

Volume I Issue I

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From the Editor's Desk

Dear Member,

Greetings! It is a moment of pleasure for us to present the first of our monthly Newsletters on Right to Information (RTI).

The Centre for Good Governance (CGG), *Hyderabad* has been at the forefront of RTI-related activities not only in *Andhra Pradesh*, but at the national level as well.

At the national level, CGG is a partner in the National Implementing Agency (NIA) along with Yashwantrao Chavan Academy of Development Administration (YASHADA), *Pune*. NIA is envisaged to be the hub for effecting various multi-stakeholder capacity building initiatives on various aspects of the Right to Information Act, 2005.

The Capacity Building for Access to Information (CBAI) project is a little over a year old now. NIA has achieved various milestones under its stated mandate. We understand we need to do much more. The specific purpose of this Newsletter is to spread the word and reach out to many more. We seek your best wishes.

We also seek your valuable suggestions. It is our hope that this Newsletter will be a platform for the exchange of ideas and stimulate intellectual debates on a subject that can have a wide ranging impact on the society we live in.

Forthcoming Event(s)

- Annual Workshop on Capacity Building for Access to Information (CBAI) Project – 14th-15th February, 2007 at YASHADA, *Pune*.

CBAI: Project Fact Sheet

Objectives:

- Adopt a comprehensive approach in pursuit of increased access to information for improved governance through enhancing the capacities of Government officials as information providers, and citizens as information seekers, and a range of stakeholders to facilitate the sharing of information;
- Strengthen and institutionalise mechanisms for improved Government-citizen interface, and pave way for the operationalisation of Right to Information by means of consultative processes for consensus building, and through documentation, research and advocacy efforts.

Role of National Implementing Agency:

- Preparation of a detailed implementation and partnership strategy and work plan for this project;
- Periodic reviews, preparation of annual work plans and budget;
- Close monitoring of the project with reference to the work plans, including periodic reports of physical and financial progress;
- Preparatory / background work necessary for implementing the various activities under the project and any other operational and substantive support that would be required for the project.

States Covered (as on date): All the States of the Union except *Jammu & Kashmir*, where the RTI Act, 2005 does not apply.

Significant Activities: Publication of five Manuals / Handbooks for various stakeholders and launch of an e-networking-Portal i.e. R2INET.

Project Launch Workshop - Dt.: 29.12.2005



R2INET Portal Inauguration - Dt.: 26.05.2006



An Overview of Key Events

A Training Session in Progress



The training component, as envisaged under the CBAI project is a rather elaborate one. Customised training programmes have been designed for various kinds of stakeholders. The training mandate encompasses training of trainers as well as representatives of stakeholder groups. Approximately **6800** persons have been trained under the project.

On the occasion of the first anniversary of the RTI Act, 2005 coming into full force, a *National Convention* was organised by the Central Information Commission (CIC) at Vigyan Bhawan, New Delhi. Various aspects and issues regarding the Act and its implementation were deliberated upon in course of a number of panel discussions held during the Convention. The panels were constituted of eminent personalities from different walks of life who shared their thoughts and insights on various issues.

Anna Hazare with the NIA Team



At CGG, training on the RTI Act, 2005 has been conducted for several key departments of the Government of *Andhra Pradesh* (GoAP) as well as a few Public Sector Organisations in the State.

CGG was invited to put up a stall during the Convention and display and demonstrate its work. The stall was visited by many dignitaries including Civil Society Activists, Information Commissioners, and senior Civil Servants

Frontal view of CGG's Stall



The Right to Information Act, 2005 – Is it People-friendly?

Srinivas Madhav

Awareness

Awareness about the Act is the key to the success of the one of the main objects mentioned in the Statement of objects and reasons of the RTI Bill -'to make the Act more participatory.' Unfortunately, statistics regarding 'the number of requests received' and 'the number of requests rejected' will not be available until the Information Commissions prepare the annual reports and the appropriate governments table the same in the Parliament or the State Legislatures as the case may be. And the Information Commissions have decided to prepare the reports after 31 March, 2007 (instead of 12 October, 2006). So we have to wait for more than 18 months to see the first annual report. For any Act, the first year is very important, because if people forget the Act in its very first year, they will forget it forever.

NGOs and media should come forward to create awareness among citizens. *Mazdoor Kisan Shakti Sanghatan* (MKSS), *Parivartan*, National Campaign for People's Right to Information, *Loksatta* are doing their best. NDTV launched a nationwide campaign- 'Drive Against Bribes', during the first fortnight of July, 2006. Nearly 1500 volunteers were available in 48 cities around the country in which more than 700 civil society groups participated and about 14,000 requests were filed by citizens during the campaign period. These efforts are to be strengthened. But lack of funds may discourage committed NGOs.

Why Should the Government Spend?

The Statement of objects and reasons of the RTI bill says -the right to information is recognized under Article 19 of the Constitution of India. Government spends money to provide security for many citizens to protect their fundamental right-right to live- guaranteed under Article 21. Government spends money to provide various subsidies to media to strengthen freedom of press-which flows from the fundamental right to freedom of speech and expression guaranteed under Article 19(1)(a).

Then, why should not the Government spend money to strengthen RTI, which flows from the fundamental right to freedom of speech and expression guaranteed under Article 19(1)(a). Further, Section 26 of the Act advises the Government to organise educational programmes to advance the understanding of the public, in particular of disadvantaged communities. RTI may be included in the syllabus for high school students. *Maharashtra* and *Karnataka* have taken a lead in this respect.

Culture of Secrecy

It is very difficult to break the culture of secrecy and create a culture of openness. It is said that Canada and Australia, which enacted the Freedom of Information (Fol) laws more than 20 years ago, continue to struggle with this major problem. The United States Department of Justice in its Fol Act Implementation Advice observes: "At the personal level, it is natural to fear change and it is only human nature to resist parting with anything (even Government

records) that previously were held close; it is a true loss of control". This aspect of human nature applies at the institutional level as well. Where bureaucracies operate as a macrocosm of individuality; agencies, by their nature, will be resistant to change and to loss of control as well. This resistance can best be overcome, by recognising it for what it is (i.e. as understandably natural, rather than as perniciously obdurate) and meeting it head on. The government's implementation memoranda and training materials should explicitly incorporate this concept.

The Central Information Commission's (CIC) decision (no. CIC/AT/A/2006/00195 dt. 25th September, 2006), involving the Ministry of Home Affairs, observed that: *"The PIOs and the AAs ... want to play safe lest their superior authorities hold it against them for disclosing information. The AA and the PIO seem to be constantly looking over their shoulders and are driven by a safety-first approach, viz. take the safest decision (read: apply exemption) and disclose information only when so directed by the Commission. Presumably, this saves them from the ire of their superiors. Passing the buck is a safer bet, but, sadly enough, it is not conducive to accelerating decision-making or to building of popular trust in the Department's commitment to transparency. The Commission expects the AAs and the PIOs to apply their minds, duly analyse the material before them, and then draw a conclusion about disclosure or non-disclosure based upon a cogent and objective analysis of evidence. Any other approach will not be in the interest of removing the veil of mistrust which hangs between Governments and their peoples."*

What Happens if People Don't Use the Act?

What happened when the Dowry Prohibition Act failed? Many Indians unable to pay heavy dowries are now killing their daughters in the womb itself. Female foeticide has become a shameful practice. To counter it, another Act – PC & PNDT Act has been enacted, which is an even greater failure. Initial years are very important for any Act. If citizens forget it in the initial years, the supply side also forgets it and will never respond to it after the initial enthusiasm is over.

Application Process

Initial application fee under Section 6(1) has become a major hurdle. Rule 4 of The Right to Information (Regulation of fee and cost) Rules, 2005 states that such application fee can be paid by way of cash against proper receipt or by Demand Draft / Banker's Cheque / Indian Postal Order (IPO). But in practice, most of the public authorities are not accepting cash and demanding payment of the same in the treasury offices and obtaining *challans* which is time consuming. Most States are yet to allow payment by IPO.

Section 6 states that citizens can make a request in writing or through electronic means. But the initial application fee has to be paid. Even though one can send the request by E-mail it will not be attended until the application fee is received by the public authority. And the date of receipt of the payment is treated as the date of the application for considering the time limits under the Act.

Srinivas Madhav is a Lawyer and a Consultant at CGG on Right to Information.

Good Practice:

Vijay Shekhar is an Inspector of Police in the *East Godavari* District of *Andhra Pradesh* (AP).

Inspired by the sensitisation workshops on RTI Act, 2005 – jointly organised by the Centre for Good Governance and *Andhra Pradesh* Police Academy (APPA) – he has conducted public meetings on the premises of police stations at mandal level in *Prathipadu*, *Yeleswaram* and *Annavaram*

During these public meetings, he explains to the participants the need and importance of the Act and services to be rendered to the citizens under the Act.

AP is the first State to have conducted RTI training programmes for the Police Department through all its levels of hierarchy – right down to the Police Station level.

The number has already crossed **2000** and includes trainers who have been trained to train others.

These training programmes have been jointly organised by APPA and CGG.


CBAI Focus State: Gujarat

The Sardar Patel Institute of Public Administration, Ahmedabad (SPIPA) has been one of the partnering State Administrative Training Institutes (ATIs) under the CBAI project right from the inception of the project.

It is the State Implementing Agency (SIA) under the project for the State of *Gujarat*. As such, it also provides resource support to District Implementing Agencies (DIAs) for their project-specific activities in the identified districts of *Narmada* and *Panchmahal*

Highlights of SPIPA's Activities Under the Project are:

- It was among the first few ATIs to identify Resource Persons to be sent for training at YASHADA and later train Resource Persons from districts itself;
- It has organised special training classes exclusively for NGO / Media representatives on the RTI Act, 2005. Likewise, it has held Training of Trainers (ToT) classes itself;
- It schedules at least one session on RTI in most of its other training courses. It was very quick to develop customised training / reference material including FAQs, Quizzes; & PowerPoint Presentations, in the local language as well and also provided copies of RTI Act & Rules in English & the local language (i.e. Gujarati) on Compact Discs (CDs);
- It completed most of its work under the project in the first three months of the commencement of the project;
- The break up of its training-related activities till date is as follows:
12 Resource Persons sent for training at YASHADA – **66** Resource Persons trained at District & Block levels – **127** Civil Society & Media representatives trained (most of them at SPIPA).



Right to Information Quiz

1. Which was the first country to have enacted a legislation providing for Citizens' Right to Information?
2. Which was the first State in India to have passed a legislation for right to information?
3. From which Article(s) of the Constitution of India does the RTI Act, 2005 derive its sanction?
4. Can a(n) requester / applicant seek opinions of authorities under the RTI Act?
5. Should requests / applications made under the Act be typewritten?
6. Can an Information Commission (IC) review its own decision?
7. Can an IC recommend disciplinary action against an 'Appellate Officer'?

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

Right to Information: TRIVIA

- K. D. *Bansor* created history of sorts by becoming the first Central Government official to lose Rs.12,500 from her salary for violations under the RTI Act. The Central Information Commission (CIC) had found K. D. *Bansor*, (an Additional Public Information Officer and an Under Secretary in the National Commission for Scheduled Castes and Scheduled Tribes) guilty of delay in divulging information and harassing the applicant.
- Government of NCT of Delhi has stated that it received 11,763 applications for information as on 5th October, 2006, out of which 7,777 applicants have been provided required information and 149 applications (only 1.5%) have been rejected

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We Invite You to Share with Us:

- Your ideas / comments on 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 contact us at:

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R2I Net

- R2I NET is an online knowledge bank and networking portal for various stakeholders of the RTI regime;
- Soft copies of the manuals / handbooks published (under the project for Public Authorities / Public Information Officers / Appellate Authorities; for Information Commissions; for Civil Society & Media Organisations) have been uploaded on this website and are downloadable;
- It provides a 'Presentation Docket' to aid the conduct of training and a set of FAQs. It also provides links to various useful resources on the web

Please visit **www.r2inet.org** for detailed information about CBAI and NIA.

Featured Resources

- www.cic.gov.in
- <http://rti.gov.in>
- <http://persmin.nic.in/RTI/WelcomeRTI.htm>
- <http://righttoinformation.gov.in>
- <http://www.ndtv.com/rti/RTI-ActInHindi.pdf>
- <http://www.ndtv.com/rti/successstories.asp>
- <http://www.ndtv.com/rti.faqs.asp>

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