

RTI TIMES

Volume II Issue I

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Book Post

From the Editor's Desk

Dear Reader,

The other day a member of the 'RTI Cell' at 'Centre for Good Governance' (CGG), Hyderabad happened to interact with an RTI activist from Pune. Being someone who had successfully used his RTI in addressing many a 'public interest' issue – from exposing lethargy and “middle-man–raj” in the 'Road Transport Office', to making the 'Post Offices' deliver a promised value-added service to pensioners – the latter was expected to be optimistic and upbeat about the utility and potential of RTI.

Undoubtedly, he was very optimistic! However, the CGG member also found him to be a bit despondent and – as it turned out, when he explained himself – for a good reason. He narrated at least half-a-dozen instances of “success stories”, from the recent past, where RTI had exposed corruption or gross dereliction of duty. “Many more ills will be exposed in the coming days, weeks, and months”, he said. “But, to what avail?” he quipped.

His point was that the citizens, who had in many cases, got information as per the law and some others who got redress through the first / second appeal, made news, but have really not been able to make the desired impact-of-scale. Information may have been provided, corruption and maladministration may have been exposed (and to that extent RTI helped), but if that is where it ends, then the larger, obvious, malaise remains unaddressed.

Can we assume or just hope that all the offenders are really brought to justice after such exposes! **No.** A follow up – further using RTI, perhaps – of the subsequent executive action – is needed to find out, or even to ensure that appropriate action is taken. Now, can / should the burden of fighting corruption be borne only by the citizens and their organisations?

No. Hence, mere exposure of corruption / mal-administration – using RTI or otherwise – will not help. Absence of any punitive action against the wrongdoers will do more harm than good by emboldening the wrongdoers and antipathising the citizens.

Will the 'RTI regime' succumb to the “Soft State” syndrome that the Indian State is often criticised of being? Will the State treat the “enemies within” with kid gloves? Will it look the other way when they err against 'public interest' – and very badly at that?

The need to aptly reinforce the RTI Act's effects of deterrence as well as restitution cannot be over-emphasised!

CoRP [27th – 28th February '08] Overview

A 'Colloquium of RTI Practitioners' (CoRP) – the second such discussion group proposed under the aegis of the 'CBAI Project' – was held at 'Centre for Good Governance' (CGG), Hyderabad in the last week of February 2008.

The 'RTI Cell' at CGG had envisaged that the two-day Colloquium should deliberate upon:

- key aspects of the initiatives / interventions under / on RTI carried out by the participants (and / or their respective organisations);
- main roadblocks in effective day-to-day implementation of the 'RTI Act, 2005' and the practical measures that could be taken to get around the roadblocks; and
- aligning implementation of RTI with other significant developmental agendas for their mutual reinforcement.

Thus, in essence, the entire exercise was aimed at helping the participating stakeholders (including the CGG team) to generate, project or derive ideas / actions for better implementation of the 'RTI Act, 2005' and, in turn, to take their respective RTI-related work to the next, higher level. Accordingly, the broad 'Session Themes', determined for the Colloquium, were:

- Impact of RTI on 'Service Delivery' including 'Access to Justice';
- RTI for 'Poverty Alleviation and De-marginalisation';
- RTI for 'Protection of Environment'; and
- 'Local Democratic Governance' (including Strengthening 'Local-level Planning') and RTI.

As a first step toward this objective, the practitioners got an opportunity to showcase their past and present work including highlighting the good practice case studies or the success stories – that they were involved in. The participants were mostly activists – engaged in various awareness, advocacy, dissemination and training activities – using RTI directly or indirectly in their work. There was some representation from the Academia as well. Several of the participants had attended a workshop at CGG in April 2007 and took this opportunity to also present a detailed account of their work since.

Clockwise – starting from the right corner:

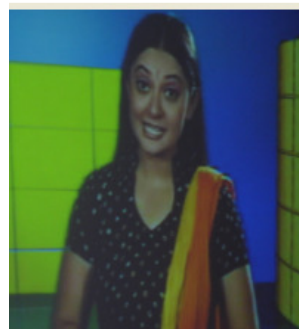
(i) A success story snippet about from a documentary on RTI. The poor use it to demand and successfully get their PDS entitlements; (ii) A discussion between sessions; (iii) An RTI protagonist (from a film made by 'Sardar Patel Institute of Public Administration' on the 'RTI Act, 2005') explains the provisions of the Act in simple vernacular language; and (iv) Participants listening with rapt attention to a presentation by a 'trainer-practitioner'.



(i)



(iv)



(iii)



(ii)



(i)



(ii)



(iii)



(iv)



(vi)



(v)

Clockwise – starting from the left corner:
(i) & (ii) Moments from the clipping on ‘Satark Nagrik Sanghatan’s’ successful use of RTI;
(iii) & (iv) Photo-Exhibition set up for CoRP by the ‘Social Audit Council on Information Right’;
(v) A participant addresses a query on one of the points during one of the presentations;
and (vi) Mr. Madabhushi Sridhar of ‘National Academy of Legal Studies and Research University’ engages the participants.

With reference to the ‘Session Themes’, all the participants discussed – in depth – their understanding; their experiences; their conclusions and their suggestions about the need for:

- pushing for scrupulous implementation RTI in rural areas;
- reaching out, networking and customising / targeting initiatives for the marginalised;
- auditing compliance of ‘Public Authorities’ with key sections of the ‘RTI Act, 2005’;
- sensitising / training school / college students;
- profiling RTI applications and appeals;
- using RTI for improving the quality of policy formulation and decision-making in Government;
- innovating for enhancing ‘Proactive Disclosure’ through the “administration-at-the-doorstep approach” [eg. the ‘Gramastha Din’ initiative in the ‘Nashik Division’ of Maharashtra];
- implementing RTI in conjunction with other existing laws for greater impact;
- benchmarking with good practices;
- promoting greater advocacy and awareness for better application of the “Public Interest test”;
- focusing on good ‘Records Management’ using ‘Information and Communication Technologies’ to the extent possible; and
- sensitising the judicial machinery on various aspects of RTI.

A “*path-naatya*” (i.e. street play) on ‘Right to Information’ was organised (on Day – II) by a team of volunteers from Mahboobnagar district, which was very well-received by the participants.

We would like to express our sincere gratitude to Mr. Venkateswar Rao of SACIR for his timely and significant inputs in organising CoRP. We are also thankful to several other members of SACIR whose efforts were of great help in the run up to and during the Colloquium.

Note: The presentations made by several participants and the films screened during the course of CoRP have been uploaded on www.rti.org.in

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A Brief Report on CGG's Participation in the Meeting of the 'National Coordination Committee on RTI Act' [2nd February 2008]



Mr. V. K. Reddy, Senior Manager, e-Governance, CGG demonstrates to the Press an e-Application developed for APSIC

An overview of the RTI-related activities carried out by the '**Centre for Good Governance**' (CGG), **Hyderabad** – as a partner in the '**National Implementing Agency**' (NIA) and otherwise – was presented to the '**National Coordination Committee**' by **Dr. Rajiv Sharma**, Director General, CGG (not in the picture).

In his presentation, Dr. Sharma gave a detailed account of an e-enabled "Information-and-Communication-Management-Application" that CGG has developed for the '**Andhra Pradesh State Information Commission**' (APSIC). This e-application has facilitated the maintenance of an elaborate 'electronic register' ('file-tracking system') of the appeals and complaints received by APSIC and of the status of their disposal over time. Moreover, this e-application enables a citizen to know the disposal status of her / his appeal / complaint using SMS. The citizen only needs to send a short message to **09989651152**, stating the unique number for her / his appeal / complaint.

The e-Application (as was later demonstrated by **Mr. V. K. Reddy** – second-from-right in the picture above) automatically locates – from the database – the disposal status, and any remark(s) incidental to the disposal [as applicable]. It, then, sends a reply, accordingly, to the mobile number from which the request (for knowing status of an appeal / complaint) would have been received.



Prof. M. M. Ansari, Central Information Commissioner (accompanied by **Mr. C. D. Arha**, State Chief Information Commissioner, Andhra Pradesh) officially launches the 'Citizen's Guide on RTI'

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Answers to Quiz in Volume I, Issue XII

1. Yes. A 'Public Information Officer' (PIO) can ask a person asking for information under the 'RTI Act, 2005' for 'proof of citizenship'.
2. The 'RTI Act, 2005' [Article 30 (I)] empowers the 'Central Government' to make, by an order published in the 'Official Gazette', such provisions that appear to it to be necessary or expedient to remove 'any difficulty arising in giving effect to the provisions of the Act'. These provisions, however, cannot be inconsistent with the (existing) provisions of the Act. It has been stipulated that such order shall not be made after the expiry of a period of two years from the date of commencement of the Act (i.e. NOT after 15th June 2007). Article 30 (I) adds that 'all such orders – after being made – shall, be laid before each House of the Parliament.
3. A 'Deemed PIO' would be any official, within a given 'Public Authority' who, though not officially designated as the PIO, may be forwarded an 'RTI application' by the designated PIO, for, that official would be better placed to provide the requested information. A 'Deemed PIO' is equally liable for any contravention of the provisions of the 'RTI Act, 2005' as the designated PIO.
4. Yes. The 'RTI Act, 2005' accords protection to copyright(s) under Section 9, whereby, a PIO can reject an information request, fully / partially, if access would "involve an infringement of copyright subsisting in a person other than the State". The PIO should to provide reasons for rejecting the request and quote the section of the Act, as applicable. The applicant has a right to appeal such a decision and the PIO needs to inform the applicant about this right and the time limits involved and also provide the applicant with the particulars of the Appellate Authorities – the 'First Appeal Officer' as well as the 'Central / State (as the case may be) Information Commission'.
5. The 'RTI Act, 2005' stipulates that the 'Information Commissioners' (Central / State) "**shall** be persons of eminence in public life with wide knowledge and experience in law, science and technology, social service, management, journalism, mass communication or administration and governance.
6. The 'RTI Act, 2005' has (in addition to a 'Preamble') Six 'Chapters'. These are: '*Preliminary*'; '*RTI & Obligations of Public Authorities*'; '*The Central Information Commission*'; '*The State Information Commission*'; '*Powers & Functions of the Information Commissions, Appeal & Penalties*'; and '*Miscellaneous*'.
7. The 'RTI Act, 2005' has Thirty–One 'Sections' in all.

Meeting of the 'National Coordination Committee on RTI Act'... contd. from page 4...

It was a matter of great pleasure for CGG that the 'Citizen's Guide on RTI Act, 2005', which was released by CGG (and was unveiled for the 'CBAI Project' stakeholders only a few days ago) was officially launched for the public at the hands of **Prof. M. M. Ansari**, Information Commissioner (IC), Central Information Commission (CIC).

In the presentation made to the 'National Coordination Committee' earlier in the day, DG, CGG had proposed to the 'National Coordination Committee' that CGG be recognised as the '**National Resource Centre on Right to Information**' (NRCRTI) by the Government of India (GoI). This proposal was made on this occasion in view of the fact that the 'National Coordination Committee' is likely to make vital recommendations to the GoI for strengthening the RTI regime in the country.

CGG is ambitious about continuing its action research and knowledge promotion work – pertaining to RTI – beyond the 'CBAI Project'. The Project ends in December 2009. CGG would also want its work to continue be nationally relevant. In particular, CGG is keen on embarking upon an exercise of wide impact assessment of the RTI regime across the country and on developing appropriate Information Technology systems for enhancing the convenience and efficiency of various stake holders in using RTI.

In this regard, CGG would be requiring wide-ranging support from some of the key institutional entities on, both, the demand-side (e.g. the Central and State Information Commissions) as well as the supply-side (e.g. Civil Society Organisations). CGG believes that its ability to access and to utilise such support could be, best, streamlined and reinforced through an official recognition as NRCRTI. CGG's work, so far, on RTI is, clearly, its unique selling protocol in support of its request for the said recognition.

CBAI Focus State: Arunachal Pradesh

- *Arunachal Pradesh* is a second-phase State. As in the other States, the State Administrative Training Institute (ATI) is the 'State Implementing Agency' (SIA) for the CBAI Project, whereas the 'District Implementing Agencies' (DIAs) are the 'District Administration' units in the *Lohit (Tezu)* and *West Kameng (Bomdila)* districts.
- YASHADA [CGG's partner in the National Implementing Agency (NIA)] – in association with the SIA, conducted a State-level 'Training of Trainers' (ToT) Programme in October 2007. Forty participants – including officials designated as PIOs / APIOs and representatives of Non-Government Organisations (NGOs) and the Academia were, thus, trained as Trainers / Resource Persons.
- The SIA faced acute difficulties in meeting its initial targets, for it could not carry out various activities, in time – as it wanted to due to factors beyond its control. The most important of the difficulties was incessant rains and the resultant flood situation in the Project districts, which put off the conduct of the aforesaid ToT. Prior to this, the ToT had got deferred due to YASHADA's preoccupation with its other activities as a national resource centre on RTI.
- The SIA has prepared and published various kinds of study / reference material on RTI in addition to the 'Directory' as required under the 'RTI Act, 2005'. It has also brought out an "RTI Calendar". Moreover, it prepared 'Operational Guidelines for the CBAI Project' for, both, SIA and DIAs so the funds earmarked for the State – under the Project – could be effectively utilised. Various capacity building activities were carried out at the SIA / DIA levels in February and March 2008 including conducting an RTI Workshop at the ATI. Most of the earmarked funds were, thus, fruitfully utilised.
- During the 'Review Meeting' (at Guwahati) on January 29, '08, the delegate from the ATI conveyed that the State Government had expressed a desire for extension of the Project to the entire State.

Right to Information Quiz

1. Does the 'RTI Act, 2005' lay down any criteria for designating 'Public Information Officers' (PIOs) and 'Assistant Public Information Officers' (APIOs)?
2. Does the 'RTI Act, 2005' lay down any specific criteria for designating 'First Appeal Officers' (FAOs)?
3. Is the PIO required to receive sanction from the Head of the 'Public Authority' (PA) (that he may belong to) regarding providing full or partial information or denying a request for information as per the 'RTI Act, 2005'?
4. Is the PIO required to receive sanction from the FAO of the PA regarding providing full or partial information or denying a request for information as per the 'RTI Act, 2005'?
5. Can the FAO in a PA be a 'Deemed PIO' with respect to information sought through a particular RTI application?
6. What are the reporting obligations of PAs and the designated APIOs / PIOs / FAOs with respect to their compliance with the 'RTI Act, 2005'?
7. Are 'Information Commissions' also PAs as per the 'RTI Act, 2005'?

Note: Find answers to this quiz in the next issue.

Please visit '*R2I NET*' for a detailed account of our activities and related updates at www.rti.org.in or at www.r2inet.org

Right to Information: TRIVIA

A four-day '**Social Accounting and Audit Workshop**' was jointly organised by CGG and the Hyderabad Chapter of the 'Centre for Social Initiatives and Management' (CSIM), from March 10th – 13th at CGG. It included a 3-day "**Masterclass course**" on the said topic. Resource support for the workshop was provided – in the main – by the '**Social Audit Network**' (SAN), based in the United Kingdom (UK).



SAN Logo

'SAN Limited' is a not-for-profit company limited registered in Devon with membership throughout UK. It's mission is "to promote and support social accounting as the preferred means, whereby organisations operating in the community, social economy and public sectors **report** on their social, environmental and economic performance and impact".

Such reporting is aimed at bringing improvements in an organisation's overall accountability to all its stakeholders. It could be employed by organisations – through a simple, three-step process.

It is to be noted that this 'Social Accounting and Audit' (SAA) framework is different from the 'Social Audit' concept / process that has emerged as a key tool of social accountability for exposing fraud, corruption and mal-administration in public organisations and in the development programmes that they manage. The latter is carried out through "*Jan Sunwaais*" i.e. 'public hearings', and RTI is used as a precursor to access public

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We Invite You to Share:

- Your ideas / comments on the 'RTI Act, 2005' or the 'CBAI Project';
- Your experiences in using / implementing the 'RTI Act, 2005';
- Other inputs in the form of relevant photographs / video footages.

You may send your inputs to:

Right to Information Cell (RTI) Cell,
Centre for Good Governance (CGG),
Road No 25, Jubilee Hills,
Hyderabad – 500 033.

E-mail: nia@cgg.gov.in

CoRP... contd. from page 3...

List of Participants for CoRP:

- Ms. Amrita Johari, 'Satark Nagrik Sanghatan' (SNS), Delhi;
- Mr. Dinesh Patel, 'Sardar Patel Institute of Public Administration' (SPIPA), Ahmedabad;
- Mr. George Cherian, 'Consumer Unity & Trust Society' (CUTS), Jaipur;
- Mr. Harineth Pandya, 'Mahiti Adhikar Gujarat Pahal' (MAGP), Ahmedabad;
- Dr. J. B. Rajan, 'Kerala Institute of Local Administration' (KILA), Thiruvananthapuram;
- Prof. Madabhushi Sridhar, 'National Academy of Legal Studies and Research University' (NALSAR), Hyderabad;
- Mr. Nagendra Babu, 'Jana Chaitanya Vedika', Hyderabad;
- Mr. Pralhad Kachare, Assistant Commissioner, 'Nashik Divisional Commissionerate', Nashik;
- Mrs. Prema, 'Consumer Rights Education and Awareness Trust' (CREAT), Bengaluru;
- Dr. Rakesh Ranjan, 'Madhya Pradesh Suchana Adhikar Abhiyan', Katni;
- Mr. Rao Chalikani, 'International Foundation for Human Development', Hyderabad;
- Mr. Sharad Kumar, 'Action for Good Governance and Networking in India' (AGNI), Mumbai;
- Mr. Venkateswara Rao, 'Social Audit Council for Information Right' (SACIR), Hyderabad.

Note: This list is not exhaustive.

Featured Resources

- www.apic.ap.gov.in
- www.rti.org.in
- www.socialauditnetwork.uk.org
- www.csim.org

Trivia... contd. from page 7...

records, which are sought to be verified during the public hearing.

The three essential steps in operationalising SAA are:

- Social, Environmental and Economic **Planning**;
- Social, Environmental and Economic **Accounting**; and
- Social, Environmental and Economic **Reporting**.

Together, these can help an organisation improve its performance and demonstrate the real impact it has on the people, the economy and the environment.

Disclaimer

While all efforts have been made to ensure that the information presented in this Newsletter is accurate, yet, no warranty is assumed for either its completeness or its fitness for a particular purpose.

All opinions and views expressed in this Newsletter are personal and do not, necessarily, represent any policy or position of any organisation.