

**Workshop on ‘Right to Information Act 2005’,
Organised by CVO(Confederation of Voluntary Organisations, Sundargarh
Venue –RBC, SEWAK, Rangiamunda, Sundargarh**

1ST DAY: 16 SEPT’ 05

REPORTED BY –Mr. KHIROD KUMAR ROUtra

A long proposed Workshop on Right To Information (RTI) came to be organised by the **Sundargarh Education Society(SES) on behalf of Confederation of Voluntary Organisations (CVO), Sundargarh** at Rural Building Centre, SEWAK, Sundargarh from 16th to 17th Sept. 2005. The programme was facilitated by Mr.Chitta Behera, a free-lance Consultant based at Cuttack.

1ST DAY

On the first day, the programme started at 10.45 A.M. In the beginning, **Mr. Janmejy Patel, Chairman of CVO** welcomed all the participants, following which the participants gave their self-introduction. There were 23 male & 2 female participants in total hailing from different walks of life and backgrounds like NGO, CBO, Law, and Academics etc.

Then Mr. Patel highlighted the aim of the two-day Workshop. As he said, its main objectives were:

- ✚ To know the background of the RTI Act. 2005
- ✚ To know how to use this Act as a tool for the empowerment of the common people
- ✚ To know the various provisions of the Act
- ✚ To know the Act in such a manner as to explain it to the common people in a simple manner and in their own language.
- ✚ To become Master Trainers for other civil society groups.

By way of his general observation, Mr.Patel remarked that the new RTI Act 2005 has immense potential for transformation of the current system of governance from top to bottom into a responsive, accountable and open one. This Act equates every citizen of the country with an MLA or an MP in respect of accessing official information, and secondly, it overrides all other old, outdated Acts and Rules and Regulations including Official Secrets Act which so far sanctioned the public authorities to deny information to a common citizen. It now obliges the judiciary and legislature of the country besides the executive to open up themselves before the citizens. So we the civil society groups should exercise ourselves to grasp in detail the provisions of this Act so as to help the common people to access all official information which they need for their life and livelihood, emphasized Mr.Patel in his opening remarks.

Then **Mr. Gangadhar Naik, a retired Govt Servant of the State & a Senior citizen** living in Sundargarh District shared some of his experiences and ideas on good governance. Recollecting his days during the Community Development project of early 50’s, he said that it aroused a lot of hope and enthusiasm in the initial period, which however died down in subsequent years. Its main failure was its failure to reach to the people at grass roots for whom it was meant. The experience tells that a variety of modes should be adopted to reach to the people, in place of the stereotyped ones adopted by the Government agencies. The technological development also influences the course of development greatly, a fact which both Govt and the NGOs should reckon with while planning their programmes and activities. Now what is most important is the capacity building of the NGOs themselves, who aim at empowering the people at grass root level. The communication media are also advancing day by day and getting faster and more and more effective. The NGOs should make

use of them scrupulously. Now transparency in governance is a very, very vital need without fulfilling which the people's participation in any developmental programme can't be ensured. But the old mindset dies hard. The NGOs have a great role to play in bringing about transparency in different sectors of governance. The Government at the same time should change their old rules and procedures based upon secrecy and confidentiality in favour of openness and transparency. The Right to Information Act 2005, which is now being discussed all across the country can emerge as a big tool for both GOs and NGOs to make the system of governance people friendly.

Then **Mr. Chitta Behera, Facilitator of the Workshop briefly suggested the net output the Workshop should aim at** achieving at the end. He suggested, these should be as follows;

- ✚ To develop a group of Trainers on RTI in the District
- ✚ To look into loopholes and missing links, if any in the Act & mobilising the public opinion for necessary changes/ incorporation in the Draft Rules to be formulated by the State with an aim to make the operationalisation of the Act people friendly in Orissa's context.
- ✚ To publicise the findings and outputs of the Workshop through various means including media for galvanizing both administration and public for proper implementation of the Act in the district.
- ✚ Preparing Memoranda containing the proposed suggestions for incorporation into the appropriate Rules under the Act, for presentation to appropriate Governments and competent authorities

Then **some general aspects of the theme**, as mentioned below, were discussed by the Facilitator Mr.Behera.

- ✚ What is the RTI Act 2005 over all ?
- ✚ Procedure of Framing the Rules by the State Govt.
- ✚ Need for publicizing the draft Rules for obtaining the public comments

Then he suggested that the Workshop should arrive at a definite action point that aimed at influencing both appropriate Governments and competent authorities with the help of the proposed Memoranda on the Draft Rules.

Then **the participants raised their doubts/questions as mentioned below, asking for clarification and also for necessary incorporation in the Draft Rules, if felt proper.**

- ❖ How the PIOs shall be appointed at Secretariat level?
- ❖ What are the facilities for the handicapped persons?
- ❖ Need for an Acknowledgement receipt and a money receipt.
- ❖ Amount of Fees and mode of remittance
- ❖ What shall be the proof of a person of BPL category
- ❖ Time limit for disposal of a complaint & an appeal by the Information Commission
- ❖ How to ascertain the identity of the applicants who appear physically.
- ❖ Postal System as the medium of correspondence to be categorically mentioned.
- ❖ Return of application fee, if and when the application is rejected

Then **the most important part of the Act [Section 4 (1b)] that contains 17 nos. of items for suo moto disclosure** by the public authorities was read out and discussed in a participatory manner.

Besides, **the definitions of the following terms as given in the Section 2 of the Act** itself were read out and discussed too.

- ✚ Information
- ✚ Right To Information
- ✚ Record
- ✚ Appropriate Government and Competent Authorities

The facilitator commented that based upon such definitions, the ‘notings on the file’ are obviously a kind of information, which should be made available to the citizens. But unfortunately the Ministry of Personnel, the nodal agency for RTI at national level while defining ‘information’ on their website excludes the notings on files from the purview of the information. The civil society groups should resist such efforts at dilution and tinkering with the essential provisions of the RTI Act by any agency Government or non-Government.

LUNCH BREAK

In the second half of the day, the following topics were discussed in detail:

- ✚ **Application Procedures and Disposal (Sections 5 to 11)**
- ✚ **Official Secrets Act 1923 and such other legal instruments**

Besides discussing the Official Secrets Act, Mr. Behera informed that there existed several outdated, laws and rules which need be reviewed and brought in conformity with the letter and spirit of RTI Act 2005. Even **the Article 74(2) of the Constitution which does not permit the disclosure of the correspondence between the President and Council of Ministers before the Supreme Court**, not to talk of a common citizen is anathematic to the very rationale of RTI law and should be therefore amended. He further informed that the **Oath of Secrecy by the Ministers, as mentioned under 3rd Schedule of the Constitution** is also incompatible with RTI law and needs to be abolished forthwith, as suggested by the National Commission to Review the Working of the Constitution-2002. Again, **the Article 350 of the Constitution which only gives a citizen the right to representation without obliging the public authorities in any manner to redress it in a time-bound manner** is just an illusory right and therefore be amended to give the right to the citizen to demand the disposal of his application within a deadline, just as the RTI law has done. In the same vein, the service codes like **Orissa Public Servants Conduct Rules 1959**, which hold an act of disclosure of official information punishable as an offence, should be drastically revised to give real effect to the intentions and provisions of the RTI Act 2005.

At the end of the discussion, Mr. Patel, the moderator of the sessions suggested that the remaining, uncovered provisions of the Act should be discussed the next day besides some group exercises on writing of application, complaint and appeal. Its post-lunch session can take up the agenda of the drafting of the proposed Memoranda to the appropriate Government and competent authorities. With this suggestion given by the Chairman and accepted by the participants, the deliberations of the 1st day came to a close.

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2ND AND CONCLUDING DAY: 17 SEPT’ 05 REPORTED BY –PANKAJ BARIK

At 9.30 AM the 2nd day’s business started with a **welcome note by Mr. Janmejoy Patel, President Sundargarh Educaional Society in the chair.** On his instructions, **the report of the proceedings of the last day was read out, which had been prepared by Mr Khirod Ku. Routra.**

Mr.Patel invited reflections on the minutes so read out. An important comment came forth from the participants, that said, “Under Section 2(j) of the RTI Act 2005, every citizen has right to get information which included ‘taking notes and extracts’ of records. But unfortunately the Ministry of Personnel, GOI in their webpage on FAQ on RTI while defining the term ‘information’ have excluded the ‘notings on file’ from its purview and thereby sought to greatly curtail the citizen’s right to get substantial and critical information as contained in a file.”

EXISTING SYSTEM OF FILE MAINTENANCE

In an effort to further clarify the issue, Mr. Chitta Behera, the facilitator asked the members, ‘Has anybody ever seen a Govt. file, its system of paging and note-making ?’ . Then he explained that a Govt File usually bears a number and date of its opening besides mention of the title of the file on its cover page. The back page of the cover maintains an Index showing serial number, subject matter, date and page number of each content placed inside the file. Page numbering is done in a reverse manner, that is, the last page placed before the back cover is numbered one and the other succeeding pages would be numbered in advancing manner. The most important part of a file is its note sheets that bear ‘the opinions and advices’ of the staff and officers dealing with the specific contents of the file. These note-sheets are paged separately and as such distinct from the reversely paged materials of the file. Initially a Junior Clerk of the concerned section of a public office shall put up the matter on the note-sheets along with a marking of the ‘Pages Under Consideration’ for orders to be perused by the Senior Clerk and Head Clerk/ Section Officer as the case may be, before the file is passed on to the higher ranking officers such as Under Secretary, Deputy Secretary, Joint Secretary, Additional Secretary and Secretary, for instance, in a hierarchical order for their opinions, advices, and orders etc. After the views and orders are given by the top officers of the concerned Department, the said file shall revert to the dealing clerk through the same channel for necessary correspondence and action to be taken in the specific matter. Such a system of file maintenance was designed and developed by the British during their rule over India, and strangely enough it is still maintained as such despite visible technological developments over time outdating its rationale.

Be that as it may, if we read the definitions of such terms as ‘information’ [sub-section (f)], ‘record’[sub-section (i)] and ‘right to information’ [sub-section (i)] in conjunction as given under Section 2 of the RTI Act 2005, it would be absolutely clear that **every citizen has a right to know**

the ‘notings on a file’ which the Ministry of Personnel, GOI sought to truncate in their above mentioned webpage on FAQ (Frequently Asked Questions).

Mr. Behera requested Mr.Gangadhar Naik, a retd. Government officer, who reached the venue of the Workshop a little late, to clarify the system of file maintenance at the Government level, and Mr.Naik in reply described the method to be the same as already elaborated by Mr.Behera earlier.

Following the above discussions, a consensus emerged in the house that the **Resolution of the Workshop should inter alia register its protest against the un-called-for attempt by the Ministry of Personnel, GOI to keep the ‘notings on file’ from the purview of the citizen’s right to information** in a clear violation of the provisions of the RTI Act itself.

QUESTION-ANSWER SESSION

Then followed a series of questions and doubts raised by the participants, which were answered and clarified by Mr.Behera as follows:

Question: If any pension-holder be appointed as an Information Commissioner, what will be the amount of net salary to be paid to him?

Answer: As per the Sections 13(5) and 16(5), the monthly amount of pension shall be deducted from the monthly amount of salary stipulated for the Commissioner.

Question: If a Presidential Rule is continuing in a State such as Bihar for instance, how the Selection Committee for appointing Information Commissioners shall be formed ?

Answer: by Mr.Behera: As a matter of fact, it is the President and Governor as the case may be, who are the formal appointing authorities of the Chief and other members of the Information Commissions at Centre and in a State respectively. In normal times, they are supposed to make the appointment based upon the list of names suggested by a Selection Committee consisting of Prime or Chief Minister, Leader of the Opposition and a cabinet Minister (Sections 12 and 15). But in the event of an ongoing President’s rule in a State, it is most probably the Governor who shall nominate the panel of names to constitute the Information Commission, and the proposed panel is to receive the approval of the Parliament, as is just being done in the context of so many statutory obligations of the elected legislature in a State. Otherwise, the option always remains open for the Governor to wait for an elected Government to come into power ending the President’s Rule in the State and then go for the constitution of the Information Commission in the stipulated manner as provided under the Section 15 of the Act.

Question: If a person is appointed as an Information Commissioner and then after some time promoted to the post of the Chief Information Commissioner, then what shall be his service tenure?

Answer: As provided under Sections 13(1 & 2) and 16(1 &2) of the Act, a Commissioner promoted to the post of Chief Commissioner will act till he attains the age of 65 ages but his total service period shall not exceed 5 years.

Question: Is there is any special benefit to Dalit women under the RTI Act 2005?

Answer: The Act is same for all, and makes no discrimination on any ground including gender.

Question: There is a possibility that a foreign national passing as an Indian citizen shall using this RTI Act be able to gather very critical information about India's security and transmit them to the other enemy countries. Shall it not turn out to be bad for the nation?

Answer: As a matter of fact, the Section 8 of the Act qualifies one's right to information on specific grounds including security and integrity of the country. If public authorities do their job properly, there is no possibility of such anticipated espionage to take place by way of the use of RTI by the potential miscreants. Secondly, unlike many developed countries, where there exists a provision for issue of citizen ID, also called social security card to every person as soon as he/she is born, India has not developed any system of the kind to identify a citizen. That is why, several cases have been found in the past where foreign nationals under the guise of Indian citizens have done serious harms to the nation.

Question: Why the Governor should refer to the Supreme Court only and directly bypassing the High Court a matter for enquiry into the alleged misbehaviour or incapacity of an Information Commissioner or Chief Information Commissioner of the State before dismissing him?

Answer: The Act says like that. No further comments.

Question: The Act says that the Commission shall work as a Civil Court? What does it imply?

Answer: A Civil Court can impose a monetary penalty only, and has no power to impose the penalty of imprisonment, which a Criminal Court has.

Question: Can there be an appeal against the order of the Information Commission, the highest appellate authority under the Act?

Answer: As the Section 23 of the Act reads, the Information Commission is the highest appellate authority. But as a matter of fact, one can appeal against the order of the Commission, a civil court only, before a High Court or Supreme Court basing upon the writ jurisdiction of the latter. So the said Section should have specifically mentioned the expression, 'sub-ordinate courts' for the purpose of bar of jurisdiction to entertain appeals against orders of the Commission. The letter of Sri A.N.Tiwari Secretary Ministry of Personnel, GOI addressed to all State Chief Secretaries dated 26 May, 2005 has clarified this point. Further clarification on this point has been given under the Ministry's recent FAQ document on their website in the following words, "Lower Courts are barred from entertaining suits or applications against any order made under this Act (S 23). However, the writ jurisdiction of the Supreme Court and High Courts under Articles 32 and 225 of the Constitution remains unaffected".

Again, as per the Section 19(9) of the RTI Act, the Commission in their order shall mention whether there would be any right of appeal against their order itself. The Section 23 concedes by implication to the possibility of an appeal to lie against the Commission's order, when it says, "No court shall entertain any suit, application, or other proceeding in respect of any order made under this Act and no such order shall be called in question otherwise than by way of an appeal under this Act."

Question: What is copyright and what is the position of RTI Act on it?

Answer: Copyright is the exclusive right of a person over the intellectual, artistic or scientific creation produced by him, subject to the laws and regulations governing this matter in a particular country. India has also her copyright laws. The Section 9 of the Act has rightly provided for a public authority to reject a request for information, where access to such information would lead to 'infringement of copyright subsisting in a person other than the State'. The Section 8(1-d) of the Act speaks of the same thing when it says that a public authority shall have no obligation to give any citizen 'information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party'.

Question: Where shall a Complaint be submitted?

Answer: A Complaint can be submitted directly to the Information Commission by any citizen under the Section 18.

Question: The Act speaks of various time-limits in the context of various provisions. Shall the holidays be taken into account while the computation of the time-limits so provided shall be made?

Answer: No.

Question: If any government officer will take the excuse of a law or rule other than this RTI Act to deny information to a citizen, what the citizen can do?

Answer: The RTI Act 2005 has certain riders which should be pointed out by a citizen applicant to the PIO or appellate authorities, as the case may be, under such circumstances. Firstly, the overriding provision under the Section 23 says that 'the provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in the Official Secrets Act, 1923, and any other law ... or in any instrument'. Secondly, the Section 8 (2) says, 'Notwithstanding anything in the Official Secrets Act, 1923 nor any of the exemptions permissible in accordance with subsection (1), a public authority may allow access to information, if public interest in disclosure outweighs the harm to the protected interests'. And thirdly, the proviso given under Section 8(1) says that 'the information which cannot be denied to the Parliament or a State legislature shall not be denied to any person'.

THE UNIQUE AND HISTORIC SIGNIFICANT OF THE RTI ACT 2005

Taking the cue from various doubts raised by the participants over the feasibility of the new Act, Mr. Behera observed that irrespective of what would happen to the fate of this Act in the subsequent period, the Act as it stands today is unique and historical for the following reasons:

(a) **The Act explicitly overrides the very many, hitherto existing laws, rules and instruments of the State** that gave primacy to the official secrecy.

(b) This Act under the proviso to Section 8 (1) has made **a general citizen equal to MPs and MLAs in respect of the power to access official information.**

(c) **Under any other Act including even the earlier FOI Act 2002, there was no penalty provision against a public servant for dereliction of his duty towards a common citizen.** But this Act under Section 20 (1) and (2), clearly stipulates the penalty of monetary fine and disciplinary action respectively against the guilty official, whereas the Act provides no scope for prosecuting an applicant citizen on any ground by the public servant. **Thus the Act presumes the citizen to be**

‘innocent’ while the public servant ‘potentially guilty’. This feature of the Act becomes absolutely clear when the Act in its Section 19(5) says, **‘In any appeal proceedings, the onus to prove that a denial of request was justified shall be on the central public Information Officer or State Public Information Officer, as the case may be, who denied the request’.**

(d) **The Act recognises the sovereignty of the citizen and his inalienable right, qualified though, to know the affairs of the State.** No other law, even the so-called 73rd Amendment of 1992 or PESA of 1996, where the elected bodies could be superseded and their resolutions annulled by the non-elective functionaries of the State such as Sub-Collector, Collector or Governor as the case may be, could recognise the sovereignty and absolute entitlement of the citizenry to such an extent.

(e) **The RTI Act, 2005 is, so to say, a creation of the civil society groups** as it took its present shape under the pressure of myriad campaigns conducted by these groups across the country and over years. Whereas other legislations including 73rd Amendment and PESA, though reflecting largely the people’s aspiration for self-governance were basically the products of the bureaucratic exercises at different levels. Everybody knows that the earlier FOI Act 2002 which didn’t contain any penal provisions against the errant officials was replaced by the current RTI Act, mainly under the pressure of the campaign by the civil society groups.

(f) **Earlier, no citizen had a right to ask any Court upto the Supreme Court as to why his case remained pending so long and how long its disposal would take.** But now a citizen can do so under the RTI Act 2005. Not only that. If a Court fails to give a proper answer to such query by a citizen, he can appeal against the said Court before the Information Commission. And, such a course of action of the citizen challenging the non-response or ill-conceived response of the Court won’t attract the penal provisions under the Contempt of Court Act 1971.

(g) Similarly, **there existed no legal right of a citizen to ask an MLA or MP about the utilisation or misutilisation of the LAD funds entrusted to them.** But now a citizen can do so under the RTI Act 2005. The so-called ‘privilege’ enjoyed by the legislators under the Constitution won’t stand as a bar to the citizens taking to task the legislators in various forums on account of their omissions and commissions.

THE VISIT AND TALK BY ADM, SUNDARGARH

Sri Baikuntha Nath Sahoo, ADM Sundargarh arrived at around 1 PM at the Workshop then going on in full swing. Mr. Behera informed him that as per the decision of the meeting of the State Core Committee on RTI held on 22nd August, 2005, the ADM has been appointed as the first appellate authority for all the district level PIOs, and as such the ADM held an important responsibility to see that the proactive arrangements for disclosure of information on 17 nos. of items as listed under Section 4 along with the discharge of other suo moto obligations under the Act are completely done before the deadline of coming 12th October, when the Act comes into full force.

In reply the ADM Mr.Sahoo observed that the decision for appointment of PIOs/Assistant PIOs at district level has been taken. Moreover, the plan is currently afoot to open a District Information Centre to provide for a single window system of information dissemination.to the public at large. Again the computerisation of the data to be disseminated is in progress, as required under the new law.

Mr.Sahoo however expressed his personal feeling that at the present stage when the vast mass of our people are still ignorant of even 3 Rs (reading, writing and arithmetic), it is really a matter of serious concern to ponder over, how the computerised data could be disseminated to these people. Again, in view of the serious shortage of computer-handling manpower at Block level, it is equally perturbing to think how the computerised data dissemination system could operate at that level to cater to the massive-scale and multiple information needs of the villagers.

The ADM Mr.Sahoo hoped that the civil society groups working among the poor, if they wish so can bridge the information gaps between the people on the one hand and the district administration on the other.

Model Draft Writing of Application, Complaint and Appeal

The facilitator told that every member of the Workshop should return from here being equipped with the crucial skill of writing an application for information or for lodging a complaint or an appeal before the appropriate authorities under the RTI Act. He suggested that the whole house be divided into four groups, each to draft a model letter on one of the following four matters:

1st Group: Application for Information (Section 6 & 7)

2nd Group: Complaint to the Commissioner (Section 18)

3rd Group: First appeal to the Departmental Appellate Authority (Section 19)

4th Group: Second appeal to the Chief Information Commissioner (Sec. 19)

Presentation of the Draft Letters:

FIRST GROUP:

The draft prepared by the 1st Group on Application for Information was presented by **Mr. Divya Swarup**. Then the discussions followed on its omissions and commissions. It was pointed out that an Application for Information should always be addressed to a PIO/Asst.PIO in place of the head of office such BDO or Sub-Collector. Then the applicant should clearly mention if he belonged to BPL category to avail the provision made under the Act for free supply of all kinds of information to them. If the applicant be a person of BPL category, then he/she should attach a photocopy of his BPL card.

SECOND GROUP:

The draft prepared by the 2nd Group on Complaint writing was presented by **Khirod Routra**. The following points were suggested to be taken note of by the Group:

- ✚ Under Section 4 the concerned public authority should display and disseminate several kinds of information suo moto, and free of cost or just at the cost production. If that is not done, the Complaint can be made direct to the Chief Information Commissioner of the State or Centre as the case may be.
- ✚ Serial number of letter is not mandatory to be mentioned by the applicant or complainant or appellant.
- ✚ The complaint or 2nd appeal should always preferably be addressed to the Chief Information Commissioner in stead of Information Commission.
- ✚ The chief purpose behind writing a complaint, as distinct from an appeal should be to plug in the operational loopholes on the part of the public authorities, if there be any.

THIRD GROUP:

The draft prepared by the 3rd Group on writing of the 1st Appeal was presented by **Mr. Kedar Patel**. After a discussion, was pointed out that-

- ✦ The main purpose of the 1st Appeal should be the necessary corrections of the operational loopholes too by the Departmental Appellate Authority, since the DAA has no penal powers while disposing of the 1st appeal.
- ✦ While submitting the 1st or 2nd appeal, copy of the letter of rejection from the PIO along with that of the original application for information should invariably be attached.
- ✦ Where there is no response received from the concerned PIO even after the expiry of the deadline, the xerox copy of the unanswered application should be attached.

FOURTH GROUP:

The draft prepared by the 4th Group on writing of the 2nd Appeal was presented by Mr. Gangadhar Patel. After some discussion, the following points were suggested-

The comments and suggestions:

- ❖ The chief objective of making the 2nd appeal against the order of the 1st appeal should be to establish a penalty (Rs.250/- per day against the defaulter PIO upto a maximum of Rs.25,000/-) and disciplinary action against him (Section 20) on one hand, and .a demand for compensation by the concerned public authority for the loss or detriment suffered by the applicant on the other. For instance, the appellant should mention the total loss in monetary terms consisting of say, Rs.1,000/- on account of repeated travel to the PIO, First Appellate Authority and Second Appellate Authority, the failure to receive a benefit under a scheme amounting to say, Rs.5,000/- and so on and so forth.
- ❖ The accused PIO will have to prove that he was right in denying the information (Section 19-5).
- ❖ If the second appeal is dismissed, another appeal can be made to the Commission itself or to the High Court or Supreme Court, as the case may be, under their writ jurisdiction.
- ❖ So the application for second appeal should be drafted in a befitting and foolproof manner enclosing therewith all necessary annexures including the order of the first appeal. .

REFERENCE MATERIAL FOR RTI CMPAIGN

After the presentations on model drafts were completed, Mr.Chitta Behera demonstrated a few salient documents, which every RTI activist should keep with him/her at the present stage. These are as follows:

- ❖ The Template for Information Hand-book to be used for suo moto disclosure of all prescribed kinds of information by each public authority before 12th October 2005 subject to its regular updating in subsequent stages. This Template is available under the RTI Website of the Ministry of Personnel, GOI (<http://persmin.nic.in/RTI/WelcomeRTI.htm>)
- ❖ The FAQ document available under the above website <http://persmin.nic.in/RTI/WelcomeRTI.htm> and a quick, online review of it made by Mr.Chitta Behera, a social scientist.

- ❖ The Report and Decisions of the Government Core Committee meeting for implementing RTI in Orissa along with financial allocations and estimation (<http://orissagov.nic.in/i&pr/corecom.htm>)
- ❖ Copy of the Memorandum submitted by the State level Consultation on operationalising the RTI 2005 in Orissa held on 12th and 13th September 2005 at Bhubaneswar to the Chief Minister Orissa requesting the incorporation of certain suggestions into the Orissa Draft Rules under RTI Act.
- ❖ Copy of a set of 5 Oriya articles authored by Mr.Chitta Behera, each article explaining and critiquing an important aspect of the RTI Act.

Mr.Behera further suggested that as per Section 24 of Orissa General Clauses Act 1937, the Government of Orissa should publicise the draft Rules under the Act inviting the comments thereon by the members of the public. In the instant case of RTI Act 2005, the State Government and the competent authorities under the Act such as Speaker, Chief Justice of High Court and Governor should publicise their respective draft rules giving it widest coverage and provide for at least a fortnight's interval for the members of the public to respond thereto. This district level network not only should demand the draft rules to be advertised by all concerned authorities properly, but also review and comment thereon as and when these are made public.

SUGGESTIONS TOWARDS AN ACTION PLAN

- 1) **CVO** shall organise before 12th of October a one-day workshop at the district level involving the Collector, Advocates, Senior Citizens and civil society groups.
- 2) **Mr. Soren Barik** suggested that the students and teachers should be sensitised through a series of programmes.
- 3) He further suggested that background preparations should be undertaken to send model complaints and appeals to the appellate authorities from different quarters,
- 4) Every body agreed that a monthly review of the progress of the RTI operationalisation in the district should be undertaken,
- 5) **Mr.Khirod Routra** suggested that as soon as the Government publicises the draft rules this network should sit to review the same and suggest alternative points, if any to the Government for consideration.
- 6) Linkage of this district level network with the State level and national level RTI networks.
- 7) The specific suggestion of **SEWAK** was to arrange a GO and NGO interface at district level.
- 8) **CYSD-PRAYAS** wanted that at all levels from CBO to the State, intensive sensitization programme, conference and interface should be organised.
- 9) **CYSD-DRC** can undertake Zonal & District level Workshops on RTI involving this network, with the help of their resources.

MEMORANDA TO THE APPROPRIATE GOVERNMENT AND COMPETENT AUTHORITIES

It was unanimously felt that based upon the deliberations of this district level workshop, memoranda suggesting necessary points for the draft rules and necessary measures for proper operationalisation of the RTI Act in Orissa should be drafted and submitted to the authorities mentioned below on behalf of the CVO. A small Memoranda Drafting Committee was constituted

for the purpose under the chairmanship of **Mr.Somanath Naik, Secretary, Sundargarh Education Society (SES)**

- a) Memorandum to the Chief Minister suggesting the concerns to be taken care of in drafting the Rules under the Act,
- b) Memorandum to the Speaker, Orissa Legislative assembly requesting him to take necessary measures for timely operationalisation of the Act in his domain,
- c) Memorandum to the Chief Justice, Orissa High Court requesting him to take necessary measures for timely operationalisation of the Act in his domain,
- d) Memorandum to the Governor, Orissa requesting him to take necessary measures for timely operationalisation of the Act in his domain,

At the end, in an effort to provide transparency to the accounts of this event, **Mr.Somanath Naik, the Convenor of the Workshop on behalf of the CVO Sundargarh** presented a tentative note on the sources of income and heads of expenditure which were involved in organising the event.

Then with a vote of thanks to the participants and facilitator, the Workshop came to a close at around 5.30 PM.