

**Report of the  
District Level Workshops on  
Right to Information (RTI)  
Madhya Pradesh, September 2005**

**Background**

CHRI has been holding small-scale awareness building workshops on right to information in Madhya Pradesh since 2001. Mid-2002 onwards, CHRI catalysed the formation of a network of NGOs and voluntary organizations in Madhya Pradesh to work on transparency and accountability issues. The initial goal of the network was to institutionalize transparency in the electoral arena by informing the voters about their rights and responsibilities. Actualizing the voters' right to know the background of electoral candidates was the main focus of intervention of the network. After the elections, this network of NGOs decided to continue working on transparency issues. People are aware of the fact that due to corruption and poor governance, funds allocated for development purposes are being siphoned off or wasted, thus depriving them of the benefits of development. The lack of people's participation in the decision-making processes and in the implementation and evaluation of various developmental schemes are held responsible for the poor state of affairs. While some NGOs have a general idea of the concept of right to information, they are not aware of the specific provisions of the newly enacted Right to Information Act 2005. Moreover, where some citizens have tried to access information, using the existing regime, they have been disillusioned by the lack of cooperation and apathy of government officials who have a duty to release information to the public.

Against this background CHRI decided to organize a series of district level workshops in the Vindhya-Mahakaushal region of Madhya Pradesh (eastern and south eastern part) in partnership with the network of NGOs called *Madhya Pradesh Suchna Ka Adhikar Abhiyan*, led by an organization named *Sandhan* based in Katni in Madhya Pradesh. The head of Sandhan is CHRI's external collaborator in the state. These workshops were held in September and culminated into a state level programme, which was held on 28<sup>th</sup> September, at Bhopal, which is the International Right to Know Day.

The first workshop on Right to Information Act 2005 was held at Hotel Vikas, Balaghat, the district headquarters of Balaghat district on 16<sup>th</sup> September. The second was held at Madhya Pradesh Tourism Motel at Mandla, which is the district headquarters of Mandla district on 18<sup>th</sup> September. These were followed by similar workshops at Sihora (21<sup>st</sup> September), Sidhi (23<sup>rd</sup> September), Kotma, Anuppur (25<sup>th</sup> September), and at Shahdol (26<sup>th</sup> September).

**Objectives**

The objectives of these district level workshops were as follows:

- To increase awareness amongst participants about the constitutional and legal framework for accessing information

- To make them aware about the key provisions of the Right to Information Act 2005
- To formulate a strategy and future action plan to work on the issue of RTI in the district and to form a district level core to lead the efforts.

### **Methodology**

The workshops were conducted using participatory training methodologies. Small group discussions were used especially in drawing up future action plans. Participatory training methods help the participants to go through a process of reflection-analysis-action thus leading to a more conducive learning environment. The workshops were conducted in Hindi.

### **Resource Persons**

- Dr. Rakesh Ranjan, Sandhan, Katni and External Collaborator, CHRI
- Ms. Sohini Paul, Project Officer, CHRI

### **Participants**

There was on an average of 50-60 participants in these workshops representing NGOs working at the grassroots, representatives of political parties, Neru Yuva Mandal representatives, Panchayat representatives, media representatives and a few government officials.

### **Sessions**

The structure of these workshops were as given below:

- Constitutional background and evolution of Right to Information legislation in India
- Provisions in the Right to Information Act 2005
- Sharing of case studies on use of RTI by citizen activists as well as by civil society organizations
- Right to Information in Panchayati Raj legislation in Madhya Pradesh
- Functions and Duties of the Government of Madhya Pradesh re Right to Information
- Formulation of future strategy by participants in small groups and identification of members of district level core group

## **Introduction**

The workshops began with the participants introducing themselves and talking about their expectations from the one-day events. Most of them had come to the workshops with the expectation of learning about right to information, its value and importance and the key provisions of the Right to Information Act 2005, and its link with rural development. In the introductory session Rakesh Ranjan explained the overall purpose and specific objectives behind organizing the workshop. He said that with the enactment of the Right to Information Act 2005, it is important that all citizens of India are aware of it. NGOs can play an important role in spreading awareness about RTI Act at the grassroots. He urged the participants to become fully aware about the key provisions of the Act, so that they in turn can educate others about it. With this backdrop he explained the role of the network of NGOs called Madhya Pradesh Suchna Ka Adhikar Abhiyan and the work that it has done in the past on RTI, in various districts of Madhya Pradesh. After this Sohini Paul of Commonwealth Human Rights Initiative (CHRI) explained in brief the role that her organization had played in advocating for a good RTI Act in India and the training programmes that it is undertaking for government officials and for civil society throughout the country.

## **Session 1: Introduction to Right to Information and its Value**

After the tea break Rakesh Ranjan spoke about the historical evolution of the RTI Act in India. He drew up a linkage between RTI and its relevance for having good governance. The key attributes of good governance include:

- Transparency
- Responsibility
- Accountability
- Participation and
- Responsiveness to the needs of the people

In order to ensure good governance one of the pre-requisites is the right of citizens to have access to government held information. Accessing information as a matter of right is called 'Right to Information'. The Right to Information is a fundamental right under the Constitution of India. It is a part of Article 21, which states that information is necessary for protection of the right to life and liberty. According to Article 19(1)(a) information is necessary to form and express opinions, dissent or support on any matter.

The Right to Information Act-

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

## **Session 2: Right to Information Act 2005**

In this session, Sohini Paul explained the main provisions of the RTI Act in details. Her presentation was substantiated by real life examples and case studies on how people have accessed information under existing state RTI laws. The structure of her presentation is given here:

### Definition of 'Right' and 'Information'

The Act has given a right to every citizen

- To inspect works, documents, records,
- To take notes, extracts or certified copies
- To obtain information in electronic form and
- To take samples

Information includes records, documents, memos, emails, opinions, advice, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, and data material held in electronic form.

### Coverage and entry into force

This Act covers all of India except Jammu and Kashmir

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It also covers non-government organizations substantially financed with funds from the government

### Proactive Disclosure of Information by public authority

As per s.4 of the RTI Act, certain information has to be proactively disclosed by the public authorities.

### Procedure of getting information through application

Every Public Authority must have a designated Public Information Officer (PIO) and Assistant PIOs at sub-divisional or sub-district level. It is the duty of the PIO to accept applications for information request and give information within a time limit of 30 days. The PIO must also assist those who cannot read and write to fill up applications.

In order to obtain information under this Act, citizens must make a request in writing or through electronic means in English or Hindi along with an application fee of Rs.10 to the PIO. If no action is taken on application for 30 days then it will be deemed refusal.

### Appeals Mechanism

In case the information asked for is not provided or the fees charged are unreasonable, the person who has asked for the information can appeal to the departmental appellate authority. The first appeal can be made to the officer immediately senior to the PIO in the concerned public authority. This can be done within 30 days from the date of the refusal letter. If the decision of the first appellate authority is upheld then the requestor can appeal to the State Information Commission.

### State Information Commission

The Act establishes a State Information Commission (SIC) in all the states. The SIC has been given broad powers to hear appeals and have also been tasked with regular monitoring of the law (including production of annual reports). The Commission can make any order required to bring about compliance with the law, including ordering release of documents, appointment of PIOs and publication of specified information.

### Penalty

Every PIO can be penalized Rs. 250 per day up to a maximum of Rs. 25,000 for not accepting application; not giving information within time limit; knowingly giving incomplete, incorrect, misleading information; destroying information that has been requested and obstructing furnishing of information in any manner.

### **Session 3: RTI and Panchayati Raj Institutions**

After lunch, Sohini Paul made a presentation on the information disclosure provisions in the Madhya Pradesh Panchayati Raj Act. She began her presentation by explaining certain salient features of the 73<sup>rd</sup> Constitutional Amendment Act 1992, wherein a three tier Panchayati raj structure has been developed with Zila Panchayat at the district level, Janpad Panchayat at the block level and Gram Panchayat at the village level. Elections to these bodies will be held every five years and there will be reservation of seats for women, SCs and STs. She further explained that the Madhya Pradesh Panchayati Raj Avam Gram Swaraj Act 1993 and Madhya Pradesh Panchayati Raj Extension Act in Scheduled Area 1998 have certain provisions related to disclosing information to the public. Moreover, there is a set of rules called Madhya Pradesh Panchayati Raj (inspection of Records and Copies) Rules 1995 which explicitly deal with providing panchayat held information to the people. These rules say:

a) That at each tier a competent authority has been designated to provide information. These are:

Gram Panchayat/its committee	Sarpanch/Sachiv
Janpad Panchayat/its committee	CEO
Zila Panchayat/its committee	CEO

b) Certain records of the Panchayat can be inspected free of charge. These are:

- Budget
- Annual Accounts of Receipt and Expenditure
- Assessment list of any tax
- Register of information of death, birth, homeless and house numbers
- Register of decisions of the panchayat

After this Sohini explained about the processes regarding application and inspection of government records as stated in the Madhya Pradesh Panchayati Raj (inspection of records and Copies) Rules 1995.

Next, she explained the various provisions regarding proactive disclosure of information as given in the Panchayati Raj Act. She informed that every year in the annual Gram Sabha meeting (4 Gram Sabha meetings must be held in January, April, July and October) the following documents must be placed before the people:

- Annual accounts statement
- Administration report of the preceding financial year
- Development works proposed for next year
- Last audit notes and replies

- Annual budget and annual plan for next financial year

#### **Session 4: Duties and responsibilities of the state government of Madhya Pradesh regarding implementation of the RTI Act 2005**

In this session, Rakesh Ranjan briefed the participants about some of the main duties and responsibilities that the state government has to fulfill in order to effectively implement the Act in letter and in spirit. He listed down the following tasks of the state government:

- Appointment of State PIOs and Assistant PIOs in all administrative units of public authorities and also departmental appellate authorities
- Establishment of a State Information Commission and selection of Information Commissioners
- Preparation of Directory of PIOs with their names and contact details
- Training of SPIOs, APIOS, appellate authorities etc. on their roles and responsibilities

#### **Session 5: Future Strategy and Action Points**

In order to develop a strategy and future plan of action to spread awareness about the RTI act the participants were divided into small groups, which discussed on the following points and made presentations before the large group:

1. What will be the strategy to spread awareness about RTI Act 2005 to the grassroots level in the district?
2. What will be the strategy to see to the proper implementation of the Act at the district level?
3. What will be the role of participants in the Suchna ka Adhikar Abhiyan and what resources are required for this purpose?
4. What expectations do you have from MP Suchna Ka Adhikar Abhiyan and CHRI in this respect?

Based on these questions, the participants were divided into small working groups. They suggested the following points:

Strategy to spread awareness about RTI Act 2005

- Organize workshops, training sessions and film shows on RTI at the village level
- Distribution of public education documents such as pamphlets, leaflets, posters, and stickers to the people. One way of dissemination of these materials will be through counters set up at the market places in villages.
- Dissemination of information re RTI can also be done through cultural programmes etc.

After the presentations by all the small groups a district level core group (DCG) was formed. All participants interested to join the core group were asked to give in their names, and they became members of the group. The responsibility of this district level committee or group would be to take forward the work on RTI in the district and be a part of the wider MP Suchna Ka Adhikar Abhiyan. The following points were decided upon in relation to the working of this committee:

- The members of this committee will meet every month

- Between the periods 13<sup>th</sup> to 20<sup>th</sup> October, DCG will collect the names of all the designated Public Information Officers and Assistant PIOs and their telephone numbers and addresses and send the compiled list to the state office of the Suchna Adhikar Abhiyan at Sandhan, Katni. This list must be completed and sent by 25<sup>th</sup> October.

### **Follow-Up meetings Held by District Core Groups after the Workshops**

The District Core Group members in Mandla district met in the office of Navin Bharti Seva Sansthan to discuss on a strategy to take forward the work on RTI. It was decided in that meeting that on 13<sup>th</sup> October at least 10-15 applications for information request would be submitted in some of the government departments. This could be considered to be a part of the process of monitoring implementation of the law.

In Satna, 9 members of the District Core Group met on 20<sup>th</sup> September at the office of Yuva Jagran Manch. The film on RTI produced by Parivatan was shown on the local cable channel that day at 6:30 pm.

In Shahdol, the District Core Group members met at the Conference Hall of Satguru Mission School. They discussed about a future strategy of strengthening the implementation of the RTI legislation in the district. It was also decided that on 13<sup>th</sup> October at least 20-25 applications for information would be given to various government offices. Parivatan's film on RTI was shown on the local cable channel at 7:00 pm that day.

## **Celebration of International Right to Know Day on 28<sup>th</sup> September**

**Background:** On 28<sup>th</sup> September 2002, freedom of information organizations from around the world met in Sofia, Bulgaria, and created a network of Freedom of Information Advocates (FOIA Network). They agreed to collaborate in promoting the individual right of access to information and open, transparent governance, and proposed September 28 be designated as International Right to Know Day, in order to symbolise the global movement for promotion of the right to information.

In order to celebrate this day and to create public awareness about the newly enacted Right to Information legislation in India, several events were organized in different parts of Madhya Pradesh.

**Bhopal:** Sandhan organized a half-day event in Bhopal in collaboration with Samarthan, an NGO based in Bhopal working on governance issues. This was attended by NGOs from Gwalior, Morena, Ashok Nagar (Chambal region), Tikamgarh, (Bundelkhand region), Jhabua (Malwa region). The discussions revolved around planning for a right to information campaign in the state to bring about greater public awareness about this Act.

In the evening, a film show was organized at the New Market in Bhopal. Parivartan's film on the use of the Delhi Right to Information Act was screened for the public. Alongside, certain materials re RTI were also distribute to the masses.

**Katni:** In Katni, the district core group members screened RTI films (produced by Parivartan and Mazdoor Kisan Shakti Sangathan) for the public on 27-28 September during the annual event in memory of Baba Madhav Shah at Madhav Nagar. Pamphlets were also distributed to the people on this occasion.



## CHRONOLOGY OF EVENTS

One-day workshops on RTI were held at the District Headquarters as given below:

<b>S.No.</b>	<b>Date</b>	<b>Place</b>	<b>Resource Persons</b>
1.	16 <sup>th</sup> September	Balaghat	Rakesh Ranjan, Sohini Paul
2.	18 <sup>th</sup> September	Mandla	Rakesh Ranjan, Sohini Paul
3.	21 <sup>st</sup> September	Sihora	Rakesh Ranjan
4.	23 <sup>rd</sup> September	Sidhi	Rakesh Ranjan
5.	25 <sup>th</sup> September	Kotma, Anuppur	Rakesh Ranjan
6.	26 <sup>th</sup> September	Shahdol	Rakesh Ranjan