

CHRI's Right to Information Workshop in Chattisgarh

The Commonwealth Human Rights Initiative (CHRI) held a workshop on Right to Information at Raipur, Chattisgarh on 5th and 6th June, 2001. The workshop was attended by about 80 persons from all over Chattisgarh representing various interest groups such as NGO's, People's Movements, Media and Lawyers. The venue the Pastoral Centre, Catholic Church Compound, Raipur.

The State of Chattisgarh having come into existence in November 2000, the Government is currently involved in framing policies and programmes for the development and growth of the State. Chattisgarh being part of Madhya Pradesh is currently following the same laws that were applicable prior to the formation of the new State. The Madhya Pradesh Government in 1997 issued a directive to all departments of government to pass executive orders giving effect to the people's right to information, these orders continue to be applicable in Chattisgarh today.

Objectives Of The Workshop

- a) to bring about awareness on the concept of Right to Information;
- b) to share experiences of activists, organisations and individuals using the right to information in different contexts;
- c) to discuss and analyse the proposed Central legislation on right to information, as also some State legislations and administrative measures introduced by certain state governments;
- d) to discuss whether administrative measures introduced have been successful in giving effect to the right to information;
- e) to discuss the need for a legislation on right to information; &
- f) to focus on the need for right to information to enable people's participation and consultation in policy making by the government.

The Inaugural session of the workshop was conducted by Dr. P. Raghavan, Principal Secretary, General Administration Department, Government of Chattisgarh. In addition the resource persons at the workshop included Mr. G.S. Shukla, Election Commissioner, Madhya Pradesh, Mr Gyanendra Badgaiyan, Additional Secretary, General Administration Department, Government of the NCT of Delhi and Ms Abha Joshi, Advocate, New Delhi. In addition the CHRI Team of Bimal Arora, Debashish Shankari and Deepika Mogilishetty were involved in the moderating and conducting sessions on legal aspects of Right to Information.

Sessions

In his inaugural speech Dr. Raghavan spoke on the people's need for information and expressed Government of Chattisgarh's seriousness towards the issue and their commitment to giving desired attention to the issue from the side of the government. Further, Dr. Raghavan admitted that the Government of Chattisgarh in general and the General Administration Department, had not taken adequate steps to enable the people of Chattisgarh to exercise their Right to Information and that since the executive orders passed in Madhya Pradesh were applicable in Chattisgarh, the government would make

an effort to improve on these order to cater to regional needs, in addition the government would probably enact a law on right to information.

Mr Gyanendra Badgayian from the Delhi Government shared his experiences as part of the administration in enacting a law on right to information in the National Capital Territory of New Delhi. The main points of this discussion were:

- a) the need for civil society to take the initiative and push governments to cater to the needs of the people. In Delhi there was no people's movement. A group of people from civil society met with the government and stressed on the need for a law on right to information, this prodded the government into action and the Chief Minister set up a committee to look into the matter. After the usual delays and the due to pressure from the Chief Minister's officer the law was formed.
- b) the main blocks in accessing information being corruption, the bureaucrat and laws such as the Official Secrets Act. The objective of the law on right to information should be to change this and to break down these blocks.
- c) the salient features of the Delhi Right to Information Act were discussed, one of the positive features of the Delhi Act is the proposal to have state council which would have representatives of civil society and the government.
- d) the need for civil society to be more active in holding the government accountable.
- e) the need for penalty provisions in a law on right to information so as to make the law an effective one.

Mr G. S Shukla conducted a session on Gram Swaraja and stressed on the need for information as a tool for people's participation in governance.

The CHRI team made a detailed presentation on the evolution of right to information in India, the need for the law, the Freedom of Information Bill, 2000, a comparative study of the various state legislation's and on the contents of an ideal law on right to information.

This was followed by a presentation by Mr G.S Shukla on the Madhya Pradesh executive orders on right to information that has been issued to the various departments in Madhya Pradesh and now applicable in Chattisgarh.

Observations Of Participants:

The participants shared their experiences in dealing with the government while trying to obtain information and the difficulties faced in this regard, some of the issues raised and suggestions made by the participants were:

- 1) The government should make available to the public all information regarding various projects that the government proposes to undertake.

There should be more information available on development works undertaken by the panchayat and this information should be displayed on black boards outside panchayat offices.¹

- 2) There is no information on how schemes of government for (eg: food for work scheme) are to be implemented. The Sarpanch in a village is not aware, he is entirely dependent on the government official – who himself may not be aware of the proper procedure and manner of implementation.
- 3) When NGO's approach government officials for information, they are subjected to questioning regarding their need for information and the motive behind seeking information.
- 4) The government departments in Chattisgarh do not have copies of the executive orders that have been passed. A complete set of the orders should be made available to the people and the head of every government department should be entrusted with the responsibility of providing the orders
- 5) Minutes of gram sabha meetings should be displayed in a public place.

Recommendations Of The Workshop

- a) The State of Chattisgarh should have a law on Right to Information..
- b) The State Government should publicise the executive orders so that more people can benefit from them.
- c) While enacting the law, the experiences of the people should be taken into consideration and the law should reflect the same.
- d) While expecting transparency from the government NGO's and people's movements should work in a transparent and accountable manner.
- e) The Law should take within its fold not only the Government but also private bodies that are involved in activities that affect people.
- f) Government officials should be trained to be people friendly and should be made aware of Right to Information.
- g) The Law should reach people in the villages and at the grassroots level and NGO's and civil society should make the effort to take the law to the people.
- h) Each and every village should have a council which will look into the implementation of the right to information law.
- i) It is the duty of the media to provide adequate and proper information.

Action To Be Taken

It was decided that the participants at the workshop would begin a campaign for legislation on Right to Information in Chattisgarh and that the participants would share their experiences with a co-ordination, who will document the same and make recommendations in this regard to the government.

¹ There are executive orders issued by the Government which make it compulsory for panchayat raj institutions to provide information regarding their work and the status of the various development works undertaken by them. These orders are not being implemented.