

Progress made so far

2

Role played by key stakeholders

Previous studies

Achieving transparency & holding corruption through RTI

Conclusion

The objective of the RTI Act (as enshrined in its preamble) is to establish a practical regime for citizens to access information held by Public Authorities. This in turn will lead to increased transparency and accountability at the Public Authorities. More than three years have passed since the enactment of the RTI Act and it is the right time to take stock of what has been achieved by giving access to information held by Public Authorities to the citizens. This chapter highlights the contribution made by various stakeholders and how RTI has made an impact at the grassroots levels. It further details out/analyzes the nature of information sought under RTI.

2.1. Role played by key stakeholders

RTI Act has the potential to bring in a socio-economic revolution, provided that various agencies take up their responsibilities as per the spirit of the Act. The Civil Society Organizations and Media can act as pressure points, but most of the execution is to be carried out by the appropriate Governments and Information Commissions. Based on the secondary research and discussions with key stakeholders, the key roles played by various entities¹⁰ are:

Civil Society Organizations.

- Civil Society Organizations and social activists are enhancing the reach and awareness of RTI among the masses. It is mostly with the support of the social activists and Civil Society Organizations that a person in a village is able to use the RTI Act for ensuring his basic rights. However given the geographical size & population, the reach of Civil Society Organizations and social activists is limited.
- Civil society has also made contribution towards training of PIOs and AAs and made them aware of their roles and responsibilities under the RTI Act.

Media

- Media has played an important role in generating awareness at a mass scale. While there has been no major media campaign for promoting the usage of RTI Act, nonetheless the awareness on the Act has been generated through news articles based on RTI investigation.
- In the context of RTI implementation, journalists at times have played a dual role – as the users of RTI Act and as watchdogs, monitoring and scrutinizing the implementation of the Act.

- Various media entities have contributed to the mass awareness and bringing in transparency through their websites.

Central Government

- Basic institutional structure/processes has been set up as per the RTI act requirement (like appointment of Information Commissioners, PIOs, section 4(1) (b) etc.)
- Department of Personnel & Training has been made the Nodal Department for the RTI implementation at the Central level.
- A centrally-sponsored scheme for capacity building and awareness generation for effective implementation of the RTI Act has been commissioned in the 11th five year plan.
- UNDP with DoPT as an implementation partner launched the “Capacity Building for Access to Information” project. This project aimed at¹¹:
 - Capacity building of Government officials at Central, State and district level, especially those of the identified Department with maximum public interface
 - Generating awareness among the citizens
 - Establishment of institutional mechanism /processes for enhanced citizen Government interface and for addressing citizens’ views and feedback
 - Business Process Re-engineering
 - Expansion of information in public domain
 - Research communications and Advocacy
 - Network of practitioners

¹⁰ Entities created through this Act, have not been mentioned

¹¹ UNDP Project of the Government of India (Project No. IND/03/024). Details provided in Annexure 10

State Government

- Various State Governments had already enacted laws for access to information in some form or the other, like –Tamil Nadu (1997), Goa (1997), Rajasthan (2000), Karnataka (2000), Delhi (2001), Maharashtra (2002), Madhya Pradesh (2003), Assam (2002) and Jammu and Kashmir (2004).
- Post the enactment of the Central Act, some State Governments have taken innovative initiatives in line with the spirit of the Act. The key initiatives are:
 - Jankari Call Centre, Government of Bihar: Bihar Government has initiated a six seater call centre. This call centre facilitates a caller in drafting the RTI application and the fee is collected through the phone bill. Requisite changes have been made in the rules for acceptance of the application through this channel. Similarly RTI Helpline in Bangalore is providing RTI information to citizens
 - Information Commission “regional offices” in Maharashtra: As per Section 15(7) of the RTI Act, the SIC can increase their geographical reach through establishing offices at other places. Maharashtra has created 5 offices of

the Information Commission in Pune, Mumbai, Aurangabad, Amravati and Nagpur to enable citizens to approach the most convenient regional office

- “Train the Trainer” concept in Assam: Assam has adapted a “Train the Trainers” concept, where the Government trains the CSOs/NGOs to impart training to citizens on RTI in order to maximize the reach of RTI and ensure that there is local ownership and sustainability
- Review of Public Authorities by Andhra Pradesh State Information Commission
- Public hearings at the district headquarters by Kerala State Information Commission
- The CIC website has a feature for online submission of complaints and second appeals

While the contribution made by the above entities is acknowledged, there is still a long way to go to establish transparency and accountability through RTI. The expectations/actions required from the appropriate Governments are significant, some clearly articulated in the Act and some are implied. This report tries to bring out both the aspects in its recommendations.

2.2. Previous studies

In the last 3 years, there have been a large number of studies carried out by various organizations assessing various aspects of RTI regime. A significant number of them have focused on tracking the status of RTI at various levels and emerging recommendations. These studies were referenced while identifying the preliminary list of implementation issues. Some of the key studies used as reference material are mentioned below:

Second Administrative Reforms Commission (2006)

The Second Administrative Reforms Commission was constituted to prepare a detailed blueprint for revamping the public administration system. The Commission was given wide terms of reference covering all aspects of public administration. The Commission in its first report decided to analyze and give recommendations on the freedom of information as the Right to Information Act.

Tracking Right to Information in eight states - 2007

This report was developed by Society of Participatory Research in Asia (PRIA). This study aimed at analysing the experiences of information seekers in accessing information under the RTI Act using Civil Society Organisations. Further, this study captured the details of working of State Information Commission and State Nodal Department for RTI implementation.

Action Research Villages: A Right to Information Campaign

This report was published under the Poorest Area Civil Society Programme (PACS). The PACS was aimed to help poor people in 108 poorest districts of the country. The programme targeted to reach out to over nine million households and approximately over 45 million populations, spread across six States. More than 83% of the populations reached were from Scheduled Castes (38%), Scheduled Tribes (21%), Other Backward Classes (23%) and 17% from general class.

Under this program one of the reports generated was “Action Research Villages – A Right to Information Campaign”. The aim of this study was to conduct a RTI campaign in remote villages of India. Under this about 300 RTI applications were filed by citizens in each of the 5 villages taken up under this campaign (1500 in total). The major objectives of this study were to:

- Study and monitor the impact of extensive use of RTI over a course of one year and replicating the experiment elsewhere if successful
- To train and encourage as many people as possible to start using RTI
- To facilitate the formation of user groups, support groups and networks of citizens using RTI
- To inculcate within the community the practice of monitoring various actions, programmes and schemes run by the Government
- The findings and case studies have provided insights to the key issues and constraints in the implementation of RTI at the grassroot level.

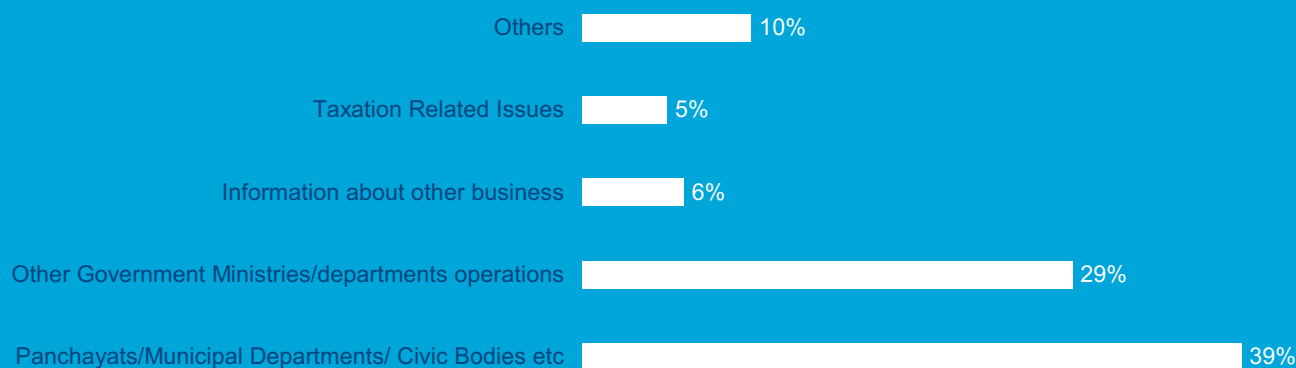
2.3. Achieving transparency and holding corruption through RTI

During the period, October 2005 to present day, it has become evident that there are many anticipated and unanticipated consequences of the Act. The mandate of this study was to study these consequences, how they impact the transparency regime in the country and to suggest changes for improving the RTI regime in the country. This section provides an analysis of RTI’s impact based on primary and secondary research. Based on these findings we can conclude that RTI Act can have an impact even in the remote villages, if properly facilitated and guided.

2.3.1. Nature on information being requested (based on primary study)

RTI has become a weapon in the hands of common citizens to fight for their rights. It is not surprising that the usage of RTI has been in the areas where citizens had to struggle to get what was rightfully theirs. An analysis of the information sought under the RTI Act (as per the data collected as a part of this study) is provided in Figure 2.1. It may be observed that more RTI applications are filed in departments which impact quality of life of a common citizen.

Figure 2.1: Classification of Information sought under RTI



2.3.2. Impact of RTI at grassroots level

PwC (in association with Development Alternatives) had managed a program, on the Poorest Areas Civil Society (PACS) Programme for 7 years, ending in 2007 (mentioned previously in section 2.2). Some of the analysis and findings of the study are presented here with a view to highlight how RTI touches the life of a common villager and how profoundly this Act has the power to help these people. This campaign was carried out in five districts of Uttar Pradesh, namely Bahraich, Faizabad, Chitrakoot, Banda and Allahabad. This campaign ("Mere Gaon ka Sawal") was controlled and supported constantly with the help of social workers from various non-profit agencies including Kabir and Parivartan in Delhi, ABSSS in Chitrakoot and Dehat Sanstha in Bahraich.

During the campaign one of the discussions was focused on identification of villagers' interaction with the Government and areas where they felt a non-responsive attitude of the Government officials. The list of issues generated was:

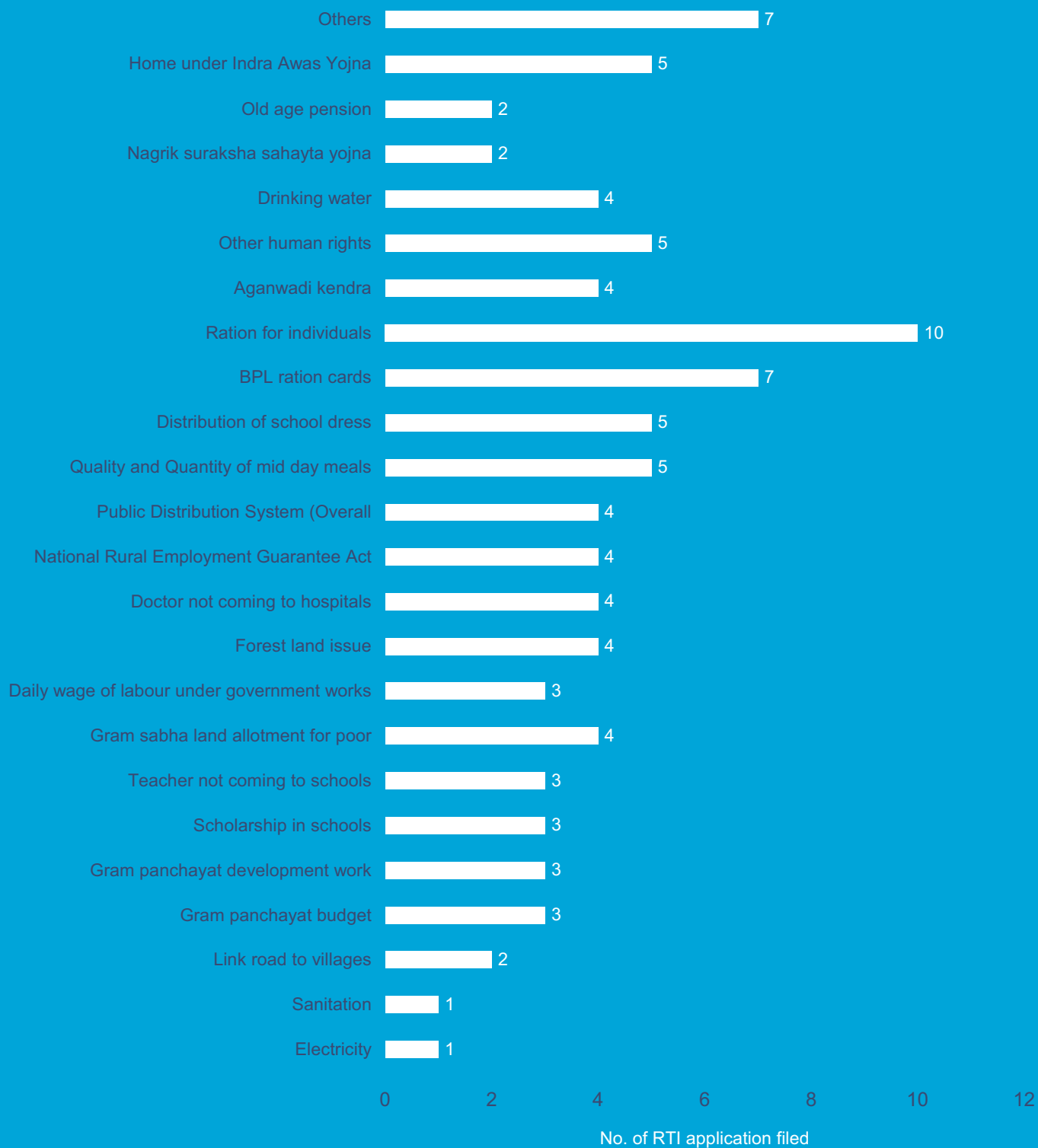
1. Inconsistencies in the Public Distribution System
2. Inconsistencies in the BPL ration cards
3. Inconsistencies in the construction of roads, etc., from Gram Panchayat funds
4. Villagers not receiving Voter ID cards
5. Non-receipt of minimum wages at Govt. works
6. Irregularities in scholarship distribution
7. Bad quality food served under the Mid Day Meal scheme
8. Distribution of free school uniforms and books
9. Bad quality of school uniforms (wherever distributed)
10. Non-availability of sports equipments in schools and colleges
11. Absence of Teachers in schools
12. Irregularities at the Anganwadi Centres
13. Auxiliary Nurse Midwife not visiting the primary health care centres
14. Free treatment and medicines not given at the Government hospitals
15. Absence of any irrigation facility in the village
16. Forest Department unjustifiably troubling the villagers
17. The villagers not receiving the benefits of the forestation scheme
18. Irregularities in the allotment of Gram Sabha land
19. Irregularities in the selection of beneficiaries of Indira Awaas Yojna scheme
20. Irregularities in the selection of the beneficiaries of Old Age and Widow Pensions scheme

2.3.3. Analysis of the RTI Campaign under PACS

To analyze the issues at a village level, the campaign (under PACS, referred above) was carried out in 2006-07. Under this program, 300 RTI applications were filed in each of the 5 villages. The experience and outcomes of the campaign were encouraging not only in the targeted villages but also in the surrounding villages where the word of RTI had spread. In a few cases, there has been district-wide increase in the use of RTI. The findings are highlighted below.

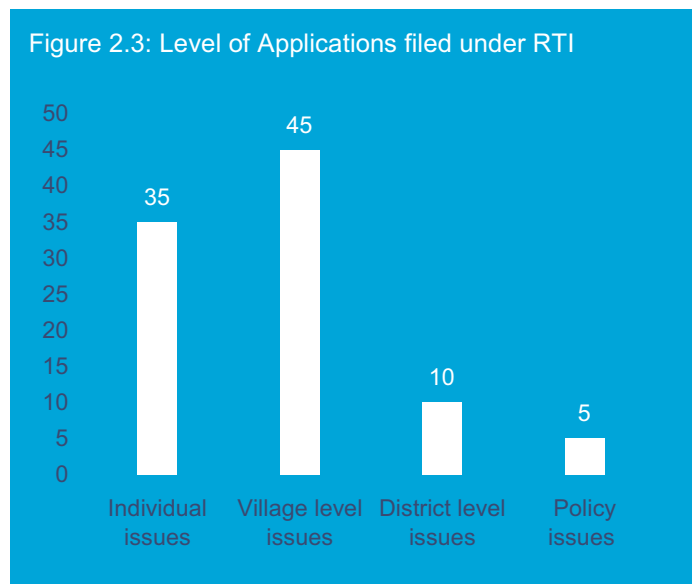
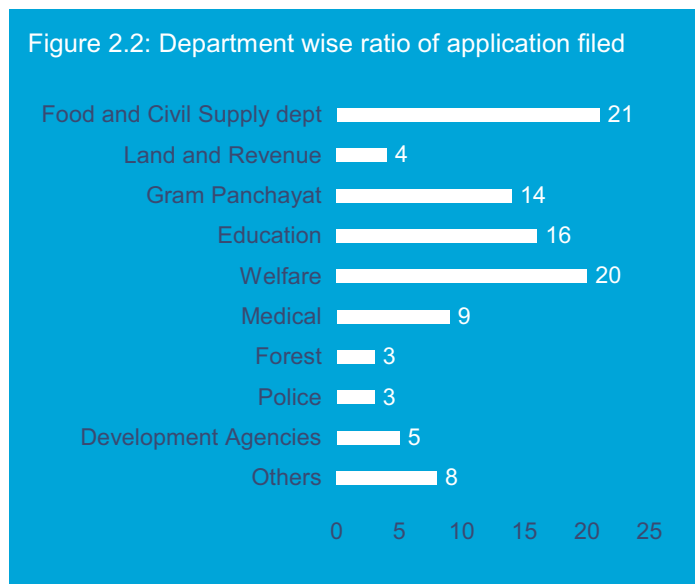
1. Number of RTI Applications filed

Fig 2.2 : Number of Application filed on most common issues



2. Department-wise RTI application filed

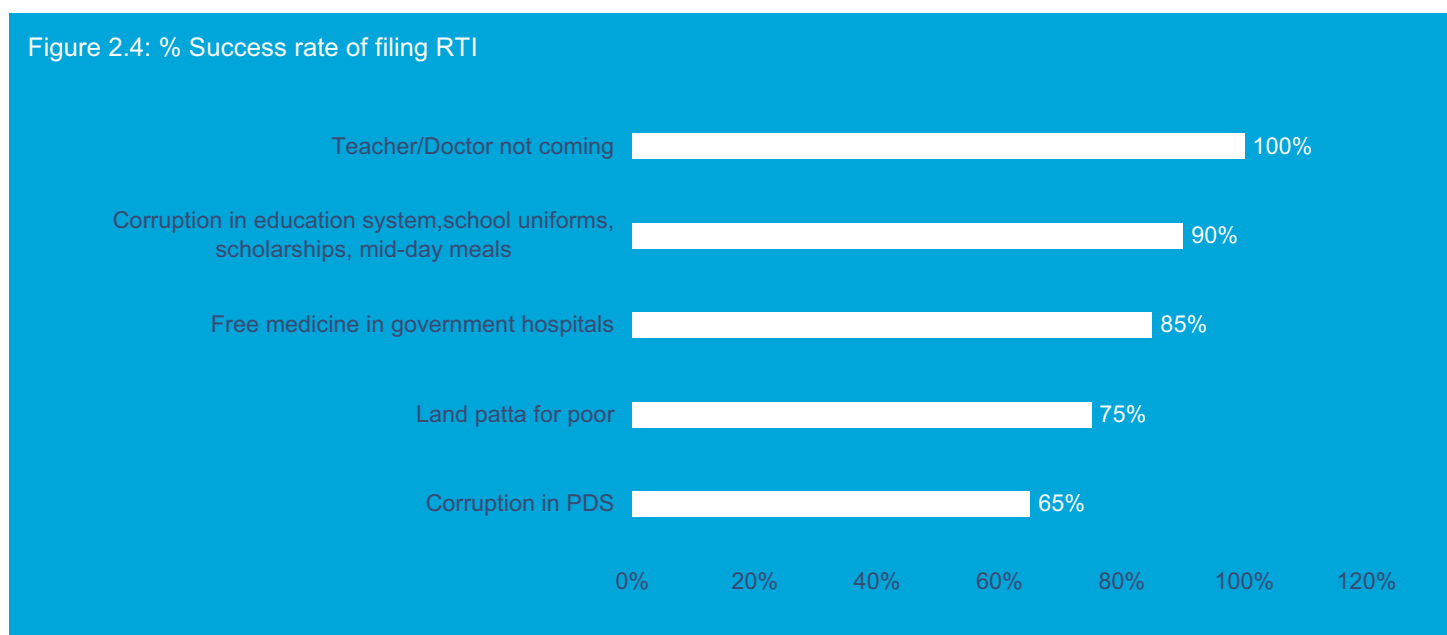
It was observed that the need for filing RTI applications was most in the places which were to deal with the delivery of the social benefit schemes. Most of these requests were either when the individual was not provided the benefit of a social scheme or issues linked to village level.



3. Success ratio in various issues

Based on the RTI filed and subsequent follow up with the Government authorities, the villagers were able to succeed in various areas, where the Government Department took note of the issues and took necessary actions.

While in no case, this is to claim that it has led to a significant change in the levels of corruption and accountability, but it shows a glimpse of how an informed citizenry – even if illiterate and marginalized – can bring in transparency & improvement in the system.



2.3.4. Success stories under this Campaign

This section provides RTI success stories from rural and urban areas.

Success story 1: Attendance of the village school teacher

In a Pre-Middle School in Panchampur village, situated 70 kilometers away from the District Headquarters of Banda, a teacher was appointed for the school. However, the teacher was absent for most of the times.

The workers and volunteers from the Delhi based organisations like Kabir and Parivartan, along with the local workers from the Chingari Sangathan under the 'Action Research Villages' Campaign, propagated the use of the Right to Information. Finally, the villagers witnessed a ray of hope when they learned that they could question the Government and ask for information related to the attendance records, leave records and medical records of the absconding village school teacher. Fifteen villagers drafted an application regarding the same and filed a number of applications with the Primary Education Officer at the Banda District Head Quarters. They asked for the records of the teacher but also questioned the Primary Education Department about the Department's role and responsibilities in such situations.

Immediate action was taken on the issue by the Department. The Primary Education Officer summoned the teacher the very next day and asked for an explanation. Living up to his accountability and responsibility, the officer appointed a new school teacher for the village school. The school was opened on the next day itself and regular teaching began in the school. An enquiry was ordered against the teacher and he was asked to report to the school instantly.

The villagers were overwhelmed with the fact that their use of Right to Information could reap such instant results. – Source: PACS Report

Success story 2: Campaign report to the District Magistrate, Banda

Another interesting facet of the campaign was the process of filing RTI applications in Banda (UP). A group of ten volunteers and villagers went to various offices for submitting their RTI applications. None of the applications could be filed easily. Most of the offices were ill-equipped for the task. One of the major problems faced during the filing process was that the clerks, and sometimes even the officers, appeared non-conversant and at times completely ignorant about the RTI Act itself. The applications were filed after a lot of trepidation, struggle and running around the offices. These experiences were

submitted in the form of a report to the District Magistrate of Banda District, which had the desired effect and considerably improved the situation in most of the offices. – Source: PACS Report

Success story 3: Transparency in Public Distribution System for BPL Families

The 'Mere Gaon Ke Sawaal' Campaign volunteers noticed that the residents of Nai Basti (Bahraich, UP) were also facing the same problems as the other economically backward villages of the region. The 'Kotedar' had been apathetic towards their requests. The use of Right to Information by the villagers, the women being in majority, was successful in curbing the corruption that had seeped in the Public Distribution System to some extent.

When the campaign volunteers saw the BPL ration cards of the villagers, they found that no entries had been made during February 2006 to December 2006. It was evident that the villagers had not received any ration in the said time period. Immediately, 51 village residents agreed to file group RTI applications on the issue and demanded information regarding the acquisition and the distribution of the ration and also asked for copies of the ration records. The applications were filed by the applicants personally after a lot of difficulty at the District Supply Office. Exactly within a fortnight, the Kotedar reached the village and narrated a long sob story, which moved few of the innocent villagers so much that they even agreed to take back their RTI applications. They very next day the Kotedar brought a mini bus to the village along with "pooris" made with one quintal flour and asked the villagers to come to the SDM's office and take back their RTI applications. But, the women of the forest village rights forum refused to do so. This initiative by the women of the village encouraged the other villagers and they also refused to take back their RTI applications. The Kotedar trying another of his tactics, one day announced in the village that all those who requested for information can collect it from him. When few villagers reached to take the information, they were forced to make thumb imprints on a blank paper. The Dehat Sanstha volunteers immediately reported this scam to the SDM. Finally, the Kotedar was suspended. – Source: PACS Report

Success story 4: School uniforms distributed at the end of the December Session

Despite several claims of the Government, school uniforms of the session – December 2006-07 – were not

distributed among the students of the Gulrahai Primary School in Allahabad. Workers from KABIR and ABSSS conducted a meeting with the villagers of Gulrahai and educated them on the RTI Act. Immediately thereafter, nine parents prepared an RTI application and questioned the administration regarding the school uniforms of the children. In the first week of January 2007, the school dresses were distributed to the children. Similarly, in the Bharthaul Village primary school of Chitrakoot district,

Success story 5: Exposing corruption in medicine procurement at Public Sector Unit

Applicants belonging to Anuppur, Madhya Pradesh and Korla district of Chhattisgarh filed RTI applications with the PIO of South Eastern Coal Fields Ltd. (SECL) situated at its head office in Bilaspur during the months of February – April 2006. They sought the following information–

1. Names of all medicines procured by SECL for distribution through its primary health centres and its OPD clinics in the Hasdev coal mines area during the financial year 2005-06. (They cater exclusively to the employees of SECL and their families)
2. Quantity of medicines procured during the same period.
3. Supply price of each item.
4. Copies of all purchase orders issued by SECL for these medicines.
5. Name and contact details of suppliers who bagged the purchase order.

All three applicants received the requested information within the 30 day deadline stipulated in the RTI Act. Armed with these documents, applicants worked for several weeks crosschecking the data along with a team of about 25 committed volunteers. Based on the research it was found out that fictitious companies were shown as suppliers of luxury items in the name of procurement of medical supplies.

school dresses were not distributed among the children till December. Under 'Mere Gaon Ke Sawaal' Campaign, KABIR & ABSSS conducted a meeting with the villagers of Gulrahai and educated them on the RTI Act. The very next day, parents of these children submitted an RTI application with the District Education Officer and within 15 days, school dresses were distributed and a video shoot of the court was also conducted. –
Source: PACS report

Next, the volunteers cross checked the rates at which the medicines had been supplied only to find that the retail outlets sold the same items a lot cheaper.

These details were published in local magazine popular in the coal mining belt of Madhya Pradesh and Chhattisgarh. Thereafter, the Vigilance unit instituted a formal investigation and action against the concerned officials was initiated
Source:<http://cic.gov.in/bestpractices.htm>

Success story 6: Payment of pension dues from Railways

“Payment of interest on arrears due on account of recomputation of pension and other retirement benefits as a result of implementation of Supreme Court’s Judgment dated 25-07-1997 in CA No 4174/88 of 1995 and other tagged SLPs”

Indian Railway Pensioners Association Bhavnagar Division of Western Railway, over the years, submitted hundreds of representations to GM Western Railway & DRM Bhavnagar to get the payment in the above case. 137 specific cases of non-payment were filed in the pension Adalat, but nothing happened. When, a request under RTI ACT 2005 was submitted to CPIO Western Railway for disclosing the reasons for not implementing the judgment of the Apex court, things started moving and the Western Railway accepted the liability for making payment and all the Divisions of Western Railway were advised to take immediate steps for making payment.
Source: <http://cic.gov.in/bestpractices.htm>

More success stories

There are numerous other success stories available on various sites such as : <http://www.rtiindia.org/forum/>,
<http://www.parivartan.com/home.asp>, <http://rti.aidindia.org>, <http://cic.gov.in/bestpractices.htm>, <http://www.sakshitrust.org/>,
www.satyamevjayate.info.

The objective of these case studies has been to generate awareness amongst citizens on how the RTI Act can be used effectively.

2.4. Conclusion

The success stories range from highlighting scams worth crores to ensuring attendance of the sweepers in cities to identifying lost postal orders etc. The areas of corruption/ inefficiencies were known earlier in the Government, but citizens could not take recourse. However with the advent of the RTI Act, citizens have found a tool to bring in transparency and accountability at all levels of Governance. In particular, the RTI Act has a much higher impact on the quality of life of the poor and marginalised section of the society.

However, the power of the Act is still to be fully realized. The citizens, Government, media and Civil Society Organizations need to do a lot to attain the intended objective of the Act and to address various issues and constraints in accessing the information under the Act.

The subsequent section of the report highlights and quantifies many issues that plague the implementation aspect.