

**Regional Workshop**

**On**

**“Improving Transparency and Accountability in Government  
Through Effective Implementation of RTI Act”**

**REPORT**

**19<sup>th</sup> December, 2014**

**DoPT, Govt. of India**



**Institute of Management in Govt., Kerala**



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## I. BACKGROUND OF THE SEMINAR

The RTI Act came into effect from 12<sup>th</sup> October 2005 and all public authorities have come within its ambit. As rightly referred to by the 2<sup>nd</sup> ARC Report, **-RTI is the master key to Good Governance.** The objectives (as stated in the preamble of the RTI Act) are to promote accountability and transparency in the working of Govt., contain corruption, empower the citizens and make our democracy work for the people in the real sense. It goes without saying that an informed citizen is better equipped to keep vigil on the instruments of governance and make the government more accountable to the governed.

The Act has now been in operation for over 9 years and has benefitted many. At the same time, it has not reached the stage of implementation which was envisioned and substantial amount of work still needs to be done. The Act is widely used for addressing social issues, exposing cases of corruption and in many cases for redressal of grievances.

The study report by Pricewaterhouse Coopers (PwC) in 2009 for assessing and evaluating the implementation of RTI in the country found that only 13% of the rural population and 33% of the urban population were aware of RTI Act. Though the situation would have improved over the years, several micro level studies still point out the wide gap in the usage of the Act among urban rural masses. Issues like non compliance in proactive disclosure by Public authorities, hostile approach of PIOs towards citizens and misinterpreting provisions of the Act to conceal information, lack of clarity on *what public interest* is, right to privacy -- all are issues which stand in the way of effective implementation of RTI.

## II. SEMINAR PROCEEDINGS

The Institute of Management in Government (IMG) in association with the Government of India (DoPT) organized a regional workshop on **Improving Transparency and Accountability in Government through Effective Implementation of RTI Act** on 19<sup>th</sup> of December, 2014 at Govt. Guest House, Ernakulam, Kerala. The workshop aimed at sharing of experiences and success stories and learning from the best practices of other southern states.

The workshop was formally inaugurated by the Honorable State Chief Information Commissioner of Kerala, Dr. Siby Mathews. Smt. Tinku Biswal IAS, Director General of IMG welcomed the gathering.

There were two 2 panel discussions followed by presentation of selected papers on best Practices on RTI. The first panel discussion on the topic **Suo Moto Disclosure-still a long way to go** began at 11:30am. Shri. K.S. Sripathi, State Chief Information Commissioner, Tamil Nadu chaired the panel. The panelists were Shri. Gunavardhanan (State Information Commissioner, Kerala), Adv. T. Asaf Ali (Director General of Prosecution, Kerala) and Dr. Abey George (Convener, NCPRI, Kerala).

The second panel discussion was on the theme **RTI-An urban phenomenon**. Shri. K.S. Sripathi continued as the chair of the panel. The speakers were Dr. R.K. Verma, Additional commissioner (Customs), Mumbai and Adv. D.B. Binu, General Secretary, RTI Federation, Kerala.

In the afternoon session, papers on best practices on RTI were presented by the authors of selected papers. **From among the papers received from various stakeholders, eight papers which met with some standards as per the guidelines given were selected by an expert committee.** The papers were presented by Adv. D B Binu [Ernakulam, Kerala], Shri Veerasha B.H [Karnataka], Shri Veerabhadra Rao [Telungana], Shri Joy Kaitharath [Thrissur, Kerala], Shri Prasanth Burge [Karnataka], Shri S N Venkatesan [Tamil Nadu], Shri Reghu BV [Karnataka]. This was followed by interaction with the delegates. Cash prizes were presented to the paper presenters. Dr. Jaya S. Anand, Professor, IMG proposed the vote of thanks.

The workshop concluded at 4.30 pm.



### III. SPEECHES BY EMINENT PERSONALITIES

#### WELCOME SPEECH

**Smt. Tinku Biswal IAS**, Director General, IMG welcomed the gathering. She said that the RTI Act which came into force on 12<sup>th</sup> October 2005 included all public authorities under its ambit. Second ARC refers to it as 'the master key to Good Governance'. The RTI activists play a vital role in the propagation of the Act. She hoped that this regional workshop organized by IMG would provide a platform for the activists to highlight the kind of developments that have taken place in this scenario. She mentioned that the Act was passed for promoting transparency and accountability in Government. To what extent it has been able to fulfil its objectives is still a matter to be deliberated and discussed upon. She concluded stating that the question for today is whether the RTI is an urban phenomenon? The workshop has to stress on the need for taking RTI to the rural areas and explore the scope of making RTI vibrant among the rural masses.

**Dr. Siby Mathews** State Chief Information Commissioner, Kerala in his inaugural address remarked that for a layman a legislation is ineffective if it contributes to the public wellbeing. Though RTI is one of the most powerful legislations, most of the Keralites are unaware about the power of its provisions. Hence it is confined to urban areas only. Government should take steps for providing education to rural masses and thereby increase their participation in the governance process. Transparency and accountability in governance is intended for the people.

He emphasized three vital aspects under RTI that has to be given due importance :

- 1) The voluntary disclosure of information through websites, under section 4(1)b of RTI Act. The Government must take interest and initiative for its proper execution through conducting awareness programmes at grass-root levels. Various education programmes on the RTI have been conducted under the aegis of State Information Commission at different levels with the support of IMG.

- 2) The First Appellate Authority has a greater role in proper implementation of the law under section 19 of the RTI Act. Unfortunately, they are wrongly issuing summons for trials to the applicants. It is not the accused but the applicant who is being penalized these days. He severely criticized the attitude of First Appeal Authorities which has significantly contributed to increase the number of second appeals filed before the Commission. The First Appeal Authority has a proactive role in reducing the undue delay in the redressal of cases. The slackness in the approach and attitude with which the second appeals are dealt has to change.
- 3) Third party information is another important aspect under section 11 of the Act. Every genuine applicant should be made available of the necessary information that he is seeking for. But the interest of the third party has also to be considered while disposing off an application in many occasions. The disclosure of information should not violate the right to privacy of any person. He concluded his inaugural address with a suggestion that the activists who collect information with public interest should disseminate it.

## PANEL DISCUSSION I



### *Suo Moto Disclosure Still a long way to go*

**Chair: Shri K.S Sripathy**, State Chief Information Commissioner, TamilNadu

Shri K S Sripathy said that RTI Act is probably the legislation which has been used, misused and abused by the independent India. The aim is to bring in accountability and transparency in administration. He stressed the need for implementing Sec.3 and Sec.4(1) of the Act and its implications. All information relating to public authorities should be accessible to public and all relevant information should be disseminated as far as possible.

Government has the responsibility to make the public aware about whatever they need to know. Lay men have to be educated on what are the objectives of the RTI Act.

It is unfortunate that the Government does not have sufficient infrastructure for the successful execution of this law. Continuous updating of records, indexing and cataloging of records by all Govt. departments is a pre requisite for successful implementation. The Act is not complete and has drawbacks and hence periodical amendments are needed.



#### 1. **Shri. Gunavardhanan**, State Information Commissioner, Kerala

Shri. Gunavardhanan agreed with the opinion of Shri. K S Sripathy that there are duplications of our laws. RTI Act is to make aware about the entire working of the system, the Constitution, the Government etc., the public. RTI was passed by the Parliament and the preamble of RTI Act emphasis on democracy. Since people rule the people, decisions should be made by the people. Decision taken without proper understanding of data may lead to dangerous outcome. One can take decision with proper understanding of data which in management term referred as 'satisfying'. It is inappropriate to jump into conclusions without analyzing reasons, causes, issues etc. Fundamental fabric of RTI Act is included in its Sec 3 & 4. Sec 3 which indicates that all citizens have the Right to Information and Sec.4 stipulates proactive updating of information. To a great extent, Kerala has succeeded in implementing this Act.

In order to achieve the stated objectives, more efforts on the part of public authorities and government is needed. He quoted the case of Revenue Dept. which had systemic issues like absence of enough space for maintaining records, difficulties in preserving records for future.

Though the Information Commission has many powers the courts made it as a tribunal. He added that even court's activities should be open to the public.



## 2. **Adv. Asif Ali**, Director General of Prosecutor, Kerala.

RTI Act improves transparency and accountability. Indian democracy has reached its maturity. Right to know is guaranteed by the Constitution. Even an ordinary citizen who buys soap and comb can be regarded as a tax payer. So he has the right to know what the country does with the tax. Right to live is the soul of Indian Constitution.

If you are making an application there should be result. Faster result can be achieved by suitably worded questions and follow ups. He added that the activists should take efforts to make use of available information to the public. Disseminating information in turn improves the acceptance of the law. 28 states have already implemented RTI Act at an acceptable level.



## 3. **Dr. Abey George**, Convener, NCPRI, Kerala.

The panelist mentioned three important points in his speech which include the importance of establishing a democratic republic, informed citizenry and accountability to the people of the country. Democracy demands the citizens to rule the country. For last six decades, people are 'crying for justice'. There still exists discrimination as lay men and the privileged group. In a democratic system we tend to trivialize the process. This Act is meant especially for lay men. The Information Officer, Appellate Authority and the Information Commission shoulder the responsibility of implementation of this Act. The actual spirit of the



Act is section 4. RTI is a golden opportunity to reform any institution from the graveyard of the colonial system towards a democratic functioning institution. The attitude of the Govt. officers has to change for the proper execution of the Act.

## PANEL DISCUSSION II

### *RTI- An Urban Phenomenon*

**Chair: Shri K.S Sripathy**, State Chief Information Commissioner, TamilNadu.

Shri K.S. Sripathy who chaired the panel opined that the literacy rate is in its hike in all the states of our country. The awareness of RTI is now better than the earlier situation. He disagreed that RTI is an urban phenomenon. Most of the states are being urbanized these days and there is only a narrow margin between rural and urban. Information is available for every single man regardless to where he reside. Unless one use the information into wisdom and wisdom into action, the collected information is worthless. The information divulged for should be action oriented.



#### **1. Dr.R.K.Verma**, Additional Commissioner (Customs), Mumbai.

Analyzing statistically, it is unfortunate that there is no available data or sources to assess the total number of citizens seeking information under RTI, all over the country. Quoting a study conducted among nine states of India, in Chhattisgarh 22 % of RTI applicants were from rural sector. It is debatable whether the study result can be generalized. He also mentioned that there is a gender difference too in utilizing RTI. As per another study, only 8% women filed RTI applications. A few micro level studies reveal that awareness level of the rural is comparatively low, hence causing difficulty in filing RTI applications. The attitude, lifestyle, economic factor, literacy rate, gender etc. are the main influencing factors for limited RTI from rural areas. Another vital factor that discourages the rural is the fear of assault by the authorities once they file an application against them. Government has a key role in

motivating the lay men and it can be achieved by conducting workshops and awareness programmes on rural basis. New technologies including mobile phones can be made use of.



## **2. Adv.D.B.Binu, General Secretary, RTI Federation, Kerala.**

The majority of the Indian population lives in the rural area. The question whether RTI is an urban phenomenon can be viewed in two perspectives. There is no official study in the urban-rural divide regarding number of filing RTI applications in Kerala. Kerala is a highly urbanized and politicized state; the scenario here is different from a national perspective. Analyzing the information from the Kerala State Information Commission, this accounts for only 13-15% of total applications received. There are many studies conducted on national basis which reveal the national average in utilizing RTI is as follows. Out of total RTI applications, village contributes for 14%, towns and cities contribute for 58%, metros contribute for 29%. There are significant differences in the rural and urban areas. Section 26 which casts upon Govt. the duty to make the public aware about the right contemplated under the RTI Act, especially among the underprivileged communities. Studies reveal that 4% of the people in the rural community came to know about RTI through Govt. machinery. The absence of proactive disclosure by the public authority under section 4(1)b of RTI Act, is of much significance.

He remarked that the applicants of backward communities are often mishandled by the authorities. They are threatened about the consequences they have to face on filing an RTI application. Complex procedure for access to information by public is another hurdle. Some remedial measures suggested to reduce the urban- rural divide including setting up of a task force by the Central Govt. under the guidance of any renowned personality and conducting awareness programmes at grass-root levels.



#### **IV. RECOMMENDATIONS**

- ❖ Suo moto disclosure of information through the websites has to be enforced
- ❖ There should be provision in the law about standardising the language in providing information.
- ❖ Public authorities should be provided with templates for disclosure under section 4(1)b of the RTI Act.
- ❖ Undue pendency in providing information by the ICS need to be addressed by modifying the law.
- ❖ There were complaints of false police cases and physical assault against activists hence the whistle blowers protection Act should be immediately passed.
- ❖ Educational programmes shall be conducted at grass-root levels to make the rural people aware of the provisions of RTI Act.
- ❖ Activists should disseminate the information collected and use RTI for promoting participatory governance.

## V. Programme Schedule

- 09.30 am : **Registration**
- 10.00 am : **Inaugural Ceremony**
- Welcome **Smt. Tinku Biswal IAS,**  
Director General, IMG
- Inaugural Address : **Dr. Siby Mathews**  
State Chief Information Commissioner, Kerala
- 11.15 am *Tea Break*
- 11.30 am : **Panel Discussion**
- Panel I**  
**Suo Moto Disclosure-  
Still a long way to go**
- **Chair - Shri K.S. Sripathi**, State Chief Information Commissioner, Tamil Nadu
  - **Sri. Gunavardhanan**, State Information Commissioner, Kerala
  - **Adv. T. Asaf Ali**, Director General of Prosecution, Kerala
  - **Dr. Abey George**, Convener, NCPRI, Kerala
- Panel II**  
**RTI – An Urban  
Phenomenon**
- : ➤ **Chair - Shri K.S. Sripathi**, State Chief Information Commissioner, Tamil Nadu
  - **Dr.R.K. Verma**, Additional Commissioner (Customs), Mumbai
  - **Adv. D.B. Binu**, General Secretary, RTI Federation, Kerala
- 01.30 pm *Lunch Break*
- 02.30 pm : **Paper Presentations on Best Practices in Implementation of the RTI Act**
- \* **Adv. D.B Binu**, Ernakulam, Kerala
  - \* **Shri Veerasha B.H**, Karnataka
  - \* **Shri Veerabhadra Rao**, Telungana
- 03.45 pm: *Tea Break*
- :Paper Presentations – continued**
- \* **Shri Joy Kaitharath**, Thrissur, Kerala
  - \* **Shri Prasanth Burge**, Karnataka
  - \* **Shri S.N Venkatesan** Tamil Nadu
  - \* **Shri Reghu B.V**, Karnataka
- 04.30 pm: **Valedictory and Presentation of Cash Prizes to paper presenters**

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