

**State Level Seminar
On
“Three Years of RTI in India: Rajasthan Scenario-
Problems and Possibilities”**

Patel Bhawan, HCM-RIPA, Jaipur, October 22, 2008,

Introduction

CUTS Centre for Consumer Action, Research & Training (CUTS CART) and ‘Commonwealth Human Rights Initiative (CHRI), New Delhi, in collaboration with State Information Commission (SIC) and Department of Administrative Reforms, Government of Rajasthan jointly organised a day-long State Level seminar on “*Three Years of RTI in India: Rajasthan Scenario-Problems and Possibilities*” on October 22, 2008 at HCM-RIPA, Jaipur.

Objective

The objective of the seminar was to: commemorate the three years of Right to Information (RTI) Act, 2005 in India, which came into force on October 12, 2005; share the experiences of myriad stakeholders particularly on problems in the way of effective implementation of the Act and; rejuvenate the immense potential and possibilities of this Act with special reference to Rajasthan state.

Participation

More than 80 participants including Public Information Officers (PIOs)/Appellate Authorities (AAs) of various government departments, *i.e.* Rajasthan State Road Transport Corporation (RSRTC), *Sainik Kalyan, Jaipur Vidhyut Vitran Nigam Limited (JVVNL), Rajasthan Housing Board, State Home Guards and Prison, media personnel and rights based advocacy groups/non-governmental organisations (NGOs)/*

Proceedings

Inaugural Session

In the inaugural session, **Madhu Sudan Sharma** of CUTS welcomed the participants. **R K Sharma, Programme Coordinator and Deputy Head, CUTS CART**, in his introductory remarks, said that so many good things due to RTI are happening in other states like Andhra Pradesh where performance of SIC has been reviewed by NGOs/CSOs via feedback from different states of India to improve the effectiveness of RTI Act but unfortunately this is not happening in Rajasthan.



Sharma pointed out that officialdom still has a strong effect of ‘Official Secrete Act 1923’ upon them and they are feeling uneasy to be accountable to every common citizen of India. This was the reason that a long battle had to be fought for getting the RTI Act in place. He mentioned that though RTI Act has the potential of overturning old, corrupt system, sufficient proactive actions are not taken by government to implement it effectively. There is no limit to

criticising the government for this but we will have to keep in mind that for the first time in Rajasthan, the state government has collaborated with CUTS to organise such a seminar for which it deserves appreciation.

Sohini Paul, Senior Project Officer, Right to Information Programme, Commonwealth Human Rights Initiative, New Delhi expressed in her opening remarks that such a seminar provides good opportunity to assess the success of RTI Act. She requested the participant to share their views on the implementation of this Act during last three years in Rajasthan.

Sohini also talked about CHRI's nationwide intervention especially in Delhi Police, regarding Right to Information Act.

RP Jain, Principal Secretary, Department of Administrative Reforms, Government of Rajasthan, in his special address, said that though his department has recently been given the responsibility of a nodal department for RTI he has some experience of implementing this Act in different capacities in different departments and as a common citizen. He suggested that in such a seminar more and more PIOs/AAs and NGOs should be invited so that it can be made a bigger event.



Jain expressed that there are so many problems in the way of effective implementation of RTI Act like lack of financial resources, less awareness among masses, mindset of officials in withholding information and insufficient proactive disclosure of information by government Departments. He advised to PIOs/AAs for keeping the doors and files of their concerned departments open for providing the available information to public, which surely will help improve their performance as well. In the end, **Jain** said that the Government is planning to provide more teeth to overcome the lacunas of this Act and Department of Administrative Reforms is preparing for providing the demanded information electronically for the ease of common citizens.

In his keynote address, the **guest of honour** of the seminar **CD Arha, State Chief Information Commissioner (CIC) of Andhra Pradesh**, expressed his happiness at his participation in the seminar and said that CUTS is doing wonderful work. He said that in every department there must be such legislation to strengthened democracy by demystifying decision-making process of government. People have 'Right to Know' and every thing has to be put before public scrutiny so that corruption can be checked automatically.

Arha also said that RTI Act is empowering people and ensuring implementation of 'Four Pillars of Good Governance', e.g. transparency, accountability, predictability and people's participation) but there are opportunities, challenges and hopes regarding RTI Act in India.

He talked about legal provisions in RTI Act, 2005 and his experience in Andhra Pradesh. He also replied certain queries raised by the participants.

In his concluding remarks in this session, **George Cheriyan, Director CUTS** emphasised on issues regarding effective implementation of RTI in Rajasthan and requested all participants to share their valuable experiences strictly on the theme of seminar. He conveyed his sincere thanks on behalf of CUTS, CHRI and Participants to CD Arha, RP Jain and MD Kaurani for gracing the event and extending their valuable cooperation for making the event a big success.

Technical Session

Technical session started with formal welcome of **JS Yadav, Deputy Secretary, Department of Administrative Reform, Government of Rajasthan** who chaired the session. **Yadav** started the session by highlighting the problems faced during three years of implementation of RTI in Rajasthan. He said that this Act is a revolutionary in nature and all the heads of the departments know about RTI Act and they are given powers to designate as many APIOs/PIOs as per their felt requirement but for this they will have to report the progress of all the APIOs/PIOs in prescribed performa every year to the nodal department for making a state level annual report. As per the May 03, 2007 orders regarding RTI Act, all local self-departments can also appoint PIOs in their departments. He further said that Section 4(1) b of the Act has very wide ambit though it seems very difficult for a department to disclose all the information proactively and where (or where not) to put an end line of it, and more interestingly there is no penalty on Head of the Department for not disclosing the information proactively.



Yadav also mentioned that on the website of Department of Personal and Training, Government of Rajasthan, it is mentioned that file notings cannot be given under RTI Act, which is totally misleading and contrary to the fact that file notings are integral part of information. He pointed out that denial of information also has some financial implications. Information has to be given free of cost within 30 days as case may be to PIOs and a disciplinary action can be taken if there is any financial loss to department in case of delay information, he added.

Yadav threw light on the limitations of the Act saying that lack of budget, want of trainings of PIOs/AAs, less number of PIOs in general (e.g. total 22,000 PIOs in state are not adequate at all), no disciplinary powers to Appellate Authorities, Order of CIC is mandatory, not obligatory and no legal obligation on government to appoint all the state SICs under Section 15(1) b (1) in a time bound manner.

Sohini, while sharing some latest developments taking place at the national level, said that in parliamentary committee an issue of removing the fee of Rs 10 also came up because an illiterate, rural RTI applicant has to face a lot of problems only because of this small fee. She said that at least list of all public authorities should be published and signboards of all the PIOs should be at place in all the departments so that common citizens are able to know about PIOs without any difficulty.

Sohini expressed her dissatisfaction on the single CIC in the largest state of India, no public participation in the short-listing or selection process of SICs, no SICs from NGOs/CSOs in Rajasthan like Shailesh Gandhi in centre, lack of resources for effective implementation of RTI in state and low level of awareness among masses and trainings among PIOs, etc.

During interaction period both the technical experts on RTI answered the queries raised by distinguished participants in an effective, explanatory and satisfying manner.

Recommendations

A set of recommendations emerged out of the discussions and interactions that took place during the proceedings of the seminar and these recommendations are being put forward under following heads for implementation and further action.

Policy Institutions:

- Policy framers have to be very sincere for effective implementation of RTI Act and have to amend the Act as per ground realities came out after three years of its implementation.
- The political administration should immediately arrange adequate budget that effectively facilitate the enforcement of the RTI Act.
- There is a need for constituting a state level monitoring committee of group of ministers, nodal department, consisting of NGOs/CSOs/RTI activists for regular review of the effective implementation of the Act.

State Information Commission

- The appointment process of SIC should be more public participatory and transparent in nature and some civil society representatives should also be part of this process.
- All the SICs should be appointed with immediate effect and some RTI activists should also be short listed for the post of SICs like Shailesh Gandhi at the centre.
- SIC should be provided more infrastructure facilities and resources for effective functioning.
- There could be some provision of Deputy Information Commissioners who can be deputed at sub-divisional level and can monitor the implementation of RTI Act.

Supply Side

- No sufficient number of PIOs (till date 22,000 PIOs) are designated in various government departments of the state and more PIOs are required to be designated so that all departments till end line of service delivery can come under the purview of RTI Act.
- List of public authorities is not published as of now and signboards of PIOs/AAs are at place, therefore, it is very difficult for people to reach up to PIOs/AAs.
- Lack of curriculum based intensive trainings for PIOs/AAs on RTI Act.
- Lack of resources for effective implementation of RTI within department.
- Lack of proactive disclosure of information.
- Departmental support to PIOs/AAs is not satisfactory and only PIOs have to try hard to give the demanded information within stipulated timeline.
- Mindset of officials in favour of hiding the information rather than opening up the doors of providing information adequately and timely with transparency and accountability.
- Certain guidelines of Act itself are not clear, therefore, interpretation of these provisions by PIOs in their own way creates confusion, for example, Section 4(1) b. These guidelines need to be clarified.
- No disciplinary powers to appellate authorities for enforcing orders under the Act.

- PIOs are not concerned about the financial losses as a result of denial or delaying in providing demanded information. State wide it may be in lac.
- At district level, appellate authorities can be appointed to facilitate the cases coming in to appeal at district level itself.

Demand Side

- Lack of adequate awareness and understanding in the public about the RTI Act and its filing process, PIOs/Appellate Authorities, provision of fee and timeline for obtaining information and going for first and second appeal.
- Lack of handholding of RTI applicants to fight corrupt officials in different departments.
- Lack of strong informal network of NGOs/CSOs/vigilant citizens at grassroots as a watchdog agency in rural areas of Rajasthan against corruption and effective implementation of RTI Act.
- Certain citizens are using RTI as a complaint redressal mechanism and they are more interested in solving the problem rather than getting the demanded information.
- Common citizens rarely go for the first and second appeal due to absence of relevant papers/records and moreover, they are not inclined towards keeping track of the progress.
- Certain applicants demand information for past 60-70 years that involve big amount payable to the department. Due to that they avoid receiving desired information that make the entire exercise useless.

Outcome

- It was a milestone in the history of implementation of RTI in Rajasthan that CUTS and CHRI jointly organised a state level seminar in collaboration with State Government and SIC to commemorate the third birth anniversary of RTI Act which provided a unique opportunity where APIOs/PIOs/AAs and representatives of NGOs/CSOs and common citizens shared the same platform to interact with each other and understand each others' problems and chalk out a joint road map. A set of recommendations emerged out of the seminar.
- Wide media coverage helped in highlighting the problems faced during smooth implementation of this Act, including ways to rejuvenate the potential of the Act in Rajasthan.
- Number of PIOs and NGOs/CSOs representatives got an opportunity to build their capacity on RTI Act.
- Andhra Pradesh experience regarding implementation of RTI Act was shared with all participants.
- All the participants consensually and strongly advocated that the recommendations emerged out as a result of this seminar should be accepted and implemented as soon as possible so that implementation of this Act could be made effective and goals its enactment could be achieved.

Media Coverage

RTI ensuring transparency

While addressing a seminar on 'Three Years of RTI: Problems and Possibilities' the Andhra Pradesh Chief Information Commissioner C D Arha lauded the Right to Information Act (RTI). The seminar was organised by CUTS CART and Commonwealth Human Right Initiative (CHRI), Delhi. Speaking on the occasion, Principal Secretary Department of Administrative Reforms R P H Jain said the RTI Act is also supportive to the officials to assess performance of their respective department. About 75 participants comprising representatives of various civil society organizations, Public Information Officers of different department from all over the state attended the seminar.

राज्य स्तरीय कार्यशाला

सेंटर फॉर कन्ज्यूमर एक्शन रिसर्च ट्रेनिंग (कट्स) व कॉमनवेल्थ ह्यूमन राइट्स इनीशिएटिव नई दिल्ली की ओर से बुधवार को ओटीएस स्थित पटेल भवन में 'भारत में सूचना के अधिकार के तीन वर्ष : राजस्थान के परिदृश्य समस्याएं एवं समाधान' विषय पर राज्यस्तरीय कार्यशाला हुई। कार्यशाला में आंध्रप्रदेश के मुख्य सूचना आयुक्त सी.डी. आरा, राज्य के प्रमुख शासन सचिव, प्रशासनिक सुधार आर. पी. जैन, उप सचिव, जे.एस. यादव, सीएचआरआई नई दिल्ली की सोहिनी पॉल, कट्स के आर. के. शर्मा और मुधसूदन शर्मा ने तीन साल में सूचना के अधिकार में हुए प्रगति से राज्यभर से आए प्रतिभागियों को अवगत कराया।

'सरकार सुशासन के प्रति गंभीर हो'

यदि आम लोग जागरूक हों और सरकार सुशासन के प्रति गंभीर हो तो सूचना के अधिकार के दोनों स्वरूप (सूचना उपलब्ध कराना और प्राप्त करना) संभव हो सकते हैं। ये विचार आंध्रप्रदेश के मुख्य सूचना आयुक्त सी.डी.आरा ने बुधवार को यहां एक कार्यशाला में व्यक्त किए। कार्यशाला कट्स सेंटर फॉर कन्ज्यूमर एक्शन रिसर्च एंड ट्रेनिंग (कट्स-कार्ट) एवं कॉमनवेल्थ ह्यूमन राइट्स इनीशिएटिव नई दिल्ली की ओर से एचसीएम रीपा के पटेल भवन सभागार में आयोजित की गई थी। इस मौके पर प्रशासनिक सुधार विभाग के प्रमुख शासन सचिव आर.पी.जैन, कॉमनवेल्थ ह्यूमन राइट्स इनीशिएटिव नई दिल्ली की सोहिनी पाल ने भी संबोधित किया।

सूचना के अधिकार के लिए संसाधनों की कमी

जयपुर, 22 अक्टूबर (कासं)। आंध्रप्रदेश के मुख्य सूचना आयुक्त सी.डी. आरा के अनुसार आम लोग जागरूक हों और सरकार सुशासन के प्रति गंभीर हो तो सूचना के अधिकार के दोनों स्वरूप सूचना उपलब्ध कराना और सूचना प्राप्त करना संभव हो सकते हैं। आरा ने बुधवार को सेंटर फॉर कन्ज्यूमर एक्शन रिसर्च एण्ड ट्रेनिंग (कट्स-कार्ट) एवं कॉमनवेलथ ह्यूमन राइट्स इनीशिएटिव की ओर से यहाँ एच.सी.एम. रीपा पटेल भवन में आयोजित 'भारत में सूचना के अधिकार के तीन वर्ष: राजस्थान के परिदृश्य समस्याएं एवं समाधान' विषयक राज्य स्तरीय कार्यशाला में मुख्य अतिथि के रूप में यह विचार व्यक्त किए।

उन्होंने कहा कि आम नागरिक को यह बताना भी सरकार का काम है कि किस प्रकार सूचनाएं मांगी जानी चाहिए क्योंकि कानून में ऐसी अनेक बारीकियां हैं जो आम नागरिक की समझ से दूर हैं। सरकार को आम नागरिक को जागरूक बनाने के लिए इस मद में पर्याप्त बजट की व्यवस्था करनी चाहिए। कार्यशाला में राज्य के प्रमुख सचिव प्रशासनिक सुधार विभाग आर.पी.जैन ने कहा कि समस्याएं अनेक हो सकती हैं लेकिन सूचना प्रदाता द्वारा निर्धारित

अवधि में सूचना उपलब्ध कराने से नागरिकों में प्रशासन की स्वच्छता का संदेश जाता है। राज्य में ऐसी व्यवस्था की जा रही है कि सूचना आवेदकों को सभी प्रकार की सूचनाएं एक जगह पर मिल सकें। सूचना का अधिकार अधिनियम लोगों की पुरानी मानसिकताओं की नवीन मानसिकता में बदलने की मुख्य कड़ी के रूप में है लेकिन कानून की व्याख्या और मूल भावना आम लोगों तक नहीं पहुंच पाती। कार्यशाला के तकनीकी सत्र में उप सचिव जे.एस.यादव प्रशासनिक सुधार विभाग ने सूचना के अधिकार अधिनियम की कानूनी बारीकियों, समस्याओं, संभावनाओं एवं राज्य सरकार द्वारा की गई व्यवस्थाओं पर विस्तृत प्रकाश डाला। कॉमनवेलथ ह्यूमन राइट्स इनीशिएटिव की सोहिनी पॉल ने सूचना का अधिकार क्रियान्वयन के तीन वर्ष के अनुभव बताते हुए कहा कि अधिनियम के सही क्रियान्वयन के लिए सरकार की इच्छा शक्ति सबसे जरूरी है। कट्स के आर.के. शर्मा ने सूचना का अधिकार अधिनियम के सही क्रियान्वयन के लिए सूचना प्रदाताओं की मानसिकता में बदलाव पर जोर दिया। इससे पूर्व कट्स की ओर से मधुसूदन शर्मा ने सभी अतिथियों का स्वागत किया।

सरकार पारदर्शी व जवाबदेह : आरा

जयपुर, 22 अक्टूबर। लोकतंत्र में आवश्यक है कि जनता सशक्त हो और सरकार पारदर्शी, जवाबदेह और समान रूप से कानूनों का क्रियान्वयन करें। तभी सुशासन कहा जा सकता है। आम लोग जागरूक हो और सरकार सुशासन के प्रति गंभीर हो तो 'सूचना का अधिकार' के दोनों स्वरूप, सूचना उपलब्ध करवाना, और सूचना प्राप्त करना संभव है। यह विचार आन्ध्र प्रदेश के मुख्य सूचना आयुक्त सी.डी. आरा ने पटेल भवन के सभागार में 'कट्स' सेंटर फॉर कन्ज्यूमर एक्शन रिसर्च एण्ड ट्रेनिंग (कट्स कार्ट) एवं कॉमनवेलथ ह्यूमन राइट्स इनीशिएटिव द्वारा राज्य सूचना आयोग एवं प्रशासनिक सुधार विभाग, राजस्थान सरकार द्वारा प्रायोजित 'भारत में सूचना के अधिकार के तीन वर्ष राजस्थान के परिदृश्य समस्या एवं समाधान' विषय पर राज्यस्तरीय कार्यशाला को सम्बोधित करते हुए मुख्य अतिथि बतौर व्यक्त किए। कानून की बारीकियों से आम आदमी दूर है।

Glimpses of the event



