

Report of
The Workshop on Right to Information Act 2005 with lawyers and law
students in Kohima, Nagaland
27th August 2005
Zonal Hall, Kohima, Nagaland

Background

Ms. Hekani Jakhalu, an advocate with the Kohima Bench of Guwahati High Court organized this workshop in collaboration with the Commonwealth Human Rights Initiative (CHRI), New Delhi. In her opening address Ms. Jakhalu stressed on the fact that the workshop was being organized keeping in mind the larger issues of the youth of the northeast and the problems that they are being faced with today, the biggest problem being that of unemployment. She said that since the group present in the workshop was largely students, they are yet to understand the impact of unemployment on themselves and on society as a whole. In spite of the government's efforts to create jobs, only a few manage to get employed. According to her, the youth need to develop a sense of responsibility, belonging, usefulness and power. This in turn will help in developing good leadership qualities.

With this background she informed the group that there is a need to start a campaign on Right to Information (RTI) in Nagaland. She urged the members of the group present to join this campaign as volunteers who could be potential leaders. She said that the group is very special with a lot of potential and together can contribute in changing the system and thereby making a difference.

Objective of the Workshop

The overall objective of the workshop was to build the capacity of a team of select lawyers, civil society organizations and law students on the main provisions of the RTI Act and prepare them to train others on the issue. 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 teach the main provisions of the law to others

Methodology

A participatory approach to learning was adopted keeping in mind the participants of the workshop who were young lawyers and law students with no prior experience of working on the issue of Right to Information. In order to build the capacity of participants to emerge as future trainers of 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
- Presentation made in conversation style by the resource persons
- Role Plays
- Group discussions and presentations by the participants

Resource Materials provided

Copies of the following resource materials were provided to the participants-

- Gazette notification of the RTI Act dated 21 June 2005;
- Summary of the RTI Act prepared in English by CHRI;
- Printout of the of the MS PowerPoint presentation on the RTI Act in English prepared by CHRI;

Resource Persons

Mr. Venkatesh Nayak, CHRI, New Delhi

Ms. Sohini Paul, CHRI, New Delhi

Ms. Hekani Jakhalu, Advocate, Kohima High Court

Session 1: Understanding the Context in the backdrop of Nagaland

The first session of the workshop was on understanding the context in which the Right to Information Act will be implemented and its usefulness in the given situation in the state of Nagaland. Nagaland has its unique set of problems; especially those faced by the educated youth. In order to do this the participants were made to enact two role-plays based on situations given to them. (See Box 1)

Box 1

Situation 1

A group of young boys and girls (college students) are discussing about their lives in general and in that process they also discuss about some of the major problems that they are facing today, especially that of unemployment. Educated youth remain unemployed resulting in frustration. Some of them migrate to other cities in search of jobs. This in turn leads to other problems. A senior college student comes by and informs them about a new law – The Right to Information Act 2005.

Situation 2

A group of young boys and girls are standing by the roadside in Kohima. The road is in a bad condition with huge potholes. A passerby steps into one such pothole and twists his ankle. The boys help him out of it. They then start discussing about the various infrastructures related problems in Kohima – bad roads, lack of entertainment facilities, lack of sports facilities, lack of good schools etc. A senior who has just attended a workshop on RTI joins them. He informs the group about how they can demand for and access information from the government under the new RTI Act. They listen to him carefully and decide that they must do something as citizens and make Kohima a better place to live in.

Analysis of the role-plays

Each role-play was followed by discussions by the participants.

In the first role-play the participants depicted the situation of unemployment as one of the major problems faced by the educated youth in Nagaland. This situation is further enhanced due to favoritism among the bureaucrats leading to discrimination in employing people. The prevailing situation is that generally hardly any government jobs are advertised and there is no proper channel for getting employment in government offices. There is also a lot of discrimination especially between advanced and backward tribes. The public is also quite ignorant about the existing rules and laws. Besides, they also break norms and bribe people in order to get jobs or get their work done. Therefore, both the government as well as the people is to be blamed for the present situation.

In the second situation the main problems stated by the participants was that the infrastructure facilities in Kohima are deplorable. The government is responsible for providing infrastructure and other facilities to the people. They generate funds for doing so but often times these funds get misappropriated. However, the public in general is also quite unaware and negligent re their duties and responsibilities as good citizens. Citizens often do not exercise their rights and end up blaming the government without taking any action themselves. Against this background, the Right to Information law provides an option for changing the present situation.

Hekani explained the situation in Nagaland further, by saying that there are other factors too which have led to the current situation. The education system in Nagaland needs improvement, the youth require guidance for self-employment, the private sector needs to be encouraged to invest in the state and there needs to an overall change in the mindset of the people of this state. She further said that in order to get employment many girls from Nagaland and Manipur go to the big cities to work, though most of them are not happy with what they are doing. There are several complaints of sexual harassment, mental harassment and job terminations. Moreover, the types of jobs that they do have no future growth resulting in many resorting to prostitution to get easy money. Hekani shared the findings of a study, which she had done recently with the youth from northeast living in Delhi. She said that the students from the northeast rarely get admission in the good colleges and universities in Delhi. This is to do with the standard of education in northeastern universities such as Nagaland University or Guwahati University. People of the northeast are to be partly blamed for this. She emphasized that the time has come for people to get together and empower themselves. There is a need to have the right information and knowledge, which is now possible with the new Right to Information Act 2005.

Session 2: Understanding the value of Right to Information

In order to understand the importance of the RTI legislation Venkatesh Nayak, the resource person from CHRI explained the concept of democracy and democratic values to the participants. He said that democracy is a government of, for and by the people. It is a government where people rule and is the best form of government if implemented properly. The citizens who regularly elect their leaders form this type of government. Citizens also pay taxes in various forms. Even a beggar who lives on charity pays taxes whenever he buys anything, Venkatesh opined. He also added that there are three things from which there is no escape in life- these are breathing, death and tax.

Venkatesh Nayak continued this session by asking the following question to the participants: *What does the Government of Nagaland spend its money on?* The participants provided a list of areas of government funding which has been given below-

- Constructing roads
- Defence
- Education
- Economic Development
- Hospital
- Sports
- Payment of salaries to employees
- Vehicles for government Officers
- Housing

The next question asked by the resource person was- *how does the government work?* The popular perception to this was that the government functions by collecting taxes and other forms of revenue from the people and the government also prints money. It functions through its offices, which consist of files, stationary, furniture and a group of unfriendly people. From this it was concluded that the government uses the money, which the citizens provide by way of taxes, fees and other forms of revenue for all its activities.

Next the resource person explained that the money, which the government collects from the citizens, is also used for collecting information. For example, through census surveys conducted by the Government of India, the population of Nagaland state has been calculated. As per the latest statistics, the population of Nagaland is 1,988,636. As much as 80.4% of the area has forest cover. This information is gathered through satellite surveys. In spite of the fact that the government using public money generates information, yet this information and knowledge is not available to the citizens. With the enactment of the Right to Information Act 2005, this situation will definitely change. However, it will depend on how people will exercise the right to access information from government departments.

Venkatesh provided some examples illustrating the value of using this law to get relevant information from the government. He said that government departments sign contracts with private contractors for construction works for public use. The contract must state the quality and standard of construction, money allocated, time limit within which it needs to be completed, the number of people to be employed and the amount of wages to be paid

to them. With the RTI Act, citizens can now have access to this information concerning contract details and can verify the information obtained with the ground reality.

Session 3: Understanding the Right to Information Act 2005

The two resource persons from CHRI, Venkatesh and Sohini conducted this session in a conversation style in order to explain the Act in a simplistic manner and to make it interesting for the participants. The salient features of the Act were written down beforehand on flip charts, which were then explained, to the participants. Venkatesh asked the questions, while Sohini provided the answers as given in the Act. The resource persons also explained certain points in details with illustrations.

This session dealt with the Salient features of the Act as follows:

- Coverage of the Act
- Proactive Disclosure of Information as given in s.4
- Application process to get information from government offices
 - Appointment of State Public Information Officers (SPIOs) and Assistant Public Information Officers (APIOs)
 - Application process
 - Fees
 - Time Limits
 - Penalty provision
- Appeals Mechanism
- State Information Commission
- Exemptions

Sharing of case studies

During the course of this session, Venkatesh shared some case studies with the participants to illustrate the usefulness of using Right to Information law by ordinary citizens.

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.

Misuse of Official cars in Pune, Maharashtra

The rulebook of the Pune Municipal Corporation (PMC) says that cars allotted to office-bearers have to stay within municipal limits. Using the Maharashtra Right to Information Act (MRTI) on the use of official cars by elected representatives, Maj Gen SCN Jatar, President of Nagrik Chetna Manch, procured shocking details of logbook entries on innumerable outstation trips made by the Mayor, Deputy Mayor, Standing Committee Chairman, Leader of the Opposition and Leader of the House in their official cars. On October 21, 2003, Jatar asked the PMC public Information Officer (PIO) details of cars allotted to office-bearers including kilometers traveled every month both for official and private use, total expenditure on fuel and maintenance, rules governing the use of these cars and audit report on the expenditure. The details of the response he got on November 10 showed that the total expenditure on cars was a staggering Rs 51,02,235 from January 1 to October 31, 2003. As for the break-up of official and private use, the PIO was evasive. But going by the over half-crore rupees bill in 10 months, it was either that the official cars were making too many outstation trips or that the elected representatives were travelling close to 400 km per day within city limits. So, a fresh query was filed using the Right to Information Act on January 19, seeking details of log book entries on outstation trips made by the city's civic chiefs. Shocking revelations followed. Official cars were used to visit pilgrim and tourism related places in different parts of the state. The Mayor's performance takes the cake. In fact, according to the logbook, she pulled off the impossible task of being present at two places at the same time. On December 18, the Mayor was at Sangamner in one of her official vehicles and at Alibag in another; on May 31 and June 1, she was at Mumbai and Ahmednagar simultaneously; on September 20, she was at Mahabaleshwar and Nashik at the same time and on December 9, she was in Mumbai and Ahmednagar. "The indiscriminate use of transport allotted for official duties is another example of how the PMC is like a personal fiefdom of the Corporators," says Jatar. And now the clincher: The PIO has confirmed no audit has ever been carried out on the use of official vehicles.

Practice session on understanding the law

In order for the participants to discuss and understand the main provisions of the Act, they were divided into 5 groups and each group was given a topic on which they had to discuss and make a presentation before the large group. This exercise was done in order to ensure that the participants understood the salient features of the law. The 5 topics for discussion have been given below:

1. What is Right to Information Act and why is it important?
2. Whom all does the RTI Act cover?
3. What are the two processes by way of which citizens can get information from the government?
4. Where do you go if you do not get information even if you apply for it?
5. What is the penalty for refusing to give information without good reason?

Based on these topics, presentations were made by each group, after which discussions and clarifications on certain points took place.

Session 4: Strategy for future interventions and Follow-Up

Venkatesh explained to the participants certain points of action, which they could take up as a part of the advocacy efforts for proper implementation of the law. He said that there is a need to have documentary evidence in order to highlight issues around implementation of the law. The process can be started by sending applications to the Public Information Officers either personally or by post. In case of violation of the Act by the concerned authorities these documents may be used as evidence when dealing with cases with the appeals mechanism set up under this Act or in the High Court.

In the concluding session Ms. Hekani Jakhalu shared her ideas regarding future strategies of sharing the learning's from this workshop with others in the state. She said that with this workshop the seeds have been sown in the state as far as right to information is concerned. She requested the participants to be a part of the RTI campaign, which is being launched in the state. She said that initially this group could divide themselves up into smaller groups and go to different colleges and explain the key provisions of the Act to students. Furthermore she added that each person could get in touch with five other friends and explain the Act in details to them. In this manner each participant will train five others. In this manner 125 people would know about the RTI Act. It is also necessary to document the feedback that they give.

Ms. Jakhalu also informed the participants about a new channel called W2N, which has been recently launched in Kohima. Media coverage on issues related to right to information is very important. W2N is ready to interview people in order to create awareness about this new legislation in India she said. In fact W2N is the electronic media partner in this campaign. She further added the necessity of writing articles on RTI in the local newspapers to spread awareness.

Participants List

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