

TRAINING TO STAFF ON
Operationalising Right To Information Act
ORGANISED BY 'WORD'for D.P.G., DEOGARH.
SUPPORTED BY HIVOS, BANGALORE.
Venue: D.P.G. Office, Deogarh

Duration: 20th to 22nd Aug. 07.

Methodology: Participatory and Through Field Visit

Total Participants:12

Resource Person- Sri Chitta Behera

Events:-

- Welcome and inauguration.
- Self-Introduction by Resource Person and Participants
- Sharing of Experience on R.T.I. Act by the participants
- Observations by the Resource Person on the experiences so shared
- In-depth understanding of selected provisions of RTI Act with focus on a citizen's right to access instantly, without application and without any fee the information relating to proactive disclosures covered under Section 4 of the Act
- Group Visit to selected State & Central Govt. offices by the participants for seeking information under Section 4 of the Act and Orissa RTI (Amendment) Rules, 2006
- Sharing of experience of the group visits so undertaken.

1st Day

On behalf of WORD and D.P.G. (Deogarh Pressure Group), Deogarh, a 3-day Training Programme on RT.I. was organized during 20th to 22nd Aug. 2007 at the office of D.P.G. Deogarh. A total of 12 participants belonging to 5 N.G.O.s participated in this programme. At the inception, Sri S.K.Khuntia, Co-coordinator of WORD welcomed all the participants, guests & resource person. He requested Sri Amiya Ku. Mishra, Secretary, DIVINE Network for inaugurating this programme and Sri Mishra formally lighted the candle to mark the inauguration. Then the Coordinator requested the resource person Sri Chitta Behera to conduct the training programme.

The resource person Sri Behera first of all wanted all the participants to share their previous experience on RTI, if any and whatsoever while self-introducing themselves. In course of their response, it was revealed that some participants had observed the people in their respective areas applying for information under this Act for getting information relating to various social welfare schemes such Balika Samrudhi Yojana, I.C.D.S., Land Patta for the landless people, matters dealt with by the Zonal Land Acquisition Office and N.R.E.G.Act. It was further revealed that in most of the cases the people could get the information they sought for.

Then the resource person wanted to know whether the applicants had to submit formatted application along with the application fee and other fees such for getting such information. The reply of the concerned participants was that in some cases the officers, who were good and honest did disclose the needed information instantly or as soon as it was possible on their part without raising any plea, but in other cases the applicants after submitting a duly filled up form under Section 6(1) had to wait as long as 30 days and spend good amount of money i.e. at the rate of Rs.2/- per page towards the cost of information as required under Orissa RTI Rules, 2005. Taking the cue from the response of the participants, Sri Behera observed that since the above types of information relating to various governmental schemes fell under the category of proactive disclosures mandatory on the part of each public authority under Section 4 of the Act, there was no need for submitting a formatted, written application nor the need for paying any application fee or other fees nor even the need for waiting for 30 days to receive a piece of information. Then he observed that the objective of the ongoing training programme should be to master the art and technique of accessing information from the office of any public authority under Section 4 without having to make a written application in the prescribed format, without having to pay any application fee or other kinds of fees and moreover instantly without having to wait until the expiry of 30th day from the date of application.

Then the salient provisions from RTI Act 2005 were read aloud and each discussed in detail and with examples wherever necessary for the understanding of each participant. It was told with emphasis that the RTI Act has been constructed in such a manner that even an illiterate person can access the information he or she wants from a public office. For instance, the Section 6 inter alia says, the concerned PIO has to draft the application for the person seeking information, should the latter not be in a position to write for the purpose.

The resource person informed the participants about some new legislative enactments which contained RTI as an in-built feature within them, and the persons needn't resort to RTI Act to access information covered under these new Acts. The following are the new Acts, which have very RTI features built into their framework-

- N.R.E.G.A. Act 2005 and Central Operational Guidelines
- Protection of Women from Domestic Violence Act 2005 and Rules
- Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006
- Environment Impact Assessment Notification- 2006

Under the above Acts, the concerned public authorities are required to communicate the necessary information to the members of public on their own without the latter having to seek them by way of any formatted application or otherwise. If they don't, they would be subject to penalty of different kinds. It is known that under the RTI Act there is the

provision of fine of Rs.250/- per a day's reaching upto a maximum of Rs.25,000/- [Section 20(1)]. Also there is the provision of disciplinary action to be taken against the defaulter PIO [Section 20(2)]. Similarly, under NREG Act 2005, there is the provision of penalty upto Rs.1,000/- against an official who violates the provisions of the Act. Under the DV Act, 2005, the Protection Officer can be penalised upto a fine of Rs.20,000/- coupled with one year jail. Under the Forest Rights Act, 2006, a defaulter official has to pay a fine upto Rs.1,000/- for dereliction of his/her duty. And in case of EIA Notification 2006, if the concerned authorities fail to disseminate the EIA Report for the proposed project in time and among the project affected people including Gram Panchayats and to conduct the public hearing as per the stipulated norms, then the said project can be cancelled or reversely the entire process of public hearing would be started afresh all over again.

Then the discussion focused on how a common man or woman who has no education, money or enough time at hand can access information which is barely necessary for his/her livelihood under the RTI Act without much of the hassles. It was explained that, unlike Section 6 of the Act that mandates an application to be made and fees to be paid and allows a maximum waiting period of 30 days the Section 4 obligates a public authority to disseminate 17 categories of suo motu information to the approaching citizens without insisting on a written application, payment of fees or any waiting period. The Explanation to the said Section clarifies that the people can inspect any file under the above categories and Section 4(4) allows them to take a copy of the desired information through print or any other medium like CD, floppy, cassette etc. instantly either free of cost or at the mere cost of reproduction only.

The Orissa RTI Rules, though objectionable and ultra vires the mother law on many counts has however made a wholesome provision to facilitate access of information under Section 4 of the Act. The Rule 2(2) of the Orissa RTI (Amendment) Rules, 2006 provides for maintenance of a separate register by each public authority to record the particulars in respect of every person who visits their office to inspect and access any information under Section 4 of the Act. Thus the concerned information seeking citizen needn't submit any written application in a format and wait for several days on end to receive a piece of information as required under Section 6 of the Act. Thus the Section 4 of RTI Act 2005 read with Rule 2(2) of the Orissa RTI (Amendment) Rules, 2006 entitles any person to straight away walk into a public office and demand orally to inspect any information covered under the 17 categories of suo motu disclosures mentioned under Section 4(1b) and the concerned PIO is duty bound to comply with his/her request.

It was decided that the participants in order to gain a practical knowledge as to how the Section 4 was being operationalised in the district headquarters of Deogarh should make group visits to the selected offices belonging to both Central and State Government for seeking the information the next day. Accordingly, 4 groups were formed as follows, each group consisting of 2 to 3 persons and assigned with one Central Govt office and one State Govt office.

- 1st Group- Sri Rabindra Pradhan and Sushree Sorojini Behera to visit Tehsil Office and a nationalised Bank .
- 2nd Group- Sri Jayakrushna Sahoo, Sri Madan Sahoo & Sushree Dipti Sahu to visit National Child Labour Project Office and Navodaya Vidyalaya.
- 3rd Group- Sri Krushna Ch. Sahoo & Sri Prasanta Ku.Biswal to visit DRDA Office & State Bank of India.
- 4th Group- Sri Arun Ku. Sahu and Sri Santosh Ku. Khuntia to visit KVK (Krishi Vigyan Kendra) and Horticulture Office.

All the groups were told to request the concerned officials to get the requisite information from them and to show the necessary provisions of the law if needed to support their claim, but never to quarrel with them. They were further told to note down minutely the points raised if any by the concerned officials for denying the information.

Then all the groups were told to prepare their respective lists of questions which each shall put to the concerned officials for getting the instant information under Section 4 of the Act. After this, the 1st day's proceedings came to a close.

2nd Day

Session-1

It commenced at 10 AM. At the start Sri Ajay Biswal, Executive Officer WORD welcomed all the participants into the R.T.I. training for the 2nd day. Following a song by Sushree Sarojini Behera Sri Krushna Ch. Sahoo presented the 1st day's report. Then every participant gave his/her remarks on the report so read out.

Then the Resource Person wanted each group to speak out the questions that they have formulated to ask the officials. To start with Sri Rabindra Pradhan of the 1st group mentioned their 1st question to be put to the Tehsildar as - In the village Beuruni of Dudhianali G.P how many people have applied for land patta and out of them how many got it and how many cases are still pending? Their second question which was to be addressed to the Union Bank of India was- How many S.H.G.s took loan from the Bank and the amount taken by each.

Then Sri Jayakrushna on behalf of the 2nd group presented their questions as follows:
 Q-1 to be addressed to the NCLP Office: What is the NCLP work schedule and what are the duties of various officers working under it?
 Q-2 to be addressed to NABODAYA VIDYALAYA: What is the status of students strength in each class?

The questions of the 3rd group were then presented before the house.

Q-1 to be addressed to the PD DRDA: How much money was received in the year 2006-07 for the works under the NREGA Scheme and what are the amounts of expenditures made and of balance kept?

Q-2 to be addressed to the State Bank of India: What is the number of employees working in the Bank and their designation, duties and salaries?

The questions proposed by the 4th group were as follows-

Q-1 to be addressed to the Horticulture Office: How many seedlings were raised in the year 2006-07 and out of that how many were distributed? And what is government rate for the seedlings and how much subsidy was allowed?

Q-2 to be addressed to KVK: How many employees were working and what are their designation and duties ?

After hearing the proposed questions the Resource Person Sri Behera evaluated the merit of each. Then he explained the provisions made under Sections 18,19 and 20 of RTI Act. The Section 18 of the Act provides for the grounds under which an aggrieved citizen can directly lodge a complaint against any public authority or PIO on account of being denied information. The Section 18 also provides that if the complaint of an aggrieved citizen is not duly forwarded by a PIO to the first appellate authority or Suchana Commission as the case may be, that shall also constitute a ground for direct complaint before the Commission. The Section 19 provides for the procedures for making the 1st and 2^d appeals. It also provides for compensation to be provided by a public authority on the orders of the Commission to an aggrieved and deprived citizen for recovery of his/her loss if any. The Section 20 provides for both monetary fine and disciplinary action against the defaulter PIO.

Then the groups left for their respective destination offices for collecting the required information on the above questions. They left at around 11.45 PM and got back by 3 PM.

Sessio-2:

The next session started at 5pm. At first, the 1st group presented their experience. They told that since neither Tahsildar nor the PIO was present, they couldn't collect any information from the Tehsil. The resource person pointed out that the Section 5 of the Act clearly says that in the absence of PIO, the APIO and in the absence of both PIO and APIO, any other officer entrusted by them for the purpose is duty bound to furnish the information sought. If the officer so entrusted fails to discharge his duty, then he shall be treated guilty under the Act just as PIO or APIO would be. So the resource person directed the group to write a complaint against such violation of law to the State Information Commission under Section 18 of the Act with intimation to the Tahsildar who is the 1st Appellate Officer in his office as per the Orissa RTI Rules 2005. As regards their next destination, Union Bank of India, the group discovered that no such Bank was functioning at Deogarh.

Then the 2nd group presented their experience. They had collected the detail data from the NCLP office. Such data contained the names of all the employees and their

designation and duties. But it was found that the data sheet was not attested by the concerned office. The resource person advised that the Section 2(j) while defining right to information obligates the public authority to provide certified copies of the data so collected. If the concerned officer refuses to attest the data furnished by him, then one can lodge complaint against him before the 1st Appellate Officer for the said office under Section 19 of the Act. And it should be remembered that a data sheet if not duly attested has little legal value.

Then the group presented their experience about the next office they visited, that is, Navoday Vidyalay, which is a Central Govt establishment. They brought some data from that office, but these were not complete and again not attested too. It should be further remembered, told the resource person, that the group in stead of asking about information from other teachers should have insisted on meeting the Principal himself, who is the head of the institution and accountable for furnishing of all information covered under Section 4(1b) of the Act.

Following the 2nd group, the 3rd group made their presentation. This group had been to the office of DRDA. They first met the P.D Sri Sachidananda Dash and informed him about the purpose of their visit. The PD then instructed a junior officer i.e. A.P.D (Scheme) Sri Chintamani Behera to give the information wanted. Sri Behera gave the information about allocation and utilization of funds under NREGA Scheme during the year 206-07. But from the interaction with the group, the resource person learnt that there was no register kept for recording the particulars of the information seekers under Section 4. However that office had kept one register for recording the particulars of application under Section 6(1) of the RTI Act. The resource person suggested that an appeal to the 1st Appellate Officer under Section 19 of the Act should be made to redress this deficiency. This group visited also their next destination, that is the office of SBI. But due to the recreation hour then gong on, they returned from their without approaching any person.

At last the 4th group presented their findings. They had brought the necessary data from the offices of both KVK & Horticulture, though such data were not attested. The resource person observed that since the Section 2 was not read in detail, this common error of lack of attestation on the data sheets was perhaps committed by each group.

After this the resource person wanted all the participants to learn how to write a complaint or appeal. He recollected that it was taught during the last training on RTI held more than a year ago at Pallahada. Since several old participants are not present here it is worthwhile to repeat that lesson afresh. He further observed that while in Orissa the 1st appeal and 2nd appeal under Section 19 require the pre-designed formats along with the two different amounts of appeal fees on account of faulty State Rules, the Central Rules under RTI requires nothing of the kind. But in case of a complaint under Section 18 of the Act to be made before the Information Commission either at Central or at State level, no format or fee is required. Below is a sample of the Complaint under Section 18 of the Act made before the Orissa State Information Commission.

To
The Chief Orissa State Information Commissioner, Guest House, Bhubaneswar.

Sub- A Complaint under Section 18 of RTI Act 2005 against violation of Section..... of RTI Act 2005 by the public authority

Respected Sir,

Details of the complaint to be described (such as the particulars of information sought, the officer approached, response received, arguments if any made etc.)

.....
.....

Then write the prayer, such as -

- 1) Immediate Supply of information requested.**
- 2) Proper maintenance of the Register meant for information seekers under Section 4**
- 3) Proper maintenance of records for ready availability to the members of public**
- 4) Punishment against the defaulter officer under Section 19 or Section 20 or both of the RTI Act 2005**

Date:

Place:

Thanking you,

Yours faithfully,

Name & present address

CC – To the head of the office/1st Appellate Officer concerned for information.

Then the resource person discussed some salient grounds for which the Orissa RTI Rules, 2005 are considered by a section of civil society groups to be illegitimate and ultra vires the parent law. At around 8 pm the day's business came to a close.

3rd Day

The day's work started at 9.30am. At first Sri Jayakrushna Sahu welcomed all the participants & resource person to the final day of the 3-day training programme. He also recited a Bhajan to mark the auspicious start of the session. Then Sushree Pramila Minz presented the last day's report. The participant gave their observations on the said report. The following lacunae were found in the report-

- No complete mention of the names of the persons who visited the offices,
- The enrolment figures of students in Navodaya Vidyalaya, which was collected by the concerned group yesterday was missing from the report. .

- The resource person's observation that while seeking information under Section 4, we needn't search for PIO was missing from the report.
- Last day's reading about how and before whom to make appeals/complaints didn't find mention in the report.
- The observation made yesterday that any officer in absence of PIO and APIO can be entrusted to furnish information as required under Section 5 of the Act didn't find space in the report.
- Above all the report should be written following the grammatical rules.

After the feedback was received on the report, the resource person told the groups to present their respective draft of the complaints they were supposed to have written.

On behalf of the 1st group Sri Krushna Ch Sahoo presented their draft of the complaint. But the resource person observed that the facts have not been described in detail, as a result of which no body can clearly grasp what the complainant wants.

Then on behalf of the 2nd group Sri Rabindra Pradhan presented their draft. The Resource person observed that since the complaint was signed by a group, write the first person in plural, that is 'we' instead of 'I'. Then the provisions of the Act and Rules should be mentioned clearly, since that would be the basis for the Commission to arrive at a decision. Next, one shouldn't describe his/her identity beyond the limited requirement of contact address, nor one should mention the purpose of seeking a piece of information. Further, the letter should clearly mention the exact provisions on the strength of which you approached the public authority or PIO for seeking information.

Sushree Dipti Sahoo drafted a complaint letter for the purpose of her exercise. After it was read out, the resource person indicated some corrections to be introduced. There is no need of mentioning the detail address of the complainant at the beginning of the application. The Section which empowers you to seek a particular kind of information and that too following a particular mode should be mentioned clearly. Again, one should clearly mention the provisions of the Act or Rules which were violated by the concerned officer while denying information.

After this the trainees expressed the hope that with the theoretical lessons and practical experience that they gathered in course of the last 3 days would enable them to help the common people in their respective areas to approach the public authorities for seeking information under Section 4 of the Act and in the event of denial of information to write letters of complaint under Section of the Act directly to the Information Commission.

Then Sri Ajaya Biswal entrusted Sri P.K Biswal for compiling the report for 3 days in English and thereafter submit to the resource person for the purpose of revision if necessary by the latter. Then Sri Biswal was told to ensure that the letters of complaint

finalised in the house should be sent by registered post to the Chief Orissa Information Commissioner immediately.

At the end Sri Sontosh Khuntia proposed a vote of thanks to all the participants and also the resource person for making the programme a productive and fruitful one. Thus around 2.30 PM came to an end the 3-day training programme for the staff of DPG.

List of Participants/Trainees

- (1) Sri Ajya Kumar biswal 'WORD'
- (2) Sri Sontosh Khuntia 'WORD'
- (3) Sri Rabindra Pradhan 'DO'
- (4) Sushree Diptimayee Sahu 'DO'
- (5) Sri Jayakrushana Sahoo 'SAHAJOG'
- (6) Sushree Sarojini Sahoo 'DO'
- (7) Sri Krushna Chandra sahoo 'JANABIKASH'
- (8) Sushree Pramila Minz 'AWARD'
- (9) Sri Madan mohan Sahoo 'YAVARD'
- (10) Sri Prasanta Biswal DPG
- (11) Sri Banshidhar Sahoo 'SAHAJOG'
- (12) Sri Amiya Kumar Mishra
- (13) Sri Anil Kumar Volunteer WORD

- END -