उत्तराखण्ड सूचना आयोग
सेकेंटर 1 सी, डिफेंस कालोनी, देहरादून
फोन : (0135) 266678 / 2666779

dिनांक : 7/5/2007

प्रेषक,
सचिव,
उत्तराखण्ड सूचना आयोग,

सेवा में,

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विषय— वित्त पोषित स्वैच्छिक संगठनों के संबंध में सूचना आयोग में आहूत बैठक विषयक।

महोदय,

dिनांक 1, 3 तथा मई 2007 को उत्तराखण्ड सूचना आयोग में उपरोक्त विषय पर आयोजित बैठक का कार्यवृत्त आवश्यक कार्य हेतु संलग्न कर प्रेषित किया जा रहा है।

कृपया बैठक में लिए गए बिन्दुओं पर कृत कार्यवाही से आयोग को विलम्बतम 20 मई 2007 तक अवगत कराने का कदम करें।

संलग्नक: उपरोक्तानुसार।

(तारकेन्द्र वैष्णव)
सचिव
Directories of the "Other Public Authorities".

Summary of Proceedings of Meetings conducted (1,3-4 May, 2007, at Uttarakhand Information Commission, Defence Colony) to identify other Public Authorities under the Administrative control of departmental public authorities - ACTION POINTS and FOLLOW-UP REVIEWS.

Background

A. "Public Authorities has been defined as:
   (i) Any authority, or
   (ii) Body, or
   (iii) Institution of self-government.

established or constituted-

   (a) by or under the constitution;
   (b) by any other law made by parliament.
   (c) by any other law made by legislature.
   (d) by notification is used or order made by the appropriate government.

and (the above categories) includes any:

   (i) body owned, controlled and substantially financed,
   (ii) non-government organisation substantially financed.

directly and indirectly funds by the appropriate government.

2. During the past 18 months, since the notification of the Right to Information Act, 2005 (RTI Act), Government of Uttarakhand, has taken majors to identify most of the public authorities and compliance by the latter of the provisions contained in sections 5(1), 5(2) and 19(1) of the RTI Act. Further, most of them are on course to comply with the provisions contained in section 4(1) (b). Both the activities are being supervised and monitored by the Information Commission, under section 25 of RTI Act, and through the orders passed on complaints under section 18 and second appeals under section 19. Actionable points are also being communicated to the State Level Public Authorities (SLPAs) for compliance. RTI related statistics are obtained obtained from 58 State Levels Public Authorities, on a monthly basis, and communicated after being compiled at the Commission. These statistics are used in compilation of the Annual Report of the Commission, mandated by section 25 of the RTI Act. The Commission observed that the State Level Public Authorities has been unable to capture information required under section 25 from all public authorities subordinate to them and who are under their administrative control. It was accordingly decided to convey a methodology to these SLPAs and obtain a satisfactory mode of reporting for preparation of the Annual Reports.
3. Review Meetings of all State level/Directorate level Public Authorities were convened, in three rounds, to ensure that each of the State Level Public Authorities identify and ensure all other subordinate public authorities under their respective administrative control and supervision and ensure compliance of all provisions of the RTI Act, under intimation to the Uttarakhand Information Commission.

List of Participants:

4. List of State Level Public Authorities who attended these Review Meetings is appended at Annexure I, II and III.

Action Agenda of the Review Meetings:

5. These Review Meetings were attended by the Registrar, Firms and Societies and both the Deputy Registrars (Dehra Dun and Haldwani). The latter are to receive CDs Prepared by the participant State Level Public Authorities and compile District-wise and Year-wise list of all Non-Government Organizations (NGOs), who have received funds sanctioned/released through State Level Public Authorities viz. all State Departments/ State Directories.

5. These Lists of NGOs shall be prepared District-wise and Year-wise commencing from 9th November 2000, onwards.

Clarification - all NGOs/Groups, Registered or Un-registered:

6. As many Departments/Directories, who are State Level Public Authorities (Department/Directories), are also officially made responsible for recommending and channelizing funds/budgets sanctioned by Ministeres/Department of Government of India, or institutions and bodies subordinate to such Central Ministers and Departments, and are responsible for recommending projects/applications proposed by NGOs working in Uttarakhand or contributing State Government shares, at various proportions/ratios (80:20, 50:50 or at other ratios, including 100% GoI shares), or responsible for monitoring and supervision, or responsible for organizing beneficiary associations/ groups—it was clarified that all such organizations, who receive state or GoI funds, in any of the manner described above, are to be listed as "public authorities." All such authorities, bodies or institutions of self-governance are covered under the definition of public authority, as given in section 2(h)(d) and section 2(h) (i) and (ii). Wherever, doubts still exist notwithstanding this clarification, the State Level Public Authorities should seek Information Commission's advise guidance in respect of the applicability or otherwise of the definition to any institution or organization, in question.

Follow-up Meetings:

7. It was clarified that the Information Commission will hold further Review Meetings with the State Level Public Authorities till such time all possible doubts have been removed and all possible public authorities have been fully listed and have complied with the provision of the RTI Act.
8. After detailed explanation the following Steps were agreed to betaken by each of the State Level Public Authority (Department/Directories):

Year-wise & District-wise Listing of NGOs:

8.1 Each Department/Directories will re-visit their annual budget paper, starting with the the 2000-2001 (9th November,2000 to 31st March, 2001) onwards year-wise till 2006-2007 and identify the schemes/budget heads/sub-heads, and short-list those schemes which are meant to be spent not through the normal department mechanism but through non-government channels or the NGOs or other institutions, and prepare a list of all such budget heads, the details of all such schemes will also be provided (this is already obligatory for all public authorities under section 4(1)(b) of the RTI Act),

8.2 Copies of all Government Santions/GOs will be listed, district-wise and year wise, containing the names of "public authorities" which received government funds through these sanction letter; this includes all sanctions of GoI sanctions and GoUA sanctions (as per the Finance Department orders all these GOs are also endorsed to the NIC for being included in the State Web-site),

8.3 Based on steps mentioned in paragraph 8.1 and 8.2, year-wise and district-wise list will be prepared, giving,(a) full name and address of the beneficiary NGOs and (b) the details of the sanctioned amount,

Post-Listing Actions:

8.4 After Lists indicated in paragraph 8.3 have been prepared each State Level Public Authority will communicate to the NGOs, included in these Lists that they are included in these Lists that they are included in the definition of a public authority and are thus obliged to nominate their Public comply with the provision of section 4(1)(b) related to preparation of 17 Manuals,

8.5 The conditions mentioned in paragraph 8.4 above are to be added to the existing conditions mentioned in paragraph 8.4 above are to be added to the existing conditions, which may have been imposed while sanctioning funds through GOs mentioned in paragraph 8.2 above.

8.6 These two conditions will also be automatically included in all new GOs/Sanction letters in future and no funds will henceforth be released till such time the recipient NGO has nominated its PIO under section 5(1) and agreed to comply with the provisions contained in section 4(1)(b), within 2 months of the release of the first instalment. Copies of these conditions additions to existing conditions, will also be endorsed to the Accountant General's (AGs) Office,

Directories to be Shared and up-loaded on the Net:

8.7 Deputy Registrars of DehraDun and Haldwani after receiving these CDs from all State Level Public Authorities will compile them Year-wise and District wise, share these with the Information Commission and after its approval, release it to all the State Level Public Authorities
and also upload it into the Net. These Lists will also be included in the Departmental Manuals Prepared by the Public Authorities under section 4(1)(b) of the RTI Act.

**Follow-up Review by the Information Commission:**

8.8 After ten days the Information Commission will commence Follow-up Review Meetings and ensure that actions under section 5(1) and section 4(1)(b) are taken by all public authorities, now included in these Lists and the State Level Public Authorities also take up the following action in a systematic manner:

8.8.1 All State Level Public Authorities undertake suitable action to train and orient the PIOs, now nominated by the NGOs enlisted in the Lists prepared by them, and

8.8.2 All State Level Public Authorities also nominate the Departmental Appeal Authority (DAAs) using power given in section 19(1), based on the relationship between them and the NGOs/institutions now include in List prepared as a part of the follow up of these Review Meetings.

**Monitoring and Reporting by the Information Commission:**

9. In addition to Reviewing the progress of this Review the Information Commission will also review reporting by these new public authorities as provided by section 25(2) of the RTI Act, through their respective State Level Public Authorities, who are regularly reporting to the Information Commission, by the 10th of the next month for the month under consideration. Difficulties mentioned by the State Level Public Authority in this respect would be resolved in the follow-up Review meeting to be held at the Information Commission, under section 25(5) of the RTI Act.

10. This issues with the approval of the Chief Information Commissioner UIC.