

Conference on the Right to Information

CHRI held a workshop on the Right to information in Bhopal on the 3^d and 4th of January, 1998. The venue of the conference was the All India Institute of Local Self-Government, Shivaji Nagar Bhopal.

The Background

The right to Information is an issue that has gained considerable importance in the recent years. More and more people are beginning to feel the need for more access to information which has till now been in the exclusive possession of the government even though it relates to the well being of the individual or the public at large. Moreover, entrenchment and popularisation of democratic values over the years, especially in the post-emergency period has led to the realisation that the government needs to be made more transparent and accountable in order to make democracy meaningful. It has also been felt, more and more, that to break away from the feudal system in which even now the government is viewed as the lord and master of the common man, peoples' participation in good governance is most important. However, given the low levels of literacy and awareness amongst the people, the call for the right has been limited to a few people. Although many deliberations and discussions have taken place as a result of which government has made some moves to draft a legislation to give effect to this right, a majority of the people do not know even of the existence of this or other rights.

Various groups have been working on this issue for the last decade or so. While some groups see this right as an integral part of the democratic system, there are others who view this as an extension of consumer rights. In Rajasthan, the demand for the right started from the grassroots as a reaction against corruption and siphoning of funds that were given to panchayats for development projects. In this respect the right to information in the Indian context is different from the right to information in other countries, especially in the west, as here it is an effort to access things which are needed for sheer survival.

At present, there are several drafts for a law on the right to information proposed by various social organisations. The government also constituted a Working Group to look into the nuances of the issue. The Working Group gave its report which primarily suggested another draft bill on the Right to Information. This draft has since been discussed in various fora and has come up for some criticism.

It was in this background that CHRI took up a project on Right to Information in July 1997. We felt that although the issue had reached the stage of a central legislation being in the offing, such an important issue should have been widely discussed at the grassroot level. The information needs of people must be gauged before a legislation puts the right into effect. The presently prevailing system needs to be thoroughly understood and specific bottlenecks in

getting information need to be identified. Moreover, the information needs must be in order of preference, so that the right can first be made effective in those areas which concern the public most. We found that the level of awareness of the right is so low that even orders and legislation on the subject would be of no use unless supported by effective communication of the right to the persons concerned. It was thus that we decided to give our project the colour of a grassroots initiative for creating awareness of this right and for raising a demand for an early and effective legislation which would give people an access to information which affects their every day life, rather than legislative and executive measures of a populist nature as had been done in Tamil Nadu and Madhya Pradesh.

In the initial stages of the project we devised a study for examining the existing levels of the right in various areas. This study was in the form of a detailed questionnaire which would be administered to people in different areas. A copy of the study is attached here as annexure 'A'. We discussed the study with various people especially those working at the grassroots level. The study was also discussed with Ms. Aruna Roy of the MKSS and Mr. Prabhaskar Joshi a senior journalist who has been actively supporting the issue. In discussing the study with various people, we arrived at the conclusion that this study could be done only through interactive workshops instead of asking questions to individuals.

To bring the issue to the level at which ordinary people can relate to it whether in urban or rural situations, we prepared a publication on the Right to Information in lay terms, and disseminated it widely to NGOs and some other organisations. Copies of the publication are attached herewith as annexure 'B'. The publication, called 'Your Right to Information' in English and 'Aapka Soochna ka Adhikar' in Hindi received a very good response. Organisations have asked for copies of the publication for dissemination in bulk and have also offered to further make a simplified version and also to translate it into Marathi, Gujarati, Tamil and Telugu.

In the second stage of the project we contacted organisations whom we thought would be interested in taking up the issue. We started in Delhi with Action India, an organisation working in the resettlement colonies. They have been working for about 12 years and have formed a group called Sabla Sangh which takes up issues of health, domestic violence, civic amenities and any other issues which may crop up in the course of their work. We held three sessions with them on the issue of Right to Information and got an instantaneous feedback on the kind of information needed by the people of Delhi in general. They also discussed at length about the system under which most government offices and agencies function. This system, according to them is completely unsuitable for people to get even basic important information regarding important areas such as health, food and education. Even the most basic information is never given inspite of repeated requests. The Action India group are taking up a project on education which comes under the 'Lokshala' programme started by Mr. Anil Sadgopal and want CHRI to tie up the issue of Right to Information with this programme. It is common knowledge that even though the government claims that they want to enforce the system of neighborhood schools so that children don't have to travel far to study, the quality of the schools is so poor that most parents do not want to send their children there. Where the children do go, they learn nothing.

One of the workers of the Sabla Sangh recounted that she had convinced a woman to take away her child from employment in a factory manufacturing shoelaces and send him to school. The child started going to school and since there were no regular studies or activities, he got into bad habits. The mother stopped sending him to school saying that it was of no use since he 'lost his skills and got no education'. This is not an isolated incident. There are schools which exist on paper but have neither a building nor teachers. There are schools which have had monetary allocations for various facilities but nothing exists in reality. The whole functioning is discreet and even the mandatory Parent Teachers Association does not have actual knowledge of the running of the school. There is total lack of accountability. Action India's programme basically aims at upgrading the neighborhood schools by bringing them under the scrutiny and supervision of the community. For this, they need to have extensive information on the system of education, the allocations made to each school by the New Delhi Municipal Corporation (NDMC), the fixation of responsibility for the management of various aspects of running the school, etc.

At a meeting in Action India where Mr. Sadgopal framed the outline of the programme CHRI and Action India drew up a detailed list of information on practically all aspects of running a school. In order to get any initiative underway for improving the quality of schools, the public or at least the concerned community must have access to detailed information. This combined with monitoring of the working of the school by the community would lead to more accountability and certainly better utilisation of the funds.

The second programme started by CHRI is with grassroots groups in Madhya Pradesh. After some preliminary discussions and meetings with some of the groups and people in Bhopal like Environment Communication and Social Action Group (ECASRG), National Centre for Human Settlements and Environment, Mahila Samakhya, Gandhi Bhawan, and Mr. Harsh Mander (formerly Commissioner Bilaspur, now posted in Bhopal as advisor to the CM), we decided to bring together the groups in Madhya Pradesh, and some representatives of the government and media to introduce them to the issue and to initiate an awareness campaign on it.

Towards this, we organised a workshop on the 3rd and 4th of January 1998, in Bhopal. The invitation letter, agenda and schedule of the workshop are at annexure 'C' colly. In spite of bad weather prevailing all over Madhya Pradesh during those days, there was a good response to the workshop. A list of the participants with their addresses is at annexure 'D'.

Need and levels of information

The first session was an introductory round, in which the participants introduced not only themselves and their organisations and work, but also made presentations on what their idea of the Right to Information was. This session set the tone of the entire workshop as it broke the ice effectively. This session, as well as all the following ones were interactive and participative and we were able to get some very useful inputs from them.

The first session in fact brought out the range of awareness about the right. While some people like Dr. Lakhan Singh of the BGVS were quite aware of the right, having worked in Bilaspur

division where the right had been first enforced in a few of departments. Some of the persons were aware that the government of Madhya Pradesh had passed 'some' orders on the right to information but no one knew what they were, or how they had been enforced. It was notable that not even the press had a clue about the exact nature of the orders. It was obvious from the reaction of the participants that the whole exercise of making the right enforceable in 22 departments had in fact not been followed up with any efforts either to familiarise the departmental personnel with the working of the orders, nor had the public been made aware that certain new avenues for getting information had now been made available.

In the matter of information levels, the difference between urban and rural is not much, whereas in the tribal areas the situation is even worse. Abraham John who is the co-ordinator in Madhya Pradesh for Church's Auxiliary for Social Action (CASA), said that in the course of their work they found that people hardly had any information about what was happening. There were no channels through which information was given to people. People had no clue regarding schemes that were being put into operation by the government although the schemes were meant for them. Because of this very often the benefits of the schemes never reached people for whom they were intended. Lakshpat Singh, whose organisation 'Sambhav' works with the Sahariya tribals related how the forest land in that region is being marked as a sanctuary and the tribals who are customarily getting their living out of the forest are suddenly being denied entry without proper notice. Nobody knows how much land has been notified and from what period the entry is denied. It is not clear as to what rights the tribals will have over the land. This situation exists in spite of a law in existence laying down that notice of each step has to be given. An atmosphere like this gives rise to confusion, fear and apprehension about the very means of livelihood of the people. Bhagat Singh Malwi who retired from the Audit service and is now in the Upphokta Sangrakshan Samiti said that when they used to go to the tribal areas for audit they would discover that lakhs of rupees would have been spent on paper for instance on things like distribution of goats, but not a single person would have ever received anything. Sadhna Pathak, a freelance journalist and a village panch said that in the village, Bamboo and wood is distributed. However, the persons who are to get it have no information as to when it will be given and how much of it will be given. People who have the slightest information or knowledge exploit the people. Vijay Lakshmi, a journalist, also recounted how lack of clear information leads to exploitation. A daily wage labourer was told in a particular department that her son could get a job in a department if she paid Rs. 80,000/-. She managed to get the money but later it was found that her son was not even qualified to get a job there. Narendra Sharma of 'Samarthan' said that all welfare activities are in the hands of government yet the people for whom they are meant are neither involved in them nor are they told any thing about their entitlements. Regarding the role of the media in disseminating information, she said that reporting on issues should be very clear.

Mrs. Savita Bajpai, ex-MLA and Chairperson of the NGO Sahyog spoke about the various ill effects that lack of information can have in matters concerning the life and environment of people. She said that if the people of Bhopal had information about the contents of the Union Carbide factory, they may not have suffered as much. People have no access to information

which affects their lives. This is particularly true of information regarding the environment. The government must be under a duty to tell people certain facts. In 1966 a certain kind of grass under PL40 was brought into India which has been affecting people's health and giving them skin diseases but this was not told to the people and they kept getting treated for wrong things. The culture of secrecy in things regarding the general public should go.

At the urban level things are not very different in the matter of getting information, only the concerns of urban people are slightly different. People commented on how getting information on simple things like train timings is almost impossible to get, putting people to a great amount of hardship. Equally problematic is the system of getting information on basic needs like ration entitlements. Education is an area where the Right to Information and openness needs to be enforced, as the government holds the key to many a person's career. Mr. Venu Menon of Upbhokta Sangrakshan Samiti related a case where a student's result was withheld without giving any reasons and was declared six months later, by which time he missed admission into a course for which he had cleared the entrance exam.

The overall responses showed that information relating to anything was hard to come by. There was a familiar ring to the responses of the government departments in giving information. The factor pointed out most often was the lack of accountability who is responsible for giving information.

While some of the participants knew about the MP governments orders regarding Right to information, hardly anyone knew what they contained or how they were being implemented. Mr. Sunil Kumar, Secretary Panchayats and Social Welfare said that the government would like feedback on the orders. However, he did not specify what the government had done to reach the orders to the people or even to their own department personnel. He also did not clarify as to whether the government had set up any system for getting feedback. He said that where people cannot reach information, information must reach people. Mr. M.R.Pandey, retired director fisheries said that right to information should extend to semi-government and Public Service Utilities etc. He said that if there is transparency in all departments less problems will arise for the public.

Mrs. P. Pandey of Resources Development Centre said that Panchayats should give information and they should be given training for this. Narendra Sharma of Samarthan also said that the Right to Information must be available in all the panchayati raj institutions. While establishing a system, it should be kept in mind who is the beneficiary of this right and accordingly, systems should be established. Villagers are unable to access information and are rarely told anything. This gives rise to frustration with the government because they feel that government is not giving them any benefits. The availability or lack of availability of resources should both be made known to people.

The second session had a presentation from Mr. Harsh Mander, OSD to the Chief Minister and erstwhile Commissioner of Bilaspur Division in MP. Mr. Mander spoke about his experience in

enforcing the right in the division. He said that while in government service, he wanted to raise the issue of corruption. But whenever he instituted inquiries, no action was taken and he got transferred. The public was inactive in these matters. Then he joined the MKSS movement against corruption and also realised that the Right to Information is a valuable tool for minimising corruption. He said that although the government has a system of checks and balances, it exists within the government only. The people cannot ask for or see anything. The MKSS devised a way of unearthing corruption by their system of 'social audit' which meant comparing the government records with the experiences of the people. When official records were compared with what had actually happened, people began to realise the extent of the corruption. They also realised that having copies of records is a weapon for confronting corruption. At the same time they found that only influential people could get the information and the documents. It was thus that the demand for an official right to information began. The government personnel responded to the demand saying that if everything has to be told, they are not ready to work.

The movement picked up and draft legislation was prepared at the academy of administration in Mussoorie. This was followed by a draft bill made by the chairperson of the Press Council of India, Justice P.B.Sawant (retd.)

Mr. Mander said that although corruption has become a major issue nowadays the answers to the problem have been evading everybody. The Right to Information could be one way of tackling corruption. He, however, felt that by passing orders for the right to information in many departments in the state, the MP government has trivialised the issue.

Mr. Mander then related his experience with enforcing the right in Bilaspur, where he was the Commissioner. The government officials said that although they agreed to it in principle, it was difficult to put into practice.

The right was first introduced in the Public Distribution System, which has the most important repercussions on people. The people had a right to ask how much the allotment was, and how much distribution had taken place. People should be allowed to have copies of the allotment and distribution panji (register) of the past six months. The official reaction to this was that the workload of the government offices will increase. A system of photocopiers was introduced. About three months later, the ration shops which were always 'out of stock' started showing excess stocks. It became an issue of Right to 'no' vs. Right to 'know'.

Similarly, the right was introduced in the mining department. The people had a right to know the criteria for appointment of contractors and the criteria for allotment of contracts.

One of the most polluted places in India is Korba, where there has been a spurt of industrial activity in the last two decades or so. The pollution levels were abominably high because the State Pollution Control Board and the NTPC were hand in glove with each other. A unique system was introduced by the district administration for measuring pollution levels in the district. A Citizens' Committee was formed to monitor the pollution. This had a very good effect as the pollution levels came down in the district as a result of this monitoring.

However, Mr. Mander stressed the fact that although the administration can create the space for people to use this right through legislative or executive measures, citizens must take the initiative to use the right and put it into practice. NGOs can do much by picking up the issue in the initial stages and monitoring it for effectiveness. The aim of this right is to change the power balance between people and the government.

Mr. M.N. Buch, former Chief Secretary, Government of MP and Chairperson of the National Centre for Human Settlements and Environment (NCHSE) said that in government departments, the officer incharge must have administrative control over his staff in order to make the right effective. Points of public and government dealing must be identified and simple processes must be introduced for people to have access to information.

Mr. Prabhash Joshi, senior journalist and Consultant Editor, *Jansatta*, addressed the workshop in the afternoon of the second day. He stressed on the need for the involvement of the press in taking up the issue. He said that the role of the media should be to seek and provide information for the people and information is not a commodity which the press must have for itself. He said that in the history of India the press had a vital role to play in the freedom movement. The media should realise that they are the distributors of information and right to information does not mean merely the right of the press to know everything, even if it intrudes on the privacy of persons. He said that the right to information in India is different from the right to information in other countries as here it is often a matter of life and death. He said that the government should make information freely available to people. The target should be that every panchayat should get copies of orders and notifications and these should be made known to the people.

After the detailed discussion on the meaning and needs of information had taken place, the participants split into four groups to discuss the following issues:

- 1) Existing Problems in accessing information and analysis of the existing governmental orders.
- 2) Concept and Strategy of the campaign in MP
- 3) Role of NGOs in the campaign
- 4) Role of government and the media in the campaign

Group One

The problems in getting information were discussed through personal experiences and experiences in the field. The group came to the conclusion that:

- Information is usually not given because they generally reply that they are not authorised to give it . They say that unless they are authorised in writing they cannot give any information. Very often there is no clarity-“*na to dene ka rule hai, na na dene ka*”.Neither is there a rule to give information nor is there a rule to deny information. One is always referred to some higher official who is either not available or does not meet people even after giving an appointment.

The conclusion was that the source of getting information needs to be clearly defined. The procedural deficiencies have to be removed and somewhere the accountability has to be fixed.

Secondly, the form and language of giving information is most unsuited for ordinary people. The form of giving information should be such as is easily comprehensible to people. In important areas simple language and illustrations would help in getting the message through to people effectively.

The group also analysed some of the 22 departmental orders passed by the state government for making the right to information available to people. It was found that while most of the orders are good and give a wide right to people for accessing information, few efforts have been made by the government to seriously ensure enforcement. This was reflected in the participants lack of awareness of the orders. Even those working at the panchayat level had no idea about the existence or contents of the orders.

The group examined the order on the right to information in the Public Distribution System and found that information could be asked for a period of 3 months prior to the date of asking. It was felt that while there was a need to put some limit on the period for which information could be sought, 3 months was an unreasonable limit.

In the order regarding School Education, it is mentioned that the schemes for school education have to be published but it does not say where the schemes will be published and in how much time.

Group Two

Concept and Strategy of the Campaign

The main role of the NGOs will be to promote awareness of the right to information at all levels, and specifically at the block and village level. The NGOs will support the campaign by creating awareness on the pending legislation and the executive orders of the government so as to give a feedback to the government regarding making these effective.

The campaign would identify the organisations who are interested in taking up this issue. These would involve NGOs as well as other public forums. The campaign would also seek the involvement and guidance of persons who are committed to the issue in principle or at the intellectual or policy level, even if they belong to any political party. However, the campaign would not seek the direct support of any political party.

The campaign would be coordinated by an informal group of persons representing the various organisations who are taking up the issue. This group would also include some representatives of the government and other opinion builders like the media. This group would co-ordinate the campaign for the whole state and would co-ordinate the activities of the different organisations in the different regions. The group would divide the work of carrying on the campaign amongst

themselves according to their inclinations and available resources. For instance, if some organisation is bringing out a newsletter it could incorporate the issues related to Right to Information in its issues. Organisations who conduct workshops and training programmes could incorporate this issue into them as the right to information is an issue which feeds into and is related to many issues.

Specifically, work would be done at the panchayat level in order to involve them with the issue. This would be done by identifying persons interested in the issue at that level. Orientation workshops would be carried out to introduce the issue to these persons. The objective of all the activities will be to create an awareness of the right and to create a demand for information at all levels.

Based on the activities, case studies and findings would be documented in order to influence government in its policy formation on the issue.

The campaign would also seek the support and involvement of the media which can effectively highlight the issues.

Before the issue is taken up on a big scale, it should be systematically developed at smaller levels. Attempts would also be made to establish contacts with those departments in which orders for the Right to Information have been passed in order to get feedback on the working of the orders and to generate awareness of the orders amongst the department personnel.

The campaign would also raise a demand for right to information in the private sector, especially against those organisations and companies who are carrying out work of a public nature as well as work which affects the public at large.

The campaign would prepare for and hold public hearings at different places in order to make the issue public

NGOs will generate awareness and debate on the draft legislation at the grassroot level.

GROUP THREE

Role of NGOs in the Campaign

The NGOs would first identify the areas in which they are working and into which the right to information can be integrated. The work of reaching more and more people and networking will be carried on by the NGOs. This will be done by having training programmes with those NGOs who are working on the issue or are interested in it. NGOs can also involve related groups such as corporaters, etc. Dissemination of information on the issue and related things can be done by NGOs. NGOs would identify resource persons for inputs into the various activities carried out by the campaign. The identification of the problems and their documents is an essential activity which the NGOs must undertake. NGOs should also take on the job of sensitizing government

on this issue with stress on the need for transparency. A change of attitude of both the people and the government needs to be brought about. NGOs can organise workshops at regional, district block and village level. They can also take the responsibility of material dissemination. This could be done through panchayats and gram sabha samitis. NGOs can also see to the communication aspects of the materials prepared for dissemination.

The group also put forward the idea of forming a communication centre through NGOs where people could be helped to get information. However, the unanimous decision was that the thrust of the campaign should be to stress on a culture of giving information at the source rather than to create alternative or parallel systems of giving information.

As part of the discussion on this topic, several NGOs present made commitments to holding workshops and carrying the work further through their own organisations.

GROUP FOUR

Role of Government and Media

The group suggested that the Right to information should be made a part of the orientation and training of new government employees. Government personnel should be sensitised to the fact that the information which is held by the official agencies is not their private property and essentially relates to the people, with whom it must be shared.

The government should pass a general order for simplification of rules and procedures as well as simplification of the language used in government work. The objectives of the governments' works should be clear and transparent. The accounts and the reports of the works of each department should be published and publicised on a regular basis. Each department head should ensure that there is fixing of responsibility in the department. Government should be made responsible for the dissemination of information. Although every department publishes an annual report, it is given only to the legislators or the press. The press should make use of this report and highlight information relevant to the public. The government should also make sure that all government information is produced in sufficient quantities. The administration should make a mailing list of nodal NGOs to whom some information is routinely mailed. The government should be put under a duty to give information.

Regarding the role of media, the group suggested different kinds of media can be used in the dissemination of information. Besides the radio, television and electronic media, folk media like street plays, puppetry, folk songs etc. can be used for disseminating information. The local folk artistes can be involved for dissemination of information. This can be done by the panchayats. Information should be given in the local dialects and language. The print media should be involved to pick up the issue and build it into their reporting and writing.

After discussion on the reports of the groups, a committee was formed which would co-ordinate the campaign for Madhya Pradesh. The committee would be meeting regularly to carry the campaign forward and to network with others involved in the campaign. Since travelling frequently is a problem for people in the field, the members of the committee are mostly from Bhopal. At the time of filing this report, this committee has already met twice and is fixing the agenda which they will communicate to people shortly. Some members of the committee visited Rajasthan and participated in the public hearing (jan sunvaayi) organised by the MKSS in January 1998. The next step is to organise workshops in the various regions. We have received communications from CASA (head office in Delhi as well as the Indore office) and the MGISRD (Jabalpur) that they are willing to hold workshops in their regions.

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Dear Sureshji

Received your letter dated 13th July. Yes, September does seem to be a problem for doing anything! Please let me know if 8th and 9th October are suitable for you. We will accordingly proceed to make a list of participants and finalise the agenda etc.

Hoping for an early confirmation.

Regards
Abha S.Joshi

Mr. Lakhan Singh
Janadhikaar Samuh Madhya Pradesh
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Dear Lakhan Singhji,

It was good to hear from you after a long time. It is also good to know that the Right to Information movement is gaining ground in Madhya Pradesh. I will be very happy to come for the Public Hearing in October. Please let me know the exact dates and venue to enable me to make my travel arrangements in time. I look forward to being with you all again.

Warm regards,

Abha S.Joshi