light on power structures in democracy they can illuminate bias and self-interest, and most importantly, lack of them can destroy legitimacy.² Furthermore, in the next 25 - 50 years time horizon, the Indian republic would be endowed with more enlightened and better informed citizens due to the increasing literacy levels and the impact of available and emerging communications technology that is penetrating far and wide. As a result, their expectations to share, participate and influence the matters of State would undergo transformation. So would be the speed and spread of their engagement in matters of State as a better educated and better informed electorate will be increasingly demanding of its rights and increasingly critical of non-performing governments and their individual members.³ Thus, at the end, transparency and accountable practices adopted by the bureaucracy alone would ensure that the communications between the State and the citizens are acceptable and convincing to the community. As such, the related operational systems/human resources need to be endowed with the capacity to respond swiftly to match the citizens' rising expectations and their increasing concerns.

2. This paper brings out the justification for creating ITAS and investing in its operations for capacity building in the context of delivering the core objectives of the Right to Information Act VIZ., accountability and transparency for democratic governance.

1931,p.99

² Based on: Rana Lehr-Lehnardt, NGO Legitimacy: Reassessing Democracy, Accountability and Transparency, Columbia Law School, Cornell Law School LL.M. Papers Series
<http://lsr.nellco.org/cgi/viewcontent.cgi?article=1020&context=cornell/lps>

³ *Planning Commission, Vision 2020*: Development tends to reduce the extent of the disparities in some ways while aggravating them in others. Economic disparities aggravate perceptions of difference between sub-national, linguistic and communal groups, fostering ethnicity and communalism. A positive strategy for national security will depend on the secular and democratic values of the Indian nation deriving its strength from our culture, civilization and freedom.
<http://planningcommission.nic.in/reports/genrep/plvsn2020.pdf>

II. THE CONTEXT AND THE CHALLENGES

3. Democratic competition is inherently effective as a mechanism for revealing information. Therefore, the more developed the democracy, the more highly developed the institutions that guarantee transparency of policy and policy-making processes. The information thus revealed about preferences, the state of the world, and elite action, and prior policy impacts -- is useful both to elites and to ordinary voters. It enables citizens to monitor more effectively the behaviour of elected officials. It has the effect of reducing the probability of government officials adopting policies that are purely rent seeking or self-serving relative to the probability that such policies would be adopted in an undemocratic setting. It makes, over time, democracy a system of moderation and constraint, with equilibrium properties.⁴

4. In the context of economic growth and quality of governance⁵, research studies particularly those relating to economic policy performance indicate that the adjustment to (economic) shocks will tend to be worse in countries with deep latent social conflicts and with poor institutions of conflict management. Consequently, such countries will experience larger declines in growth rates following shocks. On the other hand,

- democracies yield long-run growth rates that are more predictable;
- democracies produce greater short-term stability;
- democracies handle adverse shocks much better;
- democracies deliver better distributional outcomes:

5. In a way to complement the above analogy of Dany Rodrick some other research studies⁶ from the World Bank have independently demonstrated that information flows, as proxied by two indices, transparency index and access to information index, are positively correlated with the quality of governance and hence accelerate growth.

⁴ Quote from: Quinn, Dennis P., and John T. Woolley, Democracy and National Economic Performance: The Search for Stability, School of Business, Georgetown University. June 1998. <http://www.isr.umich.edu/cos/pewpa/archive/archive> 98/19980012. odf#search='Democracv%20and%20N ational%20Economic%20Performance%3A %20The'

⁵ Dany Rodrick, Institutions For High-Quality Growth: What They Are And How To Acquire Them? <http://www.nber.org/oaers/W7540.odf>, May 2004

⁶ Roumeen Islam, Do More Transparent Government Govern Better? World Bank Policy Research Paper 3077 June 2003

The ITAS is designed to work for strengthening the twin pillars (Transparency and Accountability) and thus indirectly contribute to growth. Therefore, investment in ITAS, in line with the Medium Term Appraisal recommendations on governance related issues, can qualify to the Plan expenditure.

6. The Right to Information Act, 2005 empowers citizens to request information about the decisions in the use of public resources as well as the related decision making processes while imposing matching obligations on the public authorities to respond to requests. The regime change induced by the RTI Act empowers the Central Information Commission vide Section 19(8)(a) to promote openness in the functioning of public authorities while strengthening their transparency practices by helping them to design efficient systemic innovations and quick transferring of information handling skills in conjunction with enhanced abilities for pro-active responses which can meet citizens' emerging needs for information on a continuous basis. Further, section 26 of the RTI Act imposes a challenging obligation on the public authorities to help citizens raise the quality of requests while investing on capacity building of their response systems and human resources. To meet these twin challenges, the proposed ITAS, in the Central Information Commission, would be engaged in collaborating with public authorities for evolving cost-effective and universally adaptable solutions within the mandate of the RTI Act. Given the core objective of the Act, the implementation challenges are complex, particularly in modulating citizen focused supply response by public authorities. Thus, maintaining equilibrium between demand for information from enlightened citizens and efficient supply by public authorities remains a constantly evolving challenge before public policy makers and hence needs constant innovations that can be induced and implemented by the ITAS.

7. For managing the mandate of RTI at operational level, the Act reiterates the core values of democratic governance and also unveils the contours of operational obligations for minimizing information asymmetry between the citizens and the State which have potential for enhancing their bond through increased credibility. However, "the mandate before public authorities emerging from the Act can only succeed with open attitude".⁷ The intrinsic assumption in RTI Act is that information about decisions of public authorities' and related decision making process should be a public knowledge with

⁷ <http://foi.missouri.edu/intematfoinews/foiasucceed.html> accessed on 30.7.2005

accountability and transparency embedded in their practices unless there is a compelling reason for keeping them private/secret. The Mid-Term Appraisal of 10th Plan acknowledges that open government is a key element of governance reform⁸ and recommends for pressing for the adoption of Right to Information legislation across the country⁹. Now the legislation being in place and the Central Information Commission as having been created, the ability to supply information by the public authorities requires to be upgraded, and in some cases completely overhauled, more particularly the way in which they hold information about their functions and systemic operations in support of citizen requests/RTI Act implementation. Thus, the implementation challenge or RTI Act throws up an all-inclusive operational agenda for ITAS, which seeks to support the public authorities, State Information Commissions, civil society etc.,

8. These operations would involve objectively benchmarking the required degree of transparency and accountability in the functioning of the internal systems to auto-generate and supply reliable information that efficiently matches the potential demand as well as the expectations embedded in the RTI Act in particular and for good governance in general. Besides, scientifically exploring the ways and means for universal understanding and application of the concepts of accountability, transparency and obligations emerging from the RTI Act in its letter and spirit among all stake holders as well as pro-actively helping the government/public authorities to introduce innovations in the management of internal systems aimed at maximizing the expected outcome of the Act.

9. Exclusivity of the operations of ITAS vis-à-vis the existing think-tanks funded by government. The existing publicly funded policy think tanks/social science research institutions are oriented towards scholarly/ pure theoretical work. More over, their output has debatable applicability to the systemic problems at operational level. In general, the adaptability of their output into effective use of governance systems runs many risks, which can be better summarized, in the following scholarly words. "There is too much factual knowledge to grasp even a speck of the whole. This makes for an excessive diversity that lacks in coherent unity. With no coherency in the parts, there will be no coherent truth in the whole. Without coherent truth, there is only a relative truth. Relative

⁸ MTA X Plan (2002-07), Planning Commission pp 493, para 17.36

⁹ MTA X Plan (2002-07) Planning Commission pp xxvii, Recommendation No 303

truth makes for contradiction from different viewpoints, perceptions, and perspectives. Contradictions deny a common definition and meaning of truth, morality, justice, and beauty. They also deny common standards, values, principles, and virtues. Uncommon values lead to personal and social conflict and confusion; to the blocking of learning in education, to the disintegration of social unity".¹⁰ There is evidence to show that some of the existing institutions (including fully government funded) suffer with many institutional imperfections and operational rigidities, which are well documented by researchers.¹¹ Most of the government funded institutions found to be wanting in their performance in relation to the money goes into sustaining these aging character. Historical performance of some of those institutions may also warrant bold decisions in the direction of Schumpeterian creative destruction¹² to re-channel public funds for more productive outcomes.

10. In this background and since the solutions to the public authorities' emerging governance¹³ challenges, particularly focusing on RTI mandate, would require a mix of scholarly inputs as well as operational knowledge, while the response would require a team approach to quick fix system oriented solutions ensuring simultaneous skills

¹⁰ Edward J. Bartek A Global Theory of Knowledge for the Future, <http://www.bu.edu/wcp/Papers/TKno/TKnoBart.htm>

¹¹ Responding to Economic and Political Weekly editorial and Mr. A Vaidyanathan's essay in the context of quality and quantity of social science research in India Mr. G.N. Ramu observed that "A well-designed and properly executed evaluation of performances of (these two groups of) researchers. taking into account their designated responsibilities (e.g. teaching, research and services such as advising government, NGOs and even the private sector) is likely to show that performance of researchers in a majority of research institutes falls short of expectations" and Mr. A. Vaidyanathan suggested ways to address the challenges of improving quality of research, by mentioning that "this is a big challenge which the academic and scholarly community must meet in return for staking a larger claim on public resources" Please see <http://www.epw.org.in/showArticles.php?root=2001&leaf=03&filename=2287&filetype=html> & <http://www.epw.org.in/showArticles.php?root=2001&leaf=01&filename=2068&filetype=html>

¹² *Every piece of business strategy acquires its true significance only against the background of that process and within the situation created by it. It must be seen in its role in the perennial gale of creative destruction; it cannot be understood irrespective of it or, in fact, on the hypothesis that there is a perennial lull ... The fundamental impulse that sets and keeps the capitalist engine in motion comes from the new consumers, goods, the new methods of production or transportation, the new markets, the new forms of industrial organization that capitalist enterprise creates. See <http://transcriptions.english.ucsb.edu/archive/courses/liulenglish2S/materials/schumpeter.html>*

¹³ The Australian definition for governance seems to be more encompassing and capable of capturing the Indian concerns of governance: "Beginning narrowly and ending with a very broad definition, these are: 1. the management of public resources, or public administration. 2. the activities of government or the system of governing 3. government's interaction with civil society and citizens in general. This definition introduces actions directed towards government as well as by government. This includes the constraints and accountability mechanisms under which parliamentarians operate, and 4. the interaction of traditions, values, institutions and processes that shape society. In this definition, government is less central. While still an important player in some interactions, it may be marginal or absent in others." PI. See <http://www.aph.gov.au/LIBRARY/Pubs/rn/2001-02/02m11.pdf#search='Good%20governance%20and%20Australia'>

transfer to the public authorities. Such teams can effectively function on flexible terms consisting of scholars, practitioners, activists and experts with built-in quality control mechanism to validate their output for authenticity and adaptability.

11. Currently no 'lean-think-tanks'¹⁴ exist as their institutional structures neither provide required flexibility for self-dissolving¹⁵ team formation nor allow easy entry for practitioners and experts unless they join on long term commitments. Hence, ITAS is being envisaged as a lean, flexible, and modern organization driven by performance. Its architecture seeks to balance the long term requirement of scholarship with appropriate compensation package and short term task driven team formation with flexible entry and exit options without long-term financial commitment. In the international context, Canada¹⁶ has a dedicated a Center that has focus on governance reforms and to create systemic changes. USA has some non-profit enterprises viz., the Performance Institute, engaged in transferring knowledge to transform governance.¹⁷ In UK too non-profit agencies work for implementation of Freedom of Information Act. There are many such instances from other mature democracies. In India, the civil society is engaged only in representing the demand side of the RTI Act related work, while none exists on addressing issues of imperfections on the supply side of R TI work.

III. ENTERPRISE ARCHITECTURE

12. The *fundamental values* that form a basis for the work, its architecture and the reasons for CIC to be associated with this venture.

The core values of democratic governance are embedded in the Indian Constitution. The legislation on Right to Information not only reinforces those values but also seeks to gear up the governance systems for accelerated transformation of current information handling practices¹⁸ to translate cherished values into visible action. Accountability and

¹⁴ In contrast many institutions exist as white elephants as argued in the EPW article.

¹⁵ Dissolving upon completion of the task.

¹⁶ International Center for Democratic Governance especially for capacity building at local government level see. <http://www.icdg.uga.edu/mission/>

¹⁷ The Performance Institute is a private, nonpartisan think tank improving government results through the principles of performance, competition, transparency, and accountability <http://www.performanceweb.org/index.asp>

¹⁸ relating to Administrative, financial, political distributive decisions and actions of the executive and their advisors - in house, inter-departmental or outsourced.

Transparency are the twin pillars on which the edifice of various democratic governance institutions at various levels are raised, seen, felt, experienced and tested by the citizens. As such, there is a need for focused and scientific diagnosis of emerging problems for designing objective solutions and contextualizing them to sharpen the skills, to orient the systems and to modulate the policies for strengthening these pillars. Such pillars have to withstand the shocks - the known and the unknown, as well as the predictable and the unpredictable - in political or economic sphere. Therefore, well-analyzed response with well designed systems and their operations on a continuous basis would bring the State and the empowered citizen closure to each other and strengthen their bond to withstand any shocks. ITAS in CIC is designed to deliver such responses effectively by

- engaging the scholars,
- attracting activists, and
- allowing practitioners

to team up on task-specific client focused assignments while ensuring the quality of the output through an oversight/supervisory committee consisting of independent professionals.

13. Accordingly, investing in RTI infrastructure, through establishment of an Institute to create, lead and sustain a network of partners with shared mandate¹⁹ for furtherance of the core values established in the Indian Constitution and reiterated by the Indian Parliament in the RTI Act would be an investment that would increase democracy dividends. Such investments would be used for capacity building, skill transfer, pro-transparency institutional architecture, systems designing for modernizing decisions support, decision making, decision recording, decision retrieval mechanism in Central, State and local governments. The guiding principles for the Institute in its endeavour would be as follows:

- (a) to be non-partisan;
- (b) to be ethical in actions and relationships;
- (c) to foster policies that support the public trust;

¹⁹ For e.g.,: government, government sponsored or non-profit ventures engaged in furthering the cause of transparency and accountability and right to information.

- (d) to lead similar agencies at State level as a pre-eminent source of knowledge in the field;
- (e) to promote accountability standards and best practices, and
- (f) to focus on multi-jurisdictional transparency policy issues.

14. **Legal Character of ITAS.** Considering the associated rigidities flexibilities in the context of financing and operational independence, in fact, the Institute would have to be created in one of the two routes for legal structure. These are: registering the Institute (i) as a Society or (ii) as a non-profit Company²⁰ u/s 25 of the Companies Act. A society route is preferable over that of a company as the ITAS outputs are in the nature of public-goods²¹ and difficult to be commercially priced at least in the initial phase of its operations. However, in order to achieve fuller success in this direction, it is felt that, to start with, the task may be handled in the CIC as an Institute. After the Institute's take off and reaching a particular height, analysing the outcome and its experiences critically, the Institute can very well be converted into a Society by plugging the loopholes and adding fresh inputs that were identified during its term. By the assured State patronage and flow of funds in the initial stages, the management of the organisation as an Institute would tend to perform efficiently and effectively. Once, its varied training approaches and innovative publications become popular nationally and internationally, gradually its training programmes can be organised on payment basis. Similarly, its publications can be priced.

²⁰ Non- Profit Company could be explored through equity participation by CIC/DoPT or any of its affiliates. It would come with flexibility to expand the equity base, transfer its ownership/ control, or progressively divest ownership without complications. ITPO is one example. But its business operations and premises rental income doesn't provide any parallel to the envisaged operations of ITAS. In the absence of any opportunities for business critical to keep the ITAS away from the legal obligations of a SOE i.e., state owned enterprise. For e.g., NASSCOM's holding in National Institute of Smart Governance (NISG), Hyderabad is justified, as perhaps the NISG's activities expand the market for Software and IT products and thus serve the industry interests represented by NASSCOM.

²¹ Public goods like analytical research output dissemination relating to governance while the private goods are client specific outputs like systems designs. technology transfer, training, manuals, communicating with citizens through mass media including hosting of websites in all Indian Languages for Public authorities etc., Theoretically, Public goods have two distinct aspects-"non excludability" and "non rivalrous consumption." Non excludability means that non payers cannot be excluded from the benefits of the good or service. If an entrepreneur stages a fireworks show. for example. people can watch the show from their windows or backyards. Because the entrepreneur cannot charge a fee for consumption. the fireworks show may go unproduced, even if demand for the show is strong. The second aspect of public goods is non rivalrous consumption. Assume the entrepreneur manages to exclude non contributors from watching the show (perhaps one can see the show only from a private field). A price will be charged for entrance to the field, and people who are unwilling to pay this price will be excluded. If the field is large enough, however, exclusion is inefficient because even non payers could watch the show without increasing the show's cost or diminishing anyone else's enjoyment. That is non rivalrous competition to watch the show. See <http://www.econlib.org/library/Enc/PublicGoodsandExternalities.html>

It can also take up related publication assignments from various State Information Commissions on payment basis. Thus, as it grows successfully, it would tend to become self-sustained financially, partly if not fully. Thereafter, with its own revenue earnings and government support partially, it can grow further and would ultimately necessitate converting the Institute into a Society.

15. The ITAS enterprise architecture and its difference from that of similar existing institutions. ITAS would work in a non-profit environment; aims to contain operational costs and strive not to be a cost-center. It would deliver public-goods, some client specific and other with universal focus. As such the financial and governance mechanism seeks to be flexible without attracting long-term financial risks and liabilities. ITAS seeks to avoid the commonly witnessed trouble experienced by most of similar bodies in the course of delivering their mandate, which tend to expand their empire, and demand new funds for new functions, but never admit that their job has become unnecessary and that they should be abolished.²² Most of the organizations, even in corporate sector, suffer with many imperfections due to their architecture. A recent McKinsey analysis²³ referring to 21st Century Organisations says that "Corporate organizational structures-designed vertically, with matrix and adhoc overlays-make professional work more complex and inefficient.' Another Report²⁴ brings out the advantages of pull systems working on decentralized platforms as against the prevailing practice of top to down push system, particularly for innovations in a competitive environment.

²² See: Around the World in 80 Ideas, Into the Sun set - 4th idea at <http://www.adamsmith.org/80ideas/idea/4.htm>

²³ The 21st Century Organization - McKinsey Quarterly 2nd October 2005
<http://www.mckinseyquarterly.com/article/abstract.yisitor.aspx?ar=I628&L2=I8&L3=30&srId=I10&gp=0>

- Professional employees, who create value through intangible assets such as brands and networks, now constitute up to 25 percent or more of the workforce in financial services, health care, high tech, pharmaceuticals, and media and entertainment.

- Making professionals productive enables big corporations to be competitive, yet most of them do little to improve the productivity of these employees .

- Corporate organizational structures-designed vertically, with matrix and ad hoc overlays-make professional work more complex and inefficient.

- Companies must change their organizational structures dramatically to unleash the power of their professionals and to capture the opportunities of today's economy.

²⁴ Push systems-characterized by top-down. Centralized, and rigid programs of previously specified tasks and behavior-hinder participation in the distributed networks that are now indispensable to competitive advantage. Most companies now mobilize resources by deploying push systems. in the mistaken belief that they promote efficiency. However, More versatile and far-reaching pull systems-characterized by modularly designed, decentralized platforms connecting a diverse array of participants-are now starting to emerge in a variety of arenas. As pull systems reach center stage. executives will have to reassess almost all aspects of the corporation.

²⁸ See, Government Information Sharing: Calls for Action (March 2005) and Enterprise development Tool Kit V.3 (Oct 2004) at <https://www.nascio.org/hotIssues/EA/>

Therefore, the architecture is aimed to control/contain potential bureaucratic expansion or scholarly pursuit of actions with no consequences on public affairs. Unlike the existing institutions of its kind the ITAS would be created on a lean and flexible structure. Its focus would be on performance management through constant quality oversight and competitive recruitment, retention policy as well as a flexible compensation package, which is designed, not to create a permanent liability on ITAS.

16. ITAS' work will be:

- to prepare data bases on RTI related issues
- to undertake case studies
- to study the impact of RTI Act
- to conduct surveys
- to prepare syllabi for various educational and training institutions in RTI.
- to organise conferences, seminars and workshops
- to convene training programmes for citizens, RTI practitioners and activists and members of staff in CIC/SICs
- to prepare films, slides and other documents relating to RTI
- to publish national/international RTI journals, newsletter on RTI, annual report of CIC and annual data on RTI: "Status Report RTI in India"
- to undertake compilation and classification of decisions of CIC and their publications
- to study the impact of RTI on other Acts and Regulations, especially those relating to Competent Authorities
- to interact with the public authorities, civil society, assess their needs and identify problems in the context of RTI Act
- to undertake any other work assigned by CIC and Department of Personnel and Training

17. ITAS would have 5 units, viz:

- (i) Training
- (ii) Research and Innovation

- (iii) Publications and Media
- (iv) Legal Research
- (v) Administration

18. **Training Unit:** Section 25 of the RTI Act lays down that:

“(1) The appropriate Government may, to the extent of availability of financial and other resources,— (a) develop and organise educational programmes to advance the understanding of the public, in particular of disadvantaged communities as to how to exercise the rights contemplated under this Act; (b) encourage public authorities to participate in the development and organisation of programmes referred to in clause (a) and to undertake such programmes themselves; (c) promote timely and effective dissemination of accurate information by public authorities about their activities; and (d) train Central Public Information Officers or State Public Information Officers, as the case may be, of public authorities and produce relevant training materials for use by the public authorities themselves.”

The experiences of all the stakeholders in the RTI Act can be collected and collated by ITAS. It would be the best forum for passing on the message of the RTI Act, its modalities and purposes. It can form the vital link between the Government, the public authorities, the citizens and the Information Commissions.

19. **Research and Innovation Unit:** The decisions being given by the various Information Commissions independently of each other, have opened up vast areas of information to the citizens. The time bound manner in which information has to be given under the RTI Act requires excellent records management. Considerable work has been generated for the bureaucracy in answering RTI requests. However, there is no method of getting a feed back regarding the impact of RTI Act on the Indian democratic framework. ITAS would be in an ideal position to do impact studies and to show areas in which improvements in the functioning of public authorities are required. It would also bring out negative impacts, if any, of the RTI regimen. ITAS can offer suggestions to public authorities and to the Information Commissions how to improve the functioning of the RTI regimen. ITAS can do surveys and prepare data base of RTI for the entire country which could include data base from the Central and the States.

20. **Publication and Media Unit:** ITAS could bring out an annual publication showing the “Status of RTI in India”, which can give a broad picture to know how the RTI regimen is functioning. Further, it could bring out publications dedicated to RTI which could consist of case studies, easy to use manuals, international journal on RTI etc. It could prepare syllabi for various educational and training institutions in RTI. It could prepare films, slides and other documents relating to RTI as well. It could analyse decisions and have a dialogue with the media to highlight decisions which have a wide impact on the public. It could bring out publications of best practices being followed by all the State Information Commissions. It can organize national and international seminars and other forums for discussions on RTI. It could also publish the annual report of the Central Information Commission, the data of which would further help ITAS to do more research into RTI.

21. **Legal Unit:** Section 19(7) states that “the decision of the Central Information Commission or State Information Commission, as the case may, shall be binding”. Further, Section 22 of the Act reads as follows:

“The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in the Official Secrets Act, 1923, and any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act”.

However, no proper study has been done regarding the impact of RTI on other laws. The RTI Act has included in its ambit competent authorities such as:

- (i) the Speaker in the case of the House of the People or the Legislative Assembly of a State or a Union territory having such Assembly and the Chairman in the case of the Council of States or Legislative Council of a State;
- (ii) the Chief Justice of India in the case of the Supreme Court;
- (iii) the Chief Justice of the High Court in the case of a High Court;
- (iv) the President or the Governor, as the case may be, in the case of other authorities established or constituted by or under the Constitution; and
- (v) the administrator appointed under article 239 of the Constitution;

It is, therefore, necessary to study the impact of RTI Act on the functioning of these competent authorities vis-à-vis the executive. Even the relation between the Information Commissions and these competent authorities needs to be spelt out very clearly. ITAS will be in a position to review existing laws and suggest amendments to them so that the RTI Act 05 and the laws of the country are in consonance with each other and the areas of conflict and coordination are duly identified. The transparency brought in by the RTI Act will no doubt impact their way of functioning of the Competent Authorities. Since the competent authorities work under their own independent laws as well as under the Constitution of the country, the impact of RTI Act on these laws and ways of functioning needs to be thoroughly studied.

22. **Administration Unit:** This unit will provide the administrative framework for ITAS and will take care of administrative, financial and budgetary aspects as well as the establishment matters. Except Administration Unit which will be headed by a Joint Secretary, all other units will be headed by prominent professors in the related field who could be of the level of Additional Secretary. Similarly, except Joint Secretary who can be taken up on long-term deputation to have continuity, Professors will be taken up on contract basis or on short-term deputation.

23. Each unit would need a pedestal of one full section consisting of 1 Section Officer, 4 Assistants, 1 Stenographer, 2 Data Entry Operators, 2 UDC/LDC and 2 Peons. Every unit, other than Administration, would require 2 experts from the respective fields or who are experts in the field of RTI and 2 practitioners from client departments. In addition, Administration Unit would require an officer of the rank of Deputy Secretary and a Librarian. The Unit heads will have to be provided complementary staff viz. Private Secretaries, Data Entry Operators and Peons. There has to be a pool of at least 4 vehicles with drivers, one each farash and sweeper.

24. The core activities of ITAS would be engaging:

- anticipating the emerging challenges to systemic accountability and transparency in governance as well as offering, generic or client specific, operational solutions - on its own, in partnership and on demand; and
- mining, aligning, linking and disseminating public policy/resources use related information and evolving policy options for (a) records management (b) publication (c) skill enhancement and (d) associated

system refinements

- in inventing and strengthening various democratic governance practices
- in designing and innovating operational systems to match the practices
- in establishing benchmarks for assessing the output of the operational systems and governance practices, and
- by effectively devising means to efficiently transfer the enabling skills (a) to those who manage and/or operate the systems, and/or (b) those who are effected by those systems; with intense interface between technology, governance and the community, more particularly for enhancing accountability and transparency in governance and its related transactions.

25. Inducing reforms through two pillars viz. accountability and transparency in government systems requires considerable ingenuity, skill, and finesse. The key problem is how to combine the maximum flexibility and independence for the task-managers while keeping tight financial control over public expenditure. Therefore, the ITAS' mission would be to foster excellence in accountability and transparency at every level. As a corollary to the outcome objective and in support of sharpening the skills, and improving the systems, institutional structures and their practices in the context of supply and demand management within the scope of RTI Act - the Institute would be effectively engaged in (i) capturing information on resource use and (ii) converting it into knowledge by (a) accumulating, (b) analyzing, (c) applying, (d) anticipating, (e) creating, (f) managing, (g) recording, (h) retrieving, (i) releasing, (j) reporting and/or (k) sharing it for the use of the practitioners, the partners and the public (iii) along with the required tools, the latest skills, the systemic designs and the objective public policy inputs for effective conversion of such knowledge into efficient governance practices. Such practices package would be delivered as a public-good or / and as a private good - as the case may be and as per the clients requirement and Center's priorities - viz., (a) on demand and for a price or (b) in anticipation on its own and (c) as created by it or its partners through the use of its own resources or shared resources or borrowed resources or such other resources as received in *gratis* or on any other negotiated terms.

26. The Institute's output is characterized by its potential uses. There would be two streams of output i.e., those to be delivered in long term and those in short term. The main users are the government departments and other public authorities. As such, the

services are either client specific or for general purpose in nature. While identifying needed skills for good governance and arranging for skill transfer, systems development, program specific policy inputs, analysis, evaluation, MIS etc., fall in the first category, exploring issues that have wider governance and public policy implications including methodology, policy tools thru research and experiment fall in the second category. The first one being client specific solutions they ought to be priced services. The second would be scholarly work and are in the nature public goods hence need upfront funding by sponsors endowments viz. corporates, endowments and recurring grants including projects based funding from sponsors like World Bank, UNDP, DfID etc.

27. In the short term (within next 2 years), and in the context of designing systemic standards and sharpening the RTI related capacity of public authorities, the market is very wide and so are the complexities of the challenges. The following are the illustrative activities.

- Capacity building of public authorities for disclosures under Sec. 4 of RTI Act
- Orienting the authorities towards cost effective transparent dissemination practices
- Training all PIOs, appellate authorities and NGOs, citizens
- Assessing technology needs and prescribing formats, manuals for systemic change
- Reviewing the accountability practices and transparency norms
- Assisting the public authorities to manage change towards enhanced transparency and accountability practices
- Providing language services for dissemination through web content

That being so, assuming that all the public authorities would have to build-up their HR capacity and create suitable infrastructure for implanting the RTI in next three years, the anticipated annual expenditure of each public authority would be at least Rs. 1 crore annually. Thus, the total market size would run into more than Rs. 500 crore per year. (50 Central Ministries & Independent Departments, a dozen apex bodies, large number of Departments within the Ministries and Autonomous organizations and together with

PSUs would be more than 500 authorities at macro level). Thus, in the short run the Institute would have to evolve standards, pool practitioners and match them with scholars with flexibility in their work styles to serve the market and share the opportunities along with partners quickly. The team members would be drawn as and when required from a pool of about 150-200 resource persons enrolled from across the departments/public authorities and for which a special dispensation for deputation (3-4 months) has to be made.

28. In the long run (after 2 years), the intensity of issues handled in the short term would be reduced and more challenging issues would have to be addressed. In this endeavour, the Institute has to pool intellectual resources and evolve appropriate business plans. Engage them in scholarly work. Create institutional infrastructure. Widen its intellectual network. Explore new frontiers of knowledge. Evolve public goods. Create new products relating to RTI Act. Viz., advocacy and RTI act implementation intellectually support the Information Commission. Position itself as a reliable adviser to State and local governments on Accountability, Transparency and Right to Information. Some of these activities can be priced; but most of the output of this nature cannot be priced. The resource persons would be recruited on contract terms for a period of 3-5 years term.

29. The challenge for the Institute is to focus equally on both products and subsidize the public goods by turning out the priced goods competitively all the times. The competitive edge for the Institute would have to come from the (i) flexibility to be given to government officials to be attached with the Institute for task specific short term assignments and (ii) a directive to be issued by the DOPT for Departments to demand the services offered from the Institute as part of RTI Act implementation.