

Press Note on the People's Right to Information 2008

Why the People's RTI Assessment 2008?

October 13, 2008 marks the third anniversary of the passage of India's Right to Information Act (RTI). The passage of the RTI Act is a historic landmark for independent India. By making hitherto secret official documents publicly available and opening up official decision making processes to public scrutiny, and recognizing this as a 'right', the RTI Act marks a paradigm shift in the very nature of the relationship between India's citizens and her government. Yet, despite the importance of the Act, there has been no systematic analysis of the RTI, who is using it? For what purpose? What is the nature of government responses? And what is the impact? As of now, the only available 'analysis' of the Act comes in the form of anecdotes through NGOs and the media.

The Right to Information Assessment and Analysis Group has initiated the People's RTI Assessment 2008 to fill this gap and undertake a systematic analysis of the implementation of the RTI Act. The specific objectives of the assessment are:

- To assess the use and implementation of the RTI Act in India especially with regard to:
 - Public awareness about the Act, its relevance and uses
 - Government infrastructure to facilitate public use of the Act
 - The challenges and constraints the public faces in using the Act
 - The challenges and constraints the government and other public authorities face in access to information under the Act
- To assess the role played by the various stakeholders in establishing and strengthening the RTI regime
- To determine future action to strengthen the RTI regime in India

The exercise is a participatory one and is being undertaken by the Right to Information Assessment and Analysis Group (RAAG) and the National Campaign for People's Right to Information (NCPRI) in partnership with a number of academic institutions and NGOs. These include: The Tata Institute of Social Sciences, Mumbai, Centre for the Study of Developing Societies, Delhi, The Nehru Memorial Museum and Library, Delhi, The Association for Democratic Reforms, Bangalore, the North Eastern Network, Guwahati, Asha, Varanasi, Janpath, Ahmadabad, United Forum for RTI Campaign, Hyderabad, Meghalaya RTI Movement, Shillong, Centre for Action Research and Documentation (CARD), Bhubaneshwar and School for Democracy, Jaipur.

The study began in April 2008. Its scope, methodology and some preliminary findings will be shared on Monday, October 13, 2008 at the Nehru Memorial Museum and Library, Teen Murti House, New Delhi.

The program will begin at 6.00 pm. A panel discussion chaired by the Chief Information Commissioner, Mr. Wajahat Habibullah will follow the report on preliminary findings.

Study Scope and Methodology

Primary Data Collection

The study covers 11 states: Andhra Pradesh, Assam, Delhi, Gujarat, Karnataka, Maharashtra, Meghalaya , Orissa, Rajasthan, Uttar Pradesh and West Bengal.

In each state, the state capital and 3 districts are being surveyed. In each district, a further 8 villages are being surveyed.

A total of **400** Public Authorities (PA) are being surveyed across the country. The PA survey includes:

- Structured interviews with Public Information Officers (PIO) and Heads Department
- Inspection of the premises to assess compliance with section 4 (pro-active disclosure)
- Filing of RTI applications to assess ease of filing an application in a public authority.

Website searches are also being undertaken to determine compliance with section 4 of the RTI Act.

The study is also surveying **8000** applicants and appellants across the 11 states through structured interviews. Focus group discussions at the village level and street corner interviews in urban areas are also being carried out to gather awareness levels of the RTI and perceptions of the importance of information.

Stakeholder Assessments and Case Studies

Assessments are being undertaken of how key stakeholders are using and responding to the RTI. This includes the media, courts, international donors and NGOs.

Case studies are also being compiled to documents experiences of using the RTI.

Information Commissions and Competent Authorities

Information Commission decisions for 2007-2008 are being collated and analysed to establish, among other things, what types of applications are going into appeal, why, and whether these appeals are being heard or not.

State DoPTs and Competent Authorities are also being studied to assess the rules which have been enacted.

Status Update and Emerging Findings

The study has reached the half way point.

- All rural areas (with the exception of West Bengal) have been surveyed. Data across 5 states - Assam, Meghalaya, Orissa, Rajasthan and Uttar Pradesh has been compiled.
- Over 180 applications have been filed and been deposited with over 300 PIOs, across 7 states and the central government, to assess ease of accessing information. These applications have been tracked over a period of 4 months.
- 160 Applicants in Delhi have been surveyed.
- Preliminary analysis has been undertaken of the media, international organizations and the competent authorities.
- Analysis of Information Commission decisions, state rules and competent authorities is underway.
- Compilation of over 5000 case studies has been completed and over a thousand of these have been entered into a database.
- Survey and assessment of websites of public authorities is currently under way.
- Survey of the media in 12 regions and at the national level about to be completed.
- Survey of the corporate sector and of NGOs soon to be initiated.
- Applicant surveys and public authority surveys in urban areas to be initiated.

Preliminary Findings

As the study approaches its half way mark, some interesting trends are beginning to emerge from across the country. The findings indicate that the RTI is being actively used across rural India. This, despite the fact that the infrastructure for facilitating the RTI Act in rural areas is still not completely in place. At the urban level, the RTI infrastructure appears to be in place particularly in the central government where we received a very high response rate to RTI applications filed. Interestingly, even smaller states like Meghalaya respond speedily to RTI applications, from where we got the most complete and prompt responses from among all states. Specific findings include :

- **Male dominance over RTI:** More men than women appear to be using the RTI. Rural applicants were overwhelmingly male. And the same goes for Delhi. In Delhi over three fourths of 162 randomly selected applicants surveyed were male.
- **Not quite India Vs. Bharat:** Rural survey teams identified 89 applicants and 13 appellants from 120 villages spread across 5 states in India (this information is still being compiled for the other states). This figure suggests that contrary to popular assumptions, a significant proportion of rural India is aware of and using the RTI act. Assuming that the random sample is representative of all of India, one could extrapolate that there could well be hundreds of thousands of RTI applicants in the villages of India! And this despite the fact that the RTI infrastructure in rural areas is still thin on the ground. The RTI is clearly of as much value and use to rural India as it is to Urban India.
- **Where's a PIO? Who is a PIO?** Although the RTI Act mandates the presence of PIOs at every level and at every PA, PIOs at the village level are extremely scarce. At the time of the rural survey, PIOs were available in less than half of the PAs surveyed. Meghalaya was the worst performer where no PIOs were found at the village level PAs at the time of the survey, while Rajasthan was the best performer with nearly all the PIOs available and interviewed. Almost half the PIOs interviewed in rural India said that they were not aware that they were PIOs.
- **Constraints faced by the Government:** The preliminary findings from the rural survey reveal several difficulties faced by PIOs and government officials in responding to the RTI. An overwhelming number of PIOs cited lack of training and unfamiliarity with the law as a key problem impeding their ability to effectively service RTI requests. Over half said they had received no RTI training, and many also said that they had been provided no guides/ manuals/ directions. Over a third said that they do not even have a copy of the Right to Information Act.
- **The Government responds, though sometimes slowly:** Of the total applications filed, nearly two thirds of the Public Authorities responded to the RTI applications. However, only a third of these applications were responded to within the stipulated 30 days. In about three-fourths of these cases the PA furnished full information or made requests for money for photocopying in order to send all the requested information. Information was received for about half of the applications filed.

- **Difficulties with filing:** There are several problems with filing RTI applications. These include state specific rules for payment. Some Governments require state court fee stamps in payment for applications. Some of them accept only Treasury Challans for photocopying of requested information - which are next to impossible to get in Delhi. They not only require a lot of paper work, including a stamp from the Sub-Divisional Officer, but days of running around. These are making the application process unnecessarily difficult.
- **Some states better than others:** Meghalaya tops the list for urban PAs. Preliminary analysis of RTI applications filed by the RAAG team suggests that Meghalaya is the quickest, the most compliant and also the most polite among all the states surveyed in responding to RTI applications - the largest percentage of responses with all the information requested were received from Meghalaya. PAs in the central government too are extremely effective in responding to the RTI, with over four-fifths responding within the stipulated time frame. For instance, nearly three-fourths of the RTI applications filed in the Ministry of Environment and Forests gave responses within 30 days.

These are only preliminary findings. Many aspects of the study including the survey of applicants are yet to be initiated. Once completed, we will, for the first time, have a holistic perspective on the implementation of the RTI in the country. The study will be completed early next year.

There is much more to come. So watch this space!