

REPORT
State Level Workshop:
Implementing the Right to Information Act, 2005

organised by

**Government of Uttaranchal &
Commonwealth Human Rights Initiative**

23 & 24 July – Hotel Pacific, Dehradun

Workshop Objective: *To advise Heads of Departments and Public Authorities on preparing to meet their obligations under the Right to Information Act, 2005*

The workshop was organised at the behest of the Government of Uttaranchal to advise and prepare all public authorities on implementing the new *Right to Information Act* (RTI Act) within the deadline of October 12, 2005. The workshop aimed to unravel the access regime that needs to be established under this law in light of experience from other jurisdictions within and outside India. The Agenda to the workshop is attached at Annex A.

Resource People comprised:

- Mr Venkatesh Nayak, Co-Coordinator - Right to Information Programme, CHRI
- Ms Charmaine Rodrigues, Co-Coordinator - Right to Information Programme, CHRI
- Ms Mandakini Devasher, Project Assistant, CHRI
- Captain AV Deshpande, Deputy Director General, YASHADA Maharashtra

KEY REMARKS

In his address to the Workshop on Day 2, Uttaranchal Chief Minister, Honorable Shri N D Tiwari stressed that the right to information would bring a qualitative change to the work of civil service officers and would accelerate the pace of development in the state. Instead of waiting for the 12 October 2005 deadline, when the right to information is set to come into force in all states of the country, he encouraged officers to start work immediately on implementing the Act effectively. He expressed his hope that Uttaranchal would make all necessary preparations within the stipulated time.

Uttaranchal Information Minister, Dr Indira Hridyesh, echoed the sentiments of the Chief Minister, expressing her hope that implementation of the right to information would accelerate the pace of development in the state. She emphasised the need for the people's representatives to be aware of the right to information, so that they could extend their cooperation in its effective implementation. She maintained that the right to information would enhance effectiveness and transparency in government functioning. Through the right to information, coordination between people and government machinery would be developed. She assured participants that the State Government was committed to implementing the right to information effectively and all preparations in this regard would be completed in a time bound manner.

During the various sessions, officials advised that the Uttaranchal Government has already set up a State Task Force on the Right to Information and has also constituted the Selection Committee for the appointment of the Information Commissioner(s). The Committee comprises the Chief Minister, Opposition Leader and the Information Minister. The State Government has also prepared a time bound Action Plan on implementing key sections of the Act prior to the 12 October deadline and a separate Plan for implementing the proactive disclosure provisions in s.4 specifically. The

Government is now preparing to embark on an intensive training of trainers programme in the State to be completed by end-September, but will likely produce key materials, such as a process manual for distribution to all PIOs and Appellate Authorities prior to commencing large-scale training.

The Resource People commended the Uttaranchal Government on the steps it has already taken to progress implementation. Uttaranchal appears to be one of the most active States in the country in terms of RTI Act implementation. The discussions was kept strongly focused on practical implementation issues that public authorities would need to tackle within the first 120 days of the law, prior to the entire Act coming into force on 12 October 2005. Discussion was highly interactive.

IDEAS AND RECOMMENDATIONS

(1) Suggestion: *Uttaranchal officials document their activities to date and publish and disseminate them broadly so that other States can benefit from Uttaranchal's work.*

More information about Uttaranchal's activities could be inspiring for the rest of the country. CHRI offered to circulate all useful documents (eg. Action Plan, Task Force Terms of Reference, Training Strategy, Proactive Disclosure Implementation Timeline) to all of its Government contacts.

(2) Suggestion: *The Uttaranchal Government should write to the Central Government requesting it to call a meeting of Chief Secretaries who could discuss key issues and come together on an agreed approach to implementation.*

A strong theme emerging throughout the workshop was the need to ensure that the Act is implemented consistently through the State – and in accordance with best practice throughout the country. Although considerable time has been lost already, such a conference of Chief Secretaries could still be very useful in terms of sharing ideas and keeping the momentum for implementation going. The same type of gathering of State and Central officials could be done for the head of the nodal agency responsible in each State for implementation and the relevant officials from the State and Central training departments and panchayat departments. The Uttaranchal Government could also request the Central Government to set up an RTI Implementation Help Line (running at least for the first 120 days), which State Governments could use when they needed to clarify issues concerning implementation.

(3) Suggestion: *The nodal agency responsible for implementation should begin preparing key guidance documents to assist officials to understand the law properly and to help support them in applying the law effectively.*

The Government should prioritise the preparation of a simple manual for all officials that explains the act in a manner that is both clear and easy to understand. In particular, the manual should set out a step-by-step procedure for processing applications and appeals. This will help to promote consistency and assist officials to implement the Act effectively. In addition, the nodal agency, possibly in collaboration with the new Information Commission, should consider producing guidance notes on interpreting the exemptions, the “public interest test” and other important provisions in the Act. This would both help to avoid confusion and uncertainty among officials and would also promote consistent application of the law by all officials. Consideration should also be given to setting up a State RTI Implementation Help Line, which Uttaranchal public authorities could call for assistance.

SUMMARY OF CONCERNS AND CHALLENGES

A number of questions indicated that there remain considerable challenges for the Uttaranchal Government which will require further consideration by senior officials, and possibly clarification from the Central Government. Below, is a list of the key concerns and challenges raised by participants which should be addressed as a matter of priority.

(1) Concern:

Where will the Government find the money for meeting all obligations under this law?

Response:

Proactive disclosure, training of officers, setting up the State Information Commission, spreading awareness about the Act among people will require a lot of resources and all of this cannot be done in 120 days. However, a beginning can be made with existing resources to show that the government is seriously committed to implementing all aspects of the Act. The State can send a written request to the Central Government (as this is a central law that will be implemented by the State) to release funds in order to implement the Act's various provisions. By demonstrating steps already taken, it is to be hoped that the Central Government will be more likely to respond favourably because the Government will have proven its commitment to implementation and can request more specific budget assistance.

(2) Concern:

In Uttaranchal the literacy rate is very high. So is political consciousness. Offices will be flooded with applications and all other work will have to be stopped to meet this demand.

Response:

In states such as Maharashtra and Delhi, departments were not flooded with applications on the first day or month. Most applications came from urban areas. In both states, a majority of requests were met within the time limit and this has not affected the performance of other duties of the PIO. The best way to minimise information requests is to give information proactively as much as possible. For example, in Maharashtra it has been observed that greater levels of voluntary disclosure have led to a proportional reduction in the number of information requests. In any case, the RTI Act will now prevail, such that if many requests are received, the Government may need to consider more staff for processing requests in order to ensure that deadlines are met. The deadlines in the Act are legal obligations – lack of staff will not be considered a reasonable explanation for delay.

(3) Concern:

Every department performs different kinds of function at different levels of operation from the Secretariat to the Taluka level. Will disclosure under Sec. 4 have to be designed for every one of these levels separately?

Response:

Section 4 is designed to ensure that public authorities give certain information which is important to the public voluntarily. If implemented properly, s.4 will reduce the workload of officials and public authorities because it will mean that information which is regularly needed by the public can be accessed by them without the need for a specific request.

However, in order to meet this objective, careful consideration needs to be given to what information is most necessary at what level of government. Public authorities need to anticipate public expectations at all levels of operation and decide the contents of the proactive disclosure

scheme appropriately for each administrative unit. For example, the level of s.4 disclosure for Secretariat level will have to be different from the contents relating to district level or taluka level operations of the same department.

(4) Concern:

The production of 17 manuals under s.4(1) - as advised by the DOPT in a recent circular - will be very difficult and burdensome.

Response:

The idea of producing “manuals” does not properly reflect the objectives of s.4 proactive disclosure, which is simply to publish and disseminate key information routinely in a manner and form which is easily accessible and understood by the public (see s.4(3) and 4(4) which specifically require this). Updating of information is also very important. For example, information on subsidy schemes (see s.4 (xii)) needs to be published and updated regularly (eg. monthly) if it is to be useful in terms of enabling the public to check that they are receiving proper subsidies and minimising corruption. Furthermore, subsidy information needs to be published so that it is relevant to the locale – ie. Each village should proactively publish subsidy information relevant to their village.

There is no legal requirement for the publication of “manuals”. The key issue is to publish information in a form that makes it accessible to the public. Authorities will need to consider the different forms of disclosure – at local level, more reliance may be placed on noticeboards and simple, easy to access and understand guides, whereas at the headquarters there may be more reliance on departmental websites, media dissemination (eg. newspaper, radio) and databases.

(5) Concern:

The time limit of 120 days is too short to train all officers and PIOs and also meet Sec. 4 requirements. Resources are a major concern in a small state like Uttaranchal.

Response:

In practice, the Government should identify those departments with which the public interacts more frequently and give them priority attention, eg. Revenue, Panchayati Raj Department, Municipalities, Food and Civil Supplies, Education Department etc. Nonetheless, all public authorities should still work towards meeting the deadlines.

(6) Concern:

How will the Information Commissioners be selected to ensure independence?

Response:

The Resource People strongly urged the Government to select the Chief Information Commissioner (and any other Commissioners) in a transparent and participatory fashion. For example, an open employment process could be used whereby the position is advertised or the public could be asked to suggest names. At the very least, the list of suggested candidates should be published prior to their consideration by the Selection Committee, accompanied by an explanation of their skills. There was some discussion around whether the Information Commissioners should be bureaucrats or from civil society, with agreement at least on the imperative that Commissioners need to be perceived as independent, but not a populist. The possibility of recruiting more than one commissioner was suggested; this might satisfy all stakeholders because both civil society and the bureaucracy would be represented on the Commission.

(7) Concern:

There is some confusion in the use of the terms "Information Commission" and "Information Commissioners" in the Act. How will the Commissioners interact with each other in practice? How should the Information Commission be set up and operate?

Response:

Some of this confusion stems from the amendments inserted into the Bill in the May 2005 session of Parliament. Originally the Bill tabled in Parliament in December 2004 referred to a Central Chief Information Commissioner, who would be supported by Deputies. However, the May 2005 amendments changed the wording to a Chief Information Commissioner supported by Information Commissioners, who would make decisions as a Commission. It is still not clear how an Information Commission will dispose of appeals in practice – whether each Commissioner will make decisions separately or whether the Commissioners will sit together and decide by consensus or majority.

It was pointed out that when determining how the Information Commission would be set up and operate, the Government's concerns over the cost of implementing the new Act would need to be considered. It was suggested that considering the distances in Uttaranchal, there could be regional Information Commission offices and/or the Commissioners could do regular roaming tours of the State. One idea for keeping costs down was to appoint less Information Commissioners (who have the rank and salary equivalent to an Election Commissioner) and instead provide the Commission with more staff who can do the legwork and research for the Commissioners and cut down on their workload.

It was noted by one of the resource people that s.19(5) of the Act places the burden of proving that non-disclosure was warranted on to the person who denied the request, ie. the official. In practice, this will mean that the public will not actually need to interact with the Commission until after the official has first been questioned – and even then, only if the Commission thinks the official has a good point. At that point, the complainant can make their case – but even then, they could do so by phone or in writing. If necessary, consideration could be given to sending a staff member out to interview the complainant at that point or even paying for the complainant to attend the Commission. Until the Commission has a better sense of how many complaints they will be dealing with, it is difficult to know what approach will be most cost effective.

(8) Concern:

How will the Information Commission be most effectively staffed?

Two main issues were discussed. Firstly, participants discussed whether staff would be seconded from the public service or whether the Information Commission could actually recruit specialist staff with particularly useful skills from outside the public service. One of the resource people pointed out that for maximum efficiency – particularly in the early days – it would be particularly useful if staff could be recruited from outside the public service who had relevant experience. This approach could also strengthen the (perceived) independence of the Commission.

Secondly, it was suggested that the staffing model would need to reflect the decision finally made about the set up of the Information Commission – ie. would there be regional offices? would there be multiple Information Commissioners: making decisions independently or together? As discussed above, consideration could be given to employing more staff to do support work for the Commissioners, which could cut down their workload and leave them to do only the key decision-making. This is what happens in the UK and Canada for example, where the Information Commissioner delegates many investigatory and decision-making powers.

(9) Concern:

Could the Commission grow too big and become just another self-proliferating arm of the Government?

Response:

The Secretary for Information noted that the key issue was to ensure that appeals at the level of the first appellate authority were properly handled in order to lessen the number of appeals that actually went to the Information Commission. Appellate Authorities needed to be a key target group for training and ongoing support. The Resource People also noted that the Act notes only that the Information Commission *may* be composed of up to 10 Information Commissioners (plus the Chief) but did not require any set number. It was recommended that serious consideration be given to how many Information Commissioners were appointed. Ideally, the Government should analyse how many appeals they anticipate receiving and then appoint enough Information Commissioners accordingly, to ensure that unnecessary officials were not appointed – who would then become a drain on the State's finances.

(10) Concern:

Could the absence of a time limit for disposing appeals by the Information Commission undermine the appeals regime?

Response:

It is concerning that the current version of the Act has no time limit for disposal of appeals by the Information Commission, because the original draft tabled in Parliament in December 2004 required appeals to be completed within 30-45 days. This could seriously undermine the appeals regime. However, a time limit for Information Commission appeals could still be provided for under the RTI Rules framed by the State. This was encouraged by resource people.

(11) Concern:

What could be done to prevent parties from relying on lawyers and thereby making appeals to the Information Commission unnecessarily legal and complicated?

Response:

In other countries, Information Commissions discourage the use of lawyers, which Indian Information Commissions could also do. The Commission should make it clear to parties that there will be no advantage in bringing a lawyer to proceedings because the Commission staff will anyway fill any gaps in research resulting out of the lack of legal representation.

Notably, the resource people also noted that the Information Commission should more generally promote a non-adversarial approach to handling appeals. In this context, it was suggested that the Commission should consider incorporating mediation as one of its strategies – as is done in many Commissions throughout the world. Commission staff can talk to the parties and see if a compromise can be reached on disclosure, ie. by releasing most records, or partially disclosing a certain record, etc.

(12) Concern:

Some of the exemptions are difficult to interpret. How will ambiguities be clarified and what can be done to support officials to apply exemptions properly?

Response:

Resource people strongly recommended that guidance notes be produced for officials explaining each of the exemptions in s.8 and giving practical examples to assist official to apply them properly. Ideally, a master set of guidance notes should be produced by the Central Government, to ensure consistent interpretation of the exemptions across the country, but States Governments and Information Commissioners should also be involved in the process. Participants commented in particular that the exemptions for disclosure which could "lead to incitement of an offence" (s.8(1)(a)) and to protect against "breach of privilege of Parliament or the State Legislature" were difficult to understand and to know how to apply.

Resource people also noted that as case law developed around the exemptions it was important that Information Commissions and the Courts published their judgments to provide additional guidance to officials and the public. International experience supports the production of an "annotated Act". In Canada and Queensland, Australia for example, their access laws are uploaded on-line and every provisions then has links to relevant judgments.

(13) Concern:

Will a PIO be penalised if the senior officer verbally orders him not to release information to the requestor?

Response:

No. All officers must assist PIOs to process applications and provide information, if requested by the PIO to help. All such officers will be considered to be PIOs for the purpose of contravention of this Act. If a PIO is not given information by a senior when he requests their assistance, accordingly it is the senior will be penalised while the PIO will escape penalties. To protect against a penalty, it is advisable that PIOs note in writing the responses given when requesting assistance so that this can be used as evidence in any appeal or penalty hearing.

(14) Concern:

Can oral advice be requested under the Act?

Response:

This is an issue which will eventually need to be clarified by the Information Commission and the Courts, but resource people felt that it was possible that oral advice could be accessed in accordance with the very broad definition of "information" in s.2. This approach has support from New Zealand where, if an official received information in his/her official capacity but has not written it down, he/she can be required to reduce the information to writing if it is subject to a request. In any case, efficient public administration requires that all public officials should record all key pieces of information in hard copy and file it properly.

(15) Concern :

Can a request be denied if it is too big? If not, how can such requests best be handled?

Response:

The Act does NOT permit rejection of an application simply because it relates to a large number of documents. In any case, in practice officials should consider the processing of applications as a cooperative activity, such that the official should work with the applicant to assist them to get the

information they need. In that context, where a large number of records are involved, the PIO can contact the requestor and clarify their request to see if they can reach a negotiated solution that will give the requestor what they want without unnecessarily burdening the PIO. This recognises that in some cases at least, a broad application may be submitted simply because the requestor was not sure what was available.

(16) Concern:

How will Uttaranchal officials deal with the practical challenge that Uttar Pradesh still holds many of the records that relate to Uttaranchal information?

Response:

This issue could benefit from clarification from the Central Government, as it will affect other new States as well. In practical terms, an agreement may have to be reached between the two State Governments. In any case, if a record requested in Uttaranchal is held by Uttar Pradesh, the requestor can make a request to the Uttar Pradesh Government for the record. It does not matter where the citizen resides - any citizen of India can request any record from any State Government.

(17) Concern:

Periodic weeding of files results in destruction of many records which are not important enough to maintain for as long as 20 years or more. So it will not be possible to give such information after they have been destroyed. Will the PIO be penalised for this?

Response:

If a record has been destroyed legally the question of penalisation does not arise. But this Act will require a review of all weeding practices in existence to ensure that information which could be requested under the Act is not destroyed. More generally, consideration will need to be given to reviewing current records management processes.

(18) Concern:

If file notings are to be given out under the Act this will discourage officials from noting their opinion on controversial matters freely.

Response:

This law is a weapon for the honest bureaucrat who need not fear. Only corrupt persons who have something to hide will resist disclosing such information. It was pointed out that the Central Government DOPT website advises that file notings do not need to be disclosed. Resource people at the meeting noted that this advice cannot be regarded as certain, because the definition of information (see s.2) in the Act is very broad. File noting have not been specifically excluded so it remains to be seen whether the Information Commission and Courts agree with the DOPT's *interpretation* of the law.

(19) Concern:

Officials are required to give information about themselves and their families under the law. Can the public request this kind of information? Should it be given?

Response:

Not necessarily so. This may be private or personal information which is exempted under Sec. 8. Again, this must be decided on a case by case basis. If public interest is served by disclosing such information then it must be given.

(20) Concern:

If a case is still under consideration for final decision can that file be made available to requestor before the decision has been taken?

Response:

Aspects of the file which are pending decision need not be disclosed until the matter is complete. But if there is factual information attached to that file whose disclosure will not affect decision making then such information can be disclosed.

(21) Concern:

What will be the penalty if a department is not able to meet the deadline for proactive disclosure?

Response:

There is no penalty for not meeting this deadline. But publish as much as possible within the deadline and give it wide media publicity so that people know that Government is earnest about implementing the law. This will reduce the level of criticism from the media and other quarters, as they will understand that the Government is doing its best and will continue to do so.

(22) Concern:

In Uttaranchal Panchayats are the first line agencies that public comes into contact with. With more than 7000 panchayats existing already will we have to appoint as many PIOs?

Response:

As all records relating to Panchayats are in the possession of the Pradhan it does not make much sense to ask the resident of a village to go to the taluka headquarters to apply for records of his Panchayat. It is better to appoint the Pradhan as the PIO. The Panchayati Raj Act may be amended to declare the Pradhan as PIO for the purposes of this Act thereby bringing him within the ambit of this law and making him liable for penalties and disciplinary action. It may also be necessary to specify in the Rules that a Pradhan shall be considered an "officer" for the purposes of the RTI Act.

Consideration may also be given to writing to the Central Government Panchayat Raj Department for advice on how to proceed and/or requesting the Central Government to call a meeting of all State Panchayati Raj Secretaries so that they can all discuss the issue and come up with an agreed approach. As there is one RTI Act for the whole country, it is important to try to ensure consistent implementation approaches so that there is less confusion amongst the public and officials.

(23) Concern:

If a PIO has touring duties as well, then he will not be physically present to receive application in the office. Will his absence amount to refusal to accept information request?

Response :

The best way out is for the PIO to authorize a subordinate to receive applications and put this in writing for the sake of avoiding confusion in his absence. This will ensure that citizens' applications are received even in the PIO's absence and action is taken on the same. By putting the request for assistance in writing, the PIO will also protect him/herself against any action for penalties if the processing of the application is delayed.

(24) Concern:

Most of the corruption and poor governance at high levels leaves no paper trail as all such orders are given verbally which the official is compelled to follow. How will this Act help such an official?

Response:

This Act is like a weapon in the hands of the honest bureaucrat. He can always demand that the unreasonable orders of the superior be given to him in writing. In the absence of such a written order the official must exercise his duty as a law abiding officer and do what is required of him by the Act.

Under this law the PIO does not require the permission of his superior to release information that is requested. If he records that the order of his superior has prevented him from meeting the information request of the citizen, he will not be hauled up in the Information Commission. It is the superior who will be called to question.

(25) Concern:

Attention should be paid to public awareness raising, but at the same time, Government resources (financial and human) are stretched at the moment.

Response:

The resource people encouraged the Government to focus its attention on public awareness raising (see the Public Awareness Raising Concept Note at Annex 2). It was noted that this work is not currently a priority for the Uttaranchal Government. They are looking into the ways of making the Act known to the public, but currently are keen to focus on awareness and capacity building amongst state officials with a major focus on training, which they hope to complete by end-September. In any case, it was felt that one of the best awareness-raising strategies was to ensure that the Act was properly implemented – because a “happy customer” telling their fellow villagers about how they used the Act effectively will be the best publicity for the Act.

Prepared by the Commonwealth Human Rights Initiative, 26 July 2005

For more information or to discuss this paper, please contact:

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ANNEX 1

**Implementing the *Right to Information Act, 2005*
in Uttaranchal**

**2-day State Level Workshop organised by
Government of Uttaranchal
&**

Commonwealth Human Rights Initiative, New Delhi

July 23-24, 2005

Pacific Hotel, Dehradun

WORKSHOP OBJECTIVE:

To advise Heads of Departments and Public Authorities for preparing to meet their obligations under the Right to Information Act, 2005

The workshop has been designed at the behest of the Government of Uttaranchal to advise and prepare all public authorities to implement the new *Right to Information Act* (RTI Act) within the deadline of October 12, 2005. The workshop aims to unravel the access regime that needs to be set up under this law in light of experience from other jurisdictions within and outside India. An action plan for making information available to citizens *suo motu* and upon formal request is the major outcome expected from this workshop.

The thematic sessions are designed along the lines of major obligations laid down by the law. Presentations from other jurisdictions will be followed by discussion sessions in order to give participants an opportunity to share ideas, raise questions and suggest responses.

Day – I

Saturday, 23 July 2005

10:00am

Inaugural Session

<i>Welcome address & Introduction</i>	Mr. D. K. Kotia , Secretary, Department of Information, Govt. of Uttaranchal
<i>Opening remarks</i>	Mr. M. Ramachandran , Additional Chief Secretary, Govt. of Uttaranchal
<i>Philosophy Underpinning RTI in India</i>	Capt. A.V. Deshpande , YASHADA
<i>Overview of RTI Act, 2005 & Implementation Challenges</i>	Mr. Venkatesh Nayak , CHRI
<i>Discussion</i>	

Tea Break

Session – 1

11:30am *Developing Guidelines on Proactive Disclosure*

<i>Designing schema for suo motu disclosure in Maharashtra</i>	Capt. A.V. Deshpande, YASHADA
<i>Voluntary disclosure schema developed in Karnataka</i>	Mr. Venkatesh Nayak, CHRI
Discussion	

Session Objectives:

- To understand the schema developed in other jurisdictions for meeting the proactive disclosure obligations.
- To identify the minimum information that will be made available through notice boards, publications, directories, Internet websites, print and electronic media.
- To identify timelines for updating variables in the schema

Lunch Break

Session – 2

2:30pm *Putting Systems in Place*

<i>Appointing Public Information Officers (PIOs), Assistant PIOs and Departmental Appellate Authorities in Maharashtra</i>	Capt. A V Deshpande, YASHADA
<i>PIOs and Appellate Authorities in Karnataka – the scheme of appointment</i>	Mr. Venkatesh Nayak, CHRI
<i>Processing Applications & Appeals</i>	All resource people
Discussion	

Session Objectives:

- To identify the levels at which PIOs and Appellate Authorities must be appointed within each department, public authority and public sector units and municipalities and panchayats.
- To identify the possible geographical location of Assistant PIOs throughout the State.

Session – 3**4:00pm Inaugural Address**

<i>Inaugural Address by Hon'ble Information Minister, Government of Uttaranchal Dr. Indira Hridayesh.</i>	
<i>Vote of Thanks</i>	Mr. Santosh Badoni <i>Under Secretary</i>

Tea Break**Session – 4****5:00 pm Identifying Training Requirements**

<i>Developing training programmes for officers</i>	Capt. Despande, YASHADA
<i>Developing Guidance Notes, Practice Manuals for Public Authorities, PIOs and Appellate Authorities</i>	Ms. Charmaine Rodrigues, CHRI
<i>Discussion</i>	

Session Objectives:

- To identify the training requirements specifically for PIOs, Asst. PIOs, Appellate Authorities, staff of Information Commissions and other officers in general.
- To identify ways of increasing capacity of administrative training institutions in Uttaranchal.
- To identify potential partners for developing training manuals and guidebooks

Day – 2**Sunday, 24 July 2005****Session – 1****10:00am Interpreting Exemptions - Ensuring Consistent Decisions**

<i>Overview of exemptions provisions in RTI Act 2005</i>	Mr. Venkatesh Nayak, CHRI
<i>Interactive session: Case studies re applying exemptions in practice</i>	Capt. AV Deshpande, YASHADA
<i>Discussion</i>	

Session Objectives:

- To consider in detail the exemptions in the Act and the various nuances to their interpretation
- To identify grey areas in interpretation which would benefit from a more formal clarification

Tea Break**Session – 2****11:30am Chief Minister's Address (pre-poned from Valedictory)**

<i>Welcome</i>	Mr. D.K. Kotia , Secretary, Dept. of Information, Govt. of Uttaranchal
<i>Key issues re the RTI Act 2005 & Presentation of Draft Workshop Report</i>	Mr. Venkatesh Nayak , CHRI
<i>The Value of RTI – drawing on the Maharashtra experience</i>	Capt. AV Deshpande , YASHADA
<i>RTI in the Uttaranchal Context</i>	Mr. M. Ramachandran , <i>Additional Chief Secretary, Govt. of Uttaranchal</i>
<i>Valedictory Address</i>	Hon'ble Chief Minister, Shri N.D Tiwari

Session – 3**12:30pm State Information Commission & Internal Appeals**

Setting up the State Information Commission <ul style="list-style-type: none"> • Appointment process, location, number of Commissioners etc • <i>Developing procedural rules</i> • <i>Developing Guidelines</i> 	Open discussion moderated by CHRI representative
Discussion	

Session Objectives:

- To identify the number of Information Commissioners to be appointed and the geographical location of the Information Commission
- To understand the procedures developed by other Information Commissions for disposing appeals
- To agree upon procedures for disposing appeals that are cost-effective and least cumbersome to the requestor.

Lunch Break

Session – 4

2:30pm *Informal Discussion with Key Officials*

<i>Intended Session: Designing a scheme for public education</i> <ul style="list-style-type: none">• <i>A basic plan for raising public awareness about RTI and the law</i>	Ms. Mandakini Devasher, CHRI
<i>Intended Session: Monitoring Systems</i> <ul style="list-style-type: none">• <i>Departmental Monitoring</i>• <i>Monitoring by the State Information Commission</i>	Ms. Charmaine Rodrigues, CHRI

It was also anticipated that there would be two separate sessions on “*Processing Information Requests*” with one session each dedicated to considering the Application Processes and Appeals Processes in detail. Due to time constraints, these sessions were dispensed with. However, in any case considerable discussion was had on these topics throughout the various sessions.

ANNEX 2

Right To Information Act 2005: Educating The Public On Their Rights Under The New Law

Concept Note Produced by the
Commonwealth Human Rights Initiative (CHRI), New Delhi
7 July 2005

This note seeks to provide some initial ideas and suggestions on developing a public education strategy for promoting use of the new Right to Information Act 2005.

Developing Partnerships

- Publicity / Public Relations / Information Sections in each Ministry – target them with public education materials and encourage them to use their own networks to disseminate information.
- All Ministries – target them with public education materials and encourage them to use their own networks to disseminate information about the RTI Act. For example-
 - Ministry of Information and Broadcasting and Department of Audio-Visual Publicity could spearhead the awareness campaign in collaboration with DOPT
 - Ministry of Information Technology – can assist with web-based public education products
 - Ministry of Panchayats – good linkages into the villages – consider also as a target for training, ie. Incorporate RTI into training courses run by the Panchayat department
 - Ministry of Consumer Affairs & Public Distribution – PDS has been a key RTI issue – encourage this Ministry to produce specific public education materials on RTI and PDS and RTI and other consumer issues
 - Ministry of Rural Development – good linkages into the villages
 - Department of Development of North-Eastern Region – could be a good entry-point for targeting a region that can be difficult to reach with conventional public education strategies
- State Governments – need to be brought on board early – liaise with State Government GAD Secretaries as nodal agencies and collaborate on the production of public education materials, eg. DOPT could provide a model Users Guide / How-To brochure which could then be contextualised, published and disseminated by State Government agencies. The field offices of the Department of Information and Publicity should be the vector for disseminating these brochures.
- Partnering with civil society organisations
 - Provide small grant funding for CSO-run public awareness workshops and other outputs (eg. production and/or distribution of Users Guides, street plays, information sessions, RTI newsletter, etc)
 - CHRI has email network of more than 200 RTI advocates – can easily keep them updated and encourage them to spread the word
 - The National Campaign on the People's Right to Information also has State-based networks that can be tapped to raise public awareness

Promotion & Dissemination Channels

- **Newspapers**
 - The Indian Express and Times of India have already been very supportive of State RTI campaigns (eg. in Delhi in 2004, the Indian Express formally partnered with Parivartan

- on the “Tell Them You Know” campaign) – DOPT could try to formally collaborate with one or two national papers in Hindi and English on a public education campaign
- Publish advertisements in leading dailies (English and Hindi) on key issues of implementation like names and addresses of PIOs, Appellate Authorities and the Central Information Commission – the help of DAVP can be enlisted for this purpose.
- **Television and Radio**
 - Develop radio jingles and educational programmes on RTI for broadcast in the major regional languages through AIR.
 - Develop television spots announcing the implementation of the RTI Act through Doordarshan network along the lines of advertisements developed by various Ministries on themes like sexual harassment, prenatal sex determination, water conservation, HIV/AIDS etc. Private channels may be targeted in due course.
 - Feed stories to the electronic news media on implementation – ideally, you should offer try to organise interviews with the Prime Minister and/or Minister in charge of Personnel and Training Department because the media would be keen to get useful news sound-bites from such key players
 - Develop key current affairs programmes – get them to report on progress in implementing the RTI Act– encourage them to run panel discussions with RTI users, activists and government officials
 - **Internet**
 - DOPT’s RTI website – this should be launched as a matter of priority and its launch should be accompanied by fanfare to ensure it is covered by the media – the site needs to be kept updated to encourage people to use it regularly – as much information as possible should be uploaded onto the site (including the DOPT Implementation Action Plan and key DOPT circulars) b/c this will also encourage people to check the site more regularly as this information will be of interest to the public and of practical use to CSOs campaigning around implementation in their own local jurisdictions
 - Links to other portals and websites is important – Feed information to key websites like the new National CSO RTI site (www.righttoinformation.org) India Together (www.indiatogether.org) and popular portals like IndiaTimes.com, Rediff.com
 - All departmental websites should develop an RTI section of their own as well as a link to the DOPT website.
 - **Other Vectors**
 - Organise national competitions to draw attention to the issue – Poster and Essay competitions should be held in institutes of creative arts such as JJ School of Arts, National Institute of Design etc. The best entries in the poster competitions could be used in the poster campaign.
 - Spread awareness about RTI using posters through the post offices network, telecom offices at the field level and public sector banks. The help desk in these offices should be supplied with simple pamphlets on RTI.
 - Organise exhibition of short films on RTI through cinema halls.
 - DOPT should encourage States to target all community information centers in the districts and tehsils (taluks) for the poster campaigns. RTI pamphlets and brochures should be available in these centers along with directory of PIOs, APIOs, AAs and the relevant Information Commissions.
 - Poster campaigns should target all long distance railway coaches to start with in the manner of tourism departments which have promoted tourist spots in their states and gradually spread to all trains running in the country.

- Poster campaigns should target railway stations and airports in all urban centers to increase visibility and outreach.
- Lobby for inclusion of RTI into school and college syllabus in the medium-term to inculcate values of transparency, accountability and responsibility amongst youth.

Products

All products should be produced in multiple languages to encourage the widest uptake by disseminators as well as the public themselves:

- Weekly press releases updating on progress
- How-to Brochures / Users Guides - recognising that DOPT has substantial implementation responsibilities already, production of these products could be outsourced immediately (eg. to CSOs with experience in this area at the State level) and DOPT could then be responsible for disseminating the products through government channels
- Radio jingles / TV spots – these have been shown to be very effective in other social awareness campaigns (eg. HIV/AIDS awareness) – production could be outsourced (CHRI will develop a few TV spots and radio programmes on RTI by the end of 2005)
- Short films of five minute duration to be commissioned in Hindi and the regional languages (CHRI is already planning to make one short film and one documentary on RTI.).