

# A Patchy Convention

Considering the languid pace at which government, or anything related to government, usually works, one year is hardly enough to evaluate the performance of those entrusted with the responsibility of making a reality of the Right to Information Act, 2005. When it decided to hold a national convention last October, one year after the Act came into force, the Central Information Commission (CIC) must have been aware that the outcome would be patchy. Giving prominence to officials, at the cost of the activists who initiated and organized the Right to Information movement, did not promote the independent role it is expected to perform. A panel headed by Shri Anna Hazare made up to some extent with well-conceived list of recommendations. A group of more militant activists briefly disturbed President Kalam's address.

Yet the convention was useful; more so by spotlighting some crucial issues still awaiting

governmental action. The President pointed to the need for accelerating the process of e-governance and its link with Right to Information. Prime Minister Manmohan Singh assured the convention, "I assure you the complete support of our government in achieving fully the aims and objectives of the Act". But he failed to mention the issue of file notings on which his previous pronouncements created some confusion. It was left to Dr P.C. Alexander to recall his long experience as a bureaucrat to point out that honest officers had nothing to fear from access to file notings. We hope this gets across to the Department of Personnel and Training, the last bastion of official secrecy.

This issue of *Transparency Review* contains significant extracts and analyses of the proceedings of the National Convention, in addition to other articles on right to information. Wajahat Habibullah, the Chief Information Commissioner, has contributed his impressions. ■

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# E-Governance and Right to Information

■ President APJ Abdul Kalam

**T**he Right to Information Act has been in operation for the last one year. I am sure a number of citizens have benefited by seeking information on various aspects on Government and Government establishments. Sometimes, the information sought will lead to suggestions for improving the functioning of certain institutions, if the information is sought properly and the provided information is understood by the receiver. However, to derive maximum benefit from this Act, active participation of all stakeholders such as political leaders, civil services, media, societal transformers and the citizens is required. I am sure; the annual convention will give an opportunity for bringing about better cohesion of approach and better understanding of both objectives and expectations arising from the implementation of the Act. This will also make India a highly participative democracy. While we are working on the Right to Information Act, the country is also poised to implement e-governance at all levels.

Good governance is being recognized as an important goal by many countries across the world. They have taken up specific initiatives for open government. Freedom of information is being redefined and supported by detailed guidelines. The internet revolution has proved to be a powerful tool for good governance initiatives and the world is moving towards internet governance. An important dimension of the internet potential is the possibility of providing services any time anywhere. Along with this, there is a conscious effort to put the citizen as the center of focus of the governance. Citizens are being perceived as customers and clients. E-governance has to be citizen friendly. Delivery of services to citizens is considered as a primary function of the government. Particularly in a democratic nation of a billion people like India, e-governance should enable seamless access to information and seamless flow of information across the state and central government in the federal setup.

## Typical scenario

I visualize an election scenario, where a candidate files his nomination from a particular constituency. Immediately the election officer verifies his/her authenticity from the national citizen ID database through multifactor authentication, through a multipurpose Citizen ID card. His education credentials come from the school or university records. His track record of employment comes from various employers with whom he had worked. His income and wealth resources come from the income-tax department, and other sources. His property record comes from the registration of land authority across the country. His credit history comes from various credit institutions like banks. His/her civic consciousness and citizenship behaviour comes from the police crime record. His legal track records come from the judicial system.

All the details arrive at the computer terminal of the election officer within a few seconds automatically by the act of e-governance software agents which crawls across the various state and central government web services directories through the network GRID and collects the information automatically and presents the facts in real-time without any bias. Artificial intelligence software analyses his credentials and gives a rating on how successful he will be as a politician. Election officer sitting at the remote block of the country decides on the spot and the election process starts. All the voters vote from their home through virtual polling booths. Is it a dream? Is it possible? If possible, when shall we have it? It is possible once India establishes national e-governance grid.

Can we provide good governance to our one billion people? Can the governance speed up the delivery system? Can the governance differentiate between genuine transactions and spurious transaction? Can the governance ensure immediate action for the genuine cases,

which satisfies the checklist for a particular service and spend the action on spurious transactions? Can this be done by e-governance at a cost affordable by our nation? If we have this system implemented, then I can call this an ideal example of the effective e-governance system for the citizens. E-governance system is a means to an end. We need enlightened citizens to realize the full benefits of the e-governance systems. It is people who finally uphold ethics, morality and righteousness.

## Suggestions

I would like to suggest that the Commission could run extensive publicity campaigns to inform the citizen about who deals with what in the Indian Federal set-up. The Commission could also find out how many applications are received by various departments and ministries, which have to be transferred, and how much time is lost in doing so. ■

# Recommendations of Anna Hazare Panel

During the National Convention on one year of RTI, many panels are constituted to look into various aspects of RTI Act. Shri Anna Hazare headed one such panel. The other members are Sailesh Gandhi, Lt. Gen. S. Pattivarman, Anand Swarup, M. Sridhar, and S. C. Khuntia. The topic for this panel was 'the challenges before the RTI Act and the generation of awareness and making of planning'. The panel broadly recommended:

1. A postal stamp of Rs. 10 should be issued specially for the purpose of RTI Act. It should be available at all the post offices in the country. There should be one fee and one format for the Act.
2. We should utilize AIR, and television for the popularization of the Act especially in villages. Again, the government should publish pamphlets and advertisement in simple local languages about RTI. These advertisements should be available in Gram Panchayat offices as well as in banks.
3. The RTI Act and its use should be included in the syllabus of schools. This will make them aware of their rights. The Act should be popularized through meetings, street plays and other means of communication. The schoolteachers should specially train for this purpose.
4. Civil Society should be involved in a big way to implement and popularize the Act
5. All decisions at the appellate level should be given in the written form.
6. It is noticed that some organizations made rules, which does not confirm to the RTI Act 2005. Every organization has the right to make rules but it has to be in conformity with the RTI Act 2005.
7. Commissions should decide within 90 days about a case. There should be a provision that if there is no decision within the stipulated 90 days of appeal, then it will be understood that the concerning authority have to give the information.
8. Stringent actions should be taken against the officials who does not entertain the complains under RTI Act. If the concerning authority does not want to entertain the complain, he should mention this in an office register with two witnesses.
9. There should be proper training of PIOs, and APIOs and Appellate Authorities.
10. The names, addresses, and telephone numbers of PIOs, APIOs and Appellate authorities should be prominently displayed in every offices. It has been noticed that in many offices this has not been done even if the Act has been there for the last one year.
11. Most of the departments did not put their websites in the internet.
12. Most of the states are not appointing Commissioners according to RTI Act. Central Commission should write to Chief Ministers of concerning states.
13. The Chief Information Commissioners and other Commissioners should be from law, science, social work backgrounds and they should be experienced. But the fact is that most of the Commissioners are retired bureaucrats. Experienced people from other social background should be given chance.
14. The Commissioners should listen to both the parties before delivering the final verdict.
15. There should be no amendment to this RTI Act. ■

# RTI- Most Fundamental Right

■ Dr. Manmohan Singh

**T**he Prime Minister Dr. Manmohan Singh delivered the valedictory address at the National Convention on RTI held at Vigyan Bhawan. He said that right to know is the most fundamental of all those rights, which are critical for upholding human dignity. The free flow of information and ideas determines the pace of development and well being of the people. As a result this right cannot be the privilege of only a few. He further mentioned that civil society has played a major role in spreading the awareness among the citizens regarding their rights. He hoped that the recommendations of the convention would help the Government to improve the effectiveness of this revolutionary Act. The following are excerpts from his address:

This Act is the consummation of a process initiated with the adoption of our Constitution. We gave ourselves a Sovereign Socialist, Secular Democratic Republic accountable to all our citizens. Accountability is based on the premise that citizens have access to information on the basis of which they can determine the justness, or otherwise, of actions of the State. Hence, the criticality of the right to information and this Act is but the means for accessing it. We have kept these means simple, with overriding importance given to “public interest”, sweeping aside much of the legacy of colonialism. In many ways, this Act is the logical culmination of the dreams of our founding fathers.

I would, however, emphasise the word “public interest”. The true determinant of success must be how many people have actually used this Act, and their level of satisfaction with the information so obtained. We must guard against the growth of professional middlemen in the use of this Act as seen in some other countries. And since it is an Act for our common benefit in relation to Public Authority, we are all

stakeholders in the Act and must guard against allowing it to become a tool for promotion of an adversarial relationship between different stakeholders. This can only serve to weaken the Act.

Given the diverse and complex nature of our society, the information revolution underway has the potential to make the Act an effective tool of social change. Public authorities are shouldering the responsibility of implementing this Act without any additional staff and are creating electronic databases to meet the demands placed on them by our citizens and the Civil Society too has played no mean role in spreading awareness among citizens regarding their rights and preventing arbitrariness in processes of decision-making. However, a great deal more needs to be done. All public authorities must ensure that all records that can be computerized are, within a reasonable time and subject to availability of resources, computerized and connected through a network all over the country. Networking through the country through the institutionalized framework of panchayats, community service centres and knowledge centres down to the village level will ensure public participation in the development process.

The Central Information Commission has been playing the role of information provider of the last resort to civil society. This convention has given an opportunity to interested citizens, eminent personalities from civil society, Government and Information Commissions at all levels, to deliberate on substantive issues of common concern and enrich us with their suggestions. I am sure the recommendations of the Convention will help Government in addressing measures required to improve the effectiveness of this revolutionary Act.

## Learning Curve

I am sure that there will always be various opinions about the interpretation and implementation of some provisions of the Act. This is true of any legislation – particularly those that usher in far reaching changes. In a democratic society, sometimes, it takes time for new ideas to take firm root. This is part of the learning curve any legislation has to undergo. We need to evolve a consensus to facilitate the effective exercise of the right to information by the needy, by those who are directly affected by the information. We need to balance the need for information with the limited time, material and human resources available with public authorities. Vexatious demands should not be allowed to deprive genuine information seekers of their legitimate claims on limited public resources. We must also realize that laws, over a period of time, adapt themselves to changing realities as societal perceptions change and

most importantly, right to information is not a substitute for good governance. It has to support and aid the process of good governance.

On behalf of the Government, I assure all stakeholders that it shall be our endeavour to strengthen the implementation of the Act in favour of genuine information seekers and the people. The Act has been a matter of pride for the UPA Government. It was a commitment we made to our people. Therefore, we are - as, if not more, interested in its abiding success.

We will continue to pursue the goal of ensuring the fullest and freest flow of information under this Act. We shall work with all stakeholders for promoting effective usage of the rights granted under this Act. I assure you the complete support of our government in achieving fully the aims and objectives of this Act. We remain firmly committed to its effective implementation in letter and spirit". ■

## DU's No is CIC' Yes

The Central Information Commission has treated a letter from DU saying that varsity could not divulge the information sought by an applicant, as compliance of its order to release the data. The matter related to the examination. A law student filed an application with PIO of DU seeking to know the names of the examiners who had checked his papers.

The varsity refused to part with this information fearing that the sanctity of the examination system would be in jeopardy if students got to know the identity of the examiners.

The students then appealed to the CIC. A bench of CIC rejected the confidentiality plea advanced by the PIO and directed the university to provide the student with requisite information.

Worried by the grave implication of the order, DU sent a letter saying that DU is duty bound to maintain the integrity of its examination system. The names of the examiners cannot be disclosed either before or after the examination. In the larger public interest the details in this regard will not be disclosed. In this ground DU asked CIC to reconsider its decision.

But CIC, which is normally, is strict about upholding a person's Right to Information wrote back to DU that the letter was itself the compliance of its order. The CIC wrote, "the contents of the letter are being taken as compliance report and the Commission has cognisance of your compliance".

(Times of India, 21 October 2006)

# Change in the Mindset

## ■ Excerpts from keynote Address by Dr. P.C. Alexander

**A**nyone familiar with the problems of building up a new institution under the auspices of the government will know that the first year for any new organization is the most difficult year of teething trouble. Regarding the Central Information Commission, the task of assembling a team of officers and supporting staff, getting office accommodation with even the minimum facilities, formulating the basic rules and procedures required for the implementation of the Act and other such chores is indeed quite a daunting one.

The Right to Information may not be a new concept in Indian administration but to implement the Act on an All India basis through the agency of bureaucracy which by long tradition is tuned to be a stickler to secrecy is certainly a new task. The bureaucracy in this task does not have the usual aids and props which it falls back upon in its normal working, such as, past practices, case laws, standing orders, etc. The Commission at the national and state levels had to plunge into un-chartered waters and cover pre-determined distances involving fixed time limits and penalties for default, and such tasks are altogether new for bureaucrats. To add to all these problems it has to reckon with the aspirations of a clientele from the entire country, which had been eagerly waiting for such legislation. The bureaucracy has also to deal with a network of well-informed voluntary organizations spread all over the country, which are fully alive to their responsibilities to help the citizens in getting access to information as their right.

### **Deepening Democracy**

The Right to Information Act is intended to be a tool to deepen democracy, accelerate development and help in the eradication of

corruption in public services. Even though this right had not been specifically included in the Constitution, the importance of the right to information as a basic requirement for access to all other rights has been clearly understood by all those familiar with the working of our democracy. The initiative in this direction has been a little late in coming.

If the Right to Information is to become a reality for the ordinary citizen there has to be a radical change in the mind set or attitude of the people in government, both the political executive and the bureaucracy, on the need for unlocking information. The most important lesson which people in power in the government have to learn is that in a democracy information belongs to the people and not to the government. The doctrine that everything about the government is secret unless there are strong reasons for releasing it has to be replaced by the new doctrine that all information should be made available to the people unless there are strong reasons for denying it. This may sound as a very revolutionary concept and people in government who were till now used to a totally different concept about information being the property of the government, may find it difficult to appreciate it easily. But if they understand the close nexus between the Right to information and other rights guaranteed to the citizens, the rationale of the new doctrine will become clear to them. Take the provisions for Freedom of Speech and Expression (Article 19), or Protection of Life and Personal liberty (Article 21), or Protection against arrest and detention in certain cases (Article 22) guaranteed by our Constitution. These rights can be exercised by the citizens only if they have adequate information about the factors, which threaten the enjoyment of these rights. Similarly good

governance and the accountability of those who govern is possible if people have the information on how the work of governance is being carried out by those entrusted with this responsibility. In other words, denial of the right to information in most cases may become denial of other fundamental rights as well as of good governance.

### **File Notings**

People in government have been so much accustomed to maintaining secrecy about government work that they have been led to believe that disclosure of information on the various decisions taken by the government may harm the interest of the government and of the people themselves. There is no doubt need for keeping certain types of information as secret. The categories of such items are included in section 8 of the RTI Act. If further additions to the list of exemptions stated under section 8 are found necessary in public interests, it can be done after due consultations with all those interested in the successful implementation of this Act. However, we have seen how some sections in the government have already become panicky about disclosing the contents of file notings and are seriously considering inclusion of all notings except that on development and social issues in the exemption list. People who are not quite familiar with government files and the relative importance of different levels of notings on them are apt to think that it will be safe to reserve all notings on the file as secret. It is amusing to see that an impression has been created that bureaucracy as a class is getting disturbed at the prospects of disclosing file notings under the RTI Act. I do not know how such an impression could have gained ground so quickly after the enforcement of the RTI Act. According to Section 2 of the Act on definition, information includes 'records' and the definition of records in the Act is "any document, manuscript and file". It is thus clear that the original intention was not to exclude file notings from disclosure. I hope my credentials to speak

on this subject of disclosure of file notings will have some degree of acceptability taking into account the fact that I have had the opportunity of holding every level of post in the bureaucracy from Under Secretary to Principal Secretary to the Prime minister and also as Head of a Central government Department for two terms. Except in the case of Under Secretary where I held the post only for 6 months, I had held every other post for 3 to 5 years each and therefore I hope my familiarity with file notings will not be lightly dismissed. I can say without any hesitation that there will be no danger whatsoever to public interests if the information contained in the notes is disclosed to those who seek it except what is prohibited under Section 8 of the Act.

### **Nothing to Fear**

Under the parliamentary system of government, all major decisions are taken at the level of the political executive and the responsibility for all decisions at all levels is that of the minister. Honest civil servants, and they are in the majority in all offices, invariably indicate in their notes the likely adverse consequences of a proposal under consideration also whether a proposal will involve violation of any existing laws and regulations. The minister has the unquestionable right to overrule the recommendations of the Civil servants on any issue. Some do so giving reasons on the file. But some ministers try to be clever by asking obliging civil servants to put up the notes in such a manner that they can just sign below the civil servant's note in approval of what has been proposed by him. An honest civil servant has nothing to fear if the contents of his notes are disclosed to the public. Similarly an honest minister also will have nothing to feel uncomfortable about if he has taken decisions strictly on what is right and proper in public interest. It is only the dishonest civil servant or the dishonest minister who should feel unhappy about disclosure of their notings on the file. But there is no reason why such persons should be protected by keeping all notings on the file

secret. Of course there will be some cases where requests for information from the file notings will have to be rejected because of the exemptions provided for in the Act, but the general rule has to be “ maximum disclosure and minimum exemption”.

Just as there is great need for instilling consciousness about rights in the minds of the citizens, there is equal need for educating the political executive and the bureaucrats also about the imperatives of the RTI Act and the radical changes which are sought to be brought about in the old concepts about secrecy of information with the government. The Commission thus has the responsibility for creating consciousness of rights among the people and simultaneously for changing the mind set of those in authority regarding the peoples Right to Information. In this task the Commission will have to enlist the co-operation of Voluntary organizations, NGOs and the media to the maximum extent possible.

### **Agitated Activists**

I will now come to the last part of my talk and that is, the problems, which have surfaced, conspicuously in the smooth administration of the RTI Act. A few days ago I had the opportunity to attend a meeting of some activists on the Right to Information convened by the well-known voluntary organization Parivartan. About 150 to 200 persons, some actively involved in helping the citizens to gain access to these rights and some who had personal grievances about the manner in which their efforts to get information were frustrated, were present at this meeting. The meeting was intended to be an opportunity for interaction between the Central Commission and the public on the problems, which had come up in the implementation of the Act.

The Chief Information Commissioner Mr. Wajahat Habibullah and one of his colleagues in the Commission Mr. Kejriwal were present to respond to the queries and comments from

the floor. I should frankly say that I found most of the participants at the meeting to be in a very agitated, if not a very angry mood in what they perceive as the lapses in implementing the RTI Act. The atmosphere was reflective of their acute dissatisfaction and disenchantment and even though Wajahat and Kejriwal tried to meet the points raised by the participants, most participants did not appear to have been convinced. I will pick out the main points that were raised at the meeting in the hope that this Convention may consider these in the next two days and come up with useful suggestions to facilitate the smooth administration of the Act.

### **Imposing Penalties**

The first point raised at the meeting was that in the majority of appeals disposed of by the Commission, the appellants were not given an opportunity of being heard personally. The Chief Information Commissioner replied that there was no need to hear the appellants personally in cases where the Commission was ready to accept their appeal after going through the relevant records of the case. Mr. Habibullah's point that granting a hearing in every case would slow down the disposal rate of appeals was not acceptable to the people present including some prominent lawyers present, and they maintained that under the normal code for appeals it was right to appellant to be heard by the Commission. A second complaint was about the pendency with the Commission. The Commission had received 3059 appeals till 8 September 2006 and roughly 50% of them had been disposed of. According to the organizers of the meeting, there is already a waiting list of 7 months at the Commission for disposal of appeals. The number of appeals received is increasing every day and it may soon average about 2,000 per month. They felt that at the rate, at which the number of appeals is growing, the waiting period may increase to one to two years and this will cause great disappointment to those who approach the Commission for redressal of their complaints.

The third complaint was about the reluctance of the Commission to impose the penalties prescribed in the Act on those government officials who had failed to discharge their responsibilities under the Act. It was pointed out that out of the 1531 cases disposed of by the Commission, penalties have not been imposed even in a single case though the Commission itself had found the lapses in several cases as deserving punishment. Most members who spoke on the subject were of the view that it was mandatory on the part of the Commission to award the penalties prescribed under the Act and leniency in doing so was against the provisions of the Act making RTI Act a toothless legislation. The fourth point was that the Information Officers were misinterpreting the concepts about 'fiduciary relations', 'private information', 'public interest', etc., and were turning down legitimate requests for information in a routine manner based on their own interpretation of these concepts. They wanted that the Commission should lay down clear guidelines on the scope of these words, as

otherwise rejection of requests for information will continue to be arbitrary.

I do not wish to give any suggestions as to how the Commission should deal with these complaints except to say that an early opportunity should be taken by the Commission to formulate its stand on these complaints and that the Commission's stand should be conveyed to the people through proper public announcements. Perhaps it may be useful if some of these and other related issues which the members of the Commission or the officers at the state level may like to raise, are discussed at a meeting of all the senior officials involved in the administration of the Act in order to arrive at satisfactory solutions to them. It is absolutely necessary that the misunderstandings among the public should be cleared at the earliest opportunity possible. Otherwise the complaints about administration of the Act will continue unabated and the dangers arising out of misunderstanding of the provisions of the Act may become too difficult to be rectified. ■

## Highest Penalty Imposed

The Central Information Commission (CIC) has slapped the highest possible fine of Rs. 25000 on a University Registrar for not furnishing information to an applicant. This is the first instance of the CIC levying maximum penalty.

The penalty was imposed on the Banaras Hindu University Registrar for not giving an inquiry report on incidents leading to death of a student of the university in January. The Registrar, who is in charge of administration and appellate authority under the RTI, rejected the application and subsequent first appeal. He had also communicated his reply 86 days after the date of the application.

The CIC further mentioned that the only contribution of the Registrar in meeting the requirement of the applicant was delay and denial of information. He has never spelt out valid grounds of rejection of the applicant's request. The CIC held the submissions made by the Registrar in response to the show cause notice issued to him as quite superfluous and explains nothing.

(Times of India, 23 October 2006)

# A year of the CIC

## ■ Wajahat Habibullah, Chief Information Commissioner

**A**s a child I remember reading with great pride KL Basham's "The Wonder that was India"-Today I can speak with equal pride of the wonder that is India. Democracy is our greatest strength and the widest public participation therefore will be the firmest guarantor of that strength. Legislation on the Right to Information, and as demonstrated recently so tellingly in the campaign against proposed amendments, the unprecedented sense of ownership of an Act of Parliament that has been given to our people, promises the public participation in governance of which one had thus far only dreamed. That is the unceasing wonder that India now becomes.

In this whole process the Central Information Commission, which came into being towards the end of October 2005, and fully functional only ending December of that year, is indeed pivot, but by no means the only tool for implementation. For this, the most important entity must be and is indeed government. And the mandate with the widest import for government under this Act is its Sec. 4. Under Sec 4 (1) a) of the Act,

### **Mandatory Provision**

"Every public authority shall maintain all its records duly catalogued and indexed in a manner and the form which facilitates the right to information under this Act and ensure that all records that are appropriate to be computerised are, within a reasonable time and subject to availability of resources, computerised and connected through a network all over the country on different systems so that access to such records is facilitated."

This mandatory provision, although at present still incipient in implementation, when in full

operation, will in fact amount to complete transparency in government thereby easing pressure on officials and institutions charged with making information available. With the remaining sub-sections of this provision identifying issues with directions to publish, this in fact is a mandate for suo moto disclosure of information in all areas not excluded from disclosure under sec 8 of the Act.

Sec 26 (1) a) goes on to say, "The appropriate government may, to the extent of availability of financial and other resources develop and organize educational programmes to advance the understanding of the public, in particular of disadvantaged communities as to how to exercise the rights contemplated under this Act"

Again responsibility for ensuring that access is available to all regardless of language lies with the appropriate government, which is expected to provide guidelines in local official languages under Sec. 26 (2), in a form so easily understandable as would be reasonably required by a person wishing to exercise his or her rights under the Act

Finally, the initial approach for information is to government, which is therefore under obligation to provide it from a single window. That window and the key instrument in doing this is thereby the Public Information Officer (PIO) to whom the initial application is made.

### **Possible Misuse**

But while the responsibility of government is indeed of the greatest moment, it is important to remember that this responsibility is also shared by the citizenry, by NGOs, by the media, in fact civil society as a whole. This has begun to be demonstrated in the increasingly effective

use of this right in Delhi. It needs to become pervasive across the country in similar vein.

It is at this point that I might caution against possible misuse of the Act, which we in the Commission have also noted on occasion. What do I mean by misuse? Take for example instances, which have come to our notice, where the application or appeal under the Act is used as a vehicle for hurling invective and personal abuse. Maintenance of decorum costs nothing, but can help allay misgivings and encourage cooperation rather than confrontation. It must be recognized that as governance moves into a new mode, there will be doubts and fears, which must be addressed. There have also been cases of a single application being made with 150 questions or even more, concerning several public authorities, and complaints or appeals then being made seeking penalty on the PIO to whom such application was made either for failure to respond within the specified time limits or to comply with sec 6(3), which governs transfer of applications to the appropriate authority, when made to an authority other than the one primarily concerned. There have also been cases where officials facing investigation and even prosecution on charges of corruption have sought to utilize the Act to undermine that prosecution.

While recognizing these impediments in the fullest productive use of the Right to Information Act, I would not recommend amending the Act in any way to authorise rejection of applications described as 'false and vexatious' as the UK Act allows, or indeed even to question applicants on their intention in seeking information, a query unambiguously disallowed by our Act. Any such 'cure' will only exacerbate the disease by seriously crippling the right to information, and give unwarranted authority to the official processing applications for information to dismiss such applications. The answer lies in a determined effort to expose such misuse by civil society and bringing social pressure to discourage such users.

## **Public Awareness**

The other area in which civil society can make significant contribution is in generating public awareness. Undoubtedly, as I have said the law enjoins upon government the responsibility to generate this, particularly among the less advantaged. But the manner in which this has come about in Delhi, where there is high awareness even at the slum-dwellers level, thanks to the active participation of social activists, is to my mind a model worth benchmarking.

Ending September, the Commission had received 3367 appeals and complaints. Details of all these are on our website [www.cic.gov.in](http://www.cic.gov.in), designed and serviced by the National Informatics Centre. 1672 had been disposed of till Sept 29, 2006, or 49.7%. This is not in itself an impressive rate of disposal, but it represents a steady progress, matched, however, with a rising rate of receipts. We in the Commission see this as a challenge, since we see it also as our mission, being India's first Commission, to set standards with different categories of stakeholders in collaborative, not in adversarial relationships. We have set ourselves a target of ensuring that the waiting period between applying to the Commission and its final decision should in no case exceed ninety days. For this we are proceeding with a programme for increased digitalization of records.

It is important to recognize that there has been a paradigm shift in governance. Public servants, now in the literal sense of that term, are required to adapt to a new culture, the governing principle of which was the Official Secrets Act 1923, now being supplanted by the Right to Information Act, 2005. Under the former, those in government were required to consider it their duty to protect information in their custody, to be shared only when compelled. Today, it has become the duty to share, and to withhold only when compelled.

Training of personnel in this, to India a wholly new philosophy of governance is

therefore critical. The administrative Ministry, the Ministry of Personnel, Public Grievances & Pensions already has programmes for training of PIOs that are well advanced. Those run by the Centre for good Governance, Hyderabad, YASHADA, Pune and the Institute of Secretariat Training & Management merit special mention. But these are still limited in their coverage and require to be replicated by all Ministries and Departments. And in implementation of this law these Ministries and Departments would be well advised to follow the principles of Total Quality Management, which requires participation in the process of all sections of management working together.

Today the Act stands enforced in all States with Arunachal Pradesh being the last. Jammu & Kashmir has its own law since 2004, but that law, like much of the democratic framework of that State is something of an illusion and needs to be brought in conformity with the Central law. Moreover, according to a recent study by Participatory Research in Asia, progress was assessed in 12 states. It was found that in many states PIOs had not even been appointed at the time of study, and where they were appointed public awareness was low. This clearly indicates that the responsibility for generating public awareness needs to be taken out of hands of Government alone, and as in the case of Delhi, involve all stakeholders in this effort.

### **Effective Use**

Where the law has been in force for some time, the study has found it effective: Maharashtra and Delhi are two examples. Delhi's Bhagidari Scheme seeks the fullest participation by all sections of society, including NGOs.

Difficulties faced in implementation in the states were discussed in a meeting with all Information Commissioners on the morning of Sept. 13, 2006. Among these Commissioners are three retired judges-Jharkhand, UP and Bihar, one advocate from AP and journalists from AP and UP. It was the universal consensus

that among other issues, the Commissions required greater autonomy, both financial and administrative, since they were under the present law and rules made there under dependent for both on the State.

The close of a year in implementation is a good time to reflect on successes and failings, strengths and weaknesses. Such an assessment must be done with all stakeholders sitting together. It was with this objective in mind that the Commission took it upon itself to organize a national convention, which we hope will be only the first of its kind, which had the unique distinction of participation by both India's head of State and head of government.

This convention demonstrated that public expectations of the CIC are indeed high. Among these expectations is that the Commission lead a campaign for disclosure. The Commission indeed has huge responsibilities in interpretation of the law in arriving at its decisions, which are binding since it is the final court of appeal for all public authorities falling under the central government save those exempted under Schedule II. The application of 'public interest', which allows for disclosure even for items exempted under Section 8, is an important provision requiring interpretation in every case by the Commissions. But it is important that to do this effectively, the Commissions remain a neutral party, neither social crusader nor pillar of government.

### **E-governance and RTI**

In his inaugural address to the national Convention President Abdul Kalam spoke of the necessity of integrating the right to information with the national e-governance programme, the State Wide Area Network (SWAN). This would be a lifeline for effective implementation of RTI. "The seeking of information," he said, "should always be in public interest and for public good"

For the Commission he had the following advice: that public awareness be raised, that implementation by Ministries be monitored, and

that the search engine on our website be strengthened to facilitate access to decisions on specific issues. In other words what the President asked of the Commission is that it take centre stage in the enforcement of the Act.

In his keynote address Dr PC Alexander, MP emphasized the principle underlying the Act, which I have stated above, that information belongs not to government but to the public. In this context, government proposals to bring amendments to exclude file noting from disclosable information came in for especially sharp criticism.

In his valedictory remarks Prime Minister Dr Manmohan Singh assured participants of government's continuing commitment to the right to information and pledged the fullest support of government to proposals to strengthen the implementation of the Act

Major issues identified in the convention were:

- The need to retain disclosability of File Noting
- Extensive use of suo moto disclosure and consequent strengthening of Sec 4 of the Act, by inducting the provisions of the Consumer Protection Act 1986 relating to Citizen's

Charters on which considerable progress has been made provisions of the Consumer Protection Act 1986 relating to Citizen's Charters on which cons

- The need for training of staff, including but not restricted to PIOs, and easing the workload of the latter.
- A more frequent use of the penalty clause when warranted.
- Giving full autonomy to Commissions
- Strict and unfailing enforcement of decisions

And so the Commission closes its first year of operation with some concerns, but with much hope. The hope stems from the growing participation of all sections of society in working for the success of this new and dynamic phase in the evolution of our democracy, a phase that promises to take us from being only the world's largest democracy to also the world's most participatory. But this needs to be seen as a mission. The President himself has graciously received activists, and listened to their concerns. Their petitions have been forwarded to us by his office. Today every citizen of India has been vested with a new responsibility. We must not flag. ■

## Officials Demand Rs. 1 lakh for Information

The Road and Building department in the district of Guntur has demanded Rs. 1 lakh for providing information sought by a NGO under Right to Information Act. The money was said to be for the expenses for stationary. The NGO who works on legal advocacy approached the R&B officials and sought information on 12 aspects including agreement with the government on tenders from 2002 to 2005. The applicant did not get any response from the department for a considerable period of time. Then they appealed to the State Information Commission but with no result. With no progress, the applicant approached District Legal Service (DLS) Centre. While responding to the summons, the R & B officials said that the information would cost Rs. 1 lakh. This will include the cost of the photocopies, stationery and other related expenditures.

(Asian Age, 13 November 2006)

# Overview of National Convention

■ Dr. N. Bhaskara Rao, Chairman, CMS

It is about one month since the two day National Convention on “One year of RTI” took place in Vigyan Bhavan, New Delhi. Organized by the Chief Information Commissioner (CIC), the convention was inaugurated by the President of India and concluded with the Prime Minister as the Chief guest. About 100 civil society activists and nearly 200 officials from across the States attended all its sessions. Another 200 from media, officials, activists, etc. attended one or other session. The convention had four structured panel discussions and two “Citizens’ Speak” sessions and many more “entertainment” programmes during the course of two days.

What has been the “outcome” of such a high level National Convention? By and large the process, deliberations and the impressions of those who attended was better than what one would have thought considering the dissent by some prominent leaders of RTI movement and protest at the inaugural by some dissatisfied activists. Also, despite some “fire works”, in otherwise fair and frank sessions, from some of the filed activists, a majority of delegates went home fairly satisfied with the deliberations. At the end, the CIC, its chief more specifically, conducted gracefully.

However, there was no evidence, direct or indirect, of new insights or new directions for those working in the field. Even more, on the most important issue of “file notings”, neither direct nor any indirect signal came out. Even the President and Prime Minister avoided any reference to contentious issues.

## Disappointing Session

The most disappointing was the session on the “Implementation of RTI in States”. Despite more

than one review available at the conference on the specific subject, neither they were availed for a focused discussion nor the deliberation of this session dealt with critical issues specific to States. Curiously, a meeting of State Commissioners was held at the CIC office on the morning of the inaugural day with no one else in the Convention knowing about it. Perhaps for the first time such a meeting of Information Commissioners of States was held together with those of the Central Commission – after the CMS meet of Chief Commissioners in Hyderabad in July 2006. Activists from the States too should have been invited for such a session. Since one missing link is being lack of sharing of experiences and coordination between States, this meet of Commissioners should have been an open session. Issues concerning all States like website, monitoring system, etc. should have been deliberated at this meet.

Except for the Secretary, Commerce, no Minister or Secretary in the Central Government attended the convention, including of the key Department of Personnel and Grievances. The Minister for State in this Ministry accompanied the Prime Minister and read out a speech with nothing new or specific for the occasion. One or two Chief Information Commissioners attended the President’s inaugural session but were not in evidence, direct or indirect, at the convention thereafter.

Anna Hazare provided a healing touch without mincing words to reflect grassroots view including those who stayed away from the Convention. His active presence all through the session added seriousness to the deliberations.

Neither the session on “Road trap” nor on the “challenges” came up with any focused

recommendations on more urgent and basic issues – all involving Government taking a relook of the guidelines for a more sincere implementation of the RTI Act.

### **Activist Suggestions**

The “outcome and recommendations” note sent by the CIC office after a few days of the Convention did not refer to the suggestions offered by some activists who met on one evening and came up with a couple of “recommendations”. In any case there was no indication, no evidence, direct or indirect, either in the concluding session or in the outcome note, as to how these various observations, suggestions, recommendations would be followed up or who will be doing so. These included the contributions of Anna Hazare, Dr. P C Alexander, who gave a very good keynote address, or specific suggestions like those of the Chief Information Commissioner of Assam, or of activists including very specific ones made in writing including by CMS after a review of

the status of implementation, nor even on some contentious issues on which there was unanimity.

Since CIC had constituted a Committee to advise CIC in organizing the National Convention, it should now be called to take stock and draw a road map with an action plan for the activists, for the Commissions, PIOs and of course the State Governments – arising out of the deliberations of the National Convention. .

One message comes out from those who attended the National Convention. That is nearly half of them, according to the CMS feedback survey, including those from civil society, think that the overall response pattern to applications for information is good. That was the impression in the very first year of RTI Act, speaks volumes of the potential of the Act and the much needed paradigm shift it could bring for good governance if only the implementation is taken little more seriously by the Governments and the political leaders of the country. ■

## **Another demand for a lakh**

The Department of Rural Development asked a TV reporter with a private channel in Orissa Rs. 1.22 lakh for accessing information under the Right to Information Act. The reporter had asked for information on the status of projects under the Pradhan Mantri Grama Sadak Yojana and low cost repair of roads by the department in the Balangir district of Orissa. He was first of all compelled to apply under the RTI Act, as the department was not providing the information. Later he was informed by the PIO of the department that he has to give 1.22 lakh as the cost of the information. He has appealed against the department before the Additional District Magistrate.

(Times of India, 27 October 2006)

# Perceptions of Delegates

## ■ A CMS Survey

**A**lthough over 500 in all attended one or other session, about 300 delegates were present at every session of the National Convention on One Year of Right to Information Act at Vigyan Bhawan in New Delhi between October 13 and 15. Among them, 160 filled up the CMS questionnaire about their experience with the RTI Act.

Going by this survey, a majority of the delegates belonged to one or other Government service or were from State Information Commissions. About ten percent were from news media, both print and electronic, with only one-third from civil society. Women participants constituted hardly ten percent of those who attended the Convention. About half of all participants were from Delhi and the neighbouring States of Uttar Pradesh, Haryana and Punjab. Hardly five per cent (around 20) of those from civil society came from outside the Delhi region with their own money.

Altogether, half of those responded to this survey were from Government, one-third was from civil society and 12 percent were from media.

Who is taking advantage of RTI Act? Half of the delegates from one or other Government service think, those in Government are taking advantage of the Act. Half of those from civil society groups, on the other, think it was their group who is taking advantage of the RTI Act.

Judging by the representation at the National Convention, the majority of those utilizing the RTI Act are males. Hardly five percent of all respondents in this survey said that women are taking advantage of it. According to civil society delegates only six percent of those taking advantage of the Act are women.

While little over half of the respondents from the Government sector think that the response pattern of Government offices to citizens had improved more than a year ago, only 11 percent of those from civil society shared this view. However, about half of respondents from news media think that the response is “somewhat better now”.

Sixty percent of respondents, both from the Government sector and from civil society, think that mainly people from big cities are taking advantage of RTI Act. At most, ten percent from rural areas were taking advantage of it. It was because there were hardly any delegates from rural areas to the Convention.

### **Corruption and RTI Act**

Half of the respondents from civil society think that the level of corruption is the same or has increased in the last one year – against 30 percent of those delegates from the Government sector who said that corruption involving citizens had declined during the year. But, even among civil society respondents, 21 percent think corruption has come down in the last one year, against 13 percent who think otherwise. However, a significantly high 80 percent of delegates think that corruption-involving citizens “will come down” with “active implementation of RTI Act in the coming years”.

On the controversial issue of ‘file notings’, as high as 70 percent of all respondents attending the National Convention felt that ‘file notings’ should be shown or included in the RTI Act; while 20 percent said they should be “shown selectively”. This survey substantiate what the keynote speaker of the Convention Dr P C Alexander, has said in the Convention. The

majority of those in the Government service also want file notings should be part of the Act.

An overwhelming percentage of delegates to the Convention, even those belonging to Government service feel that RTI Act facilitates “good governance” and helps to reduce corruption in public services involving citizens.

Eighty percent of respondents were not associated or involved in any way in the July campaign for RTI Act by civil society groups. Even among those delegates who were from civil society, only one-third took part in the July campaign. But, half of those from civil society had filed one or more applications under the RTI Act and half of them had received the information sought.

That 45 percent of those from civil society were “generally satisfied” with responses under the RTI Act brings out the potential of the Act and that the over all impression of people in the first one year perhaps is better than what could be expected with so little promotional efforts and machinery in the States. From the Government sector as many as 70 percent of respondents feel that people were “generally satisfied” with responses under the RTI Act. The majority of the civil society respondents think that the information given was often either incomplete or misleading.

Asked to recall any important initiative to popularize the Act taken by their respective Information Commissions, half the respondents could not recall any. Training PIO/APIOs, setting up an office, bringing out the Act in the local language, creating a web site, etc were mentioned. However, half of all the respondents had seen or knew about websites on RTI. The others had not. 56 percent from civil society had not heard of any PIO directory or list. But 20 percent said that they had seen such a listing.

Two-thirds of respondents from civil society are not satisfied with the “responsiveness of

local PIOs” as compared with 55 percent from the Government sector. Among respondents belonging to media, only ten percent said they and their associates were happy with PIO responsiveness.

43 percent of respondents from the Government sector think that Government has done something to publicize or promote RTI Act, against only 20 percent from civil society. Overall, two-thirds or more of the delegates who attended the Convention felt that not much or nothing was done to promote the Act during the year.

One-fourth of respondents from civil society think that the activities of Information Commission are confined to the cities in which they have their headquarters.

75 percent of those from civil society and media said that they do not know any department or public service, which is implementing RTI Act, any better. In fact, as many as 60 percent said no department or public service is implementing it.

Newspapers were mentioned as a major source of information about RTI Act by 62 percent of the respondents, including by those from civil society, against 42 percent who referred to television. Internet was (website) referred to by 28 percent as a source.

### **News Media**

37 percent of all respondents felt that news media did a reasonable coverage of RTI Act in the last one year. But 60 percent felt otherwise. Only 60 percent perceive that news media is interested to see that the “RTI Act succeeds”.

Among newspapers Hindustan Times, Times of India, The Hindu, Indian Express, in that order, and one or other regional newspaper were recalled as the news dailies, which covered RTI. Among television NDTV was recalled by a majority of respondents against 10 percent who recalled Doordarshan and Star TV.

Highlights of findings of the survey among delegates at the National Convention			(Percent)
Issues	Civil Society	Govt. Service	Media
Generally satisfied with responses to RTI applications	45	70	50
Happy with responsiveness of local PIO	2	36	10
Who is taking advantage:			
People within Government	30	45	35
Civil Society Groups	47	30	45
Media	15	17	20
All	17	16	15
None	6	6	15
Response pattern of officers has been better now	11	52	10
Corruption in Government has increased	13	8	30
Corruption in Government has decreased	21	30	10
With implementation of RTI, corruption will come down	83	87	75
RTI facilitates "good governance"	96	95	95
Media did only reasonable coverage of RTI Act last one year	39	32	35
"File notings" should be shown given, not excluded	79	58	85

Half the respondents from media said that the RTI Act was availed of by journalists to secure access to information, which they otherwise could not have got easily.

Interestingly, more than half of respondents to the national Convention felt that newspapers and TV channels are not "as transparent as they should be about their ownership and interests". In fact, an overwhelming 90 percent of all felt that news media should be "brought under

RTI Act so that citizens could also ask about media".

60 percent of all respondents think the Government (in their respective State or Centre) is not serious about implementation of RTI Act or they are not sure about it.

Two-thirds of participants felt that no department or public service, in their respective State or Center, was implementing RTI Act. ■

## RTI Helpline

A trust devoted to the memory of Indian Oil Executive S. Manjunath started a help line to build awareness on the Right to Information Act and instituted an award for individuals fighting corruption. The Manjunath Shanmugham Memorial trust and Parivartan an NGO working for RTI act lunched the help line. The RTI Activist, Arvind Kejriwal said the trust and Parivartan came up with the idea of help line as Manjunath has fought against corruption and people's right. He also announced the Manjunath award, carrying Rs. One lakh in cash and a citation for individuals that have 'stood up against corruption' in government and private sector.

The help line would disseminate RTI Act nationally and empower the common man to seek accountability in public administration. Callers could ring up the number 9250400100 and would be advised on how best to use the RTI law.

(Times of India, 20 October 2006)

# Valuable Tool for Reporters

■ Vishnu Rajgadia, Coordinating Editor, Prabhat Khabar

**T**he Press Council on March 2001 had stated that the Right to Information Legislation was vital for the media. It stated “at present, one of the stumbling blocks in the path of investigative, analytical and popular journalism is the difficulty in getting access to the official information. The bureaucracy, the police, the army, the judiciary and even the legislature guard information regarding even the most mundane subjects with astonishing zeal. Few journalists are able to break this iron curtain of the official non-cooperation.

“The Right to Information will encourage journalists and society at large to be more questioning about the state of affairs and will be a powerful tool to check the unmitigated goings-on in the public realm and will also promote accountability. No longer will scribes have to depend on conjecture, rumour, leaks and sources other than knowledgeable sources. The legislation when enacted will pose an antidote to vested interests which try to conceal or misinterpret information or which try to manipulate media directly or indirectly to plant misinformation. Through this legislation, transparency in public, professional, social and personal sphere can be achieved.”

The evaluation by the Press Council was not given importance by most of the media. Yet journalists who did use had an interesting experience and showed the way to a new path as well.

## **Assembly Embezzlement**

The discovery of embezzlement in the Jharkhand Assembly guesthouse has become known. The Vidhan Sabha has 30 air-conditioned rooms. Guests staying there should pay rents as laid down. And the amount obtained from the rent should be deposited in

the treasury. Over the years, it was noted that two rates were being charged for staying in the guesthouse. Rs.300 was charged for a day's stay. This was illegal because according to the rules, only Rs. 100 is to be charged. Clearly, a large amount was embezzled, with only a small amount deposited in the treasury. It had not been possible to publish this earlier because of lack of the hard evidence. To do so, it was necessary to know the amount deposited in the treasury as guesthouse rent. Despite several inquiries, the Vidhan Sabha did not provide this information.

With the help of the Right to Information Act information was sought from the Vidhan Sabha. Initially they tried to avoid providing the information. After several attempts it was procured and the truth was revealed. It was clear that the amount deposited from 2002 to October 2005 in the treasury was inadequate. . From March 2004 in almost twenty-one months only Rs. 32,800 was deposited in the treasury. With this, collection of two types of rent from the guesthouse was also revealed. The news was published in Prabhat Khabar and the Vidhan Sabha admitted that embezzlement has occurred.

## **Irregular Promotions**

Many cases of irregularity in the promotion of officials and employees in the Jharkhand Vidhan Sabha have also been exposed through the RTI. Shakti Pandey, reporter of Prabhat Khabar, was denied the information, but got it after the intervention of the State Information Commission. It was found that some officials got promotion twice a day and others thrice in five months. The Assembly service rules clearly say that promotions may be given after two years. But 23 persons were promoted during August 2004 to June 2006, and many of them

got three-time promotion. Around 50 fourth grade employees were promoted to clerk within six months of their appointment. Some sweepers were also promoted as cashier or clerk.

Various departments have been distributing costly gifts to legislators, officials and journalists during assembly session though there is no provision for such gifts in the budget. They are procured from contractors and distributors and amount to bribes. On 28.0.2006, Shakti Pandey applied for information regarding such gifts. It was denied but after intervention by the SIC, the assembly collected it.

Information was also sought, through Right to Information, about the allotment of canteens and shops in the premises of the Jharkhand Vidhan Sabha, the amount of token money, and the monthly rent connected. Initially attempts were made to deny the information. After the intervention of the SIC, it was revealed that proper procedures were not followed in the allotment of shops and not a single penny was collected as rent or advance for five years. After publication of the news, the government ordered strict vigilance of this kind of vehicle (December, 2005).

Neha Gupta filed an RTI application on 09.12.05 in the Land Reforms & Revenue Department seeking information related to the tribal land. It was revealed that long delays

had occurred in clearing the cases for returning land. Payment as compensation was incomplete. These facts provided material for news stories.

In five districts of Madhya Pradesh, a programme to educate and provide vocational training to child labour is funded by the International Labour Organisation. This three-year project was started in 2004. A budget of thirty-two-lakh rupees was provided to Katni district. A right to information worker, Mohan Nagwani, asked for information about distribution of primary health kits. It was revealed that 40 kits were purchased at the rate of Rs 35,000 each. When Nagwani inquired in the market, he found that the best-equipped sets cost only Rs. 970, revealing the extent of misappropriation. Another right to information worker, Dr. Rakesh Ranjan, went with a reporter of Dainik Jagran to inspect primary health kits at ten centers. In three centers no equipments were found in the health kit; in the other seven, the materials were substandard.

The procurement of news through good relations with officials is a normal process. The drawback is that reporters become a mouthpiece of officials. They are welcome for public relation. But are turned away if they try to seek information about corruption or misappropriation. Right to information has broken this shackle. ■

## High Court Penalised MCD

The Delhi High Court has imposed a penalty on the Municipal Corporation of Delhi (MCD) for misleading an applicant. The applicant sought certain information about an unauthorized construction under the Right to Information Act (RTI). This is the first time the High Court has penalized an agency under the Act. The honourable High Court has asked the MCD to pay the petitioner Rs.30,000 and to recover the money from erring officials.

The petitioner has sought information from the MCD slum and J J department, Shahadra Zone regarding an illegal structure, but the competent officials instead of furnishing right information asked the petitioner to approach Delhi Development Authority (DDA). He could not get the information even from the DDA. After this he approached High Court. The court held the MCD guilty.

*(Indian Express, 21 October 2006)*

# Best Motivation by Radio

■ Swati Kapoor, CHRI

**W**hile RTI activists have been busy with their campaigns to spread awareness on India's Right to Information (RTI) Act, 2005, a large segment of the population especially those living in rural and far-flung areas are still not aware of the law. CHRI understood the problem and therefore to motivate citizens in these areas to file applications as well as to spread awareness on the subject, the Media Unit along with the RTI team came up with the idea of commissioning a radio series on RTI.

## The Means

Radio was identified as the perfect broadcasting medium to reach out to the rural as well as urban sectors at the same time. Radio was given preference over television because radio is a far more accessible form of mass media for the poorer sections of society. For the urban, radio may be a gadget to keep 'entertained' while they drive back from work or a medium to help them sing along to in the shower. But for the rural population, a transistor radio is a means to acquire knowledge, and a vital channel to the outside world. Additionally, to make it interesting and interactive, more rural communities have formed radio clubs. A group of 10-15 people get together to form a radio club, which serves as a platform for carrying out discussions and exchanging ideas. CHRI chose the Vividha Bharati Network with its 29 stations that cover the Hindi belt states as an apt medium to get the RTI message out to rural areas. Hindi being the national language and widely spoken in many states and used by public offices was chosen as the best language that could effectively communicate the message.

The government-run All India Radio (AIR) was selected owing to its wide audience segment. AIR has a network of 215 broadcasting centres with 144 medium frequency (MW), 54 high frequency (SW) and 139 FM transmitters. It covers a total of 91.42 per cent of the area and serves 99.13 per

cent of the people in India. It covers 24 languages and 146 dialects in home services.

## The Programme

Having selected the means, the challenge was now to develop a series of radio programmes that were short, crisp and yet very informative, and not just another bland mass-market cookie cutter series. CHRI's RTI team had already collated a set of case studies and experiences of filing applications from across India. We pondered over the issues and identified the format to be that of a radio play. We then collaborated with a private production company and narrated each of the case studies and tasked them to develop a script for the same. After a series of meetings, the characters were decided - a happy family who would run into problems and use RTI as a powerful tool to solve their issues.

Our protagonist was Saakshi, a middle-class college student who is aware of her rights and does not hesitate in implementing them, even if it means regular follow up with government officials, traveling distances or spending time educating people. The underlying idea behind this is that a college-going girl could easily identify with Saakshi and muster confidence taking examples from her acts and consequently take actions whenever required. Other characters of the series are Akhilesh (Saakshi's paternal uncle), Nirmala (Akhilesh's wife), their son Raghav, Haria (an optimistic villager who nurtures the will to reform) and others who would need a measure of RTI now and then.

The script was sent to All India Radio for final approval and within two months we had a complete series with us (with 13 episodes and each having a duration of 15-minutes each). The programme was aptly named *Ab To Hum Janenge* (now, we will get to know). The title itself was unusual for a radio programme and stirred up listeners' curiosity instantly.

## Pre-Publicity and Broadcast

This was very necessary in order to inform the listeners before hand about the programme and build up the connection with them even before the actual broadcast happened. Jingles were played four times a day throughout the week. This ensured a good listenership right from the first episode. The broadcast started from 6 April 2006 and successfully ended on 29 June 2006. Issues discussed through the programme were - corruption in the construction of a road, widow pensions, various Below Poverty Line issues, fair distribution of rations in the Public Distribution Shops, school admissions, Indira Awaas Yojana (Government scheme that provides housing to the rural poor), public health services etc. The last two episodes were an encapsulated version of the entire series and were particularly appreciated by many of our regular listeners. The highlight of the series was an episode where the audience was educated on the procedures and the processes to file information requests.

## Feedback Mechanism

One good thing that happened during the entire exercise was the procurement of a permanent P.O. Box number by CHRI. The P.O. Box helped in getting feedback from different places across the country. Simultaneously, for the computer savvy, we also aired our e-mail address, which too resulted in a good response. The e-mail became a quick way of responding to our listeners' queries and also for guiding them through an RTI request. However, it was surface mail that helped us in estimating the reach and popularity of the programme. Most of the letters we received wanted details of the RTI Act and congratulated us for the programme for example, there were some who wanted to be steered through a filing process and sought technical details on select topics. To cite examples, a senior citizens' group volunteered to spread RTI in their area and support CHRI in all its endeavours and a Border Security Force jawaan (soldier) congratulated us and enquired for more information on the subject. We replied to all of them answering their queries as well as sending a complimentary copy of our pamphlets and relevant RTI publications.

## Carrying it forward

For a subject like RTI, one-time airing is not enough to have a maximum reach or to stir up the motivation levels of the masses. We needed to have a mechanism that is a constant reminder – something that is accessible to those who had not heard the programme. So, we decided to Pod cast – a means to upload audio or video mp3 files on the Internet. Voice of Ambition (VOA), India's First People's Radio is an informative website where postings from all over the world are discussed and debated. We uploaded the complete series. Although this does not have a wide reach as compared to the radio as a very small percentage of the population in India have access to internet, VOA was a good preference bearing in mind their reach to the Non Resident Indian community all over the world. Thus, the programme started getting heard by people residing outside India as well. Uploaded on 13 May 2006, we have had 800 downloads to date (as on 31 August, 2006).

Owing to popular demand from specific sectors and realising the importance of airing at focused pockets where CHRI has its strategic presence, we decided to rebroadcast the series in Madhya Pradesh (from 27 August 2006, every Sunday, 8.15 pm – 8.30 pm) and Chhattisgarh (from 29 August 2006, every Tuesday, 1:45 pm-2 pm). The second phase of airing has a different approach towards pre-publicity and getting feedback. The pre-publicity happened through stickers pasted at public offices, schools and on public vehicles. The feedback this time would involve trained volunteers collecting feedback through a questionnaire, which included demographic details. In order to tap the community radios through a controlled station, we sent the radio series to Mudra Institute of Mass Communications, Ahmedabad (MICA) to be aired at their local community radio station MICAVAANI. This covers five small villages near Ahmedabad and it is hoped that it would strengthen further the RTI movement in that area.

Despite its success, our biggest challenge now is to take RTI to remote villages. However, India is a land of many languages. Our next step will be to replicate the programme in different languages to further spread the RTI message across the country. ■

# The Obligation to Inform

■ By Subir Raha

**C**hotu is seven years old. He washes cups and plates and pots and pans at Ramlal's Famous Hotel in Bhandara. He works 14 hours a day, seven days a week. He was not informed that Parliament of India had passed a law prohibiting child labour, and the law has come into force. Ramlal also does not know about it; if somebody had informed him, he would have uttered some choice abuses and waited for one more inspector to come around collecting hafta.

Chotu's mother, Hema, carries headloads seven days a week, 12 hours a day, at Shyamlal's Great Building Company. She gets barely one-fourth the prescribed minimum wages. She does not have any information about the Minimum Wages Act and the rules framed there under, as they write in Bureaucratish. Shyamlal factors in all the haftas in his contract price and the savings on the labourers' wages are his reward for entrepreneurship. Shyamlal is a conscientious contractor; he delivers the cuts, as per established tariff, to all the inspectors on schedule; the inspectors are quite pleased with his dependability, and they take their allowances without actually doing the tours as their entitled CTG i.e. cost-to-the-government.

Chotu's elder sister Tina was married off when she was barely 12, and instead of paying a dowry, Chotu's parents received Rs 10,000 from Babulal, the munshi of the Collector Sahib. Babulal knows that there is a law forbidding child marriage, but obviously didn't care. The thanedar actually pays him so that inconvenient complainants or complaints do not reach the Sahib's office.

## No Clue

Chotu's father, Govinda is a coolie at the mandi. He has ration cards for the family. Last week,

he had to shell out Rs 2 extra for a bottle of kerosene. The shopkeeper told him that the price has gone up because Amrika is fighting where the Kabuliwalas come from. Govinda does not know that he is paying two-and-a-half times the administered price, nor about the Essential Commodities Act and the Kerosene Control Order framed thereunder. Govinda has no clue of the unique political consensus to subsidise kerosene to poor people like him, nor the political identity of the wholesale dealer, Munnalal.

Chotu had a younger brother, Mithun who died last year because the government hospital only issued a prescription. The free medicines were not available because the public tender for purchase was under "negotiation" for last year-and-a-half. They cremated the small body, wiped their tears and went on with their lives. No one told them that there is a full-fledged Department for Public Grievances. They remembered Mithun's death anniversary but did not know of the celebration of the anniversary of the Right to Information Act.

I am not writing the plot of a Bollywood masala-mix where Chotu grows up to be Amitabh Bachchan who becomes Collector Sahib, bashes up Ramlal and Shyamlal, rescues Tina and reforms Munnalal. He goes chasing Priyanka round the bend on distant shores, and the inspectors, wearing Dockers, join the dance sequence. The Dockers are colour-coded for departments, and the pockets are labelled for specific account-heads. Since the producer took only 30 inspectors for the jaunt, scores of departments went unrepresented and there was serious discussion in the Department for Prevention, Detection and Correction of Bovine Lunacy to file a PIL. Back to the main storyline, Amitabh goes on to become chief secretary and then, as is customary, becomes Information

Commissioner on retirement. At this point, the classic line "...and they lived happily ever after" slowly rolls up on the wide-screen.

### Grand Schemes

Parliament has passed a series of laws for the benefit of the disadvantaged. Successive governments have launched a series of welfare programmes. In recent years, the Prime Ministers have made a practice of announcing grand schemes from the ramparts of the Lal Killa. All the budgets provide thousands of crores of rupees for the benefit of the poor. Why, then, Chotu and Tina and Hema and Govinda remain without hope, without the knowledge that there is hope? Why did Mithun have to die?

In *The Fountainhead*, Ayn Rand defined the concept of the sanction of the victim. The premise is that victims knowingly accept victimisation. Chotu, Hema, Tina and Govinda accept victimisation because they do not know and therefore, they accept. When they come to know, they go into the liberated jungles.

The RTI is potentially useful only to those who know. Information can be sought only when the availability of the desired information is known. Whether the information is revealed, and if so, whether it is the truth and the whole truth is another story. My case is that the RTI is inherently a reactive process. The disadvantaged can use RTI only through third parties who often have their own agenda. The media reported that on the first anniversary of the RTI, the President

talked about a Rs 23,000-crore e-governance scheme. Will the disadvantaged have access to the terminals in the citadels of the Collector Sahibs? Will they know how to log in? Will they know how to read on the screen and write on the keyboard? Do they know how to read and write?

The answer, I propose, is television. TV transcends literacy. TV reaches everywhere. Of all the media channels, only TV has a truly national audience. The idea is to have one TV channel, with national reach in all the languages except Bureaucratish, which will exclusively show and tell people what their rights are under the law, what the schemes are for their benefit, what the systems are for rescue and relief — a national channel where the Prime Minister and the Leader of the Opposition will together assure the citizens that the disadvantaged have hope, and this capsule will be telecast morning, afternoon, evening and night, every day of the year. A channel where every MP and MLA will be required to inform the people how their constituents have benefited from the legislations meant for socio-economic reform. The details of all the schemes will be consistently communicated in simple and effective terms so that the intended beneficiaries know what they are being deprived of. Seeing, after all, is believing.

Mr Speaker, Sir, why not transform the Parliament channels into peoples' channels?

*Courtesy Asian Age*

## RTI Act used to access Cabinet papers

In the history of RTI Act for the first time this Act has been used to access cabinet papers. In a landmark judgment the CIC has allowed the petitioner to access a copy of the Cabinet note on foreign direct investment (FDI) in single brand retailing. The CIC in its order has asked the Ministry of Commerce to allow the petitioner to inspect all the relevant files and file notings on this issue.

RTI activists hailed this as a landmark decision as government was initially reluctant to show the file to the applicant.

# CMS Transparency Studies Unit

The Right to Information Act 2005 represents a historic breakthrough in recognising the citizen's democratic right to monitor decisions affecting public good. To promote awareness and implementation of the Act, the Centre for Media Studies (CMS) has set up a Transparency Studies Unit. It will examine developments in RTI and associated social objectives, facilitate dissemination of relevant material and serve as a link between the media and RTI groups and activists. Ajit Bhattacharjea oversees the unit.

## ***The functions of the Unit Include:***

- A. Publish and distribute Transparency Review, a monthly review designed to publicise news, articles and documentation concerning developments in RTI and related social objectives like right to work, right to education, panchayats and other areas of grassroots empowerment...
- B. Set up Transparency Features to disseminate articles and columns on RTI and associated public services. Arrangements will be made for translation into Hindi and other languages.
- C. Link with civil society groups campaigning for RTI to further social objectives like cleaner elections, exposing corruption, improving civic services to yield material for Transparency and Transparency Features.
- D. Arrange regular discussions on emerging issues and problems with specialists on the subject and journalists.
- E. Offer training programmes and undertake field studies on implementation.

CMS is an independent professional forum engaged in research, policy advocacy, advisory services and programme evaluation. CMS endeavors for accountability, responsiveness and transparency in policy making in public systems and services. CMS debates and dialogues on important public issues are appreciated nationally.

Over the past 17 years, CMS has emerged as an inter-disciplinary professional body with a wide range of concerns and capability in areas of communication studies, social research, social development, environment, public opinion research, training and performance appraisal. CMS initiatives in regard to regulatory framework, including for the media sector, are well known. CMS is well known for its survey methodologies and field research, both qualitative and quantitative, including large scale national studies.

Over the years, CMS has taken initiatives in evolving a Citizens' Charter, Social Auditing, capacity building, transparency in public utilities, electoral reforms, information equity, good governance and campaign strategies. Its recent focus includes Tracking RTI operations in the country. CMS has set up a Transparency Studies Unit and also brings out Transparency Review periodical. CMS Academy is well known for its workshops, seminars, training and orientation programmes for senior functionaries, decision makers and those in the voluntary sector. CMS VATAVARAN film festival is yet another well known endeavour over the past four years. CMS Media Lab specializes in tracking news media.



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# A CMS Initiative

With Right to Information Act (RTI), good governance should no longer be a distant dream for millions of Indians. If the potential of the RTI could be unleashed at all levels of administration and in all public services, we could truly achieve newer heights in our endeavours for a more equitable society, a truly welfare State and for more productive enterprises. But all this is possible only if there is transparency in our policies, operations, services and their implementation.

It is with this belief, that CMS has initiated the Transparency Studies Unit as a part of its ongoing endeavour for good governance and a more responsive one at that. At CMS we intend to enable more people to avail the RTI Act to enrich their families and communities. As an independent body, CMS proposes to periodically track and review implementation of the Act in various parts of the country, using objective research methodologies and sensitizing civil society. With annual national surveys on corruption in public services affecting common citizens, CMS has been engaged in making good governance a more serious concern. Among other important issues CMS is regularly publishing data on Corruption in India.

We seek support of many other concerned activists, academicians and administrators in this endeavour. At CMS we hope the dreams of Ms. Aruna Roy and other associates who spearheaded the Right to Information movement in the country will be realized faster. This Transparency Review is a small step in that direction. I thank Shri. Ajit Bhattacharjea for overseeing the work of the Transparency Studies Unit.



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