

National Conference
on the
Working of the Right to Information Act, 2005

March 27 – 28, 2006

Conference Resolution and Report

Organisers

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National Conference on the Working of the Right to Information Act, 2005

Organised by
Commonwealth Human Rights Initiative & Indian Social Institute
March 27-28 2006

Resolution

We, the citizens and representatives of civil society in India¹ have assembled in New Delhi on March 27-28, 2006, to discuss problems arising out of the poor implementation of the *Right to Information Act*, (RTI Act) 2005. During this Conference we have placed our views and perceptions about the ground reality of the implementation of this Act before the Hon'ble Chief Information Commissioner, Central Information Commission and the Joint Secretary of the Department of Personnel and Training, Government of India. We urge the Central and State Governments to take note of these problems and initiate action for ensuring better implementation of the RTI Act without delay.

1. **We recognise** that States like Rajasthan, Bihar, Jharkhand, Arunachal Pradesh and a few others have not set up Information Commissions despite six months having passed since the operationalisation of the Act. Till date Information Commissions have been set up in 22 of the 28 States only (except Jammu and Kashmir). Requesters are thereby deprived of the statutory complaints and second appellate mechanism in these states to deal with unreasonable action of PIOs and public authorities.

We urge these State Governments to set up their Information Commissions without delay.

2. **We recognise** that awareness about the provisions of the RTI Act amongst officers is poor at the Panchayat and Block levels. The governments have a statutory duty under the RTI Act to train officers for implementing the Act in letter and spirit. But the training efforts undertaken so far are far from satisfactory.

We urge governments to take urgent steps to properly sensitise and train Public Information Officers at all levels to deal with information requests.

3. **We recognise** that the fee structure notified by various governments has no uniformity across the country. It is a statutory requirement that all fees stipulated under the Act must be reasonable.

¹ States and Union Territories represented at the conference include, Andhra Pradesh (4), Assam (2), Bihar (1), Chhattisgarh (1), Delhi (39), Gujarat (9), Jammu and Kashmir (1), Jharkhand (3), Karnataka (6), Kerala (1), Madhya Pradesh (1), Maharashtra (1), Manipur (1), Orissa (12), Pondicherry (2), Punjab (1), Rajasthan (2), Tamil Nadu (2), Uttar Pradesh (3) and West Bengal (2).

We urge that amendments be immediately incorporated to the Fee Rules notified by the State Governments to establish a common fee structure around the country and all fees must be reasonable. We urge the Department of Personnel and Training, Government of India to use its good offices to motivate the State Governments in this regard.

4. **We recognise** that some states like Madhya Pradesh, Orissa and Maharashtra have notified fees for filing first and second appeals. This is against the letter and spirit of the Act. The Act does not empower any public authority or Information Commission to collect fees for considering appeals from citizens.

We demand that all appeals fees be withdrawn immediately and the appellate and complaints process be made free of cost for all complainants and appellants.

5. **We recognise** that the modes of fee payment notified in the Central and State Rules are too few in number. This has caused much inconvenience to citizens while submitting information requests.

We urge the Central and the State Governments to allow more modes of payment such as Indian Postal Orders, revenue stamps, stamp paper and postage stamps which are more easily accessible than treasury challans and non-judicial stamps.

6. **We recognise** that many PIOs have been insisting that fees be paid only in a particular mode such as demand draft or treasury challans. This causes unnecessary harassment to the requester.

We urge Governments to ensure that instructions are issued to PIOs to accept fees by any notified mode of payment that is preferred by the requester.

7. **We recognise** that the Act and the subsequent Rules do not specify a time limit for Information Commissions to dispose of appeals and complaints. It is important for Commissions to dispose of appeals and complaints as expeditiously as possible to avoid accumulation of a backlog of cases.

We urge all Information Commissions to lay down for themselves a maximum time limit within which to dispose of appeals and complaints and this time limit must be disclosed proactively (for example, at least 90% of the cases must be disposed of within 3 months).

8. **We recognise** that in many states the heads of the legislature and the judiciary have not issued fee rules as required by the Act. This is causing difficulty for citizens who wish to access information from these public authorities.

We urge the Competent Authorities of the legislatures and the judiciary to notify fee rules immediately and designate PIOs and Appellate Authorities to deal with citizens' information requests.

9. **We recognise** that many public authorities are not ready with their proactive disclosure documents on 17 categories of information despite the passage of nine months since the operationalisation of the Act. Even in those instances where some efforts have been made to put together these documents, they are not easily

available except on the Internet. As a result of this lacuna in implementation, people are forced to ask for this information in writing and wait for 30 days for a reply.

We urge the Central and the State governments to prepare all proactive disclosure documents without any further delay and make them available to requesters on demand in electronic and other forms of access.

10. **We recognise** that requesters are being charged application fees for information that the public authorities are bound to disclose proactively. In some instances requesters receive the information after 3-4 weeks. Both actions of the public authorities are against the spirit of the Act. Information disclosed proactively must be made accessible to the requester without any delay.

We urge the Central and the State Governments to issue instructions to PIOs to make proactively disclosed information available to citizens on demand without charging any application fees.

11. **We recognise** that very little information is available in the public domain about the resources allocated by the Central and State Governments for spreading public awareness about RTI and training officers to implement this Act. The RTI Act places a duty on the government to organise educational programmes for citizens with particular emphasis on disadvantaged communities.

We urge the Central and the State Governments to incorporate public education and training of officers with regard to RTI as an important component of their regular work in all departments. We urge all Governments to allocate adequate resources for conducting public education programmes and training officers and employees of all public authorities.

12. **We recognise** that *The Jammu and Kashmir Freedom of Information Act, 2004* does not contain several progressive provisions found in the RTI Act. It is necessary that a uniform information access regime be established around the country. A private Member's Bill has been tabled in the J&K legislature to amend the old law.

We urge the Government of Jammu and Kashmir to amend the Jammu and Kashmir Freedom of Information Act, 2004 and incorporate all progressive provisions contained in the RTI Act. We urge the Department of Personnel, Government of India to use its good offices to encourage the Government of Jammu and Kashmir to do so without delay.

Resolution adopted unanimously.

Place: Indian Social Institute, New Delhi

Date: 28/03/2006

National Conference on the Working of the Right to Information Act, 2005

Organised by

Commonwealth Human Rights Initiative

&

Indian Social Institute

March 27-28 2006

Conference Report

Background

The Commonwealth Human Rights Initiative (CHRI) and the Indian Social Institute (ISI) organised a two-day National Conference on the Working of the Right to Information Act, 2005 of representatives of civil society organisations working in different parts of the country, from 27-28 March 2006.

The Right to Information Act (RTI Act), 2005 became fully operational across India from 12 October 2005. In order to ensure that the RTI Act is effectively implemented, the Central and several State Governments have put in place certain systems and procedures, including key measures like – appointing Public Information Officers (PIOs), Assistant Public Information Officers (APIOs), Departmental Appellate Authorities, setting up Information Commissions and appointing Information Commissioners, setting up systems for processing applications and appeals and making available information proactively under Sec. 4 of the Act. Six months after the Act formally came into force, challenges to the implementation of the law abound as the colonial culture of secrecy continues to characterize the working of officialdom.

Every citizen in the country can now seek and receive information from any government office (with a few exceptions like notified intelligence and security agencies). Citizens and groups have started filing applications for information with the offices of both the Central and State governments. While some attempts have been successful, the stories of resistance to giving information are many. In many states, the governments are not fully prepared to meet the information requests from citizens for a variety of reasons - officers have not been designated at all levels to deal with information requests; circulars relating to implementation of the Act have not been issued in all departments at all levels; receipt books are not available to enable collection of fees; proactive disclosure documents -a statutory obligation- have not been prepared by all departments, etc. Most notably only 23 of the 28 states have appointed Information Commissions as competent bodies to receive complaints and second appeals from citizens who have faced difficulties in accessing information. In the absence of Information Commissions citizens in other states are deprived of their legitimate right to approach an independent appellate body for redressing their grievances.

The culture of secrecy that has characterised the working of government at all levels has proven to be the biggest obstacle for citizens seeking information under this Act. Although citizens are not required to give reasons for seeking information under the Act, officers often ask the reason and ultimately deny information saying it does not relate to the citizen directly. Citizens belonging to the BPL category are forced to pay fees even though the Act clearly allows fee waiver for them. These

and other problems relating to the access to information are not beyond solution. Having been drafted in considerable detail, the Act itself provides answers to most questions relating to its implementation. However not many people in both rural and urban areas are aware of the existence of such a law and that they have a fundamental right to seek and receive information from the government.

With this background in mind CHRI and ISI brought together representatives of civil society organisations, people's movements and the voluntary sector on a single platform to discuss problems arising out of poor implementation of the RTI Act. The Conference discussed these and other problems related to citizens' access to information.

Conference Objectives

The primary objectives of the two-day conference were:

- To discuss ways and means of spreading awareness about the RTI Act throughout the country with particular emphasis on disadvantaged groups;
- To discuss methods of ensuring better implementation of the RTI Act in letter and spirit and;
- To discuss ways and means of monitoring compliance of public authorities with the provisions of the Act.

Participant Profile

The conference brought together about 94 participants representing civil society organizations and RTI activists from 19 States and 1 Union Territory. The States and Union Territories represented at the conference include, Andhra Pradesh (4), Assam (2), Bihar (1), Chhattisgarh (1), Delhi (39), Gujarat (9), Jammu and Kashmir (1), Jharkhand (3), Karnataka (6), Kerala (1), Madhya Pradesh (1), Maharashtra (1), Manipur (1), Orissa (12), Pondicherry (2), Punjab (1), Rajasthan (2), Tamil Nadu (2), Uttar Pradesh (3) and West Bengal (2).² Participants were selected on the basis of two criteria –

- a) Activists who have used RTI to bring about systemic change and
- b) Activists and advocates from CSOs and the voluntary sector involved in social justice campaigns and movements.

The Conference was designed to bring RTI practitioners to share their experience with other activists and advocates involved in social justice and human rights movements so that the latter may feel encouraged to use RTI as a tool in their own areas of work.

Sessions

The Conference was planned out with a focus on maximising discussion amongst participants with particular emphasis on group work and panel discussions. During the course of the conference various problems arising out of the poor implementation of the *Right to Information Act*, (RTI Act) 2005 were discussed. The views and perceptions about the ground reality of the implementation of this Act were put before the Hon'ble Chief Information Commissioner, Central Information Commission and the Joint Secretary of the Department of Personnel and Training, Government of India. The representatives of the Commission and Government of India reacted to the queries raised by participants and offered practical solutions to overcoming some of the problems faced by them in accessing information from public authorities.

² The numbers in bracket indicate the number of participants from the state.

Day One

Welcome Address

The Conference began with Mr. Tom Kunnunkal, Research Director, ISI extending a warm welcome to Conference Participants. In his address, Mr. Kunnunkal noted that the RTI Act was amongst a handful of landmark legislations that have the potential to change the face of governance in India. However, he noted that the record of implementation of such laws in India was poor. The civil society sector being the fifth estate in a democratic republic has a significant role to play in ensuring proper implementation of this law. He urged participants to look upon the RTI Act as an opportunity to launch a second freedom struggle – a struggle for equitable development throughout the country. He called upon civil society organisations to use the Act more and more for securing greater transparency in government and also spread awareness about access to information amongst people who need it most – disadvantaged and vulnerable groups in society.

Working Session I: Understanding the main provisions of the RTI Act

This session focused on understanding the provisions of the Right to Information Act (see Annex 4 for the agenda). This was followed by a question-answer session on the salient features of the Act and its application in actual practice. This session identified key problems with implementation and interpretation of the provisions of the Act. These questions were then put before the Chief Information Commissioner of the Central Information Commission later in the day. These details of this interaction with the Chief Information Commissioner are given below.

Working Session II: Participants' information needs and possibilities of using RTI

The objective of this session was to help participants clearly identify their information needs and the sources from which to access this information under the RTI Act. During this session participants were divided into smaller working groups and tasked with discussing the following questions:

1. What kinds of information do you require in the course of your work? Or what are the information needs of the people/community you work with?
2. Who /which office holds such information?
3. What difficulties do you / your people face while accessing such information?
(Repeated requests/ delays / refusal to give information / getting information is expensive / bribes have to be paid / no response / wrong or misleading information / requester is threatened / other relevant issues)
4. Do you think the RTI Act might help you get access to necessary information?
5. Do you think the information you require falls within the 17 categories of information that public authorities must disclose voluntarily / proactively? Or
6. Do you think you will need to make a specific written information request and wait for the Public Information Officer to respond?

After the group discussion spokespersons identified by each group made presentations on these issues highlighting the practical problems faced by members of the group in accessing information in their own work areas.

The participants identified the following information needs in the group discussions which have been summarized below:

- Information about civil works and public utilities including the amount spent, contractual process, copies of muster rolls and utilization certificates;
- Information about development and welfare schemes – fund allocation and expenditure;
- Information related to meetings, agenda and resolutions of Gram Sabhas;
- Information related to rights of people over land, water, forest, heath, education and
- Information related to displacement, migration, dalits, tribals and marginalized groups including atrocities and violence against women and dalits.

Participants identified difficulties faced by people in accessing information:

- Lack of awareness and preparedness among officials about their roles and duties regarding RTI;
- Non-availability of PIOs and internal Appellate Authorities (not designated or not physically present when the applicant visited their offices);
- Attitudes of resistance and refusal to accept applications;
- Non-availability of data base with government departments from which to source the information requested;
- Lack of adequate resources for proper implementation of RTI;
- Information Commissions not being set up in several states many departments do not find themselves compelled to comply with the law;
- Several instances of harassment and threat faced by the citizens who tried to file information requests;
- Several cases of overcharging of fees by the PIOs i.e. more than the prescribed amount.
- No uniform fee structure across the country. States like Orissa have exorbitant fees prescribed whose sole motive seems to be to discourage people from seeking information.
- States like Maharashtra and Madhya Pradesh charge fees for filing appeals even though the Act does not empower them to prescribe such fees.

Panel Discussion on the RTI Act and the implementation experience

At the start of this session a presentation was made on the problems of accessing information after the operationalisation of the RTI Act (see Annex 1). Mr. Wajahat Habibullah, Chief Information Commissioner, Central Information Commission, New Delhi, gave his comments on each of the problems raised by the participants. (These have been dealt with in detail later on in the report.) The other panelists in this session were Professor Jagdeep Chhokar from the Indian Institute of Management, Ahmedabad who is also a founder of the Association for Democratic Reforms – an organisation working for transparency and accountability in elections and Mr. Shailesh Gandhi, Member, Working Committee, National Campaign for People’s Right to Information from Mumbai. The session was chaired by Mrs. Maja Daruwala, Director, CHRI.

In his presentation **Prof. Chhokar** highlighted certain roles of the civil society organizations (CSOs) regarding implementation of the RTI Act. These points have been highlighted below:

- coordinate the efforts of various groups working in a state on social justice and human rights issues and introduce them to the concept of RTI;
- keep track of proactive disclosure documents of different public authorities
- keep a record of all PIOs and Departmental Appellate Authorities designated by various governments to enable citizens to approach them without much difficulty;

- disseminate awareness about RTI amongst the larger public;
- assist citizens who are seeking information from public authorities under the Act.

Prof. Chhokar further highlighted certain implementation issues which he had noted in his experience. Prof. Chhokar noted with concern that an overwhelming number of retired bureaucrats had been appointed to the Information Commissions around the country. This implied that persons of eminence were not available in other fields of public life identified by the Act for appointment as Information Commissioners. He said that the implementation of RTI would be a long drawn process and citizens and activists would have to be ever watchful. Unlike the Indian Penal code and other laws instituted by the State, the RTI Act was drafted by government in collaboration with civil society representatives. It was also a law that citizens would implement and public authorities would have to obey. Therefore the RTI Act belonged to the people and so did the Information Commissions set up under it.

Mr. Shailesh Gandhi who has used RTI laws effectively to point out poor governance in Maharashtra began his address by stating that the RTI Act was the only chance that citizens have to get back the kind of governance they desire. If used strategically, RTI could provide the break through in 3-4 years. He noted that the implementing authorities had not yet woken up to the reality of having to handle appeals whose numbers will rise to several lakhs within a short span of time. Appointing a full Information Commission of 10 members would also not be adequate to meet this challenge. As a result if backlogs pile up and appeals don't come up for gearing for a year or more the situation would become similar to that of regular courts. If the case is decided in favour of the appellant eventually, he/she may not need that information anymore. This would discourage the citizen from using the Act thereby making it another ineffective piece of legislation.

Chief Guest's Address

Mr. Wajahat Habibullah, Chief Information Commissioner, Central Information Commission, New Delhi delivered the Chief Guest's address after paying attention to the queries and concerns identified by participants in previous sessions. He noted that the Government had the duty to create awareness about the RTI Act amongst citizens. He stated that the Central Information Commission was also worried that very little time had been given to adequately prepare the establishment for implementing such an important legislation. He noted that the UK Government took five years to implement its Freedom of Information Act. Referring to his recent visit to the UK and Scotland which have Information Commissions, Mr. Habibullah informed participants that the average disposal time for appeals in that country was 6 months. In India this being a new law a tradition of openness needed to be established and precedents needed to be set while for provisions of the Act that required more detailed interpretation. This was time consuming, yet that could not be an excuse for working in a relaxed manner. He pointed out that the CIC was understaffed and had to make do with minimal office space provided to it by the Government.

He informed participants that the speed of the disposal of cases at the CIC was increasing by the day. He urged participants to work with the commission to ensure better implementation of the Act. In order to make participatory and transparent democracy a reality it was essential for all citizens, civil society, government and the Commission to work together. He urged participants to use the RTI Act in the service of the people.

The panel discussion ended with concluding remarks from the Chair.

Day Two

Working Sessions III & IV: Drafting Information Requests under the RTI Act and tips for improving quality of applications

During this session the participants were divided again into working groups and were tasked with drafting information requests based on the information needs identified the previous day. A sample application format (see Annex 3) was given to each group as reference. Each group drafted two RTI applications to different government departments. The issues on which draft applications were made to various government departments by the groups have been given in the table below:

| Issue | Government Department |
|--|--------------------------------------|
| Tender for road construction | Public Works Department (PWD) |
| Allocation of funds for self-help groups (SHG) List of beneficiaries and criteria for their selection Fund disbursement to beneficiaries and its utilization Monitoring agency for SHGs at the Gram Panchayat level | Block Panchayat |
| MOU between state government and MNC regarding extraction of bauxite in a particular block | District Collector |
| Policy and action on road side hoardings | Municipal Commissioner |
| Road repairs and maintenance Copies of tenders, measurement book, accounting records, completion certificate etc. | PWD (Roads and bridges) |
| Number of BPL families in the block, list of antodaya and annapurna schemes, quantity of foodgrains issued to BPL cardholders from each fair price shop | Block Development Officer (BDO) |
| Number of women under trials booked under Section 209 of IPC | Sub-Jail |
| Mid-day meal programme under Sarva Shiksha Abhiyan in a particular cluster in a block Amount allocated to each school, quantity of food grains supplied, utilisation certificates, students attendance | District Superintendent of Education |
| Displacement and resettlement of number of families due to a particular project | Special Land Acquisition Officer |

At the end of each group presentation tips for improving the application letter was suggested by the resource persons as given below.

Some points to be kept in mind while framing an application for information request

- Every application under Section 6(1) of the RTI Act must be addressed to the PIO of the concerned department. It is not necessary to mention the name of the PIO as that person can get transferred to another department;
- Getting information from the public authority is not an end in itself. The citizens must be sure as to what they will do with the information received. Before writing the application, the

applicant must be clear in his/her mind about the purpose for which he or she is seeking information. Merely seeking information would lead nowhere. Citizens could seek such information that is amenable to verification on the ground. The purpose however, need not be stated in the application letter;

- The information request must be as precise as possible and the duration for which information is being sought must be clearly stated. It is wiser to ask for information which is close to the current period, so that the information can be verified easily;
- Avoid using abbreviations while writing an application for the sake of bringing greater clarity to the information requests. For example, SHGs must be written as “self-help groups”.

Panel Discussion on the Use of the RTI Act by Citizens- Success Stories

There are several examples in India of citizens using RTI to unearth corruption and other irregularities in system functioning. These success stories can set examples for others and inspire other citizens to use the Act for the betterment of the country. Keeping this in mind this session was devoted to sharing experiences by citizens in accessing information and then using that information to achieve a certain end.

The panellists in this session were:

Mr. Aslamshah Diwan: He is from Panchmahal district, Gujarat and is one of the 30 people trained by CHRI to be community level para legal resources in Panchmahals. He works part time with the Kalol Information Centre, set up to disseminate information about government welfare schemes implemented for underprivileged people. He is an active member of the Kalol team, which publishes a monthly newsletter in Gujarati dealing with matters relating to law and governance. Aslambhai has used RTI to end arbitrariness in the functioning of local authorities in the functioning of the public distribution system.

Mr. Shailesh Gandhi: He is a member of the Working Committee of the National Campaign for People’s Right to Information. By filing several innovatively designed information requests, Mr. Gandhi has compelled public authorities to take note of the effects of years of mal-governance – be it in the context of political influence on the transfers of police officers or the leasing out of public lands at throwaway prices in Mumbai.

Ms. Madhu Bhaduri: She is the Convenor of the recently launched Right to Water Campaign - a group of individuals and NGOs formed to resist attempts to privatise water supply and distribution in Delhi. Earlier she was India’s Ambassador to Portugal. Mrs. Bhaduri is a member of Parivartan - an organisation which works with the urban poor in Delhi and assists them in their struggle to secure their rightful entitlements and fight corruption. She is also a member of the Citizens’ Forum against Corruption – a body for supporting whistleblowers set up in the aftermath of the tragic murder of Mr. Satyendra Dubey.

Chief Guest Speaker’s Address

Mr. C B Paliwal, IAS the newly appointed Joint Secretary (RTI), Department of Personnel and Training, Government of India, participated in this panel discussion as Chief Guest Speaker. He noted that the Act required every public authority to disclose a lot of information about its structure, working and finances proactively. However in the absence of such disclosure citizens would be hard pressed to know as to what information was actually available with them and what could be requested for. He noted with concern that the experience of the first six months showed that most of the requests from urban areas whereas awareness about this law had not reached rural areas. He

also noted that bureaucrats were using the Act more than other citizens. Mr. Paliwal informed participants that the Government was conducting several training programmes for officers tasked with implementing the Act. Similar awareness raising programmes targeting the general public was absolutely necessary. Later Mr. Paliwal responded to several queries raised by conference participants some of which are mentioned in brief below.

Chair's Remarks

Dr. Jimmy Dabhi, Director ISI noted that the passing of the RTI Act by Parliament was a positive step for all round human development in India. Possessing information is key for making equitable development possible. He said that the public domain is often flooded with information that is not of much use to the citizen. In order to be able to participate in the process of development every citizen requires information about decisions taken, policies adopted and measures implemented. However where information is not forthcoming there is bound to be resistance to the development process as it would be opaque and unresponsive to the true needs of the people. He urged participants to consider seriously how they would like to continue work on RTI and what kind of interventions in government would they like to make using RTI. He advised all participants to keep in touch with each other and revert back in 3-4 months to discuss the progress of work on RTI.

Besides the resource persons sharing their experiences, some of the participants too shared their experiences and discussed on the status of RTI in their own states. These have been documented below:

Experience sharing by the participants on the use and status of implementation of RTI Act in various states

Considering the fact that the participants attending the Conference were from different parts of the country some time was set aside to provide them the opportunity to share their experiences regarding implementation of the Act in their own states. The summary of each presentation is given below:

Manipur: Mr. Kinderson from CORE, Imphal gave a brief overview of the present status of the implementation of RTI Act in Manipur. According to him two notifications regarding RTI have been issued by the State Government till date. The first notification was issued on 20 July, 2005 followed by the second one on 20th October after the Act became fully operational. He said that Public Information Officers (PIOs) have been appointed in several state governments departments, namely, power, revenue, command area, administrative reform, fisheries, animal husbandry, education etc. In spite of this the government departments as well as the public are not aware of the provisions of the Act. The PIOs too are not aware of their roles under the RTI Act according to Mr. Kinderson. The Manipur Information Commission is yet to be established. In this context an open letter had been sent to the Chief Secretary by representatives of the public on 29 November 2005. He further said that several citizens have experienced harassment while seeking information from the government.

Kerala: Mr. Panicker of Vigil India Movement informed the participants about the various steps that have been taken by the state government regarding implementation of the law and about NGO interventions on the same issue. He said that the Chief Information Commissioner is a retired government officer. Besides him the government has issued a notification for the appointment of two information commissioners. He also informed that PIOs have been appointed in departments such as electricity board, transport, police, High Court etc. The fee rules of the state government have been notified he informed. However, according to Mr. Panicker the usage of the law by citizens is still very limited due to lack of public awareness. He also described the work that is being

carried out by an organisation called People's Information Network based in Cannanore, Kerala. This organization has been educating officers about the RTI Act as well as organizing trainings for NGOs so that they could popularize RTI and inform the public about it.

Jharkhand: Mr. Vishnu Rajgadia of "Prabhat Khabar" described the efforts of his newspaper, which has used the RTI Act to collect information to write exclusive stories. He described how RTI has been used to expose corruption in the guest houses maintained for members of the State Legislative Assembly. He informed that the state government is yet to set up an Information Commission and the citizens are facing problems in accessing information. Primarily, the designated officers are not readily accepting applications for information.

Gujarat: Mr. Harinesh Pandya of Janpath informed the participants about a network of organizations in Gujarat that have come together called "Mahiti Adhikar Gujarat Pahel." Ms. Pankti who is a member of this network shared her experience of accessing information from the government. Before the enactment of the RTI Act, Pankti had asked for information regarding the use of 45 lakh hectares of wasteland which had been reallocated for use by the industrial houses and big farmers. After having not received the information she had applied for the same under RTI Act. She narrated that on the thirtieth day from the date of application the revenue official visited the office at around 7 pm with a CD containing 4 pages of information, for which she paid the prescribed fee of Rs 50. However, she had already received photocopies of the same information for which she had paid Rs 8 (at the rate of Rs 2 per page). Therefore, she had paid Rs 58 in total for 4 pages of information. She further said that the information she had received was actually not what she had asked for. For that, she had been informed that the information is available at the district level for which separate applications needed to be made, though the Act provides that in case the information is not available in a particular department the application must be transferred to the concerned department within a period of 5 days. She said that being unsatisfied with the response she appealed to the concerned authority which resulted in her getting the desired information in the compiled form free of cost. She also got the refund of Rs 58 paid by her earlier.

Karnataka: Mr. Y.G. Murlidharan of CREAT described the efforts of the civil society organizations (CSOs) in Karnataka towards effective implementation of the law. He explained how initially the CSOs had got together to successfully pressurise the state government to reduce the application fee from Rs 100 to Rs 10. While explaining the current status of RTI in the state, he said that Karnataka was the first state in India to set up the State Information Commission and appoint the first Chief Information Commissioner. He also added that the Administrative Training Institute (ATI) of Karnataka is the first such government institute in the country that has trained around 100 NGOs on RTI. Furthermore, he said that all the Zila Parishads and Taluk Panchayats have been notified to designate PIOs. Mr. Murlidharan informed that around 15,000 PIOs have been appointed in Karnataka. Some of the implementation issues as described by him are:

- Need for a change of mindset of government officials. At present there is a lot of apprehension amongst them in providing information to the citizens;
- Lack of awareness of government officials re RTI at district level and below;
- There have been several instances of refusal on part of the PIOs in accepting applications for information request.

Jammu and Kashmir (J&K): Mr. Amjad Afridi of SCOPE provided an overview on the status of RTI in J&K. At the outset he explained that as per section 1 of the national RTI Act, the State of J&K is outside its purview. However, the state has its own Freedom of Information Act 2002, which was passed in 2004, followed by the rules 18 months later. However, he said that the State Act lacks an

appeals mechanism or the penalty provision. The State Act also does not provide an independent appeals and complaints body like the Information Commission. Next, he explained about the campaign that his organization SCOPE had launched in order to extend the national RTI Act to J&K. A draft RTI law was made with the help of organizations like CHRI, which was circulated by Mr. Wajahat Habibullah, Chief Information Commissioner, Central Information Commission to the Chief Minister and the opposition leaders. This Bill was introduced in the State Assembly as a private member's Bill on 29th March. Besides lobbying with the Government, Mr. Afridi also mentioned about representations made to senior bureaucrats, opinion leaders like journalists, NGOs –to discuss on ways of extending the RTI Act to the state.

Orissa: Participants from Orissa highlighted the exorbitant fees charged by the State government for giving citizens access to information. The application fees and photocopy charges prescribed by the State government seemed to be aimed at discouraging people from accessing information. This in a State which has large numbers of rural poor and tribals whose livelihood opportunities are being destroyed in the name of economic development. As such transparency had taken a back seat even in the absence of the RTI Act. Now despite the coming of the RTI Act attempts were being made to kill its spirit and ensure that people do not avail of any benefit from it. The participants also noted the valuable contribution made by the Right to Food Campaign and other organisations in the State towards creating greater awareness about the law amongst common citizens. The participants also described the efforts of activists and advocates geared towards reducing the exorbitant fees prescribed by the State Government.

Chhattisgarh: Mr. Prateek Pandey the representative from Chhattisgarh Citizens' Initiative described the state of implementation of the RTI Act in Chhattisgarh. Although the State Government had begun preparations for implementing the RTI Act early on recent developments with regard to fee rules seem to indicate that the initial enthusiasm is giving way to attempts to curtail the spirit of the Act. Mention was made of the recent fee rules prescribed by the State Government which has begun charging Rs. 100 for every page on information relating to the life of an individual.

Madhya Pradesh: Dr. Rakesh Ranjan, Convenor of the MP Suchana Adhikar Abhiyan who also runs an organisation called Sandhan referred to his involvement in the training programmes conducted by the State Administrative Training Institute. He also described the activities of the Abhiyan in spreading awareness not only amongst the general public but also amongst officers and elected representatives of Panchayats and Municipal bodies in various districts.

Challenges to Effective Implementation of the RTI Act: Experiences & Solutions

In the course of their presentations, the participants based on their experiences, highlighted the key challenges being faced by applicants and raised certain questions, the solutions to which were discussed by Mr. Wajahat Habibullah, the Central Chief Information Commissioner (CIC) and Mr. C B Paliwal, Joint Secretary, Department of Personnel and Training (DOPT), Government of India.

Poor knowledge about the Act at the lower levels of administration – Panchayat and Block Levels

Under S.26 of the RTI Act, the government must depending on the availability of financial and other resources train Central and State PIOs and produce relevant training materials for use by the public authorities themselves. The CIC further informed the participants that a proposal has been sent to the government to set up an autonomous institute which would be managed by a group constituted of government officials, NGO representatives and lawyers. This institute would provide training and other educational support around issues regarding RTI. Mr. Paliwal informed that DOPT had begun

work on a training and capacity building programme involving the UNDP and Administrative Training Institutes in 12 states. Two districts in each of these states will be chosen for intensive awareness generation programmes amongst people with particular emphasis on disadvantaged communities.

Fee structure notified by state varies widely. Some fee provisions are against the spirit of reasonableness. There is need for uniformity in the fee rules across the country

Section 27 of the Act provides that the Central and State Governments can make rules for implementing the Act within their jurisdictions. Additionally Section 28 of the Act provides that competent authorities in the legislatures and the judiciary may by notification in the Official Gazette, make rules to carry out the provisions of this Act. Every rule made under this Act by the Central and State Government must be laid after being notified, before Parliament and the State Legislature respectively. The lack of uniformity in the rules must be brought to the notice of the respective State Government requesting harmonization of the rules. This could be an advocacy initiative on its own.

Is the President of India covered by the RTI Act? Is his office duty bound to give information not covered by the exemptions?

The RTI Act does cover the President's office. However, in this case a large number of exemptions are applicable, especially those related to sovereignty, integrity, security of India. Therefore if there is an overriding public interest in disclosing information it may be made available.

Why does the Central or the State Information Commission not have a time limit for disposing appeals and complaints?

The RTI law has not imposed a time limit for disposing off cases of complaints or appeals. However, according to Mr. Habibullah as soon as the Central Information Commission finds proper balance in their functioning, they will set a time limit for themselves.

The other problems and issues raised by the citizens are given in Annex 1.

Future Action Plan of the Participants

In this session, the participants outlined their Action Plan³ over the next few months as given below:

Andhra Pradesh

- Organise a Training of Trainers (TOT) on RTI with NGOs, lawyers and grassroots activists (especially those working on dalit and women's rights).
- Organise region-wise workshops within the state government, especially in the rural areas as well as conduct a state level workshop in Hyderabad.
- Spread awareness about the RTI law among the dalit community, especially at the Gram Panchayat, Block panchayat and the District Panchayat levels.

Assam

- File RTI applications in person as well as through e-mail and post.
- Organise district level workshops for the grassroots activists and citizens.
- Bring about public awareness about RTI through the use of street theatre.

Bihar

- Organise a workshop in April on media advocacy and a press conference on the issue.
- Translate the resolution adopted at the Conference and send a copy to the Chief Minister of Bihar.
- Write letters to the Governor as well as the President for the establishment of the Bihar Information Commission.

Chhattisgarh

- Organise awareness campaign for rural masses in village "*haats*" and fairs.
- Pressurise the state government to bring about changes in the fee rules.

Delhi

- Strive to change the Indian RTI law and make it similar to the South African law, which covers all private bodies as well besides government institutions.
- Provide assistance to citizens who are seeking information from the government under the RTI law at the appellate stages and set precedence.
- Continue training of Public Sector Undertakings (PSUs) of the Central Government on RTI. Will also monitor implementation of the Act by the PSUs.
- Organise a workshop on RTI and rural development in the States.
- Prepare materials on RTI in regional languages.

Gujarat

- Organise a series of programmes on RTI, especially for government officials.
- Bring about awareness among the villagers about RTI through *nukkad nataks*.
- Pressurise the state government for proper implementation of the law.
- Work with other organizations in the state in order to include RTI in their work.

³ The points have been arranged state-wise and are consolidations of the points given by the participants representing a state.

- Use RTI to solve individual problems and provide assistance to citizens to understand and analyse government policies, schemes and programmes.
- Encourage more organizations to join the network of organizations working on RTI in Gujarat.
- Organise training programmes on RTI for clusters of Gram Panchayats, self-help groups and community members.
- Maintain databank related to the implementation of the Act, collect government circulars and notifications and store them in one place. This can then become a useful contact point for citizens to approach in order to get information about the RTI Act and its related rules etc.

Jammu and Kashmir

- Organise a sustained campaign with partners like NCPRI, CHRI, and ISI to bring about changes in the existing Jammu and Kashmir RTI Act to bring it in line with the national RTI legislation.
- Organise an awareness workshop on RTI for co-workers.

Jharkhand

- Work with partner agencies to spread awareness about RTI
- Publish success stories about the use of RTI in the daily newspaper “Prabhat Khabar”.
- Dissemination of information re RTI Act at the grassroots.

Karnataka

- Organise a state-level consultation on RTI and National Rural Employment Guarantee Act.
- Expand KRIA-KATTE’s network in Karnataka.
- Collect and store suo-moto disclosures under s.4 1(b) from different public authorities at KRIA-Katte’s office.
- Organise training programmes on RTI.

Kerala

- Share the knowledge and experience gained at the Conference with other colleagues.
- Include a session on RTI in all the training programmes conducted by Vigil India Movement.

Madhya Pradesh

- Organise district level workshops for NGOs, lawyers, media and PIOs
- Organise mass awareness events on RTI at village “*haats*” and fairs.

Manipur

- Set up an e-mail interaction group to discuss on various issues regarding RTI.
- Work towards the effective implementation of RTI Act in Manipur.

Orissa

- Organize a follow-up workshop on RTI with partner organizations in Orissa.

- Send letters to the Governor and Chief Minister of Orissa regarding changing the Orissa RTI rules and also personally meet with the Orissa Information Commissioners.
- Work on RTI at the panchayat level and develop public education materials in the regional language.
- Spread awareness about RTI in the rural areas through self-help groups, since 90% of the rural masses are unaware about this law.
- Prepare a training module on RTI.
- Share the learning's from this conference with other colleagues at work.

Punjab

- Work towards the effective implementation of the law in Punjab.

Rajasthan

- Disseminate information about RTI to the students of Sophia College in Ajmer, especially at the "youth speaker's forum".
- Write a feature on RTI for a news agency that reaches out to all South Asian countries.
- Use and knowledge gained from the conference and also the learning's from other people's experiences to access information concerning prisoners.

Uttar Pradesh

- Bring about awareness amongst the citizens, especially in the colleges as well as at the village level about their right to access government-held information.
- Organise awareness programmes for government officials of different departments.
- Use the electronic media to disseminate information about RTI. Distribute video clippings on RTI, including those from the conference.
- Sahabhagi Shikshan Kendra will organize a state level workshop on RTI with their network of 425 partners.
- Bring about awareness on RTI at the panchayat level.
- Carry out policy advocacy with government.

West Bengal

- Share experiences and learning's from this Conference with other colleagues in Kolkata.
- Organize an awareness generation programme on RTI with other NGOs in the state.

ISI

-
- Prepare materials on RTI in the regional languages.

ANNEX 1

IMPLEMENTATION OF THE RTI ACT: SOME PROBLEM AREAS

| Sl. | Problem Areas |
|------------|---|
| 1. | Poor knowledge about the Act at the lower levels of administration – Panchayat and Block levels. |
| 2. | Fee structure notified by states varies widely. Some fee provisions are against the spirit of reasonableness. Need for uniformity in the fee rules across the country. |
| 3. | Many High Courts and State Legislatures are not implementing the Act in all seriousness as they have not made rules for implementation. |
| 4. | Is proactive disclosure compulsory for organizations exempt under s 24 and Schedule 2 of the Act? Do they have to have PIOs? |
| 5. | In Karnataka a couple of Ministers has been made PIOs of their Ministries. Who will be the Appellate Authority in such cases? |
| 6. | S 19(9) and s 23 mention the possibility of appeal against the decision of the Information Commission. Where will this appeal lie? Within the Commission or in the High Courts? |
| 7. | Bar Councils do not consider themselves as public authorities despite being a statutory body. How do we make them comply with the RTI Act? |
| 8. | Can representatives of bodies (legal but artificial persons) make information requests on behalf of the organisation? Often information is denied saying the requester is not asking in his role as citizen. Is this correct? |
| 9. | What action can be taken against PIOs who deny access to information only on the 30 th day? What action can be taken to make the PIOs deal with information requests expeditiously as required by the RTI Act? |
| 10. | Why does the CIC not have a time limit for disposing appeals and complaints? |
| 11. | What option does a citizen have if a PIO refuses to accept an application saying his office does not have or is not the holder of that information? |
| 12. | Some PIOs insist on payment of fees in a particular mode such as demand draft or treasury challan. What action can be taken against such PIOs? |
| 13. | Is the President of India covered by the RTI Act? Is his office duty bound to give information not covered by the exemptions? |
| 14. | In order to prevent the citizen from going through a time-consuming 2-tier appeals process is it not better for the First Appellate Authority to also have the power to penalize? Unlike the Information Commissions they do not have such power. |

ANNEX 2

CASE STUDIES ON USE OF RTI BY CITIZENS

Case Study 1:

No job despite selection⁴

Chandrakant Sasane is 31 years old and belongs to a scheduled caste. He holds an M.A. degree in Social Work. Though he was selected for the position of lecturer at Mumbai's N G Acharya and D K Marathe College of Arts and Science, the college did not appoint him to the post. Mr. Sasane approached Mr. Shailesh Gandhi for help. At first Mr. Gandhi was skeptical about his story.

However, using the Right to Information law, he asked for documentary evidence from the college as well as from Bombay University. The college did not reply, for which the appeals mechanism under the RTI Act needs to be applied. But the information given by the Bombay University was alarming.

On 14 September 2004, a Bombay University selection committee -- with seven of its eight members present -- unanimously selected Chandrakant Sasane for appointment as lecturer to teach the Foundation Course in Philosophy at the college. The post was reserved for SC/ST and six candidates had been interviewed. The selection committee also included the Principal Dr D M Muley and the Head of Department, Professor A V Desai, of the same college. On 16 September 2005 the University followed up and sent a recommendation to the college to appoint him. However, the college did not issue the letter of appointment to Sasane.

However, on 19 April 2005, without assigning any reasons, the college asked the University for permission to advertise for the same post on 11 July. The University refused permission, since the college had not appointed Sasane!, This is the story of a visually challenged young man waiting for a job for more than eighteen months now, in Chembur, Mumbai.

Case Study 2:

For Ration Cards - Everyday is a Saturday

Kalol taluka in Panchmahals district belongs to one of the less developed parts of vibrant Gujarat. Panchmahals is home to fairly large sized communities of adivasis who have not benefited from the economic development that has made the Patels and the Shahs well known across American and European business houses. Additionally, several hundred of families belonging to the minority community live below the poverty line (BPL). The public distribution system set up by the government is an indispensable means of securing food grains at subsidised prices for these families. However securing a ration card is a herculean task for them unless they are willing to bribe officials or middlemen or both.

The Deputy Mamlatdar at the taluka level is responsible for issuing ration cards of all kinds in rural areas. Printed application forms are available free of charge which people can use to apply for a new ration card, get a duplicate made, have the names of new family members added or that of the deceased deleted or get a card divided if a joint family wishes to have separate cards for its members. One would expect that any citizen would be able to walk into the Deputy Mamlatdar's

⁴ www.indiatogether.org.

office and submit an application any time of the day provided he/she has put together copies of all necessary supporting documents.

In Kalol, however, a large computer printed sign pasted prominently on the walls of the Mamlatdar's office warned people to visit the office only on Saturdays for ration card related work. State government offices in Gujarat work on the first and third Saturday every month. The other two Saturdays are holidays. In effect this meant that applicants from more than 60 villages of Kalol taluka had only a window of two days every month to put in their applications for ration cards every month. Even here those who cobbled up money to bribe touts got priority treatment. Those who could not simply had to wait their turn to arrive and if it did not come before closing time, they were simply chased away. They would come back the next working Saturday and go through the process of waiting for a darshan of the Dy. Mamlatdar all over again.

Fed up by this system, Aslambhai, a resident of Kalol decided to find out if the two Saturday limit had any legal basis. He had recently learnt about the Right to Information Act and knew that as a citizen he could ask almost any information from government offices and get it within a deadline for a small fee. Aslambhai drafted an information request asking for the Government Resolution (GR) that said that applications for ration card related matters would be received only on Saturdays. Besides he also requested for all GRs that listed the procedural requirements for ration card related work.

The Mamlatdar is the designated Public Information Officer at the taluka level in Gujarat. When Aslambhai visited his office to submit his RTI application in person, the Mamlatdar refused to even read it let alone accept it. He told Aslambhai that there were no orders for giving information to people at the taluka level. People would get whatever information they wanted from the district level. Aslambhai knew that the Mamlatdar was lying. He also knew that he could send the application by post. He sent his application to the Mamlatdar by Registered Post with Acknowledgement Due (RPAD). Needless to say the application was delivered to the Mamlatdar's office.

Fifteen days later Aslambhai was asked to visit the Dy. Mamlatdar to discuss his information request. Aslambhai refused to meet him as he saw no reason for doing the same. The Dy. Mamlatdar then pressurised Aslambhai's father to advise his son to withdraw that part of the application which inquired about the Saturday limit. He was assured access to all other GRs. He was told that there was no GR requiring them to do ration card related work only on Saturdays. It was only an informal arrangement they had adopted for administrative convenience. If this matter reached his superiors the Dy. Mamlatdar was afraid he might lose his job. Aslambhai stood his ground and refused to concede. He advised the Dy. Mamlatdar to issue a rejection letter if he did not want to give the information as he could then go on appeal or send a complaint to the State Information Commission.

Ultimately, the Dy. Mamlatdar was forced to issue a reply on his letterhead clarifying the matter. Aslambhai was told that there was no GR as such and that Saturdays were fixed for summoning applicants to collect their ration cards. This was done so that applicants would be free from work on Saturdays and would not have to forego a day's wages by visiting the office on a working day. Aslambhai was assured that henceforth they would receive applications for ration card related work on all working days at all working hours.

Aslambhai and his friends say that the working of the Dy. Mamlatdar's office has really improved since this little adventure of theirs. People are able to visit the office whenever they wish and submit their applications any time during working hours. Aslambhai believes, the RTI Act has finally

changed the power equations for the underprivileged people. They have in their hands a tool for making government offices work according to the law.

Case Study 3

Delhi RTI exposes World Bank

The World Bank came under fire after it was revealed that civil servants in Delhi were repeatedly overruled by Bank officials in their choice of consultants for a multi-million dollar contract to plan the privatisation of Delhi's water supply.

Documents obtained under Delhi's Right to Information Act show the Bank intervened to the benefit of PriceWaterhouse Coopers (PWC), which had failed to make the grade when the Delhi government put out the tender in 1998.

The contract was to produce a plan to privatize Delhi's water supply, which provides a spluttering service to 1.6m households in a city of 20 million people. It was eventually won by PWC in the teeth of opposition from Delhi's Government officials, who constantly ranked it below other bids.

Campaigners say PWC's "blueprint for reform" closely mirrors other water privatisations funded by the World Bank. A number of these have failed to deliver promised benefits, notably in Manila and South America.

Arvind Kejriwal of Parivartan, an anti-corruption group which obtained the documents, accused the World Bank of dictating terms and exercising undue influence over an accountable body.

"The World Bank blatantly and arbitrarily intervened in the award of this contract to the benefit of one bidder," according to Parivartan. It was in effect micromanaging the deal. It may not be corrupt but this is ideological corruption."

The correspondence between the Delhi Jal Board, which oversees water supply in the Indian capital, and World Bank officials shows that PWC lost three times to rivals during the bidding process. It did not even make a shortlist until bank officials insisted that "at least one consultant should be short listed from a developing country". PWC is a multinational firm but has an Indian subsidiary registered in Calcutta.

Papers show that in the second round of bidding, PWC came fifth out of six consultants and again failed to qualify. The World Bank response was to modify the criteria for evaluation and to ask for an "explanation of what exactly are PWC's shortcomings".

Civil servants wrote that the "project could be in jeopardy if the suggestion of the World Bank were not agreed to". PWC was reinstated with higher marks. In the next round, PWC again failed but was allowed to make the cut after the World Bank chose to ignore an expert who had had serious reservations about the firm's expertise. The company clinched the US \$2million contract in 2001.

Case Study 4

Stealing Money meant for Children

The Madhya Pradesh State Government runs the Indus Child Labor Project funded by the International Labour Organization (ILO). The main aim of this project is to provide primary education to erstwhile child labourers. It also provides for their professional skill development. This three-year project is being implemented in five districts namely, Katni, Jabalpur, Mandla, Satna and Sagar since January 2004.

Indus Project is implemented through a registered society - National Child Labour Project (NCLP) which receives monies from ILO through the State Government and makes disbursements. The District Collector is the President of NCLP and the District Labour Officer is its secretary. Five Project Directors are appointed for overseeing the execution of the project. In Katni district alone a sum of Rs 31,80,750 has been earmarked for the execution of this project.

Rumours about corruption in the implementation of Indus Project have existed since its inception. But citizens had no means of proving the same as they did not have access to any documentation before the central RTI Act came into force. MP had passed its own RTI Act in 2002 but it was not implemented as the rules had not been made yet. When citizens tried to apply for information under the Departmental RTI orders issued by the State Government in 1997, information was denied on the ground that these orders did not apply to UN sponsored projects.

Mr. Mohan Nagwani an RTI activist working in MP along with the Madhya Pradesh Suchana Adhikar Abhiyan, got to know of the widespread corruption in the Indus project. He decided to file an application under the RTI Act to find out the truth.

Mr. Nagwani filed his application with the PIO of the Indus Project Office in Katni on December 7, 2005. He asked for the following information -

- 1) The number of first aid kits bought for Teaching Centres being run under the Project in Katni;
- 2) The rate at which the kits were bought
- 3) An inventory of the contents of the kit
- 4) A copy of the proactive disclosure under Sec 4(1)(b).

Mr. Nagwani received the information within 17 days after payment of additional fees. The Public Information Officer informed him in writing that 40 first aid kits were bought at the rate of Rs. 3,500/- per kit. These kits were bought in August 2005 and supplied to 40 Training Centres in Katni in September. This data alone did not reveal any evidence of corruption.

Mr. Nagwani decided to ascertain the prevalent market rates for the first aid kit. He sought quotations from the local distributors of three companies (one Indian and two multinational) which sold similar kits. The quotations received were as follows -

Paras Pharmaceuticals (Indore based company) - Rs. 760/-

Alembic Pharmaceuticals (Kolkata based MNC) - Rs. 930/-

Glaxo Smithkline Beecham (another well known MNC) - Rs. 970/-

The implementing agency spent Rs. 1,40,000/- for buying 40 kits @ Rs. 3,500/- per kit through an open tender process where the contract for supply is awarded to the lowest bidder. Had the agency bought the kits from the open market from the most expensive distributor - Glaxo - it would have had to spend only Rs. 38,800/- It is crystal clear - somebody has pocketed more than one lakh rupees in the procurement process. There are 200 Indus Teaching Centres in MP. If corruption in procurement is the prevalent norm in all five districts the scandal could run into several lakhs of rupees.

Dr. Rakesh Ranjan of Sandhan Katni who is also the Coordinator of the Madhya Pradesh Suchana Adhikar Abhiyan decided to investigate the matter further. Along with a journalist from *Dainik Jagran*, he visited 10 Teaching Centres to check the kits on the spot. They were astonished to find that none of the kits displayed any company logo. In three centres the kits were found to be empty and the contents of seven kits in other centres were of cheaper quality than that mentioned in the quality specifications. This scandal was highlighted in the local newspapers. But no action has been initiated by the district administration so far. Dr. Ranjan will be sending a complaint along with documentation of his findings to ILO and the vigilance authorities of MP Government.

Some people feel no shame or remorse for stealing money meant for underprivileged children.

ANNEX 3

DRAFTING INFORMATION REQUESTS (APPLICATIONS) : NECESSARY ELEMENTS

Date:

Name of the Public Information Officer (optional)

Name of the Public Authority / Government Office

Address of the Public Authority / Government Office

APPLICATION FOR INFORMATION UNDER THE RIGHT TO INFORMATION ACT, 2005

Description of the nature of information required: _____
(records/documents/samples/models etc.)

Period for which information is required: _____

OR

Whether inspection of records/public works is being sought: _____

If yes, mention extent of inspection time desired: _____

Mode of application fee payment: cash/demand draft/banker's cheque/ non-judicial stamps/
treasury challan

If paying by bank draft/banker's cheque, mention serial number: _____

If receipt or challan is issued, mention serial number: _____

OR

Whether applicant belongs to BPL Category: Yes / No

If belonging to BPL category whether proof has been attached: Yes / No

Whether applicant requires information to be sent by post: Yes / No

Signature of the applicant

Name of the applicant

Complete Address of the applicant

Telephone / email / fax

ANNEX 4
NATIONAL CONFERENCE
ON THE
WORKING OF THE RIGHT TO INFORMATION ACT, 2005

jointly organised by

Commonwealth Human Rights Initiative
 New Delhi

Indian Social Institute
 New Delhi

Date: 27 – 28 March, 2006

Venue: Hall # 301, ISI

AGENDA

Day One

27 March 2006

9:30am – 9:55am

Registration

Introductory Session

10:00am – 11:45am

Moderators: T A John (ISI) & Venkatesh Nayak (CHRI)

| | | |
|-------------------|---|---|
| 10:00am – 11:45am | <ul style="list-style-type: none"> <input type="checkbox"/> Welcome <input type="checkbox"/> Introduction to CHRI and ISI and objectives of the conference <input type="checkbox"/> Introduction of Participants <input type="checkbox"/> Participants identify problem areas in the implementation of the RTI Act by | <p><i>Mr. Tom Kunnunkal</i></p> <p><i>Venkatesh Nayak</i> (CHRI)</p> <p><i>Moderated by CHRI & ISI</i></p> |
|-------------------|---|---|

11:45am – 12noon

Tea break

Working Session I

UNDERSTANDING THE MAIN PROVISIONS OF THE RTI ACT

12 noon – 1:30 pm

Moderators: Bijulal M V (ISI) & Venkatesh Nayak (CHRI)

| | | |
|-------------------|--|---|
| 12 noon – 12:45pm | <ul style="list-style-type: none"> <input type="checkbox"/> Presentation on the RTI Act | <i>Ms. Sohini Paul</i> (CHRI) |
| 12:45pm – 1:30pm | <ul style="list-style-type: none"> <input type="checkbox"/> Question – Answer session | <i>Moderated by CHRI & ISI</i> |

1:30pm – 2:15pm

Lunch break

Working Session II

PARTICIPANTS' INFORMATION NEEDS AND POSSIBILITIES OF USING RTI

2:15pm – 4:00pm

Facilitators: CHRI and ISI representatives

| | | |
|-----------------|---|--|
| 2:15pm – 3:00pm | Participants identify information needs in their areas of work and link it with RTI | Group work |
| 3:00pm – 4:15pm | Presentations by groups to the plenary | <i>Moderated by Ms. Sohini Paul and M V Bijulal</i> |

4:15pm – 4:30pm Tea break

Panel Discussion

RTI ACT AND THE IMPLEMENTATION EXPERIENCE

4:30pm – 6:00pm

Chair: *Mrs. Maja Daruwala (CHRI)*

| | | |
|-----------------|--|---|
| 4:30pm – 6:00pm | <ul style="list-style-type: none"> ❑ Welcome Address ❑ Presentation on problems of accessing information after the operationalisation of the RTI Act ❑ An over view of the implementation experience with particular reference to Gujarat ❑ Role of Information Commissions in the implementation of the RTI Act – Address by the Chief Guest Speaker ❑ Brief question-answer session ❑ Closing remarks from the Chair | <p><i>Dr. Jimmy Dabhi</i> Director, ISI</p> <p>1-2 participants</p> <p><i>Prof. Jagdeep Chhokar</i> Professor, IIM Ahmedabad Association for Democratic Reforms (ADR)</p> <p><i>Mr. Wajahat Habibullah</i> Chief Information Commissioner, Central Information Commission, Delhi</p> <p><i>Moderated by Mrs. Maja Daruwala</i> Director, CHRI</p> |
|-----------------|--|---|

Day Two

28 March 2006

Working Session III

DRAFTING INFORMATION REQUESTS UNDER THE RTI ACT

10:00am – 1:15pm

Facilitators: *M V Bijulal (ISI) & Sobini Paul (CHRI)*

| | | |
|-------------------|---|---|
| 10:00am – 10:15am | <input type="checkbox"/> Recapitulation of the first day's proceedings by 1-2 participants | <i>Moderated by CHRI and ISI</i> |
| 10:15am – 10:25am | <input type="checkbox"/> Preliminaries to the exercise of drafting information requests | <i>Venkatesh Nayak</i> (CHRI) |
| 10:25am – 11:15am | <input type="checkbox"/> Group work for drafting information requests relating to the issues identified on Day 1. | |

11:15am – 11:30am

Tea Break

Working Session IV

DISCUSSION OF DRAFT INFORMATION REQUESTS

11:30am – 1:00pm

Moderator: *Venkatesh Nayak (CHRI)*

| | | |
|------------------|---|---|
| 11:30am – 1:00pm | <input type="checkbox"/> Presentation of draft information requests to the plenary <input type="checkbox"/> Tips for improving the quality of information requests | <i>Group spokespersons</i> <i>Mr. Shailesh Gandhi</i> Member, Working Committee, NCPRI |
|------------------|---|---|

1:00pm – 2:00pm

Lunch Break

Panel Discussion

USE OF THE RTI ACT BY CITIZENS – SUCCESS STORIES

2:00pm – 4:00pm

Co-Chairs: *Dr. Jimmy Dabhi & Mrs. Maja Daruwala*

| | | |
|-----------------|---|--|
| 2:00pm – 4:00pm | <input type="checkbox"/> Opening remarks <input type="checkbox"/> Using RTI to improve accountability of public authorities in Gujarat <input type="checkbox"/> Use of RTI by citizens in Mumbai and Maharashtra <input type="checkbox"/> Use of RTI to hold public authorities accountable in Delhi <input type="checkbox"/> Implementation of the RTI Act from the perspective of | <i>Mrs. Maja Daruwala</i> Director, CHRI <i>Mr. Aslam A. Diwan</i> Kalol Information Centre <i>Mr. Shailesh Gandhi</i> Member, Working Committee, NCPRI <i>Mrs. Madhu Bhaduri IFS (retd.)</i> Parivartan, Delhi <i>Mr. C B Paliwal, IAS</i> Joint Secretary (RTI), Department |
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Annex 5
Conference Expenditure

| <u>Sl.</u> | <u>Item</u> | <u>Amount in Rupees</u> |
|-------------------|--|--------------------------------|
| 1. | Travel reimbursement for Participants | 1,63,650/- |
| 2. | Boarding and lodging at Vishwa Yuvak Kendra and ISI and use of facilities at ISI | 1,03,275/- |
| 3. | Local conveyance for participants from VYK to ISI and back | 3,265/- |
| 4. | Workshop Kits, photocopying, telephone and incidental expenses | 21,329/- |
| Total | | 2,91,519/- |

ANNEX 6

LIST OF CONFERENCE PARTICIPANTS

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About CHRI

The Commonwealth Human Rights Initiative (CHRI) is an independent, non-partisan, international non-governmental organisation, mandated to ensure the *practical* realisation of human rights across the Commonwealth. CHRI's objectives are to promote awareness of and adherence to the Harare Commonwealth Declaration, the Universal Declaration of Human Rights, and other internationally recognised human rights instruments, as well as in-country laws and policies that support human rights in member states. CHRI has a family of offices - headquarters in New Delhi, India; an Africa Office in Accra, Ghana and a Liaison Office in London. CHRI works in collaboration with civil society organisations in India for spreading awareness about the citizens' right to information, and monitoring the implementation of the RTI Act. More information about CHRI's activities can be found at: www.humanrightsinitiative.org

About ISI

The Indian Social Institute (ISI), New Delhi, was established in 1951 in response to the challenges of nation-building and a new emerging social order of independent India. It has evolved its vision, mission, goals and objectives in responding to the changing situation in the country in the spirit of a learning organization over the last fifty years. In carrying out this responsibility, the Institute, closely interacts, networks and collaborates with the various departments of the central and state governments, various organizations/institutions, social and human rights activists, academia and many civil society members within and outside India. For more information visit our website at: www.isidelhi.in

Acknowledgement

CHRI gratefully acknowledges the British High Commission for their support for this Conference.

CHRI is grateful to the Friedrich Naumann Stiftung, the Sir Dorabji Tata Trust and the Ford Foundation for supporting its Right to Information Programme.

Conference Rapporteur

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