

A
Report on
A Seminar- cum- Workshop on the Right to Information Act, 2005



Sasha and Sarba Shanti Ayog organised a seminar-cum-workshop on 'Right to Information' on the 28th and 29th March 2009 at Nitika Don Bosco, Kolkata. An eminent group of panelists of subject specialists shared their valuable ideas; insights and experience that benefited the participants and helped disseminate the awareness to the grassroots. This was participated by state and out of state organisations/ NGOs involved in RTI and was joined by national and international members of COMMACT (Commonwealth Association for Local Action & Economic Development).

Mr. A.N. Bhattacharya, State Information Commissioner, West Bengal Information Services chaired the seminar cum workshop. The inaugural session was graced by the presence of Mr. David Thompson, President COMMACT International, Mr. P.S. Chawla, President, Sasha Association of Craft producer and Mr. Jagadananda, State Information Commissioner, Orissa.

The program commenced with the lighting of the traditional lamp by Mr. David Thompson, Mr. P.S. Chawla, Mr. Jagadananda and Ms. Roopa Mehta. Ms. Roopa Mehta, Executive Director in her welcome address welcomed one an all. She expressed her delight in Sasha being able to organise such a seminar in association with the COMMACT since Sasha and its development organisation Sarba Shanti Ayog (SSA) as well as the members of COMMACT are working with the marginalized groups and communities in the informal sector and backward areas to improve their livelihood situations. Both are committed to people centered development. Ms. Mehta said that we strongly feel that the RTI Act is a useful tool in the hands of these poor & marginalized communities.



Mr. David Thomson in his opening address informed the hall about the early days of COMMACT and how COMMACT has grown over the years. He also mentioned about he meeting at Melbourne last year that was organised with the solidarity of the NGOs in Australia and felt that a lot could be done together for the poverty and inequality around us. The present economic crisis is affecting all of us and it is for all of us to work together.

Mr. P.S. Chawla gave an extremely poignant account of how Sarba Shanti Ayog was formed and about the founder Ms. Subhashini Kohli. He also mentioned about the journey Sasha made over the thirty years, the challenges it faced and very importantly the strong network that it has formed based on the relationships with producer partners and a host of others.

Mr. Jagadananda in his keynote address said that Sarba Shanti Ayog and COMMACT have come together to organise the event. Apart from the views presented by the speakers, the panelists, participants may interact during breaks for knowing each other and their activities in a better way. Everyone participating in the seminar had the common goal- upliftment of the long struggling mass. The RTI Act must hold such significance to become the centre of focus for such a seminar. Not all would be known and understood in this short



time about such an expansive Act but it would be valuable for everyone to spend some time on it. He concluded his keynote address mentioning that our incumbent Prime Minister Mr. Man Mohan Singh has mentioned that one of the singular most significant episode during his tenure has been the enactment of the RTI Act. Mr. Jagadananda said that RTI was even more significant than the Right to freedom of expression. Since without the right to access information, right to freedom of expression was incomplete.

Mr. A.N. Bhattacharya, State Information Commissioner, West Bengal Information Services in his address introduced the RTI Act and presented a brief background. The Second World War was a remarkable phenomenon in the world history in the sense that it created a new world order. The UN came in to existence after the dissolution of the League of Nations and was based on the edifice of human rights. On 10th December 1948, the General Assembly of the United Nations adopted and proclaimed the Universal Declaration of Human Rights. Although Sweden was the pioneer in establishing RTI within their constitution, the USA in 1966 and the UK in 2005 adopted RTI as part of their constitutional rights. Subsequently, now for all development grants from all international bodies require extensive transparency in sharing and dissemination of information. He also mentioned that the any RTI application is a priority for any public authority. It is time bound and overrides all other acts that come in the way of implementation of RTI.

The inaugural session concluded with the tea break. Post tea break, Mr. Jagadananda gave a brief presentation on the background and important aspects of the RTI Act. What makes the RTI Act so special? Legislatures comprising of people's representatives ask and answer questions with two presumptions- that they ask people's questions and that the answers reach the people.

-But in reality the last mile gap exists. RTI in this context covers the last mile.

-Any public authority or CSO is liable under RTI, is accountable.

-People can question public authority directly

-The Official Secrecy Act of 1923 gave power to the bureaucracy then headed by the British officers. The RTI Act has transferred power in the hands of the citizen in true sense.



But why talk about Right to Information after 55 years of the country becoming a republic? It was realised that Sec.19 (1) of the Constitution was incomplete without RTI. It was probably the former election commissioner T.N.Sesan who initiated the mandatory requirement for election disclosure. This step had an unprecedented impact on how the then

general elections were held. It paved way for the enactment of the Act. The civil society has worked extremely hard to bring about the law and to communicate it as a potent tool in the hands of the people. None of the existing laws in India have created such excitement and enthusiasm as the RTI Act. But all said and done, there are a number of deficiency in implementation as well as lacunae in the manner the excellent law is understood.



The following session was the panel discussion. The panelists were invited on the dais to make their individual presentations as well as be a part of the discussion. Mr. Jagadananda chaired the panel. In his opening remarks he cited three case studies to demonstrate the impact RTI can have in the lives of the marginalised- one of a peasant in Orissa who wanted to know about the status of irrigation project in his village. The second, an ordinary villager about the allotments of support for Indira Awas Yojana. And a student undergoing school certificate examination, which wanted to inspect the sheets after checking.

These cases and their consequences proved that with the RTI helps citizens to become their own masters, deepen the democracy and make the government answerable. There are around 150 BPL districts in India. The RTI has made each citizen of these districts a vigilant officer. The RTI has changed the roles of the citizen. It has changed the manner in which public authority deal with people since they are liable to suo moto disclosures. Every public office is to have a Public Information officer to look into RTI matters.

The panelists comprised of:

- ❑ Mr. Praveen Kumar, Programme Manager – Governance, Volunteer Services Overseas (VSO India)- on need for Inclusiveness of RTI, Act
- ❑ Surendra Mahapatra & Stephanie de Chassy, RTI Clinic, CYSD-on reaching out to the unreachable
- ❑ Jimuta Prasad Mishra-Orissa Soochna ka Adhikar Manch-on deepening grassroots impact
- ❑ Sabir Ahmed, West Bengal Civil Society Support Program (WBCSSP)-on the West Bengal RTI Scenario.

Mr. Sabir Ahmed of West Bengal Civil Society Support Program (WBCSSP) presented his experiences in West Bengal with respect to RTI and the obstacles faced. The Civil Society Support Programme (CSSP) in West Bengal was launched with the objective to enhance the role of civil society in achieving pro-poor development. He began by quoting Gandhi-“all sins are committed in secrecy”. Truly, secrecy has no place in a democracy. Why should there be a culture of secrecy in a democratic country? Why should not the citizens demand accountability from the public authorities they themselves elect? He also cited examples of how information and its free flow were important. He mentioned Amartya Sen’s ‘Transparency Guarantee’ where the Nobel laureate speaks about access to information. How post colonial China has faced severe famines several times and India has not. The former was a closed nation while India chose to be an open democracy. Historically, India



has been a frontrunner in RTI. Ashoka, the great constructed pillars and engraved stone tablets mentioning the developmental activities of his reign. The West Bengal scenario is not that bright as other states. The Government attitude is not cooperative. The mandatory seventeen disclosures are not made public. Officials are yet not aware fully of the RTI act and there is a general disinterest towards it. But things are changing.



Mr. Praveen Kumar said that in general, an active citizen is the electoral citizen. A citizen's participation is unfortunately limited to voting only, with no participation in the governance of the country, implementation and monitoring of welfare schemes. Although RTI can make an active citizen, it is very important to know how to use the RTI effectively, to understand what the issue is and whom to address to. There are many challenges in the effective implementation of this Act and the reasons are lack of awareness about the Act itself, illiteracy amongst the marginalised masses, financial implication however small, and intimidation. It is very important to know what RTI is and then understand the processes. Communicating to a vast diverse population is indeed a challenge apart from the apathy of the public authorities. Mr. Praveen Kumar also mentioned that for the first time in the country a book on Right to Information Act in Braille formats and a CD audiocassette have been launched for the visually impaired people. The book and the cassette have been printed in Oriya language. Orissa association of Blind (OAB) in collaboration with Volunteer Services Overseas (VSO), India has developed the RTI Act in audio and Braille formats.



Surendra Mahapatra & Stephanie de Chassy of Centre for Youth & Social Development (CYSD) presented how the focus of participatory governance of CYSD had been on supporting and strengthening the decentralized governance and increasing accountability of the institutions of governance towards people in general and marginalized section in particular. They have been conducting RTI training programmes in seven districts where the trainers spoke about RTI and how it can help in situations of empowering people through RTI. They said, CYSD with other NGOs has planned to start "RTI Clinics" where people could obtain help in filing and following up applications under the Act with various government departments. Apart from that the clinic will hold a host of relevant and important information that would bring RTI at the doorstep of the people.



Mr. Jimuta Prasad Mishra of Orissa Soochna ka Adhikar Manch, a network of CSOs working on RTI cited why RTI was so important. He said that the right to information is fundamental to the very existence of democracy and the people in India should take the best advantage of the Act to ensure that the government machinery is made accountable and responsible. Putting up careful questions is of utmost importance. A pertinent question may serve both purposes-community as well as individual. RTI redefines the relationship of the citizens and the institutions of governance. It has a snowballing effect-an individual raising a question may benefit an entire community and nation. There is no need to raise a critical mass to fight issues like disclosure and corruption. The RTI has had demonstrable

impact in areas of Indira Awas Yojana, NREGS, Vasundhara, crop failure etc. RTI is a process and should be used just for the sake of it. It requires trained users as well as informed seekers. Sustained localized campaigns are required to deepen grassroots impact. There is a gamut of RTI activists, enthusiasts, information seekers, providers and facilitators. All have to work in a synergy and coordination to empower the grassroots.



The post lunch session was devoted to group work moderated by Mr. Bhanwar Singh Chandana, leading social activist from Aastha, Udaipur. The participants were divided into three groups and a common topic was provided to generate views, issues and recommendation for a way forward on-what are the major issues they think need RTI to solve and how. The three groups after a 20 minutes discussion emerged with following issues & way forward:

ISSUES

- 1) Community development by Government for BPL, women, education, drinking water, housing & sanitation etc.-schemes, guidelines, allocation, implementation, target groups etc.
- 2) Urban Area-Illegal structure, NOCs, Role of municipalities in basic services
- 3) Endorsement- required by Panchayat Pradhan, local councilor etc. for accessing support
- 4) Partisan treatment- from political parties for availing support schemes
- 5) Hindrances- during Bank transactions
- 6) Safety of the person asking for information
- 7) Quality of education-the content, selection of persons, printing of text books
- 8) HIV/AIDS, Disability-allocation of resources, process, information accessible
- 9) Accountability & answerability of public authority
- 10) Corruption in various places
- 11) Publication of information by respective departments



WAY FORWARD

- 1) Technical support-Experience sharing, hand-holding for new organisations & training in putting questions, doing groundwork
- 2) Collective action-Collective information generation & dissemination system.
- 3) Database & resource- on issues, persons etc., funding agencies & networks
- 4) Public hearing or 'Jan Sunvai'
- 5) Campaigns
- 6) Documentation
- 7) Rights entitlement audit
- 8) Books/ materials on RTI

Mr. Bhanwar Singh also shared the experience of his organisation in promoting and working on RTI in Rajasthan. It was not easy for CSOs to establish RTI in the rural areas. But organisations like theirs have been striving to make citizens and public authority aware

of RTI. Massive and sustained campaigns over the last two years have mobilised people to RTI issues and people have started using it as a tool claim and re-claim their rights.

The seminar-cum-workshop concluded with the customary vote of thanks to the guests, panelists and participants.