

'LOKPAL PANEL MINUTES NEED NOT BE DISCLOSED'

Relevant for: Developmental Issues | Topic: Important Aspects of Governance, Transparency & Accountability including Right to Information and Citizen Charter

The Centre has refused to disclose the minutes of the Lokpal selection committee's meetings, and its decision has now been upheld by the Central Information Commission (CIC). Right to Information (RTI) activist Anjali Bhardwaj intends to appeal against the CIC's order in court, pointing out the irony that the Lokpal itself is a body meant to augment transparency in governance.

A CIC hearing was held in January 2021, more than two years after the RTI query was filed, and the CIC's final order was published last week. At the hearing, the DoPT argued that "the confidentiality of the said record can be gauged by the fact that the averred minutes of the Selection Committee were received in a sealed cover." It invoked the exemption clause in Section 8(1)(e) of the RTI Act, claiming that the documents authored by third parties under reference is held in a fiduciary capacity by the Department of Personnel and Training.

Ms. Bhardwaj responded that there has been no prior judgment that the recommendations of public officials are fiduciary in nature. "The larger public has a right to know about the basis on which their Lokpal or Lokayukta was selected," she said during the hearing. Central Information Commissioner Saroj Punhani upheld the Centre's stance, citing two Supreme Court cases related to a Lokpal search committee and the committees for selecting Information Commissioners.

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