

“Five Years of RTI in India: Challenges and opportunities in Rajasthan”

State Level Seminar Organised by CUTS CART

Jaipur, October 22, 2010

Overview

CUTS Centre for Consumer Action, Research & Training (CUTS CART) a programme centre of Consumer Unity & Trust Society (CUTS International) in series with the annual RTI seminars/workshops to commemorate the day October 12, 2005 on which RTI Act, 2005 came in to force in India, organized a state level seminar on the subject “Five Years of RTI in India: Challenges and Opportunities in Rajasthan” on October 22, 2010 at Hotel Maharani Plaza, Jaipur.

Background & Objective

CUTS CART had organized an annual brainstorming on RTI to discuss on its present scenario in Govt. and rural areas, problems in the way of successful and effective implementation of this Act in its true spirit and to give a thought on the potential opportunities in having such a progressive and citizen empowering legislation in the hand of common people of India. This seminar was also arranged to provide and opportunity to all the lateral thinkers about RTI, RTI activists which are working in the different parts of state, media and NGO representatives and Public Information Officers, Appellate Authorities and officials of State Information Commission.

Participation

The seminar was open for the participation of different type of stakeholders which were part of the RTI interventions in Jaipur district. For this PIOs of various departments and media representatives were also invited to take part and share their experiences. Representatives of various NGOs and RTI applicants/appellants were also taken part in the seminar. Total more than 50 people participated actively in this

Views came out during inaugural session

The seminar started with a warm welcome of the chief guest and fellow participants on behalf of CUTS Family and briefly mentioned about the background of the seminar and its objectives. He requested all the august house and participants to shared their valuable practical experiences with others and raise their queries if any of them want any clarification during discourses of the seminar so that interactions can be made participatory rather than lecture oriented.

George Cheriyan, Director, CUTS International introductory remarks talked about the CUTS initiatives in the area of good governance & Access to Information & said that RTI has opened up the entire governance process and a helped in to making an informed citizens which is pre condition of vibrant democracy. He talked about the challenges and opportunities in the way of RTI in India and mentioned about killing of few RTI activists in India and touched upon the current scenario of RTI in India in briefly referring the highlights of national level RTI studies done by various agencies. He also talked about the contents of the briefing paper on ‘*Analysing the Right to Information Act in India*’ in brief which is published by CUTS CART in his introductory remarks.



Resource Person: Mr. J.S. Yadav, Regional Transport Officer, Jaipur said that there is a strong need of training of all the PIOs and First Appellate Authorities about RTI Act for their duties so that they can work well. He also said manual/guides has to be prepared for all the categories mentioned in section 4(1) and a

standard format for disclosure has to be device. He also responded the queries raised by PIOs & RTI activists.

This one day State level seminar was organised by the CUTS CART on the occasion of "Five Years of RTI in India- Challenges and Opportunities in Effective Implementation in Rajasthan" in which more than 60 PIOs, First Appellate Authorities, RTI activists, NGO and media representatives actively participated.

Chief Guest: Government is like an ocean and if applicants are not aware about right PIO, than it can take



months to get satisfactory information. It is onus of the applicant to frame right questions/ file before right PIO, so that information can be received within time, as said by T. Srinivasan, State Information Commissioner, while talking in a seminar as a chief guest on "Five Years of R.T.I. in India-

Challenges and Opportunities in Rajasthan". He also said that e-governance and computerisation of all records in digital format is the only answer of the challenge in the effective implementation of RTI in India.

Technical Session

Mr. J.S. Yadav continued after inaugural session as well and talked about the key RTI Act, 2005 provisions on which there is less clarity among common people and PIOs like section 4 (1), Section 08, 18 and section 19 and understanding among users on these sections can help them for effective use of this Act. He succinctly described the provisions which helped in to enhancing the level of clarity of participants. He also shared his experiences of being former state coordinator of RTI and Deputy Secretary, Department of Administrative Reforms, Govt. of Rajasthan.



He further added that it is true that even nodal departmental staff is also not clear because of not taking a pain of going in to those orders which were issues at various point of time by earlier nodal department which was department of home, Govt. of Rajasthan and as a result; if any body files a RTI asking about those orders these people are not able to provide satisfactory answers of these so there is a strong need of training these officials and PIOs to improve the quality of implementation of this Act.

Madhu Sudan Sharma, Project officer, CUTS CART talked about the National & State scenario regarding Right to Information; some statistical data on some practices related to RTI which came out of 'RTI Assessment & Accountability Group (RaaG) & 'Price Waterhouse Coopers' studies and said that in rural areas awareness about RTI is very low specially women. He also shared findings of the RTI survey done by CUTS in Rural Development Department. In his presentation it was mentioned that 70% RTI applicants said that there is need of conducive atmosphere at the office of PIO or FAA.

As per this survey around 26% RTI applicants had to visit more than 3 times to submit application and 47% said that no sign boards of PIOs at their officer. Payment of fee in cash is most prevalent channel, 89% PIOs were not using provision of inspection of records by citizens, 75% applicants were dissatisfied with received information. Record Management, 38% PIOs said that due to ineffective record management delay happened in processing information, 43% PIOs not aware about record management guideline, 45% PIOs did not receive training, 43% PIOs unaware about proactive disclosure, 39% unaware about SIC judgments, The Motivational level of PIOs is low and 89% PIOs taken charge unwillingly. There is a large pendency rate at Commission level and 4-12 month's waiting time is there in most of the states. In most of

the cases applicants get delayed information and around 47% applicants get it after 30 days. In most the cases violation of section 19 (8) can be seen and according to that Appellants shall not incur cost for appearing in to second appeals and all but it is happening in most of the cases.

He also shared some findings of 'RTI Ground Realities Survey' done by CUTS itself. According to that



PIOs are not accepting RTI requests in rural areas and almost 39% PIOs at GP level are rejecting RTI applications rather than providing demanded information on several grounds. In Rajasthan use of RTI is only 5.5% which means so only 5.5% people had used RTI for getting some information out in but around 19% have heard about RTI in rural areas. As far as training of PIOs of rural development department is concerned only

22% have received any sort of formal training during their monthly meetings of so and rest are absolutely blank about the provisions of under this RTI Act. He also mentioned that this survey findings will soon be published in RTI Toolkit.

Shrawan Yadav, Sub Editor, Rajasthan Patrika shared his experiences of filing RTI applications in various State departments very beautifully in detail and said that there are number of problems in the way of filing a RTI application and getting satisfactory information. He mentioned that at state information commission level if an Appellant is having more than one pending Appeals than in the letter given by Commission the subject matter of any Appeal is not written and it always confusing for an Appellant to judge correctly that for which appeal this appeal no. has been allotted by commission. At First Appellate Authority (Additional Chief Secretary, Development) level in Secretariat; staff who is responsible for taking minutes during a hearing, does not write the facts which are mentioned by and important from the point of view of an Appellant and they write these minutes in their own way and as a result in many cases decisions at this level are not in favour of an appellant.

He also mentioned that there is a big difference in the attitude of PIOs/FAAs and supporting staff if he goes in any office without disclosing his identity as sub editor of any newspaper and with full identity. It means that behaviour of PIOs is always different with a common man and an influential man, which is highly unfortunate. He also shared his experience with wider audience that most of the PIOs respond differently in various districts even if the demanded information is same. He told about a RTI which was filed in Home Department in various districts by various journalists. About awareness of PIOs about the RTI Act and their role under this Act, he mentioned that they are not aware about the Act itself and their role in supporting to illiterate applicants in filing an application and demanding for some information from their department etc. he also shared his other relevant experiences as well which were based on his first hand experience as a RTI user or being a RTI applicant.

Views from participants

In the seminar more than 50 RTI activists and media representatives participated in the seminar actively.

During all the three technical sessions participants raised queries to seek further clarifications and concerned presenter has responded these queries in a satisfactory manner. Some of the participants shared their experiences as well and talked about the fact that in rural areas PIOs themselves are not aware that they are designated as PIO of their office and likewise they do not know about appeal process as well so it is unimaginable to think about the successful implementation



of RTI in these departments. Few participants shared that in Rural Development Department PIOs do not give information in CDs/DVDs but give in hard though it is available in soft form due to lack of awareness.

Closing and Vote of Thanks

Dharmendra Chaturvedi from CUTS CART summed up the proceedings and said that this seminar has helped in to sharing the working experiences of all the common people, PIOs and others and also in to clarifying some of the issues which were not clear in the mind of these RTI Activists who are filing RTI applications in various departments and raising the awareness among common citizenries in rural areas. He conveyed his thanks to all the guests/resource persons at Dais and all the participants and media people who came in to this seminar and spare some time from their busy schedule and made this event a success.

Observations and Conclusion

The following are the general observations and conclusion that emerged from the presentations and discussions:

- Low level of awareness among the common people about the RTI Act and specially filing process.
- In the state, only small percentage (5-6%) of people are using RTI Act, 2005 as a tool and around 19% of rural populace is/has aware/heard about it.
- Lack of resources at 'RTI State nodal department' therefore not enough initiatives have been taken by them.
- The number of trained PIOs is very poor therefore number of PIOs in several departments even do not know that they have been designated as PIO of their department.
- It has become a big problem for state information commission to maintain all the files and records of all the cases of second appeals since April 2006 and there is a dearth of space at the office but not enough resources to get these files computerized/computerized.
- Provision of proactive disclosure has not been understood as well as taken very well by all the PIOs/concerned departments, State Information Commission and even state Govt. to promote it.
- Appeal hearing process at both First and Second Appellate Authority level is not that much transparent and minutes takes for these hearings are in the nature of favouring the PIOs rather than common man.
- There is a strong need of developing manuals for proactive disclosure of information so that it can be promoted. The position of PIOs is weak in terms of their response capacity, which has to be strengthened.
- Record management in all the departments will become a major challenge in this RTI era and computerization of this record seems to be only solution and for that budgetary allocations has to be made by state government.
- The rate of disposal of the Second appeals, pending at state information commission level has to be speed up so that back log can be reduced.
- The notices issued to the Appellants from the office of State Information Commission shall also mention the subject matter of applications so that those appellants who's more than one appeals are pending at commission can easily identify his appeals otherwise he can not judge from the notice that this particular hearing is for which case as mentioned by few participants of the seminar.

Media coverage:



Visual highlights of the Seminar:

