



# Commonwealth Human Rights Initiative

## Workshop on Right to Information

Bangkok, 3 – 4 October, 2017

### *Proactive Information Disclosure*

*Parameters vs Performance & Pushing the Envelope Further*

- Venkatesh Nayak



# Parameters of Proactive Disclosure

## ➤ India:

- organisation, functions and responsibilities of public authorities
- powers and duties of officers
- decision-making process and supervisory & accountability processes
- norms followed
- all rules, regulations, instructions, guidelines, circulars, manuals used
- detailed budget – plan, disbursement and expenditure
- directory of all officials / employees and salary paid
- systems and processes for consulting people on important matters
- Implementation of subsidy programmes and details of beneficiaries
- details of permits, authorisations and licenses issued
- categories of all records held in files and electronic form
- Details of any library or reading room facilities open to the public
- name and designation of Public Information Officers (PIOs)



# Accessing Proactively Disclosed Information

- **All this information must be:**
  - prepared in the local language in simplified manner by Transparency Officer
  - available with the PIOs and given immediately (no need for RTI application)
  - disseminated through notice boards, newspapers, radio, TV, Internet websites or by simply allowing free inspection of the information compiled
  - updated regularly – at least once a year
  
- **Additional categories may be prescribed through Rules notification**
  
- **Every public authority must also:**
  - publish important facts and details while developing policies that affect people
  - give reasons for all decisions taken, to people affected by those decisions
  - improve records maintenance and management, digitise, catalogue and network records to make them easily accessible under the RTI Act



# Additional Parameters

## ➤ Afghanistan, Nepal and the Maldives:

- Details of direct services being provided to the public
- Details of complaint mechanism for redressing grievances in every public authority

## ➤ Sri Lanka:

- Regular projects - all project related information – 3 months prior to commencement
- Urgent projects – all project related information – 1 week prior to commencement
- Parameters expanded through RTI Regulations

## ➤ Afghanistan, Khyber Pakhtunkhwa:

- Bills, Acts, subordinate legislation, rules, regulations, notifications, bye-laws, manuals and orders having the force of the law in KP



# Additional Parameters in India

- **based on recommendations of Task Force:**
  - **Procurement-related information**
  - **Audit paras (from reports of Comptroller and Auditor General)**
  - **PPPs- concession agreements, maintenance manuals, pay-ins and pay-outs**
  - **Discretionary and non-discretionary grants**
  - **Financial details and reports of foreign tours of PM, Ministers and senior officers**
  - **Transfer policies and transfer orders**
  - **RTI applications and replies**



# Additional Parameters in India

## ➤ based on RTI jurisprudence:

- Details of allocation and spending of legislators' constituency development funds (CIC decisions)
- Details of benefits and beneficiaries of free health care in private hospitals built on public land (CIC decisions)
- Ministries and Departments- monthly work progress reports (CIC decision)
- Texts of laws reconciled after amendments (High Court jjt)
- Text of non-sensitive police complaints (FIRs) ( Supreme Court jjt)

## ➤ based on other laws and policies:

- Details of police arrests – identities, date, time and place of arrest (amendments to criminal law) (except in Jammu & Kashmir)
- Text of Draft Bills before tabling in Parliament (Pre-legislative Consultation Policy)
- Open Datasets, (NDSAP), lower court judgements (E-courts system)



# Performance in India

- Central Ministries and Departments somewhat better off
- Poor performance at State, district, sub-district and village level – despite circulation of guidelines and templates
- CIC directed “Transparency Officers” mechanism has not been effective

- Proactive disclosure has become like →



- RTI has become – mostly a request driven process



# ICT for Transparency- how they did it then

**Emperor Ashoka's (Mauryan dynasty) inscriptions gave information to people using state of the art technology (2,200 years ago)**

- \* State policy announced to the public through rock edicts placed on hillocks near settlements on the boundaries of the empire & pillar edicts in urban centres
- \* Local language and script was used – script & language used in the Deccan & other parts of India differed from those used in Pakistan and Afghanistan
- \* Read out aloud and explained by the Emperor's representatives on special occasions so the unlettered could understand

**Ensured permanency and regular dissemination**



Location of Ashokan inscriptions on the Indian sub-continent





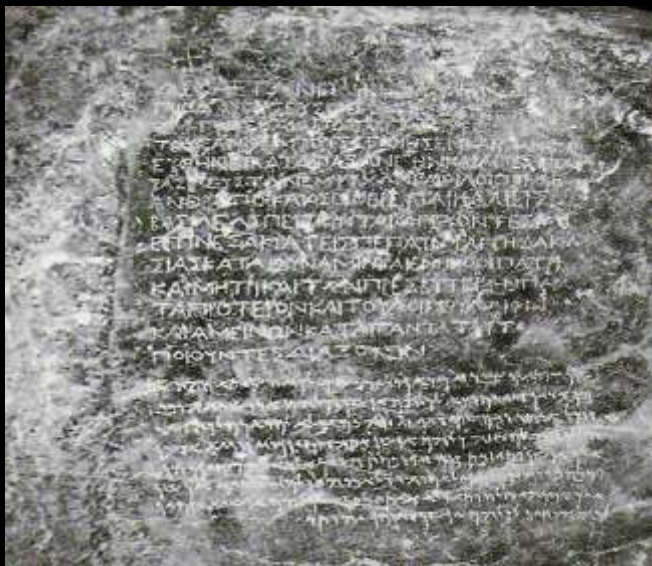
# ICT for Transparency- how they did it then



Lion capital of Ashoka's pillar containing his inscriptions, now national emblem of India



Close up of the Ashokan inscription at Girnar, Gujarat, India



Bilingual (Greek and Aramaic) Ashokan inscription at Kandahar, Afghanistan



Location of Ashokan inscription at Gavimatha, Karnataka, India



# ICT for Transparency- how they did it then

## **Mahasthana inscription**

(pre or post-Ashokan: 3<sup>rd</sup> Cent. BC)

\* **Mahasthangarh**, Bogra dist  
(Bangladesh).

\* Explained that the Emperor's  
representative was in charge of  
famine relief in the area

## **Edicts fell into disuse because**

\* Regime and policy change

\* People forgot how to read the  
script



**Bangladesh**



# Proactive Disclosure of Information in Rural Gujarat



*Writing on the wall: information disclosure by simple and inexpensive methods in Malav village*

*It is so simple even school dropouts can read and understand it in the local language*





# Proactive Disclosure of Information in Rural Gujarat



Name and designation of Information Officer and contact details of the Information Commission at the panchayat's entrance

"Your Money – Our Accounts"

પૈસો તમારો, હિસાબ અમારો

પંચાયતના બજેટ ઓપેનો વિગત

વર્ષ	પંચાયતની આવક (પરિણામકર્તા)	સરકાર દ્વારા સહાયતા	પંચાયતની અન્ય આવક	કુલ આવક	બંધ હોયના ખર્ચ
૨૦૦૯/૨૦૧૦	૨,૨૭,૦૦૦/-	૪૧,૨૨,૧૦૦/-		૪૩,૪૯,૫૦૦/-	૩૭,૬૬,૫૦૦/-
૨૦૦૮/૨૦૦૯	૬,૬૮,૦૦૦/-	૩૪,૦૦,૦૦૦/-		૪૦,૬૭,૦૦૦/-	૪૦,૬૯,૨૫૦/-
૨૦૦૭/૨૦૦૮	૭,૮૨,૦૦૦/-	૩૩,૨૧,૮૦૦/-		૪૧,૦૪,૩૦૦/-	૩૮,૨૧,૮૦૦/-

પંચાયતની સમિતિની મિટિંગના સ્પષ્ટતા:

ક્રમ	સમિતિનું નામ	સભ્યોની સંખ્યા	બેઠકની વાર્ષિક સંખ્યા	પાસપાસેના પાસપાસેના પાસપાસેના પાસપાસેના	સમિતિના મિટિંગના સ્પષ્ટતા
૧	સામાજિક ન્યાય સમિતિ	૫	૬૨	૬૨	૬૨
૨	અન્ય ગ્રામ સમિતિ	૧૨	૬૨	૬૨	૬૨
૩	ગ્રામ વિકાસ સમિતિ	૧૭	૬૨	૬૨	૬૨



# Proactive Disclosure of Information in Rural Gujarat



*The dates of the past and next village assembly meetings are displayed for everybody's knowledge*

*The State's Chief Information Commissioner inaugurates the low cost low tech but effective method of information disclosure with the village headman and civil society actors*





# Norway's Electronic Records Database

Electronic Public Record | baby moses in basket

Direktoratet for forvaltning og IKT [NO] | https://oep.no

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# Securing Compliance



- Incentivise Heads of public authorities - link to performance appraisals
- Incentivise public authorities – link to awards/recognition
- Incentivise ministries and departments – link to budget allocations

- Make ‘transparency’ and ‘accountability’ – core values of civil services ← India did this in 2014
- Link non-performance to disciplinary proceedings and administrative penalties
- Ineligibility factor for appointment as Information Commissioners





**For more information please contact –**

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**Thank you**