

**Report of
The Workshop on Right to Information for North Eastern States of
India**

23 –24 August 2005

Indian Institute of Bank Management, Guwahati

**Organized by the North East Network (NEN), Guwahati in collaboration with
Commonwealth Human Rights Initiative (CHRI), New Delhi**

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Introduction

The North East Network (NEN) along with Commonwealth Human Rights Initiative (CHRI) organized a workshop on the newly enacted Right to Information Act 2005 on 23rd and 24th August at the Indian Institute of Bank Management Khanapara, Guwahati, Assam.

NEN is a women's rights organization, working in the seven northeastern states. It was established in March 1995 with initial headquarters at Shillong. It works on mobilizing grassroots women on crucial issues leading to their empowerment and thereby participation in decision-making processes. At present, NEN has a network of 500 women's organizations in the northeast working on various issues and is headquartered at Guwahati.

Ms. Monisha Behal, Director, NEN in her introductory address introduced CHRI to all the participants and also explained the importance of having the Right to Information Act in India. She said that having the right to ask for information from government offices is a fundamental and absolute right. Now, with this right citizens can go to Public Information Officers (PIOs) in fair price shops and ask about the availability of essential commodities like rice and kerosene. She stressed on the need for constant negotiation and dialogue with the public authorities in order to get things done. She emphasized that RTI can be used effectively only when internal gaps and biases that people have against each other can be mitigated. She gave the example of internal gaps in tribal societies and the hierarchy in Assamese society, which is dividing the people.

Mr. Venkatesh Nayak, Project Coordinator, introduced the work that CHRI does. He said that CHRI's work area is in the Commonwealth, which is an association of 54 countries. It is headquartered in New Delhi, with offices in Ghana, (Africa) and London.

It is a human rights organization working on two issues, namely

- 1) Access to justice
- 2) Access to information

In the area of access to information, CHRI is doing the following activities:

- Advocating with government for formulation and implementation of access to information laws
- Educating NGOs and community based organizations (CBOs) to understand the RTI law and to help them to use this law
- Monitor implementation of this law
- Advocating with government in order to bring about laws in various countries of the Commonwealth

In the area of access to justice, CHRI works on the issue of police reforms and prison reforms. CHRI believes that police should be free of political control and should be made accountable to law and not to the political bosses. It works on prison reforms in the states of Rajasthan, Chhattisgarh and Andhra Pradesh. CHRI also trains judges on

best human rights practices. Other areas include legal literacy especially for victims of communal violence and training of police personnel under the rubric of community policing.

After the initial introductory session, the participants were asked to write down their expectations from the workshop. These have been collated in Annexure 1.

Objective of the workshop

The overall objectives of the workshop was to develop awareness, knowledge and skills of a group of NGOs representing the northeastern states of India on the main provisions of the RTI Act and prepare them to train others on the issue as well as to carry out advocacy with their respective state governments. The objectives of the workshop were as follows-

- To provide participants with a clear understanding of the main features of the RTI Act and its operational provisions
- To develop capacity of participants to apply for accessing information
- To formulate a strategy plan for the future, especially focusing on spreading awareness about this Act.

Methodology

A participatory approach to learning was adopted throughout the workshop, based on adult learning principles. This provided opportunities for the participants to share their experiences regarding accessing government held information which was then linked to the newly enacted Right to Information legislation in India. In order to build the capacity of participants on RTI and linking it with issues concerning the northeast the following methods were employed to achieve the objectives of the workshop.

- Presentations made by the resource persons
- Small group discussions and presentations by the participants
- Film Show on RTI
- Plays on RTI by a local theatre group of Assam

Resource Materials Provided

Copies of the following materials were provided to the participants:

- Gazette notification of the RTI Act 2005
- Simplified summary of the RTI Act
- MS power point presentation on the RTI Act in English and its Assamese translation
- Police organizations in India – some basic information
- Police Reforms and You
- Police practices: obstructions to poor people's access to justice

Resource Persons

- Mr. Venkatesh Nayak, Project Coordinator, CHRI, New Delhi
- Ms. Sohini Paul. Project Officer, CHRI, New Delhi
- Mr. Michael Syiem, Convenor, Mait Shaprang Movement, Shillong, Meghalaya

Participants Profile

Around 35 participants attended this two-day workshop representing all the northeastern states except Mizoram. There were about 22 participants from Assam, 4 each from Manipur and Tripura, 2 from Meghalaya and 1 participant each from Arunachal Pradesh and Nagaland. They were mainly NGO representatives, besides a few lawyers, grassroots activists and academicians.

Session 1: Introduction to Right to Information

The need to have Right to Information law

In his introductory session Venkatesh said that RTI is a powerful tool for strengthening democracy and entrenching good governance. He said that all people living in the country are constantly paying taxes to the government, especially so when buying commodities and goods. Even a beggar pays tax when he buys food. He emphasized that there are three things inevitable in a person's life – every person is born, will die and will pay tax. The money, which is paid in taxes, is used for government functioning. The money is used to pay salaries of government officials, for government vehicles, office furniture etc. If the government runs on taxpayer's money then citizens have every right to know as to how that money is being spent, the resource person emphasized. Venkatesh further said that citizens in India do not know how the government makes decisions. Moreover, often times the ordinary citizens are not treated well when they visit government offices.

Official Secrets Act 1923

Venkatesh then informed the participants about certain provisions in the Official Secrets Act 1923 which have led to the present state of secrecy in government functioning. According to this Act, he said that if any officer gives any information without taking prior permission, then it is a punishable offence and the concerned official can be put behind bars for three years. Moreover, the rules framed on the basis of the Act have been kept secret and confidential.

Understanding the value of Right to Information in the present context

As mentioned earlier by Venkatesh, RTI is a powerful tool for entrenching good governance, which includes the following:

Transparency – where everybody should know how government is functioning.

Responsibility – every person who has power must exercise it in a responsible manner

Accountability - where decision makers must be made accountable to the people.

Participation – people's participation in all activities, which affect their lives, such as planning and decision-making.

Responsiveness – on part of the government to the needs of the people.

Venkatesh said, that the Right to Information legislation sets the process of accessing information. This Act does the following:

- It establishes a process for accessing information held by public authorities
- It places an obligation on public authorities to give information
- It provides a grievance redressal mechanism for citizens who have been denied information in an unreasonable manner.

Group Exercise: Difficulties in accessing information from the government

After the initial introduction on the topic the participants divided themselves into small groups and discussed on difficulties that citizens have experienced so far in accessing information from the government. In order to form the groups the participants were made to play a game wherein they were told to imagine that they are in a boat in a flooded area. In order to save themselves from drowning, in case the boat capsizes they have to form groups. This game resulted in the formation of five groups– Rose, Pal Tora, Pansoi, Sangai, Sahajatry.

Questions for small group discussions

The resource person gave the following set of questions to the participants for discussion. The purpose of this exercise was to discuss about the current state of affairs with regard to accessing government held information by ordinary citizens in the northeastern states of India and to link it with the new Right to Information legislation.

1. What kind of information do you seek from the government normally?
2. Which government officers do you normally approach for seeking information?
3. Do you get information easily?
4. How long does it take to get information?
5. Did you have to pay anything for taking information?
6. If you don't get information easily do you make complaint?
7. Did the office take any steps re the complaint?

Group presentations

The five group presentations have been collated in this section.

Information generally sought by people

- Information related to rural development – which includes food and civil supplies, allocation of government funds for various, BPL list
- Land Revenue
- Information related to construction of public infrastructure facilities including roads
- Statistics handbook
- Recruitment in defense forces
- Information re arrest of people
- Birth and death certificate
- Information regarding inflated electricity and telephone bills
- Information regarding land acquisition by the government
- Information regarding recognition of private schools
- Information on domestic violence
- Environment related information
- National Power policy

Government officers normally approached by people to get information

- Rural Development department – BDO, Project Director
- Land and forest related department - Circle Officer
- Police Station
- Panchayat office
- DRDA

- DFO
- District Social Welfare Office
- DI/DEEO
- State Pollution Control Board
- Tribal development department
- Education Department
- Electricity Board
- Inspector of schools
- District Administration
- Concerned officer of DTO
- Health Department
- Women's development

Difficulties faced by people in accessing information

- Are not aware of the concerned person who will give information
- Officers take bribe and people are harassed and made to meet several officers before they get their work done
- Non- availability of officers
- Delay tactics on part of the officers
- Ask why you need this information excuses
- Aggressive, arrogant or indifferent behaviour of government officials
- Information is not published
- Officers ask for a permission letter from higher authority

Time taken to get information

It normally takes 15 days to one month and sometimes the information is not given at all.

Payment for accessing information

Generally people have to pay when getting information. It varies from Rs. 20 to Rs. 500/-

Complaints made by citizens and addressed by government officials

Hardly anybody makes complaints. Even if complaints are made these are not addressed by government officials.

Venkatesh then spelt out the reasons behind the present state of affairs in our country. Problems of accessing government held information in the northeast is similar to those in other parts of the country. He said that presently, government offices use various weapons to create problems for ordinary citizens. Some of these include the hierarchal and bureaucratic structure of government functioning, rules and regulations, policies, laws like the Official Secrets Act, Armed Forces Special Powers Act, lathi, guns, curfew, tear gas, water cannons extra judicial killing, paper etc.

All government related work is done on paper. The reasons why citizens do not have power are because they do not have access to these papers. The RTI Act has given the right to ordinary citizens to access information contained in these papers. He then showed a map of the world, which showed number of countries having RTI laws. He highlighted the fact that RTI is there in countries where democracy is the strongest.

He informed the participants that Pakistan does not have an Act passed by their Parliament. They have an ordinance passed by President Musharraf about one and a half years back. In the USA, RTI is known as Sunshine law that is it removes the darkness of secrecy. RTI is a weapon that will probably make a difference, especially if used strategically.

Session 2: Understanding the Right To Information Act 2005

This session was on a detailed discussion on the important provisions of the Right to Information Act 2005.

Coverage and entry in to force

Venkatesh Nayak began this session by discussing about the coverage of the Act and the date on which it will come into force. He said that the RTI Act covers all the states and Union Territories except Jammu and Kashmir (J&K). This is because of the special status of J&K as given in Article 370 of the Indian Constitution. The RTI Act is one of the few laws, which mention a date by which the law will come into force i.e. within 120 days from the date on which the President of India gave his assent. This means that the Act will become fully operational from 12th October. On that date the Freedom Of Information Act will be repealed.

Definition of ‘Information’ and ‘Right’

Venkatesh next explained the definitions of “Information” and “right” as given in the Act. He said that Section 2 defines information as – records, documents, memos, opinion, email, advice, press release, circulars, orders, logbooks, and data material held in electronic form. Also information about private bodies that can be accessed under existing laws by a public authority like income tax/ sale tax laws, company law, environmental law are also included in the same definition.

Competent Authority

The resource person then defined competent authorities as those, which according to the Act have been given the powers to implement the law and frame rules to carry out the provisions of this Act. They cover all three organs of the government – the Executive, Legislature and Judiciary (s.2(e))

Public Authority

Public Authority means any authority or body or institution of self-governance established or constituted by the Constitution, by a law made by Parliament or State Legislature or by a notification issued by the appropriate government and includes bodies owned, controlled or substantially financed by government and also NGOs, which are substantially financed by the government. (s. 2(h)). After explaining the definition of public authorities, Venkatesh gave examples of bodies, which will be covered by this Act. He said that the Indian Administrative Service, Indian Foreign Service, police, army, Election Commission etc. will come under the purview of this Act. He also said that all government aided colleges, schools and all private bodies which get a substantial portion of their funds from the government are covered by this Act.

Who are not covered

He next explained those government agencies, which are outside the purview of the RTI Act. The Act does not cover intelligence organizations and para-military forces as given in Schedule 2 of the Act. However, information about allegations of corruption or human rights violation must be given if requested from the exempt organizations. Venkatesh then gave a real life example of a case of human rights violation by para military force. Manorama Devi in Manipur was picked up from her house at night. Her dead body was found four days later. According to this law this is a case of human rights violation, as a persons right to life has been violated. In this case under the RTI Act, a question can be asked as to who ordered the arrest of Manorama Devi? This information has to be given in spite of the provisions in the Armed Forces Special Powers Act.

Processes of accessing information

There are two ways of accessing information from the government:

A) Proactive Disclosure where citizens do not have to apply for getting information. It is a good provision for government to put all information in one book form or on their website. From 15th June onwards the government offices should have started the preparations for voluntary disclosure of information.

B) The second method of getting information by citizens is by applying to the PIO. According to the law after the completion of 120 days from the date on which the President gave his approval to the Bill (15th June) that is from 12th October onwards, citizens can apply to various government offices to get information. The period of 4 months has been given to the government to prepare themselves for effective implementation of the law such as to appoint PIOs and train them about their responsibilities re RTI Act.

At this stage Mrs. Monisha Behal, Director North East Network informed the participants that Meghalaya is the only state in the northeast, which is prepared to implement the law by the given date. She explained that this has been possible due to the pressure on the government by a strong RTI movement by the civil society in the state. She urged the groups of the other states in the workshop to similarly put pressure on their respective governments in order to get them to implement the Act in right earnest. She said that it is necessary to meet the Chief Secretaries of each northeastern state to know about the status of implementation of the law. On the other hand, she suggested that some groups could initiate grassroots movements in their states to bring about mass awareness regarding this Act as well as to put pressure on the government.

Public Information Officer

Venkatesh explained the specific roles of PIOs who are to play a key role in providing information to the citizens. He said that every public authority must designate PIOs in all administrative units to receive applications from citizens, process them and provide the information requested within a period of 30 days. In case a PIO rejects an application he must give in writing the reasons for such rejection, the period within which an appeal can be made and particulars of appellate authority. He highlighted the fact that PIOs must provide assistance to those making a request orally to reduce the same in writing.

Besides, the PIO must keep a copy of all the proactive disclosure of his or her department in a book form. He gave the example of Uttaranchal, where the Pradhan (elected head of Gram Panchayat) has been appointed as the PIO in a Gram Panchayat. The District Magistrate is the designated PIO at district level. Each department can have more than one PIO.

Assistant Public Information Officer

He next stressed on the fact that the APIO is not an assistant to PIO. He is appointed in those places where ordinarily a PIO is not available such as at the sub-division level or sub-district level. The APIO is appointed geographically and functions like a one-way post office. His responsibility is to receive applications for information requests and appeals and forward them to the concerned PIO.

State Information Commission

Before the establishment of the office of the State Information Commission, only the Chief Minister of a state or the Chief Secretary could ask for records and documents from any department or ministry within the state. With the enactment of the RTI Act, there is a third body, the State Information Commission which now also has the power to ask for information from any department. The Information Commissions have been given the powers of a civil court. Besides the Information Commissioners can appoint PIOs where no one has been appointed. The State Information Commission can also impose a penalty on the PIO starting from Rs.250/- per day to a maximum of Rs.25, 000/-. The departmental appellate authority cannot impose penalty.

Fees

The Act provides for two types of fees to be paid by the citizens for getting information:

1. Application fee
2. Fee which is the cost for giving information

While informing the citizens about the cost of giving information the calculations for arriving at the cost must be clearly stated by the PIO. The law also states that the fee must be reasonable. In case the fees charged are too high then the citizens have been given the right to appeal against it. If information is given after expiry of the time limit then it has to be given free of cost.

Play performed by local theatre group

After the session on the Right to Information Act a play was performed by 8 members of SATRA, Sipajhar, which is committed towards socio-economic and rural upliftment in Darrang district of Assam and 1 member of Dharikathi Ajon Swasthya Kendra (DASK), grassroots health intervention by NEN in Dharikathi village, Sonitpur district in Assam¹. The play depicted the plight of a poor widow who tries to get information about the Indira Awas Yojana from the Block Development Office. It highlighted the current illegal practices and corruption creeping in the administrative system resulting in common people suffering.

¹ In their attempt to create 'positive thinking' in the minds of young people, NEN organized a two weeks intensive theatre workshop in June 2005 for district level groups including SATRA and DASK. This was their first performance as a theatre group, attempting to use social theatre as a powerful medium to bring peace and progress in the region.

Session 3: Case Studies on use of RTI in others parts of India and in other jurisdictions

Sohini Paul, Project Officer, CHRI share some case studies on the effective use of RTI laws in some states of India as well as in other jurisdictions. These case studies have been mentioned below in this section. They highlight the value of using RTI law by citizens as well as by the media for greater common good.

Case Study 1: Improving service delivery in Rajasthan

The first case study was to do with the delivery of health services to the villagers in Rajasthan. In Rajasthan 70 types of medicines are given free to patients who belong to the Below Poverty Line (BPL) category in primary and community health centers (PHCs and CHCs) in Rajasthan. But patients in Jawaja village either did not receive proper medicines or had to buy it from the PHCs. In order to solve this problem, RTI applications were filed for access to these hospital records for

- Number of patients treated
- Types of medicines available
- Audit report of the medical department

The records revealed that government paid salary to the X-ray machine operator though the machine was out of order for more than 2 years. Another fact revealed was that pregnant women should have received free treatment, but they were charged Rs. 300-400 upon childbirth. Besides these other regularities came to fore. Based on these facts action was taken at a public hearing where officials committed themselves to providing free medicines to BPL patients. As a result residents have acknowledged a marked improvement in service delivery.

Case Study 2: Enforcing accountability in Public Distribution System in Delhi

The second case study was on information disclosure re public distribution system in Delhi. The Government provides subsidized ration to poor people through authorized ration shops. However, very often, the ration dealers divert food meant for the poor to the black market for profit. The people for whom the ration is meant for, especially Below Poverty Line (BPL) cardholders then have to buy the same food grains from regular shops at high rates.

In this situation some citizen's groups in Delhi used the Delhi Right to Information Act (DRTIA) to obtain copies of registers of stocks, sales and ration cards from the Food and Civil Supplies (F&CS) Department. Armed with this information the groups such as Parivartan held jun sunwais (public hearings) to present this information before the public. Several public hearings were conducted to hold ration dealers and officials accountable. Between 2003-2004, the F&CS department received over 100 applications for information on PDS. In most cases applicants were unsatisfied with the department's answers. Subsequently, they sought help from the Public Grievance Commission (PGC), which is the Appellate Authority as given in DRTIA.

PGC after going through the cases imposed heavy penalties on the ration dealers for having diverted food grains meant for the poor for their personal gain. Also, the F&CS department was also forced to initiate reforms in its public distribution system.

Case Study 3: Exposing Planned Extra Judicial Killings in Canada

The third case study was to do with the use of RTI law in Canada by the media to exposed extra judicial killing. A standoff had occurred between native Canadians and Ontario Police at Ipperwash Provincial Park. Policemen involved in the standoff had made racist remarks to lure protestors out of the park. Moreover, the Police Sergeant shot dead a person named Dudley George when he came out of the park. In the meanwhile the police taped the incident posing as T.V. crew. The State had violated Dudley's right to life without due process and murdered him in a pre-planned move. The then Conservative Party Government consistently refused to hold an enquiry into this matter. The newly elected Liberal Party Government promised an enquiry into the matter in its election campaign.

In the meanwhile CBC News obtained the police tape using the RTI law and made the issue public. This resulted in certain actions being taken. Firstly, the scope of inquiry into the matter was broadened to include scrutiny of police action. Secondly, the Sergeant was convicted for criminal negligence causing death and thirdly, the Police Association had to issue a public apology.

At the end of the first day of the workshop **a film on RTI called *Dilli Darbar*** was shown to the participants. This film illustrated how citizens are using the access to information law in Delhi and the various hurdles that they have to face in the process.

Day Two (24th August)

The second day began with each participant sharing a key learning that they have got from this workshop. The set of key learning's have been given in Box1.

Box 1

Key learning's of the Participants

- All of us are taxpayers
- RTI will help to eradicate poverty
- RTI will lead to mass participation of people in governance
- RTI will help in strengthening rural communities by providing a community action platform. For example, RTI can strengthen the *dorbar* system in Shillong.
- It will enable NGOs to put pressure on government
- Use of this law will lead to administrative efficiency
- Can lead to good governance in the Northeast
- It is a weapon that people can use to minimize corruption
- Only people with capacity will use the law while others won't
- This Act will be beneficial for poor people provided they get to know about it
- It is a powerful act for people to fight against bureaucracy
- RTI Act will enable people to know about government projects and schemes
- Once women become aware of this Act it will enable them to fight against poverty
- The case studies indicate that the RTI Act can work
- The Act has provided the legal means to question the government
- Will apply the knowledge in our own local movements and struggles
- With the enactment of this Act there will be transparency and accountability
- The RTI legislation will be a user-friendly act. It needs to used both at the government as well as at the grassroots level
- There is a need to pressurize the government if the government does not implement the act. For this mass awareness is required
- It is a good movement, which started in Rajasthan. It is important that this law reaches out to the people. We should all come together and work on this through this network.
- The Act will help in making panchayats more accountable
- The Act is a powerful tool. It is the responsibility of the citizens to use this Act in an effective manner.
- This act applicable to NGOs as well.

Play performed by local theatre group

On the second day of the workshop the theatre group education representing members of SATRA and DASK performed another play highlighting issues plaguing North East India. These issues and problems are as follows:

Education: lack of infrastructure, permanent teachers, culture of absenteeism promoted by teachers, high dropout rates of students etc:

Child Labour: is prevalent in this region with young children engaged in stone quarries, roadside construction and other hazardous occupations.

Migration of young people, mostly students, from the region to other parts of the country and never returning back is another issue affecting this region. It is due to lack of opportunities, high levels of unemployment, unproductive educational system etc.

Militancy among young people is a rising problem, which is mainly due to the fact that the young people are getting frustrated with no work to do. As such, some of them have taken up arms.

Health: lack of access to primary health care centers, unavailability of medicines, rampant corruption etc. Frequent floods in states like Assam aggravate the inaccessibility.

Against this backdrop the narrator in the play explained to the gathering about a new tool, the Right to Information Act 2005, which can help them to a certain extent in solving their problems.

Session 4: Writing applications to request for information

Venkatesh Nayak said that many applications for information in the past have failed because they have not been written in a proper manner. Getting government to implement the Act requires strategies by civil society organizations. One way of putting pressure on the government to implement the law properly is by applying for information from 13th October onwards. Next, Venkatesh gave an exercise to the participants on writing applications for information requests to Public Information Officers of different government departments. The participants had to discuss and present on the points given below in small groups.

Application exercise linking up with information needs

- Identify main information needs in the group.
- Write the application in the following format
 1. Name of the applicant
 2. Name of the father or husband
 3. Contact details
 4. Postal Address, Telephone Number, Email
 5. Name of the office from where you want information, Name of the PIO, Complete address of department
 6. Specify information you want
 7. Give application fee or ask for fee waiver
 8. Date on which you are submitting application

After the completion of this exercise in small groups, each group presented their application letters before the larger group.

Session 5: Presentation on the RTI movement in Meghalaya by Mr. Michael Syiem, Mait Shaprang Movement, Shillong

Mr. Syiem began his address by saying that the concept of government 'of the people, by the people' is a one-day affair. After that for the next 5 years the MLAs and MPs do exactly what they want and do not give us any information. So far, whenever citizens have asked for information they have been denied with the excuse that it cannot be given because of the Officials Secrets Act or the Central Civil Services Conduct Rules. However, now with the enactment of the RTI Act 2005 information has to be given in 30 working days opined Mr. Syiem. The state government has been given a time period of 120 days to prepare for and implement the Act.

Evolution of the RTI movement in India

Michael then gave a brief history of the RTI movement in India. He mentioned that the movement for having a right to information legislation was started in 1994 by Mazdoor Kisan Shakti Sangathan (MKSS) in Rajasthan. This state gets a lot of money every year for drought relief projects. However, though the records mention that money did reach the deserving people, but in reality money did not reach them. In order to verify the truth, the people asked for records from the panchayats and verified the information got with people in public hearings. In this process they got to know that crores of money had been siphoned off.

He then informed the participants that Tamil Nadu and Goa had enacted respective state RTI Acts in 1997. In Assam, the state government had enacted its own law in 2003. However, most people in Assam are not aware of this Act he said. He said that one of the reasons behind this is that there has been no movement in Assam or any public awareness campaigns through street plays, public hearings, dharnas etc. There is need to have a sustained effort in the northeast to make people aware of it. He further said that this Act is meant for all common citizens.

Genesis of the RTI movement in Meghalaya

Next, Michael gave a brief description of the RTI movement in the neighboring state of Meghalaya. He informed the gathering that the movement has its roots around the scandal on construction of Meghalaya House in Calcutta, which led to fall of the government. Consequently, an enquiry was done to find out the cause and a report was prepared which was not easily available to the public. As a result, it was felt necessary to have a Right to Information law for citizens to find out what is happening in the various government departments. In the meanwhile the RTI activists got a pamphlet on the Goa RTI Act. They decided to put pressure on the government to enact a similar legislation in Meghalaya. For this several processions were taken out when the assembly was in session demanding for the RTI Bill to be introduced in the assembly. He further informed that in doing so they had faced a lot of resistance from government. However, this led to the generation of awareness amongst the citizens about the possibility of having such a law.

He next informed the participants about the Freedom of Information Act 2003 which the NDA government had enacted. Along with the National Campaign for Peoples Right to Information (NCPRI), The Mait Shaprang Movement started a campaign to either get the Act repealed or to have amendments made. With the formation of the UPA Government, Mrs. Sonia Gandhi inducted one member of NCPRI in the National Advisory Council (NAC). A new law was drafted by the NAC along with NCPRI. When the Bill got introduced in Parliament in December 2004, the Parliamentary Standing Committee had invited members of the Mait Shaprang Movement to make a presentation before the Committee, informed Michael. He also said that the earlier FOI Act had given blanket exemptions to security forces, which is quite unsuitable for the northeast region. As such the Mait Shaprang movement had suggested to the Committee that security forces should not be exempted particularly with regard to human rights violations and corruption.

Mr. Syiem then spoke about the various provisions in the Act. These have been listed below.

- **Time limit** – Every PIO has been given a time limit of 30 working days to provide information. If a person does not get the desired information, then he

can appeal. The final appeal can be made to the State Information Commission (SIC), which is an independent body. If SIC is convinced that a person has been wrongfully denied information or has been given incorrect information then a fine of Rs. 250 day can be imposed on the PIO. The Act thus provides for a **penalty clause**.

- **The Appeals Mechanism** must be independent of the government. In case a person is not satisfied with the decision of the SIC then he or she can appeal to the High Court.
- **Minimum Exemptions** – The RTI Act has overridden The Official Secrets Act.
- **Wide and easy accessibility to people** – In case a PIO has not been appointed in a particular department, then the people can go to the head of that department to get the desired information.
- **RTI allows you to take samples**
- **The cost for applying for information** will be Rs.10 /
- All information which is given to MLAs and MPs cannot be denied to the public
- The RTI act covers NGOs, which are substantially funded by government

Session 6: Strategies and Future Action Points

In this session the participants discussed various activities that their organizations could take up in the ensuing 6 months i.e. from September 2005 till February 2006. This list of activities have been mentioned here:

At policy level

- Educate government employees and enforcement authorities about RTI Act. This includes Public Information Officers, Assistant Public Information Officers and Departmental Appellate Authorities
- Ensure that PIO Directories are made available. These should be made available in all the Computer Information Centers, which have been set up by the government.
- Send letters to concerned state government departments urging them to implement the law effectively and to suggest ways of effective implementation.
- NEN will write to the Chief Secretaries and have dialogues with governments of all the northeastern states to urge them for proper implementation of the law.
- There is a need to understand the RTI Act in the context of other related acts, such as the Official Secrets Act, Indian Evidence Act, Whistle Blowers Bill and others.

At grassroots level

- Publicize the main provisions of the Act and bring about mass awareness through street theatre, public hearings, use of posters, pamphlets, cartoons, hoardings, loudspeakers on buses/vans, wall writing, film shows, public rallies, cycle rallies etc.
- Another way of bringing about public awareness is by training local youth on theatre-by-theatre groups. The trained youth in turn can use drama and street plays as a means of spreading the message of RTI at the grassroots level.

- There is a need to form collectives in remote villages and to strengthen women self-help groups and train them on RTI. They in turn can play the role of animators to make people aware about their right to access government held information.

With Media

- Educate the Media on how to use the RTI Act.

Frequently Asked Questions

1) Concern: Is 'oral opinion' included in the definition of information?

A: As per the law 'information' is anything that is available in written form. Therefore, oral opinion, which is not written down, cannot be included in the definition of information.

2) Concern: If the State Information Commission (SIC) acts as a Court, can an advocate represent a pleader?

A: A lawyer is generally required in an adversarial situation. In case of appeals under the RTI Act the dispute will be between PIOs and the law. In this case, therefore, the pleader need not approach the State Information Commission and the PIO also need not be there. If there is a need for public hearing, it will have to be decided by the SIC. In Maharashtra under the state RTI Act, people did take their lawyers to court hearings. However, under the national law it is not encouraged to take the help of lawyers.

3) Concern: Can a government official ask for information under this Act?

A: Yes

4) Concern: If by 12th October the government of Manipur does not implement the RTI Act, then what can the citizen do? Can the citizen apply for information under the RTI Act?

A: The government has to implement the Act according to law. Citizens can file applications for information from 13th October onwards after the Act comes into force.

5) Concern: Is it mandatory for the state governments to implement the central RTI Act?

A: This is a law passed by the Parliament of India and covers all the states and Union Territories. Thus, it has to be implemented by all the states.

6) Concern: What is the applicability of the law in Meghalaya, which has traditional institutions that are outside the purview of this Act?

A: Traditional institutions like District Councils, which are included in the Sixth Schedule of the Constitution, will be included in the definition of "public authority" as given in the RTI Act.

7) Concern: Is it necessary to start a civil society movement to get the Official Secrets Act 1923 repealed?

A. The RTI Act has an overriding effect on the Official Secrets Act.

8) Concern: Can a group apply for information under this Act or is it applicable only to individual citizens?

A. Yes, an application can be applied by a group of individuals provided that the application has only a single name.

9) Concern: Is there any restriction to the number of questions that a citizen can ask?

A: The law provides no restriction to the number of questions that a person can ask on a single application. Hence no application can be rejected on the ground that too much information is being asked.

10) Concern: How will common citizens get the benefits of this Act? Can the government machinery take steps to make people aware about this Act?

A: Government has proposed a mass campaign to make people aware of the provisions of this Act. The RTI Act will be advertised through print and electronic media.

11) Concern: What does a citizen do when at the time of applying for information a bribe is asked for?

A: The citizen must immediately complain about this to the officer senior in rank to the PIO i.e the departmental appellate authority.

12) Concern: In case of denial of information by government officials or any other problems, whom can the citizens complain to?

A: The Act has a provision of appellate mechanism, which consists of firstly, the Departmental Appellate Authority (officer immediately senior in rank to the PIO) and secondly the State Information Commission. An aggrieved person can appeal his case before either or both the appellate bodies. The decisions of the Information Commission are binding and they also have the authority to impose penalty on the erring officials and even appoint PIOs if they have not been appointed.

13) Concern: One of the responses that citizens usually get from government offices when asking for information is that it cannot be given, as it is official information. With the enactment of the RTI Act, is that response from the government still valid?

A: Under the RTI Act, most government held information has to be disclosed either proactively or on request. Only those matters, which have been listed in Section 8 of the Act, are exempt from being disclosed. However, in these matters too a public authority may allow access to information, if public interest in disclosure outweighs harm to the protected interests.

14) Concern: When we send applications for information by post, how do we give the application fees?

A: The process of giving application fees by post will be specified in the rules.

15) Concern: Can government employees participate in demonstrations?

A: The Constitution of India allows government employees to take part in demonstrations. There are instances of serving government officials actively taking part in the RTI movement in India. One such example is that of an Indian Revenue Service (IRS) Officer, Mr. Arvind Kejriwal, who has set up an organization called Parivartan in Delhi and has been actively involved in the implementation of Delhi Right to Information Act.

16) Concern: If elected representatives are asked for information and if it is denied, then what are the proceedings against that person?

A: The bodies (ministries, departments etc) of which these elected representatives are a part of need to have their own PIOs. MPs and MLAs are not duty bound to give information under this Act.

17) Concern: How can the mindset of government officials be changed?

A: Changing the mindset of government officials is a long drawn task, since many of them are quite apprehensive of this Act and its implications. They have been used to a culture of secrecy, which is being changed by this revolutionary Act. However, genuine and upright officers who have nothing to fear are welcoming this Act. It is important to emphasize that this Act can be very useful for officers to put their records in order.

18) Concern: I had asked for information regarding a scheme for unemployed youth belonging to BPL families from the Block Office. I was denied information with the reason that I needed to get a prior permission letter to access that information from the DC. Will this situation change now with the enactment of the RTI Act?

A: With the enactment of the RTI Act, the procedures for accessing information will be in place and citizens should get the required information so long as they don't fall within s.8 of the Act. While applying for information, it must be mentioned that you are applying under the provisions of the RTI Act 2005.

19) Concern: How did you mobilize people and bring about a mass movement on RTI in Meghalaya, considering the diversities and differences amongst the population?

A: Drama was used to a large extent to give publicity to the cause.

The procession that was taken out initially by a group of 7 activists was widely covered by electronic and print media, which caught the attention of the people. Moreover, people living in the villages realized the benefits of this Act in their lives since; they have to regularly deal with BDOs, many of whom are corrupt.

Expectations of the Participants from the workshop

“ I hope this training on Right to Information will in turn help me to train the core team of my organization I hope to be able to utilize access to information in its right and proper perspective among the grassroots.”- Animita Goswami, Tezpur District Mahila Samiti, Assam

“ I want to provide information about Right to Information Act through our quarterly newsletter to the people especially the women panchayat representatives.” – Lakhya Saikia, North East Social Trust (NEST), Assam

“ I have come here to know about Right to Information. Till now there is no organization working on this issue in my state.” – Dr. Tomo Riba, Arunachal Pradesh

“ To bring about awareness amongst the rural masses about RTI through various activities of my organization.”- Jollymoni Saikia, NEADS, Jorhat, Assam

“ I want to know how RTI is working in other parts of India”. – Ashish Dey, Gharoa, Lunding, Assam

“ I will share the experiences from this workshop with other members. We will organize and mobilize ourselves to protest against any illegal works.” – Supriya Sengupta, Chetana Institute for Women’s Studies, Tripura

“ I hope this workshop will help in building a network to work towards ensuring the proper implementation of the Right to Information legislation.”- Ravi Sagar, Legal Cell for Human Rights, Assam

“ I want to know about the various provisions of the RTI Act in details and the process of seeking information” – Nani Kumar Saikia, SATRA, Sipajhar, Assam.

“ I want to know about RTI and the various strategies which we can use to work on this issue.” – Bidya Chetia, Lachit Yuvak Sangha, Dhemaji, Assam

“ I want to learn about RTI.”- Dipen Saikia, R.V.C., Akajan, Dhemaji, Assam

“ From this workshop I expect that following presentation of the Act itself, to deliberate and debate intensively on its specific points of relevance to the Northeast region and allow feedback for northeast perspectives.” – Joshomayee Devi, Associate Professor, IIBM AND executive Secretary, DISA, Guwahati, Assam.

“ I want to understand the RTI Act and then know how to take forward our work on using this Act and helping in its implementation in my home state initiative.” – Seno Tsuhah, NEN, Nagaland

“ We hope to enrich ourselves regarding Right to Information through this workshop.” – Maitreyi De, Chetana Institute of women’s studies, Tripura

“ I would like to know about RTI, its implementation and the remedies available under It.” – Leishangthem Roshmani, Advocate, Imphal, Manipur

“ I would like to know about the procedures of application for information under the RTI Act and also proposed plan for the future.” – Babulal Basumatary, Bathan Club, Dangtalgaon, Chirang, B.T.A.D., Assam.

“ I want to know about how to get information in remote villages easily through this Act.”- Sankar Kumar Dey, Green Heart Nature Club, Kokrajhar, Assam

List of Participants

<p>Lakhya Saikia North East Social Trust (NEST) Near Circuit House, DR College Road, Golaghat – 785 621 Assam Phone: 03774- 285 406,0361- 233 8888, 94350 54775 (M)</p>	<p>Mr. Ravi Sagar Advocacy Unit North East Diocese Social Forum PB # 186 Guwahati 781001 Assam</p>
<p>Dipen Sakia Rural Volunteers Centre P O Akajan, District Dhemaji, Pin: 787059 Assam</p>	<p>Ms.Banti Devi Morigaon Mahila Mehfil Near new Civil hospital, District Morigaon Assam</p>
<p>Jollymoni Saikia North East Area Development Society PO Dhekiakhowa District Jorhat Assam</p>	<p>Manoj Tamuli Doyeng-Tengani Sangram Samiti Near Circuit House District Golaghat Pin 785621, Assam</p>
<p>Animita Goswami Tezpur District Mahila Samiti Tezpur, District Sonitpur Assam Mobile 9435081905</p>	<p>Ruma Devi Majgaon Mahila Samitte Sanjibani Tezpur Assam Phone 236281</p>
<p>Tomo Riba Deptt.of Geography, Arunachal University, Naharlagun, Itanagar Arunachal Pradesh Phone: +91-360-2277322,2277283(O) +91-360- 2277431 ®</p>	<p>RT Akhel PO/PS Nambol,BPO Irengbam Senapati district Manipur Mobile 9436038794</p>
<p>Leishangthem. Roshmani Advocate – Human Rights Law Network (SLIC) Human Rights Law Network, Manipur, KVIC Building, 2nd Floor, Opp Videocon House, Poana Bazar, Imphal Manipur 0385-2229889/9436025658</p>	<p>Mrs.Sitara Begum President, All Manipur Muslim Women’s Development Organisation. Khestri Chandam Leikai, All Khergao Manipur Tel: 0385-2442025</p>
<p>Banteilut Nongbri R.S.Lyngdoh Training Centre Smit</p>	<p>Supriya Sen Gupta Asst Secy, Chetna 4/29 Malancha Nagar Govt. Quarters, Kunjaban</p>

<p>Meghalaya Mobile No-9862005290 Tel: 0364-2588739(o) Email: bantei@rediffmail.com</p>	<p>Agartala, Tripura West Tripura Ph.0381-2356107</p>
<p>Maitri Dey Asst Secy, Chetna 4/29 Malancha Nagar Govt. Quarters, Kunjaban Agartala, Tripura West Tripura Ph.0381-2356107</p>	<p>Pradip Dey c/o Smt.Shefuli Dey vill- Ganghigram (school tilla) Po.Gabghigram PS Airport Dist West Tripura Tripura</p>
<p>Jashomoyee Devi Indian Institute of Bank Management Khanapara Guwahati Assam Mobile;9435115368</p>	<p>Mr. Ashish Dey Gharoa,DTS Hill Colony, P.O: Lumding, Dist.: Nagaon, Assam. Pin: 782447 Phone: 03674 – 263222 (O) 263302 (R) 94351 – 63065 (M)</p>
<p>Bidyadhar Chetia Lachit Yuvak Sangha (LYS) P.O: Hatigarh, Dist.: Dhemaji, Assam.Pin: 787057 Phone: 94350 – 88878 (M)</p>	<p>Mr. Noni Saikia Social Action for Appropriate Transformation and Advancement in Rural Areas (SATRA),Dhanai Bora Chowk,Vill.: Pachimchuba, Sipajhar,Dist.: Darrang, Assam, Pin: 784145 E-mail: satrasipajhar@yahoo.co.uk Phone:03713 – 266626, 266515 (R), 94351-85878 (M)</p>
<p>Babulal Basumatary Bathou Club & Library Vill.: Dangtol, P.O: Kakaragaon,Dist.: Bongaigaon, (BTC), Assam.Pin: 783372 Phone: 03664 – 222280 (O) (6pm to 7pm), 94351 – 21590 (M)</p>	<p>Mr.Shankar Dey Green Heart Nature Club (GHNC), Ward No.: 6, Bazar Road,Kokrajhar Town, P.O & Dist.: Kokrajhar (BTC), Assam.Pin: 783370 E-mail: ghnc@rediffmail.com Phone: 03661 – 270970</p>
<p>Bitalinda Majaw North East Network, Beams End Cottage,Springside, Jeingkeing,Nongthumai,Shillong- 793014, Megalaya</p>	<p>Arajit Debbarma c/o Ashwini Kr.Debberma Vill Bhowalia Basti PO+PS Ambassa, Sub division Ambassa Dist: Dhalai Tripura, Pin</p>

Phone:0364-2520750 Fax:0364-2501320 Email:nens@sancharnet.in	799289 Ph 03826-222852
Seno Tsuhah and Akole North East Network Chizami Resource Centre Chizami,Po Chizami Dist Phek Nagaland PIN 797102 Email:nchizami@yahoo.co.uk	Binota L North East Network Manipur Ingudum Leirak, Sagolband Imphal-795001 Manipur nenmanipur@hotmail.com
Ngamkhohen Khongsia F/N Lengsia Ngamkholen Khongsai Thangkanpai Hill PO and P.S Saikul Sadar Hills East Senapati Manipur-795001	R.T. Akhel C/O Modhuvawan Aheibam leirak, keisamat, Imphal Manipur 9436038797 e.mail brajatr@rediffmail.com
Members of North East Network, J.N.Borooah Lane, Jorpukhuri, Guwhati-781001, Assam, India. Phone: 91-361-2603833 Telefax: 91-361-2631582 Email:assammen@yahoo.co.uk website:www.northeastnetwork.org	Monisha Behal Director North East Network, J.N.Borooah Lane, Jorpukhuri, Guwhati-781001, Assam, India. Phone: 91-361-2603833 Telefax: 91-361-2631582 Email: director@northeastnetwork.org website:www.northeastnetwork.org

<p style="text-align: center;">Workshop on Right to Information, Guwahati, Assam Day 1 August 23.08.05 Introduction and Background to RTI</p>
<p>9:00-10.00 am</p> <ul style="list-style-type: none">• Registration
<p>10.00-10.50am</p> <p>Inauguration and Introductions</p> <ul style="list-style-type: none">-Welcome address by Dr Monisha Behal, Chairperson, NEN-Introduction & Expectations of participants-Introduction to RTI by CHRI
<p>10.50-11.05am: Tea break</p>
<p>11.05-11.45am</p> <p>Group formation & Discussion on types of information, concerned departments in the government for providing with the information.</p>
<p>11:45am -1.00 pm</p> <p>Group Presentation.</p>
<p>1.00-2.00pm: LUNCH</p>
<p>2.00-2.15 pm: Energiser</p>
<p>2.15-3.30pm</p> <ul style="list-style-type: none">• Presentation on Central RTI Act 2005.• Group Discussions.
<p>3.30-3.45 pm: TEA</p>
<p>3:45-4.00pm</p> <ul style="list-style-type: none">• Skit on public harassment while asking for information.
<p>4.00-4.30pm</p> <ul style="list-style-type: none">• Case Studies on RTI implementation process starting with SATRA's presentation.
<p>4.30-5.00 pm</p> <ul style="list-style-type: none">• Open Forum/Review of the day's work• Evening Program (Optional from 7.30-8.00pm or 9.00-9.30pm)• Film Show on RTI campaign

Day 2
August 24.08.2005
Application and strategies

9.00-9.15 am

- **Recap/ Key Learnings to be presented by 2 participants.**

9.15-9.30am

- **Skit on the issues of the N.E. Region**

9.30-10.00am

- **Tips for filing application under the Central RTI Act.**

10.00-10.15am

- **Presentation on the RTI Movement in Meghalaya by Mr. Michael Syiem, Mait Shaphrang Movement, Shillong**

10.15-10.25am

- **Discussion and clarification**

10.25-11.25 am

- **Application writing procedure –State wise groups.**

11.23 am-1.00pm

- **Presentations followed by discussions.**

1.00-2.00pm: LUNCH

2.00-3.30pm

- **Session on strategies for N.E Region for spreading awareness about the Act, monitoring and filing applications for collection of information**

3.30-4.00pm: TEA

4.00-5.00 pm: Evaluation and reimbursement

