

RTI TIMES

Volume II Issue IV

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Contents

- ✓ Meeting of the Discussion Group on 'RTI Cell Centre in Andhra Pradesh'.....2
- ✓ Governance and RTI Act in Maharashtra – Excerpts.....3
- ✓ Answers to Quiz in Volume II, Issue III.....5
- ✓ CBAI Focus State: *Uttar Pradesh*6
- ✓ Right to Information Quiz & Good Practice.....7
- ✓ Editorial & Design Team and Featured Resources.....8

Book Post

From the Editor's Desk

Dear Reader,

Is "Proactive Disclosure" (PD) as stipulated in S. 4(1)(b) of the 'RTI Act, 2005' the best way to honour the Indian citizen's 'Right to Information'? In its previous issues, 'RTI TIMES' has emphasised the significance of PD.

The 17 guidelines of S. 4(1)(b) are rather elaborate and even broad adherence to the their stipulations is no small task. Falling short of adhering to the stipulations of these 17 points would be a violation, but going beyond these to make information more accessible won't. In fact, it would be in keeping with the spirit of the Act. Thus, its been suggested that the more the PD of a Public Authority (PA), the less would be the need for a citizen to apply for information under the Act and hence less resources of that PA would be diverted to disposal of applications (and possibly, disposal of 1st appeals).

The premise here is that if a citizen is to apply for information that would have already been disclosed *suo motu*, the PIO may simply direct the citizen to where that information has been mentioned / displayed / contained and need not go through processing the application and searching for the information.

However, through our interactions with several demand-side stakeholders, we realise that that the 'suo-motu-disclosure-related' advocacy – especially pertaining to going beyond S.4(1)(b) – needs a bit more refinement or qualification or elaboration. What if the PA maintains and discloses such information in a manner which is not very easily understood.

We ask: How does "more PD" square with S. 7(9), which requires that "information shall, ordinarily, be provided in the form in which it is sought, unless it would be disproportionately divert the resources... (of the PA)"

For PD [within S. 4(1)(b) or beyond] to be effective, its quality should make access to information more convenient and not hamper it. Information to be, thus, provided should be "citizen-centric and user-friendly". The officials concerned should provide their inputs from time-to-time to ensure this. Even if particular information may be a part of a PA's PD, yet if the citizen finds it difficult to locate the exact information, it won't be wrong to say that the PIO should provide reasonable assistance to the applicant and Not leave the applicants to find it for themselves.

Discussion Group Meeting on RTI Call Centre in AP

The 'Government of Andhra Pradesh' (GoAP) is keen to establish a 'Call Centre' to facilitate the implementation of the 'RTI Act, 2005'. This is in view of the appreciation that the "Jankaari – RTI Call Centre initiative in Bihar has drawn from several quarters. The 'Andhra Pradesh Information Commission' (APIC) has been supportive of this idea as well. The 'General Administration Department' (GAD) of the GoAP (the nodal agency for RTI implementation in AP) approached the 'Centre for Good Governance' (CGG), Hyderabad to work out the modalities for an 'RTI Call Centre' in AP. As a first step, CGG organised a meeting of the "Discussion Group" on RTI. The meeting was attended by:

Shri C. D. Arha , AP State Chief Information Commissioner	Shri Dileep Reddy , AP State Information Commissioner
Shri J. P. Murty , Special Chief Secretary, General Administration Department; GoAP	Dr Rajiv Sharma , Director General, Centre for Good Governance, Hyderabad
Shri Suresh Chanda , Secretary, Information Technology & Communications Department, GoAP	Shri Arvind Kejriwal ; Parivartan, New Delhi
Shri Harinmesh Pandya , Mahiti Adhikar Gujarat Pahel, Ahmedabad	Shri George Cherian , CUTS Centre for Consumer Action Research and Training (CART)
Shri Y. G. Muralidharan , CREAT, Bangalore	Shri Nagendra Babu & Shri Venkateswara Rao , Social Audit Council for Information Right (SACIR), Hyderabad
Shri Ravindranath Guru , PAC, Bangalore	Several representatives from CSOs in A P.

The meeting opened with Dr. Rajiv Sharma, Director General, Centre for Good Governance, welcoming the participants to the workshop. He gave a brief introduction to the RTI Call Centre Approach to discuss the finer points of which the Workshop had been organised.

Dr. Sharma's 'welcome address' was followed by introductory remarks by Sri. J.P. Murthy. He opined that adopting the said 'Call Centre approach could be an effective and a pro-poor intervention at once. It has the potential to remove normal administrative delays; ensure speedy information disclosure to people and save the people of the burden to make a visit to a Public Authority to make an RTI application or the time of sending it by post.



Shri C. D. Arha, in his keynote address, appreciated the stated intention of the GoAP to establish an RTI Call Centre for the State as also CGG's initiative to bring together on one platform several leading RTI Practitioners to discuss the idea threadbare. Shri Arha went on to appeal to the participants to dwell on:

- The necessary and sufficient conditions for establishing an RTI Call Centre;
 - Examining Bihar's Jankari model for determining the service delivery aspects of the proposed Call Centre;
 - Assessing the rationale for designating the Call Centre as an Assistant Public Information Officer.
- Identify the issues pertaining to proper categorisation of and channeling of the applications / appeals submitted to the proposed Call Centre as also those pertaining to charging application fee in this case.

Shri. Kejriwal provided to the participants a detailed account of Parivartan's experience in the run-up to instituting Jankari as also in operationalising it over time. To start with, he enumerated the

advantages of the Call Centre approach to first and foremost enable a much better access to citizens in the rural areas to various Public Authorities (PAs). Moreover, he said such problems as lack of clarity in filing an RTI application; lack of knowledge about the right PA to be approached for certain information; ambiguity about the modes of payment of the application fee can be addressed through this initiative.

He also highlighted the key aspects of 'Jankari' – as follows:

- The caller's name and necessary contact information is sought by the Call Centre personnel. The voice of the caller is recorded which becomes the application. The first and the second appeals are also in the form of voice files. It is the responsibility of the Call Centre to record the voice, categorize and send it to the concerned authority.
- The voice of the caller is then transcribed into a written application / appeal. All the voice files are stored for 1 year. A few retired government officials assist in categorizing and forwarding the applications to the departments concerned.
- The application fee of Rs. 10 is charged and added to the call bill. The Call Centre is connected to all the telephone exchanges in the state. This is important to ensure prompt service delivery.

Shri. Kejriwal also made it a point to share with the participants some of the key shortcomings of the model as well as the problems in its operationalisation. He pointed out that given the fact that a very tight deadline was set for its implementation, not all implementation issues could carefully be looked into. Thus, for instance, most of the applications received were forwarded to the 'General Administration Department' without any consideration to the subject of the application. There isn't much awareness either among the public about the option of a Call Centre to file RTI applications / appeals.

He also mentioned that the Call Centre facility seemed to have been made non-functional in the districts affected by the recent floods in the State – possibly, to avoid RTI queries regarding the ongoing relief operations. He cautioned that such actions carried out with impunity can strike at the very roots of a good practice of this kind. Based on the 'Jankari' experience, Shri Kejriwal suggested certain steps to ensure an enabling environment for establishing a RTI Call Centre in Andhra Pradesh

- Bringing in some basic changes in the RTI rules issued by the state government.
- Entire hardware and software requirement should be assessed in advance considering the number of calls anticipated on a day to day basis.
- The first year operational cost of the Call Centre should be taken into account for its smooth running.
- Provisions should be made for the Call Centre to forward the applications to departments
- The Call Centre should provide a chart for the Information Commission with a summary of the application and the appeals received by the Call Centre.

Most of the speakers, who addressed the gathering later and the discussion that followed focused on the nitty gritty of the implementation / operationalisation of the concept including creating awareness about and demand for the new facility. Skill requirements of the personnel employed at the Call Centre were also deliberated upon in detail. Successful examples of a 'RTI Helpline' were discussed even as the feasibility of the proposed concept – given the lack of decision-making ability / authority in the call centre personnel; the intensity of the back-end work involved; dropped or failed calls; PPL persons also being charged etc – was examined.

Yet in the end there seemed to be an agreement on the fact that even though astounding success cannot be guaranteed to start with, 'RTI Call Centre' is worth a try and that it would be real help if it indeed succeeds thereby strengthening the prospects of further improvements in the model.

Governance and the Right to Information in Maharashtra – Excerpts

In August, 2008, *Pragati Abhiyaan*, a Nashik-(Maharashtra) based Civil Society Organisation (CSO) that works on rural development issues undertook a survey of 84 government offices in Nashik district to gauge their compliance with the 'RTI Act, 2005'. The 'Public Authorities' covered for this survey were from the city of Nashik and the neighbouring tehsils.

The attempt was to assess the impact of varying degrees responsiveness to the 'RTI Act, 2005' and how this variance affects the administration of the various development schemes. The objective was also to find out whether the benefits from these development schemes really reach the intended beneficiaries.

The 'Public Authorities' (PAs) covered by the survey included, among others, the District Collectorate; the Zilla Parishad; Life Insurance Corporation (LIC); Maharashtra State Electricity Board (MSEB); Provident Fund (PF); Maharashtra Housing and Area Development Authority (MHADA); and District Rural Development Agency (DRDA).

The survey was carried out by group(s) of volunteers comprising retired personnel, college students and youngsters belonging to a local NGO.

They assessed compliance with the provisions pertaining to, both, 'suo motu disclosure' of information as also to disposal of 'information requests' as stipulated in the 'RTI Act, 2005'. The entire survey exercise was completed in two days.

The key findings of this exercise were as follows:

- Of the total number of offices surveyed, 21 did NOT have any boards displaying names of Public Information Officers (PIOs) / Appellate Authorities (AAs).
- PIOs could be found immediately in only 17 offices. They were either NOT in the office or had NOT been appointed in the first place.
- Only 10 offices had fully complied with the provisions of S. 4(1)(b). Their compliance was reasonably good. In the others, it was either poor or non-existent.
- Different authorities dealing with the same or similar areas gave varied answers for the same question.
- One PA did not charge any fee even though it provided information (running into 7 pages).
- Some PAs were prompt. Others did not respond for as long as two months.
- Some prescribed fees, but sent the requested information without fees being paid. The fees charged varied even for similar kind of information. This was so because in some cases the information was not maintained in a better organised or consolidated form.
- Some PAs gave incomplete information, whereas some asked for elaboration (of the request) citing that it was not understood.
- The survey also found out that "lack of uniform standards of data reporting" was a serious constraint in the PAs measuring up to the compliance requirements on their part.

Note: *The abovementioned are the extracts from an article by Ashwini Kulkarni of Pragati Abhiyaan, Nashik, Maharashtra. This article – Governance and the Right to Information in Maharashtra – was published in the Economic and Political Weekly. Dt. 30th August, 2008.*

Answers to Quiz in Volume II, Issue III

1. Indeed an application requesting for information from a 'Public Authority' (PA) has to be in writing. Even for RTI applications received through a 'Call Centre', the former are transcribed into written form before being forwarded to the 'Public Information Officer' (PIO) of the PA concerned. As for the language, of a written (or even oral) RTI application, the 'RTI Act, 2005' provides that it could either be English; Hindi or the official language of the area in which the application is being made.

This can be inferred from reading together S. 6(1) and S. 6(1)(b) of the 'RTI Act, 2005'. The latter provision, especially, pertains to 'rendering reasonable assistance to the applicant – to reduce her / his request in writing'.

2. IT IS POSSIBLE that at times, such "reasonable assistance" that a PIO may also have to render MAY be in the nature, not merely, of reduction of an oral application in writing, but also of translating an oral / written application in Hindi / English into the regional language of the area to which the PA concerned belongs. The PIO's response in the regional language may have to be translated into Hindi / English. This may have to be done for the benefit of the applicant and of the PIO.

The 'RTI Act, 2005' does not define the term "reasonable assistance". It is therefore open to interpretation. The PIO / PA concerned will indeed have to factor in, both, the convenience of the citizen as well as the resource constraints of the PA concerned – as applicable.

As for the interpretation of the term "reasonable assistance" – generally speaking or in a given case – the 'Central / State Information Commission' (C / SIC) concerned would, normally, be the final authority.

3. In addition to rendering the aforesaid "reasonable assistance" to a sensorily disabled person – if required, S. 7(4) stipulates that where access to a record or a part thereof is required to be provided, a PIO shall provide assistance to enable access to the information as also provide assistance as may be appropriate for inspection.
4. It would NOT be wrong to expect such "reasonable assistance" to also be provided to a citizen in the event of the citizen preferring an appeal under the 'RTI Act, 2005'.
5. Other than the removal of a 'Central / State Information Commissioner', the 'RTI Act, 2005' says that the President of India or the Governor of the State concerned (as applicable) may suspend an 'Information Commissioner' and prohibit her / him from attending office. Such suspension may be in force until an inquiry – by the Supreme Court (SC) pertaining to the removal of the Information Commissioner concerned – is carried out and the President / Governor (as the case may be) passes orders based upon the report of the SC.
6. It is understood that a PIO should – as quickly as possible – communicate to an applicant the further fees that the citizen may have to pay in order to be provided the requested information in a particular format. It is only after the citizen pays such further fees (as well as the application fee – if not paid earlier) that the 30-day time limit would begin – for the PIO to provide the requested information in the requested form / format.

contd. on pg. 6...

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

7. That the “RTI Act 2005’ extends to the whole of India except the State of Jammu and Kashmir (J&K)’, means that all State PAs within the State of Jammu and Kashmir (J&K) shall be excluded. Clearly, however, it shall apply to all the Central PAs in J&K.

Moreover, an Indian citizen who is a domicile of J&K can certainly use it to request for information from State and Central PAs anywhere else in the country as also from those (like the Ministry of External Affairs, Government of India, for instance), who have their offices in other countries.

CBAI Focus State: Uttar Pradesh

- It was during the second phase of the ‘CBAI Project’ that it was extended to *Uttar Pradesh*. This phase commenced in the first quarter (April-June) of 2007. The ‘Uttar Pradesh Academy of Administration and Management’ (the nodal training institute of the State) is the ‘State Implementing Agency (SIA) for this Project. *Bareilly* and *Jaunpur* are the two project districts with the respective Collectorates being the ‘District Implementing Agencies’ (DIAs) for the Project.
- Project activities at the SIA level were started in the second quarter of 2007 with the training of 27 ‘State Resource Persons’ (SRPs) by YASHADA, Pune. The only other activity carried out by the SIA in this quarter was translation of the ‘RTI Act, 2005’ and distribution of copies of the Act.
- In the third quarter the SIA focused on distribution of other guides and manuals on the ‘RTI Act, 2005’ and in the fourth quarter, it translated and distributed the translated copies of some of the other guides and manuals.
- As reported, it was in the first quarter of 2008 that the SIA trained organised training for ‘State Resource Persons’ (SRPs) and for representatives of NGOs / Media Organisations on the ‘RTI Act, 2005’. Distribution of copies of the ‘RTI Act, 2005’ and related Guides and Manuals continued in this quarter as well.
- The second quarter of 08-09 saw the SIA organise training programmes for PIOs / APIOs / FAOs and other officials. 104 officials from various ‘Public Authorities’ underwent training at the SIA. It also trained another 10 representatives of NGOs / media organisations. In this quarter, a new activity of preparation and distribution of pamphlets, brochures etc. was also taken up by the SIA along with distribution of copies of the Act and other Guides / Manuals.
- DIA, *Bareilly* commenced its Project activities in the first quarter of 07-08 itself with distribution of pamphlets, brochures etc. and copies of the Act and other Guides / Manuals and about 1000 copies were distributed. 5 representatives from the districts were also trained at YASHADA. In the 2nd quarter, it prepared a Directory of PIOs / APIOs. No activities have been reported for the other two quarters of 07-08.
- For the first two quarters of 08-09, the DIA has reported: training of 250 PIOs / APIOs / FAOs and other officials; inclusion of additional entries in the Directory; distribution of posters, brochures and pamphlets; airing of 1 radio programme; releasing 1 advertisement in the Print Media; and organising 1 seminar on RTI.
- DIA, *Jaunpur* has not reported any activity under the project. Its online report shows that no activity was carried out in the first quarter of 2007. It is yet to report for the remaining quarters.

Right to Information Quiz

1. What are the obligations of a 'Public Authority' (PA) to keep an RTI applicant informed – other than providing him with the necessary 'information' that he can legitimately ask for under the 'RTI Act, 2005' by making submitting an application?
2. Does the 'RTI Act, 2005' contain any provision for auditing its implementation?
3. Does the 'RTI Act, 2005' that defines 'information' say anything about 'personal information'?
4. To whom does the provision regarding 'protection of action in good faith' apply?
5. What are the provisions in the 'RTI Act, 2005' pertaining to ensuring the independence and impartiality of the 'Information Commissioners'?
6. Can a 'Public Information Officer' (PIO) be fined for disclosing exempted information?
7. A PIO can forward an application to another PA if the information is held by another PA or if the subject matter of the information sought in the application is more closely connected. A PIO can forward the application even within her / his organisation, if he / she thinks some other official could provide the information in a better manner. It is possible, in some such cases, a PIO may make an error of judgment. **Can the other official or the PIO of the other PA send the application back to the PIO who received it first?**

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: Good Practice

Want to view 'Government Orders' Just visit www.ap.gov.in/apgo

The 'Information Technology and Communication Department' (IT&C-D) of the 'Government of Andhra Pradesh' (GoAP) has launched a simple Web-based application through which every 'Government Order' (GO) of the State Government is accessible over the Internet – without any delay or discretion. The URL where these GOs are available is: www.ap.go.in/apgo The service has been launched in February 2008 and is available for all the Departments of GoAP.



By clicking on the 'View GO' link on the 'Home Page', Citizens can trace a GO based upon any of the key aspects of a typical GO viz Department; Section; GO Type; GO No.; Date; or a key word. No field is mandatory, but at least one of the aforesaid parameters needs to be filled in.



In fact, the aforesaid URL leads one to the webpage of "the first (of-its-kind) transparent office in India" i.e. of the Commissioner (EDS). This office has uploaded all its public documents onto the web and also provides online access to its 'files' and 'note files' through separate search options on this webpage. Moreover, it has also provided the citizen a service to know the disposal status of an application made to the Department...**contd. on pg. 8...**

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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

...Want to View GOs... contd. from pg. 5...

– by keying in the 'Unique Application Number' (UAN) given to the citizen. If the citizen does not have the UAN, there is a 'Call Centre' facility, whereby he / she can call a toll-free number 1100 from a BSNL line and know the disposal status as well as the UAN for future reference.

Another facility available to the citizen from this website is the Central 'Citizen to Government' (C2G) interface.



This is an initiative of the GoAP to improve response levels among officials and to allow the citizens to interact with Government and raise their issues in a convenient and transparent manner.

The redesigned system would be easy to access and user friendly as well. With the application being available on Internet, citizens and officers can exchange information from anywhere and round the clock. Essentially, a citizen can get a whole lot of issues addressed through this system and even know – through the Internet / Call Centre / SMS – the status-of-action-taken.

Featured Resources on the Web

- www.cic.gov.in
- [e-Learning Module on www.rti.org.in](http://www.rti.org.in)
- www.sakshitrust.org
- www.righttoinformation.info
- <http://uic.gov.in/index.htm> (Uttarakhand Information Commission)

Note:

We receive several requests for the dispatch of the latest as well as previous issues of our publications (including our Newsletter – 'RTI TIMES'). We request our readers to, kindly, note that the soft copies of all our publications are available on and freely downloadable from our 'Web Portal' on RTI.

The URL for the said portal is www.rti.org.in



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