

Recommendations

5

Introduction

Enhanced accountability & clarity in role

Awareness

Improving convenience in filing requests

Enabling environment & capacity building

Improving efficiencies at Information Commission

Third party audit

5.1. Introduction

Based on the issues and constraints detailed out in Chapter 3, it is expected that the number of RTI applications may increase to (Refer Exhibit 3.1) 40-50 lakhs by 2011 up from current (2008) estimates of 8-9 lakhs. In case this exponential growth happens, it would be a good indicator of the popularity of the Act. However this would result in the emergence of new problems of processing capacities of the organizations to meet the “demand”. Hence there is a need for the appropriate Governments to take immediate measures to overcome the issues/ constraints and strengthen the implementation mechanism of the RTI Act.

Exhibit 5.1

Projected Number of RTI applications and Appeals filed

To quote the example of Ireland, after five years of enactment of Freedom of Information Act in 1997, the percentage of requests was 0.42% of the population. In Maharashtra, after five years of enactment of Maharashtra RTI Ordinance, the numbers of RTI applications were 0.32% of the population. In US, in 2002 the RTI applications were 0.8 % of the population.

The growth rate of the number of applications filed in the above cases was around 30-50% year-on-year (for e.g. 2 million in 2002 in US, 3 million in 2003 and 4 million in 2004)

Extending these observations it can be projected that the number of RTI applications in 2011 would reach somewhere in the range between 40 – 50 Lakhs.

Projected Number of Appeals

The chart indicates the Secondary appeals filed as a percentage of the total RTI applications (Source: Annual reports of various SICs)

Hence it can be projected that second appeals would reach a range of 2.5 – 3 Lakhs (Approximately 6% of the total number of RTI applications).

Sl No.	State	Applications	Second Appeals	Percentage
1	Maharashtra	316,002	15,959	5%
2	Himachal Pradesh	2,654	306	12%
3	Andhra Pradesh	31,964	2,254	7%
4	Punjab	7,135	2,081	29%

The focus of these recommendations is to address the basic gaps noticed for long term success of the Act, as opposed to tactical short term measures, which though suggested, are not the focus.

5.2. Enhanced accountability & clarity in role

Recommendation: Enhancing accountability and clarity in role of the Public Authority, appropriate Governments and Information Commissions.

Assessment summary

As highlighted in Chapter 3, there are a few issues observed in the current institutional structure to manage the RTI:

- The RTI Act segregates the implementation role between the Information Commission (under section 19, 20 & 25) and appropriate Government (under section 26-27). However the study has highlighted that for certain initiatives (like issuance of guidelines for Information Seekers and providers, Monitoring & Control of RTI implementation) the boundaries get blurred. As highlighted in Chapter 3, the Information Commission is at times undertaking responsibilities of appropriate Government and vice versa. Though it is not an undesirable situation, but it is surely a deviation from the Act. It is acknowledged that for Information Commission and the appropriate Government have

to work in close co-ordination. Hence there is a need to have a formal mechanism/platform wherein the issues pertaining to RTI implementation could get discussed and resolved.

- There is a significant involvement of the Public Authority in the implementation of the RTI Act. As analysed in chapter 3, most of the implementation issues are linked to the citizens filing requests and receiving timely information. However, there is a need for a formal mechanism/ platform where the issues and constraints could get addressed pro-actively at a Public Authority level. It is important to note that with lack of effective monitoring processes at the Information Commission such issues often go unaddressed.

RTI cannot be satisfactorily implemented until and unless the roles and responsibilities at all the execution and monitoring levels are clearly defined and the monitoring process strengthened.

Recommendations

5.2.1. Creation of RTI Implementation Cell by appropriate Governments

- As mentioned before, the appropriate Government's role has been defined in Sections 26 and 27 and the Information Commission's role has been defined in Section 19 of the RTI Act. In spite of the powers conferred to the Information Commission in the RTI Act, the Information Commission is dependent on resources of the appropriate Government and Public Authorities for the implementation of the orders issued by them. Hence unless and until there is a platform/ mechanism for the appropriate Government to work on the implementation of the Act, it would be difficult to address the identified issues.
- To ensure co-ordination between the appropriate Government and the Information Commission in discharging the duties mandated under the RTI Act, it is recommended that there should be an RTI Implementation Cell under the appropriate Government. This Cell should be under the leadership of a senior level bureaucrat. This Cell is expected to set up implementation measures to promote compliance by the Public Authorities and oversee the status of implementation. The Chief CIC or Chief SIC may be an invitee in the meetings of the proposed Cell to help the appropriate Government in carrying out the responsibilities mandated under the Act.
- The RTI Implementation Cell should be supported by an administrative Department (called the Nodal Department) which would provide administrative support to the RTI Implementation Cell in carrying out the following activities:
 - Work with the Information Commission and take necessary action to implement the RTI provisions in the Public Authorities identified by the Information Commission
 - Implement programs/strategies to enhance and improve RTI implementation as defined in Section 26(1) viz.
 - Develop and organise educational programmes to advance the understanding of the public, in particular of disadvantaged communities regarding how to exercise the rights contemplated under this Act; Disseminate rules /guidelines/key judgments of CIC/SIC etc to PIOs
 - Encourage Public Authorities to participate in the development and organisation of programmes referred to in clause (a) and to undertake such programmes themselves;
 - Promote timely and effective dissemination of accurate information by Public Authorities about their activities; and
 - Train Central Public Information Officers or State Public Information Officers, as the case may be, of Public Authorities and produce relevant training materials for use by the Public Authorities themselves.
 - To achieve the above, the Nodal Department²³ has to:
 - Work in close co-ordination with the Information Commission to continuously identify constraints and mitigate them either through the powers vested with the Information Commission or through Government interventions
 - Provide necessary support to all Administrative Training Institutes for training and capacity building
 - Develop separate e-learning modules for various stakeholders – APIO, PIOs, FAAs, SAA, Politicians, Government officials and citizens

²³ It may be noted that the Nodal Department for the Central Government is Department of Personnel and Training.

- Recommend budgetary provisions at a Central/State level for generating awareness amongst citizens
- Conduct national level workshops, inviting CIC, SICs, Civil Society Organizations and other stakeholders of RTI to discuss the RTI Progress across the nation;

5.2.2. Strengthening implementation set-up at Public Authority

- As per the RTI Act, it is implicit that at a Public Authority level, the implementation of RTI (especially Sections 4-5) is the responsibility of the Administrative Head. However, given the (a) current level of implementation of section 4(1)(b) and (b) low success in providing information within the stipulated time, this calls for capacity building within the Public Authority. The Administrative head may appoint a cell/ team - Public Authority's RTI Cell (PARTI Cell) to pro-actively address the issues pertaining to the RTI implementation and developing a roadmap for implementation. The size of this cell/team will depend on the size of the authority and number of RTI applications received. Given that there are Public Authorities of various sizes, it is suggested that this PARTI Cell should start from a Ministry. The agencies/offices under its control may either be adequately represented or they may have a different PARTI Cell of their own. This should be followed till the lowest Public Authority in the hierarchy is reached. The key responsibilities of the PARTI Cell should include:
 - Preparation of "RTI readiness Plan" to assess the current preparedness and plan for the next 3 years. On basis of this report a project plan needs to be developed to identify basic activities, which should be carried out for effective implementation of the RTI Act;
 - Assess the quality of record keeping and ensure good standards of records management;
 - Coordinate and arrange adequate training for required staff in the authority;
 - Identify areas for proactive disclosure. It will have to ensure the proactive disclosure is updated and linked to the needs of the citizens;
 - Plan for proper infrastructure, systems and processes are developed for implementation of RTI;
 - Develop intra-Department service levels to ensure that the information is provided in the period as mandated in the Act;
 - Capture statistics like Periodic reports, required as per Section 25(3), containing details such as no. of application filed, information provided, appeals at First Appellate Authority (FAA)/SIC, fines imposed by SIC and SIC orders and instruction (if any, under section 25(5)) to the Public Authority
 - Align with other schemes (e-Governance and others) for synchronization with the efforts made by other projects
 - Design a monitoring and evaluation framework for continuously monitoring the progress of the RTI activities
 - Take prompt action on communications of the Information Commission/RTI Implementation Cell and report back

5.2.3. Annual self assessment by Nodal Departments

- It is suggested that the Centre/State Nodal Departments should carry out an annual self-assessment exercise. This self-assessment is to assess initiatives taken by the State Government towards implementation of the Act and also captures various outcomes. A Model "State of Implementation matrix" has been suggested in Annexure 11
- It may be noted that this model is not intended to compare the performance of RTI implementation across various states, but has to be used as a checklist and a health-monitoring by the State Nodal Departments
- This exercise is intended to identify a comprehensive list of activities which are needed to be taken by the Nodal Departments.
- The State of Implementation Matrix has been provided for three different levels/ stages. The first level/ stage is where minimal steps have been taken by the Government to implement the RTI effectively, whereas the third stage is where the Government has taken all necessary steps in implementation of the RTI Act. The Nodal Department may choose the relevant model for carrying out the annual Self-Assessment.

Activities and responsibilities

Sl. No	Activity	Activity owner
1	Establishment of RTI Implementation Cell under the appropriate Government	Nodal Department
2	Issuance of Order/Notice to all the Departments for creation of PARTI and instructing them to communicate to relevant offices/agencies to create their own PARTI	Nodal Department
3	Public Authorities to create PARTI to create a plan to implement RTI in the Public Authority	Administrative Head of Public Authority
4	Oversee the implementation of the Plan at Public Authority	PARTI
5	Convene meeting for the RTI implementation Cell under the appropriate Government	Nodal Department
6	Annual Self Assessment by Nodal Departments on the progress in the Implementation	Nodal Department

5.3. Awareness

Recommendation: Conduct branding and promotion campaigns to educate the citizens about the use of RTI Act in order to increase citizen involvement in the decision making process

Assessment summary

- The Act mentions the responsibility of the “appropriate” Government to develop and organise educational programmes in order to advance the understanding of the public, in particular of disadvantaged communities regarding how to exercise the rights contemplated under this Act (Section 26(1) A). However in chapter 3, it was established that the awareness of the RTI Act is low at 15%. Further the quality of “awareness” (within this 19%) is significantly low. As expected, the awareness level in weaker section of the society is much lower as compared to the general category.
 - Only 12% of the rural population and 30% in urban population were aware of RTI Act
 - Only 12% of the women and 26% of men were aware of RTI Act
 - RTI Appellants at First Appellate Authority and Second Appellate Authority were not fully aware of their rights.
- The current public awareness is primarily a result of “RTI investigations” done by the journalists and the efforts of the Civil Society Organizations.
- Secondly the awareness of the public on their rights as an appellant under RTI, is minimal. (During stakeholder consultation, the Civil Society Organizations felt that there were instances when the rights of the Appellants were not respected. However there are no quantitative data to substantiate this issue).

Recommendations

5.3.1. Massive awareness campaign

- A massive awareness campaign is necessary to educate the citizens about the RTI Act and encourage citizen involvement. The awareness program must especially target the vulnerable categories of citizens such as: (i) women; (ii) farmers and rural families; and (iii) middle and working class, for whom most of the social benefit schemes of the Government are targeted. For this purpose, RTI awareness and education needs to be aggressively pursued using the appropriate medium of communication. Also adequate budget needs to be allocated by the appropriate Governments for this initiative. The main objectives of the campaign should be to

- Increase public knowledge and awareness;
- Encourage citizen involvement and debate; and
- Increase transparency within Government through informed citizenry
- Based on the need and the federal Government structure, the awareness campaign should be divided into two parts.
 - National awareness program
 - State specific awareness program
- The National awareness program will involve “integrated marketing communication”. Main thrust of this program should be to use public relations, information technology, and mass media to generate awareness about the RTI Act among the citizens. Specifically it will involve:
 - Creation/Strengthening of a brand identity for RTI (Brand logo, tag line etc)
 - Preparation of proto-types, guidelines and support for the operationalisation of the “Mass Awareness Campaign”
 - Creation of an audio and video messages for awareness creation
 - Design of posters, pamphlets and brochures.
 - Usage of internet (Government websites) as a means for generating awareness
- State-specific awareness program should involve:
 - Direct communication channels (in local languages) like awareness drives at targeted Public Authorities, RTI workshops and street plays
 - Indirect communication channels like advertisement in local newspapers and magazines
 - Customization and implementation of the media strategy in the State.
- Awareness initiatives which should involve both – Central and State Government
 - RTI Education should be introduced in the school syllabus. Nodal Department should work with Educational Boards in drafting a section on RTI in the school syllabus. (To ensure the new generation is aware of RTI, the Nodal Department may work with Education Boards to have mandatory questions on RTI in class X exams)
 - An effective RTI education Programme should also cover training of teachers belonging to schools
 - Issue of commemorative RTI stamps may be considered. These stamps should carry logos of RTI and spread awareness of RTI
- A display at the Information Commission to provide information to the citizens on their rights specifically relating to filing of Appeals, rights during and after the hearing.
- This campaign should be scheduled after one year, post implementation of the other recommendations mentioned in this report. It is expected that post implementation of the other recommendations, the Public Authorities, appropriate Governments and Information Commission should be able to handle more “traffic” that is generated through the mass awareness campaign.

International Reference

In Mexico, IFAI has engaged in a broad public relations campaign involving pamphlets, posters, radio and television spots, academic publications and a massive and successful Internet drive, spearheaded by an extensive and user friendly website. The oversight body has initiated a project called ‘IFAI Comunidades’, aimed at bringing together people within communities to identify and then request information that they need.

Activities and responsibilities

S.No	Activity	Activity owner
1	Provisioning of requisite Budget for the activities suggested for the Centre/State Governments	Nodal Department in the appropriate Government
2	Development of a media plan & Initiate "Mass Awareness" program	Nodal Department in the appropriate Government
3	Co-ordination with Educational Boards for incorporation in the school syllabus	Nodal Department in the appropriate Government
4	Design and distribution of a prominent Display Board (containing Appellant & PIO rights during hearing) to all the State Information Commission	Knowledge Resource Centre

Exhibit 5.2 National leading Mass Awareness Campaign:

- Department of Consumer affairs: Jago Grahak Jago**
 The Department of Consumer Affairs realized that generating consumer awareness is the key to the consumer movement in the country. Hence it is implementing an innovative and intensive multi media campaign to create consumer awareness in the country. They have created the brand 'Jago Grahak Jago' brand, which has now become a recognizable name to the literate consumers in the country, having been used in a blitz print media campaign, in English, Hindi and regional languages.

 Consumer awareness was also carried out simultaneously through the electronic media, largely through 30 second spots on T.V. and radio jingles on topics ranging from MRP to Gold Hallmarking, ISI marked products, expiry dates and consumer rights. The slogan 'Jago Grahak Jago' has now been well established through multi media publicity campaign.
- Family Planning: Hum do Hamare Do**
 In 1952, India was the first country in the world to launch a mass media campaign to spread the concept of family planning in response to population growth. The slogan "Hum Do Hamare Do" (We are two, ours are two), is what was put forth to make people embrace the idea of small families ("Small family, happy family"). All forms of modern mass communication media plus traditional cultural media were used to develop social support for the idea of the small family. Popularity of the family planning program has increased, as shown by the upswing in acceptance of contraceptives after 1965 as compared with earlier periods.

5.4. Improving convenience in filing requests

Recommendation:

- Alternative Channels for submission of RTI requests**
 In order to facilitate citizens in filing RTI requests/appeals the following alternate channels should be designated as APIOs (provided for under section 5(2)):
 - Citizen Service Centres (CSCs) facilitating citizens in filing RTI applications
 - Department of Posts to assist in drafting and forwarding the application/appeals
 - RTI call centers
 - RTI portal
 - RTI resource centre in each district headquarter

Assessment summary

- A conducive and facilitative environment at Government offices is a necessary condition to ensure that the citizens are able to apply and receive information in a convenient manner
- As per Section 4(1)(b)xv-xvi, 6(1) and 5(3), the Public Authority is expected to proactively provide certain information/facilitate the citizen in accessing the information as per the RTI Act. However during the study, it was noticed that there was a wide gap in ensuring convenience to the citizens in filing requests for information. There were also anecdotal instances where the citizen was discouraged to file for information requests. (e.g. the Form for requesting information was only a guideline, but in many instances, the information requests not submitted in the prescribed form were rejected)
- Some of the key issues noticed were:
 - Submission at the PIO office is the most prevalent submission channel, however more than 26% of the citizens had to pay more than 3 visits to submit applications 47% said no sign boards were present to help them with the process.
 - Often the list of PIOs was not found updated leading to the citizen inconvenience It is the duty of the Public Authorities to provide this list as per section 4(1)(b) (xvi)
 - The citizens face inconvenience in depositing fees in the payment mode accepted by the Public Authority. The payment of cash is the most prevalent channel. However, it has the inherent limitation of the applicant to be present physically, whereas the Act does not provide for any such restrictions. Most of the payment modes accepted by the Public Authorities have this inherent limitation.
 - The survey highlighted that there was inadequate help provided to applicants/Non friendly attitude of PIOs. As per Section 5(3) and 6(1), it was expected of PIOs to provide reasonable assistance to the persons seeking information.
 - 89% PIOs were not using the provision of inspection of records by citizens which lead to delay in providing information. As per section 2(j)(1), “inspection of work, documents, records” is a means to provide information under Right to Information Act.
 - More that 75% of citizens were dissatisfied with the quality of information provided.

Encouraging citizens’ accessibility to information is the major Change Management issue among the Government employees. For a Government employee, it has been a significant shift from “Official Secrets Act” mindset to the “Right to Information Act” mindset. While the Act has been introduced, challenges were noticed during the implementation at the ground level and a multi dimensional approach has been suggested in this report to address these challenges.

Recommendations

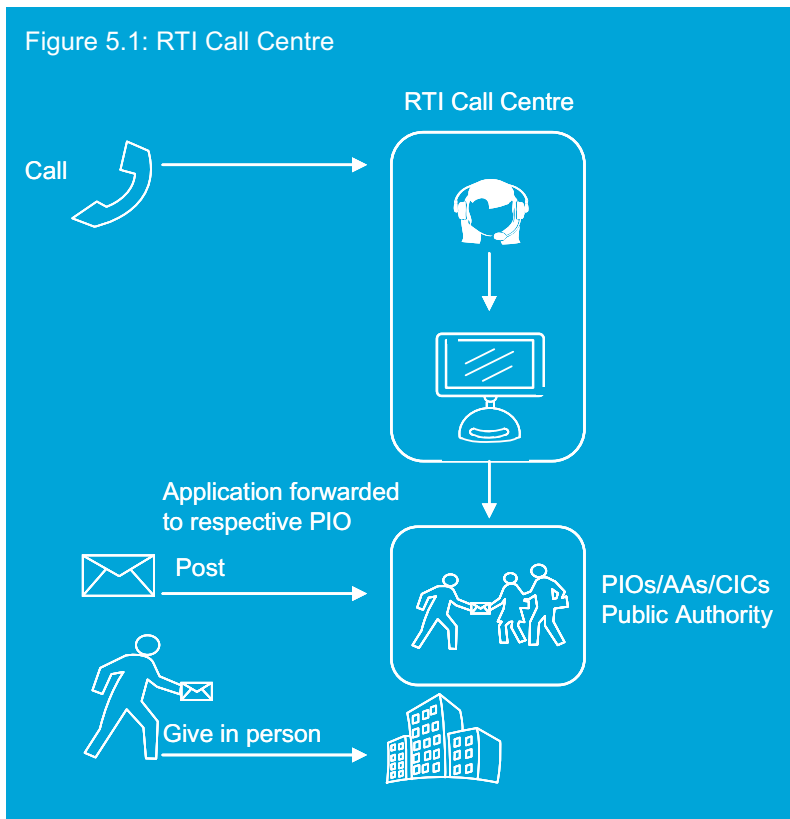
5.4.1. Developing multiple access channels

During the information seeker survey, 65% of the respondents suggested that there is a need for facilitation centres for improving the usage of RTI. To contain corruption and to hold Governments and their instrumentalities accountable at a village/locality level, it is imperative to create multiple channels within reach of a common citizen. In this report multiple channels of accepting the RTI requests (to be designated as APIOs) has been suggested. It may be pointed out that the recommendations provided below are already implemented at some places or initial steps have already been taken. Based on our assessment, these initiatives would address the issues of the common citizens/applicants highlighted in Chapter 3.

It may be noted that the channels recommended here are in addition to the existing channels present in the Public Authorities. In some of the cases below, the citizen is required to pay additional amount, over and above the fees mandated in the RTI Act. However the additional fees would be much lower as compared to the citizen’s economic cost applying for information. Further, since the existing channels for collection of RTI applications would still exist, it is left to citizen to apply for information at the most convenient channel.

- **CSCs facilitating citizens in filing RTI Applications**
 - Around 100,000 Common Service Centres (CSCs) are being set-up in various parts of the country under National eGovernance Plan (NeGP). CSCs are ICT enabled kiosks to provide various public, private, and social sector services to the citizens. Under NeGP, around 1 CSC is being set up for every 6 villages. To ensure the sustainability of this initiative, the CSCs are implemented on a Public Private Partnership (PPP) model. The Kiosks are constructed, deployed, and run by private operators who provide Business to Citizen (B2C) services. Government to Citizen (G2C) services are to be rolled out shortly.
 - To facilitate RTI implementation, and to address the accessibility gap, CSC could be used as information centres, where citizens would not only be informed of the RTI Act, but also be assisted in filing applications. It is expected that an updated list of PIOs would be available with the CSCs.
 - The CSC operators could charge a nominal facilitation fee for these RTI related services. The facilitation fee to be charged could be fixed, or an upper limit could be provided by the State Government. Further, the operator would collect the application fee in cash and provide receipt to the citizens. The application could then be mailed to the respective PIO.
 - Under the State Service Delivery Gateway initiative of Government of India under NeGP, all offices of Government Departments are being provided computing facility. Hence, in future the CSCs could email the application to respective the PIOs thus saving time and cost. This initiative is expected to be completed by the end of 2009.
 - A prerequisite to the above is capacity building of the CSC operators. The CSC operators need to be trained and sensitized to the various processes and issues involved in filing of RTI application/appeal. Government of Haryana has already initiated a plan to train Village Level Entrepreneurs (CSCs) for assisting the citizens in filing applications under RTI.
- **Department of Posts to assist in drafting and forwarding the application/appeal for the State Government**
 - The Department of Posts of India has been officially designated to Act as APIO to all the Central Ministries. The APIO is responsible for receiving the RTI applications/appeals and forwarding the same immediately to the concerned PIO/Appellate Authority of the respective Ministry. In such a case where the application for information (or appeal) is given to a Assistant Public Information Officer (Central or State), a period of five days is to be added in computing the period for response specified under sub-section (1) of section 7.
 - Similarly, each State should aim at utilizing the vast Indian Postal office network and get them nominated as APIO for their respective State departments. They may also be authorized to collect the fees in cash and forward a receipt along with the application (This was also recommended in the ARC Report)
 - As APIO, the officers of Department of Posts would also assist the citizens in drafting the RTI applications/ appeals to meet their information needs. They would also assist the citizen in locating the concerned Department and PIO/AA to whom the application/appeal should be addressed. In other words, they would also Act as a helpdesk in filing and submitting the applications.
- **RTI Call Centre**
 - The RTI call centre could be a single nodal point used by citizens for filing RTI applications/appeals/complaints over the telephone. Additionally, it could also serve as a centralized database of all the RTI applications received and the respective responses. The following figure 3.3 depicts some of the mechanisms involved in the functioning of the call centre.
 - The Call centre can be developed on the lines of the “Jankari” RTI call centre in Bihar. Through this initiative, the citizens can file information requests under the Right to Information (RTI) Act through telephonic channel.

Figure 5.1: RTI Call Centre



- The various benefits of the call centre are:
 - Simplified and convenient process of filing RTI requests/appeals
 - Convenience in filing applications for illiterate, disabled and elderly people
 - Saves efforts of citizens in finding the correct PA/PIO
 - Helps in monitoring status of applications/appeals at a centralized level.
 - Database availability for analysis and research in future
 - Increase in reach and number of applications received
 - Highly efficient, effective and standardized process for filing application

Exhibit 5.3

National leading practice: Jankari

Jankari is an IVRS enabled RTI call centre to assist applicant in filing of application. For filing an application under RTI Act, the applicant has to dial 155311 (even from a PCO) and can then seek information from the public information officer of any Government office. Applicant has to provide his name and address of communication for filling the request. He/She can also file the appeal on the same number.

During this call, apart from the call charges, the application fee of Rs.10.00 is charged on the telephone bill/call bill. Such a call is considered a valid and legal application under Right to Information Act 2005. For any other information regarding his/her application and other related information, he/she can call 155310.

The application received at the call centre is forwarded to the concerned Department or office through internet, email, fax or by post. The PIO accordingly informs the applicant in appropriate manner. The information received at the call centre is computerized and can be used for the redress of public grievances.

Apart from Hindi, English, Maithili and Bhojpuri, the people would be able to gather information in several other languages in future.

• RTI Portal

- It is recommended to have a National RTI portal for submission of RTI requests online. The RTI portal would be a universal access point for submitting RTI requests through internet for every Public Authority. Citizens can submit RTI requests from their homes, office or other remote areas, 24 hours a day and 7 days a week.
- Some of the key benefits of using the RTI portal are as follows:
 - It will ensure faster and better delivery of Government information
 - Responsive, service oriented and effective channel

- Single window for submitting RTI requests across the country
- Would enable creation of centralized database of RTI applicants
- The database of the PIOs and Public Authorities needs to be created at a national/State level and updated regularly (The ARC report had also suggested a single portal through which all the disclosures of all public Authorities under appropriate Government could be accessed)
- The RTI portal should contain links to all Ministry/Department website of the appropriate Government. The Ministry/Departments should provide a comprehensive list of agencies/offices under their control and a link (or a webpage) which contains all the suo-moto information desired in Section 4(1)(b). These agencies should be categorised as recommended in ARC report (i) Constitutional bodies (ii) line agencies (iii) statutory bodies (iv) public sector undertaking (v) bodies created under executive orders (vi) bodies owned, controlled or substantially financed and (vii) NGOs substantially financed by Government.
- This portal can also be utilized by RTI Call Centres for requesting for information
- This portal can also be utilized by various Public Authorities to update the various statistics and reports for the Information Commission (for e.g. RTI portal in Andhra Pradesh)

Exhibit 5.4

International leading practices:

“Requestors are now increasingly able to request for information using electronic mail or web based forms. In Turkey, the main Ministries have been very active in using electronic networks to make information available, including encouraging users to submit requests and obtain status updates about their requests online. In Mexico, the “Sistema de Solicitudes de Información” (SISI) system run by the Federal Institute for Access to Public Information (IFAI) provides for electronic filing of requests for federal bodies and State bodies. All requests are entered into the system whether made orally or in writing, which allows for easy automated monitoring of the processing of requests by the Commission.”(Source: Freedom of information around the world 2006)

- **Single Window under e-District Project**
 - National e-Governance Plan of the Government of India has initiated the e-district Mission Mode Project in all districts. e-district is an ambitious project which seeks to radically improve the way districts work and provide services to citizens. The successful implementation of the e-district project involves certain imperatives in managerial, technological, resource and process dimensions. One of the services of e-district includes computerization of Right to Information. This project is being piloted in 14 States (35 districts) in the country and is planned to be funded by Government of India. Since the DC office is a implementation hub of all the State Government departments (and inter alia all its Public Authorities), it is recommended that (as suggested in Section 5(2) of the RTI Act,) the e-District operators should be designated State APIOs to receive the applications for information or appeals under this Act.
 - The ARC report had also recommended creation of a Single Window Agency at each District, on similar lines.

5.4.2. Convenient options for collection of Fees

Payment Channels

- As pointed out earlier, there is a need for standardization of RTI fee payment channels and making it convenient for a citizen to file request from remote locations (even outside the State), which is not possible if the fee has to be paid in cash.
- It is recommended that the respective State Governments should issue instructions or amend rules (as the case may be) to the Public Authorities to include convenient payment channels for submission of RTI applications by the citizens. The collection mode should be convenient to the citizen filing for such information from a remote location (For a State Public Authority there should be at least two convenient modes of requesting for information remotely/ outside the State). The options are:

- Convenient payment modes for applying from outside the State
 - Indian Postal Order
 - Demand Draft (convenient mode for requesting information remotely/outside the State)
 - Department of Posts should introduce “RTI Envelopes” which would have an inbuilt cost of application fee (convenient mode for requesting information remotely).
 - Electronic Payment Gateway, which would be required for the payment to be made from the RTI portals (convenient mode for requesting information remotely)
- Other Payment modes
 - Court Fee Stamps & Non-judicial Stamps (requires physical access)
 - Cash (requires physical access)
- At this stage, it would be pertinent to mention that some of the above steps may lead to revenue loss to the State Government. However, it is argued that this loss would be insignificant and the revenue accruing to Central Government would be used for strengthening of the Act - awareness generation, Knowledge Resource Centre etc.

Activities and responsibilities

Sl No.	Activity	Activity owner/assessor
1	Designate the CSCs operated by various agencies in the States APIOs	Nodal Department in the appropriate Government
2	Designate the Department of Posts (GoI) as APIOs	Nodal Department in the State Government
3	Designate the e-District Operators as APIOs	Nodal Department in the State Government
4	Enhancing the channels of collection of fee fees under Section 6(1) and Section 7(3): Authorisation of CSCs, Post Offices, e-Districts operators to collect the fees Usage of Payment Gateway	Nodal Department in the State Government
5	Design and Implementation of RTI Call Centres	Nodal Department in the appropriate Government/Knowledge Resource Centre
6	Design and Implementation of RTI Portal	Nodal Department in the appropriate Government/ Knowledge Resource Centre/Information Commission
7	Providing updated list of PIOs to newly designated APIOs (CSC, Post offices, e-District operators, Call Centre operators)	Nodal Department in the appropriate Government
8	Training of newly designated APIOs (CSC, Post offices, e-District operators and Call Centre operators)	Nodal Department in the appropriate Government
9	Amending rules (if required) and sending communication to all Public Authorities to introduce convenient Payment Channels	Nodal Department in the appropriate Government

5.5. Enabling environment & capacity building

Recommendation:

1. Creation of a Knowledge Resource Centre
2. Capacity Building for Training
3. Making Record Keeping “RTI Friendly”
4. Development of Web-based applications for PAs and Information Commissions
5. Improve Motivation of PIOs
6. Earmarking Budget for implementing the recommendations

Assessment summary

As highlighted in Chapter 3, there exist issues and constraints with the Public Authorities, which constraints the PIOs in efficiently responding to the RTI requests. While these issues may not appear to be significant at this stage, it is expected that in the next 2-5 years, these constraints would become a major bottleneck for the Public Authorities.

- Out-dated Record Management System
 - More than 38% of PIOs stated ineffective record management system for delay in processing.
 - In most cases record keeping procedures have not been revised for decades.
 - The practice of cataloguing, indexing and orderly storage is singularly absent.
 - 43% of the PIOs were not aware of the record management guidelines
- Lack of Trained PIOs/Knowledge issues
 - 45% of PIOs mentioned that they had not been provided training in RTI
 - 43% of PIOs were not aware of the proactive disclosure of their PAs
 - 39% of the PIOs were not aware of key SIC judgments
 - Training was limited to the provision of the RTI Act, key aspects related to public dealing, motivation, technology, service levels, etc were not addressed
- Minimal usage of Information technology
 - Lack of Software Application capturing details mentioned in Section 25(3)
 - Lack of software application to improve efficiency at the Information Commission
- Low motivation of PIOs
 - Most of the PIOs have taken up the role of PIO unwillingly. Hence the motivation levels of the PIO was found to be very low. Quite often, junior officers have been given the role of the PIOs and First Appellate Authority
 - There was a perception among PIOs that lack of adequate budget & infrastructure hampers RTI implementation
 - 89% PIOs said that there was no additional allocation of staff for RTI

The above gaps highlighted are partly due to lack of clear accountability established through appropriate Government orders and aggravated by lack of controls to measure the level and effectiveness of implementation. While the Section 5.1 deals with institutional measures, this section identifies the key initiatives which need to be taken up by various stakeholders.

Recommendations

5.5.1. Creation of Knowledge Resource Centre (RTI)

- It is suggested that a Knowledge Resource Centre be created under the DoPT (Nodal Department, GoI). The Knowledge Resource Centre has to Act as the centre for knowledge repository of all the information/best practices/ model rules & orders etc. concerned with RTI implementation in the Central and State Governments. The key responsibilities of the National Resource Centre for RTI Act implementation would include:
 - Facilitate the Central and State Government to get “RTI ready” by
 - i. Providing Guidelines on issues of inadequate clarity
 - ii. Suggesting ways and means to PA to develop “RTI readiness plan”
 - iii. Developing common resources for the States/ PA like :
 1. IT Systems/ Application to be deployed at PA and SICs
 2. e-Learning/ Training modules
 3. Common Forms
 - Support the National Nodal Department in project management of the Roadmap developed by the Nodal Department (both for the Central Government and State Government)
 - Design standards/ guidelines/ tools for the RTI Act implementation
 - Knowledge repository for RTI implementation (Preparation and publication of reports on Implementation of the Act)
 - Ownership for compilation of key landmark judgments, templates of annual reports, proformas for reporting, literature, guidelines and rules etc across the nation
 - Design and implementation support to DoPT for a mass awareness campaign;
 - Develop “RTI friendly” Record Management guidelines/ recommendations in co-ordination with Department of Information Technology (GoI) and National Archives.
 - Develop common web-based applications for the Public Authorities and Information Commissions
 - Develop an assessment tool to help RTI Nodal Departments at State and Central level for undertaking the assessment exercise at regular intervals
 - Provide support to National Nodal Department
 - Develop and maintain a “report card” on State of Implementation matrix
 - Facilitate training through the following:
 - i. Creation of standard course content for various stakeholders – PIOs, FAAs, SIC, Government Employees, Citizens, Key Bureaucrats and Politicians
 - ii. Empanelment of Training institutes at a Central and
 - iii. Providing Guidelines to State ATIs on how to do Capacity Building by involving Citizen Groups/ Citizens etc.

It is important to highlight that DoPT (GoI) has already initiated a project “Capacity Building for Access to Information (CBAI) Project” which addresses some of the recommendations mentioned above. This project is being funded by ‘United Nations Development Programme’ (UNDP) and covers 2 districts in each of the 28 states. Centre for Good Governance, Hyderabad (Andhra Pradesh) and ‘Yashwantrao Chavan Academy of Development Administration’ (Maharashtra) together constitute the ‘National Implementing Agency’ (NIA) for its implementation in 28 States in the country.

Also, under this project, a website <http://www.rti.org.in> has already been hosted. The website contains:

- Case Law Directory and FAQs
- Daily RTI news from various sources received
- Articles and Presentations on various aspects of 'RTI Act, 2005'
- Online Discussion Forum
- e-Learning Module

Hence the KRC has to leverage the achievements of the project, while initiating activities mentioned above, which are not covered within the CBAI project.

5.5.2. Capacity building

As mentioned earlier, there is a need for training various stakeholders like PIOs, FAAs, Government employees and APIOs. The survey has highlighted that more than half of the PIOs are not trained to handle RTI applications. As mentioned earlier, DoPT (GoI) has already initiated a project "Capacity Building for Access to Information (CBAI)" which focuses on providing training to PIOs, APIOs, FAAs etc (For detail status of training provided under this project, please refer to Annexure 10). However given the requirements of the training (numbers), the capacity for providing training may be limited. It is suggested that the following approach be taken for meeting the training requirements:

The Knowledge resource centre should design the courses customized to the requirements of the PIOs, FAAs, Information Commissioners & other Government employees. The training material should be available in the e-Learning modules and Audio-Video CDs, so that it can be replicated at a mass scale without diluting the content of the training.

- Already a basic RTI training material has been designed and is available <http://www.rti.org.in>.
- The training material could further be enhanced by supplementing with the practical aspects like:
 - Record management guidelines, as it is a key aspect for delivery of information under the RTI Act
 - Communication/Behavioural aspects: As per the Information Seekers survey there is a need for better communication between the Information Providers and the Information Seekers
 - Leading Practices used in other States: The training agenda should also have leading practices used in other states

Nodal Department of appropriate Government:

As is being done currently, training should be imparted through State Administrative Training Institutes and empanelled training providers. Further, the State Government should empanel local training institutes/master trainers/Civil Society Organizations, who would be qualified to act as the State training resource persons and district level trainers.

The services of these agencies should be taken by the State ATIs and the Public Authorities for conducting trainings.

Public Authorities:

The responsibility of getting the PIOs, FAAs and staff trained should rest with the Public Authority. The Public Authority may nominate their PIOs to the courses scheduled by the ATIs or get their staff trained through the empanelled agency.

5.5.3. Making record keeping "RTI Friendly"

The Public Authorities deal with large volumes of documentation that is varied in nature. The functioning of RTI depends on availability of records in a timely manner. Non-availability of records and the format the records are maintained, helps in a quick turnaround. Therefore there is a need to implement a record management system that should facilitate:

- Effective creation/receipt and systematic storage of both physical and electronic records;

- Faster search and time bound retrieval of records when required;
- Monitoring the movement of records over its life cycle;
- Weeding out of records in a timely manner;
- Definition of roles and responsibility in the record management process; and
- Effective protection against risks such as disaster, fire etc.

To achieve the above, the following measures are suggested:

- Improving record keeping procedures for physical records: Given that the record keeping guidelines are archaic, it is recommended to develop “RTI friendly” record management guidelines by DoPT (Nodal Department) in co-ordination with Department of Information Technology (GoI) and National Archives). The following outputs are required from the study :
 - Revised Record keeping procedures
 - Cataloguing, indexing and orderly storage process
- Digitization of files/records: Effective record management could be best achieved by digitising all the records and using workflow solutions for processes and file movements. While various e-Governance initiatives are being taken which would help in effective record keeping, the need of the hour is to expedite such initiatives and provide access to citizens with facilities for retrieving records based on intelligible searches.

Hence each Public Authority should design its own record management strategy that addresses the magnitude of the problems relating to - existing records, speedy resolution and need to have a structured long term system for easy storage and retrieval of records. This strategy should be a key component of the “RTI readiness Plan” as suggested in Section 5.2.2

5.5.4. Usage of Web-based applications for Public Authorities

Use of information technology would be greatly useful in reshaping the structure, operations, and processes of Public Authorities. It would greatly increase the productivity and efficiency of the Public Authorities, in turn improving the quality of service. It is imperative that the Public Authorities and the relevant Government Department align their e-Governance initiatives with RTI initiatives.

As the level of automation in the Public Authorities vary significantly across the country, the following recommendations are proposed for Public Authorities at two levels of automation:

Recommendation for Public authorities that currently exist with low level of automation/computerization

The Public Authorities would have to use a combination of the two strategies - efficiently storing the physical records with focus on cataloguing/indexing and utilising the information technology. The following steps need to be taken by the Public Authority:

- Catalogue and index information
- Identify and computerize areas where maximum information is requested in a Public Authority such as:
 - Issuance of subsidy/financial assistance
 - Tendering procedure
 - Quasi-judicial functions
 - Provision of any citizen services etc.
 - Any functions which involve decision making impacting the citizen/business
- Automate the request of information with Front-end Software having the following features:
 - Captures the receipt of the application, date, time, location received, and contact details of applicant.
 - Prints receipt for the applicant with ticket ID

- Captures the details on the date, time of the application forwarded to the concerned PIO (this can be facilitated by receiving an acknowledgement by the PIOs);
- Captures the date, time when the response is received from the PIOs
- Captures details of the communication made to the applicant in respect of payment of fees etc.
- Captures the date, time when the response is dispatched to the applicant
- This software would help the Public Authorities to manage the “service-levels” of providing information.

Recommendation for Public authorities with fair degree of back-end automation

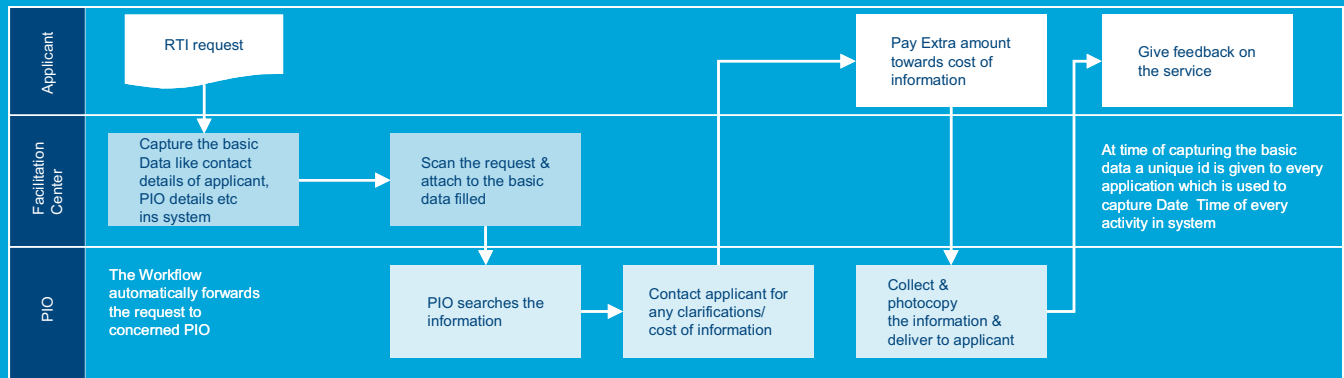
The Public authorities with fair degree of computerization at the back-end, should work on developing/aligning their e-Governance initiatives, in line with RTI requirements. Some of the basic steps suggested are:

- Focus on development of systems/software (workflow based or otherwise) in the areas where maximum information is sought for development and integrating it with the front end. This would be possible only if the Public Authority is able to analyse the type of information requests from the citizens
- Develop the front-end system, so as to enable:
 - Applications to be received in the manual mode and then application is converted into digital format either through scanning or manually entering the information request
 - Generation of a ticket number at the time of submission of the application and given to the applicant for efficient tracking
 - Applications to be routed through a workflow/electronically to the relevant PIO officer, for his/her response.
 - Pending applications, along with details on the applicant (name, address, phone number etc.), and the application (date and time of submission etc) to be flagged onto the PIO's system (and on the system of the head of the PA).
- Automated record management will help to streamline queries and responses by creating a knowledge repository, but also enables MIS reporting, thus enhancing accountability, and transparency.

Model RTI process description

The figure below describes the activities of the model RTI process. The software application developed by the Public Authorities should capture all the workflows mentioned in the model RTI process.

Figure 5.2: Model RTI process



Sub activity 1: In this step, the system would capture the basic data of the RTI application (Contact details of the applicant, subject of the application, to which Public Authority it is addressed, the PIO details and the date of submission), giving it a unique ID, so that it can be tracked throughout the processing cycle. The relevant portion should be structured and coded for better routing and analysis. At any point during the application cycle, the information of the application can be retrieved by using the ID. It would also provide option to the applicant to request for information on website and payment through electronic gateway of any Bank.

Sub activity 2: The RTI request would then be scanned into the system, and data capturing of the application details should be done.

Sub Activity 3: A receipt would be printed and given to the applicant, along with a printout of the scanned document, and its reference ID, for future tracking. After which the workflow software would then automatically forward the scanned image to the concerned PIO of the Public Authority.

Sub Activity 4: The PIO will review the request and then (if required) may seek the assistance of any other officer as he or she considers it necessary for the proper discharge of his or her duties. The PIO would also send scanned images of the application to the relevant officers for obtaining information

Sub Activity 5: The respective officers will search for the information and in case of clarifications contact the applicant via email.

Sub Activity 6: The applicant would then be informed of the amount of money to be deposited for getting the documents.

Sub Activity 7: The applicant will deposit the money through any payment channel, with reference of the RTI unique ID request. While paying the accounting system, will check the RTI database, and printout the receipt with that ID, and give it to the applicant.

Sub Activity 8: When the RTI Information has been collected and photocopied, the applicant will be informed so that he can either collect it personally or it can be sent to him by, mail, UPC (Under Postal Certificate), Registered Post or courier. The standard would be UPC Mail. For the rest there will be an extra processing charge.

Sub Activity 9: The date/time of sending the notification to applicant would be recorded by the system, automatically. **Sub Activity 10:** When information has been received by applicant, the system will record the date/time. The system should also have the facility of generating reports on processing times, performance of Department/PIO etc.

5.5.5. Usage of web-based applications for Information Commission

It is understood that a normal hearing process takes around 10-15 minutes. However, due to inadequate manpower support, the written order may take up to 2 months. If the computerization is carried out at the SIC, then the order can be generated on a “real-time” basis in a very short time by using dropdown/ checkbox features of the software. This would also enable the order to be generated in the language desired by the applicant.

A comprehensive computerization of various activities at the Information Commission would be a critical step in improving the efficiency & turn-around time. It is recommended that the Knowledge Resource Centre should develop a uniform web-based application for the Information Commission, which covers all the critical functions mentioned below:

- Receipt of Appeals
- Scanning & storage of the appeals
- Schedule and distribute cases amongst the Information Commissioners
- Computerized generation of Orders (minimizing the need for typing)
- Attendance modules
- Financial Module
- Option to provide the key orders on the website
- Maintaining a Score-sheet for each Public Authority within the jurisdiction of the appropriate Government
- Maintaining score sheet of Public Authorities on non-compliance based on Citizen feedback

This would ease out the problem of bottlenecking of the Second appeals and also ease out requirement in manpower support.

5.5.6. Designating Information Officers and Appellate Authorities:

- It was highlighted during the study, that the PIOs are not senior enough to be able to collect the required information, thus discouraging them from their duties. The ARC report also highlights this as an issue. In order to amend this, appropriate rules should be framed so that the PIOs are of senior rank (no more than two levels below the Administrative Head) enabling them to demand and retrieve information within defined time frame. Any exception should be only allowed in case it makes the PIOs more accessible to the citizens.
- Also, the first Appellate Authority should always be the head of the Public Authority. This would improve the efficacy and ensure fair and non-biased decisions for disposing off the appeals. The efficacy of first appeals would further reduce the burden of the Information Commissions and improve the whole RTI process.

5.5.7. Address issues relating motivation of PIOs

- The Act provisions for imposing penalties on PIOs in case of failure to deliver information within the stipulated timeframe. However there is no incentive for any PIO to deliver as per the expectations from the RTI. It is recommended that the PIO should be provided an extra incentive. Already there are precedences within Government where “special pay/ allowance” is provided for certain postings.
- The extra allowance/special pay provided to the PIO should be commensurate with the penalty mentioned in the Act, volume of the RTI application handled and timely responses.
- In order to ensure good performance of PIOs in implementing RTI Act, a column on the PIO’s performance (relevant to officers acting as PIOs on additional charge) should be added into forms of Annual Confidential Reports (ACRs)

5.5.8. SIC to ensure compliance from Public Authorities

The implementation of the RTI Act is the responsibility of the concerned Public Authorities. The PIOs act as the liaison between the Public Authority and citizens and are representatives of Public Authorities.

Depending on the situation, the Information Commissioner should ask the Public Authority to compensate the complainant for any detriment suffered as per section 19 (8b) and/or take a disciplinary action against the PIO.

To make the Public Authorities more accountable, SIC should maintain a published list score for each Public Authority for any action taken against the PIO and instructions issued to Public Authority sheet (to take on responsibilities under section 19 (8) (a) and (b) and to ensure compliance from Public Authorities). Further the SICs should take appropriate action mandated under the Act, on Public Authority for any non compliance of RTI Act including:

- Lack of Proactive disclosure
- Non-Update of Proactive disclosure
- Non-implementation of State rules
- Non disposal of RTI requests in stipulated time period
- Denial of the RTI request for incorrect reasons
- Provided incomplete/incorrect/ misleading information etc.

5.5.9. Earmarking budget for implementing the recommendations

The ARC report had suggested that as a one time measure, GOI should earmark 1% of the funds of all Flagship Programmes²⁴ for a period of five years for the purpose of updating records, improving infrastructure, creating manuals etc. (An amount not exceeding 25% of this should be utilized for awareness generation). This was a good suggestion to address the abovementioned issues. On the same lines, it is suggested that all Central and State Ministries and Departments to earmark 1 per cent of its planned budget for implementing the recommendations suggested in this report.

Activities and responsibilities

Sl No.	Activity	Activity owner/assessor
1	Creation of Knowledge Resource Centre and allocating appropriate budget	DoPT
2	Empanelment of agencies for conducting training to various stakeholders	Nodal Departments in the State Government (with support from State Administrative Institutes)
3	Developing "RTI friendly" record management guidelines in co-ordination with Department of Information Technology (GoI) and National Archives	DoPT
4	Roadmap for Digitization of files/ records (can be a part of "RTI Readiness Plan")	Public Authorities
5	Development of Web-based applications for Public Authorities	DoPT (outsourcing through Knowledge Resource Centre)
6	Development of Web-based applications for Information Commission	DoPT (outsourcing through Knowledge Resource Centre)
7	Designating Information Officers and Appellate Authorities of desired seniority	Nodal Department in the appropriate Government

²⁴ Eight flagship programmes are: Sarva Siksha Abhiyan, Mid-day Meal Scheme, Rajiv Gandhi Drinking Water Mission, Total Sanitation Campaign, National Rural Health Mission, Integrated Child Services, National Rural Employment Scheme and Jawarharlal Nehru National Urban Renewal Mission.

Sl No.	Activity	Activity owner/assessor
8	Creation & enhancement of e-Learning modules Creation of Video CDs for conduct of courses specifically for each stakeholders	DoPT (outsourcing through Knowledge Resource Centre)
9	Empanelment of Agencies/Civil Society Organizations for conducting training on RTI, Behavioural aspect and record management	Nodal Department in the appropriate Government
10	<ul style="list-style-type: none"> Providing RTI incentive to the PIOs Making ACR entry mandatory for all PIOs (whether on full time or additional charge) 	Nodal Department in the appropriate Government
11	Utilize Powers under Section 19 (8) (a) and (b) to Public Authorities for compliance	Information Commissions
12	Earmarking Budget for implementing the Recommendations	Nodal Department in the appropriate Government

5.6. Improving efficiencies at Information Commission

Recommendation: Improving the disposal rate of complaints/ appeals by information commission through following recommendations

- Creation of more offices and using Video Conferencing for Hearings
- Passing order on merit of the case without hearing (to be used only when the order is in favour of appellant)
- Composition of Information Commissions
- Induction Period for new Commissioners
- Usage of Standard Templates for passing order

Assessment summary

As per the RTI Act, any person who does not receive a decision within the specified time frame or is aggrieved by a decision of the Public Information Officer, may within thirty days from the receipt of decision, appeal to an officer who is senior in rank in each Public Authority - commonly referred as the First Appellate Authority (Section 19(1)). A second appeal against the decision is possible within ninety days from the date on which the decision was made/received, by the Central/State Information Commission (Section 19(3)). However there are significant challenges observed by the Information Commission. The findings of the study were as follows:

- Delay in getting the appeals heard and disposed - Large pendency of cases with a wait time of 3-12 months in most of the States. This discourages people to file appeals.
- Limited cases of penalties imposed on PIOs (Penalty imposed was 1.7 %²⁵ of the cases decided in 2007) as per Section 20(1)).
- Information seeker survey pointed out that 47% of the citizens did not receive replies to their RTI application within 30 days
- Appellants had to incur expenses to attend the hearing of second appeals, which had to be compensated (as per Section 19(8)(b)) – however this was rarely enforced

²⁵ Even if all the appeals may not have necessary elements of allegations as defined under section 20(1) of the RTI Act, most of the appeals are because of denial of information within the stipulated period.

The adjudicatory role of the appellant authority is critical in making this Act a success. Being impartial (in “perception” also!) and efficient are important aspects of this role. As per the projected numbers, the secondary appeals would grow to 2.5-3.0 lakhs by the year 2011. This would require developing innovative ways to dispose off cases, without diluting the rights of either party.

Recommendations

- The recommendations for improving the disposal rate of appeals and complaints at the Information Commissions could be categorized as follows:
 - a. Creation of more offices and using Video Conferencing for Hearings
 - b. Passing order on merit of the case without hearing (to be used only when the order is in favour of appellant)
 - c. Composition of Information Commissions; with people from diverse backgrounds
 - d. Induction Period for new Commissioners
 - e. Usage of Standard Templates for passing order.

5.6.1. Creation of more offices/Using VC for Hearings

- The appellants have no/scanty time and money to reach the State capital/ Delhi (as the case may be) for second appeal. As per Section 12(7)²⁶ and Section (15(7)) the CIC or SIC (as the case may be) should open offices at other locations²⁷, so as to reach out to the masses, with the approval of the appropriate Government. It is recommended that the Government of India and State Government assess the requirement of creating more offices.
- In order to resolve this issue, many Information Commissioners travel to districts to hear cases rather than calling the appellants. This saves the expenditure of the appellant and also contributes to speedy disposal. However, often the PIOs and the applicant are from different locations and travelling to the districts frequently by the Information Commissions may not be feasible. In order to resolve the above issues, the Information Commissions could consider e-hearings through video conferencing (VC) facility. Under the National e-Governance Plan²⁸ for Government of India, video conferencing facilities have been set across all the districts in India. It is suggested that the Information Commissions should utilize these facilities in holding e-hearings.
- The Information Commission should make their reach convenient to the masses, using the two approaches mentioned above.

Exhibit 5.5

National leading practices: Indian Judiciary using Video Conferencing at Patna

From 16 August, 2001, the Civil Court at Patna and the Beur Central Jail were connected through video conferencing and the trials began over the video link. A total of 1077 under trial prisoners had volunteered to record their statement over video link. Of those who were interviewed and had their statements recorded, 130 were released. Thus in a matter of video conferencing for just four days, a total of 113 cases were disposed off and a total of 135 prisoners received the benefit of pre-trial release. The second session which was organized from 6th September 2001 to 19th September 2001 resulted in disposal of 90 odd cases.

5.6.2. Passing order on obvious cases without hearing

It has been noticed there are cases where the decision to be taken by the Information Commissioner is obvious and there may not be any need to meet the concerned PIO or appellant. Examples of such cases exist where information has not been provided to the applicant within 30 days. In such cases, the Information Commissions can use their discretion and pass the order on the basis of merit of the case without a formal hearing. However, such orders should be passed only when the orders are in favour of the appellant. A clear guidelines needs to be developed based on

²⁶ The ARC report had suggested creation of 4 regional offices of CIC and appropriate regional offices in large states

²⁷ Maharashtra has already created of 5 offices in Pune, Mumbai, Aurangabad, Amravati and Nagpur to enable citizens to approach the most convenient place.

²⁸ The National e-Governance Plan seeks to lay the foundation and provide the impetus for long term growth of e – Governance within the country

which the SIC can use its discretion.

Exhibit 5.6

National leading practices: Information Commission (Tamil Nadu)

The Tamil Nadu Information Commission uses its discretion in disposing off cases where the orders are very obvious and in favour of the appellant. This practice saves considerable time of the appellant and the information commission apart from saving expenses too. (Source: Discussion with Tamil Nadu Information Commissioners in the National Level Workshop).

5.6.3. Composition of Information Commissions

- The Information Commissioners who are ex-bureaucrats play an important role in the commission by bringing in Administrative/Quasi Judicial expertise. However they also bring in the perception that they are “soft” while passing orders on the PIOs. As per the Section 12(5) and 15(5), the composition of the information commissions should be such that it should have people with wide knowledge and experience in law, science and technology, social service, management, journalism, mass media or administration and governance. To implement these sections in spirit, it is recommended that the people who have worked in Government should be restricted to 50%(if not less) as recommended in the ARC report.
- It is relevant to highlight a recommendation made by the ARC report to amend Section 12 of the Act, regarding the selection of Information Commissioners. The ARC Report had suggested that the appointment should be made with the consensus of:
 - Chief Justice of India (for appointment of Central Information Commissioners) along with Prime Minister and Leader of Opposition
 - Chief Justice of High Court (for appointment of State Information Commissioners) along with Chief Minister Leader of Opposition

5.6.4. Induction Period for New Commissioners

- Many Civil Society Organizations have highlighted the fact that new Information Commissioners coming from non judicial/ quasi-judicial face challenges, while conducting hearing process and passing orders. It was also highlighted that, at times while passing orders, such Commissioners deviate from the spirit of the RTI Act. Hence it is recommended that newly appointed Information Commissioners (with non Judicial/Quasi judicial experience) should undergo a three month “induction” into the role. In such cases, the new Commissioner may work with one of the existing the Information Commissioners to understand the procedure and processes. During this period, the Information Commissioner should not pass orders.

5.6.5. Usage of Standard Templates for passing order

- Given that the RTI Act provides very little scope for varying opinions, it is suggested that a standard template should be used for framing of orders by the State Information Commission and First Appellate Authority. The standard templates have been suggested in Annexure 6. The usage of these templates would ensure that the orders passed are “reasoned” orders and in line with the RTI Act.
- Once these templates have been used effectively, these could be used for the developing applications for the Information Commission as proposed in Section 5.5.5

Activities and Responsibilities

SI No.	Activity	Activity owner/assessor
1	Assess the requirement of opening more offices in Centre and States and take necessary actions	CIC/ SIC, as the case may be
2	Workout with State Government to access the video conferencing facilities for CIC and SIC	Information commission in association with State IT Department

Sl No.	Activity	Activity owner/assessor
3	Create awareness among the information seekers/ appellants on the video conferencing facilities	State Nodal Department
4	Passing order on merit of the case without hearing (to be used only when the order is in favour of appellant)	Information Commissions
5	Composition of information commissions; and	appropriate Government
6	Induction Period for new Commissioners	SICs/ CIC
7	Usage of Standard Templates for passing order at FAA and SIC	Information commission

5.7. Third Party Audit

Recommendation: Third party audit to ensure compliance with provisions/ guidelines of the RTI Act by Public Authorities.

Assessment summary

There is a need for a strong “control mechanism” to monitor the extent of implementation of the Act periodically, and ensure that RTI Act is followed in letter and spirit.

Key issues observed

Some of the key facts observed during the study:

- Limited infrastructure/processes with SIC to carry out responsibilities under 19(8)(a), 25(1), 25(2), 25(3f) 25(3g) and 25(5), leading to non compliance by PAs with regard to RTI provisions
- No/ Inadequate mechanism for monitoring proactive disclosure, resulting in low compliance with Section 4(1b) of the RTI Act (65% of the PAs have not published their pro-active disclosure on the websites)
- Non-adherence to service levels of 30 days causing delay in providing information to the RTI applicant

Recommendations

5.7.1. Institutionalize third party audit

- To ensure better service delivery by authorities and officials, third party audits should be institutionalized to support the Information Commission in carrying out responsibilities under Section 19(8)(a), 25(1), 25(2), 25(3f), 25(3g) and 25(5)
- Institutionalizing regular audits would facilitate the Public Authorities to comply with the RTI Act (through the audit findings made available by Information Commission). In this context, a third party audit (at least annually) is recommended to support the Information Commissions (and RTI Implementation Cell) with regard to monitoring the performance of Public Authorities and taking appropriate action in case of any deviation.
- The key objectives of conducting the third party audit are:
 - To assist Information Commissions in carrying out responsibilities as mentioned in Section 19(8)(a) and Section 19(8) (a), 25(1), 25(2), 25(3f) 25(3g) and 25(5)
 - To assure the Information Commissions, stakeholders and citizens that the policies, systems and processes at the Public Authorities for the development, maintenance and enhancement of RTI implementation are functioning effectively;

- To identify areas of strength and excellence, as well as areas in need of focused attention for improvement in the short, medium and long term; and
- To ensure prompt and timely correction action is taken in response to audit findings.
- Given that there exists a large number of Public Authorities, it may not be possible to carry out audit for each Public Authority. However Third Party Audits may be conducted on a sample basis giving adequate representation to the PAs against which appeals/complaints have been filed with Information Commission. The suggested process of conducting a third party audit is as follows:
 - Review the appropriate self-assessment carried out by the State Nodal Department, as recommended in section 5.2.3 of this report
 - Study the nature of appeals/complaints Information Commission against the Public Authorities
 - Analyze the data collected from the above and develop an audit plan.
 - The audit plan should include the following surveys:
 - Field survey of the sample Public Authorities, giving due representation to those Public Authorities against whom appeals/complaints have been filed
 - Survey of key appellants and Civil Society Organisations
 - Conduct a field survey and rate the Public Authorities on the basis of the level of implementation of the RTI Act
 - Report the gap areas to the Information Commission and the State Nodal Department suggesting appropriate corrective steps

Moreover, it is also suggested that the SIC website should have a list of all the Public Authorities within the jurisdiction of the Information Commission. The website should have a feature for the citizens to report non-compliance (through tick-mark options and comments) for a Public Authority. The reports generated through this application, would be helpful for a Public Authority and the Information Commission to take appropriate actions.

Activities and responsibilities

Sl No.	Activity	Activity owner/ assessor
1	Conducting a third party audit	Information commission (supported by Nodal Department).