CHAPTER - XI
POLICY ALTERNATIVES AND REMEDIAL MEASURES FOR THE OBJECTIVE USE OF RIGHT TO INFORMATION ACT IN GENERAL AND RURAL DEVELOPMENT IN PARTICULAR

I – Introduction:

In previous 10 chapters we have discussed the issues of Rural Development especially related to management of rural development programmes as well as governance of rural development. We have also discussed the role of right to information especially in solving or to say addressing the issues of rural development governance. Based on the issues and constraints detailed out in earlier chapter this chapter is an attempt to present the possible remedial measures for the objective use of Right to Information in such a way that it addresses the problems related to rural development and helps in accelerating the process of rural development by improving the governance of rural development with better peoples participation and transparency.

The emergence of RTI is a good sign but this would result in the emergence of new problems of processing capacities of the organizations to meet the “demand”. Hence there is a need for the appropriate Governments to take immediate measures to overcome the issues/ constraints and strengthen the implementation mechanism of the RTI Act. What is required to be done at this stage is different initiatives by different stakeholders. This chapter is an attempt
to suggest very specific measures to be taken up by different actors of rural development as well as RTI. If these measures are taken into consideration by appropriate authority, the governance of rural development will definitely improve. There is an urgent need to implement the below mentioned measures for the improvement in governance of rural development.

II – Proper Implementation of Existing Provisions:

Foremost and crucial requirement to be taken up immediately is nothing but the proper implementation of the existing provision of the act. From the analytical assessment of the legal provisions of the act it is evident that the act is a very comprehensive and very important piece of legislation. Its provisions contain foresighted insights to overcome the challenges coming in the way to achieve the real objectives of the act. But there is need to ensure the effective implementation on immediate basis.

1. Self-disclosure by public authorities (Section 4 of RTI Act, 2005): The RTI Act not only requires governments to provide information upon request, it also imposes a duty on public authorities to actively disclose, disseminate and publish information, as widely as possible. The RTI 2005 also requires all public authorities covered under the law to publish suo motu or proactively a wide range of information on their own, even if no one has specifically requested it. Section 4 of the Right to Information Act, 2005, requires all the public authorities to routinely publish 17 categories of information. This provision clearly specifies that all public authorities must make constant efforts to provide as much information suo motu to the public, at regular intervals, through various means including the Internet, so that the public have minimum need to use this Act to obtain information. In addition, self-disclosure by the public authorities should be disseminated with considerations about the local language, cost-
effectiveness and the most effective means of communication, so that it reaches large sections of citizens. This ensures that citizens always have access to authentic, useful and relevant information. This is a key provision because it recognizes that some information is so useful and important to the community at large, that it should be given out regularly, without anyone specifically requesting it. Self disclosure enables promotion of transparency and accountability in governance, and also reduces the demand for information by the citizens from public authorities, as most of the important information is available in the public domain. It is either not implemented at all or implemented partially not in latter and spirit hence there is a need to implement this provision with due care considering it the crux of the RTI.

2. Record Management to be improved by all public authorities [Sec. 4(1)(a) of the RTI Act]: All the public authorities must take all measures in pursuance of Section 4(1)(a), to maintain all its records duly catalogued and indexed in a manner and the form and ensure that all records that are appropriate to be computerized are computerized and connected through a network all over the country on different systems so that access to such records is facilitated. And the public authorities should streamline its record management system in such a manner that information can be provided to the citizens without any delay.

3. The “appropriate” Government to develop and organize educational programmes [Sec. 26(1) of the RTI Act]: The Act mentions the responsibility of the “appropriate” Government to develop and organize educational programmes in order to advance the understanding of the public, in particular of disadvantaged communities regarding how to exercise the rights contemplated under this Act (Section 26(1) A). It is but natural that the awareness level in weaker section of the society i.e. rural poor is much lower as compared to the others. Hence it is need of hour to
implement programs/strategies to enhance and improve RTI implementation as defined in Section 26(1) viz.

a. Develop and organize educational programmes to advance the understanding of the public, in particular of disadvantaged communities regarding how to exercise the rights contemplated under this Act; Disseminate rules /guidelines/key judgments of CIC/SIC etc to PIOs.

b. Encourage Public Authorities to participate in the development and organisation of programmes and to undertake such programmes themselves;

c. Promote timely and effective dissemination of accurate information by Public Authorities about their activities; and

d. Train Central Public Information Officers or State Public Information Officers, as the case may be, of Public Authorities and produce relevant training materials for use by the Public Authorities themselves.

4. Monitoring and Reporting [Sec. 25 of the RTI Act] : For the desired sustained effect of any law or programme what is required is Monitoring and timely Reporting. Same is the case with RTI. It is quite appreciating that the act has provision for monitoring and reporting but it is very unfortunate that it is not being implemented properly. So it is urgent requirement of the day to implement this section effectively.

III – Fulfilling the Legal Gaps:

Although the act is complete in itself and if the existing provisions are implemented properly it has potentials to make wonders. But while assessing it from the point of view of tool of improving rural development governance there are certain possibilities to enact supplementary provisions to make it more meaningful as far as rural development governance is concerned. These are not
the gaps but to say perceived requirements experienced during its implementation.

1. **Protection for Whistleblowers:** Since the act is empowering the common citizens to ask or to say challenge established order of wrong doing and corruption. It is but natural to have incidents of confrontations and other serious problems with the common citizens or activists who come forward to expose the so called secrecy. There are number of incidents taking place with regard to threat and even murder of whistleblowers who ask for sensitive information under RTI. There are existing provisions in Indian Penal Code etc. to protect such persons but if the real objectives of the act are to be achieved in its real sense there should be provision for protection of whistleblowers either in RTI or some special law by which the persons fighting in public interest should be protected. Even there should be the provision for compensation to the family members and strict punishment for wrongdoers.

2. **Protection of Government Officer:** the real implementers of the act are no one but government officers. In most of the cases government officers who are appointed as PIOs are executives or secretaries. There are chances wherein the PIO as a part of their duty has to disclose some so called sensitive information which is related to his / her above officer or elected representatives. In such cases there should be provisions to protect such PIOs.

3. **Extending the Scope of RTI’s Applicability:** In the era of globalization and privatization lot of affairs are governed by nongovernmental organizations including profit making organizations. With the gradual withdrawal of the state from public services and increasing privatization, the applicability of the FOIA only to public authorities is being seen by civil society as nothing short of a deliberate attempt to avoid accountability. In
this context the RTI should be applicable to non state actors that receive public funds or benefits (directly or indirectly) including those who exploit natural resources. Everyone should have the right of access to information held by large profit-seeking corporations where this information is required for the exercise or protection of any human right.

4. **Enactment Empowering State Information Commissions:** the role of SICs is very key as far as better implementation of the act is concerned. 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

5. **Provision to Ensure Compliance of SIC’s Order:** The ultimate authority as far as the implementation of the act is concerned is State Information Commissions. In certain cases the applicant is denied the information by public authority and goes to SIC. Even if the SIC gives decision in the favor of applicant the applicant doesn’t receive the information in such cases there is a need of specific provision that ensure the compliance. There is not provision for contempt proceeding for non-compliance of the directions of SIC. There is no provision to realize the penalty if payment is defaulted. Even there is 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.

6. **Provision to Include a Chapter on RTI in Annual Report:** amending the right to information act it should be made compulsory for all the public authorities to include a chapter on implementation of RTI so as to measure their alertnessness to implement the law.
IV – Administrative Measures to Make the RTI More Meaningful:

Administrative arrangement is very important to implement any act successfully. There are several points of consideration where there is no requirement to pass or amend any legislation but some initiative can make wonders as far as the use of RTI is rural development governance is concerned. It is line not doing the different things but doing the things differently. The major such considerations throughout the journey of this study are mentioned as below:

1. **Replication of Best Practices:** While implementing the same provisions of a national law by various state governments there are definite chances of variations, in terms of success and failures. Considering this the best practice of one state or department should be replicated by another state or department.

2. **Interesting Decisions are to be Published:** In order to bring all orders issued by the Commission to the knowledge of the public at large, the Commission has to publish Journal containing important orders of the Commission. It is becomes increasingly difficult to study all the Decisions pronounced by the Information Commissions, many of which are on routine issues which have already been settled earlier. As our High Court Judges do, our Information Commissioners themselves can choose interesting Decisions which reflect a new point of law or a new situation which needs to be studied. A column may be introduced in the copy of the Decision Notice: “Whether the judgment should be reported in the Larger interest? Yes / No”. Such Decisions can be uploaded under separate link called, ‘Decisions of note’, and / or it should be published as reporter.
3. **Administrative Reform and Computerization:** As part of administrative reform, the Governments have initiated the process of computerization in many of its institutions. RTI Act mandates the obligations of the Government in regard to scientific management of all official records. The Government must set apart adequate funds to accelerate the adoption of computerized management information systems by all public authorities down to the district and village level. The programme of computerization must be made time-bound for the success of information delivery under RTI Act.

4. **Reaching out to the Public:** It is recommended that implementation of RTI Act be linked with the process of devolution of powers to Panchayati Raj bodies in villages and municipal local bodies in towns. All these institutions are Public Authorities as defined in the Act. Proper management information systems must be adopted by all such bodies so that information demanded at grassroots level can be delivered efficiently to information seekers. The pace of devolution of powers must be accelerated in line with national and state policy.

5. Many organizations/training institutions are conducting training programmes on the Right to Information Act. The public authorities should ensure that their PIOs and other concerned officers are exposed to such training programmes. The public authorities may also organize training programmes at their own level.

6. **Suvidha Centres:** currently functioning in all districts and at many Sub Divisional towns in some states like Punjab provide a number of convenient facilities for the common public. It is recommended that without incurring additional cost, every Suvidha Centre should install a window where any requests for information relating to field level Public Authorities can be accepted. Under Section 6(3), the Deputy Commissioner/District
Collector concerned should coordinate the disposal of such requests received at the RTI Counter in Suvidha Centre concerned. Such Centres for providing convenience to the public should be established in all states.

7. It should be ensured that the responsibility of a public authority and its public information officers (PIO) is not confined to furnish information but also to provide necessary help to the information seeker, wherever necessary. While providing information or rendering help to a person, it is important to be courteous to the information seeker and to respect his dignity. While imparting training, the officers should be sensitized about the need of courteous behavior with the information seekers.

8. The offices of all Public Authorities should display a standard board containing essential information about them under the RTI Act mainly the names of PIO, APIO and Appellate Authority. At the same a directory of ASPIOs, SPIOs and First Appellate Authorities at the district level should be available with the public authorities to be made available to the information seeker at a fixed price.

9. As the Central Departments are located in different parts of the country, the presence of the SICs may provide necessary support to the CIC for processing appeals and complaints for speedy disposal of cases by the CIC. The modalities of cooperation between SIC and CIC may be worked out with mutual consultation. In effect, thus, the functioning of the CIC could be decentralized with a view to facilitating faster resolution of disputes between the information seeker and provider. Support of SICs for establishing such local offices is critical.

10. 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. 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.

11. 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.

12. Many a times 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

13. Streamlining the chaotic system of archives and records and improving internal management of information are essential prerequisites for effective law enforcement. Proper records management is an essential pre-requisite for an effective right to information regime. With the spread of information technologies, this has become much easier now than it ever was. There are many government-supported initiatives that enhance the efficiency of government operations. There are equally a large number of civil society supported technological solutions that are not technocratic but transform technology into the realization of social goals. Large number of civil society groups are providing information to marginalized citizens on a whole range of matters in remote rural areas, overcoming infrastructural barriers. Working with civil society even for technological solutions will ensure that the right to information is realized even in unreached areas and by the disadvantaged.

14. The bureaucratic culture of secrecy is major hurdle in effective implementation of right to information. There have been instances where
citizens have to file applications under the act for information that should be easily available without any act. By providing poor quality information, officials can thwart the whole process of moving towards a more transparent regime. This should be avoided with specific administrative measures.

15. It is recommended that Public Authorities should organise regular interface of PIOs with citizens, Resident Welfare Associations and civil society organisations, so that PIOs can understand the demands of citizens and their experiences on RTI.

16. Non compliance of the orders of SICs by the Public Authorities is a cause of serious concern. The central government and state governments should take notice of such incidences and punish the PAs which are not complying with the orders of SICs.

17. It is recommended that state governments should appoint more staff in the SICs. SICs should also increase their efficiency in dealing with appeals and complaints. They should maintain a disposal rate of 90 per cent and above, so that the appellants do not have to wait for a long time in Second Appeal.

18. All the nodal departments at the centre and in the states that are responsible for implementation of RTI Act should issue necessary directions to the Public Authorities concerned and police organizations to initiate appropriate action in cases of harassment. The Commissions determine on case to case basis as to whether a PIO/Public Authority has defied in any manner, the implementation of RTI Act. Consequently, in some cases penalty should be imposed or compensation awarded. The Commission should closely observe if information seekers are making attempts to harass information providers in the garb of seeking information. At times, the Complainants and Appellants misbehave during
the proceedings of hearing and subsequently approach the media/Government to humiliate the Public Information Officers and Appellate Authorities. Since there is no provision in the Act to penalize them or to initiate contingent proceedings against them, such persons should be identified and their misconduct should be recorded. In some extreme cases, legal intervention might have to be sought and the authorities should seek the same where necessary.

V – Capacity Building of Different Groups:

Capacity consists of knowledge, skills and attitudes (sensitivity) required to use the act as well as to implement the act. As far as the implementation of RTI in context of rural development governance is concerned there is varied number of actors that requires the capacity to effectively use and implement the act:

1. **Capacity of Suppliers:** It is recommended that state governments should conduct training programmes for government machinery that is involved in the implementation of the act. Not only the PIOs but all the staff members should be equipped with knowledge of the act, skills to interpret the application asked for, managing the records and providing the required information in a prescribed time limit. Along with the skills and attitudes there is a need that the government officials should be sensitized and convinced towards the role of RTI in reforming governance. Proper sensitivity can definitely lead to better implementation of the act.

2. **Capacity of Demand Side:** along with the training and capacity building of suppliers of information equally important is the capacity of common rural citizen especially in filling the application, interpreting the information received and ultimately the capacity to utilize that information in solving the problem he / she is facing or the community problem he / she wants to address. Mass awareness will not be enough wherein lot of technicalities
are involved in implementation of RTI hence it is recommended that thorough training programmes should be done for this purpose.

3. Capacity Building of NGO / Media and Civil Society Organization:
Along with the capacity of the demanders and suppliers the capacity of catalysts that can play major role in implementing the RTI is very necessary. There should be Training of Trainers programmes for NGO persons so that in turn they train the Rural Citizens as well as Panchayat Representatives. Some special trainers should be developed to train rural women so as to promote the usages of RTI amongst rural women. There should be special training programmes for media persons especially focused on developing the sensitivity amongst the media persons towards the positive use of RTI so that they give more and more coverage that will help in environment building for effective implementation of RTI.

VI – Educational Measures and Awareness Generation:

It was observed that the fundamental issue in this regard is awareness on RTI among the general public. A key reflection on the quality of implementation of the RTI Act is the level of awareness among the general populace. Enacting a comprehensive law is essential, but insufficient, to establishing and sustaining the right of access to information. Along with the thorough training mass awareness / education also one of the important need oh the hour as far as the promotion of RTI with special reference to rural development is concerned. Recognizing this need following majors is expected in the form of initiatives under this component:

1. Presentations of slides for exhibition in cinema theatres and beaming of strips on TV channels
2. A large number of channels and Doordarshan are also devoting slots on this matter. A number of success stories and the difficulties faced by general public and interpretation of the provision of the Right to Information Act have been covered. Probably some amount of coordination and cooperation among the channels could achieve greater results. In fact, they could think of slotting specific time for various categories of viewers like students, housewives, senior citizens, working women, etc. there can be a independent channel of doordarshan on RTI.

3. Preparation of short films for telecasting on TV/cinema theaters

4. While attempts may be made to educate, familiarize and to encourage people to seek information, effort may also be initiated to inculcate the value of seeking information among young people who are in schools and colleges. There is an urgent need to include chapters on Right to Information in the books meant for schools and colleges. The concerned bodies like University Grants Commission, Central Board of Secondary Education, All India Board, etc. may extend full support for the same. It is not only mere inclusion of RTI as subject, but importantly proper selection of writers / authors to produce appropriate suitable reading material.

5. Some of the documents like railway tickets, bus tickets, ration cards, etc may carry appropriate messages on Right to Information.

6. There are certain organizations and departments which have comparatively larger share of public contact. Such organizations have a greater role in educating their own staff (at cutting edge level) and the groups of people with whom they come in contact at regular intervals. These organizations may require support from the concerned government.
7. All states should strive to achieve a permanent agenda for publicity on the provisions of Right to Information Act in every meeting of Gramsabha.

8. Creation of separate cell at Taluka level to assist people in utilizing RTI and educating people about RTI. Some good NGOs should be given such task.

9. Awareness of RTI should be an integral component when any project is sanctioned to any NGO.

One could think of a number of ways through which publicity could be organized. However, depending on the target group, appropriate ways and means have to be found out to reach them, which would be easily understood by them, at the same time it could be cost effective also. Catchy slogans, material in simple language should be got prepared in local languages and dialects. This would enable reaching out to the remotest areas in places like north-east, etc. Mobile Van exhibition on RTI could also be considered. This would be helpful in reaching the grass-root level. This would attract crowds and messages could easily be conveyed to a large audience. Youth Festivals on RTI could be added to such exhibitions. To reach group of people who are not literate, novel media like drama, street plays, puppet shows, etc. may have to be adopted. Therefore, there is need for developing good scripts for such plays including puppet shows so that the message could be conveyed to them. Here, assistance of non-governmental organizations, voluntary agencies and self-help groups would be crucial. There are lot many ways and means to generate awareness but as far as RTI is concerned it is an urgent need to promote its positive usages amongst the rural masses to solve their century old problems emerging out of governance related problems.
VII – Policy Measures to Discourage Misuses:

Advantages and disadvantages are always like two sides of coin likewise the revolutionary law of RTI also has the problems pertaining to its misuse. There should be policy to discourage such wrong usages. There is a possible threat of disproportionate diversion of financial as well as manpower resources. For example some persons ask lot of information that requires lot of energy of office in collecting and compiling the information, this way the main function of the officer may be the function of rural development may diverted to that of information provider and since providing information is legal binding it gets priority over other normal and important functions. This should not happen and hence there is a need to overcome this shortcoming. In other possible cases of misuse the person may ask for the lot of information in the events of personal rivalry and in cases addressing personal rivalry the public resources are diverted and wasted. This can be handled in following ways:

1. This is very sensitive issue if the law is amended it may lose its tooth for the real users so there is not a need of any amendment but such issues are to be handled tactfully by higher authorities like appellate authority and information commissioners.

2. The general sensitivity towards right uses of the act should be development amongst the society by highlighting or to say exposing such elements in media.

3. There can be a penalty provision in case of use of RTI for personal allegations and personal rivalries.

4. There can be penalty provision in case a person engages the office for a long receives bulky information and does nothing out of that.
VIII – Other Measures to Promote RTI for Accelerating Rural Development:

The journey of research in RTI exposed us to many situations and generated ideas to promote the positive use of RTI to address the rural governance. The following are such recommendations:

1. There is a requirement of promotion of new culture of openness from the culture of secrecy.

2. A nodal centre may be established to collect, compile and analyze relevant information relating to the implementation of the Act. The C/SICs may provide necessary financial wherewithal for managing the centre.

3. Special attention should be given to the redressal of grievances raised by citizens on the basis of information received under RTI.

4. There should be provision for awards for best users, best implanters and best facilitators.

5. Some special fast track kind of mechanisms should be developed especially in the rural development governance wherein the issues raised by RTI are resolved on priority.

6. People should be given assistance not only in filling the application under the RTI but in interpretation and use of the information in solving the problems they face.

7. It is necessary to strengthen advocacy by documenting our knowledge about the benefits of freedom of information, in order to cement the links between access to information and development.
8. There should be initiatives from the civil society to monitor the implementation of the act in a formal systematic way. One of such initiative should be a creation of People’s Commission on Right to Information wherein the representatives of civil society should come forward and monitor the implementation of the act. And the gaps should be widely published in media so as to gain effect of corrective measures.

9. It is recommended that the regular auditing of self disclosure of PAs should be undertaken by civil society organizations and the report should be shared with public.

10. Special encouragement of empowerment of women for the RTI for their development / protection and preservation of rights.

11. The tribals should not be charged for any fees and should be provided free assistance to use this act.

12. There should be provision for RTI Camp which should be a collaborative initiative of NGO and Government.

13. Those who are RTI activists should promote RTI by experience, education and facilities.

14. Like Times of India and NDTV other print and mass media should also play its role in promoting this act by highlighting the cases wherein people use the act and solve the problem so that other people can also utilize RTI for similar kind of problems disturbing them.
IX – Concluding Note:

A fundamental change in attitude is necessary within the bureaucracy to enable it to comply with the Act in letter and in spirit. It is the responsibility of the respective Governments to inculcate in the bureaucracy a respect for citizen's right. For the RTI Act to be an instrument of accountability and transparency especially in the governance of rural development, political and administrative support is required. The quality of leadership in supporting necessary reform measures and in enabling effective compliance is the need of the day. All the major actors i.e. government, NGOs, Media and Civil Society organizations have to play crucial role in making RTI an effective instrument to be used in accelerating the rural development process by creating transparent, accountable and participatory governance of rural development and management.