

## **TRAINING CAMP On RTI ACT 2005 AND NREG ACT 2005 - AT KANIGUMA, KALAHANDI on 17-19 Aug. 2006 - A REPORT**

Venue: Kaniguma Resource Centre, Thuamul Rampur, Kalahandi

Date: 17th to 19<sup>th</sup> Aug 2006

Organiser: Antodaya, Bhabanipatana

Resource Person: Mr Chitta Behera, Advisor to Orissa Right to Information Campaign ( [www.orissarti.com](http://www.orissarti.com))

No of participants: 70 comprising the executives and staff of Antodaya and village level leaders

### **Background:**

Antodaya, an NGO has been working over the years for the empowerment of the marginalized and impoverished sections of population such as Scheduled tribes including primitive groups, Dalits and forest dwellers in the Orissa's backward district of Kalahandi. In this process, several types of self-help groups, village organizations, women's groups for marketing of minor forest produce etc. have been formed to work in an organized manner for asserting and achieving their legitimate entitlements from different government agencies that exercise control over the life and livelihood of these people in very many ways.

As is well-known, two landmark legislations namely Right to Information Act 2005 and National Rural Employment Guarantee Act 2005 were passed by the Parliament in the year 2005, which have great and direct bearing on the life and livelihood of the common people in general and the marginalized people in particular. The RTI Act came into full force on 12<sup>th</sup> of October 05 throughout the country except J&K and NREG Act on 2<sup>nd</sup> February 06 in 27 States/UTs of the country including the State of Orissa. And so far Orissa is concerned 19 districts out of 30 have been covered under NREGA, and Kalahandi is one among the covered districts. More than 10 months has elapsed since RTI Act was fully enforced and more than 7 months since NREG Act started operating in the State. But the ground reality concerning the implementation of these two Acts by the concerned governmental agencies is too disappointing one. Most people have not at all heard of a new law called RTI Act, let alone apply it in practice. As regards the NREGA, till date the people in the villages have been very casually and superficially told by their respective Block and Panchayat officials about this Act. Only a very few persons here and there have availed some works under the Act, whereas overwhelming majority of the rural households, who are otherwise deserving have not even received any job card. On the other hand, the progress report of the implementation of the Act as submitted by different official agencies to the national website under the Act contains outrageously false information like the entry of the names of dead and absent persons in the registers meant to record the names of the job recipients. The initial euphoria that the Act had created among the activists for its promise to employment or unemployment allowance to the rural poor has now turned into a note of despair. The civil society groups are therefore faced with a big challenge as to how to ensure proper operationalisation of NREG by the concerned authorities at different levels.

Under the circumstances, Antodaya felt the imperative need of organising a series of training camps for its staff and volunteers and village level activists so as to equip them with a proper grasp of the key operative provisions of both RTI Act and NREG Act. To start with, Thuamul Rampur Block, which is predominantly a tribal populated area and the most backward one in the State was chosen as the field for which such training was required to be held. And Kaniguma

Resource Centre, located under this Block and run under the aegis of Antodaya was chosen as the venue of the training camp.

### **FIRST DAY: 17<sup>th</sup> AUGUST 2006**

In the afternoon of 17<sup>th</sup> August, the Training Camp was inaugurated by Resource Person Mr. Chitta Behera, Advisor to Orissa Right to Information Campaign by way of lighting the ceremonial candle. Then a note of welcome was addressed by Mr. Binakar Naik, Secretary, ANTODAYA to the participants attending the camp. He was followed by Mr. Dillip Das, Chairman, ANTODAYA, who in his brief introductory talk observed that the RTI Act and NREG Act despite being very progressive legislations have not yet delivered the good as expected, and the reason for this failure lies not only in the reluctance of the officials to implement them properly, but also in lack of awareness and vigilance by the people at large about their rights and entitlements provided under these legislations. He further told that since the personnel of the Government are not disposed as such to make the common people informed and aware about their rights and entitlements, it is the NGOs and social activists who have to undertake this task in a concerted manner and with commitment. This training camp is an endeavour to fulfill the said obligation. The trainees should therefore exert themselves utmost to acquire both textual and practical lessons to be imparted through this training camp.

Then the participants were introduced with each other by way of each sharing with others his/her name, residence, workplace and experience if any on matters relating to implementation of NREGA and RTI Act in their respective areas. It was found that except only one participant who had some experience of applying under the RTI Act in the context of a particular case, none had any working knowledge or overall perception about the Act or Orissa Rules made thereunder. As regards the NREG Act, the village level activists came forward to describe their own experience about it with great interest. It was gathered from them that only in those villages where the people had some awareness about it, the job cards and jobs were provided to some people, though an amount of Rs.50/- was provided to them as the minimum daily wage in place of the current statutory rate Rs.55/-. In quite many places, even job cards have not been issued. The Gram Sabha/Palli Sabhas have not been consulted before the works were undertaken, in clear contrast to the mandate of the Act. The concerned officers of the Block and Panchayat forming a dubious league with respective Sarpanchs or even avoiding the latter altogether wherever possible, are executing all works and dishing out to the higher authorities concocted figures about the progress of the NREG works. It was further revealed that the list of workers in a Panchayat who have received the wage-employment under the Act, as prepared and uplinked to the national website contained the name of some persons who are dead or absent from the concerned village since long. Overall, the participants expressed their great displeasure at the way the much promising NREG Act was being administered by the Block officials in connivance with or bypassing the PRI representatives.

After the preliminary sharing by the participants was over, the Resource Person wanted them to remain clear about the objectives that the Training Camp should achieve. The following objectives were proposed and agreed to for the purpose:

Objectives of the Training Camp/Workshop:

- i) To grasp the operative provisions of RTI Act and NREG Act and of the corresponding Rules made thereunder;

- ii) To undertake a field visit to the concerned local offices so as to collect information concerning the progress in implementation of the said Acts and thereby to test their own knowledge acquired through the training;
- iii) To find out loopholes, if any in the Orissa's State Rules made under RTI and NREGA Act, and also in the manner of implementation of the Acts and Rules by the concerned offices; and
- iv) To address complaints and memoranda to the appropriate authorities for removal of the omissions and commissions indicated by them.

### **Day-wise Agenda:**

It was decided that the item ( i) of the Objectives shall be covered on the 1<sup>st</sup> day itself, while the trainees divided into a few groups shall visit the various State Government offices located at Thuamul Rampur as mentioned under item (ii). On the 2<sup>nd</sup> day itself, various groups shall present their feedback on the basis of the visits so undertaken, and at the end of the day it would be decided which group shall make complaint to which authorities on which matters. On the third day, the complaints shall be written by the respective groups for dispatch to the concerned authorities. In the end, evaluation shall be made of the entire programme by the participants and an action plan drawn for the future.

### **Practical Exercise and Interactive Method of Learning :**

The Resource Person observed that since the topics of the training programme are very much linked to the day-to-day problems and issues being faced by the activists and common villagers alike, there shall be both theoretical and practical exercises to learn and internalize the lessons to be imparted. Unless the participants undertake a field exercise to visit the offices of various public authorities located in the nearby places and seek information relating to various matters of public interest including the implementation of NREG Act using the relevant provisions of the RTI Act and Rules, their understanding of either RTI Act or NREG Act shall remain only skin-deep. The practical exercise shall really enable them to grasp at one go the significance of the theoretical lessons imparted to them on both Acts, and also an authentic perception as to how sincere and upright the concerned public authorities are in implementing them.

As regards the method of deliberation to be adopted throughout the training period, the Resource Person suggested that it should be 'conversational' or 'dialogic', in the sense that any participant can interrupt the resource person or another speaking participant at any point of time to raise any question or a counter-point which in his or her opinion is of critical significance; and reversely the resource person can also at any point of time ask any participant the questions relating to the issues under discussion, just to ascertain if and whether the participants were following the matters and lessons being discussed. He further opined that the so-called 'participatory method' which is usually followed in the training programmes of such type and is supposedly superior to the 'lecture method', does in fact suffer from a serious handicap. As per the participatory method, a participant should wait for the resource person or other participant to finish his/her talk and then only speak out his/her mind. But there is a problem with this apparently democratic method. Maybe, a participant feels very much agitated by the reference to a certain matter or point made by the current speaker and feels that the speaker should be instantly corrected by his/her prompt intervention. As per the so-called participatory method, he/she can't intervene instantly, but has to wait until the speaker closes his/her talk. But by the time the speaker closes his/her talk, maybe, some newer, more critical issues might have been thrown up before the house by way of speaker's allusion to fresh and new themes, which might induce the participants to react and respond to. Above all, in the process of waiting for the speaker to close his/her talk, the

participant might forget the specific points of objection that he/she wanted to put across instantly. In this one-track, one-after-another style of discourse, the whole collective loses much of richness of content, which could have been available otherwise, i.e. by way of allowing a participant to interrupt the speaker at any point of time in order to push forth his/her disagreement instantly. The prime advantage of the 'conversational method' over 'the participatory method' is that the former generates and keeps alive an environment of debate and enquiry throughout the training programme and thereby enhances both the range and content of the deliberations around a topic. Therefore the Resource Person suggested that all the deliberations to be made in the training sessions should follow the conversational method.

### **Preliminaries:**

To start with, the Resource Person wanted the participants to get conversant with definition of some preliminary terms and expressions used in the text of the RTI Act 2005, which shall help them understand the various nuances of the Act in a better way.

First of all, the term '**Right to Information**' as defined under **2(j) of RTI Act** means "*the right to information accessible under this Act which is held by or under the control of any public authority and includes the right to—*

- (i) inspection of work, documents, records;*
- (ii) taking notes, extracts or certified copies of documents or records;*
- (iii) taking certified samples of material;*
- (iv) obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device."*

About the significance of this sub-section the Resource Person observed that a person is now entitled to inspect, not only any document or record but also any ongoing work, say, the construction of a bridge or building, which has been sanctioned or funded by a public authority.

As regards '**public authority**', the **Section 2 (h) defines it as** "*any authority or body or institution of self-government established or constituted -*

- (a) by or under the Constitution;*
- (b) by any other law made by Parliament;*
- (c) by any other law made by State Legislature;*
- (d) by notification issued or order made by the appropriate Government, and includes any—*
  - (i) body owned, controlled or substantially financed;*
  - (ii) non-Government organisation substantially financed, directly or indirectly by funds provided by the appropriate Government."*

The Resource Person explained that the above definition of 'public authority' read along with definition of 'competent authority' as provided under Section 2 (e) implies that all the 3 wings of the State such as legislative, executive and judiciary are the public authorities and therefore obligated to comply with the citizens' right to information. Even the 18 nos. of security and intelligence agencies, which are enlisted under Second Schedule appended to the Act, or 5 nos. of

agencies of such type as notified by the Government of Orissa on 29<sup>th</sup> of October 05 are not immune to the citizens' right to request for information under the Act. Rather the provisos to Section 24(1) and 24(2) maintain that the citizens can always ask these notified agencies about the cases of corruption and human rights violation.

Then the definition of **'Information' as provided under Section 2 (f)** was read out - *"information" means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force.*" The Resource Person explained that under this definition, which is a very comprehensive one, a person can ask for information in which ever material form it may be available with the concerned public authority. It is worth noting that not only all paper based documents but material sample and model of say any construction work, or electronic medium like CD or Video Cassette, all are covered under the generic term 'information'. Moreover, this definition of information if read along with the definition of 'record' as provided under Section 2 (i) makes it absolutely clear that a person can demand to inspect and copy the extract of any file or to view any electronic device such as computer where the information sought might be stored. In response to a question as to how a citizen can access the information relating to a private body like NGO, SHG, Cooperative, Company, Trust or Trade Union, the Resource explained that the answer to it lay in the closing words of the definition of information under Section 2(f), that is, *"information relating to any private body which can be accessed by a public authority under any other law for the time being in force"*. The operative significance of this phrase is that if a person wants such kind of information, then he or she in stead of approaching the private body straightaway should apply for the purpose to the concerned official body which in any manner funds, licenses, registers, controls, regulates or monitors such private body in any manner. The concerned official body is supposed to collect the information about the questions relating to that private body in any manner it thinks appropriate and then disclose it to the applicant as per the common norms for disposal of RTI applications stipulated under the Act.

The Resource Person drew the attention of the trainees to the need for acquiring a clear understanding of the words **'Act' and 'Rules'**, which are frequently used in the text of the RTI Act and also in discussions around it. An Act is made by Parliament or a State legislature while the Rules are framed by the Government or for that matter the executive wing of the State. An Act, be it the RTI Act 2005 or any other contains at appropriate places specific directions as to the very items on which the Rules need to be framed. Besides the Act might prescribe definite parameters or norms within which the Rules need be framed. For instance, the RTI Act at Section 7(5) says that all the 3 fees, chargeable on the applicant under Section 6(1), such as fee for application, for cost of information and for the cost of electronic medium should be 'reasonable' and no such fee should be charged against a person belonging to 'below poverty line' groups. Ideally, any Govt Central or State shouldn't violate these directions of the Act. Let's take another instance from the RTI Act itself. The Section 6(2) of the Act clearly says that an applicant for information is not required to disclose the reasons for seeking information or any personal details except the contact address. But if one goes through the provisions made under Orissa RTI Rules, he/she would be simply appalled by the fact that the Government of Orissa have clearly violated these norms laid down by the parent Act. And that is why the Orissa Campaign for Right to Information, an independent platform of RTI Activists has been carrying forward a State-wide movement against Orissa RTI Rules 2005, ever since the latter was notified.

A crucial information that everybody should remember relates to the **date of commencement or enforcement of the RTI Act in the country**. Most people even including the Govt officials believe and say that the Act came into force on 12<sup>th</sup> of October 2005. But it is not true. The Section 1(3) of the Act clearly stipulated that as many as 9 provisions of RTI Act would come into force at once on the day when the Bill was made into Act following the assent by the President i.e. on 15<sup>th</sup> of June 2005. The remaining provisions were to come into force on 120<sup>th</sup> day of the commencement of the Act i.e. 12<sup>th</sup> October 2005. This interim time-period of 120 days or 4 months was provided for the public authorities to prepare their infrastructural and manpower arrangements in such a way that they would be able to provide the desired information to the members of public with effect from 13<sup>th</sup> October 2005 without any fail. As a part of the interim preparation, every public authority was required under Section 5(1) of the Act to appoint PIOs (Public Information Officer) within 100 days of the enactment of the Act i.e. **by 22<sup>nd</sup> of September 2006**.

### **Two Modes of accessing Information**

Then the Resource Person informed that from the standpoint of citizens' access to information, the RTI Act broadly speaking deals with two types of Information:

- Information published and disseminated suo motu or proactively by each public authority, which a citizen can access instantly and without having to submit any application or fee (Section -4).
- Information, which is provided by a public authority in response to the application submitted by a person along with an application fee and subject to payment of the cost of information, within the stipulated time of 30 days. ( Sections -6 and 7)

It has however been observed that the Government agencies and quite many civil society groups have been publicizing only the application-based mode of accessing information as mentioned under Section 6 while completely blacking out the instant mode of accessing the proactively disclosed information as dealt with under Sections 6 and 7 of RTI act 2005. But the RTI Act itself gives priority on the suo motu mode over the application mode. The Section 4(2) reads, "*It shall be a constant endeavour of every public authority to take steps in accordance with the requirements of clause (b) of sub-section (1) to provide as much information suo motu to the public at regular intervals through various means of communications, including internet, so that the public have minimum resort to the use of this Act to obtain information*". And if one compares between the two modes, he/she can easily realise that the suo motu mode, which involves no time, money or the hassle of paper works is much more user-friendly for the common people than the application mode that requires an applicant-citizen to comply with the conditions of waiting time, payment of costs and submission of a properly written application. The Resource Person further informed that in such districts of Orissa as Keonjhar, Malkangiri, Rayagada, Koraput, Gajapati, Anugul, Sambalpur, Jagatsinghpur, Cuttack, Puri and Khurda, several members of PRIs, NGOs and SHGs who had taken part in RTI training camps organised in those districts had already proved it possible to collect suo motu information instantly and free of cost from public offices using the Section 4 of the Act. And in those cases where the concerned authorities refused to provide information as per the provisions of the Section 4, they lodged direct complaint under Section 18(1) of the Act before the Information Commission. And nowhere in such districts, could any officer ever question the validity of the argumentation provided

by the RTI volunteers in favour of the instant and cost-free mode of access to information as allowable under Section 4 of the Act.

The Resource Person observed that since the mode of accessing information under Section 4 is easier, quicker and cheaper than the one provided under Section 6, the current training programme should focus on how the participants can use the former mode. And they shall experiment this novel mode while doing the proposed field visit to the offices to seek information under the RTI Act.

### **Two modes of submitting grievances before the Information Commission:**

Like the two modes of accessing information, there are two modes of submitting one's grievances before the Information Commission. One is direct, and the other indirect. The provisions relating to the former are dealt with under Section 18, while the latter under Section 19. Under Section 18, an aggrieved person can lodge his/her complaint directly before the Information Commission, whereas under Section 19, one has to submit his/her grievance firstly before the 1st appellate officer of the concerned public authority, and if dissatisfied with the decision of the latter, can go for second and final appeal before the concerned Information Commission. Quite some State Governments including Orissa have prescribed fees and formats for making of both 1<sup>st</sup> and 2<sup>nd</sup> appeals under Section 19, while there is no such formality to be observed for making a complaint under Section 18. Moreover, one requires a long stretch of time to reach to Information Commission through a two-stage appeal process under Section 19, while one can instantly reach the Commission soon after her/she is denied information or otherwise aggrieved in the process of seeking information under the RTI Act. But sadly enough, neither the Government officials nor the Information Commissioners highlight the provisions of Section 18. They only speak about and emphasise the provisions under Section 19. It is therefore very much essential that the civil society groups working for the poor and marginalized sections should grasp firmly the provisions of Section 18 and popularize it among them.

### **SECTION- 4: A powerful tool**

The various provisions of Section 4 were read one after another, and each explained and exemplified for the easy and quick grasp by the trainees. First of all, the **Section 4(1a)** mandated that every public authority shall maintain all the records available with them in such a manner that an average citizen is able to access them easily, and moreover all the information possessed by the public authorities shall be inventorised and tagged on to the nation-wide networks in such a manner that any person sitting in any corner of the country would be able access them easily and quickly.

Then the **Section 4(1b)** said that every public authority shall publish certain types of information suo motu within 120 days of the enactment of the Act i.e. by 12<sup>th</sup> of October 2005. The information subject to such proactive disclosure was classified into 17 categories enumerated from (i) to (xii). Broadly speaking, these types of information related to aims and objectives of the agency, the various public duties assigned to it, conduct rules for its officers and employees, mode of execution of different welfare schemes, manner of disposal of public grievances, decision-making process followed, method of consultation with members of the public, receipt and payment of money on different heads, and moreover the arrangement for disseminating information to the public. The Resource Person explained that there is no such information held by a public authority, that didn't belong to one or another category as mentioned under Section 4(1b). As a matter of fact, every public authority has been mandated by the RTI Act to inventorise and index all its information as per the 17-category matrix, and thereby enable any

desirous citizen to obtain any information he or she would like to have from them. It has however been observed that most of the public authorities, just for the sake of a formal compliance to this legal mandate, do remain contented with a very scanty and scrappy information disclosed under each category.

In fact, the **Section 4(2)** says categorically that every public authority should disclose the information covered under sub-section 1(b) in such an elaborate manner that a citizen won't feel like making an application under the Act to obtain a piece of information he or she desires.

Again, **Section 4(3)** provides that all information shall be disseminated in such a way that these are easily accessible to the public. For instance, a person whose case for getting the financial assistance under Indira Awas Yozana was forwarded by the Panchayat to the Block Office has been denied the grant and he wants to know the reasons for such denial. The question arises, how can the Section 4(1b) of RTI Act prove helpful to him? Now he can approach the Block Office to inspect the files and papers dealing with the disposal of cases under IAY on the strength of its Item no.(xii) that reads, "the manner of execution of subsidy programmes, including the amounts allocated and the details of beneficiaries of such programmes". Another unique feature of the provisions made under Section 4(1b) is that every public authority should make a proactive disclosure of the particulars of the meetings that are being held from time to time by it so as to enable the members of the public to participate in them, and also to share the copy of the proceedings of the meetings so held (vide Item viii).

Furthermore, the **Section 4(1 c and d)** obligates each public authority to consult the members of the public while they shall be taking a decision on any matter of public interest and also to provide for justification of any administrative or quasi-judicial decision so taken by them.

Again, recognizing the distinct nature of the the suo motu mode of disclosure of information by the public authorities vis-à-vis the application mode as prescribed under Section 6(1), the Act under **Section 4(4)** has provided that the appropriate Governments and competent authorities may, if they so like, prescribe a fee against the supply of suo motu information, otherwise such information would be available free of cost to the members of the public.

That the members of the public would have right to inspect all the files, records and documents covered under Section 4(1b) is clearly provided under **Explanation to the Section 4**, which while defining 'dissemination' mentions inter alia '**inspection of offices of any public authority**' as a form of dissemination of information admissible under the Act.

The Resource Person then suggested that the trainees themselves should acquire a practical understanding of how the provisions of Section 4 are being carried out by various public authorities by visiting some such offices next day. First of all, they should be divided into a few groups, each consisting of 4 to 5 members. Each group should be assigned with one or two offices for the purpose and decide on the questions on which they would seek information. Further, each group should learn how to lodge an instant complaint under Section 18(1) of the Act in situations where the public authority denies the information asked for.

### **Formation of Groups and offices to be visited**

The following Table shows the four groups formed for the purpose of visiting the offices allotted to each and the nature of questions to be asked by them.

Name of the group	Office to be Visited	Information required	Names of Participants
Group 1	Block & BRC office	Progress of implementation of NREGA	M.C. MISHRA, R.N. SINGH ANIRUDHA, LUCKYRAM, SUNAMALI NAIK
Group 2	Block & Range Office	Status of implementation of different schemes	U.N.MAJHI, MANOJ TANDI, AMAR SINGH, NIRUPAMA. HANSMANI
Group 3	PHC and ICDS	Related to Health and Anganwadi	BIKASH DAS, ARJUNA SAHU, KRUSHNA, LACHMI PANI GOUDA
Group 4	Tahasil and Police Station	Patta to the landless and status of FIRs	K.TARAI, UPENDRA, MOUSUMI, KAPOOK RAI MAJHI

After the groups formulated the questions to be asked by them, these were read out for the knowledge of all. The Resource Person while correcting certain omissions and commissions in the questions advised that each question should mention a time-period to which the information related, and moreover it should focus on what exactly the applicant seeks to know. A question ought to be properly formulated, lest the concerned officer before whom it would be put forth might just refuse to answer saying that the question was incomprehensible or beyond the ken of RTI Act.

Then the Resource Person suggested that each group should raise, to start with, two common questions before each public authority to be followed by other questions set by them. **First question-** What the concerned office has done to comply with the Item-xv under Section 4(1b) of the Act i.e. 'the particulars of facilities available to citizens for obtaining information, including the working hours of a library or reading room, if maintained for public use'. There is a great significance behind such a provision made under the Act. It is found that there is no sitting arrangement in any office for the visiting members of the public. The latter invariably sit on the dirty veranda or under the shade of a nearby tree, and they are not offered any seat while they meet and talk to any officer or staff. It is simply ludicrous that the public who are the true masters of the public servants are kept standing while the officers talk to them sitting on their chair. The RTI Act keeps therefore the above provision and expects each public authority to provide for the sitting arrangement and other ancillary facilities in their respective offices like toilet, fans, drinking water etc. for the visiting public who might have to spend hours in an office in connection with seeking or inspecting some information under the Act. **The Second Question-** 'Show us the two registers each office should maintain as per the Rule 2 (1 & 2) of Orissa RTI (Amendment) Rules 2006'. These two registers are (1) The Register for recording the details of the applications under Section 6(1) received and information provided, and (2) The Register for maintaining the details of the citizens visiting an office for inspection of suo moto information under Section 4 of the Act. The significance of raising this question is that an office, if still unequipped with such registers would feel motivated and activated to arrange for the same, and thus the operationalisation of the RTI Act in every office shall be greatly facilitated.

After this the proceedings of the 1<sup>st</sup> day came to a close.

## SECOND DAY 18<sup>th</sup> AUG.2006

At the start of the second day Mr. Manoj Tandi read out the report of first day to help the trainees recapitulate the proceedings already gone through. In the report the results of the visit to different offices for seeking information under RTI were presented as follows:

### **Block office**

Groups 1&2 met the BDO. He was unable to give any information as he was about to leave on an official tour. He suggested the groups to meet the Head Clerk for collection of required information. The Head Clerk replied that all the information could be given only after 25<sup>th</sup> August 06. So that the group had to return without collecting any information.

### **Tahasil office**

The Group-4 met the Tahasildar, Thuamul Rampur and submitted the list of questions to him. He welcomed the group members for their initiative to collect information from his office under RTI Act but told them, though the Act has already been enforced, he however didn't have enough knowledge about its provisions. Then he suggested the group to meet Mr Pradeep Kumar Mohapatra, PIO of his office. After an interaction with the PIO the participants found that he too due to lack of proper knowledge about the Act couldn't provide any information as required. Then the participants showed him the Section 4 of RTI Act, which mandated every office to remain equipped with 17 types of information for the purpose of disseminating them suo motu and as well as and when asked by the members of the public. Even then the PIO was found to harbour indecision and told the group that he would first consult his higher officers about the details of this new Act and then furnish the data, which have been sought by the group. Then the group told him to register a complaint under Section 18 of the Act and send it to Information Commission. But the PIO didn't agree with this suggestion of group. The group then returned empty handed.

### **Hospital**

Group -3 met the doctor who was on duty and wanted the information from him under the RTI Act. The doctor agreed to provide the information but due to the absence of the staff at that moment couldn't supply any information. Then the group wanted a complaint to be registered under Section 18 addressed to Information Commission. But the doctor didn't agree with the group. The group had to return.

### **Offices of ICDS & Forest Ranger**

When the group went to the above offices for collecting information under RTI Act, they found that the offices remained locked up at that moment. The group decided to lodge a complaint under Section 18 of the Act after returning to training camp. On their return they in fact wrote a Complaint addressed to the State Information Commission about the Govt offices remaining closed during the office hours.

After the report on the visit to offices was read out, the resource person guided the concerned groups to prepare their complaints under Section 18 of RTI Act all addressed to Orissa Information Commission, Bhubaneswar. A copy of such complaints was also marked to the heads of respective offices.

### **Powers and Functions of Information Commission:**

The resource person then discussed about the powers and functions of the Information Commissions, especially relating to complaint, appeal and penalties as provided under Sections 18, 19 & 20 of RTI Act.

Under Section 18 one can lodge a Complaint directly to the Commission, which requires no fee or form. As per Orissa RTI Rules, if somebody wants to make an appeal under Section 19, he or she has to do it using a prescribed form and paying a prescribed fee. There are two stages in the appeal process. The first appeal has to be submitted before the 1<sup>st</sup> Appellate Officer designated for the respective office. It shall be disposed of within 30 days of the receipt of the appeal or within such extended period as not exceeding a total of 45 days from the date of filing thereof. The reasons for extending the period of 30 days upto a maximum of 45 days have to be recorded in writing. If an appellant is not satisfied with the decision given by the 1<sup>st</sup> appellate officer, he or she can lodge the 2<sup>nd</sup> and final appeal before the Information Commission within 90 days of the date of decision made under the 1<sup>st</sup> appeal. Thus it is clear that making a complaint under Section 18 is much easier and cheaper and less cumbersome than going through a two-stage appeal process under Section 19 of RTI Act.

The Section 20 mentions that if any concerned authority refused to receive an application without any reasonable cause or has not furnished information within the time specified under Sub-section 7 or malafiedly denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, the Commission may impose a penalty of Rs 250/- against each day's delay till application is received or information is furnished. The total amount of such penalty shall not exceed Rs 25,000/-.

### **3<sup>rd</sup> DAY TRAINING CAMP ON RTI AND NREGA**

On the last day i.e. on 19<sup>th</sup> august 06 the session started with a song. Then the report of the previous day was read out. After this the resource person discussed about the important provisions made under NREGA.

Finally the resource person asked the participants to provide their individual feedback on the course and method of the training so organised. Each participant offered his/her respective experience and response on the training they went through.

On the behalf of ANTODAYA Mr. Binakar Naik, Secretary, ANTODAYA extended a vote of thanks to the resource person for sharing his knowledge and valuable time and also to the participants for making the training programme successful.

Reported by-  
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