

**Report of the Workshop on
The Right to Information and the Media
Past Experiences and Future Possibilities**

**14 –15 May 2005
Board Room, New Admin. Building, YASHADA, Pune**

Background:

As a part of its advocacy work over the last few years, CHRI has been holding awareness building workshops on right to information with the media. The world over, the media have been the most frequent users of the right to information, using access laws to support their findings and stories. In India, the media have been less receptive to the concept of right to information and are only now beginning to publish stories on the right to information. In this context, a workshop on “The Right to Information and the Media: Past Experiences and Future Possibilities” was organised by CHRI in collaboration with YASHADA (Yashwantrao Chavan Academy of Development Administration). YASHADA is the premier development-training institute based in Pune, which also trains public officials to implement the Maharashtra Right to Information Act (MRTIA) in a manner that supports the purpose and spirit of the law.

MRTIA was operationalised two years ago, mainly as a result of the people’s movement spearheaded by Shri. Anna Hazare, that demanded transparency and accountability in Government. Since then, citizens in both urban and rural areas have been using MRTIA to unearth corruption, mismanagement of public funds, the misuse of public resources and compel authorities to open up decision-making processes in the true spirit of transparency, the hallmark of a genuinely democratic Government. The media has taken an interest in highlighting these success stories with the right to information slowly becoming a source of media interest and concern in Maharashtra.

With the passing of the national Right to Information Bill 2005 by both Houses of Parliament in May this year the timing of this workshop was of strategic importance, especially for the media as they became aware about the value of RTI and the salient features of the RTI law. This will now enable them to not only spread awareness about this historical legislation, but also use it in accessing information themselves in order to enrich their stories and reports.

Objectives:

CHRI and YASHADA organised the workshop with the following objectives:

1. To increase awareness amongst the participants about the constitutional and legal framework for accessing information;
2. To educate participants about the provisions of the national law on right to information as well as the Maharashtra Right to Information Act
3. To share experiences of citizens as well as journalists who have used right to information laws successfully within Maharashtra as an inspiration
4. To apprise participants about the possibilities of using RTI provisions to secure information related to their work areas by showcasing examples from abroad.
5. To create a Statewide network of media persons who will work on RTI issues.

Profile of Participants:

About 25 media persons working with the print and the electronic media at the state and district level attended the one and a half day long workshop. The participants were primarily from Pune with a few representatives from Mumbai, Solapur and Nashik. There were also three representatives from the Directorate General of Information and Public Relations, Government of Maharashtra representing the districts of Ratnagiri, Amravati and Nashik. Besides, there were a few citizens from Pune including retired government officials. A representative from the Friedrich Naumann Stiftung Foundation (FNSt), New Delhi also attended the workshop. In order to meet the expectations of participants the workshop was conducted in English and Marathi.

The participants were chosen with the objective of building a corps of committed media persons who would not only spread awareness about RTI amongst citizens by writing articles and news stories in their newspapers as well as broadcast RTI related messages and stories in their radio and television programmes but also file RTI applications themselves to access information from Government departments when required.

Resource Persons:

- **Mr. Ratnakar Gaikwad**, IAS, Director General, YASHADA, Pune
- **Capt. A.V. Deshpande**, IAS, Deputy Director General, YASHADA, Pune
- **Justice P.B. Sawant**, former judge Supreme Court of India and former Chairman of Press Council of India
- **Professor S.P. Sathe**, Hon. Director, Institute of Advanced Legal Studies, ILS Law College Pune
- **Mrs. Maja Daruwala**, Executive Director, CHRI
- **Mr. Prakash Kardaley**, The Indian Express, Pune
- **Maj Gen (retd.) S.C.N. Jatar**, Nagarik Chetna Manch, Pune
- **Ms. Vinita Deshmukh**, Senior Editor, The Indian Express, Pune
- **Mr. Shivaji Raut**, journalist, RTI activist and member of Mahadhikar Group, Satara
- **Mr. Vijay Kumbhar**, RTI activist, Pune,
- **Ms. Madhuri Barge**, RTI activist, Pune
- **Ms. Kishori Gadre**, Assistant Professor, YASHADA, Pune
- **Mr. Venkatesh Nayak**, CHRI, New Delhi
- **Ms. Sohini Paul**, CHRI, New Delhi

Day –I (May 14, 2005)

Inauguration

Welcome Address

The workshop started with a welcome address by **Mr. Ratnakar Gaikwad**, Director General of YASHADA where he emphasised the timely organisation of the workshop in light of the Right to Information Bill 2005 being passed by both Houses of Parliament. He indicated the important role that YASHADA has been playing in the State with support from like-minded individuals like Professor Sathe and Mr. Prakash

Kardaley in sensitising bureaucrats and changing their mindsets about the Maharashtra Right to Information Act (MRTIA). He further said that YASHADA has entered the second phase of its work related to Right to Information (RTI), where it will concentrate on sensitising people at the district level, with focus on Section 4 of the central RTI Act, which deals with proactive disclosure of information. He spoke of a pilot project that will be carried out with support from the Ford Foundation in the Ahmednagar district. The main focus will be on training different stakeholders including government officials, NGOs, panchayat representatives on the law etc.

Objectives of the Workshop

Ms. Maja Daruwala, Executive Director, CHRI spelt out the objectives of the workshop. She stressed that with the enactment of the national right to information law, there will be a change of culture in the country. The new bill will fundamentally change the power relationship between the citizens and the government. There will be a change in attitude from being “subjects” to “citizens”. The Bill when it becomes an Act will help us to move towards good governance in the country she said. There will be a shift from the culture of secrecy to a culture of openness. She further stated that, this Act would send a strong signal to the political elite that things must change. The Prime Minister has sent the signal to change this culture in his intervention in the debate on RTI Bill.

Mrs. Daruwala said that the primary objective of the workshop was to sensitise the media about Right to Information. ‘Information is power’ and the media should play the role of providing information support to the people to secure rights, development and good governance. The role of the media is to write about RTI in an educated manner. She further stated that the media could also use this Act to access information from the government. This has been done in other jurisdictions. The right to information provides the media with the opportunity to write and report stories with credibility and accuracy. She noted that a large majority of people are living below the poverty line in India today. Poverty is not only related to the lack of income but is intrinsically linked to the lack of choice, equality and most importantly of information. A large section of the population are unaware of their rights as citizens. She concluded by saying that the media as guardians of “freedom of speech and expression” can help eradicate this poverty of information, by disseminating accurate information in order to secure people their rightful entitlements.

YASHADA’s role in spreading awareness about RTI in Maharashtra

Capt. A.V. Deshpande, Deputy Director General of YASHADA, made a power point presentation on YASHADA’s role in spreading awareness about Right to Information in Maharashtra (copy of presentation attached).

In his presentation he indicated the paradigm shift in right to information legislation. The Central Act will be implemented by people and acted upon by government. At present several countries around the world and nine States in India have access to information legislations.

The ultimate goal of accessing information from the government will lead to the following benefits:

- Lead to good governance
- Reduce corruption

- Bring about transparency in administration
- A pillar of democracy
- Assurances of minimum wages thereby lead to poverty alleviation
- Curb fatalism and blind faith

Capt. Deshpande then spoke about YASHADA's role in spreading awareness about the Act. In relation to the Maharashtra Right to Information Act, YASHADA has trained more than 2000 Public Information Officers and Appellate Authorities at the first level. He said that it is the only institution in India with a separate cell for training, research and consultancy related to RTI. In order to get expert advice in carrying out its various functions, it has formed a peer group of experts in the field of RTI. The members of this group include Mr. Prakash Kardaley, Indian Express, Mr. U.C. Sarangi, IAS, Principal Secretary to Chief Minister, Government of Maharashtra and Mr. Satyaranjan Sathe. YASHADA has also been assigned the role of advisor to the State Government on the implementation of MRTIA. The changes suggested by YASHADA to the State Government regarding proper implementation of the Maharashtra Act have been incorporated in the form of government resolutions. Recently YASHADA has conducted a series of workshops with different government departments particularly focussing on Section 4 of the national RTI Act, which deals with suo-moto or proactive disclosure of information by public authorities. Besides, it has used the mass media such as radio and television channels to spread awareness amongst the masses on the RTI Act as well as having published a booklet in Marathi.

Keynote Address

Justice P.B. Sawant, former judge of the Supreme Court of India and former Chairman of Press Council of India, gave the keynote address. He emphasised that the right to information needs to be discussed on two fronts i.e. State Information Act and the recently passed central Right to Information Bill 2005. He said that it is a known fact that RTI is an integral part of the fundamental right of freedom speech and expression as guaranteed under Article 19 1(a) of the Constitution. The Supreme Court of India in several decisions has emphasised this fact. Besides being a fundamental right, RTI is also a human right as spelt out in the Universal Declaration of Human Rights (UDHR) in 1948, International Covenant on Civil and Political Rights and other European and American Human Rights Conventions.

In discussing the State and national RTI legislations, he explained that both legislations are more expansive and restrictive than the right to freedom of speech and expression. They are more expansive because the right to freedom of speech and expression can be enforced against the State alone whereas the MRTIA has made it clear that this right can be enforced against other bodies as well including NGOs, trusts (registered under Bombay Trust Act), societies (registered under Societies registration Act), co-operative societies and trade unions. On the other hand, the right to information legislations are restrictive in comparison to Article 19 1(a). It is an enabling law for enforcing the right.

Justice Sawant then went on to say that democracy is commonly understood in terms of Abraham Lincoln's definition that is 'Government of the people, by the people and for the people'. People means "informed people". If people are to become rulers in place of authoritarian regimes then they must be well informed. Therefore, an informed citizenry are the back bone of a democracy, a citizenry who make informed

decisions, question decisions taken and participate in the day-to-day functioning of society and government in an effective manner. Democratic rights include the right to participate; this is not possible where citizens do not have access to authentic information, which would enable them to perform this role.

Role of Media: Justice Sawant explained that the general feeling amongst people is that RTI as well as the provisions related to freedom of speech and expression are more accessible to the media. But as a matter of a legally accessible right, the media and ordinary citizens have equal access to information under the act. This is provided for in the Constitution in the form of Right to Equality (Article 14). The media is the prime beneficiary of RTI as media personnel have the time to pursue information, use it and take it to its logical conclusion. He advised that their role was to function as a constructive opposition in a democracy and not as an adversary of Government. He urged the media personnel that they must oppose what is bad and also suggest changes for improvement since the political opposition has not played this role, as they fear losing votes. He reiterated that independent institutions like the media (though, the media may not be independent in all cases) can play an important and constructive role in the long-term well being of the nation and is the only entity within the state equipped to play such a role. With the right to information on their side, the media need no longer depend on questionable sources of information, and can use RTI Act to access credible and authentic information. This legislation is a powerful tool in the hands of the media to get the required information within a definite time period by applying for it. The right to information heralds a new age of investigative and authentic journalism.

Need to include private institutions in the RTI law: Justice Sawant then spoke about the Maharashtra legislation for accessing government held information. He said that the MRTIA is the first RTI law in India to bring non-government institutions under its purview. It has made certain private institutions (NGOs, trusts, societies, co-operative societies and trade unions) open for providing information. He said that central legislation does not include private institutions, companies, proprietorship concerns, and firms, enterprises run by individuals. He felt that these institutions must also be covered by the legislation, especially in this era of privatisation, wherein many public services and public sector undertakings are being given into private hands. Justice Sawant observed that these same institutions when run by the government have to provide information to the public and when they get de-nationalised then that information is no longer available to the people. Even in the possible absence of government, society goes on as social institutions run it. Therefore, he emphasized that all institutions, which carry out activities that are of public interest, must come under the purview of the RTI law.

Justice Sawant then gave a few examples to illustrate his point. With the enactment of the new RTI law, citizens can ask for information from a public sector bank but not from a bank, which is in private hands. Similarly, if the Government runs a sugar factory it is open to the public and not so if it is run by the private sector, even though both these factories use public resources and funds. The private sector gets its funds from shareholders and depositors money as well as from financial institutions, which shows that they too use public resources to run their companies. He made an observation that all major scams have been in the private sector, especially in banks

and financial institutions. He noted that secrecy is greater in the private sector, whereas truth comes out sooner in the public sector.

Justice Sawant was of the opinion that this lacuna in the new law is not in the spirit of the law since a greater part of governance is outside its jurisdiction as they are being handled increasingly by private concerns. He said that it would be a mistake if we think that we are nearer the goal. He felt that in the near future, many government bodies might get de-nationalised and more and more government run services privatised. This trend will continue till a day when only functions related to law and order remain with the government and with the rest in private hands and therefore, outside the purview of RTI Act. As a result he felt that the time has not yet come to rest on our laurels there are still miles to go.

Justice Sawant then went on to speak about the National and State RTI legislations. He said that the national law would ultimately replace the mechanisms set up under MRTIA. However, until the new machinery is set in place, the MRTIA mechanism would continue. The national RTI Act does not talk of institutions other than the public authorities, which have to disclose information, unlike the Maharashtra Act. He felt that this might lead to conflict, especially when the Centre cannot repeal the Maharashtra Act. In the present situation till the procedural section of the national act replaces the procedural section of the Maharashtra Act, the citizens could avail of procedures given by the State law. He added that the State legislation has opened up certain institutions (for example, trade unions, co-operative societies, trusts etc.), which will now be outside the purview of the national Act.

Justice Sawant then went onto say that the best way of reconciling the Maharashtra Act and the Central Act was to avail of the more beneficial provisions of both Acts. Where the Central Act has more progressive and substantive provisions, citizens should take advantage of them. For example, under the Central Act, citizens living below the poverty line do not have to pay the requisite fees when applying for information. The Maharashtra Act does not have a similar provision and so in Maharashtra, citizens below the poverty line should be able to avail of the clause under the Central Act.

The second example he gave was in the context of the time limit for giving information. While the Maharashtra Act says that information has to be provided within 15 working days, the Central Act says that information will be provided within 30 days. In this case people can avail of the beneficial provisions of the Maharashtra Act. The third example as cited by Justice Sawant was in cases where person's life and liberty is at stake. In this connection the Maharashtra Act says that information has to be given within 24 hours, whereas the Central Act provides for a time limit of 48 hours to disclose information. As a consequence Justice Sawant said that if both acts exist simultaneously, citizens must avail of the beneficial provisions of each act.

He further emphasized that the Right to Information should not be seen as an additional subject, but as a means of availing fundamental rights. Fundamental rights like Article 19 (freedom of speech and expression) are declaratory in nature and do not provide any means for their enforcement or implementation. Those who have the means have availed of these rights so far, in the absence of enabling laws.

Address by Chair

Professor S.P. Sathe, Hon. Director, Institute of Advanced Legal Studies, ILS Law College Pune, presented the concluding remarks in this session. He gave an overview of the history of RTI legislation in India. He explained that the move to push for a Right to Information Bill began in 1989 when V.P. Singh was the Prime Minister of India. He said that in 2005, we finally have the Right to Information Bill, which has specified procedures for seeking and giving information and also includes penalties for wrongful refusal of information. He spoke about the importance of the RTI law in the promoting transparency, accountability, public participation and acting as an anti-corruption tool. He praised the efforts of civil society in putting pressure on the government to bring this new national law. In his opinion it indicated the maturity of the Indian democracy.

According to Professor Sathe, the new central RTI legislation will create a paradigm shift creating a feeling of trust between people and the State and a harmonious relationship between them. Indian politics has become adversarial and acrimonious; the right to information could reduce this to a large extent. He emphasized that there is a need today to sensitise and educate the bureaucracy entrenched for years in a culture of secrecy. He praised YASHADA's role in educating Government officials in this respect and felt that this would help to change the trend in bureaucracy towards secrecy. Professor Sathe reiterated the fact that the RTI law lays emphasis on proactive disclosure of information.

He then spoke about the role of media and the right to information. He said that the media have three important functions to play. They are to inform and educate the people about RTI; to generate debate; and to disseminate a democratic culture of tolerance towards alternative points of view. He emphasized the important role of the media in constructively criticising the functioning of government institutions (Parliament, Government, Supreme Court etc). With the RTI law this can be done in a better manner by the media.

Professor Sathe further added that when MRTIA was being drafted, the High Court was not under its purview. Even the judiciary has not been very willing in giving information. In this context the national law's inclusion of courts is a welcome development. Under the Central Act, citizens will have access to information held by the High Courts except information covered by an exemption. He also spoke of the need for other legislations protecting whistleblowers or entrenching the institution of the Ombudsman in India, to strengthen and support the right to information. He ended stating the need to strengthen the institution of the Lokayukta.

Working Session –1: Understanding MRTIA and its potential for securing accountability

Understanding Maharashtra Right to Information Act

This session on understanding the Maharashtra Right to Information Act was taken by **Mr. Prakash Kardaley**, a senior journalist with the Indian Express, Pune. He began his presentation by noting that Maharashtra was not the only State which has been innovative in implementing and using the right to information. The right to information is a global movement, which began, in the early nineties. Prior to the MRTIA, the first State legislation on right to information was carried out in Tamil Nadu where interestingly there had been no people's movement pushing for enactment of the law. This was followed by state legislations on RTI in Goa, Jammu and Kashmir and Assam. Today, 8 States and the National Capital Territory of Delhi have RTI laws. At the Centre, the national Government had passed a Freedom of Information Bill in 2002, but since it was never notified it remained a paper tiger. In 2004, the new Right to Information Bill was tabled in Parliament and in May 2005 was approved by both Houses of Parliament. He informed participants that India is the fifty-sixth country in the world to enact the right to information law. Many countries especially the developing countries in Africa, Asia, South America and the East European countries have freedom of information laws. The UK Act came into force in January 2005; the government had five years to prepare for implementation.

Struggle for enactment of the Maharashtra Act: Mr. Kardaley then spoke about the enactment of the MRTIA, which is regarded as one of the best acts in the country. He emphasized the role and efforts of Shri. Anna Hazare in bringing about enactment of the law. An older version modelled on the Tamil Nadu Act had few teeth. Anna Hazare put pressure on the Government for a better law. Mr. Kardaley detailed the process of enactment of the Maharashtra Act. He informed the group that the drafting of a new act was done by a team of retired judges and officials and not left to the bureaucracy. The new act was drafted taking into consideration international principles and best practices. Bureaucrats tried to delay the passing of the MRTIA by sending it to the President for his assent even though it was not necessary for the state government to do so. In January 2003, the President gave his assent, but the notification of the act was delayed. In order to put pressure on the government, Anna Hazare went on a fast and demanded that the MRTIA be enacted. The act was notified on the third day of Anna's fast.

Mr. Kardaley then spoke about the State and national law existing together in India. He noted that presently, it is not known whether the central Act will override or co-exist with the State law. The national law will apply to State matters as well. Therefore, people of Maharashtra will have two different laws with two different procedures. He said that with the passing of the national Right to Information Act there would be two parallel systems functioning in the State. It has not been clarified how this will work in practice.

Mr. Kardaley then spoke about the important provisions of MRTIA in comparison with the national RTI Act. The main points raised by him have been discussed below:

a) PIOs: He said that this is the MRTIA is the only act of its kind in the world, where every department has a Public Information Officer (PIO). In Maharashtra there are

PIOs at the Gram Panchayat level as well. With the central law there will be PIOs up to the taluka level. Below that there will be Assistant PIOs whose main job will be to collect applications and hand them over to the PIO for disposal.

b) Time Limit: According to the MRTIA, information has to be provided by the PIOs in 15 working days, whereas everywhere else information is given within a time limit of 30 days. The time limit of 30 days is a reasonable time for the PIO to collect information and pass it on to the applicants. If the PIO is unable to provide this information within the given time period, then he can ask for an additional period of 15 days. In the Central Act the PIOs have been given an additional time period of 10 days if the information is given by a third party who is invited to give objections if any to the request.

c) Appeals Mechanism: Mr. Kardaley also spoke about the independent appeals mechanism provided in both the legislations. For an RTI law to be effective, he said, there has to be a non-judicial independent appellate mechanism. He informed that an appeal against a PIO has to go to a senior officer. If this person has the same mindset as the PIO then he will not give information. In this case, an appeal can be made to the second appellate authority. In Maharashtra the second appellate authority is the Lokayukta. But this also suffers from certain inadequacies. It cannot force orders on the Government, but can only give recommendations. The Central Act has introduced the concept of Information Commissions, headed by an Information Commissioner. The Commissioner will be an eminent person in public life. He/she will be an independent appellate authority empowered to hear appeals under the law.

d) Penalty: He also spoke about the penalty clause, which is extremely necessary for any RTI law to be effective. Strong penalties give teeth to the law, as it would make the officials accountable to the citizens. The penalty clause was included in the bill after much struggle and pressure from civil society. He discussed the penalty clause in the Maharashtra Act, which has been a source of inspiration for the Central Act. The penalty provision must be in the law, though it need not be imposed in all cases, as its use in serious cases will act as a deterrent for recalcitrant officials.

Use of RTI by Citizen Activists and Civil Society Organisations: Mr. Kardaley cited examples of citizen's and civil societies use of RTI. There have been many instances in Maharashtra specifically where the MRTIA has been used to access government held information. In Pune, Major General SCN Jatar, a RTI activist has used this powerful tool many times. He praised the citizens of Maharashtra by saying that they are ahead of those in other States in using this Act. He also spoke about the use of RTI law by NGOs like Parivartan in Delhi where the Delhi Right To Information Act was used to make inquiries into the public distribution system. He described Parivartan's effort in effectively using RTI to get impoverished people their entitlements. After collecting information received from the ration shops under the provisions of the act, Parivartan verified it by going from house to house. This process of verification has not been done extensively in Maharashtra although many users have applied for information. The sustained efforts of Parivartan have resulted in a Government Order being issued by the Delhi Government to ration shops to display their records voluntarily every month.

In Maharashtra, the use of the MRTIA has been propelled by applications filed on an individual basis. Hundreds of individuals have been using this Act in a good and serious manner. He noted that it has helped citizens to track grievance applications and the status of complaints. In Maharashtra, NGOs (including Anna Hazare's organization) have not taken up RTI as a sustained campaign. Like Parivartan, people's organisations and movements can use RTI to shake up the administration, forcing it to deliver services it promises to provide to the people.

Capt. Deshpande of YASHADA informed that in the last 20 months in Maharashtra, 15,742 applications have been made to PIOs, out of which 1475 were appeals made to Appellate Authorities. 11,750 appeals were disposed off at the field level, and 2052 appeals were disposed off at the Mantralaya. 950 appeals at the Appellate Authority level were disposed off at the field level and 122 appeals at the Mantralaya level. Mr. Prakash Kardaley added that the actual number of applications might be twice this number, as many cases are not reported to the government. He said that the most popular government offices from which information is sought are the local bodies like the Pune Municipal Corporation (PMC). PMC itself has received over a thousand applications for information. However, he expressed the need to know the profile of MRTIA users in other parts of Maharashtra, since there is not much information available of the use of MRTIA in certain parts of the state such as Vidarbha, Nashik and North Marathwada regions. He opined that since individuals have been largely using MRTIA to get information, the networking and monitoring of applications is urgently needed. He stressed that media has an important role in highlighting people's difficulties in accessing information and to keep interest levels high in using RTI laws unlike in Goa where people even the presence of a state law gave up in frustration. He highlighted media's role in writing about grievances in using this law as well as using the law themselves to get information from the Government.

Presentation of case studies by citizen activists

In this session **Major General S.C.N. Jatar** who has been an active user of MRTIA in Pune city made presentations of two case studies depicting the use of RTI to reveal information related to use of public money by public authorities. He has made between 70 – 80 applications to various government departments including the PMC. The first case study presented by Maj. Gen. Jatar was about a study tour of some representatives of the Women and Child Welfare Department to Vaishno Devi and the second case study was of another study tour undertaken by the Corporators of Pune Municipal Corporation to Japan. He said that the purpose of the first tour was to see how roads are built there while that of the second tour was to improve relations between India and Japan. The information gathered in the first case revealed that the group went to several places including Delhi, Chandigarh, Dalhousie, Katra and Vaishno Devi. During the tour no appointments were made to meet with the concerned officials or other people. Moreover, they had given an advance of Rs. 4 lakhs to the travel company, which had organised the tour, whereas the total expenditure was about Rs. 1 lakh. In the second case presented by Maj. Gen. Jatar, it was revealed that PMC spent money on this tour even when Section 89 of the Municipal Act of the State mentions that the money belonging to the corporation can be spent only within the boundaries of the city and not outside it. The Commissioner had given his approval for the tour despite being aware of its illegality. Both these case studies presented by Maj. Gen. Jatar highlighted the fact that by using RTI law he got information, which further revealed the misuse of tax payers money by

Government officials and public authorities. Moreover the actions of the Government officials went against the law. (Copy of the case studies is given in the annexure)

Lessons Learnt: Maj. Gen. Jatar explained how RTI was used in both cases to unearth cases of corruption and misappropriation of public funds. He also said that it gave an insight into the functioning of the system, which has been given the responsibility of providing information to citizens. He shared some of the lessons learnt based on his experiences with using the MRTIA. When citizens request information, there is a general tendency on the part of government to give incomplete or misleading information. The requestor gets only that information which the PIO is ready to part with. The requester may not get the exact information he or she wants. Moreover, there are delays in providing information in every case, which includes the additional 15 days given under the MRTIA. In most cases the Appellate Authority upholds the appeals.

In the two cases described by Maj. Gen. Jatar, the appeals went to the Lokayukta after being upheld by the first Appellate Authority (in Maharashtra there are two levels of appeal. The first Appellate Authority is a government official in the same department though senior to the PIO. The second Appellate Authority is the Lokayukta). In spite of this requesters do not get the desired information. In the end the harassed citizen gives up the idea of asking for information entirely. He noted that unless there is a change in the attitude and mindset of the bureaucracy, no legislation or changes in the Act would help the common people.

Discussion

The issue of spreading awareness about people's right to access information in the rural areas was a point of discussion. A representative from Directorate General of Information and Public Relations, Government of Maharashtra (DGIPR) noted this especially in the areas dominated by naxalites in Garhchiroli district of Maharashtra. The people living in these areas are poor tribals who are not aware of their rights. It was discussed that it is the role of NGOs and the media to co-operate in spreading awareness in these areas. The representative from AIR said that the electronic media especially radio must be used to educate the people living in rural and tribal areas. Moreover, these programmes must be made and transmitted in the local dialects. She suggested that AIR could take the help of YASHADA and NGOs to broadcast such programmes.

Working Session- 2: Easing Information Flow Under MRTIA – Challenges and Possibilities

During the tea break, RTI activists, Mr. Shivaji Raut of Satara, Mr. Vijay Kumbhar and Ms. Madhuri Barge of Pune, shared their experiences of using the MRTIA in accessing information from the Government. They brought with them files containing copies of applications made by them and the information received as a result. Mr. Raut and Mr. Kumbhar shared some of these experiences with a large group on the second day.

Presentation on the Central Right to Information Act

After lunch, a short film on the use of Right to Information in Delhi was screened. The film showed the efforts of civil society organisations in spreading awareness on RTI and how citizens in Delhi have tried to access information from government departments and the obstacles faced in doing so.

The film was followed by a presentation on the salient features of the Central Right to Information Bill 2005, by **Venkatesh Nayak**, CHRI. The MS Power Point Presentation pointed out the main features of the Act namely the duty of proactive disclosure of information by the Government departments as given in Section 4 of the Act, the establishments of Central and State Information Commissions, appointment of Public Information Officers in each public authority, the application process and appeals mechanism, penalty provisions and exemptions. (See annexure for details of presentation).

Day – II (May 15 2005)

Working Session- 3: The Media and Information Access Laws

Presentation of case studies on media's use of Right to Information provisions

Venkatesh Nayak and **Sohini Paul**, of CHRI presented case studies highlighting the media's use of access laws in developed countries like USA, Scotland and the UK. After the presentation of each case study explanation, Indian examples were given to highlight the issues of concern. (Copy of the power point presentation is attached in the Annexure)

MRTIA as a source of credible information

In this session **Ms. Vinita Deshmukh**, senior journalist with the Indian Express based in Pune spoke of her experiences in accessing information from government departments. She felt quite comfortable accessing information from the government using the MRTIA, especially in Pune. One of the reasons for this is the sustained RTI campaign launched by the Indian Express, which carries an article on the right to information at least once a week. YASHADA's contribution in sensitising and training government officials about the act and the presence of Shri Anna Hazare, have also helped make the MRTIA accessible to the people, accounting for the heightened RTI activism amongst Pune residents. Before the enactment of the MRTIA, journalists had to chase government officials for information. Now, officers especially those of the Pune Municipal Corporation are very open in providing information. This has made it easier for journalists to access government held information.

Ms. Deshmukh cited 3 cases where she used the MRTIA to get information. In the first case she spoke about asking for information from the Pune Municipal Commissioner for the draft policy plan of traffic and transportation of Pune. She described how the Commissioner had readily given this document to her as he had realised that there was no sense in keeping back this information from the public. In the second instance she related her experience of requesting information regarding the up gradation of the mental institute at Yerawada in Pune. She had asked the Superintendent of the institute for the 68 recommendations made by the High Court for its up gradation. The Superintendent was hesitant in giving this document even though he was the designated Public Information Officer. In the third case, she described the difficulties faced in getting information from the RTO office regarding the actual number of accident cases on the Mumbai-Pune expressway. Even though she applied for the information in the prescribed format, the information could not be obtained using the proper channel.

Why the media should use RTI: Ms. Deshmukh then spoke about the importance of right to information for the media. Newspapers thrive and subsist on their readership. Beyond politics, readers have an interest in a wide range of issues- especially those that affect them on a daily basis i.e. water, sanitation, electricity and other civic problems. They seek out articles and news items that concern and affect them. As far as the right to information is concerned, the wide scale usage of the MRTIA by the citizens of Pune is evidence that there is widespread public interest in the act. The media should take an equal if not greater interest and use the act. This is likely to have

a much greater impact on the community than the efforts of individual activists. She highlighted three examples, where the MRTIA has been used positively:

- a) Major General S.C.N Jatar had asked for information regarding the study tours taken by councillors and officials of the Pune Municipal Corporation (PMC). These cases were explained in detail in his presentation on the first day of the workshop. (Please refer to the annexure for detailed information). Recently, in the last one week, the Municipal Commissioner of PMC has cancelled a study tour, which illustrates the fact that use of RTI has made a difference in the functioning of the Corporation. The Indian Express has also amplified this campaign by writing about it and its effects have percolated down to the municipal administration.
- b) Mr. Vasant More, a resident of Pune, lives in the Katraj area that receives water once in 4 days and only for 20 minutes. Mr. More requested information from the Municipal Commissioner regarding water supply to other neighbourhoods. On accessing this information, the citizens living in Katraj got to know that they get only 1/10 of the entitled supply while neighbouring areas got surplus water despite paying the same taxes. These findings encouraged Mr. More to approach the High Court to find a solution to the problem. Ms. Deshmukh cited this an instance of the role the media can play by using the MRTIA to raise and voice people's concerns. The media can use this legislation to access information from various government departments and write them up as newstories highlighting the findings like those of Mr. More. These stories are bound to have a much greater and wider impact on the public and the government.
- c) The third example, which Ms. Deshmukh gave was that of a citizen in Pune who used the MRTIA to get information regarding the state of repair of roads, dug up by the cable companies. She described how the citizen found that the Pune Municipal Corporation had accumulated Rs. 23 crores which were lying unspent and not used for road repair which it was meant for. She went on to say that these kinds of issues should be taken up and highlighted by the media.

Remarking to a widely publicised statement made by journalist, Arun Shourie that "RTI will make a journalist lazy" she said this was not true, since documents only provide the information. She emphasized that the media has to use the right to information to extract credible and accurate information. Just as mobile phones are supplementary to landline phones, so to is the right to information an addition to traditional sources of information. RTI allows journalists the luxury and benefit of more than a singular source of information. It heralds a new age of investigative journalism and reporting.

The presentation was followed by a group discussion where participants spoke about their experiences in extracting government held information and the various problems faced in doing so.

Discussion on obstacles faced by media as well as future role in the context of RTI

The representative from the Marathi daily Gavakari opined that reporters despite having favourable relations with government officials do not get information via the proper channel. They are given information based on their personal connections and

interactions and most information is given off the record. In response, Captain Deshpande, YASHADA said that government officials in Maharashtra are being told to proactively put up all information given to requestors on the respective websites. They should also proactively disclose information to the media since their public outreach is much wider and greater. YASHADA has data available on proactive disclosure of all provisions and the media can print this information in their newspapers for wider publicity and awareness generation amongst the people.

A participant from Pune mentioned the need for training programmes for reporters in small and suburban towns (*mofussil areas*). At this point another participant raised the concern that small town reporters could misuse RTI in order to blackmail and harass officers when demanding information. Therefore, the need to educate this class of journalists was reiterated. This could be done through journalists associations. There is also the need to train students of journalism so that the message of RTI and its potential are absorbed at an early stage in their careers.

Another participant said that the information received from the Government needs to be analysed and verified. As a journalist, lack of time would render this impossible. Mr. Raturaj Buwa, Daily Sanchar, Solapur, pointed out that penalties were imposed on two Government officials in Osmanabad district under the MRTIA. But the media did not publish this, which it should have done in order to let the public know about the RTI legislation and its implementation.

Mrs. Kishori Gadre, YASHADA mentioned that YASHADA is in the process of compiling proactive disclosure provisions of all government departments as per section 4 of the RTI Act. She suggested that the media could play an important role by publishing this information for wider awareness.

Mrs. Amondikar of All India Radio (AIR), Pune said that AIR would contribute to the process of mass public awareness by providing a regular slot for programmes on RTI. There would be mandatory telecast of programmes in the regional languages she said. She further informed that the programmes could be jingles, talks given by experts, discussions on Section 4 of the Act, success stories etc. As a follow-up remark to this Captain Deshpande said that YASHADA would prepare a road map for working with Doordarshan and AIR.

Presentation of Case Studies by RTI Activists of Maharashtra

This was followed by presentations by RTI activists of Maharashtra who have used the MRTIA to access information from different government departments. **Mr. Shivaji Raut**, who is a teacher in a secondary school in Satara made the first presentation by narrating his experience of securing information in a few cases. He narrated the case when he requested information regarding bauxite mining in the area where windmills have been installed by four companies in the Western Ghats of the Sahyadri ranges in Satara district. Mr. Raut discovered that these companies were also mining the surrounding areas for bauxite— a base mineral for manufacturing aluminium. Ordinarily, he said, that mining companies are required to pay royalty at the rates fixed by the government. Under the MRTIA he made an application demanding to know how much royalty the Satara district officials had collected so far. He found out that the officials had not collected any royalty till date. As a result of his findings the District Collector issued notices to the companies demanding a royalty of

Rs. 3.5 crores for the 86 metric tonnes of bauxite excavated till then. He pointed out that this case is pending in the local courts as the companies are contesting the royalty rates. Mr. Raut also spoke of the other instances where he filed applications requesting information from different government departments. This was followed by a presentation by **Mr. Vijay Kumbhar**, another RTI activist based at Pune. Mr. Kumbhar narrated his experience of accessing information from the Women and Child Welfare Department regarding the number of institutions and orphanages where children had died. He also spoke of other instances when he had accessed information under MRTIA.

Using information access laws to make public authorities accountable – future strategies

The following suggestions in using the RTI law to access information as well as spreading awareness about it were given by the participants:

All India Radio (AIR): Information available with YASHADA, CHRI and other civil society organisations can be passed onto AIR, to disseminate over the air waves to a mass audience. YASHADA can be the databank and repository of these stories. A fixed time slot can be allotted every month, which will be dedicated to RTI. AIR will use various programmes to disseminate information on RTI. This will include jingles in between programmes; talks by experts; discussions; and sharing of case studies (including successes and failures).

Directorate General of Information and Public Relations, Government of Maharashtra: A suggestion was made by Mr. Mankar, Dy. Director (Info) of the divisional office at Nashik, that a group of media resource persons should be formed. This group will have future trainers for similar workshops to bring about greater awareness regarding the RTI legislation. Similar training workshops should be organised for reporters based in small towns and in rural areas. In response to this Capt. Deshpande opined that DGIPR should organise awareness-building workshops in the districts. YASHADA can provide them support by selecting participants as resource persons and giving them intensive training on the issue.

Journalists have to play a dual role- as RTI activists and as monitors, scrutinising the implementation of the law in rural and urban areas. The media also needs to collaborate with NGOs, especially those that do legal literacy, which is key in rural areas.

The workshop ended at lunch on the second day with a Vote of Thanks given by Mr. Venkatesh Nayak of CHRI.

Evaluation Report

Out of the 14 participants who filled up the evaluation form prepared by CHRI, there was unanimity that the learning from the workshop was useful and could be put to immediate use in their area of work. Most of the participants came to this workshop with the expectation of learning about RTI and the provisions in the national and State RTI legislations. They also wanted to understand the role of media as promoters and users of RTI. Many participants said that they would use RTI to get information for writing case studies and news reports or air radio programmes on this important right now available to the citizens. Two participants said that they would impart the lessons

learnt from the workshop to their colleagues by sharing the materials and by organising in house training programmes. Many of them felt the workshop helped in increasing their knowledge about RTI and the provisions of the Central Act.

With regard to suggestions for improvement in the overall workshop design, one participant felt that similar workshops in regional languages should be organised for rural areas at the district headquarters. Another participant felt that the timing of this workshop was too soon after the passage of the bill through the Parliament as the modalities for its implementation are yet to be worked out. A need was felt amongst the participants that the discussions following the sessions should have been more focussed in order to have greater clarity on issues.

The learning materials were found to be informative and useful. One participant said that he would distribute the copy of the national RTI legislation to his co-workers. Another participant said that he would share all the learning materials with the other sub-editors so that they also become knowledgeable about the right to access Government held information by citizens and the legislation, which allows this to happen.

LIST OF PARTICIPANTS

S. No.	Name	Organisation (News Paper/ Channel)	Address	Telephone/ Mobile/ E-mail
1.	Abhijit A. Mulye Sr. Sub Editor	Sakal (Mumbai)	Sakal Bhavan, Plot No. 42B, Sec-11 CBD Belapur, Navi Mumbai 400614.	022-27574280, 27573278 09870402114 aamulye@esakal.com aamulya@yahoo.com
2.	Raturaj Buwa Representative	Daily Sanchar	Daily Sanchar Hotgi Road, Solapur	0217-2317004 rpbuwa@yahoo.com
3.	Prakash Kardaley	The Indian Express	Indrayani, Patrakar Nagar, Pune- 411016	9422014901 25657238 pmk1504@gmail.com
4.	Satish Kamat	Maharashtra Times Times of India group	Times of India Building Mumbai 400001	25405696 (R.)
5.	Dr. Sambhaji Kharat District Information Officer	Directorate General of Information and Public Relations (DGIPR), Govt. of Maharashtra	District Information Office, Ratnagiri	02352- 22325
6.	Shivaji Mankar Dy. Director (Inf)	Directorate General of Information and Public Relations (DGIPR), Govt. of Maharashtra	Divisional Information Office Laxmi Niwas, Kanhere Wadi, Nashik - 422001	2597453 ddinsk_nsk@sancharnet.in
7.	Mrs. Sanjyot S. Amondikar News Editor	All India Radio- Prasar Bharati	AIR Shivaji Nagar Pune-411005	25531237, 9422548717
8.	B.M. Kansal	DGIPR	Deputy Director (Inf) Camp Road, Amaravati	0721-2551499, 2551553
9.	Sunil Chandra Dal Senior Sub-editor	The Indian Express	3/11, Aurora Towers Pune-411001	2631541
10.	Manu Pubby	The Indian Express	Aurora Towers Pune- 1	2631541
11.	Rahul Rubudre		Kothrud, Pune- 29	25469300
12.	Umesh Deshmukh		Kothrud, Pune- 29	25431483
13.	Yogiraj Prabhure	Probhat	Narayan Peth Pune	9822332072
14.	Deendayal Vaidya	Sakal.	53, Shaniwar Peth Pune	9823101128

15.	Nitin Patil	Kesari	Narayan Peth, Pune	9850027758
16.	Gitesh Shelke	The Times of India	F.C. Road, Pune	9890474620
17.	M.R. Kulkarni	Lokmat	Queen's Garden, Pune	9850311411
18.	Risodkar Dhananjay	Gavakari	Gavakari Bhavan Tilak Path, Nashik	9890014088
19.	Rajesh Rokade	Pudhari	Swargate, Pune	9890147905
20.	Prasanna Joshi	Tarun Bharat	Dhankurd, Pune	9422321772
21.	Ravindra Joshi Photographer	Indian Express	Aurora Towers, Pune	9822080287
22.	Kirnesh Sharma Programme Executive	Prasar Bharati-Doordarshan, Pune.	Near MIT College. Kothrud, Pune - 411038	25450032
23.	Deepak Munat	Lokmat	A-1, Sahyashram Shivaji Nagar, Pune-5	9850304086 25512216
24.	Major General (Retd) S.C.N. Jatar	Nagrik Chetna Manch	A 102 Neel Sadan 1426 Sadashiv Peth Pune-411030	24475366
25.	Kailash Shinde	AIR, Pune	C-9, AIR, Pune	25531237, 25651275
26.	Tanaji Khot	Saamana		24476694
27.	S.B.Borde IAS, (Retd.)		B-1 Ray-Venus Society, Pune-7	25530681
28.	Shivaji Raut	Loksatta	172/B/10 S.T Colony Satara	02162-221556
29.	Vijay Kumbhar		C-2, Nurses Qtrs, Pune Chest Hospital, Aundh Camp, Pune-411027	9850434351 kvijay14@gmail.com
30.	Madhuri Barge		Pune-411022	9822543547 madhuribarge@yahoo.com
31.	Mahadeo Mhaske Retired from the defence forces		B1/101, Siddhivinayak Angan, Sasanenagari Hadapsar, Pune-411028	26872305 9850985547 E-mail: mahadeo_ines@hotmail.com
32.	Sunita Thakur Programme Officer	Friedrich Naumann Stiftung (FNSt)	USO House, 6, Special Institutional Area, New Delhi	011-26862064
33.	Vinita Deshmukh Senior Editor	The Indian Express	3/11, West Wing Aurora Towers Moledena Road Pune- 411001	9822263338 26131541
34.	Prof. S.P. Sathe Hon. Director	Institute of Advanced Legal Studies	H.S. Law College Campus, Pune-411004	020-25656775

	Mrs. Maja Daruwala Executive Director	CHRI	B-117, Sarvodaya Enclave, New Delhi-110017	26528152
34.	Capt. A.V. Deshpande Dept. Director General	YASHADA	Raj Bhavan Complex, Baner Road, Pune-411007	25608130 27293889 (R)
35.	Kishori Gadre Assistant Professor	YASHADA	Raj Bhavan Complex, Baner Road, Pune-411007	020-25608147
36.	Ram Pole	RTI Cell, YASHADA	YASHADA Pune-7	020-25608147
37.	Manohar R. Kulkarni, Associate Editor	Lokmat, Pune	Lokmat Bhawan 34/A Vadgam Khurd Sinhgad Road, Pune-411041	24393001 to 7
38.	DR. V. Dhavle	Activist (Traffic & Safety)	Ashok Nagar Pune-411007	25538561
40.	Venkatesh Nayak	CHRI	B-117, Sarvodaya Enclave New Delhi-17	26528152
41.	Sohini Paul	CHRI	B-117, Sarvodaya Enclave, New Delhi-17	26528152