

RTI TIMES

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Book Post

From the Editor's Desk

Dear Reader,

The *Trivia* section of the *March – April 2008* issue of 'RTI TIMES' carried a feature on the workshop 'Social Audit and Accounting' (SAA) held at 'Centre for Good Governance', Hyderabad.

This brief feature emphasised the three essential steps that an(y) organisation needs to take to be able to operationalise the SAA framework. It also brought out the distinction between the said SAA framework [developed by the United Kingdom-based 'Social Audit Network' (SAN)] and the *Jan-Sunwai*-based auditing for the 'National Rural Employment Guarantee Scheme' (NREGS).

The SAA framework stresses the need for an organisation to be proactive toward proper *planning* and scrupulous *accounting* of all its activities that have social; environmental and economic implications. It also requires – just as proactive – *reporting* of the organisation's performance on the former two counts.

Now, the inclusion of a feature on the SAA framework in the 'RTI TIMES' had been debated. One viewpoint was that the 'RTI Act, 2005' makes no reference to such planning; accounting; and reporting, nor does the SAA framework make any explicit mention of its desirability for ensuring people's 'Right to Know'.

The contending viewpoint, however was that the emphasis of SAA – on reorienting the outcomes of an organisation's planning and accounting and reporting them to a wider audience, is in tune with the larger accountability-related objective of S. 4(1)(b) of the 'RTI Act, 2005'. After all such reporting aims at promoting accountability toward an(y) organisation's various stakeholders.

Following through on the latter viewpoint [which prevailed, of course], we would like to suggest to our readers – some of whom, if they agree with this suggestion, may be in position to implement it – that *the SAA framework presents a paradigm for certain kinds of [if not all] 'Public Authorities' to make substantial value additions to their extant 'Proactive Disclosures'.*

Such value-additions – that could apply to non-government as well as government entities – can help the organisations concerned go much beyond complying with S. 4(1)(b), and thus, benefit themselves as well as their external stakeholders.

More can be known about SAA and SAN by visiting www.socialauditnetwork.org.uk

SEVOTTAM and Right to Information

'SEVOTTAM', as the name suggests, stands for "excellence in service delivery". 'Service' in this context refers to 'Public Service'. It is a composite standard devised by the 'Bureau of Indian Standards' and promoted by the 'Department of Administrative Reforms and Public Grievances', 'Government of India'. It is, in fact, a primed up adaptation of the 'ISO 15700: 2005'.

In having a 'Quality Management System' (QMS) for public service, such an adaptation was necessitated by the fact that the expectations of quality of a *product* and / or the satisfaction that a customer derives from it are distinguishable from those regarding a service, for the latter is intangible and subjective in nature. Moreover, a profit-oriented *commercial service* is distinguishable from a development- / welfare-oriented *public service*.

'SEVOTTAM' is also understood to be an "Assessment – Improvement framework" that – based upon several pre-determined criteria – ascertains whether the public service organisation, in question, has started applying certain tools that can improve service delivery in an objectively verifiable manner, and is, therefore, likely to benefit from the assessment process. To meet the QMS standard's *specific requirements*, a public service organisation should: (i) demonstrate its ability to consistently provide effective and efficient service that meets customer and [applicable] legal, statutory and regulatory requirements; (ii) aim – always – to enhance customer satisfaction; and (iii) aim to – continually – improve its service(s) and service delivery process(es).

Deriving from these requirements, preparedness for 'SEVOTTAM' certification calls for:

- establishing a 'Service Quality Policy' – clearly stating the service quality objectives;
- **preparing, publishing and publicising a 'Citizen's Charter' and setting out comprehensive complaints handling objectives and procedures;**
- carrying out the above through multi-stakeholder consultations; and
- ensuring commitment of the top management toward implementation, monitoring and review.

The 'SEVOTTAM' manual explains the intricacies of improving '**service quality**' – which could be seen as: *'the gap between customer's expectation(s) and their perceptions of whether / how the expectations have been met'*.



SEVOTTAM logo

There is no gainsaying that providing information to citizens – for the taking or upon asking – is one of the most crucial services that a public service organisation can and needs to render. In a way, information dissemination becomes the starting point for effective provisioning of various other services by the service organisation to the public.

'*Citizen's Charters*' are a widely accepted instrument of '*Social Accountability*' and, in that, a means for the citizens to know what to expect from the Government or other public service organisations. Citizen's Charters are incomplete if they are not reinforced with a robust complaint / grievance redressal mechanism. A '*Complaint / Grievance Redressal Management System*' – which is, by itself, a citizen-centric service – cannot be made effective unless it is made responsive and transparent at every stage of the redressal process – within the organisation and without.

The most successful complaint / grievance redressal systems [in several countries] have been those that respond promptly to a complaint / grievance, even as they provide the complainant with the facility to track the status – throughout – the disposal of her / his complaint, or, later – where applicable – even the entire appeal process. These systems have been instrumental in building the citizen's confidence in the administration and have become crucial entry points for citizen feedback, thus, bringing about a virtuous cycle of information flow between the administration and the citizens.

A *Quality Policy*; a *Citizens Charter* and an effective mechanism of complaint / grievance redressal can together create conditions that enhance the ethos of transparency; accountability and citizen-centricity within a public service organisation. Moreover, 'SEVOTTAM's requirements regarding documentation and document control can bring about serious improvements to an organisation's records management and better its compliance with the 'RTI Act, 2005'.

On the other hand, compliance with certain key provisions of the '*RTI Act, 2005*' have become necessary conditions for being '*SEVOTTAM*'-ready. As a public organisation moves toward being '*SEVOTTAM*'-certified, it generates a whole new set of administrative decisions / records, which become public records that can be accessed and scrutinised by citizens using the '*RTI Act, 2005*'. Several of the studies on the topic of citizen-centric administration that have been recently carried out at the '*Centre for Good Governance*' (CGG), *Hyderabad* have clearly established this mutuality.

CGG would be providing advisory services to select units of the '*Department of Home*', '*Government of Haryana*' and to the '*Council for Advancement of People's Action and Rural Technology*' (CAPART) in their endeavour to be awarded the '*SEVOTTAM*' certification.

contd. on pg. 8...

A Note on *Public Disclosure* under *Jawaharlal Nehru National Urban Renewal Mission (JnNURM)*

JnNURM is a *Rupees 1,50,000 crore* mega-mega restoration and rejuvenation programme for 63 cities in the country. The Mission was launched by the *Prime Minister* toward the end of the 2005 and is to last for seven years.

At the end of the Mission period, the chosen cities are expected to emerge as exemplars, as it were, of inclusive and sustainable development achieved through: (i) carrying out reforms for good urban governance; (ii) improving infrastructure as well as basic service delivery systems [the latter – especially for the urban poor]; and (iii) augmenting financial and technological capabilities and environmental management systems of cities and city governments.



Such transformation is envisaged to make these cities and their governments self-sufficient to, in future, continue along their developmental trajectory without having to rely on Central or State assistance once the Mission comes to an end.

The initial steps for a city government toward implementation of this highly ambitious Mission are a set of governance; administrative; and structural reforms to which the city government and the respective State government have committed through a binding contract. It is the time-bound compliance of these commitments along with undertaking basic service delivery-related projects for the urban poor that is going to make the city governments eligible to receive financial assistance from the Centre for various development projects.

One of the key *mandatory citizen-centric* reforms envisaged at the *State level* is the enactment – by the State legislature – of a '*Public Disclosure Law*' (PDL) – [and its implementation by the ULB]. The law would be applicable to all the '*Urban Local Bodies*' (ULBs) within the State. As the name suggests, it is all about bringing in greater transparency in the functioning of ULBs through making a whole host of ULB-functioning-related-information available for public access and scrutiny.

This stipulation has its critics, who argue that such a State-specific-law has been made redundant by the '*RTI Act, 2005*', which is a Parliamentary legislation. They also cite that the Draft PDL Bill, doing the rounds, for the most part reads like S. 4(1)(b) of the '*RTI Act, 2005*'.

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Answers to Quiz in Volume II, Issue I

1. **No.** The '*RTI Act, 2005*' does not lay down any specific criteria for the designation of '*Public Information Officers*' (PIOs) or '*Assistant Public Information Officers*' (APIOs). It is clear though that all '*Public Authorities*' (PAs) [as defined by the '*RTI Act, 2005*'] shall have officials designated as such. It is, generally, understood that they should be so placed as to be able to carry out their tasks [as laid out in the '*RTI Act, 2005*'] efficiently and effectively.
2. **Yes.** The '*RTI Act, 2005*' clearly stipulates that those designated as '*First Appeal Officer*' (FAO) shall be senior to [all] the PIO(s) in a given PA. However, no such specification has been included in the '*RTI Act, 2005*' with respect to the FAOs' seniority vis-à-vis the APIO'(s)'.
3. **No.** A PIO being an authority in her / his own right under the '*RTI Act, 2005*', he / she need not seek or obtain any approval / sanction – from the head of the organisation [or from any other authority outside the organisation] – for providing [partial / complete] information as requested; and / or for providing it in the form requested; or for rejecting altogether [on valid grounds] a citizen's application for information.
4. **No.** For the same reason [as stated in 3] the PIO need not seek or obtain any approval or sanction from the FAO within the PA either.
5. **No.** The PIO of a PA should be mindful of not forwarding an RTI application to an FAO [so as to make the latter a *deemed* PIO]...

There will be a clear conflict of interest in the event of the citizen-applicant not being satisfied with the "*deemed* PIOs" reply [to her / his application], and, hence, choosing to prefer an appeal in the PA which would lie with the same FAO.

6. The APIOs / PIOs / FAOs are, certainly, required to report on their receipt of applications or appeals [as the case may be] and the manner in which these applications / appeals were disposed. They are expected to maintain appropriate registers for this purpose.

These reports, thus, collected and collated at the level of the PA and further at the level of the parent Department are supposed to reflect in the '*Annual Reports*' of the '*Central*' / '*State Information Commissions*' (ICs).

contd. on pg. 6...

...**Answers to Quiz... contd. from pg. 5...**

The Central / State ICs are to submit their reports to the respective '*Appropriate Government(s)*', which, are to be tabled [by the latter] in the *Parliament* or the *State Legislature(s)* [as the case may be].

S. 25(3) of the '*RTI Act, 2005*' details the information that each '*Annual Report* of the ICs – pertaining to a given year contain. Understandably, the reporting obligations of the APIOs / PIOs / FAOs have to be in accordance with the requirement of S. 25(1). It goes without saying that they will also have to meet the necessary timelines.

7. Yes. The Central / State ICs are, indeed, PAs as per the definition of a PA in the '*RTI Act, 2005*', for they have been constituted as per the provisions of an Act of the *Parliament of India*.

CBAI Focus State: Tripura

- The '*State Institute of Public Administration and Rural Development*' (SIPARD), i.e. the '*State Administrative Training Institute*' is the '*State Implementing Agency*' (SIA) for project implementation. The two districts covered under the CBAI project are: '*West District*' and '*Dhalai*'.
- For this second phase (2006–09) State, the project activities started in the third week of June 2007, with a training programme for State-level Resource Persons jointly conducted by trainers from YASHADA, Pune and from '*Assam Administrative Staff College*', Guwahati.
- In 2007, a total of 42 State-level Resource Persons and 120 other stakeholders – including Government officials and representatives from Community-based and Media Organisations were trained through customised programmes of varying durations.
- A key issue regarding these training programmes that was identified during the last '*Review Workshop*' [held at Guwahati] was that of the 170 trainee participants, only 10 were women.
- Other key activities carried out by SIPARD toward multi-stakeholder capacity building on the use and implementation of the '*RTI Act, 2005*' included: distribution of leaflets and brochures – at the block level – in the project area and, necessarily and incorporating at least one session on RTI in all other training programmes conducted at the Institute.
- For 2008, the SIA has reported training of 22 NGO / Media persons. No activity has been reported [for this period] at the level of the two *District Implementing Agencies* (DIAs).

Right to Information Quiz

1. Can an 'Information Commission' (IC) take any serious action against erring 'Public Information Officers' (PIOs) beyond the imposition of a fine [as stipulated in the 'RTI Act, 2005']?
2. What – as per the 'RTI Act, 2005' – are the implications of the ICs exercising the powers of a 'Civil Court'?
3. What – as per 'RTI Act, 2005' – could be the possible grounds for the removal of an 'Information Commissioner' from his / her post?
4. Who is the authority to exercise the power of removal of an 'Information Commissioner'?
5. Can an 'Assistant Public Information Officer' (APIO) officiate as the PIO in the event of the latter's absence from a 'Public Authority' (PA)'?
6. Can a 'First Appeal Officer' (FAO) officiate as the PIO in the event of the latter's absence from a PA'?
7. Can an APIO or a PIO officiate as FAO in the event of the latter's absence from a PA'?

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

...Public Disclosure under JnNURM... contd. from pg. 4...

Supporters of the PDL-related reform at the State / ULB level, however, point to the fact that PDL [which, now, is pretty much a given] is intended to deal with the specifics / details of the disclosure [unlike the 'RTI Act, 2005', which is rather generic in nature] and also lays down timelines for periodic disclosure.

A similar State-level mandatory reform is the enactment of a 'Community Participation Law'. Instead of taking a position on the desirability of the proposed State-specific PDLs vis-à-vis the 'RTI Act, 2005', we would like to point out that community participation is indeed a pressing reform at the ULB level. Hence, public disclosure – achieved through the scrupulous implementation of the 'RTI Act, 2005', or through implementation of the proposed PDL – is a critical success factor for ensuring public participation, for a better-informed citizenry shall be more willing and able to participate.

The specifics, may come when they come... Meanwhile, we would like to cheer those who – like the proactive official in the accompanying cartoon – would encourage the citizens to ask for and access 'public information' in 'public interest' and NOT wait for the Government to enact a legislation.



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... **SEVOTTAM & RTI...** contd. from pg. 3...

Toward this, a training programme on 'SEVOTTAM' was conducted in June 2008 at CGG for some of its members of staff. It was delivered by two senior resource persons from the 'Institute of Quality', 'Confederation of Indian Industry' (CII).

Later, a 'Consultative Group' – with resource persons from 'Tata Consultancy Services' (with experience of piloting 'SEVOTTAM' in two public service organisations) was also organised at CGG, during which the same set of CGG personnel got themselves apprised about the possible issues in 'SEVOTTAM' implementation and the measures to address them.

CGG – in addition to transferring the knowledge gained from its exposure to the training and the consultative group on "SEVOTTAM" – would also look forward to help its clients gain from its expertise and experience in helping 'Public Authorities' implement the 'RTI Act, 2005' in letter and spirit.

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,
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Featured Resources

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An Impression on RTI



The man behind the desk says:
"I'm sorry, the only thing I can share with you is a copy of the 'Right to Information Act'!"

Disclaimer

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