

RTI in Practice: Mapping its Effectiveness in Urban Slums of Delhi

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Preface

“RTI in Practice: Mapping its Effectiveness in the Urban Slums of Delhi” has the contextual setting of poverty and marginalization of the people; a situation most appropriate for measuring the potential of the governance accountability tool. Use of RTI by the citizens and system building by the government and its instrumentalities facilitating disclosure of information-suo motto and on demand-has the potential to bring about the paradigm shift in the relationship between the citizens and the government and its instrumentalities.

Denial of entitlement has an urban visage which most often remain camouflaged behind the glitter of urbanization led economic growth and prosperity. Monetization of the urban economy puts the income of the urban poor to pressure unlike their rural counterparts; since essential expenditures on account of sanitation, health, education and transportation are charged on the income. In a nutshell, strengthening entitlement relation of the urban poor and marginalized inhabiting urban slums has far more significance in terms of impacting their lives and livelihoods.

The study has been undertaken with the objectives

1. To assess use and effectiveness of RTI in securing entitlements under Public Distribution System and Education
2. To study the systemic and procedural changes brought about by the Public Authorities in streamlining service delivery
3. To examine the role of different stakeholders of RTI regime (Information Commission, Public Authority & Civil Society Organisations) in promoting RTI as an instrument of governance accountability
4. To study the barriers in realization of right to information in general and citizens’ effort in streamlining service delivery in particular

I place on record my appreciation of the co-operation extended to me by the RTI Users and functionaries of Paradarshita and Parivartan. These organizations are doing remarkable work on RTI with marginalised community in New Seemapuri and Sunder Nagari. Last but not the least, I thank Department of Personnel & Training, Government of India for the fellowship which helped me undertake the study.

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List of Abbreviations

RTI	Right to Information
PIO	Public Information Officer
CIC	Central Information Commission
SIC	State Information Commission
GoI	Government of India
AAY	Antodaya
BPL	Below Poverty Line
NGO	Non Government Organisation
ICDS	Integrated Child Development Services
PDS	Public Distribution System
CSO	Civil Society Organisation
FGD	Focus Group Discussion
FPS	Fair Price Shop
APL	Above Poverty Line
EWS	Economically Weaker Sections
OSA	Official Secrets Act
FAA	First Appellate Authority
APIO	Assistant Public Information Officer

Introduction of the study

The Right to Information (RTI) holds within it the right to seek information, as well as the duty to provide information. Assertion of RTI makes the public officials answerable for the actions of the public entity (accountability), places the rules, regulations and decisions in the public domain (transparency), compels the public authorities to act with sensitivity to public demands and expectations (responsiveness), bridges the gulf between the public authority and the citizenry (participation), leaves the public officials with no option but to adhere to the normative uniform behavior in a given set of circumstances (predictability) and ensures service delivery consistent with the purpose and objectives by the public authority (efficiency & effectiveness).

Citizen's RTI, seen in a holistic perspective, is the cornerstone of all entitlements as access to information leads to securing other entitlements. Exercising the right, a citizen can actively engage the public authority in securing information on "Why the problem has occurred" "Who deals with the problem", "What action has been taken to solve the problem", "What action has been taken on past complaints", "How long it would take to resolve the problem" leading to informed choice on what can be done to resolve the problem for realization of entitlements.

The Problem

Denial of entitlement has an urban visage which most often remain camouflaged behind the glitter of urbanization led economic growth and prosperity. Monetization of the urban economy puts the income of the urban poor to pressure unlike their rural counterparts; since essential expenditures on account of sanitation, health, education and transportation are charged on the income. In a nutshell, strengthening entitlement relation of the urban poor and marginalized inhabiting urban slums has far more significance in terms of impacting their lives and livelihoods.

Centrality of a governance accountability tool like RTI in the case of the urban poor/slum dwellers can be contextualized within the issues of insecurity of tenure, absence of environmental standard of living, extirpation from kinship and extended family based social security support and dependence on unorganized sector for livelihoods which are specific to them. Urban poor/slum dwellers require active interface with the administration and the institutions of governance more than that of their rural counterparts and more importantly; are at a disadvantage and ill-at-ease in engaging the duty bearers. More often their very basic rights of citizenship are questioned and instances of slum dwellers coming in conflict and/or contact with law are frequent. Bribery to get the basic facilities is more often resorted to blunt the corners of engagement with the administration. Therefore, the effectiveness of RTI as a governance accountability tool stands the test of scrutiny most appropriately in its use by the urban poor/slum dwellers.

On the contrary, interventions with regards to strengthening citizen's entitlement relation with the administration using RTI as well as mapping the effectiveness of the governance accountability tool has a rural bias. In other words, studies on assessing the efficacy of RTI as a governance accountability tool have been undertaken with the focus laid on rural areas. This study in selecting two urban slums of Delhi as its study area seeks to contribute to the existing domain of knowledge. Furthermore; with its focus laid on two important issues Public Distribution System (PDS) and Education-the study has assessed the efficacy of RTI in helping the most disadvantaged section of urban populace in asserting their rights and entitlements.

Objectives of the Study

1. To assess use and effectiveness of RTI in securing entitlements under Public Distribution System and Education
2. To study the systemic and procedural changes brought about by the Public Authorities in streamlining service delivery
3. To examine the role of different stakeholders of RTI regime (Information Commission, Public Authority & Civil Society Organisations) in promoting RTI as an instrument of governance accountability
4. To study the barriers in realization of right to information in general and citizens' effort in streamlining service delivery in particular

Methodology

The study has mapped use and effectiveness of RTI as a tool for streamlining service delivery in two urban slums of East Delhi i.e. Sundar Nagri & Seemapuri as both the slums are areas of civil society interventions on strengthening entitlement relation of the people through use of RTI. Since rights and entitlements of the urban poor with regards to PDS and Education are most often denied and realization of the rights and entitlements on PDS & Education have far-reaching impact on the lives & livelihoods, the focus of the study has been laid on both the issues.

The study has conducted structured interview with the applicants and appellants of the study area to examine use and effectiveness of use of RTI. Focus Group Discussions(FGDs) have been held in both the areas with the help of schedules to discuss the aspects and dimensions of use of RTI and quality of service delivery under PDS and Education system pre and post-RTI regime. FGDs were done in different mohallas and 20 FGDs have been conducted. FGDs were conducted in small groups of 10 to 15 community members- often separately among men & women. The views, opinions and suggestions expressed during discussion were written down. For elicitation

of the views, opinions and suggestions of the people and get their perspective ample time has been given to each FGD. Each of the FGDs lasted for at least 1 hour.

The study had planned for interaction with the duty bearers of Public Authorities responsible for service delivery under PDS and Education in order to get an idea of the changes brought about in system and procedure of service delivery in particular and responding to information requests in general. However, it hasn't materialized on account of non-response by the duty bearers despite repeated requests.

The fellow has interacted with functionaries of Civil Society Organizations (CSOs) and citizen forums to understand the efforts for promotion of citizens' use of RTI and strengthening RTI regime.

Perusal of relevant case records available with the Information Commission especially judgments on RTI applications on PDS & Education filed by the applicants of the area has been done.

Sample size

The study has covered 100 RTI Users of the study area. The RTI Users were reached out in consultation and with the help of functionaries of CSOs (Parivartan & Pardarsita). Once RTI Users as suggested by the functionaries of Pardarsita & Parivartan were reached out further consultation with the RTI Users was undertaken to include other RTI users. The sample was confined to 100 RTI users with the obvious limitation of time period of the study i.e.; 3 months.

The case records related to the RTI applications with whom the fellow has interacted have been perused. It has organized FGDs in both the areas of study. The fellow has interviewed functionaries of both the CSOs i.e. Parivartan & Pardarshita on the basis of structured interview schedule developed for the purpose.

Background of RTI

In recognition of the need for transparency in public affairs, the Indian Parliament enacted the RTI Act in 2005. While RTI is implicitly guaranteed by the Constitution, the Act sets out the practical regime for citizens to secure access to information on all matters of governance. The Act has the objectives of bringing about greater transparency in functioning of public authorities, informed citizenry for promotion of partnership between citizens and the government in decision making process, improvement in accountability and performance of the government and reduction of corruption in the government departments. Transparency, accountability, informed citizenry and reduction in corruption being the critical elements of good governance, the Act looks forward to realization of greater good for the larger spectrum of citizens. Breaking new grounds, the Act is explicit in bringing about a paradigm shift in the citizen-administration engagement¹. Right of access to information encompasses right to participation, accountability and transparency and realization of the right holds the promise of promoting and strengthening citizen led initiative for good governance.

History stands testimony to the fact that social and political upheavals have been a response of the masses against the system that hinders participation of the people and non-responsiveness, opacity & non-accountability of the governance system and those who govern. “Secrecy being an instrument of conspiracy”, said Bentham, “ought never to be the system of a regular government. Secrecy was the climate in which, at worst, those placed in government would abuse the power which had been given to them. It protected misrule. Publicity, regular elections and free press were needed to safeguard the electorate from their chosen governors-from the excesses of bullies, blackguards and buffoons. What can we reason but from what we know”². The UN General Assembly adopted Resolution 59(1), stating, “Freedom of information is a fundamental human right and the touchstone of all the freedoms to which the United Nations is consecrated. Article 19 of the Universal Declaration of Human Rights states, “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers”³.

RTI Act satisfies a long standing demand of the people raised through various people’s movements and gives content and meaning to the RTI recognized since 1973 by the Supreme

¹ Provision made under u/s 4(1) (d) of the Act, makes it mandatory for the public authority to “provide reasons for its administrative or quasi-judicial decisions to the affected persons”.

² Browning, H. (ed.), “Works of J. Bentham” (1843), pp 310-17

³ http://www.humanrightsinitiative.org/programs/ai/rti/articles/undp_rti_2006/annex4_global_perspective_on_rti.pps

Court as a concomitant of the fundamental right to freedom of speech and expression guaranteed under Article 19 (1) (a). Several decisions given by the Supreme Court from time to time have been actually responsible for the development of legal position with regard to the RTI in India. These decisions were not given specifically in the context of the RTI, but in the context of the Right to Freedom of Speech and Expression. For instance, in *State of UP vs. Raj Narain* the court said, “while there are overwhelming arguments for giving to the executive the power to determine what matters may prejudice public security, those arguments give no sanction to giving the executive exclusive power to determine what matters may prejudice the public interest. Once considerations of national security are left out there are few matters of public interest which cannot be safely discussed in public”. Access to information holds centrality in realization of good governance helping mounting of citizen led demand for transparency, accountability, predictability, responsiveness and participation. In other words, it enhances the quality of citizen participation in governance from mere vote-casting to involvement in the decision-making that affects his/her life.

There is a broad consensus among the global community on the importance of making disclosure of information a norm fortified by legal guarantee by the state to its citizens. Freedom of information is a global phenomenon. It is evident in states after states (nearly 70 countries around the world have adopted different forms of the Act) enacting legally enforceable access rights although a decade ago only a few Nordic, West European and American States had such legal entitlements for their citizens⁴. However, coming into being of RTI Act, 2005 in India has a history of its own that needs elaboration at length.

The Coming into being of RTI Act

The Official Secrets Act (OSA), 1923⁵ enacted during the colonial era governed all matters of secrecy and confidentiality in governance till 2005. Mistrust of the people during the colonial era

⁴ Sweden 1766-Included in Sweden's Constitution-Finland then part of Sweden

Finland 1951-Law on the Public Character of Official Documents

USA 1966-By an amendment of 1974 the onus of justifying restriction of access lies with government-Law places time limit for responding to requests; all non-secret information disclosable through “severability”; disciplinary action mandated against officials for wrongful non-disclosure

Denmark, Norway 1970s

UK 2000; Mexico 2002; Pakistan FoI Ordinance 2002; Nepal RTI 2002; Indonesia FoI Act 2008; Bangladesh RTI Ordinance 2008.

⁵ As per this Section 5 of OSA, any person having information about a prohibited place, or such information which may help an enemy state, or which has been entrusted to him in confidence, or which he has obtained owing to his official position, commits an offence if (s)he communicates it to an unauthorised person, uses it in a manner prejudicial to the interests of the State, retains it when (s)he has no right to do so, or fails to take reasonable care of such information. Any kind of information is covered by this Section if

created a culture of secrecy and as a result; secrecy became the norm and disclosure the exception. While Section 5 of OSA was obviously intended to deal with potential breaches of national security, the wording of the law and the colonial times in which it was implemented made it into a catch-all legal provision converting practically every issue of governance into a confidential matter. This tendency was buttressed by the Civil Service Conduct Rules, 1964 which prohibit communication of an official document to anyone without authorization. Not surprisingly, Section 123 of the Indian Evidence Act, enacted in 1872, prohibits the giving of evidence from unpublished official records without the permission of the Head of the Department, who has abundant discretion in the matter⁶.

The demand for comprehensive legislation ensuring citizens' RTI began with the collective urge for bringing about amendments to the OSA as the said Act was used arbitrarily⁷ to scuttle democratic rights of the people. Some of the instances of arbitrary use of the Act were strong reasons to demand for provisions to be made in law so as to bind government as well as private entities to disseminate information voluntarily on issues affecting the public interest. The Indian government established a Working Group in 1977 for recommending amendments to the OSA with the objective to facilitate spread of information to the public. In 1991 sections of the press reported recommendations of a task force on the modification of the OSA and the enactment of a Freedom of Information Act. However, no legislative action followed thereafter. During the late nineties, the citizens' groups started demanding repeal of OSA and its replacement by a comprehensive legislation ensuring access to information.

The draft legislation on RTI by the Press Council of India in 1996 was widely debated throughout the country. The Press Council draft legislation affirmed in its preamble that RTI already exists under the constitution as the natural consequence of the fundamental right to free speech and expression under Article 19 (1) of the constitution. Any fact related to the affairs of the public authority or body may be defined as information for the purpose of RTI including any of the records related to the affairs of the government. Extraction and receiving certified copies,

it is classified as 'secret'. The word "secret" or the phrase "official secrets" has not been defined in the Act. Therefore, public servants enjoy the discretion to classify anything as "secret".

⁶ Second Administration Reforms Commission (Government of India), "First Report: Right To Information Master Key to Good Governance", June 2006

⁷ Two infamous cases can be stated here. One was the imposition of the Act (OSA, 1923) to prohibit entry of journalists into an area where massive displacement was taking place due to construction of a large dam under Sardar Sarovar Project. Activists discovered that the potential oustees had little or no knowledge of how their lives were going to be affected, no knowledge of the time or extent of displacement, nor any idea of the plans for re-location and rehabilitation. Another instance was Bhopal Gas Tragedy that claimed several thousand lives. Not only did the government refuse to make public details of the monetary settlements between the government and the Union Carbide, but several participants at a workshop on the medical aspects of the victims were arrested for taking notes under the provisions of the Official Secrets Act.

inspection and taking notes of the public documents were all included within the RTI. It is important to note that the term “public body” included all undertakings and non-statutory authorities and most significantly corporation, society, trust, company, firm or a co-operative society, owned or controlled by private persons or groups able to affect the public interest by their activities.

Working Group chaired by consumer rights activist Mr. H.D. Shourie submitted its draft legislation in May 1997 for consideration of the government. It widened the scope of exclusions to enable public authorities to withhold “information the disclosure of which would not subserve any public interest”. The most important clause that only such information that can be denied to parliament or the legislature can be withheld from the citizen was not included. The draft also made no provisions for penalties in the event of default, rendering the RTI toothless. The draft went into cold storage with change of power at the centre.

Later on the government started contemplating only to amend a few sections of the OSA and to list a dozen items on which it would become mandatory for the government to provide information on demand. It meant items not covered by the list would continue to be covered by the OSA. Law Commission of India in its 179th Report and reports of a number of committees and councils⁸ working on the subject sensitized the government to enact a specific law on the RTI and recommended the need for an act on public interest disclosure and protection for citizens’ right related to information sought from every public authority. The need for a statutory frame work ensuring citizens’ RTI was driven home.

In order to promote transparency and accountability in administration, Parliament passed “Right to Information Bill, 2004 on 15th June, 2005. “Right To Information Act” was notified in the Gazette of India on 21st June, 2005. The Act has become fully operational from 12th October, 2005 so as to enable a citizen to secure access to information under the control of the Public Authorities. Satisfying a long standing demand of the people raised through various people’s movements, RTI Act provides for setting out the practical regime of RTI for citizens. In the words of the Prime Minister, “Efficient and effective institutions are the key to rapid economic and social development, institutions which can translate promises into policies and actionable

⁸ The National Commission to Review the Working of the Constitution (NCRWC), while examining the Right to Information had the following to say:

“Government procedures and regulations shrouded in a veil of secrecy do not allow the client to know how their cases are being handled. They shy away from questioning officers handling their cases In this regard, government must assume a major responsibility and mobilize skills to ensure flow of information to citizens. The traditional insistence on secrecy should be discarded. In fact, we should have an oath of transparency in place of an oath of secrecy”.

programmes with the least possible cost and with the maximum possible efficiency; institutions which can deliver on the promises made and convert....., outlays into outcomes. For institutions to be effective they must function in a transparent, responsible and accountable manner.....The RTI Bill, will bring into force another right which will empower the citizen in this regard and ensure that our institutions and the functionaries discharge their duties in the desired manner. It will bring into effect a critical right for enforcing other rights and fill a vital gap in a citizen's framework of rights"⁹.

Assessing the Practical Regime of RTI

RTI Act, 2005 in setting out a practical regime for citizens' RTI holds the potential to mount demand based transparency and accountability and compel people's participation on the entire governance structure. In other words, use of RTI by the citizens and system building by the government and its instrumentalities facilitating disclosure of information-suo motto and on demand-could bring about the paradigm shift in the relationship between the citizens and the government and its instrumentalities as envisaged by the Act. More than 7 years have passed since implementation of the Act and needless to mention, it is high time that the practical regime is assessed taking into account the issues and concerns that have come about. The study seeks to assess the practical regime of RTI on the basis of i) review of literature, and ii) mapping the desired systematic changes vis-à-vis the changes brought about.

⁹ PM's intervention in the Lok Sabha on the Right to Information Bill debate, May 11, 2005

Literature Review

- **State of Information Commissions In India: A Performance Evaluation by Public Cause Research Foundation, New Delhi, 2009:** The study was conducted with the objective to comparatively assess the performance of all Information Commissions. It analysed orders on the parameters of Pro-disclosure factor, deterrent Impact & disposals. Appellant interview looked into two parameters i.e.; Overall Public Satisfaction & Effectiveness. The study took into account orders of 72 Information Commissioners of 25 Information Commissions and interviewed 8400 appellants.

The study finds that for every 100 appeals and complaints filed in Information Commissions, orders in favour of disclosure were passed in 68% of the cases. Information was denied in 22% cases and 10% cases were remanded back. Furthermore, just 38% of the pro-disclosure orders could actually be implemented while in the balance 62% cases, the applicants/ appellants did not get information despite a favourable order. 44 commissioners (out of 72) could get less than 40% of their orders implemented. Since many of the commissioners close a case after passing orders in favour of disclosure-without ensuring compliance thereof, appellants have to struggle with the public authority for a few months to get the orders implemented. However, some states follow the practice of “continuing mandamus” i.e.; they do not close a case after passing orders but post hearings subsequently for compliance thereof. The commissions and commissioners following such a practice have better rate of compliance than their counterparts. Section 18 (3) of RTI Act that empowers commission to issue bailable arrest warrants and seek production of documents has been sparsely used. There is non-uniformity in the rate of disposal of cases that varies across commissions and commissioners. There are instances where commissions achieve high rate of disposal by rejecting or remanding back almost 80% of their cases without hearings, commissions who achieve high rate of disposal and bring down pendency and commissioners disposing very few cases despite huge pendencies. The study points out laxity of the commissions and the commissioners in strict enforcement of penal provisions despite the fact that there are cases of recorded violations across the country. It draws attention to the existing problem of huge pendencies and advocates for urgent steps to be taken to address mounting pendencies. Strict enforcement of penal provisions, it is argued, would reduce inflow of cases to the commissions. Record maintenance at the commissions has been pointed out as a grey area with instances of many commissions failing to have copies of all orders. It is further added that the commissions have failed to deal with the malafide intentions of the duty bearers in denying information such as; the excuse of “missing records” given by the Public Information Officers (PIOs) to deny information. Underlining the fact that commissioners have been appointed by

state governments without reference to the pendency of that commission, the study urges for formulation of guidelines on appointment of commissioner vis-à-vis pendency.

- **Accessing Information under RTI: Citizens' Experience in Ten States by Society for Participatory Research in Asia (PRIA), New Delhi, 2008:** The study was conducted with the objective to assess implementation of the RTI Act in Selected districts of ten states. It analysed RTI Rules, interviewed applicants and sought to evaluate the Performance of the Information Commissions through analysis of case records. The study covered 420 RTI users in 10 selected districts of 10 ten states.

The study was undertaken in ten selected districts of 10 states (Bihar-Madhubani, Gujarat-Ahmedabad, Haryana-Mahendragarh, Jharkhand-Jamtara, Kerala-Kollam, Madhya Pradesh-Sehore, Orissa-Puri, Rajasthan-Jhunjhunu, Uttar Pradesh-Sitapur and Uttarakhand-Chamoli). It looked into three aspects; 1) Citizens Access to Information, 2) Response of the Appellate Authorities (First Appellate Authorities and State Information Commissions), and 3) Evaluation of performance of SICs.

The study finds out that on account of non-availability of a list of PIOs or a directory of PIOs at the district level in majority of the states, citizens face difficulty in filing applications at the appropriate offices. It goes on to add that in the opinion of majority of the people the mode of payment of fees is restrictive. Moreover, some states have made the application procedure complex by making identification proof mandatory, limiting the application to 150 words, requiring a separate application with respect to each subject and each year etc. The study points out that suo motto disclosure under section 4 (1) (b) of the RTI Act is the least complied aspect and adds that casualness of the SICs in this matter shares part of the blame. It underlines the concern related to non-action on the part of SICs in the face of large-scale denial of information in some states. Taking into account the tremendous budgetary and infrastructural constraints that the SICs face, the study concludes that the blame for the poor implementation of RTI in the states can't be entirely laid on the SICs. On the other hand, it is apparent that the central and state governments have not made serious effort to make the SICs a strong institution and they pay lip service to transparency in governance.

- **Safeguarding the Right To Information: People's RTI Assessment, RTI Assessment & Analysis Group & National Campaign for People Right to Information, 2008:** The study was conducted with the objective to ascertain how India's nascent RTI regime might be further strengthened. The processes and methodology included Applicants' Interview, Checking RTI Filing process, Second Applicants' Interview, PIO Interview, Record Inspection, PA Premise Inspection and Focus Group Discussion. The exercise involved organization of 630 FGDs in 30 districts of 10 states,

interview of 35,000 persons, inspection of 1027 PAs, filing of 800 RTI applications and analysis of 25,000 RTI applications.

The study finds that government is not a major force in raising public awareness about the RTI Act. It adds that more than 40% of the rural respondents and 15% of the urban respondents point out harassment and uncooperative officials as the most important constraint they face in exercising their RTI. There are 88 different sets of RTI rules in India and differing rules mean differing amounts of fee to be paid, different modes of payment and even of filing applications. Most of the central and State Chief Information Commissioners are drawn from Indian Administrative Services. The study adds that delay in disposal of complaint and appeal is the most important issue regarding Information Commissions. Moreover; many of the officials are let off the hook of penalty despite strong reason existing for its imposition. Almost all the information commissions complain about the inadequate financial and infrastructural support provided by the government. Furthermore; most of the Information Commissions are not satisfied with the manner in which state governments follow their orders.

• **Understanding the Key Issues and Constraints in Implementing the RTI Act, Price waterhouse Coopers, June 2009:** The study was conducted with the objective to assess & evaluate the level of implementation of the Act with specific reference to the key issues and constraints faced by the “Information Providers” and “Information Seekers”. The process involved questionnaire based survey of Information Seekers & Providers, FGDs & one to one meetings with stakeholders; including PIOs & FAAs, Organization of National Workshops with participation of Central & State Information Commissioners, civil society organisations & media and Participation in seminars conducted by CSOs. It covered Interview of 2000 information seekers and over 200 information providers across PAs at Centre, State and local levels in 5 states as well as feedback of 5000 citizens on RTI Awareness.

The study points out that RTI Act has adequate “teeth” to bring in transparency and reduce corruption. At the same time it is accepted that the Act has not yet reached the stage of implementation which was envisioned. Its key findings and recommendations are with regards to the six broad areas of i) Enhanced Accountability and clarity in role, ii) Improving RTI Awareness, iii) Improving convenience in filing request, iv) Common infrastructure and capacity building, v) Improving efficiencies at Information Commission, vi) Institutionalisation of third party audit. Referring to the variance in role/ownership of State Information Commissioners (SIC) and State Nodal Department in implementation of the Act, the study recommends for establishment of RTI Implementation Cell headed by a senior bureaucrat at the State/Central level to monitor the reports/status on various issues related to RTI based on inputs from SIC/CICs and the Public

Authorities. Taking into account the low level of awareness, it is advocated that Government of India (GoI) establish RTI as a “brand” through a mass awareness campaign with the objective to increase public knowledge and awareness, encourage citizen involvement and debate and increase transparency within the Government. It adds that Common Service Centres, RTI Call Centres should be established, RTI Portal created and e-governance initiatives strengthened so that RTI filing is made more convenient. The study recommends for software application to improve efficiency, re-organisation of record management system to promote information management, preparation of RTI ready plan, development of RTI compliant standard template for quick and rationale responses and earmarking of 1% of the funds of all Flagship Programmes for a period of five years for updating records, improving infrastructure, creating manuals etc. Large pendency of cases at the commission being a reason for dissuading people from filing appeals, it recommends for hearings through video conferencing, passing order on merit of the case without hearing and usage of software application.

• **A Rapid Study of Information Commissions: Commonwealth Human Rights Initiative (CHRI), New Delhi, May 2012¹⁰:** The study has been undertaken with the objective of assessing the working of the Information Commissions. It has focused only on some parameters which permit a rapid study. These parameters are; i) Composition of and vacancies in the Information Commissions, ii) Background of Central & State Information Commissions, iii) Availability of dedicated websites, iv) Availability of Annual Reports of Information Commissions on websites, v) Availability of the decisions of Information Commissions on websites, and vi) Availability of the Cause List of Information Commissions on websites.

The study finds that nowhere across the country have eminent women been appointed as Chief Information Commissioners and less than 15 percent of the Information Commissioners serving across the country are women. Most of the Information Commissioners (53 percent) have been selected from the background of civil services which shows that the field of expertise “administration and governance” has become synonymous with the term “civil services”. All the Information Commissions have displayed some information or the other through either dedicated websites or through websites maintained by the respective State Governments. The study points out that there is no report in the public domain about any discussion based on an Information Commission’s Annual Report either in the Parliament or in the State Legislatures till date and recommends that both Parliament and State Legislatures must debate the contents of the annual report either in plenary or in an appropriate committee and scrutinize the actions of the Government, Public Authorities and the respective information commissions in implementing

¹⁰ www.humanrightsinitiative.org

the RTI Acts. Considering the fact that only 13 Information Commissions out of 29 have uploaded some or all decisions on appeals and complaints for all seven years of their existence, the study recommends that all Information Commissions must upload all decisions and orders on their websites and decisions in matters decided by past State Information Commissioners may be archived. Similarly; taking into account the fact that only 41 percent of the Information Commissions have displayed the cause lists, it is recommended that publishing cause list in the official language of the state will make the facility more people-friendly.

i) Systemic Change: Desired vis-à-vis Realized

In the knowledge society in which we live today, acquisition of information and new knowledge and its application have intense and pervasive impact on processes of taking informed decisions, resulting in overall productivity gains. People who have access to information and who understand how to make use of the acquired information in the processes of exercising their political, economic and legal rights become empowered, which, in turn, enable them to build their strengths and assets, so as to improve their quality of life¹¹. RTI Act ensuring access of right to information has the twin objectives of promoting good governance and inclusive development. It needs no reiteration that realization of the objectives of RTI posits democratization of its knowledge and skill so that the people in general and the poor and the marginalized in particular use it. A study conducted in 2009¹² reports that only 13 percent of the rural population and 33 percent of the urban population were aware of RTI Act. The study adds that there is not only urban-rural gap in level of awareness but also a gender gap. Only 12 percent of the women and 26 percent of the women were aware of the Act. In the absence of any credible exercise to assess the level of awareness at the all-India level, the data reported by the Information Commission¹³ provides inkling to the state of affairs.

Table-1: RTI Application details in nutshell

Key Aspects	2007-08	2008-09	2009-10	2010-11
Opening balance of RTI requests (as on 1 st April of the reporting year)	23926	32792	97474	137771

¹¹ M.M. Ansari, "Right to Information and its Relationship to Good Governance and Development", Central Information Commission, New Delhi, p.3

¹² "Understanding the Key Issues and Constraints in Implementing the RTI Act", Price waterhouseCoopers, June, 2009, p. 6.

¹³ Section 25 (2) of the RTI Act stipulates that

"Each Ministry or Department shall, in relation to the public authorities within their jurisdiction, collect and provide such information to the Central Information Commission or State Information Commission, as the case may be, as is required to prepare the report under this section and comply with the requirements concerning the furnishing of that information and keeping records for the purposes of this section".

No. of Public Authorities submitted reports	1382	1528	1427	1452
Number of requests received during the year	263261	329728	529274	417955
Total number of requests at the end of the reporting year	287187	362520	626748	555726

Source: Annual Report, 2010-11, Central Information Commission, p.9

The number of applications for information has been steadily increasing since 2007-08. Although the total number of RTI applications at the end of the year 2009-10 rose by approximately 73% as compared to the year 2008-09; it decreased by 11.3% in 2010-11 as compared to the previous year. The negative growth witnessed in RTI application, it is pointed out could have been a matter of satisfaction if this negative growth in the number of applications for information were in the event of 100 percent public authorities submitting their returns; but alas this is not the case. Only 67.5 percent of the public authorities have submitted their returns in 2010-11 (Annual Report, Central Information Commission, p.9). Number of RTI applications is not a good indicator of the level of awareness for the reason that compliance with Section 4 of the Act¹⁴ by the public authorities putting as much disclosable information in the public domain could minimize recourse to RTI filing. Therefore, less number of RTI applications could be attributed to compliance with section 4 of the Act by the Public Authorities. On the other hand, we have a situation where Section 4 of the RTI Act is not being implemented in letter and spirit. Although there are ministries/departments and public authorities, which are relatively more transparent and open than others, most of them do not conform to the matrix of disclosure set out in Section 4 (1) (b) of the Act as well as practices relating to record management and dissemination of information held by and/or under their control (Annual Report 2010-11, Central Information Commission, p.19). Implementation of the RTI Act has posed an administrative challenge throwing up various structural, procedural and logistical issues and problems, given the archaic system of record management in public authorities. RTI regime requires every public authority “maintain all its records duly catalogued and indexed in a manner and the form which facilitates the right to information under the Act”. Cataloguing, indexing, orderly storage and retrieval of information following meticulous procedure and creation of appropriate infrastructure are non-negotiable in fulfilling the requirements of RTI regime. Underlying the importance of information

¹⁴ Section 4 enjoins all Public Authorities to maintain all records duly catalogued and indexed to facilitate the Right to Information, computerize all records appropriate to be computerized within a reasonable time and subject to availability of resources and network to facilitate accessibility, proactively disclose all information stipulated in section 4 (1) (b) within 120 days of the coming into force of the Act and update every year and disseminate through various medium like electronic and print media, notice boards, public notices, websites etc. for the benefit of citizens keeping in view cost effectiveness, local language and efficacy of means of communication.

management, the Second Administrative Reform Commission recommended for creation of Public Records Office¹⁵ at the level of GoI and State Governments with the responsibility to oversee proper record keeping in all public offices including preparation and up-dating of manuals, modernization and digitization, monitoring, inspections and other relevant functions which has gone unheeded by the governments at the Centre as well as in the States. As a result; management of information system has been a bottleneck in the ability of the public authorities in responding to the information requests and explains for the tendency to give bulk unprocessed information rather than relevant and intelligible summarization; the single most reason for appeal with the Information Commissions.

A vast number of institutions and agencies come under the ambit of the Act, as per its definition of “Public Authority”¹⁶. In the absence of development of a Ministry/ Department-wise catalogue and index of all the Public Authorities, it is difficult for the information seekers to access information and causes unnecessary paper work on account of transfer of application. CIC in its Annual Report, 2010-11 enumerates it as nearly one-eighth of the total applications. In other words, non-creation of the “Inventory of Public Authorities” has created difficulties for the information seekers as well as the public authorities. The Second Administrative Reforms Commissions, June, 2006 has also specifically recommended for creation of such an inventory. It notes, “Each Union Ministry/Department should also have an exhaustive list of all public authorities, which come within its purview. The public authorities coming under each ministry/department should be classified into i) constitutional bodies, ii) line agencies, iii) statutory bodies, iv) public sector undertakings, v) bodies created under executive orders, vi) bodies owned, controlled or substantially financed, and vii) NGOs substantially financed by the government”¹⁷. The Central Information Commission (CIC) has on many occasions brought it to the notice of the government. The Commission, in view of inordinate delays by public authorities in submitting annual return in preceding years, has introduced the system of submission of

¹⁵ Second Administrative Reforms Commission (First Report), “Right To Information: Master Key to Good Governance”, June, 2006. P. 32

¹⁶ Section 2(h) of the RTI Act, 2005 defines public authority as any authority, body or institution of self-government established or constituted

- a) by or under the constitution,
- b) by any other law made by parliament,
- c) by any other law made by state legislature;
- d) by notification issued or order made by the appropriate Government, and includes any-
 - i. body owned, controlled or substantially financed;
 - ii. non-Government organisation substantially financed,

directly or indirectly by funds provided by appropriate Government;

¹⁷ Second Administrative Reforms Commission, First Report, “Right To Information: Master Key to Good Governance”, June, 2006, p.40

quarterly returns at regular interval during 2010-11. During the year, 65 Ministries/ Departments were registered with the database of CIC. It reports, “The right of inclusion or exclusion of a public authority in the database rests with Ministries/ Departments. A ministry may create as many departments; and each of the departments may in turn create and register as many public authorities in the database. It seems, however, that Ministries/ Departments do not follow uniform basis for creation and registration of Public Authorities in the database. As a result; some of the UT administration report as a single public authority, whereas others have multiple departments reporting as separate public authorities. This persistent problem needs to be addressed by the nodal Ministries/ Departments in a manner that facilitates uniform registration concept and universal coverage to all public authorities under their jurisdiction”¹⁸.

As per the provisions of the RTI Act, in matters of responding to the information request the buck doesn't stop at the PIO/ Assistant Public Information Officer (APIO) as he/she is the interface between the information seekers and the concerned public authority. Each duty bearer is called upon to duty as referred PIO depending upon the information sought in the information request. Each and every duty bearer of the Public Authorities has to get himself/ herself familiar with the key concepts of the Act and the approach to be taken in responding to the information request. The problem on account of lack of training was perceived very early and recommendation to the effect came up in due course. For instance; the Second Administrative Reforms Commission pointed out that all government functionaries should be imparted at least one day training on RTI within a year, training programmes have to be organized in a decentralized manner in every block, in all general or specialized training programmes of more than 3 days duration a half-day module on Right To Information should be compulsory¹⁹. The insincerity of the government in acting upon such recommendations has been evident in the findings of a study undertaken in 2009²⁰ which points out that approximately 45 percent of the PIOs mentioned that they had not been provided training in RTI, approximately 43 percent of PIOs were not aware of the proactive disclosure of their PAs and approximately 39 percent of the PIOs were not aware of key SIC judgments.

An effective way of dealing with the problem of lack of capacity building among the duty bearers is development of department wise guides and information materials which hasn't been done till date. Moreover, the government has taken no initiative with regards to the suggestions of

¹⁸ Central Information Commission, “Annual Report, 2010-11”, p. 7

¹⁹ For details see, Second Administrative Reforms Commission, First Report, “Right To Information: Master Key to Good Governance”, June, 2006, p. 34

²⁰ “Understanding the Key Issues and Constraints in Implementing the RTI Act”, Price Water House Coopers, June, 2009, p.8

development of a RTI Performance Index consisting of different indices for use in the assessment of each Public Authority on RTI related role performance.

“Public Authority” has been defined as any authority or body or institution of self-government established or constituted by or under the Constitution, by any other law made by Parliament, by State Legislatures, and by notification issued by the appropriate government including institutions substantially financed by the appropriate government. A non-governmental body needs to be substantially finance by the government to be categorized as a public authority under the Act. There is, however, no definition of the term “substantially financed”. Perusal of the laws of other countries brings out the fact that there has been elaboration of the term as a result; there is non-ambiguity and clarity of interpretation²¹. The term has been left ambiguous and susceptible to varying interpretations even after recommendations to define it to include organizations which perform functions of a public nature that are ordinarily performed by the government and its agencies, those which enjoy natural monopoly, institution or body that has received 50 percent of its annual operating costs or a sum equal to or greater than Rs. 1 crore during any of the preceding 3 years²². The Fifth Annual Convention of the CIC has also recommended for bringing all the Public Private Partnership Projects under the ambit of RTI Act at the signing stage itself by incorporating disclosure norms and scope. However, the ambiguity persists even till date.

The Public Authorities are the primary domain where the information is available and for all public purposes the common man tries to seek accountability from the authority. The Act mandates the Public Authorities to “provide as much information suo motto to the public at regular intervals through various means of communication, including internet, so that the public have minimum

²¹ Section 5 of the FOI Act (UK) gives the Secretary of State power to designate private organizations as public authorities if either they appear to be performing functions of a public nature; or they are carrying out functions under contract with a public authority which would otherwise be up to the authority to provide. In case of Charities, the UK Act applies only when they are set up by the Crown, statute or a government department and have at least one nominee of the Crown or the government department.

As per the Promotion of Access to Information Act, South Africa, **Public Body** means-

- a) any department of state or administration in the national or provincial sphere of government or any municipality in the local sphere of government; or
- b) any other functionary or institution when-
 - i) exercising a power or performing a duty in terms of the Constitution or a provincial constitution, or
 - ii) exercising a public power or performing a public function in terms of any legislation;

Besides, under section 50 of the Act, it is provided that:

50 (1) A requester must be given access to any record of a private body if

- a) That record is required for the exercise or protection of any rights

²² For detail see, Second Administrative Reforms Commission, First Report. “Right To Information: Master Key to Good Governance”, June, 2006, p.44

resort to the use of this Act to obtain information”. Non-compliance of the Public Authorities with the provision of 4 1 (b) has been discussed with reference to the comments made on it by the CIC. Not only the CIC but also the SICs of different states have expressed concern pointing out that various public authorities have published information in haphazard manner and very often such information are not being made up-to-date. Non-compliance by the public authorities has been despite the fact that making suo motto disclosure available in the official language, periodic revision and its disclosure through single portal (disclosure of all public authorities under appropriate governments) have been strongly recommended²³. Studies on RTI have reiterated the concerns-“Some important details about the Public Authorities, which should be in the Public Domain under Section 4 (1) (b) of the RTI Act, are not available in all the states. This shows that the various Public Authorities have not taken this provision seriously and even after two and half years of the RTI Act have not implemented the provision” (Accessing Information under RTI: Citizens’ Experiences in Ten States, Society for Participatory Research in Asia, New Delhi, 2008) and “No/inadequate mechanism for monitoring proactive disclosure, resulting in low compliance with section 4 1 (b) of the RTI Act” (Understanding the Key Issues and Constraints in implementing the RTI Act, Price Water House Coopers, June, 2009). Taking a serious note of the matter, the Full Bench of the Commission (CIC), vide its Order No. CIC/AT/D/10/000111 dated 15/11/2010 under section 19 (8) (a) of the RTI Act, has directed all Public Authorities to fulfill their obligations stipulated in Section 4 of the Act as per time line laid down for each activity. The Commission has further directed that i) The information in compliance with Section 4 shall be uploaded by every public authority on the portal set up for the purpose by the CIC, ii) Every Public Authority shall designate one of their senior officers as “Transparency Officer” (with necessary supporting personnel as required), essentially an administrative arrangement for promotion of institutional transparency within the public authority. The Transparency Officers shall a) oversee implementation of provisions of Section 4 and apprise the higher echelons of the management about the progress, b) act as interface with CIC regarding progress of implementation of the provisions of Section 4, c) help promote congenial conditions for positive and timely response to RTI requests by CPIOs and deemed CPIOs, d) act as contact point for the public in all RTI related matters; and iii) Names of Transparency Officers shall be communicated to the Commission by every public authority (Central Information Commission, Annual Report 2010-11, p. 19).

Needless to mention, the framework provided by the RTI Act to ensure transparency and accountability and promote citizen-government partnership has helped in encouraging citizen

²³ For details see, Second Administrative Reforms Commission, First Report, “Right To Information: Master Key to Good Governance”, June, 2006, p. 32

activism. The information regime has created conducive condition for a citizen to have better understanding of how the government works or how a particular decision is reached. There are instances where the governance accountability tool has proved instrumental in quantitative and qualitative improvement in the delivery of services under welfare schemes. Use of RTI and its potential for deterrence has brought about transparency in the working of the government and its instrumentalities. The Transparency International in the year 2008 reported that perceived corruption in India has declined, due mainly to the implementation of the RTI Act. This is evident from corruption reduction score of 3.4 (out of 10) in 2008, after an initial rise of 3.5 in 2007, compared to 2.99 in 2006, which indicate a decline in corruption to the extent of 15%. The TI-CMS has elicited views of the poor in one of its all India surveys in respect of all the flagship programmes that have been implemented for alleviation of poverty. At least 40 percent of the respondents have reported that corruption has declined²⁴. Use of RTI has helped the CSO in grounding rights-based approach to development (information secured through RTI has helped in organization of Public Hearing and Social Audit). Information on the details of entitlement and demand of accountability from the duty bearers through the exercise of RTI has not only streamlined delivery of socio-economic services but also helped in involvement of the poor in designing and implementation of poverty alleviation programmes. There are instances where use of RTI has helped the poor in securing income and food security (through use of RTI to get information on the details of the scheme, utilization of fund, accountability of the duty bearers and other relevant details-plan, estimates, muster roll, bills & vouchres, beneficiary list, registers with regards to different schemes such as; Mahatma Gandhi National rural Employment Guarantee scheme (MGNREGS), Mid Day Meal Scheme (MDMS), Integrated Child Development Services (ICDS), Sarva Siskhya Abhiyan (SSA), Social Assistance Schemes (SAS), National Rural Health mission (NRHM), Jawaharlal Nehru National Urban Renewal Mission (JNNURM) etc. While the impact of the information regime on streamlining service delivery and good governance has already been discussed at length, no less is its potential for contribution to building human capital which remains to be understood in detail. In other words, right of access to information has to be looked at not only in terms of facilitating development or strengthening elements of good governance but also catalyzing development of agency among the poor and the marginalized.

²⁴ M.M. Ansari, "Right to Information and its Relationship to Good Governance and Development". Central Information Commission, New Delhi, 2009, p. 11

Conclusion

RTI Act satisfies a long standing demand of the people raised through various people's movements and gives content and meaning to the RTI recognized since 1973 by the Supreme Court as a concomitant of the fundamental right to freedom of speech and expression guaranteed under Article 19 (1) (a). RTI Act in setting out a practical regime for citizens to secure access to information has sought a paradigm shift in governance. This chapter has assessed the practical regime of RTI on the basis of i) review of literature, and ii) mapping the desired systematic changes vis-à-vis the changes brought about.

Available literatures on assessment of the practical regime have brought about the fact that there are huge pendencies at the commissions, laxity of the commissions and the commissioners in strict enforcement of penal provisions and failure of the commission to deal with the malafide intentions of the duty bearers in denying information. Studies have also pointed out the difficulties faced by the applicants on account of non-availability of a list of PIOs or a directory of PIOs, restrictive mode of payment of fees and non-compliance of the public authorities with the provisions of suo-motto disclosure. Lack of seriousness of the government in raising awareness, harassment and uncooperative officials and differing set of rules in India have been enumerated as constraints in realization of RTI by the citizens.

RTI regime requires structural, procedural and logistical changes with regards to record management in public authorities. Information management system in the public authorities hasn't been changed which explains for lack of ability of the public authorities in responding to the information requests. In the absence of development of a Ministry/ Department-wise catalogue and index of all the Public Authorities, it is difficult for the information seekers to access information and causes unnecessary paper work on account of transfer of application. Ambiguity of some terms such as; "Public Authority" and susceptibility to varying interpretations even after 7 years of implementation of the Act has proved to be deterrent in promoting citizen-government partnership and encouraging citizen activism. At the same time, the information regime has created conducive condition for a citizen to have better understanding of how the government works or how a particular decision is reached. There are instances where the governance accountability tool has proved instrumental in quantitative and qualitative improvement in the delivery of services under welfare schemes.

RTI in Practice: Mapping its Effectiveness

It is a contention beyond contest that use of RTI as a governance accountability tool/RTI in practice stands the most appropriate test of scrutiny in the socio-economic context of poverty and marginalization. In India, there is a penchant for looking at poverty and marginalization for all intents and purposes as rural poverty and marginalization of the rural community. However, there has been a change in the perception owing to urban poverty becoming a huge Indian reality. Urban poverty has linkage to rural poverty in terms of poor rural migrants moving to cities to find employment and food; as a result of which poverty has got an urban visage. With opportunities for employment and the ability to purchase food a person in urban area rides out of the purview of poverty assessment despite the fact that the demeaning physical and environmental condition in which he/she lives has a cost on the standard of living. Moreover, it needs to be understood that the scope of employment with which a person rises above the poverty line in an urban area is mostly in the unorganized sector that doesn't have security of job. Income of the urban poor is often under pressure as services related to water, sanitation, health, education and transportation are charged on it. Security of tenure is a vital issue in the context of the urban area since it is a criterion for basic services and any other facilities provided by the urban local body or the government. Inhabitants of urban slums face the problem of insecurity of tenure and are vulnerable to deprivation from basic facilities. Given the fact that poverty and marginalization has acute manifestation in urban slums, the study has sought to assess effectiveness of RTI in such locales. Sunder Nagari and New Seema Puri; two urban slums of the national capital have been taken as the study area.

Area Profile Sunder Nagari

Sunder Nagari is situated in the North East of Delhi. It is one of the largest resettlement colonies of the 1975-1976 Clean Delhi Drive by the GoI. As a result of the drive many displaced people migrated to the inner-city slum area of Sunder Nagari, which had been an authorized settlement by then. Following this mass migration more people started to move into the area from neighboring communities and from failing farms. The present population is around 70,000. This large community is mainly accommodated in 11 blocks (F-J) spread over 200 acres. A household in the locality has 5-8 members. Around 60% of the households own their dwellings and the rest i.e.; nearly 40% live in basic rental accommodation or in Jhuggis. Majority among the inhabitants are low wage earners such as; factory worker, security guards, clerks, shopkeepers (of small business), taxi drivers, auto drivers, mechanics, weavers, tailors and vegetable vendors (who operate from road-side carts). A considerable number of inhabitants come under the category of lowest earning class and most vulnerable to income insecurity such as; pedal-rickshaw pullers,

street-waste collectors (Rag-pickers) and there is growing unemployment. Sunder Nagari houses many 'poorest of the poor' of the national capital.

Most of the Sunder Nagari area has basic sanitation, water supply, and electricity service but standards vary accordingly to the type of accommodation. There are 6 primary schools in and around East Delhi but for higher education children travel to adjoining areas. Illiteracy or at best semi-literacy of the parents and crowded habitation pose difficulty for the children. Women used to have restricted stereotyped gender biased role. Exposure and dissemination of information has helped the women take up meaningful roles at the collective level with regards to health, education, community welfare, income generation and process of decision-making. However; the community in general and women and children in particular, lack basic health care services, education and other basic amenities.

There are only 6 MCD primary schools (2 in B Block & 3 in E Block) at present which are inadequate to cater to the large segment of population. The schools are overcrowded and congested with more students than their capacity. They are deficient in terms of staff, class rooms and facilities with regards to drinking water and sanitation. Two Government Secondary schools prove quite inadequate to cater to huge population of Sunder Nagari. Pupil-teacher ratio of the schools is not as per the norm. Children also go to the Secondary Schools located in Nand Nagari or New Seema Puri. The schools at Nand Nagari and New Seema Puri also lack proper infrastructure such as; drinking water and toilets. The quality of education provided to the students is sub standard as a result; rate of dropout after class 6th is very high. The teachers fail to motivate the students who belong to a socio-economic category which is vulnerable to drop out.

There are only 14 Anganwadi Centers in order to cater to the population of around 1.5 lakh which is inadequate; to say the least. The centers hardly open except for distribution of daliya. Pre-school education, growth monitoring of children, health check-ups, immunization and referral services; the other components of ICDS are perfunctorily done. Therefore; it is no wonder that people are mostly unaware about their entitlements under ICDS.

Area Profile of New Seema Puri

New Seema Puri is a 30 years old settlement; a large part of which consists of JJ Clusters/Slums. The area continues to be deprived of the basic amenities in spite of having been resettled more than two decades ago. Census data states that the population of New Seema Puri is 40000; while the actual Graphure is more than 50000. Such a discrepancy snowballs into creation of inadequate infrastructure and provision of sub-standard basic services. Inhabitants are mostly migrants from different parts of Uttar Pradesh, Uttarakhand, Assam and West Bengal. Most of

them belong to Muslim and Dalit community. Since the inhabitants have been staying in the area for so long, they have lost all contacts with their native villages. Denial of voter ID Card to the inhabitants by the government makes things worse for them. This issue has an obvious implication for all the inhabitants; but has been a major concern for the Muslims. Muslim inhabitants of the locality who have migrated from Assam are considered as immigrants from Bangladesh. It explains for 91% of the inhabitants of E block denied Voter ID Cards. Houses are mostly *kuchha* and a few households own *pucca* and semi-pucca houses. The primary occupations of the inhabitants are daily wage labour, driving, rag picking, construction labour, street vending and petty trade. The water supply facility is available only in a section of this colony. Only 7% of the households have the facility at home through pipe connection; while 79% of the households avail water from the community stand posts. Water supply in summer becomes very irregular and scarce that proves inadequate in terms of catering to the needs of the community. Some of the houses have soak-pit toilets, while most of the people use community toilet or resort to open defecation. Around 65% of people pay for using community toilets. 16% of the households have Above Poverty Line (APL) card, 28% Below Poverty Line (BPL) card and 9% Antodaya (AAY) card whereas; 48% don't have any card. Furthermore; 53% of the ration cardholders do not get regular ration from FPS. The inhabitants point out that the irregularities have often been brought to the notice of the concerned department.

There is only one primary school in the locality with inadequate infrastructure and teachers which explains for nearly 800 non-school-going children in the age group of 5 to 14 years. The government dispensary is no better with shortage of medicine and irregularity of attendance by the doctors. For instance, only 14% of the inhabitants of E-Block access health services provided in government hospitals. Number of Anganwadi Centres in the locality is less than what it ought to be. Pardarshita, a non-governmental organization has put up effort to open more Anganwadi centers. Opening of new Anganwadi centers and making these centres functional as per the norms of early childhood care is the felt need of the area with large number of left out children in the locality. The status of Anganwadi Centres in New Seema Puri is no better than that of Sunder Nagari. The centers hardly open except for distribution of daliya. Pre-school education, growth monitoring of children, health check-ups, immunization and referral services; the other components of ICDS are perfunctorily done.

Plots in the locality have been allocated and sold illegally to property dealers while the inhabitants live under polythene sheets. Schemes and programs for the urban poor and poverty alleviation are either non-functional or accessible to a limited segment. Community is denied access to most of the government schemes and services like ration cards and ration from fair

price shops (FPS), admission in government schools, availability of clean drinking water, voter ID card and widow/old age pension. The problems of sewerage, road, Voter ID Card, insecurity of livelihood and inaccessibility to basic services are the most important issues and concerns, according to the inhabitants. Complaints on sub-standard government services are often lodged but never redressed.

Area profile of Sundar Nagari and New Seema Puri is a delineation of poverty and marginalization where the inhabitants are deprived of the basic amenities essential to lead a life with dignity. Needless to mention, RTI Act has been enacted ensuring right of access to information to address the development and empowerment deficit of an area and its people such as Sundar Nagari and New Seema Puri. Taking the existential reality of the area into account, the study on mapping effectiveness of RTI has been grounded in these urban slums of the national capital. Furthermore, use of RTI has been studied in relation to PDS and Education given the fact that they have significant effect on the lives of the poor, that too those who inhabit urban slums.

Use of RTI

Structured questionnaire was canvassed among RTI users who have filed applications on the issues of PDS and Education with respective departments. Among the RTI users, 47.5 percent are female and 52.5 percent are male. Of the sample RTI applications, 60 percent have been used on PDS and 40 percent on the issues related to Education. Given the fact that the study adopted the methodology of random sampling rather than purposive sampling; the gender disaggregation of the applicants establishes the fact that the knowledge and use of RTI is evenly distributed among men and women. Moreover; larger numbers of RTI applicants seek to ventilate their grievances on denial of rights with regards to PDS compared to on the issues of Education.

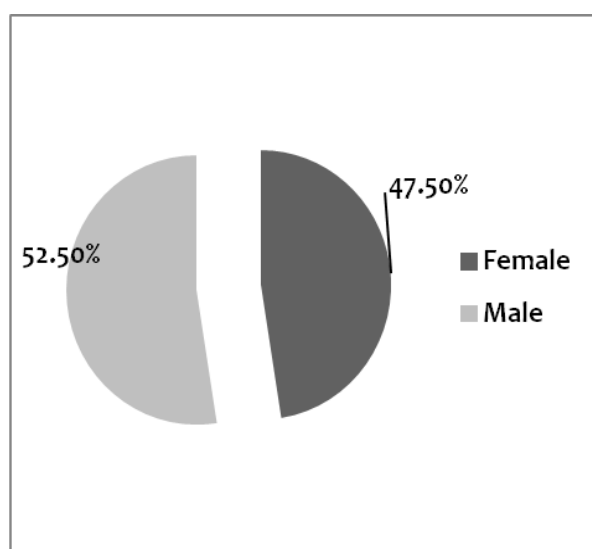


Figure-1: Gender disaggregated analysis of RTI Users

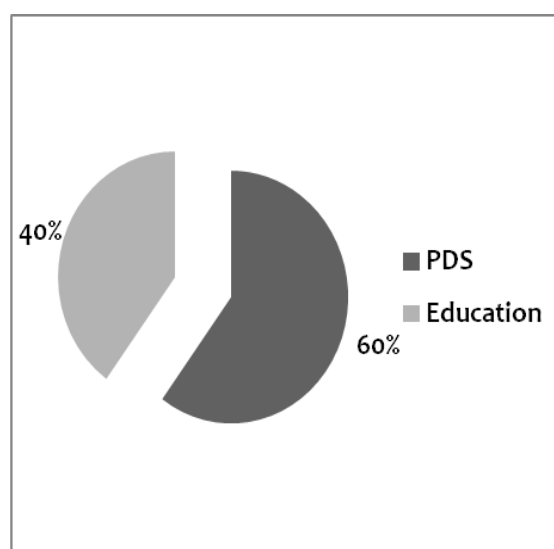


Figure-2: Issue wise analysis of RTI Filing

Users of RTI

Among the sample users of RTI, 48 percent of the RTI users possess BPL card. It is important to note that the issue of getting Voter ID Card and BPL card has been a nagging problem. Study of the RTI applications has brought out the fact that many of the RTI applications have been filed on denial of BPL card to the inhabitants of the area. Therefore; the proportion of persons belonging to BPL category among the RTI users is certainly more than what the quantitative data has brought out.

Similarly; among the RTI users, 20 percent have attended workshops and trainings on RTI; while the rest have not got such exposure. More than 91 percent of the RTI users face difficulty in filing RTI. Such difficulty is owing to non-cooperation of the public authorities, especially the PIOs and absence of citizen facilitation service. Furthermore, 14 percent of the RTI users point out that they had faced threat for the reason that they applied for information under RTI.

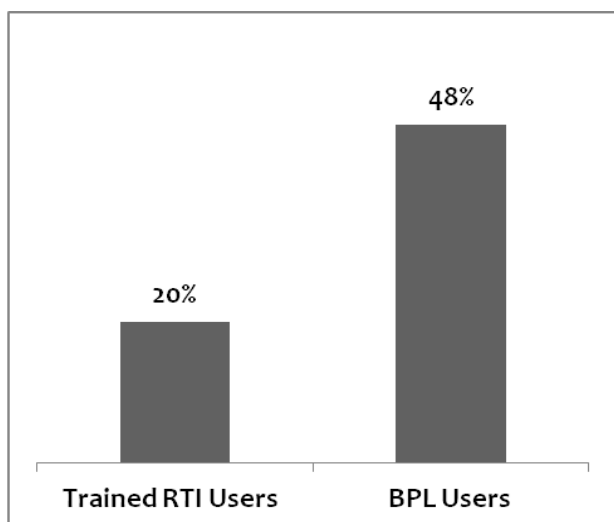


Figure-3: RTI Users: Trained vis-à-vis Non-trained, BPL Vis-à-vis Non-BPL

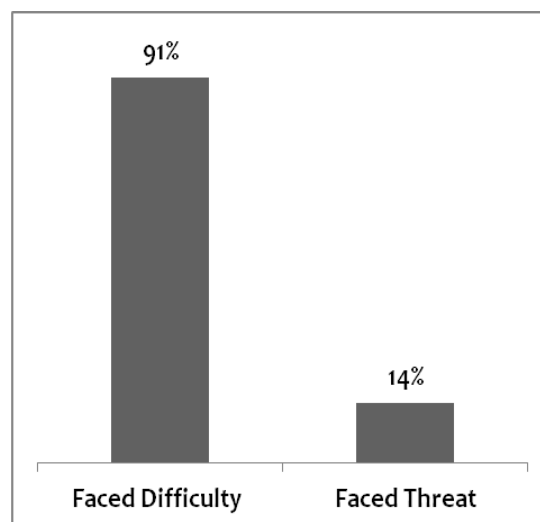


Figure-4: Issues in Filing RTI

Types of Information

A citizen saddled with the problem of non-accountability and non-responsiveness from the administration seeks Information on i) why the problem has occurred, ii) who deals with the problem, iii) rules and provisions related to the issue, iv) what action has been taken to solve the problem, iv) what action has been taken on past complaints, v) how long it would take to resolve the problem, and vi) what can be done to resolve the problem.

Information requests sought through RTI applications on PDS have been on the following specific points;

- i) The reason for unduly long time taken by the department (Food & Supplies Department, NCT of Delhi) to issue AAY Card. The reason for cancellation of ration card, list of cards finalized after review (Thumb Impression Review), list of cards cancelled in a particular circle, whether notices had been issued before cancellation of the cards, certified copies of the notices and dispatch proof of the notices
- ii) Copy of the daily progress report on the applications for BPL/AAY card, name, designation, phone number, address and time taken by each official given responsibility to process the file regarding BPL/AAY applications, copy of rules which state the time duration to process the BPL/AAY application, whether any official has been held responsible for dereliction of duty in matters related to undue delay in processing of BPL/AAY applications, the name, designation and phone number of persons responsible for delay in processing of BPL/AAY applications, the action that can be taken against the officials responsible for the delay and the time by which action would be taken, time duration when the particular applicant would be given BPL/AAY card
- iii) Details of particular FPS with regards to-Photocopy of APL Stamping list, photocopy of list of name & address of BPL Card holders, photocopy of ration cards of BPL cardholders, photocopy of AAY cards, photocopy of stock register, photocopy of daily sales register, photocopy of the Master Card register which contains the photo of the card holder and name of the family members, photocopy of the cash memo, photocopy of the Command Manual
- iv) Details of the officer and the actions taken with regards to a complaint lodged earlier with the public authority (Food & Supplies Department), details of the officer who investigates the matter related to irregularity in issue of ration card, details of the officer who takes action on the complaints and number of days taken for commencement of actions since the complaint is filed
- v) Information regarding amendment of residential address, the reason and the person responsible for making mistakes in recoding of such information
- vi) Total number of BPL and AAY Cards in each of the circle of the district before and after Bio Metric Mark procedure
- vii) List of all the FPS shop-keepers who have been served show cause notice, copy of the statements provided by the FPS shop-keepers in response to such show cause notices, decision taken by the Food and Supplies Department following the show cause
- viii) Non-compliance of the FPS with certain obligations under the PDS Control Order 2001 according to which it is the duty of every Fair Price Shopkeeper has to display information on a notice at a prominent place in the FPS on a daily basis regarding a) list of BPL and Antyodaya

beneficiaries, b) entitlements of essential commodities, c) scale of issue, d) retail issue prices, e) timings of opening and closing of FPS, f) stock of essential commodities received during the month, g) opening and closing stock of essential commodities, and h) the name of authorities for redressal of grievances/ lodging complaints with respect to quality and quantity of essential commodities under the PDS.

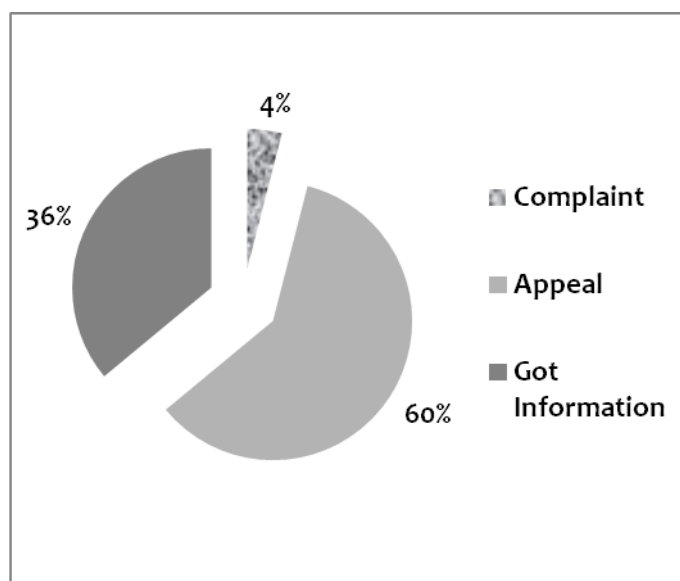
Information requests sought through RTI applications on Education have been on the following specific points;

- i) Details of the children who had applied for admission, details of the children who have been selected for admission, copy of documents submitted by the parents, CD of the video recording done at the time of admission in respect of admission given under Economically Weaker Section (EWS) quota in specific schools
- ii) Compliance with the requirement of installation of Board by the schools specifying information related to admission under EWS quota
- iii) Inspection of records available with private unaided schools
- iv) Non-compliance with the requirements of dissemination of information on quota in schools for students from the EWS
- v) Reason for non-compliance with the order of the CIC on dissemination of information with reference to admission under EWS quota and its mandatory inclusion u/s 4 of RTI Act
- vi) How much PTA Fund, Pupil Welfare Fund and VKS Fund was collected by the school or received, copy of the guidelines for utilization of PTA Fund, Pupil Welfare Fund and VKS Fund, utilization of PTA Fund, Pupil Welfare Fund and VKS Fund, inspection of all documents/ bills/ vouchres/ day book/ ledger related to expenditure from PTA Fund, Pupil Welfare Fund and VKS Fund
- vii) Details of amount approved for annual function during a particular year for a particular school and copy of spent amount
- viii) Information on the appointment of the incumbent principal in different positions, tenure and percentage of result in class 10th, 11th and 12th

Analysis of the information requests shows that the applicants through RTI have demanded accountability (reason for non-compliance with the order of the CIC on dissemination of information with reference to admission under EWS quota and its mandatory inclusion u/s 4 of RTI Act and non-compliance of the FPS with certain obligations under the PDS Control Order 2001), responsiveness (details of the officer and the actions taken with regards to a complaint lodged and number of days taken for commencement of actions since the complaint is filed),

transparency (inspection of all documents/ bills/ vouchres/ day book/ ledger related to expenditure from PTA Fund, Pupil Welfare Fund and VKS Fund), efficiency (the name, designation and phone number of persons responsible for delay in processing of BPL/AAY applications, the action that can be taken against the officials responsible for the delay), predictability (copy of the guidelines for utilization of PTA Fund, Pupil Welfare Fund and VKS Fund) restating governance idioms in terms of citizen participation and interest effecting a change in the relationship of the governed with the government.

Response to RTI Applications



Of the total sample RTI applications filed by the applicants of the study area, 36 percent got the information they sought. Given the types of information the applicants had sought, securing information could solve their problem. However, 4 percent of the total applications had to resort to Complaint in the absence of response from the public authorities. Furthermore, 60 percent of the RTI

Figure-5: Response to RTI Applications

applications had to be followed up with 1st Appeal. The fact that 64 percent of the applications were not responded upto the satisfaction of the applicants points to failure of the public authorities in meeting the expectations of the people. Instances of denial to accept RTI application on flimsy ground even after 5 years of enactment of RTI is a sad commentary on the attitude of the officials.

CENTRAL INFORMATION COMMISSION

Decision No. CIC/SG/C/2010/000724/12837

Complaint No. CIC/SG/C/2010/000724



Fig-6: Samina, RTI user

Complainant : Samina, E – 43/A-226 D, New Seema Puri, Delhi

Respondent(1) : Mrs. Shashi Kanta Dass, APIO & Vice-Principal, G.S.K.V., New Seemapuri, Delhi, 110095

Respondent(2) : Public Information Officer, Deputy Director of Education(IEDSS), GBSSS, Begampur, MMTC Colony, Delhi

Facts arising from the Complaint:

The Complainant had gone to file an RTI application dated **15/05/2010** with the APIO & Vice-Principal, GSKV, New Seemapuri, Delhi on 15/05/2010 asking for certain information. Since the said RTI application was addressed to the PIO, Deputy Director of Education, (IEDSS), GBSSS, Delhi, the APIO & Vice-Principal Mrs. Shashi Kanta Dass refused to accept the same. The Complainant has written to the Commission bringing out these facts to express his dissatisfaction. In accordance with Section 18(1) of the Right to Information Act, 2005, the Commission has registered this as Complaint.

The Vice-Principal Mrs. Shashi Kanta Dass being an APIO cannot refuse to receive the RTI application merely on this ground that the application is addressed to the PIO, Deputy Director of Education, (IEDSS), GBSSS, Delhi. Section 5(2) of the RTI Act provides that a Public Authority may appoint an Assistant Public Information Officer whose duty is to forward RTI Applications to the PIO. Section 5(2) reads-

Section 5(2) *Without prejudice to the provisions of sub-section (1), every public authority shall designate an officer, within one hundred days of the enactment of this Act, at each sub-divisional level or other sub-district level as a Central Assistant Public Information Officer or a State Assistant Public Information Officer, as the case may be, to receive the applications for information or appeals*

under this Act for forwarding the same forthwith to the Central Public Information Officer or the State Public Information Officer or senior officer specified under sub-section (1) of section 19 or the Central Information Commission or the State Information Commission, as the case may be:

From the facts before the Commission it appears that the APIO & Vice-Principal Mrs. Shashi Kanta Dass of GSKV, New Seemapuri, Delhi has acted against the provisions of the RTI Act. The Head of the School is directed to ensure that appropriate procedures are put in place in the school for receiving RTI applications on all working days during the working hours.

In view of the provisions of the RTI Act, there is no reason why a RTI Application should not be accepted when addressed in the name of PIO. The Head of the School should ensure in future that RTI Applications are not returned on such flimsy grounds. The Commission also directs the Head of the School to make such arrangements wherein the RTI Applications are received and subsequently forwarded to concerned Public Information Officer. Further, the APIO & Vice-Principal is directed to ensure that information is provided on the RTI Application dated 15/05/2010 of the Complainant in the present matter by concerned Public Information Officer before **07/07/2011**. A compliance report should be sent to the Commission before **14/07/2011** in this regard.

Shailesh Gandhi
Information Commissioner
10 June 2011

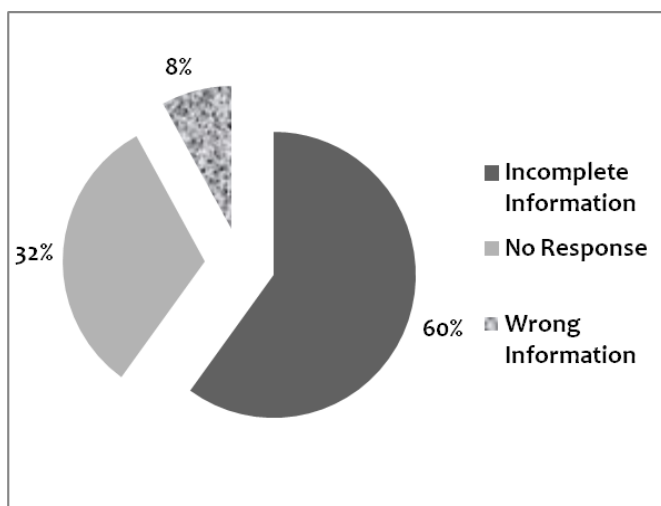
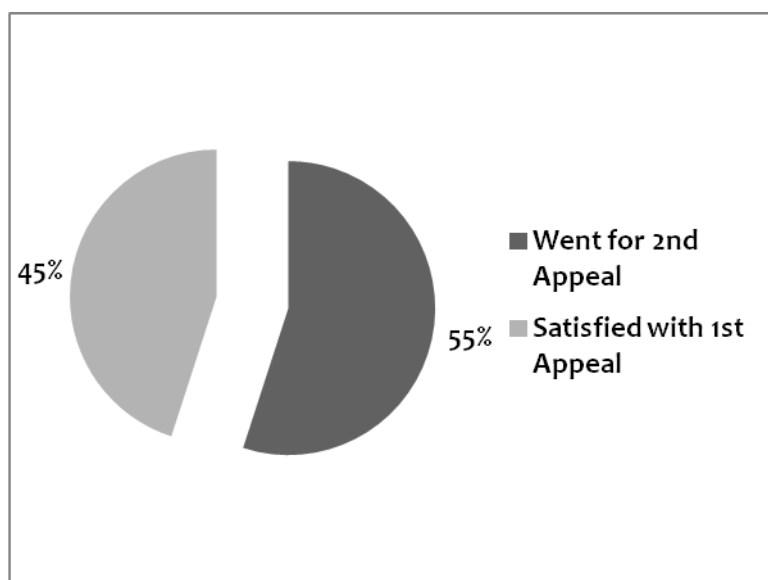


Figure-7: Reasons for First Appeal

Incomplete information, wrong information and non-response of the public authorities within 30 days of filing RTI applications have been the reason for the applicants to file 1st appeal. While 8 percent of the applicants filed 1st appeal because they got wrong information, 32 percent had to resort to 1st appeal on account of non-response of the

public authority within stipulated time. A large proportion of the appellant went for 1st appeal owing to provision of “Incomplete Information”.

First Appeal



60 percent of the total applications filed by the applicants went for 1st Appeal. The reasons for 1st appeal by the appellants have already been discussed. Out of the total appeals with the 1st Appellant Authority, 55 percent took recourse to filing of 2nd appeal. It is evident from the interaction with the appellants that the

Figure-8: Efficacy of FAA

information asked for was not provided despite the orders of the 1st Appellate Authorities (See, CIC/WB/A/2007/00042 Dated 11/01/2007). There are also instances where the FAAs have passed orders without verifying the fact and as a result; have failed to satisfy the appellants (Decision No.CIC/SG/A/2010/003056/10513). Perusal of the judgments of Information Commissions brings out the facts as well.

Given below an instance where the PIO has not complied with the order of the FAA;

CENTRAL INFORMATION COMMISSION	
	CIC/WB/A/2007/00042 Dated 11/01/2007
Appellant: Shri Arif Hussain	
Respondent: Directorate of Education (District North), Govt. of N.C.T. of Delhi.	
Decision	
The applicant, Shri Arif Hussain of Sunder Nagari, Delhi has submitted an application under the Right to Information Act, 2005 seeking information from the PIO, Deputy Director of Education on 04/10/2006. Since the information provided by the PIO was not satisfactory, the applicant approached the First Appellate Authority u/s 19(1) of the RTI Act. The First Appellate Authority Regional Director East by his order of 23/11/2006 has directed the PIO to furnish the information sought as follows:	
“The PIO has provided information that direction to install proper board has been issued to Nutan Vidya Mandir School, GTB Enclave, Nand Nagri, Delhi. It should be confirmed whether, the school authorities have complied with the directions of the department and the notice board of the appropriate size has been installed or not. The applicant be informed accordingly, within 15	

days.”

The applicant has approached this Commission submitting, *inter-alia*, that in spite of the orders passed by the first Appellate Authority, the PIO has not complied with the orders and the information requested has not been furnished till date.

From the facts above, it appears that it is a case of malafide denial of Information by the PIO. However since it is the responsibility of the First Appellate Authority to ensure that the orders passed by it are duly complied with by the PIO, the **Commission, therefore, has decided to remand the case back to the First Appellate Authority to ensure that its orders under section 19(1) are duly complied with** and the requested information furnished in terms of the order so passed.

If the compliance is not ensured within 15 days from the date of receipt of this order, the FAA should approach this Commission for initiation of proceedings under section 20 of the RTI Act for imposition of penalty and/or recommending appropriate disciplinary action. This will be without prejudice to the right of the First AA to initiate other penal action under the Indian Penal Code against the PIO for willful violation of lawful orders promulgated by a public servant while exercising statutory powers.

With these directions, the appeal is disposed of. Notice of this decision be given free of cost to the parties.

(Wajahat Habibullah)

Chief Information Commissioner

10.07.2007

Given below an instance of FAA passing order without verifying facts;

Central Information Commission

Decision No. CIC/SG/A/2010/003056/10513

Appeal No. CIC/SG/A/2010/003056



Fig-9: Rajiv Kumar, RTI Activist

Relevant Facts emerging from the Appeal:

Appellant : Mr. Rajiv Kumar, F- 185, 186, New Seema Puri, Delhi- 110095

Respondent : Mr. Mange Ram, Public Information Officer & Assistant Commissioner (North-East)
Food & Supplies Department, GNCTD, Bunker Vihar, Nand Nagri, New Delhi- 93

RTI application filed on : 28/06/2010

PIO replied : 30/07/2010

First appeal filed on : 27/08/2010

First Appellate Authority order : 08/09/2010

Second Appeal received on : 28/10/2010

Information Sought:

The appellant had sought information regarding the number of BPL Cards registered after the Bio-Metric Thumb Impression, in Circle- 63 and the computerized list of the same.

- 1- After completion of Bio-metric Thumb Impression how many BPL Cards were registered in Circle-23?
- 2- Give computerized list with photographs of all the Registered BPL Cards after Bio-Metric Thumb Impression in Circle-23.

Reply of the PIO:

PIO replied to the application accordingly.

First Appeal:

Incomplete information provided by the PIO of circle- 63.

Order of the FAA:

PIO has provided complete information, as asked by the appellant.

Ground of the Second Appeal: Incomplete and incorrect information provided by the PIO.

Relevant Facts emerging during Hearing:

The following were present:

Appellant : Mr. Farhan representing Rajiv Kumar;

Respondent : Mr. Mange Ram, PIO & Assistant Commissioner;

The PIO had informed the Appellant that information with respect to query-02 is available on the Website of the Department. The Appellant could not locate it on the website and hence he filed the first appeal. The First Appellate Authority (FAA) suggested to the Appellant he should visit the office of the PIO so that it could be shown to him where the information is available on the website. The Commission has opened the website of the Food & Supplies Department at

http://delhi.gov.in/wps/wcm/connect/doi_food/Food/Home/Ration+Card+Details and could not find the information which the appellant had sought. The PIO also could not show the location of the information. Hence it appears that the PIO had provided false information to the Appellant. Whenever a PIO states that certain information is available on the website he should mention the web-address in the reply.

Decision:

The Appeal is allowed.

The PIO is directed to provide the information sought in query-02 by attested photocopies to the Appellant before 10 January 2011.

The issue before the Commission is of not supplying the complete, required information by the PIO within 30 days as required by the law. From the facts before the Commission it appears that the PIO is guilty of not furnishing information within the time specified under sub-section (1) of Section 7 by not replying within 30 days, as per the requirement of the RTI Act. He has further refused to obey the orders of his superior officer, which raises a reasonable doubt that the denial of information may also be malafide. The First Appellate Authority has clearly ordered the information to be given.

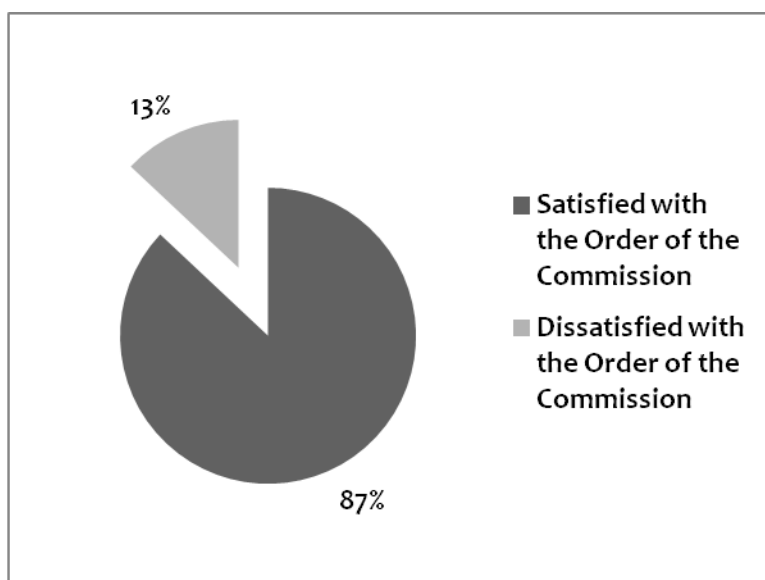
It appears that the PIO's actions attract the penal provisions of Section 20 (1). A showcause notice is being issued to him, and he is directed give his reasons to the Commission to show cause why penalty should not be levied on him.

He will present himself before the Commission at the above address on **13 January 2011 at 12.00pm** along with his written submissions showing cause why penalty should not be imposed on him as mandated under Section 20 (1). He will also submit proof of having given the information to the appellant.

If there are other persons responsible for the delay in providing the information to the Appellant the PIO is directed to inform such persons of the show cause hearing and direct them to appear before the Commission with him.

Shailesh Gandhi
Information Commissioner
20 December 2010

Second Appeal

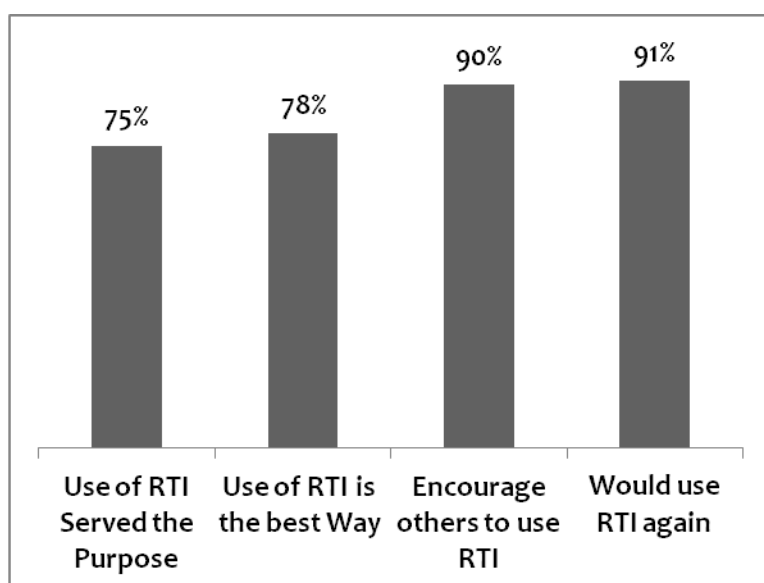


The ineffectiveness of FAA in addressing the information needs of the people has already been discussed. It explains the fact that more than half of the appeals (55 percent) come for hearing to the Information Commission. Among the appellants, 87 percent have expressed satisfaction over the orders of the Commission. The

Figure-10: Efficacy of Information Commission

orders of the Information Commission has not only helped the appellant get his/her entitlements but also strengthened the RTI regime with direction to comply with the norms of disclosure.

Outcomes



The opinion of the RTI users of the study area was canvassed on four questions; i) whether use of RTI served the purpose, ii) are there better ways and means to get the work done other than using RTI, ii) whether they would encourage others to use RTI, and iv) whether they would use RTI again to get things done. 75 percent of the respondents

Figure-11: Efficacy of RTI as a Governance Accountability Tool

replied that use of RTI has served the purpose for which it was used. 78 percent pointed out that use of RTI is the best way to get things done. While 91 percent said that they would prefer to use RTI again, 90 percent of the respondent pointed out that they would encourage others to use RTI.

Perusal of the case records related to appeals and complaints points to the following broad outcomes;

- Securing entitlements by the applicants (subsidized food items under PDS, admission under EWS quota) and demanding accountability from the duty bearers of the Public Authorities. The case narrated below delineates an instance where the applicant files RTI seeking the reasons for cancellation of her BPL card and denial of ration under PDS. The Information Commission hearing the case fixed the blame on the government for depriving the appellant of her BPL entitlement, awarded compensation for the loss and detriment suffered by the appellant in pursuing the first and second appeal and directed the Food Commissioner to provide information to the appellant outlining the reasons why the rations have not been provided to her as also determining the responsibility on the officers responsible for this.

CENTRAL INFORMATION COMMISSION

Decision No. CIC/SG/A/2010/003111/10595

Appeal No. CIC/SG/A/2010/003111

Relevant Facts emerging from the Appeal

Appellant : Smt. Shahana Begum, E – 44/B, 3/3, New Seema Puri, New Delhi - 110095

Respondent : Mr. Mange Ram, Public Information Officer & Assistant Commissioner (North-East),

Food and Supply Department, Government of NCT of Delhi, Bunker Bhawan, Nand Giri, New Delhi - 110002

RTI application filed on : 12/08/2010

PIO replied : 07/09/2010

First appeal filed on : 06/10/2010

First Appellate Authority order : 08/10/2010

Second Appeal received on : 03/11/2010

Information Sought:

The details for cancelling the ration card after Thumb Impression Review was sought with the reasons attached. Whether any notice was given to the holders before cancelling the cards. Appellant also asked for the list of names whose cards have been finalized after Thumb Impression Review.

Reply of the Public Information Commissioner:

The list of card holders whose cards have been finalized after Thumb Impression Review has been put on the website delhigovt.nic.in. Only the card without the review has been cancelled and they can be made operational with an application, identity card, Electricity Bill with Rs. 8.

The list for cancelled cards can be taken after the payment of Rs. 52.

Grounds for the First Appeal:

The information given by the PIO was unsatisfactory and incomplete. Further they asked for money to give information when they knew that appellant was a below poverty line candidate.

Order of the First Appellate Authority (FAA):

The case was remanded to the PIO to give point-wise specific reply to the appellant within 07 days of order.

Grounds for the Second Appeal:

The Appellant is not satisfied with the information provided by the PIO and has preferred the 2nd appeal in order to get correct and complete information free of cost.

Relevant Facts emerging during Hearing:

The following were present:

Appellant : Smt. Shahana Begum

Respondent : Mr. Mange Ram, Public Information Officer & Assistant Commissioner (North-East);

The Appellant has a BPL Card which was reviewed and supposedly updated after taking biometric data. The result of this exercise was that she had a BPL Card but the ration supplies to her were stopped. The Appellant therefore assume that her ration card was cancelled. She has sought information about cancelled ration cards but the fact is that her ration card has not been cancelled. The response to this shows the gross inefficiency of the Food and Supplies Department.

The Respondent admits that because of an error in the computer program thousands of BPL persons whose biometric data was collected have been denied ration supplies. The Appellant is one of the unfortunate people who are not getting their ration supplies. Thus a completely incompetent and inefficient modernization program to have biometric data has resulted in thousands of persons being deprived of their BPL entitlement. It is also a fact that the information was not provided in time. Within 30 days an illegal demand for additional fee was made though the Appellant is a BPL Card holder. The information has finally been provided only in December and even then no reason for the cancellation of the card in the computer system has been provided to the Appellant. Even after such a long period the Department has been unable to tell a BPL card holder why she is not getting her due entitlements. This shows that the Government's program to ensure that the poor get their entitlement has not been able to

deliver even in the capital of this country because of gross inefficiency. The Commission certainly realizes that the Appellant has been put through unnecessary harassment because of the incompetence of the Department. The Commission sees this as a fit case of award of compensation for the loss and detriment suffered by her in pursuing the first and second appeal for trying to establish her basic right to get food grains at a rate promised to her.

Harassment of a common man by public authorities is socially abhorring and legally impermissible. It may harm him personally but the injury to society is far more grievous. Crime and corruption thrive and prosper in the society due to lack of public resistance. Nothing is more damaging than the feeling of helplessness. An ordinary citizen instead of complaining and Graphhting succumbs to the pressure of undesirable functioning in offices instead of standing against it. Therefore the award of compensation for harassment by public authorities not only compensates the individual, satisfies him personally but helps in curing social evil. It may result in improving the work culture and help in changing the outlook.

The Commission under its powers under Section 19(8)(b) of the RTI Act awards a compensation of Rs.2000/- for the loss and detriment suffered by her in pursuing this appeal.

Decision:

The Appeal is allowed.

The PIO is directed to provide the reasons why the Appellant's ration has been stopped since August 2010 to the Appellant before 10 January 2011.

The PIO is directed to ensure that a cheque for compensation of Rs.2000/- is given to the Appellant before 30 January 2011.

The Commission directs the Food Commissioner under its powers under Section 19(8)(a) to provide information to the Appellant outlining the reasons why the rations have not been provided to her as also determining the responsibility on the officers responsible for this. The Food Commissioner will send the information to Commission and the Appellant before 30 January 2011.

Shailesh Gandhi
Information Commissioner
23 December 2010

- RTI has helped in restating governance idioms in terms of citizen participation and interest effecting a change in the relationship of the governed with the government. In the instant case narrated below, the complainant brought to the notice of the Commission filing Complaints that the Department was not meeting certain obligations under the PDS Control Order. The Commission directed that information should be displayed at every Circle Office of

the Department as per the requirements of PDS Control Order 2001. Taking into account the sample display print of the information that may be displayed outside each FPS which was brought by the Complainant, the Commission directed that such information will be displayed at the FPSs under the Department.

CENTRAL INFORMATION COMMISSION

Decision No. CIC/SG/C/2009/001619; 001621; 001622/6047

Complaint No. CIC/SG/C/2009/001619; 001621; 001622

Complainant : Mr. Rajiv Kumar, c/o Pardarshita, F-185, 186, New Seema Puri, Delhi 110095

Respondent : The Food Commissioner, Assistant Commissioners (HQ/RTI, North East, West, North West, New Delhi, South, Central, East, North, South West), Department of Food & Supplies, Govt. of NCT Delhi

Facts arising from the Complaint:

It has been brought to the notice of the Commission vide four Complaints filed by Mr. Rajiv Kumar that the Department was not meeting certain obligations under the PDS Control Order. According to PDS Control Order 2001, it is the duty of every Fair Price shopkeeper to “display information on a notice at a prominent place in the Fair Price shop on a daily basis regarding a) list of BPL and Antodaya beneficiaries, b) entitlements of essential commodities, c) scale of issue, d) retail issue prices, e) timings of opening and closing of Fair Price shops, f) stock of essential commodities received during the month, g) opening and closing stock of essential commodities and h) the name of authorities for redressal of grievances/lodging complaints with respect to quality and quantity of essential commodities under the Public Distribution System.

One of the complaints (Complaint No. CIC/SG/C/2009/001621) state that many of the Fair Price shops especially in circle 63 have not complied with the PDS Control Order 2001 and the disclosures have not been displayed. The information should have been displayed as part of obligations to make *suo moto* disclosures under Section 4 of the RTI Act.

Mr. Shailesh Gandhi, Central Information Commissioner, called a meeting on 21/12/2009 at the Commission’s office on this matter to discuss issues relating to disclosure of information on the Public Distribution System in Delhi. A notice dated 14/12/2009 was issued to all the Assistant Commissioners & PIOs of the Department and they were directed to attend this meeting. An Agenda of issues that were going to be discussed was enclosed along with the notice and the Assistant Commissioners were informed that appropriate directions will be issued by the Commissioner after giving the PIOs of every district/zone an opportunity to present his opinion.

Facts arising from the hearing held on 21/12/2009:

The following persons were present:

Complainant: Mr. Rajiv Kumar

Respondent: Ms. Jayshree Raghuram, Secretary-cum-Commissioner (F&S); Mr. SS Rathi, Jt. Commissioner; Mr. Kishore, Addl. Commissioner; Mr. Mange Ram, AC (North); Mr. KD Trehan, AC; Mr. Ajay Arora, AC (West); Mr. MK Sharma, AC (South); Mr. GS DHodi, AC (SW); Mr. Subhash Chander, AC (NW); Mr. HP Meena, AC (New Delhi); Mr. Mehresh, System Analyst; Mr. PP Baruah, Programmer

The Commission informed the Food Commissioner that complaints had been received from some citizen groups particularly Pardarshita, Satark Nagrik Sangathan and Sajha Manch that information should be available suo moto at the Circle Offices and the Fair Price Shops is not available.

The Commission discussed the various issues that were indicated in the Agenda which included information that must be displayed at the Fair Price Shops and the Circle Offices in compliance with the Department's own orders as well as requirements of Section 4 of the Right to Information Act 2005. After consultation with the Food Commissioner as well as others present, the Commission directs that the following information should be displayed at every Circle Office of the Department:

i) Copy of all ration cards along with photographs of individual card holders in the circle offices of Food and Supply Department, ii) All citizens should have access to daily sale register, and stock register under suo moto disclosure of RTI Act, iii) Name and designation of each official in the Circle office along with their stated roles and responsibilities, iv) Name and contact details of PIO's and FAA, v) Procedure to apply for new ration cards and the list of documents required, vi) Time frame for disposal of various applications (new cards, renewal, change of address etc), vii) Date of the next Vigilance Committee meeting and names of the members of the Committee, viii) Rights and privileges of ration card holders as per Section 6(7) of Annexe to PDS Control Order 2001, ix) List of documents present in the Circle Offices.

The Complainant brought a sample display print of the information that may be displayed outside each Fair Price Shop. Keeping this in view, the Commission directs that the following information will be displayed at the Fair Price Shops under the Department: i) Entitlement of essential commodities for all types of ration cards, ii) Scale of issue of each essential commodity for all types of ration cards, iii) Retail prices of each essential commodity for all types of ration cards, iv) Working hours of fair price shops, v) Stock of essential items received during the month, vi) Opening and closing stock of essential commodities, vii) Name, designation and

contact numbers of officials for redressal of grievances with respect to quality and quantity of essential commodities, viii) Daily updation of stock position information, ix) Information about inspection of records by any citizen on every Saturday except for second Saturday as per the PDS Control Order dated 15/06/2006, x) Display of samples of food grains being supplied through fair price shops.

The Food Commissioner has given a commitment to the Commission that she will ensure that the afore-mentioned information will be displayed before 31 January 2010.

Decision announced on 22 December 2009:

The Complaint is allowed.

The Department will ensure that the afore-mentioned information is displayed in the Circle Offices and the Fair Price Shops before 31 January 2010. A compliance report will be sent to the Commission before 05 February 2010.

Shailesh Gandhi
Information Commissioner
22 December 2009

- The common man has been able to seek transparency from the officials and Public Authorities and using RTI has compelled the officials and the Public Authorities to comply with such demand driven transparency. The applicant, among others, asked for inspection of the bill related to receipt and expenditure of amount received from the department for PW, PTA, VKS, Eco (Lab) and Science (Lab) for the session 2007-08, 2008-09, 2009-10 and 2010-11. After the order of the FAA he inspected the records at the school and obtained all the information.

CENTRAL INFORMATION COMMISSION

Decision No. CIC/SG/A/2010/002897/10366

Appeal No. CIC/SG/A/2010/002897

Relevant Facts emerging from the Appeal

Appellant: Mr. Love Kumar Pathak, C-10, New Seema Puri, Delhi – 110095.

Respondent: Mr. R. N. Sharma, Public Information Officer & Dy. Director of Education (North East), **Directorate of Education (GNCTD)**, District North East, Yamuna Vihar, Delhi.

RTI application filed on : 24/07/2010

PIO replied : 12/08/2010

First appeal filed on : 14/09/2010

First Appellate Authority order : 30/09/2010

Second Appeal received on : 11/10/2010

The Appellant had sought information regarding GBSS School, New Seema Puri, and had issue on

following points.

Sl.	Information Sought	Reply of the PIO
2	Details of appointment of principal in various other schools prior to the joining the said school and name of the school, Tenure and percentage of result in class 10th, 11th and 12th.	Details had been given in tabular form.
3	Details of receipt and expenditure of amount received from the department for PW, PTA, VKS, Eco (Lab) and Science (Lab) for the session 2007-08, 2008-09, 2009-10 and 2010-11.	As above.
4	Request for inspection of the bill related to work in the above said para.	The Appellant was requested to visit the office for inspection on 18/08/2010 at 4 p.m.
7	Copy of the order/circular of the department related to historical place tour (out of Delhi) in 2009-10.	Number of students 42, number of teachers 03. List could be obtained during the inspection.
10	Details of amount approved for annual function during the tenure of Mr. Jalim Singh and copy of spent amount.	Details had been given and the List could be obtained during the inspection.

First Appeal:

Incomplete and unsatisfactory information provided by the PIO.

Order of the FAA:

On perusal of the records it was found that the PIO has already given the information which was readily available with him and requested the Applicant to visit the school for inspection of the records. The PIO DDE (NE) is hereby directed to provide the rest of the information as per the provisions of the RTI Act 2005 within a week's time. The applicant may visit the school for inspection of the records as asked by the PIO.

Ground of the Second Appeal:

Incomplete and unsatisfactory information provided by the PIO and no action taken by the FAA.

Relevant Facts emerging during Hearing:

The following were present:

Appellant : Mr. Love Kumar Pathak;

Respondent : Mr. C. M. Sharma, UDC on behalf of Mr. R. N. Sharma, PIO & DDE(NE);

The Appellant admits that after the order of the FAA he has gone and inspected the records at the school and obtained all the information on 21/10/2010.

Decision:

The Appeal is disposed.

- Use of RTI has helped the applicants strengthen RTI regime and bring relevant information to public domain. The Commission received a letter on non-compliance of the Directorate of Education and the schools with the direction of the Commission on disclosure of information related to EWS quota. The Commission directed the Director, Education to ensure that display of the information on EWS is implemented in compliance of Section 4 requirements. The Department was asked for to show the Commission a copy of the proposed Board before 30 December 2009. It was also made mandatory for the department to provide details of students admitted on EWS quota giving their names, their parents' names on the website within one month of the admission.

CENTRAL INFORMATION COMMISSION

Decision No. CIC/SG/C/2009/001627/6018

Complaint No. CIC/SG/C/2009/001627



Fig-12: Ritu Mehra, RTI Activist

Complainant: Ms Ritu Mehra, F-185, 186, New Seemapuri, Delhi- 110095.

Respondent: Director of Education, Directorate of Education, GNCTD Old Secretariat, Delhi- 110054.

Facts arising from the Complaint:

In a previous order of the Commission, *Dinesh Kaushik v PIO & DDE (West A), GNCTD*, Decision No CIC/SG/A/2009/001209/3974, the Commission had passed an order on 02/07/2009 directing Mr. K.S. Yadav, DDE to display on the Department's website the names and father's names of students belonging to economically weaker sections (EWS) for the past 3 years for all schools before 15 August 2009. The Commission received a letter dated 25/08/2009 from Mr. K.S. Yadav in which he stated that the Commission's order had been complied with and the required information had been uploaded on the website of the Department. He attached a letter dated

12/08/2009 sent by the Ms. Abha Joshi, ADE (ACT) in which she had stated that the Commission's decision has been complied with.

The Commission has received a letter dated 01/12/2009 from Ms. Ritu Mehra in which she has alleged that the information as directed by the Commission is not available on the website. The Commission has registered this Complaint as Complaint No. CIC/SG/C/2009/001627. The Commission has perused the website of the Department and found that the information relating to the EWS admissions is not available in totality and the information that is available on the website is not easily accessible.

The Complainant has pointed out that information about quota in schools for students from the economically weaker sections (EWS) is not widely disseminated. EWS quota has been created in private schools which have been granted aid by the government and they are under an obligation under Notification No. F/DE/15/ACT/2006/424 dated 25/01/2007 to provide seats to EWS students. Information relating to EWS quota is therefore very crucial to ensure that students from EWS get the opportunity to apply to private schools for good quality education.

The Commission therefore directs the Director to ensure that the following is implemented in compliance of Section 4 requirements. All schools will at a prominent place, display on a notice board:

1. The total no of seats in all classes in a school.
2. The total vacancies in all classes.
3. The total no of seats under EWS quota.
4. Seats still available under EWS quota.
5. Total applications received under EWS quota.
6. Information about when the EWS quota applications will be received and date by which the admissions will be given.

The schools will also update the information on notice boards once every week. The information needs to be put up in both Hindi and English.

The Department will show the Commission a copy of the proposed Board before 30 December 2009. Details of students admitted on EWS quota giving their names, their parents' names shall be provided on the website within one month of the admission.

Decision:

The Complaint is allowed.

The Director will ensure that all information mentioned above will be displayed in the schools in Hindi and English and also on the website of the Department before 25 January 2010. The Director will send a compliance report to the Commission before 30 January 2010.

Shailesh Gandhi
Information Commissioner
21 December 2009

Conclusion

The study finds out the fact that the knowledge and use of RTI is evenly distributed among men and women in the study area. Among the RTI users there are both trained users and non-trained users and there are more non-trained users than trained users. The trained users have played the role of precursors in use of RTI and have provided handholding support to the non-trained users. A large number of RTI users face difficulty in filing RTI owing to non-cooperation of the public authorities, especially the PIOs and absence of citizen facilitation service. However; the RTI users have used the instrument of governance accountability with dexterity with probing information on accountability and transparency of the public authority. A larger proportion of the applicants have to resort to appeal in the event of non-satisfactory response from the public authorities than those who could secure desired information. A larger proportion of first appellants take recourse to filing second appeal compared to those who get the required information at the level of first appeal. None the less; first appeal significantly reduces the burden on the information commission. Among those who go for second appeal, a majority express satisfaction over the orders of the information commission.

Use of RTI has shown demonstrated effect of helping the applicants secure entitlements (subsidized food items under PDS, admission under EWS quota), restating governance idioms in terms of citizen participation and change in the relationship of the governed with the government, seek transparency from the officials and Public Authorities and bringing relevant information to public domain.

Stakeholders in RTI Regime: Information Commission, Public Authorities & Civil Society Organisations

Information Commission

Information Commission is a key player in setting out the practical regime for citizens to secure access to information on all matters of governance. In sync with the key role envisaged by the Act for the Information Commission, it has been endowed with powers and functions to a) receive and inquire into a complaint from any person, who has been unable to submit a request to PIO, either by reason that no such officer has been appointed under this Act, or because the APIO has refused to accept his or her application for information or appeal under this Act for forwarding the same to the PIO or senior officer specified in sub-section (1) of section 19 or Information Commission, b) who has been refused access to any information requested under this Act; c) who has not been given a response to a request for information or access to information within the time limit specified under this Act; d) who has been required to pay an amount of fee which he or she considers unreasonable; e) who believes that he or she has been given incomplete, misleading or false information under this Act; and f) in respect of any other matter relating to requesting or obtaining access to records under this Act. Furthermore; where the Information Commission is satisfied that there are reasonable grounds to inquire into the matter, it may initiate an inquiry, while inquiring into any matter has the same powers as are vested in a civil court in respect of matters namely; a) summoning and enforcing the attendance of persons and compel them to give oral or written evidence on oath and to produce the documents or things; b) requiring the discovery and inspection of documents; c) receiving evidence on affidavit; d) requisitioning any public record or copies thereof from any court or office; e) issuing summons for examination of witnesses or documents; and f) any other matter which may be prescribed. Information Commission, during the inquiry of any complaint under this Act, may examine any record to which this Act applies which is under the control of the public authority, and no such record may be withheld from it on any grounds.

CIC has been constituted by the Central Government in 2005. The Commission includes one Chief Information Commissioner and not more than 10 Information Commissioners (IC) appointed by the President of India. The Act provides for selection of Information Commissions in a bipartisan manner and involves the leader of the Opposition in the process.

RTI in CIC since Beginning

The CIC had its first case heard in 2005 following constitution of the Commission. CIC launched its website the following year i.e.; 2006 and held the 1st National Convention on “One Year of RTI”. In the year 2007, video conferencing facility was launched for the petitioner and was extended

for Public Authorities. Planning Commission approved Plan for CIC under 11th Five Year Plan and the First sub-committee of CIC submitted its report in 2008. CIC has launched facility for online filing of Complaints/Appeals, set up Video Conferencing facility for all ICs/CIC and has started digitization of records since 2009. The year also witnessed telecast of Video Spots under Mass Awareness Programme. For its initiative on creation of facility for online filing of complaints/appeals it has received CSI- Nihilent e-Gov Award and Manthan South Asia Award in 2009 and Web Ratna Platinum Icon Award in 2010. The Commission directed Ministries/Departments for ensuring effective implementation of Section 4 of RTI Act and designated Transparency Officer in the year 2010.

The Perspective of CIC

CIC has enforced disclosure by Public Authorities (The Indian Express, Delhi, Sunday, 14th November 2010), directed RBI to script a disclosure policy (DNA, Mumbai, Friday, 12th November 2010), compelled MLAs and councilors to make funds info public (The Times of India, Delhi, Thursday, 17th February 2011), ordered UPSC to disclose Merit List (Hindustan Times, Delhi, Monday, 12th July 2011) and has made Voluntary disclosure beat government's secrecy (Hindustan Times, Delhi, Monday, 27th December 2010). Its stand on corruption with the unambiguous position that information on corruption can't be withheld under RTI Act (The Hindu, Delhi, Wednesday, 23rd March 2011), direction to Enforcement Directorate to make public black money stashed abroad (The Times of India, Wednesday, 13th October 2010), pulling the government for denying information on black money (The Pioneer, Delhi, Tuesday, 15th March 2011) has catalysed public debate on the issue. The CIC has played the role of an unequivocal advocate of citizen participation in governance with its stand that citizens should get chance to debate policy changes (DNA, Mumbai, Saturday, 10th July 2010), drawing attention to the need for bringing PPP Projects under RTI (The Economic Times, Delhi, Monday, 10th January 2011) and demand for protecting RTI applicants facing threat (The Asian Age, Delhi, Wednesday, 13th October 2010).

CIC as the Conscience Keeper of the RTI Regime

The CIC provides the status of implementation of RTI Act soliciting report from all Public Authorities u/s 25 (2) of the Act²⁵ in a prescribed pro forma. In view of inordinate delays by public authorities in submitting annual return in preceding years, CIC introduced the system of

²⁵ Section 25 (2) of the RTI Act stipulates that:-

“Each Ministry or Department shall, in relation to the public authorities within their jurisdiction, collect and provide such information to the Central Information Commission or State Information Commission, as the case may be, as is required to prepare the report under this section and comply with the requirements concerning the furnishing of that information and keeping of records for the purposes of this section”.

submission of quarterly returns at regular interval during 2010-11. The Commission has minced no words in criticizing the approach of the Public Authorities pointing out, “The declining number of the public authorities in the matter of submission of returns about selected parameters to the Commission is not only disheartening but also does not augur well for effective monitoring of the implementation of the Act both qualitatively as well as quantitatively. The public authorities must by now realize and effectively streamline the system of submission of returns, an important and inescapable statutory requirement under the Act”²⁶.

The Commission has also drawn attention to absence of a Ministry/ Department-wise catalogue and index of all the Public Authorities. It states, “The right of inclusion or exclusion of a public authority in the database rests with Ministries/Departments. -----It seems, however, that Ministries/Departments do not follow uniform basis of creation and registration of Public Authorities in the database. -----This persistent problem needs to be addressed by the nodal Ministries/Departments in a manner that facilitates uniform registration concept and universal coverage to all public authorities under their jurisdiction”²⁷.

The Commission has unhesitatingly taken the Public Authorities to task for their non-compliance with the provisions of Section 4 of the Act and has echoed the concerns of the citizens. In the words of the Commission, “Although there are ministries/departments and public authorities, which are relatively more transparent and open than others, most of them do not conform to the matrix of disclosure set-out in section 4 (1) (b) of the Act as well as practices relating to record management and dissemination of information held by and/or under their control”²⁸.

Putting forth its perspective on the decrease in the number of RTI applications rejected by the Public Authorities, the Commission points out the decrease in the number of receipt of RTI applications and goes on to add, “It could have been a matter of satisfaction if this negative growth in the number of applications for information were in the event of 100% public authorities submitting their returns; but alas this is not the case”²⁹. Taking into account the significant rise in the rejection of the applications for reasons termed as ‘others’ by the Public Authorities, the Commission notes, “This call for scrutiny and closer introspection by public authorities to ascertain and identify the provisions other than those in sections 8(1), 9, 11 and 24 being used for rejecting the requested information; since there are no other exemption clauses stipulated in the Act for rejecting a request for information”³⁰.

²⁶ Central Information Commission, “Annual Report, 2010-11”, p. 5

²⁷ Ibid, p.7

²⁸ Ibid, p.19

²⁹ Ibid, p.9

³⁰ Opcit, 26, p.15

CIC in System Building Role

The CIC Online has been implemented to facilitate online filing of appeal and complaints before the Commission using simple & user friendly online forms designed in consonance with provisions of RTI Act. These forms have been fully integrated with the backend system in use at the Commission for online processing of cases. The efficacy of the backend processing system has been further enhanced through provision of twelve stage workflow arrangement with appropriate role based access. CIC Online system along with its integration with backend processing system is operational since December 2008.

CIC has introduced the system of submission of quarterly returns at regular interval during 2010-11. Every public authority is required to submit returns for each quarter in order to be eligible for assessment of its performance. The nodal Ministry/Department provides for a role based access to each of the public authorities created by them to upload the returns.

The Commission has undertaken a project of computerization of all records. Records are being digitized, catalogued and indexed in such a manner as to facilitate access to these information all over the country through a network. In the year 2010-11 the Commission utilized the services of NIC to develop an improved system for dak receipt, management and monitoring and has moved a step closer to paperless office initiating the process of Digitization of Dak. As a matter of fact, one of the Benches of the Commission has become paperless with its entire Dak being managed on computers starting from registration of an appeal or complaint to its final disposal without opening any paper file.

The Commission has made an effort to put in place a Central Data Base regarding the total number of public authorities within the meaning of the Section 2(h) of the RTI Act registered with the Commission, its web page link, the web page link at which the proactive disclosure information are posted by the public authorities and the last date on which the disclosure has been uploaded/updated by the public authorities.

The Full Bench of the Commission (CIC) vide its Order No. CIC/AT/D/10/000111 dated 15/11/2010 under section 19 (8) (a) of the RTI Act, has directed all Public Authorities to fulfill their obligations stipulated in Section 4 of the Act as per time line laid down for each activity. The Commission has further directed that i) The information in compliance with Section 4 shall be uploaded by every public authority on the portal set up for the purpose by the CIC, ii) Every Public Authority shall designate one of their senior officers as “Transparency Officer” (with necessary supporting personnel as required), essentially an administrative arrangement for promotion of institutional transparency within the public authority. The Transparency Officers shall a) oversee

implementation of provisions of Section 4 and apprise the higher echelons of the management about the progress, b) act as interface with CIC regarding progress of implementation of the provisions of Section 4, c) help promote congenial conditions for positive and timely response to RTI requests by CPIOs and deemed CPIOs, d) act as contact point for the public in all RTI related matters; and iii) Names of Transparency Officers shall be communicated to the Commission by every public authority

The CIC has designated the Additional Secretary (Joint Secretary to the Govt. of India) as its Transparency Officer and enjoined the Joint Secretary (Law) and the Deputy Secretary (PP) to assist the Transparency Officer in ensuring effective functioning of the CIC as a public authority.

The CIC has introduced a block/column in the return to take stock of action taken by concerned public authorities on recommendations made by the Commission with a view to ensure compliance with provisions of Section 25(5) of the Act in their functioning. Given the fact that most of the public authorities have failed to understand the import of such a mechanism, the CIC has decided to reemphasize it in order to ensure compliance with recommendations of the Commission for systemic reforms/changes in the interest of citizen friendly best practices and good governance.

CIC in Providing Forum to the Stakeholders

The Commission has organized annual conventions providing forum to all stake holders to discuss and deliberate issues and challenges in implementation of RTI Act; with a view to suggest the road map for the future. The convention is attended by various stake holders such as; Non Government Organisations (NGO), representatives from Media & CSOs. All Central Information Commissioners of the CIC, State Chief Information Commissioners, State Information Commissioners, Secretaries of State Information Commission and delegates from abroad attend the conventions. The Conventions have come out with important recommendations such as;

- a. Priority attention by the Government and the Commissions to ensure effective implementation of provisions of section 4 regarding record management practices and suo motto pro-active disclosures,
- b. Development of Citizen charter with firm time lines for efficient delivery of goods and services and mechanism for grievance redressal and routinization of processes, Bringing all Public Private Partnership projects under the ambit of RTI Act at the signing stage itself by incorporating disclosure norms and scope,
- c. Collaboration among media, NGOs and CSOs using RTI Act to raise vital governance issues and carry them to logical conclusion,

- d. Integration of Aadhar project of UIDAI with the National RTI database to ensure interoperability among the Public Authorities in respect of disposal of RTI applications on similar issues,
- e. Ensuring transparency and Accountability in appointments to higher judiciary and its functioning with due consideration to its independence, and
- f. The political leadership must take the onus of leading from the front and set examples to ensure that the Act meets its objective mentioned in the preamble.

CIC in Its Role of an Adjudicator of Appeals and Complaints

In the context of its key role in setting out a practical regime of RTI, the Commission performs an important task as an adjudicator of appeals and complaints filed by citizens who are aggrieved by response of a public authority.

a) Dealing with Pendency

The blame for huge pendency in passing orders on appeals and complaints has often been laid at the door of the Commissions. The CIC has launched a special drive to dispose of cases pending for more than three months.

Table-2: Statement on Receipt/Disposal, disposal percentage and average annual disposal by individual ICs and CIC during 2007-08 to 2010-11.

Year	Receipt	Disposal	Percentage (Disposal/ receipt) *100	Average annual disposal by individual ICs/CIC
2007-08	11621	7722	68.57	1544
2008-09	15426	13322	86.36	1665
2009-10	22800	19482	85.44	2165
2010-11	28875	24071	83.36	2675

Source: Central Information Commission, "Annual Report, 2010-11", p. 26

The average annual disposal by individual ICs/ CIC during 2010-11 was 2675 as compared to 2165 during 2009-10. Although the average annual disposal by individual ICs/CIC has increased during 2010-11; the percentage of disposal has gone down on account of sharp increase in the number of appeals/complaints and large number of vacancies against the post of Information Commissioners stipulated in the Act. Perusal of the case records establish the fact that on an average the time taken at the CIC for hearing of a complaint/appeal is less than 3 months from the date of receipt.

Table-3: Time Taken by the CIC for Hearing of Complaints & Appeals

Sl. No	Appeal/ Complaint No.	Decision No.	Date of Appeal/ Complaint	Date of Hearing
1	CIC/ SG/A/2009/002312	CIC/AG/A/2009/002312/5450	11/09/2009	10/11/2009

2	CIC/ SG/C/2009/001627	CIC/ SG/C/2009/001627/6018	01/12/2009	21/12/2009
3	CIC/ SG/A/2010/003112	CIC/ SG/A/2010/003112/10596	03/11/2010	23/12/2010
4	CIC/ SG/A/2010/003111	CIC/ SG/A/2010/003111/10595	03/11/2010	23/12/2010
5	CIC/ SG/A/2010/003115	CIC/ SG/A/2010/003115/10598	03/11/2010	23/12/2010
6	CIC/ SG/A/2010/003114	CIC/ SG/A/2010/003114/10597	03/11/2010	23/12/2010
7	CIC/ AD/C/2011/001595		19/09/2011	28/03/2012
8	CIC/ SG/A/2010/000668	CIC/ SG/A/2010/000668/7807	10/03/2010	20/05/2010
9	CIC/ SG/A/2010/003055	CIC/ SG/A/2010/003055/10512	28/10/2010	20/12/2010
10	CIC/ SG/A/2009/001955	CIC/ SG/A/2009/001955/5003	13/08/2009	01/10/2009
11	CIC/ AD/C/2012/000202		17/11/2011	23/04/2012
12	CIC/ SG/A/2010/003111	CIC/ SG/A/2010/003111/10595	03/11/2010	23/12/2010
13	CIC/ SG/A/2010/002637	CIC/ SG/A/2010/002637/9968	20/09/2010	01/11/2010
14	CIC/ AD/C/2011/001359		16/07/2011	07/05/2012
15	CIC/ SS/A/2010/000809	CIC/ LS/A/2009/000809/SG/7096	29/06/2009	09/03/2010
16	CIC/ SG/A/2010/003189	CIC/ SG/A/2010/0003189/10729	15/11/2010	31/12/2010
17	CIC/ SG/A/2010/003637	CIC/ SG/A/2010/003637/11270	24/12/2010	04/02/2011
18	CIC/ SG/A/2011/001209	CIC/ SG/A/2011/001209/12577	03/05/2011	27/05/2011
19	CIC/ SG/A/2010/003056	CIC/ SG/A/2010/003056/10513	28/10/2010	20/12/2010
20	CIC/ SG/C/2009/001627	CIC/ SG/C/2009/001627/6018	01/12/2009	21/12/2009
21	CIC/ SG/A/2010/002897	CIC/ SG/A/2010/002897/10366	11/10/2010	08/12/2010
22	CIC/ SG/A/2010/002636	CIC/ SG/A/2010/002636/10009	05/10/2010	03/11/2010

Source: Collection of Judgments from Central Information Commission

CIC in Establishing Strong Deterrent Impact

Analysis of the primary data collected from the study area has established the fact that not less than 30 percent of the total RTI applications reach the Commission as Complaints and Appeals. Furthermore, 87 percent of the complainants/appellants have expressed satisfaction over the orders of the Commission. The Commission in its key role as adjudicator of complaints/appeals has helped the poor in securing entitlements (subsidized food items under PDS, admission under EWS quota) and demanding accountability from the duty bearers of the Public Authorities, catalyzed restating of governance idioms in terms of citizen participation and interest, encouraged the common man to seek transparency from the government and its instrumentalities and has strengthened RTI regime bringing relevant information to public domain.

The Commission has also been able to establish strong deterrent power in bringing the officials to book for non-compliance with the provisions of the Act. In the instant case narrated below, an applicant filed RTI seeking information on PTA, Pupil Welfare and VKS Fund, copy of the guidelines for utilization of the funds and inspection of the details of expenditure. The PIO, Deputy Director of Education (North East), GNCTD asked the applicant to deposit Rs. 46 as information cost. Following deposit of the information cost, the applicant was not provided the information. Following the First Appeal and direction of the FAA to provide the applicant

information free of cost and return the amount deposited, the applicant was provided 11 pages of information. Since the applicant didn't get the deposit refunded she filed 2nd Appeal with the Commission. Hearing the 2nd Appeal, the Commission awarded a compensation of Rs. 2000 to the appellant, warned the PIO of imposition of penalty in case of reoccurrence of such error and directed that the information regarding PTA & VKS Funds be disclosed under section 4 of the Act given the fact that such information is being sought with regularity (Appeal No. CIC/SG/A/2010/002637, Decision No. CIC/SG/A/2010/002637/9968).

In another instance an applicant filed RTI seeking information on the total number of BPL and AAY cards in every circle of the district, before and after Bio-Metric Mark procedure. The reply of the PIO didn't satisfy the applicant and as a result; he appealed before the FAA citing the reason of incomplete information provided by the PIO. The FAA held that the information provided by the PIO was incomplete and ordered the PIO to provide the information. Since the appellant didn't receive the information he appealed before the Information Commission citing the reason that he hadn't been provided information despite the orders of the FAA. Hearing the Second Appeal, the Commission ordered for supply of information to the appellant before the Commission, held the PIO guilty since he couldn't establish any proof of having provided the information despite his claim of having done so and directed the PIO to give his reasons to the Commission to show cause why penalty shouldn't be imposed on him (Appeal No. CIC/SG/A/2010/0039055, Decision No. CIC/SG/A/2010/0039055/10512).

Public Authorities

The RTI holds within it the right to seek information, as well as the duty to provide information. The Public Authorities are the primary domain where the information is available and for all public purposes the common man tries to seek accountability from the authority.

Analysis of the primary data collected from the study area shows that only 36 percent of the RTI applications were responded by the public authorities up to the satisfaction of the applicants. The fact that 64 percent of the applications were not responded upto the satisfaction of the applicants points to failure of the public authorities in meeting the expectations of the people.

Response of APIOs, PIOs & FAAs

Perusal of the judgments of the CIC shows utter disregard for citizen's RTI with instances of APIO refusing to accept the RTI application on a flimsy ground citing the reason that the RTI application is addressed to the PIO (Complaint No. CIC/SG/C/2010/000724, Decision No. CIC/SG/C/2010/000724/12837). There are many instances across both the Public Authorities where the PIOs have refused to obey the orders of superior officers i.e.; FAA with clear cut direction to

provide information. (For instance; Appeal No. CIC/SG/A/2010/003637 & Decision No. CIC/SG/A/2010/003637/ 11270 [Food & Supplies Department] and Appeal No. CIC/SG/A/2010/002637 Decision No. CIC/SG/A/2010/002637/ 9968 [Directorate of Education] among others).

Not only the PIOs are found guilty of disobeying the orders of FAA and the denial of information by them raises reasonable doubts of malafide intention but also there are instances of FAAs passing orders without application of mind. It explains for nearly 55 percent of the appellants approaching the Commission after the first appeal. The FAA, Food & Supplies Department has passed order with the observation “the PIO has provided complete information as asked by the applicant” vetting PIO’s contention of the information being available in the website of the Department, which was found to be false subsequently by the Commission in course of hearing the Second Appeal (Appeal No. CIC/SG/A/2010/003056, Decision No. CIC/SG/A/2010/003056/10513). In another case, the FAA has ordered the PIO to provide the appellant with information following deposit of additional fee even when the appellant is entitled for free of cost information (elapse of stipulated period of 30 days since filing of application). The Commission has overturned the decision of the FAA pointing out,, “The FAA has erred by asking the appellant to deposit the additional fee” and directed the PIO to provide the complete information free of cost to the Appellant (Appeal No. CIC/SG/A/2010/003189, Decision No. CIC/SG/A/2010/003189/10729).

Pro-active Disclosure

Non-compliance of the Public Authorities with the norms of pro-active disclosure as mandated by the RTI Act u/s 4 is quite evident from the perusal of case records. The judgment of the Commission (Decision No. CIC/SG/C/2009/001627/6018) with regards to Complaint No. CIC/SG/C/2009/001627 (Ma. Ritu Mehra vs. Director of Education, GNCTD) reads as follow;

In a previous order of the Commission, *Dinesh Kaushik v PIO & DDE (West A), GNCTD*, Decision No CIC/SG/A/2009/001209/3974, the Commission had passed an order on 02/07/2009 directing Mr. K.S. Yadav, DDE to display on the Department’s website the names and father’s names of students belonging to economically weaker sections (EWS) for the past 3 years for all schools before 15 August 2009. The Commission received a letter dated 25/08/2009 from Mr. K.S. Yadav in which he stated that the Commission’s order had been complied with and the required information had been uploaded on the website of the Department. He attached a letter dated 12/08/2009 sent by the Ms. Abha Joshi, ADE (ACT) in which she had stated that the Commission’s decision had been complied with.

The Commission received a letter dated 01/12/2009 from Ms. Ritu Mehra in which she alleged

that the information as directed by the Commission was not available on the website. The Commission registered this Complaint as Complaint No. CIC/SG/C/2009/001627. The Commission perused the website of the Department and found that the information relating to the EWS admissions was not available in totality and the information available on the website was not easily accessible.

The Complainant pointed out that information about quota in schools for students from the economically weaker sections (EWS) was not widely disseminated. EWS quota was created in private schools which had been granted aid by the government and were under an obligation under Notification No. F/DE/15/ACT/2006/424 dated 25/01/2007 to provide seats to EWS students. Information relating to EWS quota was therefore very crucial to ensure that students from EWS got the opportunity to apply to private schools for good quality education.

The Commission therefore directed the Director to ensure that the following was implemented in compliance of Section 4 requirements. All schools were to display prominently on a board the following information:

1. The total no of seats in all classes in a school.
2. The total vacancies in all classes.
3. The total no of seats under EWS quota.
4. Seats still available under EWS quota.
5. Total applications received under EWS quota.
6. Information about when the EWS quota applications will be received and date by which the admissions will be given. The schools were also required to update the information on the boards once every week. The information was to be put up in both Hindi and English.

The Department was directed to show the Commission a copy of the proposed board before 30 December 2009. Details of students admitted on EWS quota along with their names, their parents' names were to be provided on the website within one month of the admission.

Decision dated 21/12/2009:

The Director will ensure that all information mentioned above will be displayed in the schools in Hindi and English and also on the website of the Department before 25 January 2010. The Director will send a compliance report to the Commission before 30 January 2010."

Facts leading to show cause on 26/04/2010

"In compliance of the Commission's order, the Assistant Director of Education (Act) in response to the afore-mentioned decision of the Commission passed an order No DE/15/ACT/2009/6777 on

31/12/2009 directing the Deputy Director of Education of each district to ensure that private unaided recognized schools in their district display the information mentioned in the Commission's order before 25 January 2010.

The Commission had received a compliance report from the DDE (SW-A) through the letter No. F.54/DE/DDE/SWA/Per.Br./117 dated 09/04/2010 stating that information relating to the EWS quota had been put up at all schools in South West A district. She made reference to reports sent by Education Officers of Zone 19 and 20.

During an inspection conducted by the Commissioner himself on 10/04/2010, it was found that none of the 6 schools surveyed had displayed the information in the desired format. This amounted to willful disobedience of the Commission's order as well as non-compliance of the Assistant Director of Education's (Act) Circular. Thus, it means that the compliance report given to the Commission is incorrect.

The DDE (SWA) was directed to ensure vide notice dated 13/04/2010 that boards with information as directed by the Commission are displayed outside all the schools in her jurisdiction by 20/04/2010. An action taken report was to be delivered to the undersigned by 25/04/2010. She was further directed to appear before the Commission on 26/04/2010 at 5.30 p.m. along with her written submissions to show cause why penalty should not be imposed on her under Section 20 (1) of the RTI Act."

Adjunct Decision dated April 26, 2010:

"It has been agreed that the boards in all schools must be available in Hindi with the relevant data. Everyone has agreed that an example of proper display of information is of DPS R K Puram School. It has also been agreed that all private schools that have received land from the government will have similar information provided in **Hindi before 20 May 2010.**"

Facts leading to hearing held on December 13, 2010:

It was brought to the Commission's notice by a complaint made by the Complainant that its orders regarding Section 4 disclosure of EWS Scheme in schools have not been complied with in letter and spirit. The Commission therefore decided to take cognizance of this matter. The DDEs of all districts were directed to appear before the Commission on 13/12/2010 for a hearing vide notice dated 02/12/2010.

Adjunct Decision announced on December 14, 2010:

In view of the aforesaid, the Commission hereby directs the Director, Directorate of Education under its powers under Section 19(8)(a) of the RTI Act to ensure that the following is

implemented in compliance with Section 4 of the RTI Act:

1). All schools will display the following information on a board, which is easily visible from outside the school:

- The total no of seats in all classes in a school.
- The total vacancies in all classes.
- The total no of seats under EWS quota.
- Seats still available under EWS quota.
- Total applications received under EWS quota.
- Information about when the EWS quota applications will be received and date by which the admissions will be given.

The schools will update the information on the boards once every week. The information shall be put up in both Hindi and English. The Director, Directorate of Education shall ensure that the schools comply with the aforesaid direction **before December 31, 2010**. Further, the Director, Directorate of Education shall ensure that the aforementioned information shall also be uploaded on the website of the Directorate of Education **before December 31, 2010**.

2). The Director, Directorate of Education shall ensure that all the information collected by the MIS system is accessible by the general public on the website of the Directorate of Education **before December 31, 2010**. If the Director feels that any of this information is exempt under Section 8(1) of the RTI Act, the Director shall state the same giving reasons how it is exempted under Section 8(1) of the RTI Act to the Commission **before December 31, 2010**.

3). The Director, Directorate of Education shall upload on its website all the information contained in Annexure- II of the Annual Returns filed till date by private, unaided schools along with the list of schools which have defaulted in filing the said returns **before December 31, 2010**. Further, the Director, Directorate of Education shall ensure that from 2011 onwards, information contained in Annexure- II of the Annual Returns filed by private, unaided schools before July 30 shall be uploaded on its website before August 31 every year along with the list of schools, which have defaulted in filing the Annual Returns.

4) The Director, Directorate of Education shall upload on its website details of budgetary allocation and management of private, aided schools received till date before **December 31, 2010**. Where no such details have been received, the same shall also be stated. This information shall also be updated every month.

The Director, Directorate of Education shall send a compliance report with respect to all the

forementioned directions to the Commission at rtimonitoring@gmail.com **before January 5, 2011.**

A similarly callous attitude of the Food & Supplies Department to comply with pro-active disclosure u/s 4 of RTI Act is quite evident in perusal of Decision No. CIC/SG/C/2009/001619; 001621;001622/6047 with regards to Complaint No. CIC/SG/C/2009/001619; 001621; 001622 in Mr. Rajiv Kumar vs. The Food Commissioner, Department of Food & Supplies, GNCTD which reads as follows;

It has been brought to the notice of the Commission vide four Complaints filed by Mr. Rajiv Kumar that the Department was not meeting certain obligations under the PDS Control Order. According to PDS Control Order 2001, it is the duty of every Fair Price shopkeeper to “display information on a notice at a prominent place in the Fair Price shop on a daily basis regarding a) list of BPL and Antodaya beneficiaries, b) entitlements of essential commodities, c) scale of issue, d) retail issue prices, e) timings of opening and closing of Fair Price shops, f) stock of essential commodities received during the month, g) opening and closing stock of essential commodities and h) the name of authorities for redressal of grievances/lodging complaints with respect to quality and quantity of essential commodities under the Public Distribution System.

One of the complaints (Complaint No. CIC/SG/C/2009/001621) state that many of the Fair Price shops especially in circle 63 have not complied with the PDS Control Order 2001 and the disclosures have not been displayed. The information should have been displayed as part of obligations to make *suo moto* disclosures under Section 4 of the RTI Act.

Mr. Shailesh Gandhi, Central Information Commissioner, called a meeting on 21/12/2009 at the Commission’s office on this matter to discuss issues relating to disclosure of information on the Public Distribution System in Delhi. A notice dated 14/12/2009 was issued to all the Assistant Commissioners & PIOs of the Department and they were directed to attend this meeting. An Agenda of issues that were going to be discussed was enclosed along with the notice and the Assistant Commissioners were informed that appropriate directions will be issued by the Commissioner after giving the PIOs of every district/zone an opportunity to present his opinion.

Facts arising from the hearing held on 21/12/2009:

The Commission informed the Food Commissioner that complaints had been received from some citizen groups particularly Pardarshita, Satark Nagrik Sangathan and Sajha Manch that information should be available *suo moto* at the Circle Offices and the Fair Price Shops is not available.

The Commission discussed the various issues that were indicated in the Agenda which included information that must be displayed at the Fair Price Shops and the Circle Offices in compliance with the Department's own orders as well as requirements of Section 4 of the Right to Information Act 2005. After consultation with the Food Commissioner as well as others present, the Commission directs that the following information should be displayed at every Circle Office of the Department:

- i) Copy of all ration cards along with photographs of individual card holders in the circle offices of Food and Supply Department.
- ii) All citizens should have access to daily sale register, and stock register under *suo moto* disclosure of RTI Act.
- iii) Name and designation of each official in the Circle office along with their stated roles and responsibilities.
- iv) Name and contact details of PIO's and FAA.
- v) Procedure to apply for new ration cards and the list of documents required.
- vi) Time frame for disposal of various applications (new cards, renewal, change of address etc).
- vii) Date of the next Vigilance Committee meeting and names of the members of the Committee.
- viii) Rights and privileges of ration card holders as per Section 6(7) of Annexe to PDS Control Order 2001.
- ix) List of documents present in the Circle Offices.

The Complainant brought a sample display print of the information that may be displayed outside each Fair Price Shop. Keeping this in view, the Commission directs that the following information will be displayed at the Fair Price Shops under the Department:

- i) Entitlement of essential commodities for all types of ration cards.
- ii) Scale of issue of each essential commodity for all types of ration cards.
- iii) Retail prices of each essential commodity for all types of ration cards.
- iv) Working hours of fair price shops.
- v) Stock of essential items received during the month.
- vi) Opening and closing stock of essential commodities.
- vii) Name, designation and contact numbers of officials for redressal of grievances with respect to quality and quantity of essential commodities.

viii) Daily updation of stock position information

ix) Information about inspection of records by any citizen on every Saturday except for second Saturday as per the PDS Control Order dated 15/06/2006.

x) Display of samples of food grains being supplied through fair price shops.

The Food Commissioner has given a commitment to the Commission that she will ensure that the afore-mentioned information will be displayed before 31 January 2010.

Decision announced on 22 December 2009:

The Department will ensure that the afore-mentioned information is displayed in the Circle Offices and the Fair Price Shops before 31 January 2010. A compliance report will be sent to the Commission before 05 February 2010.

Experience of the Fellow as a RTI Applicant & Researcher on RTI with Directorate of Education

It is pertinent to mention the experience of the fellow as a RTI Applicant and Researcher on RTI with Directorate of Education, GNCTD since it provides inkling to the attitude with which the Public Authority deals with the citizens of a nation that has guaranteed RTI

- On 17th May 2012 a RTI application was filed before PIO, Deputy Director of Education, Education Department, North-East District, Yamuna Vihar, Delhi seeking information for the period starting 1st January 2010 till date on number of RTI applications received from Sundar Nagari & New Seema Puri, number of RTI applications received from persons belonging to BPL category, number of applications which were duly replied within the stipulated time of 30 days from the receipt of application, number of applications transferred to other PIOs and number of PIOs appointed within the period for which the information has been sought
- On 22nd June 2012, the PIO replied, “This record is not maintained in this office, however; you are requested to inspect diary dispatch register of RTI Cell.
- On 28th June 2012, a letter was dispatched to the PIO with response to the communication mentioned above seeking the date and time for inspection of record. The request is yet to be responded by the Public Authority
- On 17th May 2012, the fellow wrote a letter to the PIO, Deputy Director of Education, Education Department, North-East District, Yamuna Vihar, Delhi attaching the letter from Department of Personnel & Training seeking support from the Public Authority in connection with collection of information. The request is yet to be responded by the Public Authority.

- On 15th June 2012, the fellow wrote a letter to the PIO, Deputy Director of Education, Education Department, North-East District, Yamuna Vihar, Delhi attaching the letter from Department of Personnel & Training seeking date & time for an interview with the PIO in connection with the research work. The request is yet to be responded by the Public Authority.

Experience of the Fellow as a RTI Applicant & Researcher on RTI with Food & Supplies Department, GNCTD

It is pertinent to mention the experience of the fellow as a RTI Applicant and Researcher on RTI with Food & Supplies Department, GNCTD since it provides inkling to the attitude with which the Public Authority deals with the citizens of a nation that has guaranteed RTI

- On 17th May 2012 a RTI application was filed before PIO, Assistant Commissioner, Food & Supplies Department, North-East District, Weaver Complex, Nand Nagari, Delhi seeking information for the period starting 1st January 2010 till 1st January 2012 on number of RTI applications received from Sunder Nagari & New Seema Puri, number of RTI applications received from persons belonging to BPL category, number of applications which were duly replied within the stipulated time of 30 days from the receipt of application, number of applications transferred to other PIOs and number of PIOs appointed within the period for which the information has been sought
- The fellow was intimated by the PIO on 5th June 2012 that the manner in which record/information is asked is not maintained, however; you can inspect the concerned register for inspecting the required information
- The fellow was granted permission intimated by PIO on 26th July 2012 with reference to her letter dated 2nd July 2012 for inspection of records and accordingly inspected the records on 31st July 2012. It was found that 259 RTI applications from Sunder Nagari and 119 RTI applications from New Seema Puri were filed during the period.
- On 17th May 2012, the fellow wrote a letter to the PIO, Assistant Commissioner, Food & Supplies Department, North-East District, Weaver Complex, Nand Nagari, Delhi attaching the letter from Department of Personnel & Training seeking support from the Public Authority in connection with collection of information. The request is yet to be responded by the Public Authority.
- On 15th June 2012, the fellow wrote a letter to the PIO, Assistant Commissioner, Food & Supplies Department, North-East District, Weaver Complex, Nand Nagari, Delhi attaching the letter from Department of Personnel & Training seeking date & time for an interview with the PIO in connection with the research work. The request is yet to be responded by the Public Authority.

Non – compliance of section 4 in the PIOs

It is pertinent to mention the experience of the fellow as a RTI Applicant and Researcher on RTI. Several visits paid to the Food & Supply Office, North–East District, and Education Department, North-East District, GNCTD. It was found that none the PIOs has complied with the section 4 of RTI Act. Even in the office of Food & Supply Department there was no board about the PIO's name and designation. Similarly it was noticed in the Education Department. Moreover, in the Education Department, Secretary of PIO did not allow me to take pictures of their office.



Fig-13&14: Office of PIO, Assistant Commissioner, Food & Supply Department, North-East District, Nand Nagri, Delhi



Fig- 15&-16: Office of PIO, Assistant Commissioner, Food & Supply Department, North-East District, Nand Nagri, Delhi.

Civil Society Organisations

CSOs particularly; Pardarshita, Satark Nagrik Sangathan and Sajha Manch and Parivartan have played key role in creating awareness, capacity building, providing handholding support in promoting use of the governance accountability tool. They have been instrumental in compelling both the Public Authorities comply with the requirements of pro-active disclosure u/s 4 of the Act. Filing of RTI and pursuance of the application to the logical conclusion has ensured display of information as mandated by PDS Control Order, 2001 at every Circle Office of the department i.e.; (Food & Supplies Department, GNCTD) so also additional relevant information as desired by the complainant (Decision No. CIC/SG/C/2009/001619; 001621; 001622/6047 with regards to Complaint No. CIC/SG/C/2009/001619; 001621; 001622). Similar filing of RTI and its pursuance has also ensured pro-active disclosure of information by Directorate of Education with regards to PTA, PW & VKS fund (Decision No. CIC/SG/C/2009/001627/6018) with regards to Complaint No. CIC/SG/C/2009/001627).

The fellow had structured interview with the functionaries of Pardarshita and Parivartan in course of the present study. Parivartan has been working in the area for the last 10 years and has promoted use of RTI on the issues of PDS, education, sanitation, pension. In the opinion of the functionary of the organization, the issues are generally picked up by the applicant himself/herself and the organization provides handholding support in filing RTI. The functionaries of the organization file RTI on issues of larger public interest. Status of implementation of RTI is rated as “Very Poor” and it is substantiated by the fact that there is no single board outside of the office of Food & Supply department & education department. Both the Public Authorities are blamed for inadequate effort to promote RTI. It is pointed out that disclosure of information on the website hardly helps the people since most of them are illiterate and hardly know the use of internet. Instead, display of information on the Notice Board would be helpful.

It is pointed out that RTI applications are rejected on frivolous ground such as; the PIO is absent and the Public Authority doesn't receive RTI applications after lunch hour etc. It is added that none of the two Public Authorities have published information mandated u/s 4 of the RTI Act in their local offices. Moreover; applicants are not provided handholding support as provided in the Act such as; the PIO helping the applicant file RTI. Harassment and threat to RTI applicants has often been a regular phenomenon. It is suggested that strengthening of RTI regime requires enforcing strict compliance with section 4 by the Public Authorities, attitudinal change in the PIOs and reduction of pendency at the CIC either by appointment of more number of Commissioners or creating an Information Commission for NCT.

Pardarshita has been working in the area for the last 7 years and has promoted use of RTI on the PDS, education and issues related to Revenue and Social Welfare departments. In the opinion of the functionary of the organization, the issues are generally picked up by the applicant himself/herself and the organization provides handholding support in filing RTI. The problem arises on account of non-response of the Public Authorities as a result of which most of the applications are dragged to the stage of Second Appeal which is time-consuming and a long drawn affair. It is pointed out that initially the PIOs were scared of RTI and responded the applications promptly, however; the things have turned for worse as the Information Commission doesn't impose penalty for delay leading to carelessness among the officials. The organization has prioritized on compelling the public authorities comply with the provisions of Section 4 of the Act. The applicants face the problem as the public authorities refuse to accept cash as application fee and instead force the applicants to pay through DD. Both the Public Authorities are blamed for inadequate effort to promote RTI.

None of the two Public Authorities have published information mandated u/s 4 of the RTI Act in their local offices. Moreover; applicants are not provided handholding support as provided in the Act such as; the PIO helping the applicant file RTI. Harassment and threat to RTI applicants has often been a regular phenomenon. It is suggested that strengthening of RTI regime requires enforcing strict compliance with section 4 by the Public Authorities.

Conclusion

The CIC has introduced the system of quarterly returns by public authorities on the status of implementation of RTI. It has also The Commission has also drawn attention to absence of a Ministry/ Department-wise catalogue and index of all the Public Authorities. The Commission in taking the Public Authorities to task for their non-compliance with the provisions of Section 4 of the Act and has echoed the concerns of the citizens. The CIC Online has been implemented to facilitate online filing of appeal and complaints before the Commission using simple & user friendly online forms designed in consonance with provisions of RTI Act. Information Technology has been innovatively used by CIC with online filing of appeal and complaints before the Commission using simple & user friendly online forms designed in consonance with provisions of RTI Act. The Commission has undertaken a project of computerization of all records. Records are being digitized, catalogued and indexed in such a manner as to facilitate access to these information all over the country through a network.

The Commission has organized annual conventions providing forum to all stake holders to discuss and deliberate issues and challenges in implementation of RTI Act; with a view to suggest the road map for the future. There has been constant effort to increase average annual disposal by

individual ICs/CIC and the time taken at the CIC for hearing of a complaint/appeal is less than 3 months from the date of receipt. The Commission in its key role as adjudicator of complaints/appeals has helped the poor in securing entitlements (subsidized food items under PDS, admission under EWS quota) and demanding accountability from the duty bearers of the Public Authorities, catalyzed restating of governance idioms in terms of citizen participation and interest, encouraged the common man to seek transparency from the government and its instrumentalities and has strengthened RTI regime bringing relevant information to public domain.

Public authorities have failed to meet the expectations of the citizens under RTI regime. There are instances of utter disregard for citizen's RTI with instances of APIO refusing to accept the RTI application on a flimsy ground and PIOs refusing to obey the orders of superior officers i.e.; FAA. Suo motto disclosure of information mandated under section 4 1 (b) is least complied by the public authorities.

CSOs have played key role in creating awareness, capacity building, providing handholding support in promoting use of the governance accountability tool. They have been instrumental in compelling both the Public Authorities comply with the requirements of pro-active disclosure u/s 4 of the Act. The CSOs play the role of watch-dog in making the RTI regime effective.

The study has been undertaken with the objectives

1. To assess use and effectiveness of RTI in securing entitlements under PDS and Education.
2. To study the systemic and procedural changes brought about by the Public Authorities in streamlining service delivery.
3. To examine the role of different stakeholders of RTI regime (Information Commission, Public Authority & Civil Society Organisations) in promoting RTI as an instrument of governance accountability.
4. To study the barriers in realization of right to information in general and citizens' effort in streamlining service delivery in particular.

Findings of the Study

1. The study finds out that RTI Act has been used effectively in securing entitlements under PDS and Education. RTI has been used following exhaustion of the available grievance redressal mechanisms. There are instances where denial of rights has been compensated (for instance; denial of essential commodities under PDS) with penalty imposed on the public authority. Moreover; use of RTI has been able to demand transparency and accountability from the public authorities in terms of compelling the public authorities to disclose information. Use of RTI has shown demonstrated effect of helping the applicants secure entitlements (subsidized food items under PDS, admission under EWS quota).

The opinion of the RTI users of the study area was canvassed on four questions; i) whether use of RTI served the purpose, ii) are there better ways and means to get the work done other than using RTI, iii) whether they would encourage others to use RTI, and iv) whether they would use RTI again to get things done. 75 percent of the applicants replied that use of RTI has served the purpose for which it was used. 78 percent pointed out that use of RTI is the best way to get things done. While 91 percent said that they would prefer to use RTI again, 90 percent of the respondent pointed out that they would encourage others to use RTI.

Decision No. CIC/SG/C/2009/001619; 001621; 001622/6047 , Rajiv Kumar filed complaint and informed Commission that the Department was not meeting certain obligations under the PDS Control Order. The Commission directed that information should be displayed at every Circle Office of the Department as per the requirements of PDS Control Order 2001. Taking into account the sample display print of the information that may be displayed

outside each FPS which was brought by the Complainant, the Commission directed that such information will be displayed at the FPSs under the Department.

Decision No. CIC/SG/A/2010/003111/10595, in case of Shahana Begum, where she filed RTI seeking the reasons for cancellation of her BPL card and denial of ration under PDS. The Information Commission hearing the case fixed the blame on the government for depriving the appellant of her BPL entitlement, awarded compensation for the loss and detriment suffered by the appellant in pursuing the first and second appeal and directed the Food Commissioner to provide information to the appellant outlining the reasons why the rations have not been provided to her as also determining the responsibility on the officers responsible for this.

Use of RTI has helped the applicants strengthen RTI regime and bring relevant information to public domain. The Commission received a complaint from Ritu Mehra on non-compliance of the Directorate of Education and the schools with the direction of the Commission on disclosure of information related to EWS quota. The Commission directed the Director, Education in its **Decision No. CIC/SG/C/2009/001627/6018** to ensure that display of the information on EWS is implemented in compliance of Section 4 requirements. The Department was asked for to show the Commission a copy of the proposed Board before 30 December 2009. It was also made mandatory for the department to provide details of students admitted on EWS quota giving their names, their parents' names on the website within one month of the admission.

2. Analysis of the primary data collected from the study area shows that only 36 percent of the RTI applications were responded by the public authorities up to the satisfaction of the applicants. The fact that 64 percent of the applications were not responded upto the satisfaction of the applicants points to failure of the public authorities in meeting the expectations of the people. The public authority seems to be the reluctant partner in bringing about an effective RTI regime. The public authorities have been force led into a situation where demands of the rights holders have brought about changes leading to service delivery.

As a RTI Fellow of DoPT, Several visits paid to the Food & Supply Office, North-East District, and Education Department, North-East District, GNCTD. It was found that none the PIOs has complied with the section 4 of RTI Act. Even in the office of Food & Supply Department there was no board about the PIO's name and designation. Similarly it was noticed in the Education Department.

I, Rekha Rani, also filed a RTI application on 17th May 2012, before PIO, Deputy Director of Education, Education Department, North-East District, Yamuna Vihar, Delhi and PIO, Assistant Commissioner, North – East District, Food & Supplies Department, Nand Nagari, Delhi seeking information for the period starting 1st January 2010 till date on number of RTI applications received from Sundar Nagari & New Seema Puri, number of RTI applications received from persons belonging to BPL category, number of applications which were duly replied within the stipulated time of 30 days from the receipt of application, number of applications transferred to other PIOs and number of PIOs appointed within the period for which the information has been sought.

On 26th July 2012, I inspected the record of Food & Civil Supply office and on 22nd June 2012, PIO, Education Department, replied, “This record is not maintained in this office”. This shows that the situation of PIOs’ office. As a RTI fellow of DoPT, I also could not receive the information within time limit.

3. Analysis of the primary data collected from the study area has established the fact that not less than 30 percent of the total RTI applications reach the Commission as Complaints and Appeals. Furthermore, 87 percent of the complainants/appellants have expressed satisfaction over the orders of the Commission. The Commission in its key role as adjudicator of complaints/appeals has helped the poor in securing entitlements (subsidized food items under PDS, admission under EWS quota) and demanding accountability from the duty bearers of the Public Authorities, catalyzed restating of governance idioms in terms of citizen participation and interest, encouraged the common man to seek transparency from the government and its instrumentalities and has strengthened RTI regime bringing relevant information to public domain.

The Commission has also been able to establish strong deterrent power in bringing the officials to book for non-compliance with the provisions of the Act. In the instant case narrated below, an applicant filed RTI seeking information on PTA, Pupil Welfare and VKS Fund, copy of the guidelines for utilization of the funds and inspection of the details of expenditure. The PIO, Deputy Director of Education (North East), GNCTD asked the applicant to deposit Rs. 46 as information cost. Following deposit of the information cost, the applicant was not provided the information. Following the First Appeal and direction of the FAA to provide the applicant information free of cost and return the amount deposited, the applicant was provided 11 pages of information. Since the applicant didn’t get the deposit refunded she filed 2nd Appeal with the Commission. Hearing the 2nd Appeal, the

Commission awarded a compensation of Rs. 2000 to the appellant, warned the PIO of imposition of penalty in case of reoccurrence of such error and directed that the information regarding PTA & VKS Funds be disclosed under section 4 of the Act given the fact that such information is being sought with regularity (Appeal No. CIC/SG/A/2010/002637, Decision No. CIC/SG/A/2010/002637/9968).

In another instance an applicant filed RTI seeking information on the total number of BPL and AAY cards in every circle of the district, before and after Bio-Metric Mark procedure. The reply of the PIO didn't satisfy the applicant and as a result; he appealed before the FAA citing the reason of incomplete information provided by the PIO. The FAA held that the information provided by the PIO was incomplete and ordered the PIO to provide the information. Since the appellant didn't receive the information he appealed before the Information Commission citing the reason that he hadn't been provided information despite the orders of the FAA. Hearing the Second Appeal, the Commission ordered for supply of information to the appellant before the Commission, held the PIO guilty since he couldn't establish any proof of having provided the information despite his claim of having done so and directed the PIO to give his reasons to the Commission to show cause why penalty shouldn't be imposed on him (Appeal No. CIC/SG/A/2010/0039055, Decision No. CIC/SG/A/2010/003055/10512).

The RTI holds within it the right to seek information, as well as the duty to provide information. The Public Authorities are the primary domain where the information is available and for all public purposes the common man tries to seek accountability from the authority.

The CIC has addressed systemic issues for establishing an effective RTI regime. It has used Information Technology to expedite the process within the commission with regards to servicing of appeals & complaints and maintenance of records. The commission has raised issues such as; lackadaisical approach of the public authorities in filing returns on status of implementation of RTI, failure of the public authorities in strengthening information management system and non-compliance of the public authorities in complying with the requirements of suo- motto disclosure under 4 1 (b) of the Act. The commission has, through organizing consultations and seminars; strived to generate debate and discussion on widening the scope of the Act and iron out varying interpretations.

The Public Authorities seem reluctant in playing their desired role as important contributor to the RTI regime. Non-cooperation and harassment of the duty bearers is reflective of their mindset where they misconstrue their position at the receiving end. Lackadaisical

approach of the public authorities in filing returns on status of implementation of RTI, failure of the public authorities in strengthening information management system and non-compliance of the public authorities in complying with the requirements of suo- motto disclosure under 4 1 (b) of the Act explain for the reluctance of the public authorities.

CSOs have played key role in creating awareness, capacity building, providing handholding support in promoting use of the governance accountability tool. They have been instrumental in compelling both the Public Authorities comply with the requirements of pro-active disclosure u/s 4 of the Act. The CSOs play the role of watch-dog in making the RTI regime effective. Parivartan and pardarshita, these two organizations are active at the project site and they organize the training on RTI, help people in filing RTIs, and provide the written material on RTI.

4. Among the sample users of RTI, more than 91 percent of the RTI users faced difficulty in filing RTI. Such difficulty is owing to non-cooperation of the public authorities, especially the PIOs and absence of citizen facilitation service. Furthermore, 14 percent of the RTI users point out that they had faced threat for the reason that they applied for information under RTI.

Sundar Nagari and New Seema Puri is a delineation of poverty and marginalization where the inhabitants are deprived of the basic amenities essential to lead a life with dignity. Majority of people of these areas is illiterate; nonetheless they are trying to understand the government policies and laws. They do not have resources to access their rights. No government program runs to enhance their legal knowledge. Non-cooperation and harassment of the RTI applicants by the duty bearers has been a stumbling block in realization of RTI. Failure of the Public Authorities to improvise information system, non-compliance with suo motto disclosure and absence of citizen facilitation centre impede provision of information under the Act. Since most of the recommendations of the Information Commission, Administrative Reform Commission have not been put to practice; the systems and procedures of pre-RTI regime have not been able to meet the expectations of the citizens. The government lacks the will to bring about necessary changes in the domain of administration, record management and logistics so that RTI regime could function effectively.

Conclusion & Recommendations

Interaction with Multi stakeholders and collection and analysis of data/information on use of RTI has brought to the fore some of the issues and concerns that require priority attention for strengthening the RTI regime. Realization of the practical regime of RTI has remained evasive and will continue to be so unless and until there is a multi-prong effort by the appropriate governments, Information Commissions, Public Authorities and information facilitators such as; CSOs and activists. The followings are the findings and recommendations of the study.

FINDING & RECOMMENDATIONS

- RTI Act ensuring access of right to information has the twin objectives of promoting good governance and inclusive development. It needs no reiteration that realization of the objectives of RTI posits democratization of its knowledge and skill so that the people in general and the poor and the marginalized in particular use it. Awareness generation by the information commissions, public authorities and CSOs need to be taken up to reduce urban-rural and gender gap in level of awareness for effecting democratization of its knowledge.
- We have a situation where Section 4 of the RTI Act is not being implemented in letter and spirit. Although there are ministries/departments and public authorities, which are relatively more transparent and open than others, most of them do not conform to the matrix of disclosure set out in Section 4 (1) (b) of the Act. It is time the directives of the CIC to the Public Authorities to fulfill their obligations stipulated in Section 4 of the Act and designation of senior officers as “Transparency Officer” (with necessary supporting personnel as required) in the Public Authorities meant for promotion of institutional transparency are strictly enforced.
- Implementation of the RTI Act has posed an administrative challenge throwing up various structural, procedural and logistical issues and problems, given the archaic system of record management in public authorities. Creation of Public Records Office (PRO) at the level of GoI and State Governments with the responsibility to oversee proper record keeping in all public offices including preparation and up-dating of manuals, modernization and digitization, monitoring, inspections and other relevant functions would be of help in removing the handicaps of the public authorities on account of poor record management system.
- A vast number of institutions and agencies come under the ambit of the Act, as per its definition of “Public Authority”. In the absence of development of a Ministry/ Department-wise catalogue and index of all the Public Authorities, it is difficult for the information seekers to access information and causes unnecessary paper work on account of transfer of application. Creation of the “Inventory of Public Authorities” would be of help in this regard.

- As per the provisions of the RTI Act, in matters of responding to the information request the buck doesn't stop at the PIO/ APIO as he/she is the interface between the information seekers and the concerned public authority. Each duty bearer is called upon to duty as referred PIO depending upon the information sought in the information request. All the government functionaries should be imparted at least one day training on RTI within a year, in all general or specialized training programmes of more than 3 days duration a half-day module on RTI should be compulsory. An effective way of dealing with the problem of lack of capacity building among the duty bearers is development of department wise guides and information materials which has to be done.
- "Public Authority" has been defined as any authority or body or institution of self-government established or constituted by or under the Constitution, by any other law made by Parliament, by State Legislatures, and by notification issued by the appropriate government including institutions substantially financed by the appropriate government. The term has been left ambiguous and susceptible to varying interpretations. It is high time that the term is defined in a way to include organizations which perform functions of a public nature that are ordinarily performed by the government and its agencies and those which enjoy natural monopoly. There is a need for bringing all the Public Private Partnership Projects under the ambit of RTI Act.
- Use of RTI as a governance accountability tool/RTI in practice stands the most appropriate test of scrutiny in the socio-economic context of poverty and marginalization. Since most of the users of RTI belonging to the marginalized group face difficulties in filing RTI, the plan for creating systems and procedures for smoothening the process must focus on the sphere of their interaction with the government and its instrumentalities.
- Given the fact that creation of First Appellate Authorities has not been able to meet the expectations of the appellants; there is a need for capacity building of the FAAs. The study brings it out clearly that awareness generation among the poor and marginalized and their capacity building has rich dividend in the domain of governance and development. Such a finding calls for intense and meticulous engagement of the people. The Information Commission has been able to address the issues of pendency to an extent which creates hopes for reduction of pendency in future.

Interview Schedule for RTI Users

1. Name of the Applicant
2. Address
3. Gender
4. Information Sought
5. In which Department did you file RTI
6. Date of Filing RTI
7. Date of receiving RTI
8. Did you file First Appeal? If yes, give reasons
9. Date of filing First Appeal
10. Date of hearing First Appeal
11. Did you get complete information after First Appeal?
12. Did you file second appeal/ Complaint? If yes, please mention the reason
13. Date of filing second appeal/Complaint
14. Date of hearing of second appeal/ Complaint
15. Are you satisfied with the order of CIC?
16. If no, please state the reason
17. Has the compliance been made of CIC order
18. Date of order of CIC
19. Do you belong to BPL category
20. Did you have to face any pressure/threat from anyone due to filing of RTI? If yes, please explain
21. Did you have to face any difficulty while using RTI
22. Please explain your experience in dealing with PIO
23. Please explain your experience in dealing with appellate authorities

24. Please share your experience dealing with Information Commissioner
25. Was your purpose achieved for which the RTI was filed?
26. Do you think that you got your work done by using RTI otherwise the same was not happening
27. Did you ever encourage any other person to file RTI?
28. Have you ever participated in any workshops or training on RTI?
29. Would you consider using RTI in the future for similar or other cases
30. What according to you should be changed in order to make the RTI stronger and effective?
31. REMARKs, if any

Interview Schedule for Civil Society Organisations

- 1.** Name of the NGO/organization
- 2.** Name of interviewee
- 3.** For how long has the organization been working for the cause of RTI:
- 4.** On what issues has the organization been using the tool of RTI Act?
- 5.** How do you identify the issues?
- 6.** What problems do the NGOS' faces while using RTI in your area?
- 7.** How do you rate implementation of RTI Act in local office of education department and the food and supply department?
- 8.** What efforts have been made by above mentioned departments for the better implementation of RTI?
- 9.** What are the actual problems in filing the RTI in above said department?
- 10.** Has the food & supply department & education department published all the information u/s 4 in their local office.
- 11.** Was any workshop/theatre/training organized by F&S Department & education department in your local areas i.e. Seemapuri & Sunder Nagari for the promotion of RTI Act?
- 12.** What problems are being faced by the applicants while filing RTI in the local office of F&S deptt. and education department?
- 13.** Is the applicant provided assistance in the office of PIO to write his/her application in case the applicant cannot write his/her application?
- 14.** Do the PIOs in Food & Supply and education department take filing of RTI positively?
- 15.** Have you ever faced any harassment/threat/physical attack as a result of filing RTI?
- 16.** Please give your suggestions to improve the RTI Act

Interview Schedule for Public Information Officers

1. Name of Public Information Officer
2. Designation of PIO
3. Do you know the provisions of the RTI act?
 1. Yes 2. No 8. Don't know
4. How long have you been PIO for your Department?
 1. 2-3 years 2. 1-2 years 3. Less than one year
5. Have you been a PIO in any other department before this assignment?
 1. Yes 2. No 9. N.A
6. Did you want to be a PIO?
 1. Yes 2. No 8. Can't Say
7. (If Yes) Why did you want to be PIO?
 1. To support RTI 2. Gives power 3. Gives recognition 4. Others (please specify)_____ 9. N.A
8. (If No) Why you did not want to be PIO?
 1. Additional Work 2. Fear of Penalty 3. Lack of Cooperation from colleagues 4. No financial/or other incentives 5. Poor record management and retrieval of information difficult 6. Lack of support system 7. Others (Specify)_____ 9. N.A
9. Have you received any training on RTI ?
 1. Yes 2. No
10. (If Yes) How many times?
 1. Once 2. Twice 3. Thrice
11. What about your experience of the training?
 1. Helpful 2. Not helpful 8. No opinion 9. NA
12. (If not Helpful) What is the reason?
 1. Training too short
 2. Trainer not clear
 3. Trainer not knowledgeable
 4. Poor training materials/documentation
 5. No training on the practical aspects of effectively addressing an information request

6. No refresher course
7. Other (Specify)_____ 9. N.A
13. How many RTI applications have you received since you became a PIO?(Record number per year and code total applications)
14. How many applications have you transferred to other PIOs/public authorities?
15. Do you have any limits /constraints for financial provisions/approvals to cover the cost of servicing RTI applications?
 1. Yes 2. No 8. Can't Say/ D.K
16. (If Yes) What are the constraints?
 1. Postage 2. Photocopy 3. Others (Specify) _____ 9. NA
17. On an average, how much time do you spend per week on the RTI related work?
 1. Less than 1 hour 2. Between 1 and 2 hours 3. Between 2 and 5 hours 4. Between 5 and 10 hours 5. More than 10 hours
18. How much time do you spend appearing before the Information Commission every month?
 1. Less than 1 day 2. Between 1 and 3 days 3. Between 3 and 6 days 4. More than 6 days
19. Have you/ your department made any changes in RTI related office management systems? 1. Yes 2. No 8. Can't Say/ D.K
20. (If Yes) Please tell what changes have been made: [Do not read out options]
 1. Improving record maintenance
 2. Digitization of information
 3. Putting records on website
 4. Changing procedures of functioning and decision making for maintaining records for RTI
 5. Others (Specify)_____ 9. N.A
21. In responding to information requests what difficulties do you generally face?
 - a. Incomplete application
 - b. Unclear applications
 - c. Requests for voluminous information
 - d. Need to make repeated internal follow-ups
 - e. Difficulty in getting information from colleagues/superiors
 - f. Inadequate & incomplete internal record-keeping and filing system
 - g. Information pertaining to the query does not exist within Department

- h. Compiling information from disparate sources
 - i. Reducing available information into the format in which it is asked
 - j. Others (Specify)
- 22.** What other constraints, if any, do you face in implementing the RTI?
- a. Lack of awareness of provisions of law/procedures/rules
 - b. Lack of training
 - c. Lack of guides/manuals/materials
 - d. Deficiencies in RTI applications
 - e. Too many applications
 - f. Others (Specify)
- 23.** Do you have a copy of the RTI Act with you? 1. Yes 2. No 8. DK
- 24.** Would you like to suggest any improvements in the RTI law/rules and/or procedures for processing RTI applications (Please specify)

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