

Tracking Right to Information in Eight States - 2007



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Acknowledgements

RTI Act is a milestone in the democracy of India as it has tried to build a new institutional mechanism for ensuring transparency and accountability in the functioning of public institutions. RTI Act has set in motion a paradigm shift from the yesteryear governance which was under the veil of the Official Secrets Act 1923 to open and transparent governance. In the process, it has also marked a shift in citizen – government relationship in the democratic India where citizens have got the right to ask for information from the government and government has been given responsibility to willingly share information.

The effective implementation of the Act also requires shift in behaviour of both the citizens and the government; while citizens need to develop the habit of asking for information and owing up the responsibility of asking clear and precise question and the government officials need to develop the habit of providing the information voluntarily. However, the officials of the public institutions are finding it difficult to make the shift; as a result, appeals and complaints at the Information Commissions are piling up in thousands and media is flooded with the stories of denial of information.

Hence, it became necessary to gather grassroots experiences in accessing information under the Act across the country in a systematic way, so that the bottlenecks in its implementation can be identified. This exercise would help in its effective implementation and advocacy for corrective action. The study “Tracking Right to Information in Eight States” was undertaken by Participatory Research in Asia in 2007 with this objective in mind. This work could not have been possible without the dynamic inspiration of our President, Dr. Rajesh Tandon, who took personal interest, in this project. No less important was the guidance of Dr. S. S. Srivastava whose insights has improved the study significantly. Thanks are due to my supervisors, Mr. Harsh Jaitli and Dr. K.K. Bandyopadhyay at PRIA for active encouragement.

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Preface

India is the largest democracy in the world but the term “democracy” in India is often construed as conducting free and fair elections for elected bodies, while other key components of democracy viz. accountability and transparency in governance are not given adequate attention. Attempts have been made to address this “*democratic deficit*” by strengthening internal accountability mechanisms namely establishment of administrative bodies like audit departments but these steps have been cosmetic in nature as these institutions have not been given necessary autonomy and power to function effectively. As a result, the internal accountability mechanisms have failed to deliver, while external accountability mechanisms viz. public accountability - *Jan Sunwais (Public hearings)* and *Citizen Monitoring/ Report Card*, except in some cases have not been used extensively in India. Right to Information Act 2005 gives the power to the citizens to ensure accountability from the public institutions. In other words the Act “enables citizens to question the public institutions on their performance and paves the way for new forms democracy in which relationship between citizen and state is direct and ongoing”, not necessarily through a mediated relationship between elected representatives or experts or public bodies.

Extensive use of the Act would make the governance *participative and inclusive* which is in consonance with the mission of PRIA as it undertakes and supports development initiatives by encouraging and enabling participation of poor, marginalized and excluded sections of the society in the processes of governance. PRIA has undertaken number of initiatives in last two years for popularizing the Act among citizens and enabling them to use it for ensuring better services from the public institutions. Citizens and civil society organizations were made aware of Right to Information Act through workshops / training programmes, campaigns/ rallies and mass dissemination of learning materials. This study, “Tracking Right to Information in 8 States” is the part of this ongoing process. The study has been divided into two parts: in Part I, implementation of RTI through the experiences of civil society organizations have been assessed and in Part II, attempt has been made to evaluate the performance of the State Information Commissions.

I hope that this initiative would make the policy makers aware about the problems faced by the citizens in accessing information and they would take corrective measures for removing the constraints in implementing RTI Act. The study also highlights the institutional bottlenecks faced by the Central Information Commission, the State Information Commissions and the government departments and advocates for better provision of resources and infrastructure to these institutions, so that they can perform their roles effectively and usher in transparent and accountable governance.

Vikas Jha (Right to Information Unit, PRIA , New Delhi)

Rationale:

The Right to Information Act (RTI) 2005, came into effect on October 12, 2005. In India, the implementation of the RTI Act has been quite uneven across the states. In some states, information is being provided to citizens on time; while in several other states, the information is denied or delayed in a large number of cases. Hence, the need was felt to assess the progress of RTI across India. Our endeavour is to bring out an all-India picture of RTI, so that the experiences – good as well as bad – are shared. Good practices on RTI would obviously be a learning experience for all states, and bad experiences would be brought to the notice of the concerned authorities, so that corrective measures can be taken. Regular highlighting of good practices and bad experiences at appropriate forums can make RTI a potent weapon of accountability and transparency, thus leading to good governance.

In this study, an attempt has been made to assess the performance of Public Information Officers, Appellate Authorities, Public Authorities, State Information Commissions and the Nodal Agencies through several indicators in eight states of India. For this purpose, data has been collected from Civil Society Organisations, State Information Commissions and Nodal Agencies.

Considering the logistic constraints related to data collection from all the stakeholders on RTI, we have collected data only from 65 representatives of civil society in the 21 districts of eight states. To assess the functioning of the State Information Commission (SICs), an attempt had been made to collect data from 20 SICs, but substantial data could only be collected from 13 SICs.

We hope that the analysis of the data collected from the above stakeholders would certainly help in assessing the implementation of the Right to Information Act in India.

State-wise distribution of representatives of Civil Society is given in the table below.

Sample size of representatives of civil society in twenty one districts of eight states

S. No.	States	Total
1	Gujarat - Ahmedabad, Sabarkatha, Jamnagar	10
2	Himachal Pradesh - Kanrga	5
3	Uttar Pradesh- Bahraich , Sitapur, Mirzapur	15
4	Andhra Pradesh- East Godavari, Vishakhapatnam, Hyderabad, Srikakulam	11
5	Haryana – Sonipat, Fatehabad, Panchkula, Mahendragarh	7
6	Uttarakhand- Champawat, Chamoli	7
7	Madhya Pradesh- Sehore	5
8	Jharkhand - Jantara, Giridih, Dhanbad	5
	Total	65

The **objective** of the study is to assess the implementation of the Right to Information in 21 districts of eight states.

Methodology:

An **observation schedule** on the Right to Information, divided into two sets, has been designed. **Set One** covers the experiences of the representatives of civil society who have been working on RTI, and can accurately present the experiences of citizens in accessing the information. **Set Two** covers the details on the functioning of the State Information Commissions (SICs).

Sample size of the respondents – representatives of civil society for the study had not been fixed, as the universe of the sample was not known, i.e., we did not have the data regarding how many representatives of CSOs were working on RTI in the district of the State. The data was collected only from those representatives who were working on the Right to Information for more than one year, and could provide credible and authentic data. The method of sampling was purposive and our effort was to collect the required data in Set One from at least one member of the civil society from one district of the State. Thus, the sample size varied across eight states as can be seen

from the table above. The total number of 65 representatives of CSOs was interviewed in the 21 districts of the states. Efforts were made to make the sample as representative as possible by keeping in mind the variety in terms of geographical regions (rural and urban contexts). The data on Set Two was collected from the State Information Commissions on a set of indicators which mainly reflected on their functioning as the regulatory authority of the Right to Information Act 2005.

The data was collected from the representatives of CSOs between January 2007 to April 2007; while the data from State Information Commissions was collected between April 2007 to October 2007.

Part I

Assessment of implementation of the Right to Information in Eight States

Framework of the Analysis:

The analysis of the data has been designed around the research questions which mainly dealt with the experiences of citizens in accessing the information from the Public Authorities, examining the role of the State Information Commission (SIC) and Nodal Agencies in promoting the Right to Information Act. Data from each State was analysed separately as the sample size of each State was different. Due to this variation in sample Size, we have also resisted the temptation of drawing conclusions for all the states put together . But an attempt has been made to capture the general trend of the status of RTI in the states.

Andhra Pradesh

Accessibility to Information

The annual report of the State Information Commission (2005-2006) shows that the accessibility of information from the Public Authorities in the State is quite good. It is reflected through a good disposal rate as the PAs provided the information in 86 percent of cases, rejected 13 percent of the applications, and refused to provide information in 1 percent of the cases. (The total number of applications received by all the PAs in the State was around 8864, of which 7574 were disposed off). The rural-urban ratio of the applications was 11 to 89 percent respectively. This shows that there is an immediate need to increase awareness on the Act amongst the rural population of the State so that they can use this right effectively. [Table 12, Annexure 1]

Regarding the category of citizens which mostly uses the Act, it is the middle class which tops the list, followed by the poor (eight respondents said that the middle class uses it the most, while three respondents said that it was the poor who use it the most). This trend is not very encouraging as it is the poor that the Act seeks to primarily empower through this legislation. [Table 10, Annexure 1]

With regard to the experience of the citizens in filing first appeals, a majority of the respondents of civil society felt that the AA was cooperative and directed the PIOs to provide the information sought by the appellants/applicants. [Table 4, Annexure 1]

In regard to the putting up of notice boards by the PAs giving information about PIOs, all the respondents who were interviewed said this was done in their respective districts. Regarding the availability of a list/directory of PIOs in the districts, the opinion of CSOs was negative. This means that the list of the designated PIOs of the Public Authorities in the district has not been disseminated widely even though the list was prepared by the Centre of Good Governance. The available data from the Commission shows that the total number of 1,78,028 PIOs and AAs have been appointed in the State in the various Public Authorities. [Table 6, Annexure 1]

In response to the implementation of the self disclosure by the Public Authorities at the district level, only few respondents said that the PAs have done so, while most said they had not. This means that even after the implementation of the Right to Information, the government departments were not following the norms of self-disclosure as required by Section 4 of the RTI Act. [Table 8, Annexure 1]

Response of the State Information Commission

The rate of disposal of appeals by the Commission was 443/442 (received/disposed), while for complaints the rate was 442/440 (received/disposed). This shows that the Commission has been handling the appeals quite efficiently. With regard to the experience of the citizens in filing second appeals to the SIC in the State, about nine CSOs felt that the SIC was cooperative and directed the PIOs to provide information to the citizens. [Table 9 & 12, Annexure 1]

All the government departments have submitted their Annual Reports on RTI compliance to the SIC which reflects the healthy functioning of the RTI regime to a certain extent in the State. At the same time, the Commission has adopted a pro-active approach in monitoring RTI in the State as it has conducted 97 reviews of various PAs in the State. This is also demonstrative of the fact that the SIC is seriously doing its monitoring and supervisory role in the State.

In view of the implementation of the Right to Information Act in the State, **the Commission has made the following recommendations to the State Government:**

1. The PIOs should be senior level officers of PAs; The PAs should have certain budgetary provisions for providing information to the RTI applicants.
2. The State Government should develop and organise educational programmes to enable wide dissemination of information on the RTI Act for the disadvantaged sections of the society. The Government should take adequate steps for the training of the PIOs to streamline the

supply of the Right to Information. The SIC also recommended that each government department should reserve at least one per cent of its budgetary allocation towards meeting its obligations under the RTI Act.

Role of the Nodal Agency

In response to the nodal agency, the effort/initiatives of the nodal agency to publicise and promote the Right to Information by way of publicity/training, only one respondent said that this was being done. This means that the Government is not taking the right initiatives to promote awareness about the Act in order to strengthen the demand for the RTI Act. There is no doubt that the Centre for Good Governance (CGG), the nodal agency for the implementation of the RTI Act in the State has published a user guide on RTI in English, Hindi and Urdu, a manual for PIOs and AAs, a citizens guide and a media guide. It has also organised a number of Training of Trainers Programmes (TOTs) and regional workshops for different government organisations and awareness programmes for NGOs and orientations for Public Authorities in the State. The nodal agency has also developed information dissemination materials on RTI in the form of pamphlets and handouts. It has published a directory/list of PIOs and AAs of the State, which is available with it. It has also launched a web site on RTI containing diverse information on the Right to Information, including training modules for the citizens and Public Information Officers. Despite substantial effort by CGG in developing IEC materials, the message of the Right to Information has not flowed down to the poor in the remote corners of the State. Hence, the Government must allocate substantial funds and manpower for grassroots mobilisation of RTI in the State. [Table B – Annexure II]

GUJARAT:

Accessibility to Information

In Gujarat, a few applicants were successful in getting information from the Public Authorities they filed the applications with. According to six respondents of civil society working on the right to information who were interviewed in the present study, the PIOs harassed people, eventually providing them with the information. Three respondents felt that the PIOs denied information requested by the citizens, while only one respondent said that the PIOs were cooperative in providing information. Barot Nathubhai Ramjibhai, NGO Worker from Sabarkantha, has said that the PIOs provide information but with lot of difficulty. He said that he had helped 28 citizens to file applications under RTI and with lot of efforts, 26 citizens were successful in getting information. So the process of accessing information in Gujarat is not easy and citizen friendly. [Table 3, Annexure 1]

About the appointment of PIOs/ APIOs in the three districts, six CSOs said that the Public Authorities in their districts appointed PIOs and APIOs to deal with RTI requests from the citizens. But the usage of RTI was limited to the middle class and social activists as per the opinion of five respondents of civil society. [Table 6 & 10, Annexure 1]

As far as the experience relating to dealing with Appellate Authorities for the first appeal was concerned, most of the respondents of civil society in the State felt that the Appellate Authority was cooperative in dealing with first appeals. [Table 4, Annexure 1]

The findings from the State also show that the Public Authorities in the State were not serious in implementing self-disclosure norms mandated under Section 4(1) b of the Right to Information Act. Only two respondents felt that the Public Authorities (PAs) in their respective districts had made proper self disclosures, under the self disclosure requirements of the RTI Act 2005, while eight respondents said that they had not made adequate proactive disclosures as required by Section 4 of the RTI Act. [Table 8, Annexure 1]

Response of the State Information Commission

The rate of disposal of appeals received by the SIC was bad; out of 869 appeals received only 385 were disposed off. The rate of disposal of complaints was worse; out of 1732 complaints received only 465 were disposed off. This could be mainly due to the understaffing of the SIC and the presence of only one information commissioner in the State. In respect of the experience of the citizens in filing second appeals, almost half of the respondents expressed the view that the SIC was cooperative and directed the PIOs of government departments to provide the information. [Table 5 & 12, Annexure 1]

Gujarat State Information Commission is making the best effort but its resources are limited. The annual budget of the commission was Rs 42 lakh (2006-2007), which is not much considering the size of the State. The SIC had 12 rooms, 13 staff and only one vehicle. There is only, one State Information Commissioner in the State, and it is often difficult for him to handle the huge volume of work. [Table 13, Annexure 1]

No reviews have been done by the SIC for the Public Authorities in the State. Several Public Authorities have not sent their annual report to the State Information Commission. This means that the SIC is not performing the roles of supervision and monitoring diligently, and the compliance rate of a majority of Public Authorities to the RTI Act is quite poor.

Role of the Nodal Agency

The main constraint in the use of the Right to Information Act is the lack of awareness among the citizens. But the nodal agency has not done enough to disseminate it among the citizens. It is quite evident from the response of a majority of respondents of civil society who feel that the State Government has made some efforts to publicise and push the Act in the State by training or mass media campaigns, but awareness generation drives among citizens or mass media campaigns have remained largely neglected by the nodal agency. This conclusion is adequately supported from the *analysis of the work of General Administrative Department (GAD), which is the nodal agency*, for the implementation of the RTI Act in the State. There is no separate budget allocation by the State Government for the nodal agency.

However, GAD has undertaken some initiative for training of PIOs; it has conducted about 20 training programmes for the PIOs in the year 2006-2007, while it had trained 1000 PIOs across the State in the year 2005-2006. In these training programmes, government personnel belonging to all the three cadres, i.e., Class I, II and III were targeted. At the same time, the nodal agency developed training modules of one, two and three-day duration. Attempts had been made to address the supply side of the Right to Information, i.e., training of officials but the demand side, i.e., making the citizens aware remains largely unattended. The State Government had conducted only 17 programmes for the citizens in 2005-2006. An attempt was also made to develop some IEC materials, mainly pamphlets, pocket books for PIOs and Power Point presentations on different themes of RTI for dissemination among the citizens and PIOs. The list of PIOs of the Public Authorities in the State is available with the GAD department of the State Government in the State capital Gandhinagar. So citizens have to run from pillar to post for the address of the appropriate Public Information Officers. [Table B – Annexure II]

Haryana

Accessibility to Information

In the State of Haryana, five respondents said that the Public Authorities in the districts have appointed PIOs/ APIOs in their offices. The response of the PIOs to the applicants seeking information under the Act, is mixed in the State; two respondents said that the PIOs are cooperative in providing information to the citizens, while other two respondents felt that the PIOs harassed people but eventually provided them with the requested information. However, three

respondents felt that the PIOs denied information to the applicants. It meant that five CSOs felt that the citizens faced difficulty in accessing information from PIOs in the districts. [Table 2 & 3]

Filing applications in the districts of Haryana is not easy either as notice boards informing about PIOs have not been put up. Regarding the availability of a directory/list of designated PIOs, at the district headquarters, almost all of the respondents said that there was no such directory available. It is important to know here that a list of names of 483 officers who have been designated as the PIOs in different Public Authorities in the State Government and a list of PIOs and APIOs of the different Public Authorities in the State is available with the nodal agency and the Commission's web site. These findings indicate that the Public Authorities in the State are not very enthusiastic about the dissemination of information relating to them, and the channels to approach the correct Public Authorities. As a result, only the middle class, social activists and government servants are able to file their applications while the poorer sections are largely deprived of this right as they don't know where to submit the application. With regard to the first appeal, two CSOs felt that the Appellate Authorities were largely uncooperative in admitting appeals and providing information to the citizens. [Table 6, 7 & 10, Annexure 1]

In response to the status of the implementation of self-disclosure norms as stipulated by Section 4 of the RTI Act 2005, all the respondents were unanimous that this exercise was not initiated in their districts. This indicates the non-seriousness on the part of the Public Authorities to take effective steps for the realisation of the self-disclosure norms in the State. [Table 8, Annexure 1]

Response of the State Information Commission

In response to the experience of citizens in filing second appeals to the State Information Commission, five respondents did not have to file second appeals. One respondent said that the SIC was not cooperative while another disagreed with it. As the opinion of the respondents does not indicate anything about the functioning of the SIC, we have tried to analyze its performance on the basis of data collected from SIC. This data shows that the rate of disposal of the appeals and complaints by the commission is also quite good with 442 out of 443 appeals being disposed off, and 440 out of 442 complaints received being disposed off. The disposal rate of the SIC clearly shows that it has been functioning efficiently. But, there are have been some complaints of citizens that SIC is averse to penalise PIOs for even malafide denial of information, it believes that PIOs are still at a learning stage and need more time to develop an understanding of the Act. Moreover, the annual budget for the State Information Commission of Haryana for the FY 2006-2007 is around Rs 140 lakh, which is quite handsome as compared to some of the bigger states which have a much lower budget. Again, the number of staff which is around 41 personnel with

two Information Commissioners is quite substantial in comparison to a large State like Madhya Pradesh which has one Information Commissioner and 32 staff. It shows that the support provided by the State Government to the commission is quite good. [Table 12, Table A.1 & A.2 – Annexure II]

Role of the Nodal Agency

Haryana Institute of Public Administration, the nodal agency for the implementation of the RTI Act in the State, has so far conducted 24 training programmes for around 1760 PIOs in the State. The nodal agency is also taking certain steps for generating awareness and sensitising people to strengthen the demand of the Right to Information in the State. The agency is also involved in the development of mass dissemination materials to popularise the Act within the citizens of the State.

Himachal Pradesh

Accessibility to Information

Almost all the Public Authorities at the district level have appointed PIOs which shows the good compliance of the basic requirements of the RTI regime in the State but a list/directory of PIOs has not been prepared. The non-availability of this list and non-existence of a notice board informing the citizens about the PIOs in Public Authorities makes it difficult for the citizens to apply for information. Thus, only literate citizens are able to apply for information which is substantiated by all the respondents of the civil society in Kangra district. They say that the Act has been used mostly by the middle class in the district. The Department of Administrative Reforms, the nodal agency for the implementation of the RTI Act in the State, is still in the process of preparing a directory containing the list of the designated PIOs/APIOs of different Public Authorities in the district. [Table 2, 6, 7 & 10, Annexure 1]

With respect to the response of the PIOs to the applicants seeking information under the Act, two respondents felt that the PIOs were cooperative in providing the information under the Act; while one felt that the PIOs harassed people but eventually provided them with the information.

[Table 3, Annexure 1]

Regarding the implementation of the self- disclosure norms by the Public Authorities in Kangra district, a majority of the respondents of civil society said that most PAs have not taken steps in this direction. This is a serious lacuna in the implementation of the Right to Information regime in the State, and reflects the lackadaisical attitude of the Public Authorities regarding the compliance

with the self-disclosure norms stipulated under Section 4 of the RTI Act, 2005. [Table 8, Annexure 1]

Regarding the experience of the citizens in filing first appeals, a very small percentage of the CSOs interviewed said that the Appellate Authority was cooperative, while the majority said that the AA was indifferent and did not admit the appeal. This shows that the PIOs and the AAs in the State were not very forthcoming in providing information to the applicants/appellants. [Table 5, Annexure 1]

Response of the State Information Commission

With respect to the experience of the citizens in filing second appeals to the State Information Commission, one respondent felt that the SIC was cooperative and directed the PIO to provide the information as requested. Another respondent said that the SIC was not cooperative and did not admit the appeal. However, the table on the role of the SIC shows that the Commission has dealt with 20 out of 26 appeals filed, and 35 complaints out of the 44 complaints filed; it means that the rate of disposal of the appeals by the SIC and complaints is quite satisfactory in the State which creates a good impression on the efficiency of the Commission. It is important to note that the Commission has not found any PIO guilty of malafide denial of information for 70 appeals and complaints which it has dealt with. [Table 5 & 12, Annexure 1]

In the context of the implementation of the Right to Information Act in the State, the **State Information Commission** has made the following recommendations to the State Government in its Annual Report (2005-2006).

- Lack of adequate publicity by the State Government for the people about the provisions of the Act led to the filing of a few applications for information under the Act, so the State Government should take initiatives for mass sensitisation of the citizens in the State.
- There was also lack of information about the Act amongst the PIOs and Appellate Authorities under the Act, which led to delay in some cases in furnishing the information to the applicants. In view of the large number of PIOs and APIOs and Appellate Authorities, the training facilities available at HIPA may not be adequate to train all those officers before the end of the financial year 2006-2007. Hence, it is necessary that other training institutions in the State are also involved in conducting training programmes covering the Act and rules for these functionaries.
- Further, in order to increase general awareness about various provisions of the Act and the rules there under, one training session can be devoted towards the Act, and the

rules in all the training programmes, especially those meant for the elected representatives of Panchayati Raj Institutions (PRIs) and Urban Local Bodies (ULBs) being conducted by various training institutions in the State. This step is expected to spread awareness about the RTI Act 2005, and the rules there under amongst the general public in the State through the elected representatives of PRIs and ULBs.

- In the absence of adequate financial support, these training institutions including HIPA (Himachal Institute of Public Administration) would find it difficult to conduct such training programmes. Hence, the State Government should provide funds to HIPA and other training institutions to impart necessary training to the PIOs/APIOs and the Appellate Authorities within a specified time frame so that these functionaries are properly equipped to process the applications received under the RTI Act, 2005, within the period prescribed under the Act.
- The Government should therefore, take necessary steps to ensure the completion of the updated voluntary disclosure of its work during the current year, It may also be ensured that every public authority in the State has designated adequate number of PIOs/ APIOs and Appellate Authorities (AAs) as per the Act's provisions. The Public Authorities must also ensure, that its field offices have complete details of the designated PIOs/ APIOs/ Appellate Authorities. The departments/Public Authorities having larger public interface, should ensure that these details in respect of a district are available on a notice board at its district level office.
- Regarding the mode of payment of application fees, the Commission recommended that payment of fees may also be done in cash or at least through Indian Postal Orders in addition to, other modes already in force.

Role of the Nodal Agency

In regard to the initiatives of the nodal agency to publicise and promote the Right to Information through public meetings and other modes of publicity, four respondents felt that the Government had not made sufficient efforts in this direction, while the rest said that they had no information in this regard. The Department of Administrative Reforms, the nodal agency for the implementation of the Act in the State Government has conducted 12 training programmes for the SPIOs/APIOs of different Public Authorities in the State, and it is also preparing a training module for the PIOs. Himachal Institute of Public Administration (HIPA), in collaboration with PRIA, had organised mass campaigns on RTI in Hamirpur district in August 2007. Similarly, HIPA and PRIA have undertaken orientation programmes of the elected representatives of the Panchayati Raj Institutions, Public Information Officers and Civil Society Organisations in Hamirpur and Shimla

between April-August 2007. More initiatives need to be replicated on a large scale in the State. [Table B – Annexure II]

Similarly, the development of mass awareness materials for mass sensitisation of the citizens is also being done to strengthen the demand side of the Right to Information in the State. The State Government has been supportive enough to provide around Rs 60 lakh as the annual budget to the State Information Commission, which seems to be alright considering the size and the population of the State. But more efforts should be made by the State Government to strengthen the demand for RTI. [Table B – Annexure II]

Jharkhand

Accessibility to Information

Accessibility to information is difficult in all the three districts as five respondents from the civil society said that they found neither any notice board informing them about PIOs in front of the offices, nor any list of PIOs at the district level. No self-disclosure by any public authority was found in the three districts. Thus, the citizens simply did not have any means of approaching PIOs. Some of the citizens who were able to apply for information were able to do so after much running around in the government offices or taking the help of civil society organisations. [Table 2, 6, 7 & 8 , Annexure 1]

Response of the State Information Commission

Jharkhand State Information Commission has been allocated a sufficient budget of Rs 1.57 crore (2006-2007) by the Government, and it has been provided with seven Information Commissioners, 30 staff and good infrastructure. Yet there have been reports that the SIC members have not been able to work in unison; as a result 288 appeals are pending before the commission. One good aspect of State Information Commission is that the members are from diverse backgrounds, and the dominance of any background, i.e., IAS retired is not seen in the commission. [Table 12, Annexure 1]

Role of the Nodal Agency

Though the Nodal Agency in Jharkhand has some initiatives like radio programmes for awareness generation of RTI among the citizens and training of PIOs at some locations it has not been able to reach out to large sections of the population in Jharkhand. The use of RTI in the State is restricted due to the poor awareness levels of citizens

Madhya Pradesh

Accessibility to Information

All the respondents of civil society say that PIOs have been appointed in the district, and the notice boards informing about the PIOs have been put in most PAs in the district. Moreover, three respondents also say that the directory of PIOs is available in the district. So the citizens have the access to PIOs easily, but the behaviour of the PIOs has been found wanting. Four respondents said that the PIOs denied information in most of the cases, which means that the citizens face hurdles right on the first step. All the respondents felt that people from middle class are mostly using the RTI Act. The first appeal was equally difficult as four respondents said that the Appellate Authority did not show concern and did not admit the appeal. Some initiatives had been taken for self-disclosure by PAs in the district, particularly at the Gram Panchayat level as opined by all the five respondents. However, a lot needs to be done to make it citizen-friendly, so that the citizens do not face difficulty in filing applications for the information. [Table 2, 4, 6, 7, 8 & 10, Annexure 1]

Response of the State Information Commission

Three out of the five respondents did not have the experience of filing appeals before the Commission, while one respondent felt that the SIC was cooperative, another felt that the SIC denied information. But an analysis of the data of the State Information Commission shows a very clear picture on their functioning – the SIC has 1158 pending appeals and 139 pending complaints which shows that the citizens will have to wait for months for their appeals to be resolved. Despite being a large State in terms of coverage area and population, the SIC has been functioning with just one Information Commissioner which reflects on the apathetic attitude of the State Government towards RTI in the State. The State Government has provided a small number of people as staff to the SIC, which makes its efficient functioning more difficult. [Table 5 & 12, Annexure 1]

Role of the Nodal Agency

Three respondents of civil society feel that the nodal agency or the State Government has not done enough for promoting RTI among the citizens. They said that the State Government has not undertaken any step for popularizing RTI in last one year in the Sehore district except for two workshops by the government departments.

Uttar Pradesh

Accessibility to Information

One of the most important problems faced by the citizens in Uttar Pradesh is the non-availability of a list or directories/notice board of PIOs, which makes it difficult for the citizens to apply for information. Nearly 13 respondents of civil society in three districts said that the notice board informing them about the PIOs were not put up in the office of the Public Authorities. Similarly, they pointed out that they had not seen the list/directory of PIOs/ APIOs in their district. This has happened despite the fact that a majority of Public Authorities in the State have appointed PIOs. As far as the cooperation of the PIOs in providing information to citizens is concerned, only three respondents found the PIOs cooperative. Nearly nine respondents felt that the PIOs did not provide the information when requested; while nearly three respondents said that though the PIOs provided the information they harassed the people who wanted information. This shows the poor response of the Public Authorities in providing information to the citizens. At the same time, the record of self-disclosure by Public Authorities remains very poor, 13 respondents of civil society felt that the Public Authorities at the district level simply did not make the self-disclosure as per Section 4(1) of the RTI Act. Hence, the non-availability of a list or directories of the PIOs, denial of information by the PIOs, and the lack of self-disclosure restricted the information from being accessible to the citizens significantly. [Table 3, 6, 7, & 8, Annexure 1]

In regard to the experience of citizens in filing the first appeals, only three respondents of civil society said that the Appellate Authority was cooperative and directed the PIOs to provide information under the Act, in response to their first appeals. About two respondents were of the view that the Appellate Authority was indifferent and did not uphold the appeals for information, which came to them. Further, eight respondents said that the Appellate Authority denied the information to the citizens, who came with the first appeals. This in a way suggests that the Appellate Authority being a senior officer of the Public Authority, it was sympathetic towards the PIOs who did not provide the information to the citizens. The category of citizens most using the Act in UP according to 11 respondents of civil society who were interviewed was the middle class with the poor using the Act marginally. [Table 4 & 10, Annexure 1]

Response of the State Information Commission

Regarding the experience with the State Information Commission (SIC), five respondents had not followed the second appeal in the State Information Commission. The perception of civil society about the performance of the SIC was found to be moderately good as eight respondents said that the Commission was cooperative and directed the PIOs to provide information to the applicants/appellants. One good aspect of the composition of the SIC was that all the five members were from diverse backgrounds, which means that the State Government did not give undue importance to administrative backgrounds in selecting the members. [Table 5, Annexure 1]

The overall picture, which emerges is that the PAs and the Appellate Authorities in the State, are not at all enthusiastic in providing information under the RTI Act to the citizens. Though the State Information Commission has been rated moderately well by the civil society, the huge pending appeals and complaints in the commission raises doubts about the efficiency of the Information Commission.

Role of the Nodal Agency

In response to the efforts of the nodal agency for publicising and promoting the Right to Information in the state, only three respondents felt that the Government had made some efforts for the same, whereas 11 respondents felt that no such efforts were made in this direction. This shows that the State Government was not doing enough work to widely publicise and promote the awareness and application of the RTI Act in the State, which made the progress of RTI quite slow. [Table 9, Annexure 1]

Uttarakhand

Accessibility to Information

The data from the State Information Commission shows that nearly all the Public Authorities in the State have appointed PIOs/APIOs. This is indicative of the good response of the Public Authorities in complying with the basic requirement for appointing PIOs in their offices. Nearly six respondents of the civil society from Chamoli and Champawat districts also say that the PIOs/APIOs have been appointed in a majority of PAs. According to five respondents, the PIOs were cooperative in providing the information in the districts while one respondent said that the PIOs harassed people but eventually provided the information. In answer to the question as to which category of citizens used the RTI the most in their respective districts, two respondents said that the middle class used this Act, which meant that the RTI Act is accessible only to the literate section of the population. [Table 2, 3 & 10, Annexure 1]

With respect to the experience of the citizens in filing first appeals, most of the respondents said that the Appellate Authority is quite cooperative, only one respondent said that the Appellate Authority was is not concerned and did not admit the appeal. [Table 4, Annexure 1]

In response to the putting up of notice boards in the offices of the Public Authorities, giving information on the PIOs/ APIOs, four respondents said it had been done in the districts. With respect of the availability of the directory/list of PIOs of the district, five CSOs said that they are not aware of the list which means that list, despite being available on the web site, is not widely disseminated to the people. [Table 6, Annexure 1]

Regarding self-disclosure by the Public Authorities at the district level, in the respective districts, three respondents said they have seen the self-disclosure of some PAs. This data shows that the rate of compliance of the self-disclosure norms is satisfactory in the State, and the departments are taking sufficient initiatives in this direction. But a serious look at the self-disclosure of some Public Authorities show that the disclosure are not only voluminous but also not citizen-friendly as the citizens are not able to locate many crucial details about the PAs' functions in the document.

[Table 8, Annexure 1]

Role of the State Information Commission

Two respondents interviewed during the study felt that the Commission was cooperative, while five respondents did not have any experience in this regard. Thus, the opinion of the respondents did not reflect anything about the functioning of SIC. But the disposal rates of Appeals and Complaints by the SIC is only 65 percent which is quite low considering the fact that SIC had received only 576 Appeals and Complaints in the year 2006-2007. It also indicates that one member of SIC is not able to handle Appeals and Complaints alone, hence there is need for appointment of more members in the SIC. Further, the annual report of the SIC for two years 2005-06 and 2006-07 has not been laid before the State Legislature as a result the annual reports have not been made public. The SIC should take up the matter and lay the annual reports before the Legislature immediately. [Table 5 & 12, Annexure 1]

Role of the Nodal Agency

As far as the initiatives of the nodal agency for publicising and promoting the RTI Act in the State, through public meetings and trainings was concerned, five CSOs felt that the nodal agency had taken steps in this direction, which means that the Government has taken some initiative in promoting and popularising the Act in the State. The Nodal Agency had started the training of the PIOs in 2005 and since then it had conducted several training programmes of the PIOs. For disseminating message of RTI among the citizens, RTI booklets had been published in Kumaoni and Garhwali. But these booklets had been published in very small numbers, so its utility was limited as far as dissemination among the citizens was concerned. [Table B – Annexure II]

Recommendations

On the basis of the findings of the Study, we would like to make some recommendations for improving accessibility to citizens to information from the Public Authorities.

1. The Study shows that citizens in most States are facing difficulty in locating appropriate Public Information Officers, so it is suggested that district level directory of PIOs should be published and widely disseminated. In addition, facilities like RTI Call Centre in Bihar should be created in every state and a *Jan Soochna Kendra* (Information Centre) should be established at district and block level, which should act as Assistant Public Information Officer for all the Public Authorities in the district.
2. The Study demonstrates that citizens are facing a lot of harassment at the hands of the Public Information Officers (PIOs) who not only refuse to accept the applications but also threaten them often striking off their names from the social welfare schemes of the Government. PIOs, having worked for several years under the Official Secret Act regime, are finding it difficult to adjust to open and transparent governance. So we suggest that orientation of PIOs on RTI Act should be organised with the representation of citizens and civil society organisations in order to create the environment in which all the stakeholders can understand each other's perspective. In addition, the State Information Commissions should regularly conduct reviews of Public Authorities like Andhra Pradesh State Information Commission in order to ensure compliance to the RTI Act.
3. The study shows that the status of self-disclosure in various public authorities at district level is in very poor shape which results in the piling up of RTI applications in the PIOs offices. It is hereby suggested that the PAs should make a manual of self-disclosure for all the levels of their departments, so that officials can easily make self-disclosure manual of their offices at their own level.
4. The study shows that the Appellate Authorities (AAs) are largely sympathetic to PIOs and tend to go along with them if PIOs do not want to disclose information. This attitude of AAs leads to piling up of appeals and complaints at the level of State Information Commission. It is hereby suggested that interactions of the State Information Commissions and the AAs of all Public Authorities should be done regularly, so that AAs understand the decisions of SICs / CIC and go by the letter and spirit of RTI Act.
5. The Study shows that poor budget and manpower hampers the functioning of the SICs, so the State Governments should allocate sufficient budget and staff to the SICs. The SIC is the

apex body ensuring compliance to the RTI Act in the State which ultimately shall contribute to accountable and transparent governance.

6. The Study shows that the SICs are mostly one –three member commission and they are not able to handle the huge number of Appeals and Complaints which are coming to the SICs and it leads to poor disposal rates of appeals and complaints. Huge pending rates create a sense of pessimism among the citizens about the RTI Act and the Government at large. So the State Governments should appoint adequate number of Information Commissioners in order to maintain disposal rate of 90 per cent and above.
7. The Study shows that the SICs are quite reluctant to impose penalties on PIOs even in case of malafide denial of information to the citizens which makes the PIOs complacent in providing information under RTI Act. Such environment of non-compliance by PIOs is not conducive for transparent and accountable governance.
8. The Study demonstrates that use of RTI Act is limited to the urban populace and rural masses have largely not been able to use the Act due to poor awareness. It is suggested that the State Governments in collaboration with civil society organisations should launch awareness generation campaigns regularly on RTI.

Part II

PERFORMANCE OF STATE INFORMATION COMMISSIONS **: AN EVALUATION**

Introduction :

State Information Commission (SIC) is the apex appellate authority at the State level for hearing the appeals or complaints from the citizens who have not been able to access information due to some reasons. The power of enforcement and compliance of Right to Information Act has been given to State Information Commission. State Information Commission is a pivot institution which ensures implementation of RTI (Right to Information) Act in the State. Effective functioning of State Information Commission in a way determines effective implementation of RTI Act in the State. Hence it is quite pertinent to evaluate the functioning of SICs which is critically linked to functioning of RTI regime in the State.

An attempt has been made to evaluate the performance of State Information Commissions on the basis of percentage of disposal rates of appeals and complaints. At the same time, our endeavour is to trace the causes for poor disposal rates of the SICs. The data for the study was collected from eleven State Information Commissions by the investigators of PRIA in April – Oct, 2007, while data of Goa SIC and Punjab SIC has been collected from its web site in Nov 2007.

While evaluating the performance of SICs and tracing the casual factors for good or bad performance of SICs, we have tried to document some goods practices and recommendations of Central Information Commission and State Information Commission, so that lessons and good practices of SICs are widely shared. We believe that the identification of critical factors which pull the SICs back would generate debate among all stakeholders on the issue, thereby facilitating search for ideas for improvising the performance of SICs.

Disposal of Appeals and Complaints of SICs

For evaluating the performance of SICs, the attempt has been made find out the percentage of disposal rate of appeals and complaints in the SICS and compare the disposal rates of appeals and complaints of SICs in thirteen states (Table 1). Table 1 shows that 9605 Appeals were filed in comparison to 5403 Complaints in the thirteen states which suggests that citizens are going to the SIC by way of 2nd Appeal. It is important to note here that Complaints in Section – of RTI Act offers a short way to addressing the grievances of citizens but citizens are going for a long way perhaps due to non-awareness about the Complaint provision in the Act . It can be substantiated by data of SIC in Kerala and Gujarat where number of Complaints filed are much more than

Appeals. It suggests that citizens in two states being literate and aware are going for Complaints to SIC in case of denial of information.

Four SICs – Himachal Pradesh, Haryana, Kerala and Punjab are high performing states a disposal rates of Appeals in these States is more than 75 percent. As far as, the disposal of Complaints is concerned Madhya Pradesh, Himachal Pradesh, Haryana and Chhattisgarh have disposal rate of more than 80 percent. Most high performing State as far as disposal rate of Appeals and Complaints is concerned is Haryana with the disposal rate of over 99 percent. The disposal rates of Appeals in Madhya Pradesh, Gujarat and Jharkhand is less than 50 percent which is quite low. The poor disposal rates in MP can be attributed to heavy work load on one member Commission and non-appointment of Information Commissioner for a long time; while in Gujarat also, lone Chief Information Commissioner has been working on heavy workload. But poor disposal rate in Jharkhand is inexplicable considering the fact that the SIC has 7 members and it has received only 549 Appeals and Complaints put together which is quite small when compared with Punjab, Madhya Pradesh and Andhra Pradesh.

Poor allocation of staff and budget can be cited as the reasons for deplorable performance of some State Information Commissions. Table 2 demonstrates that SICs in Madhya Pradesh, Gujarat, Rajasthan, Andhra Pradesh, Bihar and Assam have been allocated very poor per capita budget. It is interesting to find that Jharkhand, Chhattisgarh and Himachal Pradesh, despite having poor fiscal position have able to provide adequate budget in comparison to other states. But the direct correlation between the sufficiency of budget and disposal rate of State Information Commissions is difficult to establish as some of the SIC like Andhra Pradesh SIC have been able to do commendable work because of its proactive approach in implementing RTI in the state. While SIC like Jharkhand, despite having good per capita budget has high pending rate of appeals and complaints.

One worrying fact about the performance of SICs is reluctance of the Commissions to penalize Public Information Officers. In five states – Madhya Pradesh, Rajasthan, Himachal Pradesh, Andhra Pradesh, Uttarakhand and Bihar, it is surprising to find that SICs, despite dealing with huge number of appeals and complaints, have not been able to find many cases of malafide denial of information by PIOs (Public Information Officers) . While the complaints from citizens across all the states specially in Madhya Pradesh, Rajasthan, Chhattisgarh, Haryana, Punjab, Bihar is that they face lot of harassment at the hands of PIOs. Citizens are threatened, harassed, made to run around several times to the government offices for information, their names are struck off from the beneficiaries list of development programmes like Indira Awas Yojana, BPL families. Thus the sympathy of SICs to PIOs is intriguing and against the letter and spirit of RTI Act.

Table 1: Disposal of Appeals and Complaints by SIC (2006-2007)

S.No	State	Apls Received	Apls Disposed off	Disposal rate % (Appl)	Complts Received	Complts Disposed off	Disposal rate % (Comp)	Penalties imposed
1	Madhya Pradesh	1639	481	29 %	970	831	86 %	Nil
2	Rajasthan	415	248	60 %	56	32	57 %	Nil
3	Gujarat	869	385	44 %	1732	465	27 %	16
4	Himachal P	26	20	77 %	44	35	80 %	Nil
5	Haryana	443	442	99.7 %	442	440	99.5 %	-
6	Andhra P +	1263	840	66 %	-	-	-	Nil
7	Jharkhand	471	193	41 %	78	48	62 %	4
8	Chhattisgarh	585	375	64 %	828	679	82 %	-
9	Kerala	510	385	75 %	960	645	67 %	26
10	Punjab +	3101	2561	83 %	-	-	-	-
11	Uttarakhand	283	184	65 %	293	190	65 %	Nil
12	Bihar +	3065	1730	56 %	-	-	-	-
13	Goa +	176	136	77 %	-	-	-	-
	Total	9605	6114	64 %	5403	3365	59 %	46

Source: Data for all states except Punjab and Goa has been collected by PRIA investigator from State Information Commissions. Data of Punjab and Goa SIC is their on web site.

+ In case of AP, Bihar, Goa and Punjab, the number of Appeals and Complaints have put together as SIC had provided the data in this form only.

* The data from SICs was collected in April, 2007.

Table 2 : Budget of State Information Commissions (2006-07)

S.No.	State	Budget (Rs.)	Per capita budget (Rs.)
1	Madhya Pradesh	97.46 lakhs	.16
2	Rajasthan	25.90 lakhs	.04
3	Gujarat	42.51 lakhs	.08
4	Himachal P	59.61 lakhs	.98
5	Haryana	140.04 lakhs	.66
6	Andhra P	235 lakhs (05-07)	.15
7	Jharkhand	157 lakhs	.58
8	Chhattisgarh	135 lakhs	.64
9	Kerala	286 lakhs	.89
10	Punjab	147.70 lakhs	.60
11	Uttarakhand	100 lakhs (05-06)	1.17
12	Goa	8 lakhs	.59
13	Bihar	74.5 lakhs	.09

Source: Data for all states except Punjab and Goa has been collected by PRIA investigator from State Information Commissions. Data of Punjab and Goa SIC is on web site.

One of the hindering factor in the poor performance of some State Information Commissions is the overrepresentation of members from Administration and Governance particularly IAS Retired in the State Information Commissions. [Table 3] Some Information Commissioners who have worked nearly for three decades in Administration and Governance, have neither shown inclination for disclosure of information nor taken pro-active steps for facilitating disclosure of Information.

It would be pertinent here to analyze the background of members of 20 State Information Commissions. In 20 SICs, out of 52 Information Commissioners – 27 (nearly 52 percent) are from administrative and governance background. Fifteen SICs are headed by retired IAS officers and One SIC (Assam) is headed by retired IPS officer. Only four states – Jharkhand, Bihar , Uttar Pradesh and Madhya Pradesh have non- IAS Chief Information Commissioner and all of them law background. In addition, two backward states in terms of human development indicators e.g. Uttar Pradesh and Jharkhand have information commissioners from diverse background. In the SIC of Uttar Pradesh and Punjab also the information commissioners are from diverse background. This data quite clearly demonstrates that there is overrepresentation of administrative and governance background and under representation from persons of other fields in majority of SICs.

It is important to note here that Section 15 (5) of RTI Act mentions “The State Chief Information Commissioner and the State Information Commissioners shall be persons of eminence in public life with wide knowledge and experience in law, science and technology, social service, management , journalism, mass media or administration and governance”. It shows that drafters of RTI Act 2005 had underlined the need for people from diversified background in the State Information Commissions; however the State Governments have mostly recommended IAS Retired Officials as members of SICs.

The pre-dominance of IAS officers in the State Information Commission suggests that State Governments are comfortable working with the officials who have put nearly three decades in government institutions and it perhaps feel that retired IAS officers would ‘fit into the system of SIC’ more than members from other fields. The composition of SICs also reflects that people from science and technology, social service, academia, Journalism, Law and management do not lobby for the position of members of SIC as Retired IAS officers do; hence they are not able to get these positions.

Table 3: Background of members in State Information Commission (2006-2007)

S.No.	State	A & G	Law	Ac	SS	Jrn	S& T	Mgt	Total
1	Madhya Pradesh		1						1
2	Rajasthan	1 [IAS Retired]							1
3	Gujarat	1 [IAS Retired]							1
4	Himachal P	1 [IAS Retired]							1
5	Haryana	2 [IAS Retired]							2
6	Andhra P	1 [IAS Retired]	1			1			3
7	Jharkhand		3	1	1	1		1	7
8	Chhattisgarh	1 [IAS Retired]							1
9	Kerala	2 [IAS Retired]	1			1			4
10	Punjab	3 [IAS Retired]							9
11	Uttarakhand	1 [IAS Retired]							1
12	Assam	1 [IPS Retired]							2
13	Goa	1 [IAS Retired] 1 [State servi]							2
14	Sikkim	1 [IAS Retired]							1
15	Bihar	2 [IAS Retired]	1						3
16	Karnataka	2 [IAS Retired]							2
17	Orissa	1 [IAS Retired]	1						2
18	Uttarpradesh	1 [IAS Retired]	1	1		1	1		5
19	Tamil Nadu	3 [IAS Retired]							3
20	Maharashtra	1 [IAS Retired]							1
	Total	27	9	2	1	4	1	1	52

Abbreviations used:

1. Administration & Governance : A & G (mostly IAS Retired)
2. Academia : Ac
3. Social Service : SS
4. Journalism: Jrn
5. Science and Technology: S & T
6. Management: Mgt

The overrepresentation of bureaucracy in the SIC which is the apex body for ensuring easy access to information is hampering functioning of SIC in some states as ICs remain sympathetic to the Public Information Officers and they are willing to give them ample opportunities to correct their mistakes even when there is malafide denial of information. It is often said by Information Commissioners that PIOs are at learning stage, they need to be given opportunity to learn about the Act. Hence, ICs are extremely reluctant to impose penalties even on errant PIOs. While, they do not care for the rights of citizens who has been denied information and who has come all the way from remote corners of the state to the state capital for the appeal, spending money from their own pocket. Are judicial or quasi-judicial bodies in India willing to pardon citizens for violation of law which has been committed due to ignorance? In that case, the Rule of Law in India would go topsy-turvy.

Steps taken by the State Governments and State Information Commissions for facilitating access to information

I. Right to Information Call Centre in Bihar and RTI Help Line in Bangalore

Bihar is one of the first states to accept right to information applications on phone with the objective for ensuring transparency in the functioning of public institutions and to expand reach of Right to Information to the villages. Bihar Government established the 'Jankari' call centre on 29 January 2007. The centre records the voices of the citizens over phone and drafts the application in the manner that can be put before the Public Information Officers in the Public Authorities. Since a large chunk of rural population is unable to read and write, the call centre would prove a boon for them as it would virtually write application on behalf of the complainants. A sum of Rs 10 as fees (under the RTI provisions) would automatically be charged in the caller's telephone bill. The call centre's number is 155331.

It is a user friendly ICT (Information and Communications Technology) based facilitation centre to help citizens of Bihar in getting governance related information from public information officers (PIOs) under the Right to Information Act, 2005 (RTI) within stipulated time frame. Use of ICT tools have been widely appreciated by the media and the people because of its user friendly format. It would be very useful for the rural people, who can get information without having to visit the office.

Bihar has received nearly 1,700 telephonic applications on its call center number from the time it was established. There have been some logistical constraints in operation of this call center. Citizens complain that the phone lines are often jammed and it is not possible to call from all the districts in Bihar, the facility is available only in some districts of Bihar. It is also seen in some cases that the questions are not framed as per the desire of the applicant as a result. Hence, wrong information is furnished to the applicant. The operationalization of RTI call center in Bihar is not satisfactory but the concept is good as it saves the citizens from the trouble of personally visiting Public Authorities.

Similar example of RTI call center exists in Bangalore which is maintained by Manjunath Trust. The number of this national help line in RTI: 080- 666- 00- 999 (toll free only in Bangalore, for rest of India , STD rates are charged). This center has five lines which is run by a professional call center. The professional who handle the lines have been trained by Parivartan. All the details of the information asked by a person are recorded immediately by the call center professionals and daily document can be taken out if required. If there are some questions, which cannot be answered by the call center professional, then it is passed on daily to technical expert on RTI. In this RTI Call center, technical person is the volunteer from Parivartan. A citizen can ask for

information related RTI Act 2005, State rules of Karnataka, list of Public Information Officers and appellate bodies in Karnataka, procedural details of application and appeal, name and addresses of RTI activists from all over India. The call center receives 150-200 calls per day. The cost of operating the call center come out to be Rs. 1,00,000/- 1,25,000/- per month

These models of RTI Call Center and RTI Help Line are worth replicating in the other states as it facilitates easy access to information.

II. Review of Public Authorities by Andhra Pradesh State Information Commission

Andhra Pradesh State Information Commission in order to ensure compliance to Right to Information Act 2005 has taken up a pro-active role vis-à-vis the State Administration and other Public Authorities at all level viz. secretariat level, heads of Department level and District level. For this purpose, the Commission has visited all the districts in the State and conducted review meetings with Collectors, Superintendent of Police, 1st Appellate Authorities and Public Information Officers and reviewed the compliance of Section 4 (1) b, 5 (1) & (2) of the RTI Act.

Reviewing the implementation of RTI Act with the officials of Krishna, East and West Godavari districts in Nov, 2007 at Vijayvada Chief Information Commissioner Shri C D Arah has advised the officials to initiate steps to implement the Act effectively. He asked the officials to submit the district-level annual report on the implementation of the Act by December-end as the Commission has to submit its second annual report to the Government.

State Information Commission has interpreted the Section 19 of RTI Act constructively by regularly undertaking the reviews of Public Authorities for compliance to RTI. [Section 19 says that the Commission while deciding the appeals can require a public authority to take such steps as may be necessary to secure compliance with the provisions of the Act].

Similar review of the public authorities should be undertaken by other Public Authorities. The State Information Commission should collectively and individually visit all the districts in the state and hold meetings with the District Collector and Senior Officials and also have intensive discussions with the administration, particularly the PIOs, APIOs /Appellate Authorities to know about the status of the implementation of the RTI regime in the respective districts. The SIC should sensitize these stakeholders on the Act, so that they are effective machinery for smooth implementation of RTI Act.

III. Public hearings at the district headquarters by Kerala State Information Commission

Kerala State Information Commission has been conducting public hearings of 2nd Appeal at the district headquarters, so that citizens do not have to spend their resources for coming to the state capital. This model should be followed by other State Information Commission as well.

Recommendations for Central Government, State Governments, Central Information Commission and State Information Commissions for facilitating access to information

I. Central Information Commission recommends greater financial, administrative autonomy

The Central Information Commission has asked for greater financial and administrative autonomy so that it is not dependent on government for its functioning.

Shri Chief Information Commissioner (CIC), Wajahat Habibullah, has suggested some measures for improving the functioning of Central Information Commission at conference of State Information Commissioner in New Delhi , Oct 17, 2007 and in some of his recent interviews to the press.

1. Central Information Commission requires administrative and financial autonomy. At present, it is totally dependent upon the government both for administrative structure and for finances. So, Parliament should make a direct grant to the Commission instead of routing fund allocation through the Department of Personnel and Training (DoPT).
2. The Commission being a quasi-judicial body cannot function like any other government department which has deputy secretaries and joint secretaries, hence “court masters and people with judicial background” are required by the Commission.
3. Central Information Commission needs freedom to recruit staff as opposed to the current practice of deputing personnel to the Commission from the government. For this purpose, the Commission should have its own recruitment rules.
4. Major scheme of Central Government in e-governance with the estimated budget of Rs. 23,000 Crores which aims to computerize all the government records should be interfaced with Right to Information. This measure will help citizens in getting information through e mail.

II. State Information Commissions recommends stronger measures for strengthening RTI

1. *Andhra Pradesh State Information Commission* in its annual report (2005 – 2006) , has recommended that a unified command structure like Central Election Commission and Central Vigilance Commission should be created for implementing the RTI Act. All the Public Information Officers must come under administrative control of commission, so

- that these officials are insulated from extraneous influences. These officials should not be transferred, changed or altered without the prior permission of Information Commission.
2. *Goa State Information Commission* in its presentation at the Conference of State Information Commissioners in New Delhi pointed out the SIC does not have the power for execution of its decisions. While the SIC has the powers of Civil Court under Section 18 of RTI Act but it does not have similar powers under Section 19 of RTI Act which results in non-compliance to the decisions of SIC
 3. *Kerala State Information Commission* in its presentation at the Conference of State Information Commissioners in New Delhi pointed out that there is not provision for contempt proceeding for non-compliance of the directions of SIC. Similarly, there is no provision to realize the penalty if payment is defaulted and no provision to enforce recommendation for disciplinary action under Section 20 (2). There should be specific provisions in the Act for ensuring compliance to the decisions of SICs.

List of abbreviations

- AA: Appellate Authority
- APIO: Assistant Public Information Officer
- CIC: Chief Information Commission
- HIPA: Himachal Institute of Public Administration, Haryana Institute of Public Administration
- PA: Public Authority
- PIO: Public Information Officer
- PRIA: Society of Participatory Research in Asia
- RTI: Right to Information
- SIC: State Information Commission

ANNEXURE 1

RESPONSE FROM CIVIL SOCIETY ORGANIZATIONS WHO ARE WORKING ON RIGHT TO INFORMATION

(Note: Figures indicate absolute numbers)

Table 1: Sample size of representatives of civil society in twenty one districts of eight states

S. No.	States	Total
1	Gujarat - Ahmedabad, Sabarkatha, Jamnagar	10
2	Himachal Pradesh - Kanrga	5
3	Uttar Pradesh- Bahraich , Sitapur, Mirzapur	15
4	Andhra Pradesh- East Godavari, Vishakhapatnam, Hyderabad, Srikakulam	11
5	Haryana – Sonipat, Fatehabad, Panchkula, Mahendragarh	7
6	Uttarakhand- Champawat, Chamoli	7
7	Madhya Pradesh- Sehore	5
8	Jharkhand - Jantara, Giridih, Dhanbad	5
	Total	65

Table 2: Have the public authorities in your district appointed PIO/APIOs ?

States	Yes	N0	NA	Total
Gujarat	6	4		10
Himachal Pradesh	5			5
Uttar Pradesh	10	5		15
Andhra Pradesh	11			11
Haryana	5	1	1	7
Uttarakhand	6	1		7
Madhya Pradesh	5			5
Jharkhand	4	1	---	5

Table 3: Response of PIO to applicants who want to access Information

State	PIO are cooperative in providing information	PIO harass people but provide the information	PIOs deny information	NA	Total
Gujarat	6	1	3	--	10
Himachal Pradesh	2	1	--	2	5
Uttar Pradesh	3	3	9	--	15
Andhra Pradesh	2	--	9	--	11
Haryana	2	2	3	---	7
Uttarakhand	5	1	--	1	7
Madhya Pradesh	1		4		5
Jharkhand	---	4	1	---	5

Table 4: Response of first appellate authority in dealing with appeal:

States	Appellant authority is cooperative and directs PIO to provide information	Appellant authority is not concerned and does not admit the appeal	Appellant authority denies information	NA	Total
Gujarat	4	1	--	5	10
Himachal Pradesh	1	2	--	2	5
Uttar Pradesh	3	2	8	2	15
Andhra Pradesh	10	--	--	1	11
Haryana	1	1	1	4	7
Uttarakhand	--	1	--	6	7
Madhya Pradesh	1		4		
Jharkhand	---	---	---	5	---

Table 5 : Response of State Information Commission in dealing with appeal / complaints

States	Commission is cooperative and directs PIOs to provide information	Commission is not concerned and does not admit the appeal	Commission denies information	NA	Total
Gujarat	5	--	--	5	10
Himachal Pradesh	1	1	--	3	5
Uttar Pradesh	8	1	1	5	15
Andhra Pradesh	9	--	--	2	11
Haryana	1	1	--	5	7
Uttarakhand	2	--	--	5	7
Madhya Pradesh	1		1	3	5
Jharkhand	1	---	---	4	5

Table 6 : Have the public authorities in your intervention district put up notice boards in offices informing about Public Information Officers / Assistant Public Information Officers.

S. No.	States	Yes	No	Do not know	Total
1	Gujarat	3	6	1	10
2	Himachal Pradesh	--	4	1	5
3	Uttar Pradesh	2	13	--	15
4	Andhra Pradesh	11	--	--	11
5	Haryana	3	4	--	7
6	Uttarakhand	4	1	2	7
7	Madhya Pradesh	5			5
8	Jharkhand	---	5	---	5

Table 7 : Is the list of Public Information Officers or directory of PIOs of public authorities available in your district?

S.No.	States	Yes	No	Don't Know	Total
1	Gujarat	2	7	1	10
2	Himachal Pradesh	--	5	--	5
3	Uttar Pradesh	3	12	--	15
4	Andhra Pradesh	1	10	--	11
5	Haryana	-	7	--	7
6	Uttarakhand	1	1	5	7
7	Madhya Pradesh	3	2		5
8	Jharkhand	---	5	---	5

Table 8: Have the public authorities in your district made self-disclosure [Section 4 (1) b] about its activities?

S. No.	States	Yes	No	NA	Total
1	<i>Gujarat</i>	2	8	--	10
2	<i>Himachal Pradesh</i>	1	4	--	5
3	Uttar Pradesh	2	13	--	15
4	Andhra Pradesh	2	9	--	11
5	Haryana	1	6	--	7
6	Uttarakhand	3	1	3	7
7	Madhya Pradesh	4	1		5
8	Jharkhand	---	5	---	5

Table 9: Has the state government made effort to publicize and promote Right to Information by way of advertising or public meetings or trainings?

S.No.	States	Yes	No	NA	Total
1	Gujarat	2	7	1	10
2	Himachal Pradesh	--	4	1	5
3	Uttar Pradesh	3	11	1	15
4	Andhra Pradesh	1	9	1	11
5	Haryana	--	7	--	7
6	Uttarakhand	5	1	1	7
7	Madhya Pradesh	2	3		5
8	Jharkhand	1	4	---	5

Table 10: Which class of citizens is mostly using RTI in your intervention district for accessing information?

S.No.	States	Poor	Middle Class	Rich	Others	Total
1	Gujarat	3	5	--	2	10
2	Himachal Pradesh	--	5	--	--	5
3	Uttar Pradesh	2	11		--	15
4	Andhra Pradesh	3	8			11
5	Haryana	1	3	--	3	7
6	Uttarakhand	--	2	--	5	7
7	Madhya Pradesh		5			5
8	Jharkhand	---	---	---	---	---

Table 11: Which social groups are mostly using RTI in your district for accessing information?

S.No.	States	Students	Social Activists	Govt. Servants	Others	Total
1	Gujarat	--	5	1	4	10
2	Himachal Pradesh	--	2	1	2	5
3	Uttar Pradesh	1	8	--	6	15
4	Andhra Pradesh	3	8	--	--	11
5	Haryana	--	5	2	-	7
6	Uttarakhand	--	1	1	5	7
7	Madhya Pradesh		3		2	5
8	Jharkhand	---	---	---	---	---

Table 12: Disposal of Appeals and Complaints by SIC (2006-2007)

S.No.	State	Apls Received	Apls Disposed off	Disposal rate % (Appl)	Complts Received	Complts Disposed off	Disposal rate % (Comp)	Penalties imposed
1	Madhya Pradesh	1639	481	29 %	970	831	86 %	Nil
2	Rajasthan	415	248	60 %	56	32	57 %	Nil
3	Gujarat	869	385	44 %	1732	465	27 %	16
4	Himachal P	26	20	77 %	44	35	80 %	Nil
5	Haryana	443	442	99.7 %	442	440	99.5 %	-
6	Andhra P +	1263	840	66 %	-	-	-	Nil
7	Jharkhand	471	193	41 %	78	48	62 %	4
8	Chhattisgarh	585	375	64 %	828	679	82 %	-
9	Kerala	510	385	75 %	960	645	67 %	26
10	Punjab +	3101	2561	83 %	-	-	-	-
11	Uttarakhand	283	184	65 %	293	190	65 %	Nil
12	Bihar +	3065	1730	56 %	-	-	-	-
13	Goa +	176	136	77 %	-	-	-	--
	Total	9605	6114	64 %	5403	3365	59 %	46

Source: Data for all states except Punjab and Goa has been collected by PRIA investigator from State Information Commissions. Data of Punjab and Goa SIC is on their web site.

+ In case of AP, Bihar, Goa and Punjab, the number of Appeals and Complaints have put together as SIC had provided the data in this form only.

Table 13 : Budget of State Information Commissions (2006-07)

S.No.	State	Budget (Rs.)	Per capita budget (Rs.)
1	Madhya Pradesh	97.46 lakhs	.16
2	Rajasthan	25.90 lakhs	.04
3	Gujarat	42.51 lakhs	.08
4	Himachal P	59.61 lakhs	.98
5	Haryana	140.04 lakhs	.66
6	Andhra P	235 lakhs (05-07)	.15
7	Jharkhand	157 lakhs	.58
8	Chhattisgarh	135 lakhs	.64
9	Kerala	286 lakhs	.89
10	Punjab	147.70 lakhs	.60
11	Uttarakhand	100 lakhs (05-06)	1.17
12	Assam	38.51 lakhs	.14
13	Goa	8 lakhs	.59
14	Sikkim	62 lakhs	11.47
15	Bihar	74.5 lakhs	.09

Source: Data for all states except Punjab and Goa has been collected by PRIA investigator from State Information Commissions. Data of Punjab, Sikkim, Assam and Goa SIC is on their web site.

Table 14: Background of members in State Information Commission (2006-2007)

S.No.	State	A & G	Law	Ac	SS	Jrn	S & T	Mgt	NA	Total
1	Madhya Pradesh		1							1
2	Rajasthan	1 (IAS retired)								1
3	Gujarat	1 (IAS retired)								1
4	Himachal P	1 (IAS retired)								1
5	Haryana	2 (IAS retired)								2
6	Andhra P	1 (IAS retired)	1			1				3
7	Jharkhand		3	1	1	1		1		7
8	Chhattisgarh	1 (IAS retired)								1
9	Kerala	2 (IAS retired)	1			1				4
10	Punjab	3 (IAS retired) 1 (IPS retired) 1 (Military)					1		3	9
11	Uttarakhand	1 (IAS retired)								1
12	Assam	1 (IPS retired)								1
13	Goa	1 (IAS retired) 1 (State servi)								2
14	Sikkim	1 (IAS retired)								1
15	Bihar	2 (IAS retired)	1							3
16	Karnataka	2 (IAS retired)								2
17	Orissa	1 (IAS retired)	1							2
18	Uttar Pradesh	1 (IAS retired)	1	1		1	1			5
19	Tamil Nadu	3 (IAS retired)								3
20	Maharashtra	3 (IAS retired)				1				4
	Total	31	9	2	1	5	2	1	3	54

Abbreviations used:

7. Administration & Governance : A & G
(mostly IAS retired)
8. Academia : Ac
9. Social Service : SS
10. Journalism: Jrn
11. Science and Technology: S & T
12. Management: Mgt

ANNEXURE II : DETAILS ABOUT STATE INFORMATION COMMISSION & NODAL AGENCIES

Table A . 1 : ROLE OF STATE INFORMATION COMMISSION (SIC)

S.N.	SIC – DETAILS	MP	Rajasthan	Gujarat	Himachal P	Haryana	AP	Jharkhand	Chhattisgarh
1	Annual Budget	(06-07) Rs 97.46 lakhs	(06-07) 25.90 lakhs	(06-07) 42. 51 lakhs	(06-07) 59.61 lakhs	05-06 : Rs. 30 lakhs 06-07: Rs.140.04 lakhs	05 – 07 – Rs.2.35 crs 07-08 – 1.5 crs	(06-07) 1.57 crore	(06-07) 1.35 crore
2	Infrastructure								
2.1	No. of Rooms		5	12	6		14	19	
2.2	No. of staff	32	12	13	12	41		30	25
2.3	Computer/ tel	11/ 5	3 / 5	11 / 5	2 / 2		18 / 14	10/ 16	
2.4	Vehicles	3	1	1	1		2 (hired)	8	
2.5	Any other			Projector- 1 Scanner- 2 Fax-1 Color Printer – 1 Xerox printer, scanner – 1, Computer server- 1					
3	Members * (Background)								
3.1	Name (BG)	P.P.Tiwari (Law)	AD Kaurani (IAS retd)	R N Das (IAS retd)	P S Rana (IAS retd)	G. Madhawan (IAS retd)	C D Arha (IAS retd)	Justice (Retired) Hari Shankar Prasad (Law)	A K Vijayvargiya (IAS retd)

3.2	Name (BG)					Meenakhi Anand Chaudhary (IAS retd)	Ambaty Subha Rao (Law)	R B Gupta (Law)	
3.3	Name (BG)						Dileep Reddy (Media)	Prof P K Mahto (Academia)	
3.4	Name (BG)						K. Sudhakar Rao	S D Mahto (Law)	
3.5	Name (BG)							HCP Munda (Management)	
3.6	Name (BG)							G Kujur (Social Service)	
3.7	Name (BG)							BN Mishra (Media)	
4.a	Appeals (R /D off)+	1639/ 481	415/248	869/ 385	26/ 20	443/ 442	1263/ 840 (Both appeals + complaints)	471/ 193	585 / 375
	Compl (R /D off)#	970/ 831	56 /32	1732/ 465	44 / 35	442/ 440		78/ 48	828 / 679
4.b	Outcome of Appeal								
(i)	PIO directed		154				195	225	
(ii)	App rejected		47				188	12	
(iii)	Warnings						7	Nil	
(iv)	Notices							249	
(v)	Penalty	NA	Nil	16	Nil		Nil	4	

(vi)	Displ. action							1	
(vii)	Appeal returned						457		
4.c	Cases in High court (Citizens)		-	4				Nil	
4.d	Cases in High court (Public Authorities)		2	2				Three	
5	Total no. of PIO / APIOs in the state		10252		64 PA have appointed PIO/ APIO	483	1,78,028 (includes AAs)		
6	No. of reviews♣		5- Udaipur, Kota, Pali, Ajmer, Jhunjhunu				97 reviews of various PAs by CIC & IC		
7.	Annual reports	26 PA have submitted					All the departments	All the departments	
8	Fee structure								
8.1	Application fee	Rs. 10/-	Rs. 10/-	Rs. 20/-	Rs. 10/-	Rs. 50/-	No fee at GP level Rs. 5/- at Mandal level Rs. 10/- for	Rs.10/-	Rs. 10/-

							other PAs		
8.2	Cost of A4/ A3 page	Rs. 2/-	Rs. 2/	Rs. 2/	A4 – Rs. 10 / , A3 – Rs. 20/-	Rs. 10 /-	Rs. 2/-	Rs.2/ -	Rs. 2/
8.3	Cost of floppy / CD	As decided by PIO	Fl / CD - Rs. 50/ - -	Fl / CD - Rs. 50/ -	Fl- Rs. 50/ - CD- Rs.100/ -	Rs. 50/ -	1.44 MB F- Rs.50/- 700 MB CD- Rs.100/- DVDRs.200/-	Rs. 50/ - for Fl/ CD	Fl / CD - Rs. 50/ - - -
8.4	Cost of sample/ model	As decided by PIO	Actual Cost	Actual Cost	Actual Cost	Actual Cost	Actual Cost	Actual cost	Actual Cost
8.5	Inspection Fee	First hour or less – Rs. 50/- Rs. 25/- for each subsequent 15 minutes	First hour free and Rs. 5/ - for every 15 minutes	First hour free and Rs. 20/ - for every 30 minutes	Rs, 10/- per 15 minutes	First hour free, Rs. 10 for 15 minutes after one hour	First hour free, Rs. 5/- for 15 minutes after one hour	First hour free, Rs. 5/- for 30 minutes	Rs. 50/ - for first hour , thereafter Rs. 5/- for every 15 minutes
8.6	Appeal fee (first / second)	First- Rs. 50/- Second- Rs 100/-	No fee required	No fee required	No fee required	No fee required	No fee required	No fee required	First- Rs. 50/- Second- Rs 100/-
8.7	Mode of Payments	Cash / Non-judicial stamp	Cash / DD / Bankers cheque	Cash / DD / pay order / Non-judicial stamp	Treasury challan / DD/ IPO	Cash / DD/IPO	Cash / DD Bankers cheque	Cash / DD / Bankers cheque / IPO	Cash / Treasury Challan / Non-judicial stamp / MO

Table A . 2: ROLE OF STATE INFORMATION COMMISSION (SIC)

S.N.	SIC – DETAILS	Kerala	Punjab	Assam	Goa	Sikkim	Bihar **	Karnataka	Tamil Nadu
1	Annual Budget	Rs, 2. 86 crore	06-07 (147.70 lakhs)	06-07 (38.51 lakhs)	06-07 (8 lakhs)	06-07 (62 lakhs)	06-07 (74.5 lakhs) 07 -08 (116 lakhs)		
2	Infrastructure								
2.1	No. of Rooms								
2.2	No. of staff	19	40		11	23	41		
2.3	Computer/ tel								
2.4	Vehicles								
2.5	Any other								
3	Members * (Background)								
3.1	Name (BG)	Palat Mohandas (CIC) (IAS retd)	Rajan Kashyap (IAS retd) (CIC)	Ranjit S Mooshahary - CIC (IAS retd)	A Venkatratham (CIC) (IAS retd)	D K Gajmer (CIC) (IAS retd)	Shashank Kumar Singh (Law) (CIC)	K K Misra (CIC) (IAS retd)	S Ramakrishan (CIC) (IAS retd)
3.2	Name (BG)	V V Giri (A & G)	Rupam Deol Bajaj (IAS retd)	Dr. B K Gohain	Shri Gurudas G Kambli (state services)		Dr. Md. Shakeel Ahmed (IAS retd)	K A Thippeswamy (CIC) (IAS retd)	G Ramakrishan (CIC) (IAS retd)
3.3	Name (BG)	P Fazaludheen (Media)	P K Verma				P N Narayan (IAS retd)		R Rathisasamy (CIC) (IAS retd)

3.4	Name (BG)	P N Vijayakumar (Law)	Er Surinder Singh						
3.5	Name (BG)		Lt Gen P K Grover (military)						
3.6	Name (BG)		Ravi Singh						
3.7	Name (BG)		Kulbir Singh						
3.8	Name (BG)		PPS Gill						
3.9	Name (BG)		R K Gupta						
4.a	Appeals (R /D off)+	510/ 385	3101 /2561 (Both appeals + complaints)		172/ 136 (Both appeals + complaints)		3065 / 1730		
	Compl (R /D off)#	960 / 645							
4.b	Outcome of Appeal								
(i)	PIO directed								
(ii)	App rejected								
(iii)	Warnings								
(iv)	Compensation				16				
(v)	Penalty	47			14				
(vi)	Displ. action	26							
(vii)	Appeal returned								
5	Total No. of PIOs		-						

	/ APIOs								
6	Annual Reports								
7	Fee structure								
7.1	Application fee	Rs. 10/-	Rs. 10/-	Rs. 10/-	Rs. 10/-	Rs. 100/-	Rs. 10/-	Rs. 10/-	Rs. 10/-
7.2	Cost of A4/ A3 page	Rs. 2/-	Rs. 2/-	Rs. 2/-	Rs. 2/-	Rs. 2/-	Rs. 2/-	Rs. 2/-	Rs. 2/-
7.3	Cost of floppy / CD	Fl / CD - Rs. 50/-	Fl / CD - Rs. 50/-	Fl / CD - Rs. 50/-	Fl / CD - Rs. 50/-	Fl / CD - Rs. 50/-	Fl / CD - Rs. 50/-	Fl / CD - Rs. 50/-	Fl / CD - Rs. 50/-
7.4	Cost of sample/ model	Actual Cost	Actual Cost	Actual Cost	Actual Cost	Actual Cost	Actual Cost	Actual Cost	Actual Cost
7.5	Inspection Fee	First hour free and Rs. 10/- for every 30 minutes	First hour free and Rs. 5/- for every 15 minutes	First hour free and Rs. 5/- for every 15 minutes	First hour free and Rs. 5/- for every 15 minutes	First hour free and Rs. 5/- for every 15 minutes	First hour free and Rs. 5/- for every 60 minutes	First hour free and Rs. 20/- for every 30 minutes	First hour free and Rs. 5/- for every 15 minutes
7.6	Appeal fee (first / second)	No fee required	No fee required	No fee required	No fee required	Rs. 100/- : 1 st Appeal	Rs. 50/- : 1 st Appeal	No fee required	Rs. 20/- for 1 st and 2 nd Appeal
7.7	Mode of payments	Cash, Non - Judicial Stamp, Treasury Challan, DD, Banker's cheque	Cash, Non- Judicial Stamp, Treasury Challan, DD, IPO, Banker's cheque	Cash, DD, Banker's cheque	Cash, DD, Banker's cheque	Non- Judicial Stamp	Cash, DD, Non- Judicial Stamp	Cash, , DD, Banker's cheque, IPO	Cash, DD, Bankers cheque, MO

Table A. 3: ROLE OF STATE INFORMATION COMMISSION (SIC)

S.N.	SIC – DETAILS	Orissa	UP	Uttarakhand	Maharashtra				
1	Annual Budget	2005-2006 Rs. 60 lakhs	2005-2006 Rs. 10 lakhs						
2	Infrastructure								
2.1	No. of Rooms								
2.2	No. of staff								
2.3	Computer/ tel								
2.4	Vehicles								
2.5	Any other								
3	Members * (Background)								
3.1	Name (BG)	D N Padhi (CIC ,IAS retd)	M A Khan (Law)	R S Tolia (CIC, IAS retd)	Dr. Suresh V Joshi				
3.2	Name (BG)	Prof Radhamohan	Gyanendra Sharma (Media)						
3.3	Name (BG)		Virendra K Saxena (media)						
3.4	Name (BG)		Sanjay Yadav (military)						
3.5	Name (BG)		RHV Tripathi (Law)						

3.6	Name (BG)		Ashok K Singh (Medicine)						
3.7	Name (BG)								
3.8	Name (BG)								
3.9	Name (BG)								
4.a	Appeals (R /D off)+								
	Compl (R /D off)#								
4.b	Outcome of Appeal								
(i)	PIO directed								
(ii)	App rejected								
(iii)	Warnings								
(iv)	Notices								
(v)	Penalty								
(vi)	Displ. action								
(vii)	Appeal returned								
5	Total No. of PIOs / APIOs								
6	Annual Reports								
7	Fee structure								

7.1	Application fee	Rs. 10/ -	Rs. 10/ -	Rs. 10/ -	Rs. 10/ -				
7.2	Cost of A4/ A3 page	Rs. 2/	Rs. 2/	Rs. 2/	Rs. 2/				
7.3	Cost of floppy / CD	Fl / CD - Rs. 100/- -	Fl / CD - Rs. 50/- -	Fl / CD - Rs. 50/- -	Fl / CD - Rs. 50/- -				
7.4	Cost of sample/ model	Actual Cost	Actual Cost	Actual Cost	Actual Cost				
7.5	Inspection Fee	First hour free and Rs. 5/- for every 15 minutes	First hour – Rs.10/- and Rs. 5/- for every 15 minutes	First hour free and Rs. 5/- for every 15 minutes	First hour free and Rs. 5/- for every 15 minutes				
7.6	Appeal fee (first / second)	Rs. 20/- for 1 st and 2 nd Appeal	No fee	No fee required	No fee				
7.7	Mode of payments	Cash, Treasury Challan	Cash, Treasury Challan, Bankers cheque, IPO	Cash, Non - Judicial Stamp, Treasury Challan, DD, Banker's cheque , IPO	Cash, DD, Bankers cheque				

Mentioned below are the signs for abbreviation :

+ Received / Disposed off - (R/D off)

Complaints Received / Disposed off - compl (R/D off)

♠ All the State Information Commission except Andhra Pradesh have said in the questionnaire that review of Public Authorities does not come within the purview of the State Information Commission. But AP State Information Commission have taken a very progressive stand and they are aggressively pursuing the implementation of RTI Act vis-à-vis Public Authorities be it at secretariat level, Heads of departments level or at district level. For this

purpose, the commission has visited all the districts of the state and conducted review meetings with Collectors, SPs and other district officers, PIOs, APIOs and AAs . The review list of SIC, AP is huge.

**** Data of Bihar and Gao State Information Commission has been compiled in Oct, 2007.**

ADDITIONAL DETAILS

1. Details about PAs and State Information Commission, Andhra Pradesh

S.No.	Details about PAs and SIC (Andhra Pradesh)	
A	Total Number of Applications received and disposed by PIOs in PAs	
1	Total Applications received	8864
2	Total Applications disposed	7574
3	Total Applications pending	1290
B	Total disposal status in the state	
		(%)
1	Information furnished	86%
2	Rejected	13%
3	Deemed refusal	1%
C	Rural – Urban Ratio of Applications	
		(%)

1	Urban ratio	89%
2	Rural ratio	11%
D	Amount of charges collected by PAs (Application cost + information cost)	Rs. 3,46,918/-
E	Total rejections in PAs	145
	Reasons for rejection	(%)
1	Section 8 (1) (a)	1.43%
2	Section 8 (1) (b)	7.86%
3	Section 8 (1) (c)	2.86%
4	Section 8 (1) (d)	14.29%
5	Section 8 (1) (e)	20.71%
6	Section 8 (1) (f)	0.00%
7	Section 8 (1) (g)	1.43%
8	Section 8 (1) (h)	10%
9	Section 8 (1) (i)	20%
10	Section 8 (1) (j)	21.43%
F	Disposal and Pending Status in State Information Commission	(%)

1	Disposed	67%
2	Pending	33%
<i>G</i>	<i>Reasons for return of appeal</i>	<i>(%)</i>
1	Section 19 (1) Not fulfilled	83%
2	Appeal rules not followed	6%
3	Others	11%

2. Recommendations of SIC to state government for ensuring effective implementation of RTI (Madhya Pradesh)

- All the offices of SDO, District Collector and commissioner level should compile the information from their other offices regarding concern PIO, Information Officer etc. and put it on the notice board or keep it at office superintendent level for public.
- Govt.'s rules and regulations should be followed regarding appeal and fee structures and the concern offices should provide needful information to process the application to the appealing person/ agency.
- In case of non-availability of judicial stamps or long distance provisions need to be made so that the person can post the appeal or complain, for this he will have to pay the fees as per rule 2 of section 3 under MP Right to Information Act (Fee and Appeal Rules).
- The entire fee received from RTI should be kept and maintained in concern office and should be utilized in such a way that after providing information there should not be any extra due left to the office or to the govt. It is also equally necessary that Information Officer should provide needed information within 30 days and in case the information is not release than he should be subjected to legal action under section 20(1) of RTI.
- As per section 7(5) of RTI Act, If the applicant is below poverty line no fee should be charged from the concern office so it is necessary that there should be separate provision for information dissemination for the BPL persons.
- As per Section 4(1) (B) (PP) of RTI Act work distribution order should be made available; for this it is essential to keep updated records related to work distribution order, retirement, joining etc. so that responsibilities should be clearly defined.

3. Recommendations of SIC to state government for ensuring effective implementation of RTI (Himachal Pradesh)

- Right to Information Act, 2005 came into force on 12th October, 2005. However certain provisions of the Act including the power to make rules came into force w.e.f. 15 June, 2005. The Himachal Pradesh Right to Information Rules, 2006 was notified by the State Government on 21st January, 2006. The State Information Commission was constituted by the State Government on 4th February, 2006 which started functioning 1.3.2006.
- Lack of adequate publicity about the provisions of the Act could also be one of the factors for smaller number of applications filed under the Act.
- The Commission observed that lack of awareness about provisions of the Act and the Rules amongst PIOs / APIOs led to delay, in some cases in furnishing the information to the applicants. In view of the large number of PIOs and APIOs and Appellate Authorities, the training facilities available at HIPA may not be adequate to train all those officers before the end of the financial year 2006-2007. Hence it is necessary that other Training Institutions in the state are also involved in conducting training programmes covering the Act and rules for these functionaries. Further, in order to increase general awareness about various provision of the Act and the rules thereunder, one training section can be devoted towards the Acts and the rules in all the training programmes especially those ment for elected representatives of panchayati raj institutions (PRIs) and Urban Local Bodies (ULBs) being conducted by various Training institutions in the state. This step is expected to spread awareness about the RTI Act, 2005 and the rules thereunder amongst the general public in the state through the elected representatives of PRIs and ULBs. However in the absence of adequate financial support, these Training Institutions including HIPA would find it difficult to conduct such training programmes. Hence the state govt. should provide funds to HIPA and other Training Institutions for imparting necessary training to the PIOs / APIOs and the Appellate Authorities within a specified time frame so that these functionaries are properly equipped to process applications received under the RTI Act, 2005 within the period prescribed under the Act, 2005 within the period prescribed under the Act.
- The govt. should therefore, take necessary steps to ensure the completion of the updated voluntary disclosure work during the current year i.e. before 31.3.2007. It may also be ensured that every public authority in the state has designated adequate number of PIOs / APIOs and Appellate Authorities as per provisions of the Act.

- It has come to the notice of the commission that a number of field offices of a public authority do not have a list of PIOs / APIOs designated by that public authority. Consequently, the applicants have to contact the district level offices or the state level offices of these authorities and sometime the office of the State Information Commission to know the names of the PIOs and APIOs for filing applications under the Act. The public authorities may therefore ensure that its field offices have complete details of the designated PIOs / APIOs / Appellate Authorities. The departments / public authorities having larger public interface, should ensure that these details in respect of a district are available on a notice board at its district level office.
- It has been brought to the notice of the Commission that payment of prescribed fee under the Act through treasury challans is quite cumbersome and time consuming. The subsequent order of the state government authoring payment of fee through demand draft has eased the situation. However high cost of a demand draft of Rs 10/- is being pointed out to the authorities by the applicants. The state government may consider payment of prescribed fee in cash or at least through Indian Postal Orders. The state govt. may also consider issuing orders to enable the Drawing and Disbursing Officer (DDO) of a field office of a department/public authority to sign on the treasury challans in case pertaining to other departments and public authorities who are not having a DDO at that station. This step is expected to provide relief to the applicants especially those residing in remote areas.
- The fee for inspection of record/document has been prescribed as Rs.10/- per 15 minutes of inspection or fraction thereof in the notified Rules.

4. Recommendations of SIC to state government for ensuring effective implementation of RTI (Andhra Pradesh)

- Most of the departments have taken action to implement the provisions of Section 4(1) (b) and Section 5(1) & (2) of the RTI Act, it is imperative that this data is also loaded on their respective web-site for on-line dissemination. In addition, all the PAs should prominently display the contact details of PIOs, APIOs and AAs.
- SIC has observed that very junior level officers have been appointed as PIOs in PAs which severely curtails their ability to obtain information, hence PIO should be of substantially senior level.
- The mode of payment of application fees and other fees should be extended acceptance of revenue stamps, postal orders or non-judicial stamps.
- PAs should be provided certain budgetary allocation for providing information. At present, all the collections under RTI are credited to the government through a challan under a given head ; however these collections are not transferred to respective PAs. The government may either find a system, as to

make the available the amount collected through a challan to the corresponding PA or make the necessary changes in the rules duly outsourcing this activity and this agency can collect the cost involved and PAs can avail of their services while making the information available.

- To develop and organize educational programmes to advance the understanding of the public in particular of the disadvantaged communities as to how to exercise the rights contemplated in the Act.
- Timely and effective dissemination of accurate information by PAs about their activities.
- Training of PIOs as the case may be and produce the relevant training materials by PAs themselves.
- The Government needs to compile a guide in an easy and comprehensive form for the citizens.
- It is the duty and obligation of the government to create necessary awareness both on the supply side and the demand side. Adequate budgetary allocation must be made for conducting seminars, symposiums, workshops as also for printing of guides and pamphlets.
- Use of RTI in rural areas is dismal 11 percent, hence adequate resources must be deployed to inculcate greater awareness.
- It has been observed that on the supply side, the attitude, mindset and value systems have not percolated to a large sections of PAs and an application under the RTI Act is at times perceived with hostility. This clearly is unacceptable and has to change by creating greater awareness on the supply side.
- In the Annual Confidential Reports / Self Assessment Reports of the officials, a specific columns should be incorporated which should specifically refer to the officers attitude towards the implementation of the Act.
- In the coming days, as the number of applications is going to increase, the job of the information officer will become a high risk assignment which causes a heavy additional burden and exposes the officers to punitive action, while at the same time there is no compensatory monetary relief. In view of the above, it will be in the fitness of things, if some token honorarium is given to all such officers who are designated as PIO/ APIO.
- A unified command structure like Central Election Commission and Central Vigilance Commission should be created for implementing the RTI Act. All the Public Information Officers must come under administrative control of commission, so that these officials are insulated from extraneous influences. These officials should not be transferred, changed or altered without the prior permission of Information Commission.
- Each department should earmark at least one percent of its budgetary allocation towards meetings its obligations under the Act.

Table B. DETAILS ABOUT NODAL AGENCIES (NA) FOR IMPLEMENTING RTI IN THE STATE

S.N.	DETAILS OF NA	MP	Rajasthan	GJ	HP	HR	AP	JH
1	Nodal Agencies :name	General Administrative Department	Department of Home Affairs, State Government	Gujarat Administrative Department, Gandhinagar	Deptt of Administrative reforms, HP (Not notified yet)	HIPA, Gurgaon	Center of Good Governance	Department of Personnel, Administrative reforms and Rajbhasha
2	Annual Budget			No separate budget				
3	Training of PIOs							
3.1	No. of programmes	78		20 (2006-07)	12	24		
3.2	Number of PIOs trained	2310		1008 (2005-06) 845(2006-07)		1760		
3.3	Level of PIOs	All levels		Class I, Class II, Class III	SPIO/ ASPIO	SPIO/ ASPIO		
4	Training Module (TM) for PIOs	No	User guide on RTI	One day TM Two day TM Three day TM Pocket Book for PIOs No. of power	In process		User Guide on RTI English, Hindi & Urdu, Manual for PIOs and AAs, Citizens guide, Guide for civil society organizations , media guide	

				point presentations on RTI				
5	Awareness generation drives among citizens							
5.1	Number of programmes			17			<i>27 TOT</i> 3 regional workshops for diff organizations 17 awareness programmes for NGOs 4 orientation programmes at CCG for officials 9 training pro for PAs IC s have attended no. of workshops on RTI	
5.2	Approx. number of citizens covered							
6	Development of Mass dissemination material	Information brochures	Use guide RTI	Pamphlets for citizens	In process		Pamphlets on RTI	
7	List of PIOs / AA	In process		RTI – cell, GAD, Gandhinagar	In process	Available	Available	