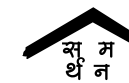


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Status Report - July 2009

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D.O. No. 10.682
Dated 07/10/09

I am happy that **SAMARTHAN** is bringing out the second edition of "Right to Information Act in Madhya Pradesh – The status report" in 2009. Since the Right to Information Act has been passed, it continues to generate ever greater response among citizens who have found an avenue to raise their voices and demand desired information. The report not only describes the impact of RTI on the common people but also highlights the steps taken by the government to enable citizens' access information. A unique feature of the report is the inclusion of a Knowledge, Attitudes and Practices (KAP) survey based on the perceptions of citizens and officials. The report has also duly emphasized on the relevance of public disclosure which is an essential component of the Act. Such kind initiatives are necessary considering that RTI aims to build an informed citizenry that can strengthen democracy.

This report has immense significance for all the stakeholders who are active in ensuring transparency and accountability of the public authorities.


(**PADMAPANI TIWARI**)

To,
Dr. Yogesh kumar
SAMARTHAN
36, Green Avenue,
Chuna Bhatti, Kolar Road,
Bhopal

Preface

The tentacles of state as a regulator or a welfare state influence citizen's life in India on daily basis. Every citizen, who is a common man, is seen hopelessly grappling with corruption in every public sphere that affects his/her life. The colonial legacy of secrecy and lack of trust resulted in developing a non participatory public system, even in independent India. This system, which is based on opaque style of functioning, provides enormous power and privileges for legitimizing inordinate delays and denial of information.

The Right to Information Act, enacted in the year 2005 aimed on the one hand to minimize the gap between the common man and the government structure, and on the other, to strengthen the goods as well as service delivery mechanism, thereby making it more transparent and easy to access. The preamble of the Act has strongly articulated that democracy requires an informed citizenry and transparency of information which are vital to its functioning and also to contain corruption and to hold Governments and their instrumentalities accountable to the governed.

The Act has generated an overwhelming response in different sections of the society, particularly in the middle class citizens. The mechanisms of the Act and awareness generation initiatives of the civil society showed that the common man could raise his voice and rightfully ask for the desired information. There are mixed experiences with the use of the Act, which have been highlighted by the media and several publications of the civil society organizations working on the issues of RTI.

In continuation of our efforts to strengthen the initiatives of accountability and transparency in public institutions, we have been publishing a status report on the implementation of the right to information in Madhya Pradesh. This is a second report in series. The report primarily looks at the supply side issues viz. office orders of the Government, functioning of the SIC and response of the PIOs and the first appellant authorities. The report has also incorporated Knowledge Attitude Practice (KAP) analysis based on the perceptions of a large number of citizens and officials. With the increasing number of years of existence of the Act, it is also becoming important to capture the dimensions of the impact from the common citizen's perspective.

Samarthan is thankful to Sri P.P. Tewari, Chief Information Commissioner, SIC of M.P. and other members of SIC for their support and openness to share relevant data of SIC and promote the RTI campaign of the civil society. We express our sincere thanks to Sri T.N. Srivastava, former Chief Commissioner of SIC M.P. for his encouragement and regular guidance to us as governance advisor of Samarthan. We appreciate team work of Samarthan colleagues to bring this report in a publishable shape.

Last but not the least, Samarthan expresses gratitude towards the citizens, RTI activists and civil society organizations for their commitment and endurance for the improvement of the governance in M.P. and India.

We look forward to receive your valuable inputs, feedback and support.

Yogesh Kumar
Executive Director

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List of Abbreviations Used

APIO	–	Assistant Public Information Officer
APL	–	Above Poverty Line
BPL	–	Below Poverty Line
CIC	–	Chief Information Commissioner
EVM	–	Electronic Voting Machine
FAO	–	First Appellate Officer
GAD	–	General Administration Department
KAP	–	Knowledge Attitude Practices
OBC	–	Other Backward Classes
PD	–	Proactive Disclosure
PIO	–	Public Information Officer
RTI	–	Right To Information
SC	–	Scheduled Castes
SIC	–	State Information Commission
ST	–	Scheduled Tribes

1. Introduction

The Right to Information Act, enacted in the year 2005 aimed on the one hand to minimize the gap between the common man and the government structure, and on the other, to strengthen the goods as well as service delivery mechanism, thereby making it more transparent and easy to access. It generated an overwhelming response in different sections of society. The initiatives taken by government and civil society organizations to popularize the Act showed that the common man could raise his voice and rightfully ask for the desired information.

This Act is expected to improve decision making by public authorities by removing unnecessary secrecy surrounding the decision making process. It is expected that this will enable groups and individuals to get informed about the functioning of the decision making process as it affects them, and they will get to know the kinds of criteria that are to be applied by government agencies in making these decisions. It is hoped that this would enhance the quality of participatory political democracy by giving all citizens further opportunity to participate in a more full and informed way in the political process. It is also expected that, by securing access to relevant information and knowledge, the citizens would be enabled to assess government performance and to participate in and influence the process of government decision-making and policy formulation on any issue of concern to them. The cumulative impact on control of corruption and the arbitrary exercise of power, of the availability of such information to the citizen, would be momentous.

It was found that Right to Information Act requires large scale awareness generation campaigns which could be directly linked to grass root since it was observed that people from upper strata of society, the educated and so called powerful used it effectively. But those who belonged to rural area especially small towns, villages or from middle or lower middle class were either unaware or had very little information about it. It was also needed that common folks from small towns, villages including tribal, schedule caste, women and elderly could be sensitized about use and importance of it so that they can demand the desired information to facilitate and smoothen service delivery process specially in government departments.

It was realized that efforts should be taken to augment PIOs capacities in dealing with applications. They should know about the role and responsibility of self as PIO. A need to strengthen SIC was felt for better implementation of the act. Under the departmental self disclosure it was noticed that information given in most of the cases was either not in prescribed format or not up to date. Sometimes the information was not clear and was of poor quality. People's perspective on RTI procedure was that PIOs resisted taking applications, did not treat them properly, took too much time to furnish information, took extra amount etc. There were confusions among applicants regarding the appealing officer, the procedure and fees to be taken. The dilemma on official's side was under which subhead the fee received in RTI had to be booked, which information had to be given and which one had to be retained etc.

On the basis of these experiences, it was realized that there was a need to document the experiences, issues, and emerging challenges including issues to be addressed to understand the overall scenario. A study on Status of Right to Information in Madhya Pradesh was done by Samarthan in the year 2007. The purpose of the study was to know the origin, implementation and different dimensions of RTI. It was also concerned with attitudinal, administrative challenges as well as changes. The study included in-depth media analysis

along with district wise analysis of appeals, complains, types of issues and decisions taken as well as emerging challenges in issues related to SIC. It also covered types of information demanded under RTI in different departments, area and economic category wise information demand, applications disposal, quality of obtained information and challenges in promoting filing applications.

The present study is a sequel of the Status Report published in the year 2007. It presents ground realities of RTI regime as well as the RTI movement, both of which are in nascent stage. It starts with a brief commentary over the Act, conforming Rules, Proactive Disclosures, and the performance of supply side in terms of giving information in both proactive as well as formal manner. It then gives a comprehensive analysis of the functioning of State Information Commission (SIC) and demystifies some of the decisions taken by it. In order to understand the level of Knowledge, Attitude and Practice (KAP) of the citizens, applicants, information providers and appellate authorities, a systematic study was conducted with a fairly large sample. The report also provides findings of the KAP to clearly understand the level of knowledge and attitudes of the providers. A separate section deals with the impact of the use of RTI and information received. The problems and aspirations of demand side are presented along with the reasoning in the light of the spirit of RTI Act. Finally, major recommendations are given for effecting a better operationalization of RTI in the state.

2. Right to Information Act 2005

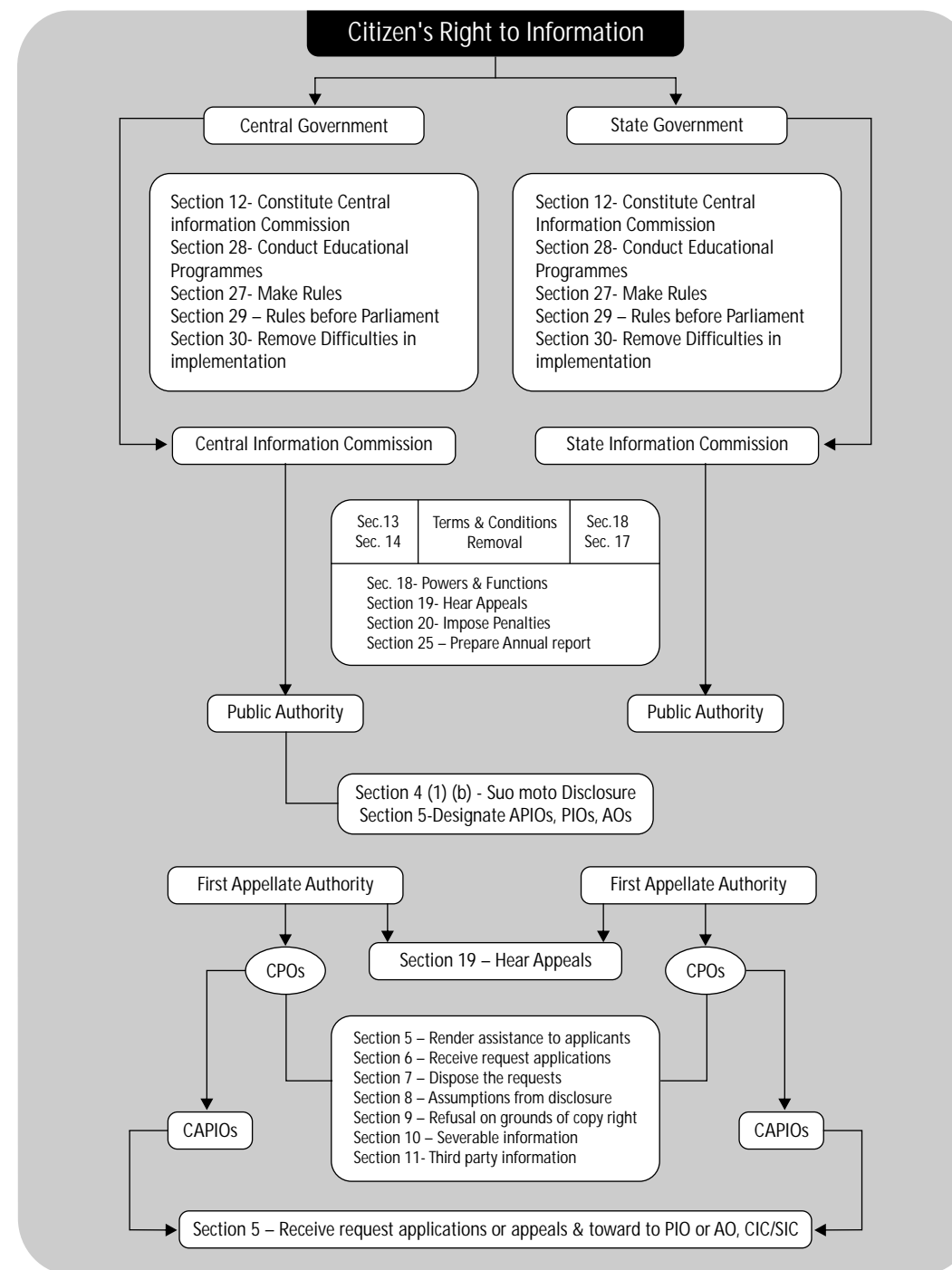
2.1 Salient Features of the Act

Right to Information (RTI) Act was passed by the Parliament and subsequently received assent from the President of India on 15th June 2005. It came into being on 12th October 2005 – on the 120th day of the date of its enactment. The RTI Act consists of 6 chapters and 31 sections. The Act extends to whole of India except the state of Jammu and Kashmir. Following are the salient features of the Act:

1. It empowers every citizen to: inspect/take copies of official documents; inspect any government works or take samples of materials of any Government work; seek information from panchayati raj institutions, and from any other organization or institution (including NGOs) that is established, constituted, owned, controlled or substantially financed, directly or indirectly, by the state or central government [Section 2(a) & (h)].
2. In each public authority, at least one officer has been designated as a Public Information Officer (PIOs) who is required to accept and furnish the RTI request forms and provides information sought by the people [Section 5(1)].
3. In addition, in each sub-district/divisional level there are Assistant Public Information Officers (APIOs) who receive requests for information and appeals against decisions of the public information officers, and then send them to the appropriate authorities [Section 5(2)].
5. Any person seeking information should file an application in writing or through electronic means in English or Hindi (or in the official language of the area) along with the prescribed application fees with the PIO/APIO [Section 6(1)].
6. Where a request cannot be made in writing, the PIO is supposed to render all reasonable assistance to the person making the request orally to reduce the same in writing [Section 6(1)].
7. Where the applicant is deaf, blind, or otherwise impaired, the public authority is supposed to provide assistance to enable access to the information, including providing such assistance as may be appropriate for the inspection [Section 7(4)].
8. Besides the applicant's contact details, the applicant is not required to either give any reasons for requesting the information or any other personal details [Section 6(2)].
9. A reasonable application fee is prescribed by the 'appropriate government' (Central or State Government, as the case may be). Both the Madhya Pradesh Government and the Central Government have prescribed Rs. 10/- as the application fees. However, no fee is chargeable from persons below the poverty line [Section 7(5)], or if the information is provided after the prescribed period [Section 7(6)].
10. The 'appropriate government' (Central or State Government, as the case may be) determines the rates of such fees required to be paid for obtaining the information. However, if the Information is not provided in the stipulated time limit then the information will be provided for free. [Section 7(6)].

11. If the PIO feels that the sought information does not pertain to his department then it shall be his responsibility to forward the application to the related/relevant department within 5 days and also inform the applicant about the same. In such instance, the stipulated time limit for provision of information would be 35 days [Section 6(3)].
12. In case PIO fails to receive an application for information, malafidely denies a request for information, or knowingly gives incorrect, incomplete or misleading information, or asks for high fees for furnishing the information, does not respond/furnish information within the prescribed period, or troubles the applicant, then the applicant can file a complaint with the State or Central Information Commission, as the case may be. [Section 18(1)].
13. If a PIO fails to furnish the information asked for under the Act or fails to communicate the rejection order, within the time specified, the PIO will be liable to pay a penalty of Rs 250 per day for each day of delay, subject to a maximum of Rs 25,000 [Section 20(1)]. The Information Commission can also recommend disciplinary action against the concerned PIO, under the service rules applicable to him/her [Section 20(2)].
14. The PIO can deny information in some cases/matters. The various exemptions from disclosure of information are listed in Section 8 of the RTI Act, 2005. If the sought information is in public interest then the exemptions enumerated in Section 8 of the RTI Act, 2005 can also be disclosed.
15. Any information that cannot be denied to parliament or legislative assembly cannot be denied to a common citizen.
16. In case a person fails to get a response from the PIO within the prescribed period or is aggrieved by the response received, or misuses Section 8 of the Act, then he/she can file an appeal within 30 days with an officer superior in rank to the PIO (first appellate authority) [Section 19(1)]. Such authority may accept the appeal even after 30 days.
17. First Appeal shall be disposed of within 30 days from the date of its receipt. Period extendable by 15 days for reasons to be recorded in writing. [Section 19(6)]
18. If the appellant is not satisfied with the verdict of 1st appeal then he/she can file a 2nd appeal with the State Information Commission or the Central Information Commission, as the case may be within 90 days [Section 19(3)]. The Commission may accept the 2nd appeal even after 90 days.
19. The Act also carries the provision of 'compensation' for an aggrieved applicant/appellant/complainant and the final authority to decide over any such claim is the Information Commission
20. Lower Courts are barred from entertaining suits, applications or other proceeding against any order made under this Act [Section 23]. However, the writ jurisdiction of the Supreme Court and High Courts under Articles 32 and 226 of the Constitution respectively remains unaffected.

2.2 Institutional Setup



Source: "A Handbook for Trainers: Right to Information Act 2005"

2.3 State Rules Conforming to the Act

Deriving the authority from Section 27 of the RTI Act 2005, Madhya Pradesh Government is empowered to make rules to carry out the provisions of the Act. These rules have been titled as "Madhya Pradesh Right to Information (Fees and Appeal) Rules, 2005. There are 9 rules divided into 4 chapters. These rules became operational on 10th October, 2005 and have undergone amendments twice – for the first time on 10th November, 2005; and for the second time on 17th March 2008. The important elements of these rules are as follows:

1. The application fee has been prescribed as Rs. 10/- for the applicant who is not below the poverty line. It could be paid through cash, non-judicial stamp, or treasury challan. A receipt for the same has to be issued by the collecting authority.
2. After receiving the information, if the information is to be given, the concerned PIO will let the applicant who is not below the poverty line know of the information fees. The applicant will be required to deposit the fees within 15 days from the date of such intimation. Such fees will be determined as per the criterion enumerated in the subsequent points.
3. The fees for the applicant who is not below the poverty line towards inspection of documents/records has been prescribed as Rs. 50/- for the first hour or less, and Rs. 25/- for every 15 minutes after the first hour.
4. Where the information is stored in the computer, Rs. 50/- is to be collected as the cost of one diskette or floppy, and the actual cost of tape or video cassette. Where a photocopy of A-3/A-4 size paper is to be given, a charge of Rs. 2/- per page has to be collected. If the applicant wants the certified samples of any material, the fees to be paid will be as determined by the PIO.
5. Where the information pertains to such material which has been priced through an Act/Rule other than the RTI Act, the price/cost provided in the other Act/Rule will be collected as information cost.
6. The applicants falling under the below poverty line category will be given the information in the same form as requested, provided it should not affect the original record. However, a limit of 50 pages has been set for the information which is not directly pertaining to the applicant. If the asked information exceeds this limit, the applicant will be requested to inspect the corresponding records/documents and abridge the number of pages requested.
7. The fees for the 1st Appeal has been prescribed as Rs. 50/-. A copy of the decision of 1st Appeal is to be communicated to the appellant free of cost.
8. The fees for 2nd Appeal has been prescribed as Rs. 100/-. In the original rules, the time limit for disposal of the requests by the State Information Commission was set as 30 days. In the second amendment, this time limit has been raised to 180 days.
9. A copy of the decision of 2nd Appeal is to be communicated free of cost to the appellant.
10. The applicants falling under the below poverty line category will not be required to pay any fees whatsoever. However, these applicants will be required to deposit the amount towards the sample(s) of material.

11. In the event that the State Information Commission impose penalty over certain PIO/APIO, the officer will be required to deposit the penalty money within a month through cash, Bank Draft, or Banker's Cheque to the State Information Commission. If such money is not deposited within the time limit, the State Information Commission will direct the disciplinary authority to recover the amount. Such directive will be mandatory. If such amount is not recovered from the salary, it will be recovered as arrears of land revenue.
12. The RTI Act is silent over the meaning of "Substantially Financed" authorities. Therefore, such organizations/bodies are considered under this category in which fifty percent of annual turn over or rupees fifty thousand, whichever is less, is financed by the Government or any of its institution.

2.4 State Circulars Conforming to the Act

The General Administration Department acts as the nodal department for effective implementation of RTI Act in the State and has issued a number of circulars titled "Implementation of Right to Information Act, 2005". These circulars comprised of copies of the rules, manner of RTI request record keeping, clarifications over the Act provisions, and other directives. The important elements of these circulars are as follows:

1. Nomination of APIOs, PIOs, FAOs and their training over RTI.
2. Preparation and updation of Proactive Disclosures under the 17 points. An officer in each authority should ensure monthly updation.
3. Providing the copy of or allowing the inspection of ACR or proceedings of DPC or answer sheets will be subject to the 'public interest test' where the concerned authority will be required to weigh the information disclosure with unwarranted invasion of the privacy of the individual as prescribed under Section 8(j) of the RTI Act.
4. Copies of Note sheets can be disclosed.
5. The PIOs and FAOs are required to upkeep the records of RTI requests on monthly basis in the formats provided to them by the GAD and the departments are required to send quarterly report of such records to the GAD.
6. Every department is required to prepare a directory of APIOs/PIOs/FAOs as per the given format and is required to upload it to its webpage. Such directories are to be given to common citizens at cost price. Also, a copy of the directory is to be forwarded to the GAD.
7. The role of the APIO is only to assist the PIO or collect the application/appeal and send it to the PIO/FAO/SIC. APIO should not dispose the case on its own.
8. If the information pertains to details of investigations against the PIO/FAO, another officer of the department should be made the PIO/FAO for that particular case.
9. In normal circumstances, collective bodies like NGOs and associations are allowed to file RTI applications and obtain information like common citizens are allowed to.

Critical Appraisal of State Rules and Circulars

- As per the rules, fees towards submitting application and obtaining information through any of the three modes described therein. These modes of depositing fees should be expanded further in order to facilitate better deposition of the same.
- In a recent amendment, the government has introduced deposition of fees through 'treasury challan' but the head/code of such challan has not been publicized.
- The fee towards 'inspection' of records/documents is quite high and it should be lowered further. For Central Public Authorities, the first hour is free and for the subsequent quarter hour, it is just Rs. 5/-.
- The fees towards First and Second Appeals is high and it should either be annulled or curtailed. There is no such fee for Central Public Authorities or Central Information Commission.
- The manner in which the second amendment to the "Madhya Pradesh Right to Information (Fees and Appeal) Rules, 2005 has been done is very ambiguous and it is repeatedly creating confusions amongst both the demand and the supply sides.
- With regard to providing up to 50 pages of information free of cost to the BPL category applicants, there remains some confusion. Would there be any charges to be taken in the event that the applicant, even after the requested inspection, demand information which exceeds the specified '50 page limit'.
- Another change brought about by the second amendment pertains to specifying time limit to the SIC for disposing the Second Appeals. The manner in which such change has been mentioned, it is creating confusion as if the government has changed the '30 days' time limit for giving information prescribed by the RTI Act. It is to be noted here that as the Act does not prescribes any such time limit, the State Information Commission does not accept the very validity of such time limit.
- Better and clearer guidelines need to be made over the 'public interest test' which the PIO has to undertake while determining whether the ACR or DPC proceedings or answer sheets are to be disclosed or not. If such matter reaches SIC, a lot of time gets elapsed in arriving at the decision.
- It is not clear from the rules whether an applicant can bring another person (specialist or more knowledgeable over the sought information) for inspection of records/documents or not.
- With regard to asking questions in the RTI applications, there is much confusion prevailing – both amongst the demand and supply sides. After analyzing the decisions of SIC, it is apparent that those questions that seek 'facts' and 'progress reports/proceedings' are considered under the purview of RTI Act and those questions that seek 'opinion' does not. Perhaps, more detailed and clear guidelines are to be made in this regard.
- Similar Confusion prevail over seeking such information that is not stored in the form of record or document, but definitely the details of which are lying in the same department. It is not clear whether the PIO is supposed to 'compile' such information abiding by Section 7(9) or should the PIO abide by Section 2(i) and Section 2(j). For instance, the Chhattisgarh government has fixed an inordinately high fees of Rs. 100/- per page if the PIO is required to 'compile' the asked information. Despite such 'high fees' which should be revised in the 'public interest', at least the matter has attained clarity and the PIOs are left with no avenue for denying any request on grounds that request does not qualify under RTI Act.

3. Proactive Disclosure of Information

3.1 Significance of Proactive Disclosures

Public disclosure of organizational facts from different departments lessens the enquiries under Right to Information. It not only provides an overview of the organizational functioning but also conveys the ideology, structure, vision and work. If done in a proper way, these disclosures reveal facts and figures in general and tell about functioning of respective body in particular. The very basis of sharing information with public is to let them have clear knowledge of various governmental transactions, be those in monetary terms or in terms of quality of supply chains in place. Due to prevailing practice of behind the doors dealings and ignorance on the part of people, such transactions are not visible and therefore questions pertaining to responsibility and accountability could not be raised. These might minimize the need for questions being asked under RTI over the same issues again and again thereby reducing the workload and saving precious administrative time and efforts. In this regard, if the concern public authority start coming up with simplified information about the tasks that it is undertaking with due details about the personnel and processes involved, much respite could be given to the affected and served masses.

Section 4 (1) (b) of the RTI Act talks about public disclosure of the important information on seventeen points. The information to be displayed under self disclosure includes organization, function & duties; powers and duties of officers and employees; decision making processes including channels of supervision and accountability, norms of discharge of functions, rules, regulations, instructions, manuals and records; categories of documents in control of the authority; arrangement for consultation with public, boards, councils, committees of the department, directory of officers and employees of the department, monthly remuneration received by officers and employees, budget allocated to each of its agency, manner of execution of subsidies programmes and grants, recipients of concessions permits or authorization granted, information in electronic form, facilities to citizen for obtaining information, Public Information Officers details and other information.

3.2 Status of Proactive Disclosures

In a few months, the RTI regime will be three years old. Proactive Disclosures were required to be made by all public authorities. But the case is not so and it has been seen that preparation of these are restricted at the level of head quarters and district, or in some cases block levels only. At the panchayat level, the status of Proactive Disclosures is very poor and most of the representatives and functionaries have not even heard about it. The preparation of Proactive Disclosures is not just an end in itself, but could serve as means to greater ends, thereby reducing the RTI requests significantly.

Another finding over the existing documents is that these are not updated regularly. The Act as well the state rules requires the departments-authorities to update the information on regular basis, and to report to the General Administration Department over the updations. But for the lack of effective monitoring mechanism, compliance is not made to such a requirement. One of the criteria of assessing whether the updation is taking place at least on annual basis is to look at the year for which budgets have been given in the disclosure. To understand the status of proactive information dissemination in the state of Madhya Pradesh, a comparative analysis of 52 state level public authorities' was done as follows:

S.N.	Name of Department/ Public Authority	Status of Availability	Status of Updation	Year of Updation
1	20-point Implementation Department	Available	Not Updated	2005-06
2	Animal Husbandry And Dairying Department	Available	Not Updated	2005-06
3	Aviation Department	Available	Updated	2009
4	Backward Classes and Minority Welfare Department	Available	Not Updated	2005-06
5	Bhopal Gas Tragedy Relief and Rehabilitation Department	Available	Updated 2009	
6	Bio Diversity and Bio Technology Department	Available	Not Updated	2007-08
7	Department of Cooperation	Available	Updated	2007
8	Department of Commerce and Industry	Available	Updated	March 2009
9	Commercial Taxes Department	Available	Updated	2007
10	Department of Culture	Not Available	-	-
11	Energy Department	Available	Updated	2008-09
12	Farmer Welfare and Agricultural Department	Available	Not Updated	2005-06
13	Finance Department	Available	Updated	2009
14	Fisheries Department	Available	Updated	March 2009
15	Department of Food, Civil Supplies and Consumer Protection	Available	Not Updated	2005-06
16	Forest Department	Available	Updated	2007-08
17	General Administration Department	Available	Not Updated	2007-08
18	Higher Education Department	Available	Updated	August 2009
19	Home Department	Available	Updated	2008
20	Housing and Environment Department	Available	Not Updated	2007-08
21	Information Technology Department	Available	Updated	2008-09
22	Jail Department	Available	Updated	2008-09
23	Labour Department	Available	Updated	June 2009
24	Law and Legislative Affair Department	Available	Updated	August 2009
25	Medical Education Department	Available	Updated	July 2009
26	Mineral Resources Department	Available	Not Updated	-
27	Narmada Valley Development Authority	Available	Not Updated	2005-06
28	Panchayat and Rural Development Department	Available	Not Updated	2005-06

S.N.	Name of Department/ Public Authority	Status of Availability	Status of Updation	Year of Updation
29	Parliamentary Affairs Department	Available	Updated	2008-09
30	Planning, Economics and Statistics Department	Available	Not Updated	2005-06
31	Public Enterprises Department	Not Accessible	-	-
32	Public Grievances Redressal Department	Available	Not Updated	2007
33	Public Health and Family Welfare Department	Available	Updated	June 2009
34	Public Health Engineering Department	Available	Updated	2008-09
35	Public Relations Department	Available	Not Updated	2005-06
36	Public Works Department	Available	Not Updated	2007-08
37	Rehabilitation Department	Available	Updated	2008-09
38	Religious Trust And Endowments Department	Available	Not Updated	2005-06
39	Revenue Department	Available	Not Updated	2005-06
40	Rural Industries Department	Available	Not Updated	2005-06
41	SC/ST Welfare Department	Available	Not Updated	2005-06
42	School Education Department	Available	Not Updated	2007-08
43	Science and Technology Department	Available	Not Updated	2006-07
44	Panchayat and Rural Development Department	Available	Not Updated	-
45	Sports and Youth Welfare Department	Available	Not Updated	2005-06
46	Technical Education and Manpower Planning Department	Available	Not Updated	2005-06
47	Tourism Department	Available	Not Updated	2007-08
48	Transport Department	Available	Not Updated	-
49	Urban Administration and Development	Available	Not Updated	2005-06
50	Water Resources Department	Available	Not Updated	2006
51	Women and Child Development Department	Available	Not Updated	2007-08
52	State Information Commission	Available	Not Updated	2007-08

As on 31 July 2009

3.3 Observations over Content of Proactive Disclosures

The seventeen points over which the Proactive Disclosures are to be made are not being dealt with in a very comprehensive manner by most of the public authorities. In the previous status report (2007), 16 departments were compared in regard of the quality of their Proactive Disclosures. This time, not only the progress/updatations were compared, but also some more observations were made over the content of the Disclosures as follows:

- Some departments furnished incomplete information e.g. Social Justice Department, Transport Department
- Department of Culture has perhaps prepared the smallest of all Proactive Disclosure. It is a 3 page document and simply states that Information could be obtained from the PIO in prescribed manner.
- Revenue Department has come up with the Proactive Disclosure in its own format has not followed the 17-points format as such. Similarly, Transport Department has given a description in a very haphazard manner without following any particular format.
- The format on which information had been provided was different from the RTI 17 point format e.g. Forest department, Transport Department.
- Some departments like Animal Husbandry provided optimum information in their self disclosure document which could be one way of minimizing applications under RTI.
- It also showed there was constant need of regular updation of information under sub heads like budget, salaries drawn by the employees and employee list as these kept on changing either from place to place or time to time.
- Departments like Backward Class and Minority had upgraded self disclosure in rules, regulations; budget and manner of execution of programmes. Similarly up gradation had also been done by UAD, SIC and Animal Husbandry.

S.N.	17 Points of PD	Content Details	Representative Department-Authority
1	Organization, Functions and Duties	Incomplete. Organizational Chart not given Organization Structure not mentioned Functions and Duties given in detail	General Administration Department Women and Child Department Women and Child Department
2	Powers and duties of officers and employees	Mentions that "as given in the rules" Mentions that "according to Secretarial Manual" Mentions that "as per government guidelines"	Aviation Department Parliamentary Affairs Department 20 Point Department
3	Decision Making Process including channels of supervision and accountability	Mentions " through Department Guidelines or orders" Mentions "based on Manuals, Orders, and Notifications" Mentioned in a clear and detailed manner	Aviation Department Parliamentary Affairs Department Department of Commerce and Industry
4	Norms of discharge of functions	Not Clear. Mentioned that "As issued by Department from time to time" Mentioned that "norms are discharged in accordance with the rules and orders laid down by the GAD and secretariat". Not Clear. Mentioned "done through government guidelines and rules"	Bio Diversity and Biotechnology Department Parliamentary Affairs Department 20 Points Department
5	Rules, Regulations, Instructions, Manuals and Records	Clear. Listed, but annexure not available. Clear. Details of the notifications also given. Good Comprehensively given the details of Acts, Rules, and Circulars	Parliamentary Affairs Department Department of Commerce and Industry Commercial Tax Department
6	Categories of documents in the control of the authority	Not Clear. Mentions that "the details can be obtained from the concerned authority". Mentioned where department documents can be obtained from but does not mention which documents are available with the department. Not Clear. Mentioned that "the documents are not classified in to different sections"	Aviation Department Parliamentary Affairs Department Department of Commerce and Industry
7	Arrangement for consultation with public	Clear. Straight away written that "No arrangements" Not Clear. Mentions that "it is as per department rules and regulations". No Information. Blank	Aviation Department Bio Diversity and Biotechnology Department Department of Tourism
8	Boards, Councils Committees of the Department	Mentioned that "such information is available on the website" The details of Committee are given in a very detailed manner All entities under the Department are well presented in tabular form	Sports and Youth Welfare Department Public Service Commission Home Department
9	Directory of officers and Employees of the department	Not Clear. Mentions that "there is no directory because there are no offices under the department". Not Clear. Mentions that "there is no employee appointed at district level". Not Clear. Contact details are not given in the directory. Also, this Point clubbed with point 10.	Aviation Department Parliamentary Affairs Department Department of Commerce and Industry

S.N.	17 Points of PD	Content Details	Representative Department-Authority
10	Monthly remuneration received by officers and employees	Not Clear. It says salaries given according to rules. Incomplete. The Information is not available. Mentioned that "details could be obtained from GAD" After the details of some officers, it is written that details and salary information of "Functionaries of Public Health and Family Welfare Department are available with the GAD" Mentioned that "payable as per norms and eligibility rules of MP government"	Department of Tourism Women and Child Department Home Department Road Transport Corporation Sports and Youth Welfare Department
11	Budget allocated to each of its agency	Incomplete. Budget allocated to the department is given but not to each of its agency. Not Clear. It mentions that "no programmes are run by it". Departmental budget not available too. Mentioned that "such details are in corresponding entry of the estimated of the GAD" Left Blank altogether Mentioned that "it is available on mptreasury.org or in annexure 1. Interestingly, one has to search for the annexure!"	Rehabilitation Department 20 Point Department Sports and Youth Welfare Department Home Department Department of Higher Education
12	Manner of execution of subsidies programmes and grants	Clear. Detail of the programmes is given along with the name of the officers involved. Not Clear. Mentions that "it is as per department rules and regulations. It is mentioned that "details are available on the website"	Women and Child Department Bio Diversity and Biotechnology Department Sports and Youth Welfare Department
13	Recipients of concessions permits or authorizations granted	No information available. Not Clear. It mentions the programs under which concessions are granted but the recipients are not specified. Not Clear. It asks the department to update it.	20 Points Department Women and Child Department Department of Commerce and Industry
14	Information in electronic form	Not Clear. Name of the website is not given. No other details Incomplete/Wrong Information Mentioned the items available electronically on the website	Women and Child Department Aviation Department Finance Department
15	Facilities to citizen for obtaining information	Mentioned as "Not Applicable". No other details given against this entry Information requests/inspections could be made/conducted by approaching the APIO on every Monday during 10am-5pm Details of an Order dated 14th August '97 is given with Fees and Duration details different from the ones under RTI Act and Rules	Mineral Resources Department Food, Civil Supplies, and Consumer Protection Department Narmada Valley Development Authority
16	Public Information Officers details	Clear. Given in much detailed manner - even district wise. Good Clear. List of PIOs and FAOs given in a detailed and tabular form Given the names and designations of all APIOs, PIOs, FAOs. Good Given the designation of only the PIO, no other details (FAO...)	Department of Commerce and Industry State Cooperative Marketing Federation Narmada Valley Development Authority Mineral Resource Department
17	Such other information as may be prescribed	Clear. It gives information like the cost of photocopying etc. Clear. This section has covered a few areas in detail. Given Obsolete RTI Information Fees Rates (before RTI Act, GAD rules)	Department of Commerce and Industry Women and Child Department Food, Civil Supplies, and Consumer Protection Department

3.4 Civil Society Contribution in Proactive Disclosures

During the intervention programmes undertaken by various civil society organizations, it was assessed whether the Proactive Disclosures exist at the levels of Gram Panchayat or not. It was found that people do not know about these documents. On further exploration, it was revealed that these documents exist only at the district and higher levels and no or little correspondence has been exchanged with the Gram Panchayats over the mandatory requirement for the preparation of these documents.

Due support was extended to the departments in preparing these documents based upon 17 points. With the efforts of civil society organization operating in different districts of Madhya Pradesh, Proactive Disclosures have been prepared in select Panchayats. In some of the village panchayats, the important points of these documents have also been painted in the form of wall writings.



Initially, it was found that there remained much apprehension among responsible personnel (elected representatives as well as departmental functionaries) about preparation of proactive disclosures. Gradually they were convinced of the requirement and they were involved in preparing these documents. This way, due guidance was provided to these panchayat functionaries in producing a working document

It is proposed to explore how community based monitoring of these disclosures could be achieved. So that the prepared documents do not become obsolete. It is also proposed to prepare a related document for

urban wards. This document will cover the details of various public utilities-facilities existing in the ward and will elaborate upon the goods and services provided.

Towards Proactive Disclosures, there were mixed responses. Whereas, some people found the information to be of much use, the others were ignorant. But one observation was apparent – the people of the respective village were appreciating the displaying of 'public information' in 'public' as they were, so far, use to of finding such details only in inaccessible files. It was also found that the location and proximity of the place where panchayats have been doing wall writing matters a lot.

Name of District	No. of Panchayats	No. of Proactive Disclosures/ Wall Writings
Tikamgarh	9	8
Chhindwara	12	7
Satna	20	14
Bhind	15	10
Anuppur	2	2
Rewa	15	5
Sidhi	15	8
Seoni	15	7
Panna	65	7
Betul	13	6
Murena	18	15
Shivpuri	14	8
Damoh	9	4
Sehore	46	10
Balaghat	9	8
Total	283	129

4. Awareness Generation Scenario

4.1 Government's Efforts

Looking at the context of Madhya Pradesh, the nomenclature of the Right to Information Act as the 'people's right' is very much correct as the government appears to be performing minimal role to promote the right and informed usage of the RTI. The prime responsibility for the effective implementation of Right to Information has been assigned to the government by the RTI Act under Section 26 (1) and such responsibility extends to:

- Develop and organize educational programmes to advance the understanding of the public, in particular of disadvantaged communities as to how to exercise the rights contemplated under this Act;
- Encourage public authorities to participate in the development and organization of programmes referred to in clause (a) and to undertake such programmes themselves;
- Promote timely and effective dissemination of accurate information by public authorities about their activities; and
- 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.

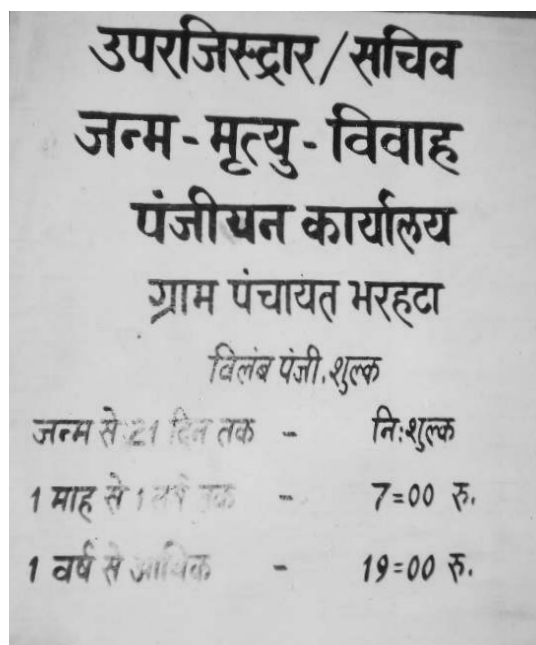
The agencies which are supposed to play their role in fulfilling the requirements of Act provisions are as follows:

4.1.1 Right to Information Cell

The Right to Information Cell is located under the General Administration Department (GAD) and is the nodal agency for ensuring the effective implementation of RTI in the state. Technically, the cell is supposed to prepare and monitor both the information dissemination over as well as under the Right to Information Act. But it appears that it is under-playing both of its roles as when it was enquired about the same. The response was that the responsibility of capacity building is given to the academy and that of monitoring and collecting data over the RTI requests lie with the State Information Commission. Such a response reaffirms the non-existence of any concrete budget or plan over information dissemination amongst masses.

In the last 2.5 years, GAD has not ensured that all the departments compile and publish the list of their PIOs and FAOs in the form of directory and keep a copy of the same on the website as stated out in its earlier office order. A state level directory of such sort would be a very informative document and if prepared and distributed even annually (if not quarterly or six-monthly) would serve a great purpose in facilitating the implementation of RTI Act.

Its website is also poorly developed and does not keep any data or information pertaining to the implementation status of RTI Act in the state – be it district-wise or department-wise. Its website does not speak anything about the initiatives undertaken by the government in promoting RTI in the state. In fact, it appears that the government does not carry any action plan or keep any budget towards promotion of this 'right' cause. As per our knowledge, GAD has not created a full fledged RTI Cell, which lacks adequate number of competent officials. Inactivity of the GAD hampers the creation of enabling conditions within the



इंदिरा आवास की प्रतिक्षा सूची ग्राम पंचायत-भरहटा			
क्र.	हितगारी का नाम मय बन्धित	ग्राम	प्राप्तांक
1.	बालेश % राममती कुशवाहा	भरहटा	9
2.	रामपाल % दुर्कौडी कोरी	"	10
3.	रामससा % मंगलदीन कोरी	"	11
4.	फूलचन्द्र % विश्राम कुशवाहा	"	12
5.	कन्हैयालाल % रामदीन कोरी	"	12
6.	परमेश्वरदीन % मुरेलाल चौधरी	"	12
7.	नरेश % रामप्रसाद कुशवाहा	"	13
8.	हेलराम % ददनराम कोरी	"	13
9.	देदीलाल % कमला प्रसाद ब्रा.	"	13
10.	दिनेश % रामलाल धोबी	"	14
11.	लाला प्रसाद % रामदीन कुशवाहा	"	14
12.	बालकृष्ण % रामबहोरी ब्रा.	"	14
13.	दिनेश % हीरालाल कोरी	"	14
14.	विसरनिया % कन्हैया चौधरी	"	14
15.	स्वामीदीन % रामगरीब चौधरी	"	14

state. There are several examples of PIOs not accepting application, not providing any drafting assistance to the applicants, not accepting applications on all working days, not providing receipts of applications received, and so on, and departments not fixing information boards outside their office as PIOs, not maintaining/updating their proactive disclosures (as required under Section 4 of the Act). It could thus be stated that GAD has not taken adequate efforts to popularize the RTI as people's right or to promote it as an instrument towards transparent and accountable governance.

4.1.2 Directorate of Public Relations

The Directorate is supposed to generate awareness amongst the public about the operationalization of various development related programmes and schemes and the way government is functioning to achieve the decided upon targets. However, its role is very much limited to presenting the achievements of government. Right to Information Act does not appear to be a focus area of 'Public Relations' as there have not been visible efforts towards it.

4.2 Contribution of Civil Society Organizations

The strategy of civil society organizations for deepening continued interventions under RTI could be divided into four broad components, and focused upon both urban and rural areas. These four components were:

1. Affecting demand side of information
2. Influencing supply side of information
3. Influencing larger systems for creating enabling conditions under RTI
4. Strengthening civil society to affect demand and supply side of information



4.2.1 Rural Campaign



With the local civil society organizations, Samarthan reached out to panchayats located in 15 districts of Madhya Pradesh

Name of District	No. of Panchayats	No. of Panchayat Representative	No. of Government Functionaries	No. of People Approached	No. of Applications Made
Tikamgarh	9	15	86	442	24
Chhindwara	12	12	59	1388	54
Satna	20	15	424	3715	16
Bhind	25	98	106	1487	49
Anuppur	2	10	8	150	16
Rewa	15	13	141	948	89
Sidhi	15	232	44	276	16
Seoni	15	8	30	775	32
Panna	65	489	256	5339	176
Betul	13	9	41	585	100
Murena	18	305	126	2450	126
Shivpuri	14	14	12	440	166
Damoh	9	14	43	680	121
Sehore	46	785	123	3971	260
Balaghat	9	18	12	1032	16
Total	277	2508	1719	32700	1331



4.2.2 Urban Campaign

Various civil society organizations undertook the urban campaign towards RTI was undertaken in six districts - Gwalior, Sidhi, Sehore, Tikamgarh, Seoni, and Panna.

Name of District	No. of Wards	No. of Municipal Representatives	No. of Government Functionaries	No. of People Approached	No. of Applications Made
Panna	15	15	10	375	42
Sehore	35	33	56	2156	105
Sidhi	8		14	1061	20
Gwalior	12	14	8	2418	109
Tikamgarh	6	2	4	40	22
Seoni	5	4	3	152	87
Bhopal	15	-	-	-	230
Total	96	68	95	6202	615

4.2.3 RTI Helpline

With the intention of extending support to people from telephone, RTI helpline has been functioning from the Bhopal office of Samarthan. Apart from the campaign, the organization has also been able to promote RTI with the helpline (0755-2424410). The helpline works five days a week except holidays and weekends (Monday to Friday 9.30 am – 5.30 pm). All the queries related to applications filing, process to be adopted, rules and regulations are answered. Initially when the helpline began, most of the calls were from capital and nearby areas but now people are calling from across the state. The main issues of discussion included how to deal with rude behaviour of PIOs and concern employees, the procedure to be adopted while filing the information and in case of not receiving complete/irrelevant information - what should be done. Yet another category of queries pertain to the kind of information that could be obtained through RTI and could be used to influence rules as well. Some of the callers have escalated their complaints to the level of State Information Commission and present their grievance against it, thereby seeking help from Samarthan.

Through the helpline operation, one major finding is about the absence of such entity at the state level. If a similar helpline be opened at state level for the facilitation of RTI applications and hearing of people's grievances, much help and respite could be extended. As of now, the strengthening exercise of the helpline is going on and on the basis of these findings, dialogue will be established with the SIC to come up with the requisite agency.

Details of Some Conversations held through the RTI Helpline Calls

District	Question and Information asked through Helpline
Bhopal	How can we get information from government offices and what are the defining characteristics of this process as a right?
Sidhi	Government stopped the RBC (Avasiya Brij Kosh) in our area. We want to submit an application through RTI to know the reason for closure and want to look at the cash book up to June 2007 with details of expenditure and income. (After a month...) We did not receive any reply from related department after 30 days. When we went to their office for having a written reply, they behaved badly with us and threatened to put FIR on us. Though the next day, they sent some information through post, the information is not fully satisfying. What should we do next?
Raghavgarh	There is a government building is under construction in Raghavgad. How may we get the following information about this construction – <ul style="list-style-type: none"> • Copy of approval letter for the construction of building • Expenditure of building construction and copy of cash book.
Siddhpur	The selection of the post of Sarpanch is not according to the rule. In this year Sarpanch post is only for SC/ST, but the current Sarpanch is not SC/ST. We want to confirm such anomaly through RTI and filed an application in Janpad (Block) office. But there was no response from there. We then filed an application to the Collector, but again there was no response and it was clearly told that they do not wish to give any information in this regard. Therefore, we sent a complain letter to State Information Commissioner. But yet again, we have not received any reply from there either. What should we do?
Katni	We want some information from Police department. Is it possible to get it through RTI? If so, what is the process?
Ganjbasoda	During an inspection from State Electricity Board, the house owner blamed on us (the tenants) of electricity theft. Could we take use of RTI to prove our case or to know the real picture?
Sidhi	What is the rule of appeal and fees with regard to RTI applications?
Katni	We want some general information from Jail. Is it possible to take use of RTI? If so, what is the process of doing so?
Rewa	There is no any post of Teacher on contractual basis for handicapped persons. Can we do anything through RTI to influence this?
Rewa	In the Panchayat worker post, there is no any reservation for handicapped. Can we know the reason for this through the RTI.

Vidisha	I want to put an RTI application in Panchayat for disputed land. What is the process to go about such an application?
Chattarpur	We want to know from State Bank of India about money withdrawn from my account. Even after 2 months we have not received any reply from the bank. How can we facilitate our enquiry through RTI?
Seoni	A particular CEO (with name) is not ready to take RTI Application. What should we do to get the information and to expose him?
Tikamgarh	We have put 1st and 2nd Appeals but we are not satisfied. We even complained to State Information commissioner but it was of no use. Could you (the helpline) please forward our case to the SIC?
Katni	We have submitted RTI application to Gram Panchayat. After receiving no reply, we then put 1st appeal, but the information is not received yet. What should we do now?
Seoni	We applied for some information through an RTI application. The department also gave some information but we are not satisfied with it. Should we again file an application or can we do something else?
Chindwara	We have an insurance policy with monthly installments that we have been submitting in post office. The maturity of this policy was in January 2007 but we are yet (in July) to receive any money. We submitted an application through RTI, but did not receive any information. We applied 2nd time as well but information is not received. What can we do about this through RTI?
Seoni	We put 2nd appeal to State Information Commissioner along with the fees. They are stating to have received the letter but not the money order. What should we do?
Katni	There is an all women SHG here engaged in Daliya preparation. Some mishandling of the funds was found to prevail. But the government authorities presented fake documents of such distributed daliya. Therefore, we put an application to Zila Mahila Evam Bal Vikas Adhikari, but they are not accepting the application. We even complained to the SIC about mishandling of Daliya. When we will get information? What should we do?
Chattarpur	We applied for some information on September 2007. We did not receive any reply. We put 1st Appeal in October 2007, but again we did not receive any reply or information from them. What should we do?
Datia	We applied in Forest Department for the detail of income. They replied that we should personally go there for information. What should we do?
Nasrullaganj	Pest epidemic took place in village Chourkha Khedi. Some compensation was distributed from authorities but 51 farmers did not receive any amount. We wanted to see the distribution list through RTI but they are not ready to receive the application. Then they sent us to Nayab Nazir who received the application and charged 50 Rs. for photocopy and asked to come after 15 days. Is it the correct procedure?

5. State Information Commission

The State Information Commission is the ultimate decision making authority for the cases, disputes, and conflicts of applications filed under RTI. It is conceived as the custodian of the RTI Act in the state and is the last resort for the RTI applicants. When an applicant is dissatisfied with the response shown or the information provided in the initial phase as well as after first appeal, he can go ahead for complaint or second appeal in SIC, as the case may be. Since its inception, SIC in state has contributed towards proper enactment of RTI through issuing orders, warnings, imposing fine and also by intervening in related issues in case of conflict, dissatisfaction etc. by attending complains and appeals. It has been noticed that after over two and a half years, the number of appeals and complaints have significantly increased in number and people are going to SIC in case of dissatisfaction or accessing the demanded information. However, the long disposal time, large number of pending cases, inadequately developed and infrequently updated website, and non-publication of Annual Report puts up question mark over the very functioning of the custodian of RTI in the state. The SIC is headed by the Chief Information Commissioner (CIC), at present the MP SIC is having three more Information Commissioners. Thus, there are a total of 4 Commissioners. As per the Act, there can be a maximum of 10 Commissioners in an Information Commission.

5.1 Working Procedure

Once the requests – complaints or appeals are send to the SIC in the prescribed quantities and with the prescribed fees, these are registered and assigned a number. In the case of complaints, the number starts with C, for instance C-41/SIC/38/Bhopal/06 and in the case of appeals, it starts with A, for instance A-114/SIC/52/Rewa/2006. For the appellants belonging to Below Poverty Line (BPL), the number goes as A-44 No. 28-1/SIC/Bhopal/BPL/05.

As the correspondence to the SIC is of diverse nature, certain categories have been made for the complaints. All such correspondence that does not fall under the purview of 'complaints' or 'appeals' as defined under the RTI Act, are categorized as 'Miscellaneous Complaints'. These may take the shape of 'forwarded copy' of the application or first appeal, opinion of the SIC, clarifications of the Act, general grievance redressal, and so on. Still, these are decided upon by the Information Commissioner and thereafter the case is closed. On the other hand, the actual complaints that reach the SIC could further be divided into two categories- the first category pertains to those cases in which no action has been taken over the RTI applications. The second category pertains to those cases where the complainant has approached the SIC to avail the information that has not been given by the corresponding public authority.

After the case number has been assigned, it is checked whether due fees has been submitted by the requester or not, due details/copies are submitted or not and so on. On the basis of the findings, correspondence is established with the requester. Such correspondence may take the shape of acknowledgement, or/and any other letter asking for submission of further information. Similar correspondence is established with the PIO/FAO against whom the request has been made and requisite documents are called. After verifying the completeness of the appeal/complaint, when the time for scrutiny of the file comes, the case is undergone thoroughly. Depending upon the region from which the request has been sent, it is kept in queue with the earlier requests falling into the corresponding decision.

On the basis of the case details, it is determined whether the requester is required to be present for personal hearing or not. If the case appears such that even without the presence of the requester, case could be resolved, personal presence is not sought. If all the parties – the requester, the concerned PIO, FAO, and third party are required to be present during the hearing, these are sent the intimation in advance. It is thus determined as to what should be the course of action to be followed for the case. Based upon this, dates are assigned for hearing either in Bhopal or in other regions as per the schedule of the Commissioner(s). During the hearing, all the parties are heard and the Information Commissioner decides the case and makes the speaking order, thereby disposing if off. If it happens that one of the parties do not turn up and such presence is a must for arriving at the final decision, it is directed to arrange for the presence of the concerned party and the case is disposed during the next hearing. If it appears to the Information Commissioner that penalty has to be imposed on the PIO, it is done in the order itself, and if it appears that sufficient explanation has not been received from the PIO, show cause notice is given to the officer for not imposing penalty. During the making of the speaking order, a brief mentioning of the case is also made (though not in all the cases) so that the relevant context becomes clear. Once the decision is made, a copy of the same is communicated to the requester.

On an average, around 5 cases are handled by each Commissioner on a working day. This means that previously, when there use to be only one Commissioner (the CIC), the rate of disposal of cases was abysmally low. This also means that currently, the disposal rate of SIC would be around 20-25 cases a day and 500-600 cases in a month. However, due to backlog, which is considerable in numbers, even this rate of disposal of cases is not sufficient in doing justice. But it is estimated by the SIC that within six months at the most, the disposal time of a large majority of appeals as well as complaints will come down to a month or so.

5.2 Analyzing Complaints

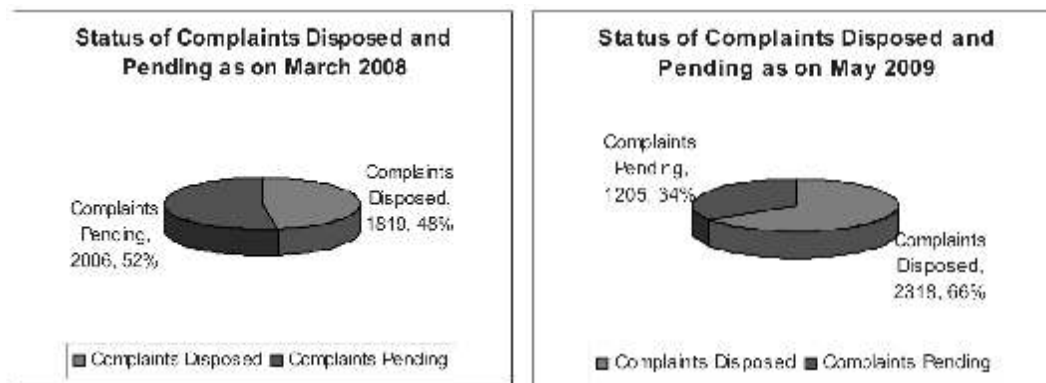
Section 18 of the Chapter 5 of RTI Act deals with powers and responsibilities of the Information Commission, of which hearing of complaints forms an important one. The SIC has all the rights for the investigation of complaints which are applicable in the appeals heard in civil court under Civil Penal Code 1908 (No. 5 yr 1908). It can also direct the concerned persons to be present for expressing their views, to mark their presence over the affidavit and to produce documents in relation to the cases.

5.2.1 Complaints Filed, Disposed, and Pending

Complaints Received (Duration)	Number
Complaints Received in year 2005	347
Complaints Received in year 2006	785
Complaints Received in year 2007	940
Complaints Received in year 2008	830
Complaints Received from January 09 to May 2009	621
Total Complaints received as on 31 May,09	3523
Average number of complaints received per month	81.3
Total complaints disposed as on 31 May,2009	2318
Complaints pending as on 31 May, 2009	1205 (34%)

Source: State Information Commission, Madhya Pradesh

A comparison of status of complaints disposed and pending in SIC (March 2008 and May 2009)

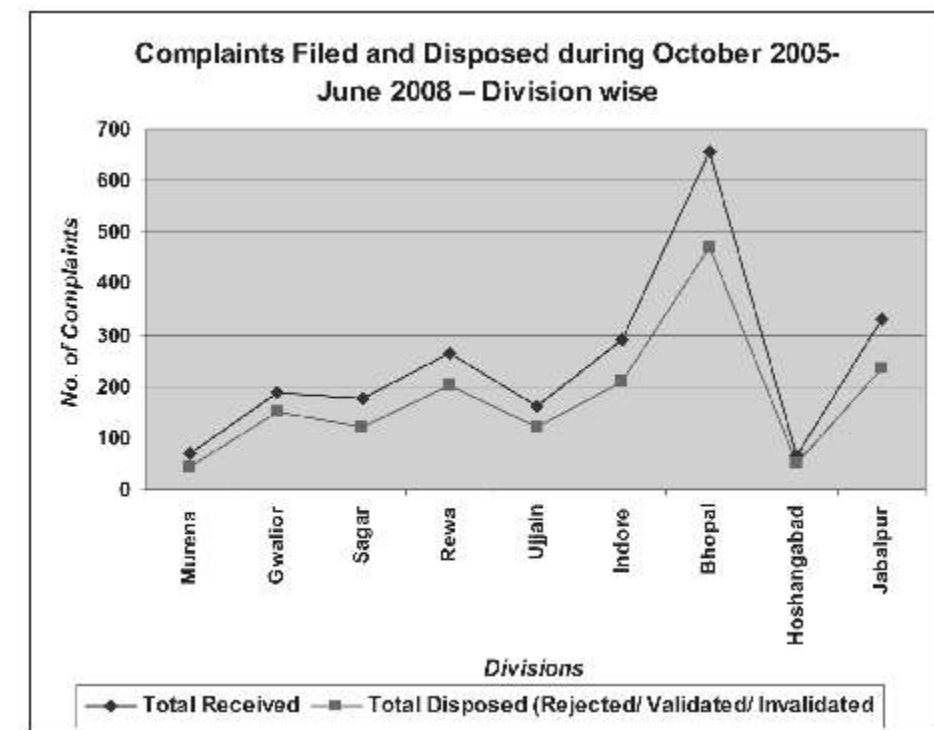


The above comparison shows that the pendency has decreased in 2009 as compared to 2008. This decrease is attributed to appointment of three information commissioners in January 2008. It means that more the number of commissioners appointed, the efficiency of the SIC will increase.

Appointments in State Information Commission

S.N.	Name	Designation	Date of Appointment
1.	Shri P P Tiwari	Chief Information Commissioner	26.03.2007
2.	Shri Dinesh Chandra Jugran	Information Commissioner	01.01.2008
3.	Shri Iqbal Ahmed	Information Commissioner	01.01.2008
4.	Shri Mahesh Pandey	Information Commissioner	01.01.2008

Complaints Filed and Disposed during October 2005-June 2008 – Division wise



Observations:

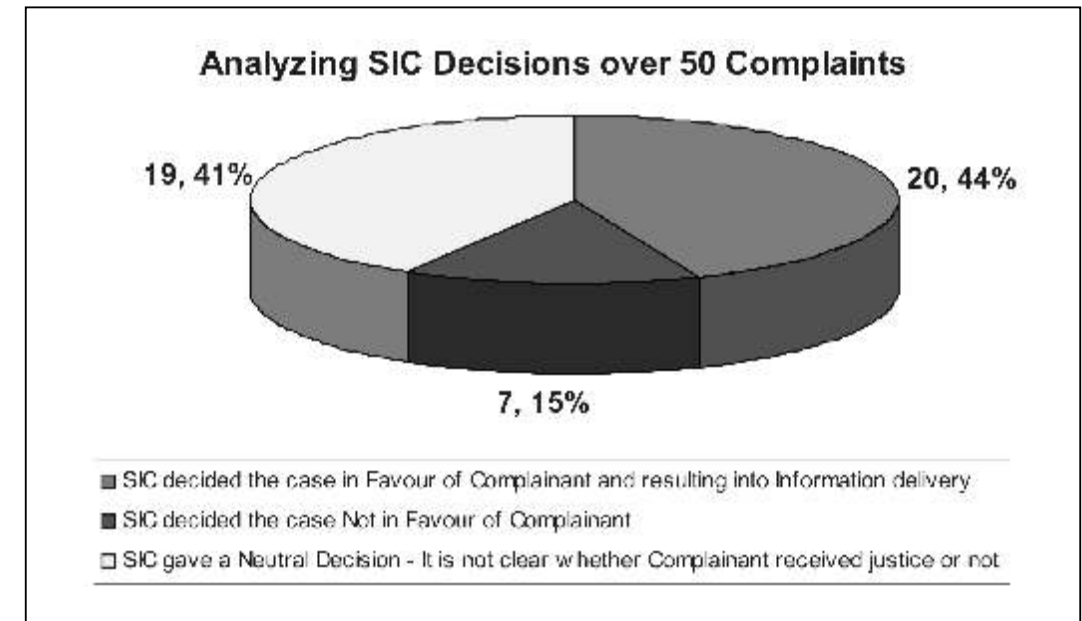
Bhopal division, constituting the capital of the state as well as the headquarters of the SIC, received the largest number of complaints. The denomination of complaints was almost double the number of complaints received in any other Division.

Jabalpur, Indore, and Rewa Divisions followed Bhopal Division when it comes to the number of complaints received.

5.2.2 Verdict over Complaints Filed

A total of 50 Complaints have been analyzed as follows:

S.No	Category of Complaints	Numbers
1	Closure on absence of complainant - the PIO/FAO stated that information is already given and the SIC found no reason not to believe in such statement	11
2	Closure on absence of complainant - the PIO/FAO proposed/asked to give information	5
3	Closure on absence of complainant - Information not given/ not proposed	5
4	Closure on presence of either/both party - Information already given	13
5	Closure on presence of either/both party - PIO/FAO proposed/asked to give information	9
6	Closure on presence of either/both party - Information not given/not proposed	8
7	Information was asked in the form of questions seeking opinions/ facts	3
8	Cases involving questions where PIO/FAO was asked to give Information on grounds that the questions are towards facts and not opinions	1
9	SIC decided the case in favour of complainant and resulting into Information delivery	20
10	SIC decided the case not in favour of complainant	7
11	SIC gave a neutral decision - It is not clear whether complainant received justice or not	19
12	PIO was asked to give Information free of cost	10
13	PIO was given show cause notice for imposing penalty	4
14	Cases which do not fall under the purview of RTI Act and PIO/FAO/SIC could do nothing. These cases also involved the opinions and straight questions	6
15	Total cases where information was not arranged to be given and case got closed (This has been derived by adding entry number 3 and 6)	13



It was found that a large number of complaints were closed on PIO's plea that the desired information which was the cause of complaint was lately given to the concerned person. As the complainant was absent during hearing, the plea of PIO was accepted and the case was disposed (C-34 and C-291). In some of the cases, however, the PIO was directed to give information despite that the complainant was not present during the hearing (C-20).

In some of the cases (e.g. Case C-191 and C-53), the applicants complained that they were charged more money for photocopy than needed. In both the cases SIC directed the concerned authorities (CMO Katni and Regional Manager MP State Seed and Farm Development Corporation, Ujjain respectively) to charge the money as per the rule and return excess amount to the complainant. In the first case, interestingly, the opposition leader of Katni Municipality charged the Municipality Commissioner with the anomalies.

Another major issue of complaints was non acceptance of applications by PIO even after submission of fee by the applicant (C-27). In such cases PIOs were instructed to make proper arrangements for accepting applications and disseminating the information. Some of the complaints were made for public benefit (case no C-191) lamenting that no efforts had been made to publicize and disseminate the information at the time of the complaint. The impact was such that the concerned authorities did the arrangements themselves and resolved the issue even before hearing.

There were complaints that in case of absence of PIOs (C-210), the APIO was not accepting the applications. The SIC directed the concerned official to do so. In incidents where the demanded information was not available with the concerned office or department (C-210) the officials were directed to forward the application to the concerned office and intimate it to the applicant instead of giving inaccurate or no information at all.

It was also noticed that complaints were made when people did not know about (C-26) the procedure, format and clarity of information (C-210) so the people needed to be educated about these. Some of the cases were closed due to lack of evidence (i.e. receipt/ photocopy of application) from applicant's side, or when information demanded by the persons had been (C-313) given to them. There were incidents where information demanded by the complainant was not available within the department because the information was destroyed due to lapse of specific time (C-294).

An important issue that kept on emerging during the hearing of complaints was of whether the case falls under the very purview of RTI Act or not. The issue aroused because the application was made in 'questions' form and the applicant was seeking certain opinion (C-210) or facts (C-814) as information. The issue came up also than when RTI application was filed against a private authority (C-445) or the PIO was charged with Bribery (C-117). Also, when it was found that the asked information did not come under the purview of RTI Act (C-41).

In one of the cases (C-758), the original application was made in March '06 and the number for hearing came after almost 2 years in Feb '08. The case was against Municipal Corporation and the complainant complained of misbehaviour on the part of PIO and non-receipt of information. During the hearing, the PIO stated that as the erstwhile clerk responsible for keeping the information had died. Even after much search, Information could not be located and also, no one was held accountable.

Of course since the information could not be provided, due communication should have been made with the complainant in this regard rather than stated misbehaviour. In these kinds of matters, there remains no proof at the disposal of the aggrieved person and with the passage of so much time, much of the desire for Information fades.

C-117

Date: 27th March 2008

1. Complainant Absent. Shri Akhilesh Upadhyay, Executive Engineer, Naya Bhopal Division, Public Works Department and Public Information Officer Present.
2. Hearing Undertaken
3. The complaint made was examined. In the complaint letter, the complainant has instead of asking for information, made allegations pertaining to bribery and other nature which can not be considered as subject-matters of this Commission. Therefore, the proceedings over this matter are closed.

(Padhmapani Tiwari)
Chief Information Commissioner
27th March 2007

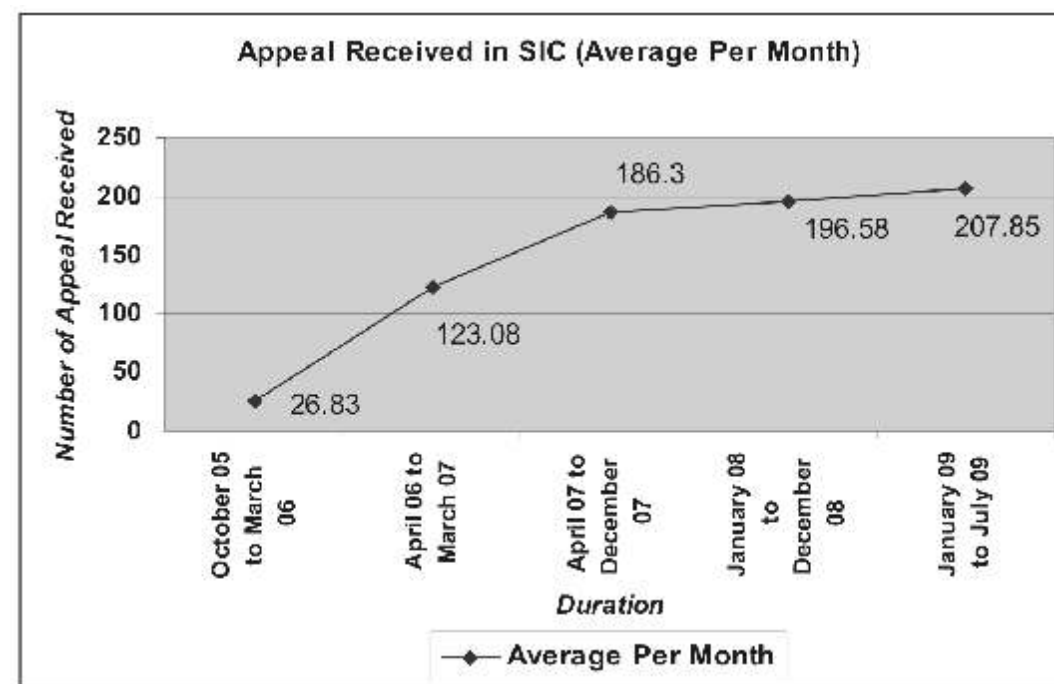
(Mahesh Pandey)
Information Commissioner
27th March 2008

5.3 Analyzing Second Appeals

The SIC is the highest authority for hearing appeals under RTI. If any person is dissatisfied with the decision given in the application under section 7 or delay in information provided then he can appeal within 30 days to the concerned officer. If the person is not satisfied with the hearing of the first appeal then he can appeal to State Information Commission within 90 days of getting the decision from first appeal authority. However the SIC can also accept a delayed appeal in some cases where it is sure that the applicant was unable to appeal due to valid reasons.

5.3.1 Second Appeals Filed, Disposed, and Pending

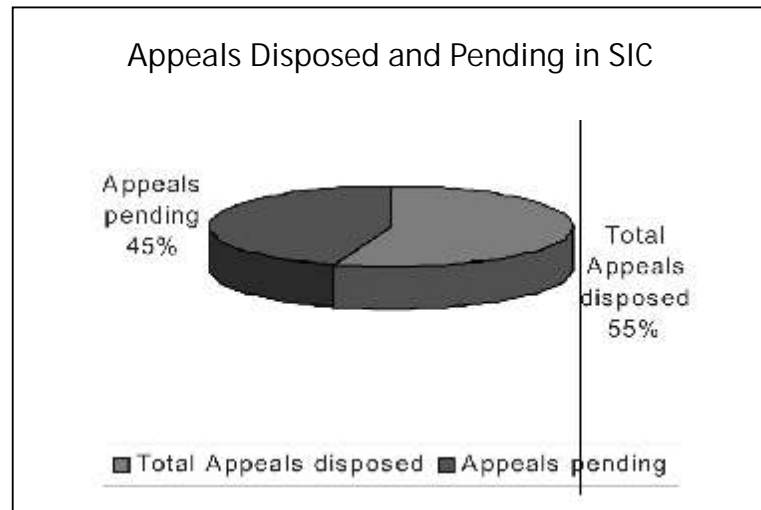
Status of Appeals Filed in SIC (Average per Month)



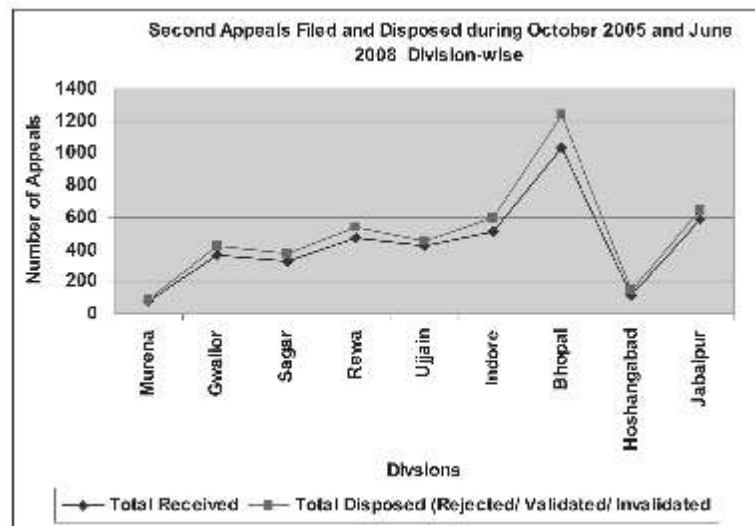
Above graph shows that over a period of time, number of second appeals filed in State Information Commission is gradually increasing.

Status of Appeals Disposed and Pending in SIC (As on 31 July, 2009)

Total Appeals received as on 31 July 2009	7129	154 Per Month
Total Appeals Disposed	3914	55% (85 Per Month)
Total Appeals Pending	3215	45%



Second Appeals Filed and Disposed during October 2005 and June 2008 Division-wise



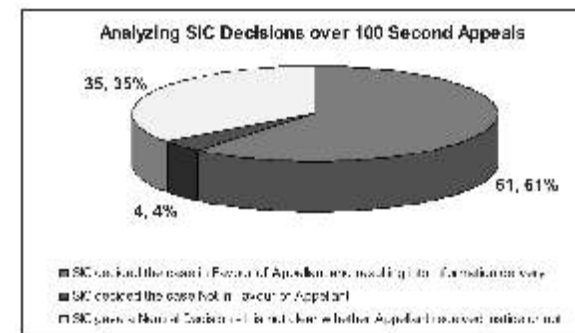
Observations:

- Bhopal division, constituting the capital of the state as well as the headquarters of the SIC, received the largest number of second appeals. The denomination of complaints was almost double the number of complaints received in any other Division.
- Jabalpur, Indore, and Rewa Divisions followed Bhopal Division when it comes to the number of Second Appeals received.

5.3.2 Verdict over Second Appeals Filed

100 Second Appeals were analyzed to know the manner in which decisions are being taken by the SIC. Like in the case of Complaints, the analysis was done on 16 points as follows:

S.No	Category of Second Appeals	Numbers
1	Closure on Absence of Appellant - the PIO/FAO stated that Information is already given and the SIC found no reason not to believe in such statement	16
2	Closure on Absence of Appellant - the PIO/FAO proposed/asked to give Information	28
3	Closure on Absence of Appellant - Information not given/ not proposed	16
4	Closure on Presence of either/both party - Information already given	3
5	Closure on Presence of either/both party - PIO/FAO proposed/asked to give Information	33
6	Closure on Presence of either/both party - Information not given/not proposed	9
7	Cases where Information was asked in the form of Questions seeking Opinions/ Facts	9
8	Cases involving Questions where PIO/FAO was asked to give Information on grounds that the Questions are towards FACTS and Not OPINIONS	8
9	SIC decided the case in Favour of Appellant and resulting into Information delivery	61
10	SIC decided the case Not in Favour of Appellant	4
11	SIC gave a Neutral Decision - It is not clear whether Appellant received justice or not	35
12	PIO was asked to give Information Free of Cost	38
13	PIO was given Show Cause Notice for Imposing Penalty	12
14	Cases which do not fall under the purview of RTI Act and PIO/FAO/SIC could do nothing. These Cases also involved the OPINIONS and Straight Questions	6
15	Total Cases where Information was NOT arranged to be given and case got closed (This has been derived by adding Entry number 3 and 6)	25



Like in the case of Complaints, a large number of cases were disposed on PIOs plea that the information was given lately and as the Appellant was not present during the hearing, there was no reason to counter such plea (A-0649, A-1458). But in case the appellant was not present and his case was strong enough to support his plea then (A-1452, A-1348) the concerned officials were directed to furnish information to him within a limited time and report it back to SIC.

There were incidents where information demanded by the appellant was not available within the department. The appellants were asked to inspect the documents and take a copy of the desired information by paying the fee (A-115). Sometimes when the information demanded by the appellant was dealt by department but was not complied by the same (A-69/10-1) the plea was rejected.

Rude, inappropriate and uncooperative behaviour of PIOs was noticed by SIC (A-46) and they were instructed to perform duties seriously. In case of failing to perform duties on time (A-223) the PIO was fined 18000/- and directed to perform duties punctually. In some cases where delayed information had been furnished (A-814) PIOs were instructed not to charge any fee. If the applicant belonged to BPL (A-44) the SIC also instructed authorities not to take any fee from him after ensuring that he actually hailed from BPL category. It also ensured that the subordinate staff did not overcharge fee from other applicants.

Sometimes PIO (A-210) refused to provide information by saying that institution did not fall under RTI (District Red Cross Society, Chattarpur) though in actually it did. However the SIC instructed the officials to furnish information within 15 days to the appellant.

In such cases where first appeal officer was (A-207) not taking the initiative the SIC directed them to guide the applicant and in some other cases where first appeal officers argued that it was not in rule (A-215) to provide information after such a long duration the SIC instructed the PIO to furnish information to the concerned person.

When the appellant demanded bulk information or information which would take more time, effort and capital (A-42) to be prepared then the applicants were instructed to study the concerned records after submitting the fee for same and take photocopies of the desired records with them. In some cases where appeal was done in haste without waiting for the response of first appeal officer and within the first appeal duration (A-160) it was concluded that the process has not been followed and the appeal was rejected.

In some instances applicants not only wanted the documents and information related to departments but (A-43) also wanted verification and examination of some facts by other authorities. In such cases the SIC decided that the documents (if not related to third party and did not fall under Section 11 of the act) should be studied by the appellant but PIOs were liable to make any verification or examination of any facts. The interpretation of questions asked in the applications also resulted into second appeals and the SIC either

In two cases (A-1131 and A-1132) pertaining to Police Department, the applicant asked for Information pertaining to promotion and suspension proceedings of self. However, as he was not provided with the information, he filed second appeal as the last resort. During the hearing, PIO admitted that such information has been lost. The SIC directed to search it further and fixed accountability for lost. Furthermore, to lodge FIR, and intimate Appellant and SIC about the compliance. However, no penalty or compensation was imposed/ provided for in this case. It could have been as the applicant was at loss throughout the long waiting period and could not get information even in the end. Such cases also reaffirm the importance of RTI Act in revealing the hidden anomalies.

decided that all the questions need not be answered (A-1212) as only some pertain to 'Facts' and remaining pertain to 'Opinions', or that all the questions pertain to 'Facts' (A-1039) and therefore information should be furnished.

It was also observed that some applicants (A-118) asked information on issues which were not related to RTI or sometimes they asked information from institutions not covered under RTI such as cooperative banks (A-97). It was decided that the information on cases which were related to criminal office or were under jurisdiction (A-207, A-218, A-206) may be granted on those points which did not affect the jurisdiction process or hindered further investigation. In one case, the appellant wanted his appointment as a part time employee in the concerned department but the (A-135) SIC rejected the appeal as it had no powers to appoint anybody and was beyond RTI. Cases (A-176) in which demand regarding procedures, rebates, lease rent correspondence was made were also rejected as all these did not fall under RTI. In some cases (A-0968), the application was made to solve the problem of the applicant, and not just to secure information. The case reached SIC on the same ground and it was finally ruled that RTI Act is not for solving problems.

The appeals were also rejected in case the information demanded by applicant was confidential (A-28), was not in public interest (A-240, A-75) or in case of valid third party objections (A-240). Appeals were also rejected where applicant's behaviour was not appropriate (A-175). Appeals in which confidential reports were demanded (A-187) were terminated on the grounds of confidentiality. Cases where third party objections were raised (A-240/34) were also terminated by the commission.

A-0161

Date: 24th April 2008

- Appellant Shri Ejaz Asgar Khan Present. Shri P.K. Mishra Public Information officer and Deputy Collector Shahdol, Shri P.K. Shrivastava Appellate Officer and Acting Collector Shahdol present.
- Hearing Undertaken
- On 28.08.2006, the appellant had in his application filed against the Public Information Officer asked for information over the following 5 points:
- Make available the proceedings on daily basis, i.e., daily progress report, over my application. Give detail about all the officers who my application passed through and details of what all action was taken by these officers. Give complete details.
- Provide the name of officers who were required to take action on my application but who had not taken any.
- What action will be taken against these officers who do not perform their duties well and instead harass the people?
- Now, when will my work be accomplished?
- Has there been any committee constituted towards my matter? Give details of its task.
- In points number 2, 3, and 4, basically the 'opinion' of Public Information Officer has been sought. PIOs are not competent to give their opinions. However, in points number 1 and 5, the applicants has right to receive information in the same manner in which it is asked. Such information has not been given to him within prescribed time limit.
- Hence, the PIO is directed to provide information over points 1 and 5 to the applicant through registered A.D. post within 15 days and to submit the compliance report of the same to the SIC within a month.
- Notice should be issued to the PIO over why penalty should not be imposed against him
- The case is thus disposed

(Padhmapani Tiwari)
Chief Information Commissioner
27th March 2007

5.4 Reviewing the SIC Functioning

Despite the Act prescribing the appointment of up to 10 Commissioners, there remained only one Commissioner - the CIC for over two years. After the first CIC got retired, there occurred a lapse of few months after which the new CIC took charge. In the year 2008, 3 Information Commissioners have been appointed. The rate of disposal of cases must have increased since the new workforce has taken chair, there still exist many shortcomings with the functioning of the SIC. These shortcomings could broadly be divided into two categories: 1) Shortcomings in Procedures; and 2) Shortcomings in Approach

1) Shortcoming in Procedures

- A large backlog of cases pending in the SIC as specified in the previous analysis of Complaints and Second Appeals
- Absence of SIC promoted/supported programmes for RTI awareness generation in the state
- Underdeveloped and not regularly updated SIC website
- Delayed preparation and publication of Annual Report
- Delayed categorization (district-wise/department-wise) and compilation of data pertaining to various RTI requests
- Absence of any monitoring mechanism over the effective implementation of RTI in the state

2) Shortcomings in Approach

- Standardization could not be seen in the decisions taken by the SIC and the decisions rely upon the personal weighing rather than common basis
- Standardization could also not be seen in the manner of drafting various decisions. Some drafts tell complete picture of the case, whereas some do not even mention the date and place of origin of the case/RTI Application
- In some cases, the applicants sought information through 'questions-based applications'. This mode of 'asking questions' for obtaining information has been upheld in some cases, and in other cases, such mode has been considered as falling outside the purview of RTI Act altogether. Again, which position will be taken, is determined by the nature and approach of the person who is giving hearing to the case.
- Though the RTI Act places the burden of proof over the 'supply side' viz. PIO, FAO, after analyzing the contents of decisions, it is apparent that in many cases, such burden of proof was over the aggrieved requester.
- The imposition of penalties and award of compensations carry much symbolic significance when it comes to discouraging the supply side from wrongdoings and encouraging the demand side (more specifically the BPL category) for traversing through the journey of justice consistently. But it has been found that the SIC is acting in a relatively lenient manner for the former and relatively inconsiderate manner for the latter.

The SIC cannot repeatedly attribute lack of manpower (Commissioners and other staff) and inadequate infrastructural support for any of the aforementioned shortcomings. The RTI Act also nowhere supports or justifies such lag either.

The applicant has fair expectation to get decision from SIC in a stipulated timeframe. There have been a number of cases pending in the SIC for disposal, be these pertaining to appeal or complaint. Whereas in some cases, a registration number has been issued, in others no such acknowledgement has been made. In this regard, it is noteworthy to illustrate the conflict between the GAD and the SIC. In a recent amendment to the "Madhya Pradesh Right to Information (Fees and Appeal Rules) 2005", the GAD has raised the disposal time of complaints/appeals from 30 days to 180 days. However, the SIC has disavowed either time limit on grounds that such rule making power of GAD is ultra-vires and the matter is substantive, not procedural. As the Act do not prescribes any time duration for the disposal of cases, who should the people turn to if there prevails long delays? In the event that an applicant has filed certain complaint or second appeal to the SIC as a result of inappropriate treatment or incomplete/ambiguous information from certain department(s), what should be the duration of SIC proceedings over such complaint?

If there has not been any response from the SIC even after the passage of such stipulated time period, what should the appellant/complainant do?

The Act clearly demands the laying of various rules and guidelines to make its provisions better operational. There are many difficulties faced by both the demand side and the supply side which are addressed by these office orders. It would not be worthwhile to conclusively reject the value of office orders as many are prohibitive and others are facilitative. Instead of categorizing these orders as 'relevant' or 'irrelevant' on a discretionary basis, whenever required, these orders should be revised in the light of accrued/served public interest. For example, the order limiting the numbers of photocopy for the Below Poverty Line (BPL) category is prohibitive in nature, as poor may also genuinely demand relevant information and should be allowed to access it at the expense of the public resources. However, the other office order quoted in CIC of MPSIC Shri P.P.Tiwari's statement that SIC is not bound to

SIC Website

The website of the SIC - <http://www.mpsic.nic.in> is not well developed when compared to the websites of other Information Commissions in the country. It does provide the background information about the constitution, composition, and functioning of the body and also carries 'Proactive Disclosure' in compliance with Section 4 (1) b of the Act. Still, it lags behind in many aspects. Specifically, it does not provide any information about three core elements of the very functioning of the SIC:- (a) The number of appeals received and disposed; (b) tracking facility to know individual status of each appeal/complaint received by SIC; and (c) updated copies of all the decisions taken during the disposal of various cases. With regard to the last element (c), it could be stated that the website does carry some decisions titled as 'important decisions', but even these are not updated regularly and are not all inclusive. By inclusiveness is meant here that these decisions do not represent all the divisions of the states. In other words, these decisions are not about the cases disposed by all the Information Commissioners. The Information Commissions of many states like AP, Assam, Maharashtra, Orissa, Hariyana, Delhi etc. maintain very comprehensive websites and provide detailed information, facilitating the interests of information seekers in a transparent and proactive manner.

dispose of the cases within the six month's time as mentioned in the order needs greater scrutiny as there had been thousands of cases which were not disposed off by the SIC for over a year. Of these, several cases which remain pending for long are known to us and the ongoing backlog of RTI cases is still very large in number. As most of the poor and middle class citizens are hoping to get justice through RTI outcomes, unreasonable delays by SIC will be equivalent to 'justice delayed is justice denied'.

There are various provisions of the Act (Section 25, 26) which empower SIC to demand resources and support from the Government to enhance their own efficiency on the one hand and to facilitate awareness amongst masses over the provisions and potential of RTI Act. Taking use of the provisions and interpreting the same judiciously, the Information Commissions in various states have either made the governments devise concrete public dissemination initiatives or have undertaken such ventures on their own. However, the SIC of Madhya Pradesh has neither raised sufficient concerns over the inadequate efforts on promotion of RTI, thereby making the government answerable towards its failures, nor made significant efforts on its own to promote RTI.

After analyzing various decisions and exploring the provision of awarding compensations, a series of questions could be raised: On what basis, do the CIC and the SIC decide about whether the appellant or the complainant is entitled to receive the compensation? If so, what is the extent to which such compensation could be provided to such person? Is there any fixed rate (per day or so) of upper limit of such compensation amount? What is the mode of payment of such compensation and within how many days, such compensation amount should reach the person? As there remains no specific details of the slabs or rates (like in the case of penalty), these are decided as per the requirement of the case and falls under the discretion of the decision-making authority. Of course, the intent of receiving compensation is being expressed by many aggrieved RTI requesters, but it is not necessary that such intent be explicit. If the SIC finds that the award of compensation has to be given, it could certainly move ahead.

However, looking at the dismal scenario of compensation awards, the SIC should be giving a reasonable re-look at its stance. Such a 're-look' and review will also help reviving the otherwise relatively dormant provision of the Act, and along with penalty provisions, will pave the way for better information delivery and will certainly ensure maintaining due communication once the application has landed in the PIO's office. Overcoming such 'communication lag' is crucial to help the applicants know the status of their applications, rather than making them wait.

The verdict of SIC is final in its own domain and could not be challenged in CIC at all. There are some questions which kept coming up in this regard as follows: Could the appellant now turn up to the High Court or Supreme Court directly? Are there specific strings attached to such courses of action or could all dissatisfactions be escalated to the level of Courts? Well, the verdict of SIC or CIC could not be challenged in the court of law either, but if the question involves filing of writ petitions as guaranteed by the Constitution of India, the matter could become sub-judice and the Supreme Court could become the final decision making authority. However, if the decision of CIC or SIC is not acceptable or satisfying, it remains unclear to the aggrieved commoners as to which course of action could be taken up.

Right to Information Act and the Response of SIC Experience Sharing Workshop, 11th March 2008

The "Right to Information Act and the Response of SIC: Experience Sharing Workshop" was organized at the head office of Samarthan on 11th March 2008 to invite participation from the RTI practitioners who reached the levels of second appeal/complaints at (SIC). The motive of the workshop was to facilitate dialogue among the applicants, the State Information Commission, and the media so as to develop some ways forward in the direction of better information delivery. From the SIC, one of the Information Commissioners were present and the special invitee were former CIC, SIC. A total of 30 participants were there in the workshop.

It was experienced during the previous years of interventions that as the ladder pertaining to RTI process (from application to complaint/appeal) is to be climbed, the number of cases goes on falling. Be it urban scenario or rural, if people do not succeed in obtaining the desired information in their first attempt, i.e., the RTI application; they prefer not to resort to further steps. Also, it becomes difficult to continue following up with the applicants with the passage of time. Still, there were a good number of cases in which people were encouraged to file first and second appeals and complaints as the case may be. But due to consistently poor response on the part of supreme appellate authority, namely the SIC, these people were finding no other platform to express their grievances and disappointment. Therefore, it was decided to hold the workshop in order to bring the people together and undertake direct interaction with the State Information Commission. The major issues that were emerged during the workshop were as follows:

1. Extent of Specificity of Information/Questions/Opinion
2. Sending Application through Post/Getting Acknowledgement Receipt
3. Problems Encountered at First Point of Contact (APIO, PIO)
4. Difference between Complaint and Appeals
5. Inordinately long Appeal/Complaint Processing Time in the SIC
6. Course of Action to be followed by after the CIC/SIC Verdict
7. Lag in Publication of Annual Reports
8. Extent and Criteria of Compensation
9. Extent and Criteria of Imposing Penalty
10. Absence of any Tracking Facility to know the status of request

Fate of Annual Report

The SIC is required to prepare an Annual Report over the status of RTI implementation in the state under Section 25 of the RTI Act 2005. This report is to be prepared at the passage of each year. The contents of the report are also prescribed by the Act and covers a wide range of information pertaining to the number and status of applications, appeals, complaints, disposals, disciplinary actions, grounds of rejections, revenue collection, recommendations for reform, and so on. But even after the passage of over 2.5 years, there has not been any such report in the public domain. It is not that the report has not been prepared. The report for the year 2005-06 was definitely prepared by the SIC and was also submitted to the government. But thereafter, the report is awaiting its passage in the state Assembly for over 1.5 years. The authorities consider the report to be in the category of 'secret report'. In this case, where the report is pending the passage of Vidhan Sabha, and is not getting published, whose accountability should be established? What is the time frame of submission of such Reports and within what time limits, should the Vidhan Sabha be passing these Reports? What could be done after the passage of such time limit?

It is clear that as the SIC is busy disposing off the pending cases, there has not been any initiative of SIC in this regard so far. Yet it is a question to be answered by the SIC as to what efforts has it made (if any) to ensure the tabling and passage of the report in the Assembly and its timely publication? Or is it that the SIC firmly believes that its responsibility is over with the submission of the report to the government? A closer analysis of Section 25 of the Act reveals that after preparing the report, the SIC is required to "forward a copy" of the report to the "appropriate government" - state government in this case. The state government, in turn, may cause the report to be laid before each house of the state legislature. Does it mean that if the government would not wish to place the report in the legislature, the report will never come in the public domain? This analysis also reveals that the Act nowhere requires the SIC to wait for legislative ratification for bringing the prepared report in the public domain on its own. These provisions are altogether different from the provisions (constitutional or otherwise) dealing with the other vital reports. For instance, with regard to the report of the Comptroller and Auditor General (CAG) of India, Article 151 of the Constitution states that these reports shall be submitted to the President/Governor who shall cause them to be laid before each house of the Parliament/State Legislature, as the case may be.

The other Information Commissions have come up with their Annual Reports and in some case, there have already been two reports with the third under preparation. Even Chhattisgarh, the neighboring state of Madhya Pradesh has come up with two such reports by July 2008.

6. KAP Study on the Right to Information Act in Madhya Pradesh

Samarthan designed a KAP study to gauge the level of knowledge of provisions of Right to Information Act, the attitude towards this Act and the level of practice among the citizens as well as concerned officials. Though the findings of this study are based on the samples, still it reflects a probable status of percolation of RTI in masses as well as APIO/PIOs.

6.1 Methodology

In order to understand the effectiveness of the Act, a sample survey was designed to know whether the provisions of the Act are known to the citizens and the information providers. The sample survey assesses the level of knowledge, the attitude towards the Act and the practice of RTI among the citizens and APIO/PIOs.

6.1.1 Objectives of the Study

The study aimed to –

- 1) Assess the level of knowledge, the attitude towards the Act and the practice of RTI among the citizens and APIO/PIOs
- 2) Identify the areas of concern where more concentrated efforts are required or existing strategies have to be reframed.

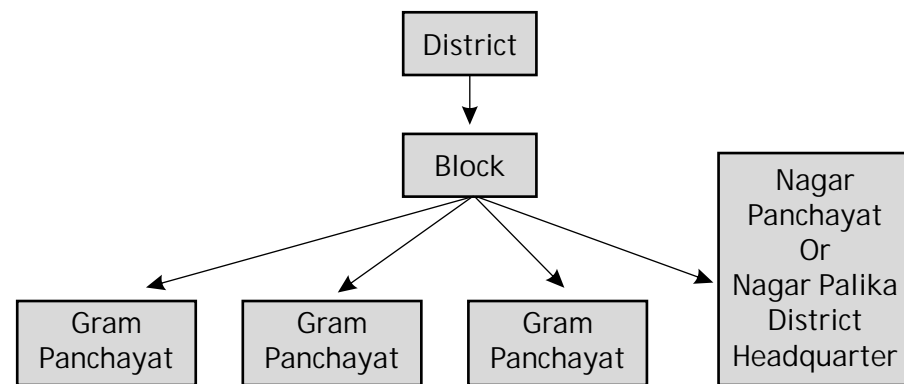
6.1.2 Sample selection

Eighteen districts of Madhya Pradesh were selected for the study. One block in every district was randomly selected. Randomly three Gram Panchayats and one urban area in each block were again randomly selected for data collection in that block. If the selected block didn't have any urban area i.e. Nagar Panchayat or Nagar Palika, the district headquarter was selected as urban areas for the purpose of data collection. An effort was made to make the sample as representative as possible.

S.N.	District	Selected Block
1.	Anuppur	Kotma
2.	Balaghat	Waraseoni
3.	Barwani	Barwani
4.	Bhind	Gohad
5.	Bhopal	Phanda
6.	Dhar	Sardarpur
7.	Dindori	Shahpura
8.	Gwalior	Dabra
9.	Jhabua	Meghnagar

S.N.	District	Selected Block
10.	Mandla	Mandla
11.	Morena	Sabalgarh
12.	Panna	Ajaigarh
13.	Rewa	Sirmour
14.	Satna	Ramnagar
15.	Sehore	Sehore
16.	Shahdol	Burhar
17.	Sheopur	Karahal
18.	Sidhi	Rampur Naekin

Sample selection can be understood from the following flow diagram.



Primary data was collected with the help of interview schedules. The schedules were designed so as to capture the citizens' Knowledge of RTI, Attitude towards RTI and Practice of RTI by them. Data collection started on November 1, 2008 and was completed till November 30, 2008.

6.1.3 Interview Schedules

Schedules were divided into 6 categories. Category of schedules and the number of interviews conducted for each category covering all the districts is given in the following table.

Category of Schedule		Interviews conducted		
		Rural	Urban	Total
Schedule 1.	Randomly selected citizens	1196	279	1475
Schedule 2.	Citizens who had applied under RTI	146	178	324
Schedule 3.	Citizens who had filed first appeal	56	86	142
Schedule 4.	Citizens who had filed second appeal	10	35	45
Schedule 5.	Citizens who had complained to SIC/CIC	15	21	36
Schedule 6.	Assistant Public Information Officer/ Public Information Officer	141	171	312
	Total	564	770	2334

Profile of the Sample Respondents Studied in KAP Study on Right to Information

	Randomly Selected Citizens	Applicant	First Appeal	Second Appeal	Complainant	APIO/PIO	Total
Total	1475	324	142	45	36	312	2334
Rural	1196	146	56	10	15	141	1564
Urban	279	178	86	35	21	171	770
Male	1287	293	129	41	33	290	2073
Female	188	31	13	4	3	22	261
SC	218	44	33	6	10	35	346
ST	369	32	3	2	-----	59	465
OBC	570	127	45	16	11	74	843
Others	318	121	61	21	14	144	679
14-24 Yrs.	271	9	3	-----	3	8	294
25-40 Yrs.	804	211	77	18	14	127	1247
41-60 Yrs.	352	93	52	22	17	174	881
>60 Yrs.	48	11	10	5	2	3	81

6.2 Findings of the study

The findings of the survey have been divided in three sections highlighting knowledge, attitude and practices and presented in the following section:

6.2.1 Knowledge of RTI Act

In the first stage of the study, respondent citizens were selected on a random basis and their interview was conducted using the schedules designed for assessing their knowledge of RTI. The first question from the randomly selected individuals was asked that whether they have heard about the Act or not. The purpose was to first filter those respondents who knew the details of the Act. Further questions were asked to assess the level of understanding of those citizens, who responded that they have heard about the Act.

S.N.		Overall	Rural	Urban	M	F	SC+
							ST+
							OBC
1.	Heard about RTI Act	95.1	95.1	95	95	95.2	94.4
2.	Aware about RTI Act	21.8	18.3	36.9	23.4	11.2	16.2

Study shows that 95.1 per cent of the people have 'heard' about the Act but necessary working details of the Act are known to only 21.8 per cent citizens. Difference is quite large between rural and urban areas in terms of the knowledge of the Act. Only 18.3 per cent of the rural citizens know the provisions in comparison to 36.9 per cent of urban citizens having such knowledge. Gender wise only 11.2 per cent of the females know the details of the Act in comparison to 23.4 per cent males having such knowledge. Situation is no better in case of disadvantaged communities. Only 16.2 per cent of the citizens of these communities know about the provisions of the Act.

Further questions about the provisions of the Act were asked to only those 21.8 % citizens who told that they know about the provisions of the Act. Following table gives the percentage of citizens knowing about different provisions, out of those 21.8 per cent aware citizens.



Knowledge of Different Provisions of RTI

(% of Citizens knowing different provisions of the Act-out of those citizens who told that they are aware of RTI)

S. No.		Overall	Rural	Urban	M	F	SC+ ST+ OBC
1.	Source of knowledge-Gram Sabha/P/Neighbour	49.4	53	41.7	50.8	28.6	51.9
2.	Source of knowledge-Radio/TV	62.4	58.4	70.9	63.8	42.9	60.3
3.	Source of knowledge-Printed material	55	50.2	65	55.5	47.6	52
4.	Source of knowledge-Others	47.5	48.4	45.6	47.5	47.6	56.4
5.	It's a right given to all citizen	95.3	95	96	95.3	95.2	96.7
6.	Definition of information is given in the Act	63.4	61.2	68	63.5	61.9	62.8
7.	Some information is denied by the Act	40.7	37	48.5	41.2	33.3	35.2
8.	Application should be written	93.2	92.2	95.1	93.4	90.5	92.6
9.	Fee is required with the application	78.3	74.9	85.4	78.7	71.4	75.4
10.	All government departments are covered under the Act	77.6	72.6	88.3	78.4	66.7	76.3
11.	Banks and Post Office are also covered under the Act	64.3	58.4	76.7	64.8	57.1	60.2
12.	All NGOs are also covered under the Act	50.6	43.4	66	50.5	52.4	47.8
13.	Self disclosure is compulsion for public Authority	53.7	53	55.3	53.8	52.4	50.8
14.	Provision for appeal if information is not given in 30 days	84.5	84	85.4	84.4	85.7	87.6
15.	Provision for free information for BPL people	82.3	84	78.6	82.7	76.2	84.2
16.	Know about State Information Commission	73.3	70.3	79.6	73.8	66.7	75.4
17.	Act has provision for inspecting the records	63.7	65.3	60.2	63.8	61.9	68.2
18.	Provision for complaint to SIC on not getting information	79.2	74.9	88.3	79.1	81	78.8
19.	State Information Commission can impose penalty on officer for not/wrongly giving information	82.9	78.1	93.2	83.4	76.2	81.3

Out of those 21.8 per cent citizens knowing about the provisions, 95 per cent of the citizens realize that after enactment of this Act, they have got the 'right' to get information from public agencies. In rural areas 95 per cent citizens realize this in comparison to urban areas where 96 per cent citizens have such a realization.

Self-disclosure by the public authorities is known to 53.7 per cent citizens. Also 64.3 per cent of the citizens know that the Banks and Post Offices are covered under the Act.

If we look at the above table we see that the percentages are very high but this table gives the percentage out of those people who responded that they know the provisions of the Act (21.8%). Therefore if we look in terms of overall respondents, the percentage of people knowing the provisions will come down drastically.

Citizens who had filed application for information

Second category of citizens who were interviewed was those who had filed application under the RTI Act to get information. Their knowledge on various aspects was gauged through a separate schedule prepared for them. The details are given in the following table:

S. N.		Overall	Rural	Urban	M	F	SC+ ST+ OBC
1.	Application has to be given in written	97.5	97.9	97.2	97.6	96.8	97.5
2.	Application can be oral also	28.1	46.6	12.9	26.3	45.2	28.6
3.	There is provision of fee with the application	96	95.2	96.6	95.6	100	94.6
4.	fee provision in BPL case	81.8	80.8	82.6	81.6	83.9	80.3
5.	Awareness about Public Information Officer	73.8	70.5	76.4	73.4	77.4	77.4
6.	Awareness about First Information Officer	64.2	58.9	68.5	65.2	54.8	66.5
7.	Awareness about Information Commissioner	57.7	49.3	64.6	58.4	51.6	56.7
8.	Awareness about Self Disclosure	44.8	45.2	44.4	44.4	48.4	43.9
9.	Limit on time period to furnish information after application	87.7	88.4	87.1	87.4	90.3	88.6
10.	Provision for inspecting records	61.1	61.6	60.7	61.8	54.8	62.1
11.	Awareness about Fee for inspecting records	80.3	72.2	87	82.9	52.9	78.4
12.	Awareness about Provision of taking sample of any material	45.7	42.5	48.3	47.1	32.3	46.8
13.	Awareness about Provision of fee for BPL applicants	90.4	93.8	87.6	91.5	80.6	90.7
	Has MP government made any amendment in this provision?	22.5	17.1	27	22.2	25.8	23.7

The above table shows that among the applicants, 44.8 per cent of the applicants had the knowledge about the self-disclosure document

The awareness regarding oral application is very low among the applicants. Only 28 per cent of the applicants knew that a citizen who is unable to write can also make a request orally under the RTI and the concerned APIO or PIO is mandated to render all reasonable assistance to the person making such request to reduce the same in writing. This is an important aspect as the literacy levels particularly in rural areas are not so high and the awareness regarding oral application can considerably increase the use of RTI.

Though knowledge regarding the provision of the fee and cost of information is good but only 22 per cent applicants know about the amendment made by the Government of Madhya Pradesh with regard to the cost of information. Also, only 55 per cent of the applicants know about the different fee for different documents such as A4/A3 size papers, CDs, floppies etc.

40 percent of the applicants did not know about the facility of inspection of records. It is strange to see that 27 per cent applicants did not know about PIO, 36 per cent did not know about First Appellate Authority and 43 per cent applicants did not know about SIC.

Knowledge of Different Provisions of the Act
(% of Citizens Knowing About Various Provisions of the Act)

S.N.		Overall	Rural	Urban	M	F	SC+ ST+ OBC
1.	Whom to submit first appeal application	98.6	96.4	100	98.5	100	74
2.	Duration within which first appeal can be made	97.2	92.9	100	96.9	100	72.3
3.	Provision of fees for the first appeal	92.3	89.3	94.2	92.3	91.7	67.6
4.	Time limit for taking decision in the first appeal	90.1	89.3	90.7	90.8	83.3	64.8
5.	Documents to be given while filing first appeal	94.4	92.9	95.3	91.7	94.6	69.4
6.	Documents to be given - copy of information given	64.2	75	57.3	72.7	63.4	46.9

Citizens Going for the First Appeal

It is expected that a citizen who has gone up to first appeal should know all the necessary provisions of the Act as well as rules framed under the Act. When studied there were still some citizens who lacked knowledge on some provisions. The findings are as under:

- Almost 18 per cent citizens do not know about the correct amount of fees
- 23 per cent of OBC citizens and 17 per cent don't know about the correct amount of fees
- Only 36 per cent citizens who have gone up to first appeal know that copy of information already furnished by APIO/PIO has to be attached while filing appeal. On this requirement lesser number of urban citizens are aware than rural citizens.
- 40 per cent of the applicants do not know that they can complaint to SIC in case of dissatisfaction with first appeal and in case of tribal citizens, nobody is aware about this provision.

These findings reveal that there are still some citizens who, despite having gone up to first appeal lack knowledge on important provisions.

Knowledge of RTI among Citizens Who have Filed Second Appeal
(% of Citizens Knowing About Various Provisions of the Act)

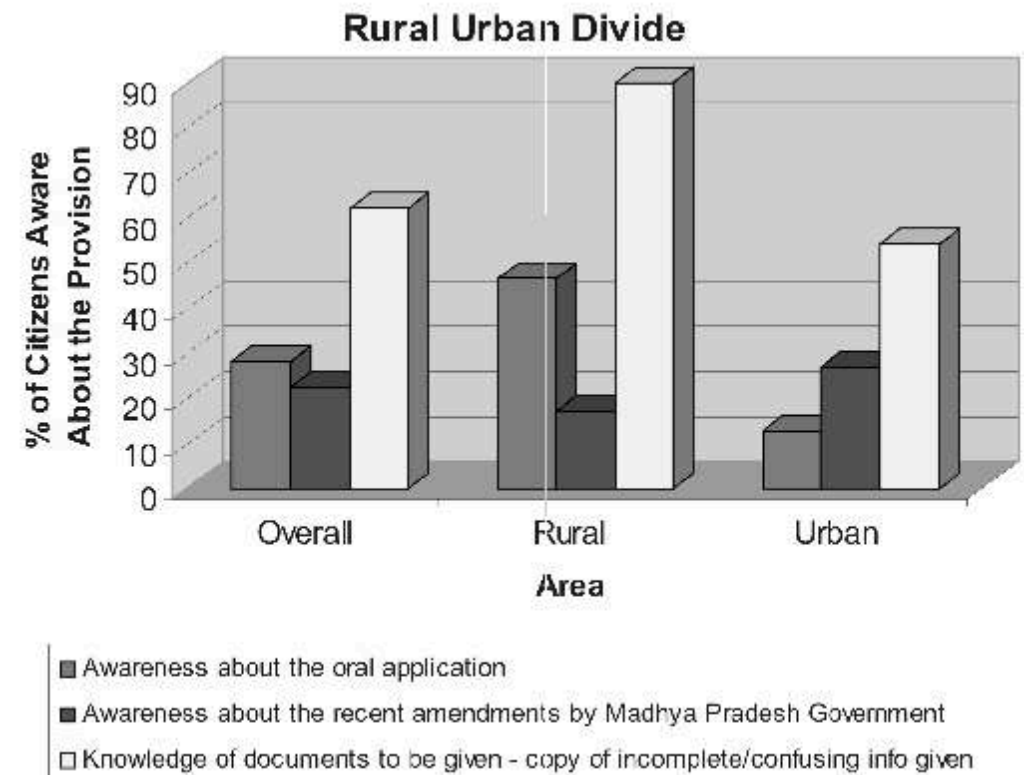
S. N.		Overall	Rural	Urban	M	F	SC+ ST+ OBC
1.	Central Information Commission is located in Delhi	77.8	90	74.3	78	75	75
2.	There are four Information Commissioners in MP SIC	53.3	50	54.3	53.7	50	70.8
3.	There can be 10 Information Commissioners in SIC	40	60	34.3	43.9	0	50
4.	There is a fee for appeal in State Information Commission	91.1	90	91.4	90.2	100	93.7
5.	There is a fee for appeal in Central Information Commission	75.6	90	71.4	73.2	100	58.3
6.	Provision for free of cost information in case information is not given in time	62.2	70	60	58.5	100	54
7.	There is provision of penal action in case the information not given in time	91.1	90	91.4	90.2	100	87.5
8.	Know about the documents to be submitted while filing second appeal	48.9	40	51.4	53.7	0	58
9.	Know about the documents to be given - copy of original application	77.8	90	74.3	82.9	25	79
10.	Know that the Information Commissioner can summon any one for the hearing	60	80	54.3	63.4	25	58
11.	Know that the Information Commissioner has the powers of a Justice	71.1	90	65.7	73.2	50	70.8
12.	Know that appeal can be made against the decision of SIC	57.8	20	68.6	56.1	75	58

Citizens going for the Second Appeal

Knowledge of the citizens who are going up to second appeal to State Information Commission is much higher on the knowledge front. It is expected that all of them should know the provisions of the Act in detail. Still there is some gap in the knowledge in such citizens.

- 25 per cent of the citizens didn't know that there is a fee for second appeal in Central Information Commission. 40 per cent of the citizens didn't know that they are entitled for free of cost information in case the information is not given in time. 50 per cent of the citizens didn't know about the documents to be attached while filing second appeal.
- 80 per cent of the respondents didn't know that there is no provision of any appeal against the decision of SIC or CIC.

The above details show that the citizens who have gone up to second appeal were also not adequately aware about the procedures of RTI.



Knowledge of RTI Among APIO/PIO
(% of APIO/PIOs Knowing About Various Provisions of the Act)

		Overall	Rural	Urban	M	F
1.	I Have read RTI Act	81.4	66	94.2	80.3	95.5
2.	All the citizens have right to get information under this Act	97.1	94.3	99.4	96.9	100
3.	Definition of information is given in the Act	77.9	61.7	91.2	76.6	95.5
4.	Some types of information is denied by the Act	56.7	37.6	72.5	55.5	72.7
5.	I know the agencies on which the Act is applicable	48.7	43.3	53.2	48.6	50
6.	Coverage-All government departments	93.3	91.5	94.7	92.8	100
7.	Coverage-Bank/PO/Central departments	61.9	55.3	67.3	61.7	63.6
8.	Coverage-NGO & Private Org.	43.6	35.5	50.3	43.4	45.5
9.	I know the departments entrusted with responsibility of implementing RTI	59.6	34.8	80.1	59	68.2
10.	All public authorities/ departments /panchayat required to produce self disclosure	82.1	69.5	92.4	81.4	90.9
11.	Self disclosure is to be publicized in local language	61.9	53.9	68.4	62.4	54.5
12.	Few public agencies are exempted from giving info	45.5	37.6	52	46.6	31.8
13.	Orders have to be circulated in the local language (Hindi Language)	61.2	58.9	63.2	61.4	59.1
14.	MP government has made amendment in this provision	36.5	19.9	50.3	36.9	31.8
15.	SIC can penalize the officer/employee on not / wrongly giving info	92	87.9	95.3	91.4	100
16.	Applicant can complaint about us if he doesn't get info within 30 days	96.5	95	97.7	96.2	100
17.	Info has to be given free of cost if complaint is found to be correct	68.3	61	74.3	67.2	81.8
18.	I have heard/read about SIC	92	84.4	98.2	91.4	100
19.	Right to inspect record has been conferred in the Act	89.4	80.1	97.1	89	95.5
20.	I know the fee for inspecting the records	61.9	44	76.6	62.1	59.1
21.	I Know about different fee for different types of documents - A3, A4, CD	84.9	74.5	93.6	84.5	90.9
22.	Respondents knowing that the sample of any material can be taken	57.1	49.6	63.2	57.2	54.5

APIO/PIO

Act mandates the government departments to educate the potential user citizens regarding provisions of Act and it is also expected that APIO/PIOs should be well conversant with such provisions in order to facilitate the implementation of the Act. Still there are some officers who lack knowledge on various aspects of RTI. About 40 per cent rural APIO/PIO have not gone through the Act. Overall 44 per cent APIO/PIO don't know that some types of information have been denied in the Act. Only 48 per cent APIO/PIO know about the agencies which are covered under the Act.

All APIO and PIOs should know about self-disclosure. Still it was found that there are officers who did not know about it. 30 per cent of the APIO/PIOs don't know about the self disclosure. Only 53 per cent of those rural APIO/PIOs who know about self disclosure, also know that it is to be published in local language. Overall 40 per cent of the APIO/PIOs do not know this provision.

- 25 per cent of the APIO/PIOs did not know that a BPL applicant need not have to provide fee and strangely 64 per cent of the APIO/PIOs did not know about the amendment made by Madhya Pradesh Government
- 40 per cent of the APIO/PIOs said that they don't know the fee for inspection of records and 43 per cent of the APIO/PIOs don't know that a certified sample of any material can be taken by the citizens. There is a provision for free information if the complaint by the citizen is found to be correct. It was found that 40 per cent of the APIO/PIOs do not know this provision.

6.2.2 Attitude towards RTI

Attitude refers to the feelings of citizens towards Right to Information, based on the experience of using RTI as well as any preconceived ideas they may have towards it. We have classified the responses into positive and negative attitudes.

Positive attitude

Citizens who did not know about RTI, when asked, said that they would have certainly used this tool if they know that they have been conferred a 'right' under this Act.

- 96 per cent of the citizens felt that due to enactment of the RTI Act, information will be furnished by the government to citizens
- 94 per cent citizens expressed confidence that they can use the law without any problem but remaining 4 per cent citizens thought that they could be threatened on using the law

Negative attitude

- Only 18 per cent citizens felt that RTI is related to development and has potential to bring about positive change in the public systems.
- 83 per cent citizens said that they are not satisfied with the behavior of APIO/PIOs which reflects level of frustration of the applicants with the information providers.

Citizens getting into the process

Applicants

Positive attitude

- 70 per cent of the applicant respondent felt that self-disclosure is right way to furnish basic information
- 90 per cent of the applicants felt satisfied with the fee of Rs. 10
- 77 per cent of the applicants agreed with the time limit of 30 days

Negative attitude

- 64 per cent applicant were not satisfied with the behaviour of APIO/PIOs
- 68 per cent applicants told that the behavior of the APIO/PIOs is not cooperative
- 71 per cent applicants told that APIO/PIOs don't follow the provisions of the Act
- Only 45 per cent applicants felt satisfied with the manner of furnishing information
- Only 40 per cent applicants felt that APIO/PIOs have given importance to documentation management after the enactment of RTI
- Only 32 per cent respondent applicants felt that media is playing an important role in publicity of the Act

Citizens Going for the First Appeal

Positive attitude

- 63 per cent citizens felt that there has been an increase in accountability due to RTI
- More than 70 per cent citizens who went up to first appeal felt that appeal fee and its mode of payment was satisfactory

Negative attitude

- All the respondents in this section strongly felt that the citizens don't have sufficient knowledge about this Act and there is a need for large scale awareness campaigns for the publicity of RTI Act.

Citizens going for the Second Appeal

Positive attitude

The number of respondents showing positive attitude in this category of respondents is very less. The only positive thing that can be said is that 60 per cent of the respondents felt that time limit to file second appeal is right.

Negative attitude

- Only 24 per cent respondents felt that time limit given to SIC is right. This low response can be on the ground that SIC is usually taking too long to give its decision on the appeals and the time of 180 days is also too long to get any information.

- Only 24 per cent of the respondents showed satisfaction with the working of SIC
- Only 40 per cent felt that decision of SIC regarding compensation to the applicants was right.
- Only 9 per cent of the respondents were satisfied with the efforts of government for the publicity of RTI
- Only 22 per cent felt that SIC gives its decisions in favor of appellants
- All the respondents felt that SIC has to make more focused efforts for the wider publicity of RTI

Citizens who filed complaints

Positive Attitude

It is very unlikely that a citizen who is aggrieved and has filed a complaint under RTI must be having any positive feeling towards it. Still 40 per cent of the complainants say that in case of complaint, decision of SIC is in favour of complainants.

Negative attitude

- Only 13 per cent of the complainants felt that they were benefited with the decision of SIC
- 52 per cent feel that SIC hesitates to take tough decisions against the administration because of being an extended arm of the same
- Only 11 per cent agreed that government is strictly forcing the RTI
- All of them felt that SIC needed to be more vigilant in order to implement RTI more effectively

APIO/PIO

Positive attitude

- 67.9 per cent APIO/PIOs say that system of self disclosure is a right way of furnishing basic information about the agency
- 93.3 per cent APIO/PIOs felt that accountability is increasing in the government system due to enforcement of RTI.
- 83.7 per cent APIO/PIOs felt that Provision for free of cost information for BPL citizens was right.
- 68 per cent of the APIO/PIOs are satisfied with the behavior of first appellate authority
- 91.7 per cent APIO/PIOs felt that large scale awareness and education programmes are needed to educate the citizens for the proper use of RTI.

Negative attitude

- 37.8 per cent APIO/PIOs feel that RTI hampers the day to day work of their departments
- 54.5 per cent APIO/PIOs opined that some of the citizens ask for unnecessary information just to create trouble.

6.2.3 Practice of RTI

Citizens getting into the process

Applicants

Application

- 65 per cent of the applicants wrote their applications on their own. Still, around one third of applicants were dependent on others for the same.
- Volunteers of CSO form a major portion of the sources helping the applicant particularly in case of female applicants.
- The dependency on volunteers increases in case of females, SC and ST applicants. It could also be due to low literacy among these categories. The dependency on volunteers is highest in case of applicants who are more than sixty years of age.
- 82 per cent of the applicants submitted their applications themselves while few of them also sent it by post, because of office being very far from the residence.
- In 100 per cent cases of young applicants (14-24 Years) and 33 per cent cases of the tribals, applications were not accepted by the APIO/PIOs and therefore they were compelled to send it by post.

Payment of fee

- Cash and non judicial stamp are in common practice for paying the prescribed fee with the application.
- In case of BPL applicants, four out of five applicants are availed benefit extended to them under this Act.

Response from the public authority

- 87 per cent applicants told that they got the receipt on application
- 61 per cent of the applicants got the response within 30 days of application.
- The response in urban areas was lower than in rural areas. Where in rural area 74 per cent applicants said that they got the response within 30 days, in urban areas only 50 per cent got it within time.
- 60 per cent applicants got the desired information within 30 days of application. Again the response was low in urban areas. As many as 74 per cent rural applicants got the information within 30 days whereas only 50 per cent urban applicants got the desired information within 30 days after application.
- In case of those who did not get response within time, only 11 per cent were conveyed the reason.
- Only 42 per cent of the applicants were sent the estimates of cost of information to be furnished

Citizens going for the First Appeal

Application

- 67 per cent of the citizens who had gone for first appeal had submitted the appeal themselves but again a few of them had also sent it by post and the major reason cited was the office of appellate authority being quite far from their residence.

- 51 per cent of the appellants told that they filed appeal because they did not get any response from public authority in time.
- 40 per cent filed appeal because they got wrong and misleading information and 36 per cent filed appeal because they did not get the information at all

Response from the public authority

- All of the appellant were given receipt on filing appeal
- 68 per cent respondents told that decision had been taken on their appeal
- In cases where the decision had been taken 86 per cent got information within 30 days of appeal and only 43 per cent of appellants got the info within 15 days of decision

Citizens going for the Second Appeal

Application

- Postal submission significantly increased in case of second appeal where more than two-third of the appellants submitted the appeal by post, the reason being the location of SIC in Bhopal and CIC in Delhi.

Payment of fee

- Non judicial stamp is the most favorite mode of payment to SIC in case of second appeal with more than 68 per cent appellants using this mode of payment

Response from the public authority

- 73 per cent appellant told that they got receipt on filing appeal to the State Information Commission. If we see other side of it, in 27 per cent cases receipt didn't get the receipt.
- Hearing had taken place in 49 per cent cases only
- In 37 percent of cases in which hearing had taken place, the decision was taken in the first hearing itself and in only 22 per cent cases first appellate authority was present during the hearing
- 31 per cent appellants got the desired information after the decision of SIC and 20 per cent of these got it within 30 days of decision
- Females, tribals and rural citizens are being preferred in hearing of the cases as in most of such heard cases the decision is being taken in the first hearing itself.
- In majority of cases total time to get information after application went up to 6 to 18 months and in some cases it even goes beyond 18 months

Citizens who filed complaints

- 44 per cent of the citizens complained because PIO did not respond in time.
- 38 per cent citizens complained because of refusal by PIO to take application. Refusal was more in rural areas (53%) than urban areas (28%).
- In 22 per cent of the cases misbehavior by the PIO was the reason for complaint.
- Only half of the complainants got the receipt from SIC after complaint.

- Where in urban area 61 per cent of the complainants got a receipt, in rural area only 26 per cent of the complainant got receipt from the State Information Commission.
- No decision had been taken on the complaints by female citizens

APIO/PIO

The practice of RTI Act was also examined from the APIO/PIOs' perspective. And the findings are as under –

Self-disclosure

- 75 per cent of those officers who told that they knew about compulsory self disclosure said that self-disclosure had been prepared in their department and around two third of them said that it can be seen at public place. In both the cases rural areas are falling behind the urban areas. Only 66 per cent rural officers in comparison to 83 per cent urban officers told that their self disclosure is ready and only 50 per cent rural officers in comparison to 67 per cent urban officers told that their self disclosure can be seen at any public place.
- 63 per cent of those officers who told that they knew about compulsory self disclosure said that they had made disclosure on 17 points. In rural areas only 50 per cent APIO/PIOs had done this while in urban areas 74 per cent APIO/PIOs had published disclosure on 17 points.

Government Orders

- 75 per cent of the APIO/PIOs say that the GOs related to RTI are circulated from time to time in his office. Such APIO/PIOs being 63 per cent in rural areas and 81 per cent in urban area
- 70 per cent APIO/PIOs say that copies of GOs are available in his office. Such APIO/PIOs being 53 percent in rural areas and 83 per cent in urban areas.
- 66 per cent APIO/PIOs have read all related GOs. Such APIO/PIOs being 50 per cent in rural area whereas 80 per cent in urban areas.

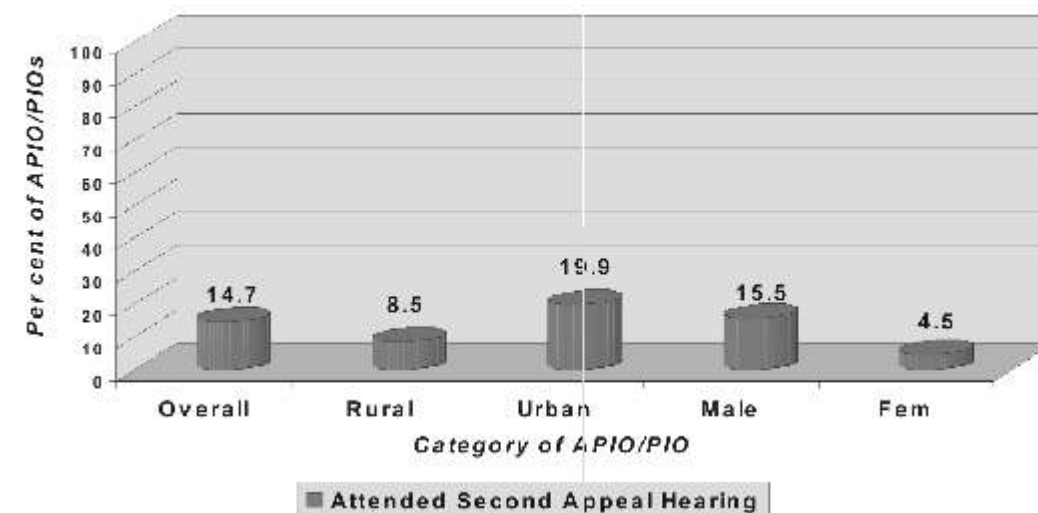
Application

- 22 per cent of the APIO/PIOs say that sometimes they get applications concerning other departments as well. But in only 18 per cent of such cases, information is being sent to the applicant along with forwarding the application to the concerned department.
- 16 per cent of the APIO/PIOs also told that sometimes the information is being provided without application.
- 5 per cent of APIO/PIOs admitted that sometimes the applicant had been asked to withdraw his application.

Attending second appeal hearing

- Only 14 per cent APIO/PIOs attended the second appeal hearing in SIC. Such APIO/PIOs being 8 per cent in rural areas and 19 per cent in urban areas

APIO/PIO Who Have Attended Second Appeal Hearing (%)



Other findings regarding APIO/PIO

- Only 50 per cent of the APIO/PIOs received training on RTI
- 71 per cent APIO/PIOs said that their office displays a signboard having names and designation of APIO/PIOs. Area wise such cases were 51 per cent in rural areas in comparison to 87 per cent in urban areas.
- 76 per cent of the APIO/PIOs said that if they were on leave then other person was given the responsibility under RTI. Area wise, in rural areas in only 60 per cent of the cases delegation of responsibility took place in case the APIO/PIO was on leave in comparison to urban area where in 90 per cent of the cases delegation took place.

6.3 Key Findings

The study shows that a majority of citizens (95.1%) have heard about the Right to Information Act but only 21.8 per cent of the citizens know about the provisions of the Act. In these 21.8 per cent citizens also, there is a huge gap between rural and urban areas where 36.9 per cent urban citizens are aware compared to 18.3 per cent rural citizens. Gap also exists between male and female citizens. Only 11.2% females are aware about the Act in comparison to 23.4 % males. The knowledge of different provisions varies significantly across the citizens who fall in the categories of applicants, appellants and complainants. It is expected that the citizens who are going up to the stage of the second appeal should possess good knowledge of basic provisions but a large gap was found in the knowledge of some of the basic provisions. For example 40 per cent of the citizens didn't know that they were entitled for free of cost information in case the information was not given in time and 50 per cent of the citizens didn't know about the documents to be attached while filing second appeal. This state of affairs is really worrisome after 4 years of implementation of the Act.

Most of the citizens were not satisfied with the behavior of APIO/PIOs and it generated negativity in citizens towards the Act. Citizens are of the view that APIO/PIOs are not following the norms and also they are not furnishing information in desired manner. All of the interviewed citizens felt that there is a need for large scale awareness programmes for wider dissemination of Right to Information Act.

On the practice front also there are several gaps. In many cases the estimates of cost of information is not being sent and the reasons are not being given in case the PIOs don't respond in time. There are other problems as well like refusal to accept application under RTI, not providing the receipt of application, refusing the information on the pretext of being denied under the Act itself etc.

It can be said that this is a beginning and there may be a lot of anomalies in implementation but there is a need to carry out such studies at a relevant gap so that a status is known to policy makers as well as the implementers so that the course of action can be modified and upgraded.

7. RTI Impact Assessment

With the passage of over two years of implementation of the RTI Act, people have begun to ask for information on personal and social issues in remote rural areas of the state. It has not only shown knowledge up-gradation of the people but made them aware that RTI can be used to bring positive changes and solve major individual as well as social problems. There have been some negative experiences as well such as rude behaviour of APIO/PIOs, refusal of APIO/PIOs to provide information, getting information either different from the demanded one or being incomplete. However on the whole positive experiences such as attitudinal changes in the mindset of the people, socio-economic changes due to information obtained, greater efficiency of service delivery, better treatment of people belonging to marginalized sections have had greater impact.

7.1 Empowerment

RURAL

Sr. No.	Panchayat at	Issue of Application	Impact
1.	Belha , Sihawal Sidhi	Copy of Investigations done against certain government teacher	The documents strengthen the case of applicant
2.	Belha , Sihawal Sidhi	Copy of statement given by the witness and copy of investigation carried out against certain Principal of Govt H.S. School	The documents strengthen the case of applicant
3.	Village - Khajuri, Upni Sidhi	Information regarding getting salary for the month	Used the information for processing of blocked salary
4.	GADA Sidhi	Information regarding non payment of 10 days salary for the month	Used the information for processing of blocked salary
5.	Aaamla	Action taken on persons against whom complaint was filed	Action was actually taken against the accused



U R B A N

Sr. No.	Address	Information Demanded	Impact Analysis
1.	Muqueer Mohalla Gunj Sehore	Funds left for beedi workers in district and amount distributed till 25.5.07	Disseminated the information to the beedi workers awaiting the details who in turn used it further
2.	Jati ki line Gwalior	Attested copy of decision	Used it in further processing of case
3.	Distt. Megistrate Sidhi	Attested decision of SDM Churhat in certain case	Used it for filing case in court
4.	Janta Colony Mandi Sehore	Attested copy of criminal record of certain person 2005-06	Used it for processing of case in criminal court

Through RTI, people are not only demanding work details for collective benefits but also for knowing the facts to avail the specific facility or service from which they could be benefited. The Right to Information fastens the process of information dissemination and paves the way to access it. People in rural area are asking for information details on BPL list, visit schedule of ANM & HW, PDS and such issues directly or indirectly linked with them. In some cases RTI also cleared doubts of people regarding procedural or incidental errors thereby paving way for providing access to services.

Availing Legal Protection of Rights through RTI

The "Basond" community in the Jawa block of Rewa is classified as a Scheduled Caste as per government of India's classification of tribes and castes. The ancestral occupation of the community is the preparation of baskets and other articles for daily use from bamboo shoots. The shoots are either brought from the forest or purchased from the forest depot. During mid 90s an order was passed which stated that the preparation of articles from bamboo shoots would be classified as a cottage industry. Henceforth the raw material could be taken and consumed from the forest with out paying any fee to any of the concerned authorities.

However the Basond people used to face problems from forest guards and other officials regarding procurement of the bamboo shoots from the forest. Sometimes forest guards used to charge them for each shoot. Often they used to take the community members to the Forest office or Police Station to explain the source of raw material and detain the vehicles loaded with such articles for long hours. Many commercial drivers had started avoiding them due to the delay and extorted extra money for transportation. This used to cause much anxiety along with economic and social loss to all the Basond families.

One of the social workers Jiyawan Basond (44yrs from Gahalwar village) filed an application to Divisional Forest Officer to know about the details of the order passed earlier in mid 90s which included preparation of bamboo articles in cottage industry. Hence the forest produce could be used for preparing bamboo articles free of cost. Similarly, applications were filed from Logarh, Kalyanpur and Jatri panchayts too but were in vain. One of the social workers Mr. Brajendra Upadhayaye also filed application demanding the same information in Divisional Forest Office but after getting no response within 30 days he applied to District Forest Officer. This time he got the information and disseminated a copy of the same in Basond community all over the district.

7.2 Implementation of Development Schemes

Earlier people had inadequate knowledge about schemes run by various departments but now they file application under RTI to know about them and apply for the benefits. The cases filed in Industries, Khadi and Small Scale industries, and Internal Trading departments have had a direct impact on the information seekers who applied for further processing of loans under different schemes from the respective departments. Similarly applicants who applied in MPSEB regarding processing of applications related to theft of electric cable were given new connections within a short span of time.

RURAL

Sr. No.	Panchayat	Issue of Application	Impact Analysis
1.	Barkhedi	What kind of help or assistance has been given to the farmers for vermi compost by the Department.	Applied for the vermin compost pit and NADEP
2.	Rajukhedi	List of beneficiaries under biogas plant scheme with details of amount provided	Applied for further installation of biogas plant
3.	Sehore	SHG is eligible to prepare and involve in mid day meal scheme of the school	Used the information to avail Mid day meal contract for the group

URBAN

Sr. No.	Address	Information demanded	Impact analysis
1.	Indranagar Sehore	When insurance case dated 5.1.07 will be solved in Jananni Suraksha Yojana	Came to know about status of application
2.	Sanajy Colony Sehore	Taps established under Nal Jal yojana and the provision of taking new connection	Received information about public taps in locality and applied for new tap connection
3.	Indra Nagar Sehore	Attested copies of national family help beneficiaries	Applied further for national family help scheme
4.	Dushahara wala Bag Sehore	Status of application for national family help during 2006	Received response and came to know about status of application
5.	Rathore Mohalla Ganj Sehore	List of contractors employed and amount paid under water distribution programme	Amount to be paid by municipality has been known
6.	Dushaharawala Bagh Sehore	Status of application for Social Security Scheme	Knowledge about the status of application
7.	Dushaharawala Bagh Sehore	Status of application for disability social security pension	Knowledge about the status of application
8.	Dohar Mohalla Sehore	Number of ration cards prepared under Antyodaya Yojana, list of beneficiaries who received ration cards and copy of distribution register	Shared in community, knowledge up gradation and filed for D D A card of BPL families in locality

RTI has helped a great deal in not only achieving economic benefits but also checked corruption and wrong work practices of some government APIO/PIOs that harmed the poor and compelled them to migrate to other areas in search of work. For example, an application filed under RTI asking for lowest wage rate sanctioned by government in Nigwali Panchayat in Kotma block of Anuppur district brought relief to the work executing agency and the labourers working under NREGS within the block.

RTI Secured NREGA Wages

NREGS was being implemented in Anuppur district from April 2007. The process related to job card preparation was completed by July 07 and work was allotted to villagers in Sept. 07. In Kotma Block of Anuppur some of the NREGS works was executed by local organizations Nigwali was one such Panchayat where some of the NREGS work was executed by the local organization. There was much enthusiasm among workers due to the promise by the CEO of Kotma who announced that people would be paid in proportion to their work. However they were paid only between Rs 30 and Rs 40 which lowered their morale. When they complained to the CEO he asked them to keep the money they had received and demanded the rest from the organization. All the labourers left working on NREGS sites and preferred to work in nearby towns/coalmines. A local social organization filed an application under RTI to know about minimum wages to be paid under NREGS and learned that the lowest wage rate was Rs. 67/-.

This changed the attitude of the CEO who stopped demanding leftover money from the organization. It was a great relief for the organization and the incident had direct impact on the officials. Due to the implementation of the official wage rates, labourers also started returning back from coalmines and nearby towns to villages to work in NREGS. This had an impact on the problem of migration since it gave the labourers knowledge about the provisions of NREGA, made the officials realize their mistakes, and checked corruption.

7.3 Local Governance

RURAL

Sr. No.	Panchayat	Issue of Application	Impact Analysis
1.	Barkhedi	Amount allotted for constructing field pond	Doubt was cleared about mismanagement of government fund
2.	Karadia	Head wise amount spent by PTA between 1st July 07 to 15th Aug 07	Doubt clearance about mismanagement of PTA funds
3.	Bhugaraha, Semariaya, Sidhi	Copy of issuing TC	The process of issuing TC was fasten due to RTI
4.	Sehore	Information about ANM's visit	Shared the information with community
5.	Nayagaon Panna	Address of selected contact couple at Nayagaon Panchayat and copy of selection proposal of MPW appointed at Panchayat Panipur	Shared it with community and pressurized them to attend the duty properly in Panchayat
6.	Patulakhi Sidhi	Attested copy of voucher of materials and copy of estimates	Doubt clearance and knowledge up gradation

7.	Uljhawan	List of persons penalized or punished in power theft cases during last one year and action taken till then	Came to know status of cases
8.	Chitang Hatwa Khasa Sihawal Sidhi	Enlisted information regarding works done by village Panchayat and head wise expenditure	Knowledge up gradation
9.	Padaria Kamarji Churhat Sidhi	Information about works done by Panchayat, monthly sanctioned and actual expenses during 2005-2007	Knowledge up gradation about the budget and expenses done by Panchayat
10.	Badweli	Reasons for Non-construction of water tank even after receiving MLA Grant	A new tank was kept in village from immediate effect



URBAN

Sr. No.	Address	Information demanded	Impact analysis
1.	District Magistrate Sidhi	Copy of a specific order pertaining to transfer of an employee	The concern government official was transferred
2.	Sanjay Colony Sehore	Name of the balwadi worker in ward and the provisions of appointment	Balwadi opening time regularized

It has been noticed that most of the applications filed under RTI are related to Panchayat works. The reasons are that people directly interact with Panchayat members very often and Panchayat sanctions most of the works in the area so people expect direct answers from them.

Construction of CC Road in Village

In village Kulwa of Pawai Panchayat of Panna, villagers volunteered in broadening of the approach road in the mid of 2005. The success of the effort led to a decision to construct a new cement concrete (cc) road that would make access to the main road easier and would be mud-free throughout the year. During Oct 05 the proposal was passed in the Gram Sabha and the Gram Panchayat assured it that work would begin soon. But no work happened till Dec 06.

Some people went to the Panchayat and enquired about the proposal passed an year earlier but no satisfactory answer was given. In the Gram Sabha meeting it was decided to file an application under RTI to know about the exact status of the cc road proposal. The Panchayat Secretary took the application but did not issue receipt of the same. Meanwhile some people from the village attended an RTI workshop and enquired about the action to be taken in case of non issuance of receipt of an application filed. The concerned trainer suggested that they ask for the income and expenditure record of the Panchayat in the current year till date. The people applied for the information under RTI and demanded receipt of the application. The Panchayat Secretary understood the matter and said that the work on the road would start the next day. The next day itself the raw material was delivered and the construction work began. The road construction was finished in a fortnight.

Poverty Reduction

RURAL

Sr.No.	Panchayat	Issue of Application	Impact Analysis
1.	Ganesh Mandir	Amount of grant receive by BPL beneficiaries under Pradhanmantri Rozgar Yojana	Applied for the benefits
2.	Naplakhedi	Schemes run by the department. Subsidies given to individuals and groups. Amount of loan to be given under those schemes	Applied for loan
3.	Barkhedi	Amount of loan provided under different schemes by the Department	Application given for loan
4.	Torania	Inspection of documents regarding the benefits including loan amounts given to people below poverty line	Applied for loan
5.	Ganesh Mandir	Amount of loan given to BPL beneficiaries under different schemes	Planning to avail the benefits in future
6.	Village -Madwa, Block-Gopad Banas Distt.- Sidhi	Information regarding adding name in IRD	Applied for IRD benefits
7.	Padkhuri, Gandhi Gram, The Gopad Banas Distt.- Sidhi	Information regarding adding name in IRD	Applied for IRD benefits by following the procedural details
8.	Maanpura	List of people BPL	Used the information
9.	Upni, Gopad Banas Sidhi	Copy of BPL survey sheet and cause of excluding name of self from BPL list	On the basis of information applied, further for inclusion in BPL list
10.	Piparaha Bitholi Amalia Sidhi	All information related to processing of BPL and old age pension including works done by Panchayat	Applied for pension in Panchayat



URBAN

Sr. No.	Address	Information demanded	Impact analysis
1.	Indranagar Sehore	Criteria for Deendayal Antyodaya Card preparation. Reason for card not being made despite being listed in BPL list	Came to know about status of application
2.	Maharajpura Ward No. -7 Tikamgarh	Details for obtaining Old age pension	Came to know the eligibility of self for reaping the benefit
3.	Ward No.04 Indra Nagar Sidhi	Regarding incorporating name from Nirashrit Pension	Has further applied for Nirashrit Pension
4.	Ward No.04 Indra Nagar Sidhi	Number of beneficiaries benefited in ward Jan 07 under Nirashrit Pensions scheme	Public interest got served as a result of details obtained
5.	Ward No.04 Indra Nagar Sidhi	All the attested documents regarding increasing amount of Nirashrit Pension since beginning of implementation of scheme	Has applied for the pension
6.	Ward No.04 Indra Nagar Sidhi	Attested Copies of BPL Survey	Found that his name was not in BPL list and asked for revision
7.	Ward No.04 Indra Nagar Sidhi	Procedure to issue ration card	Applied for ration card

8.	Rameshwar Soni ward no 15 Kotha Sidhi	what is the amount received under Nirashrit pension and list of beneficiaries	Has applied for the pension
9.	Kotha Muhalla Gandhi Nagar Ward no 15 Sidhi	Reasons for not receiving Nirashrit Pension for four months	Received the due amount after few days
10.	Pati Sehore	Status of BPL card	Came to know about status of application
11.	Naraiyya Ward No. 9 Tikamgarh	BPL List of ward	Shared the Information with community
12.	Maharajpura Ward No. 7 Tikamgarh	Marks obtained in BPL List	Applied for further processing of BPL card
13.	Maharajpura Ward No. 7 Tikamgarh	Marks obtained in BPL List	Applied for relevant ration card
14.	10 Ajaygarh	Attested copy of BPL list prepared during 2007-08 after adding new names	16 other families included in BPL because survey form obtained from Panchayat was totally blank
15.	Dohar Mohalla Sehore	Number of ration cards prepared under Deendayal Antyodaya Yojana, List of beneficiaries who received ration cards and copy of distribution register	Shared in community, knowledge up gradation and filed for D D A card of BPL families in locality

Availing Scheme Benefit for Alleviating Life Standards

Shanti Bai is a resident of Nibroal from Balaghat district and belongs to bhangi or chura caste of Dalit community. These people work as night soil scavengers and are looked down by other higher castes. They are mostly settled in small mohallas outside the main village settlement. They still follow the traditional practice of taking night soil on their head in small towns and villages. Any individual who wishes to pursue an alternative occupation is prevented from doing so by the higher castes. Although the government has been providing opportunities and grants to the people for rehabilitating them the help is beyond the reach of beneficiaries. This in turn is hampering the government's initiatives of mainstreaming them.

Under the rehabilitation programme, grants ranging from Rs 12500/- to 20000/- per family are to be given at a low interest rate of 6%. Shanti Bai knew that there was a government scheme under which government provided rehabilitation grants to the women working as night soil scavengers. During early 2007 she filed an application under RTI to the concerned department asking for details of women beneficiaries who had received grants from the government ever since the beginning of the scheme. After receiving such an information request under RTI, the department began to follow-up regarding the beneficiaries.

As per the target earlier set up by department 4500 people were to be benefited each year from the provision but the grant had regularly been sent back to the government instead of being distributed to the beneficiaries. The district collector himself intervened and asked the department why the amount had been sent back. Now members of one the voluntary organizations working in the area are assisting the community in filling the application for achieving the target of 4500 beneficiaries with help from other social workers and dalit volunteers. The entire community is now benefiting from Shanti Bai's application. The application served multiple purposes. It made the department aware about the unspent amount & its lack of success in improving the condition of the dalit community. Further, it also made other probable beneficiaries aware about the amount to be received from the government for rehabilitation.

7.4 Improving Service Delivery

People are not only demanding work details for collective benefits but also for knowing the facts to avail the specific facility or service from which they could be benefited. The applicants from rural areas who want to know facts, information, causes and process of the particulars related to them apply under RTI. Sometimes they just want to know the status of the application filed earlier and sometimes they want to ensure the processing of the case.

RURAL

Sr. No.	Panchayat	Issue of Application	Impact Analysis
1.	Ganesh Mandir	Amount received for construction of worm compost, bio gas and NADEP	Applied for further installation of biogas plant
2.	Jamonia	Action taken on the complaint about theft of electric wiring in field	A new connection was given
3.	Upni, Gopad Banas Sidhi	Monthly information for year 2007 regarding distribution of nutritious food from aanganwadi	Food distribution was regularized and quality of food was improved
4.	Phoolmongra	Information regarding vermi compost and NADEP	Availed the benefits of the scheme
5.	Barkhedhi	Why houses constructed under Indira Awas are vacant	Applied for allotment of Indira Aawas Yojna
6.	Sarda, Ward No-3 Bahri Sihawal Sidhi	Attested copy of rules and list of beneficiaries under nirashrit pensions in village Sarda	Applied for the pension
7.	Kagre ka Bara Panna	Details of the services provided by Department. in village Kagre Ka Bara , quantity of nutrition given per day to pregnant lady, and 0-5 years age children, attested copy of nutritive food receive and disbursed by aangandi during Aril 07-May 07	Shared the information with other community members to assess the authenticity of Information

URBAN

Sr. No.	Address	Information demanded	Impact analysis
1.	Rangiyana Mohalla Gwalior	Distribution of sanctioned food quota in ward	Food supply made regular
2.	Maharajpura Ward No. 7 Tikamgarh	PDS shop schedule	Food supply made regular

3.	Banpur Darwaza Ward -8 Tikamgarh	Details of ration distributed under PDS	Public interest and satisfying personal doubts
4.	Rathore Mohalla Ganj Sehore	Idebtification of private clinics and hospitals under Vijayaraje Janani Kalyan Yojana and the provision of availing services from them	Educated other community members regarding the scheme and motivated them to avail the facilities
5.	Janata Colony Mandi Sehore	Benefits under Deendayal Antyodaya Yojana card, the diseases in which it could be used and the medications that could be taken free by using the card	Public Interest and Awareness
6.	Ward No. 10 Ajaygarh	Details of beneficiaries given medical help under Deendayal Medical Help during 1.4.07 to 20.4.07	Persuaded others probable beneficiaries to make the card for themselves
7.	13 Ajaygarh	Name of nurses employed in Nagar Panchaayt Ajaygarh; their schedule of vaccination and vaccination schedule at headquarters including scheduled day and time and wards; what are the schemes and programmes run by the departments for pregnant ladies & procedure to avail the benefits	Nurse visits became more frequent than earlier
8.	Ward No.04 Indra Nagar Sidhi	Reasons of not issuing ration card	Ration card preparation became under process
9.	Ward No.04 Indra Nagar Sidh	Reasons of not issuing ration card	Mistakes in application form corrected
10.	Nutan Colony Ward no 3 Near Kotar Khurd School Sidhi	Number of workers employed for cleaning ward, list of municipal workers, the rules of cleaning done by them if no worker comes for cleaning and the course of action for them	Municipal workers began cleaning ward twice in a week and managed the waste in more proper way, instead of leaving it in heaps after cleaning they now take waste in cart
11.	Ward No.04 Indra Nagar Sidhi	Procedure to issue ration card	Applied for ration card
12.	Kotha Muhalla Gandhi Nagar Ward no 15 Sidhi	number of municipal workers appointed to clean ward no15 in attested form	Workers became more regular
13.	Janata Colony Mandi Sehore	Attested photocopy of inclusion of Laxmi Narayan Vishawakarma's name in no 5828 of ward no 23	Information about card processing was obtained and received the card after speedy processing
14.	Sanajy Colony Sehore	Names added for old age pension, widow, and divorcee	Applied further old age pension
15.	Katra Ward No-9 Tikamgarh	Water Supply hrs scheduled in ward no.-9	Water supply regularized after people's repetitive persuasion to the personnel

People are taking the help of RTI in obtaining information about selection processes at Panchayat level too. In Aaamla village an ineligible candidate was selected. Instead of keeping silent over the situation people applied for details of documents using RTI and made sure that biased practices of appointment were stopped. The incident made the local monitoring and vigilance committee more aware about issues concerning Panchayats and their duties. The committee decided to monitor other activities carried out by different departments in village. Committee members began to keep a close watch on the service delivery mechanism leading to significant changes in the delivery of services by departmental employees.

Bringing Meritocracy in Appointment

Village Aamla is situated 25 km. away in north western direction of Sehore district headquarters. A new aanganwadi centre was due to open in 2007 for which aanganwadi assistant was to be appointed from the village itself. After the selection process was over and results were out it was noticed that a lady named Kaushal (8th standard passed) was selected. Since the selection was biased and more eligible candidates like Preeti Raghuvanshi who studied till 10th were left behind; Preeti's husband along with other monitoring committee members of village filed an application under RTI to obtain a copy of proposal given by village secretary for appointment of Ms. Kaushal in gram sabha. The same was submitted along with application to District Collector and SDM. Taking immediate action on the issue he cancelled the appointment and instructed the department to select eligible candidate for the post.

8 Prohibitive Factors, Bottlenecks, and Challenges

Popular Reluctance: Due to past experiences, people often hesitate to seek information under RTI because of rude behaviour of government officials. It was found that the common people are very much concerned with the 'immediate' and 'visible' results when it comes to utilizing RTI Act. As a result of typical pessimism prevailing among them, there is clear unwillingness on their part to go through details of the Act. Also, it was found that unless people are supported with the various fees towards obtaining information, people were appearing to be reluctant in filing the application. People's low knowledge about the act and its utility is one of the hindrances in usage of RTI. Illiteracy and lack of awareness are root cause of the problem.

Attitude of Suppliers: Uncooperative behaviour of government officials discourages common man to file application and demand information under RTI. Many times applicants are unable to find such officers available at their places. Similarly, the officials appointed at block level are generally out of town for some or the other official reasons which makes it tough to locate them in their office for submitting the application. This increases the efforts and time of whole process. It was found that some of the applicants had to return on account of the negative response received from the information givers.

Cumbersome Procedure: There are some issues with regard to 'acknowledging' the receipt of application and the person seeking the information. Due to this, it becomes difficult for the applicants to provide any kind of evidence towards malfeasance on the part of officer concerned. There remains problem with regard to fees payment for application. When the application is made by hand, there is problem about cash payment due to lack of receipt book in departments. Similarly, the non-judicial stamp is not available locally and one has to approach higher echelons of administration for it. When the application is made by post, non-judicial stamps are not accepted by central government departments. In fact, the very fees that have been taken for the process is giving problems, increasing the cost of information.

Lack of Promptness and Updation: In both government and non-government offices, documentation and publications related to RTI is not being undertaken on routine basis. The notifications issued from SIC and CIC are to be regularly updated.

Sending Application through Post/Getting Acknowledgement Receipt: There constantly remains the problem of getting acknowledgement towards the application/appeal/complaint delivered through post and there are several questions arising in this regard as follows: In the event that the addressee did not receive the post, whose responsibility would it be? Despite having an established system of correspondence handling in the departments, how can it be said that the post that landed in the departments do not reach the PIO? Or perhaps, how could it be taken for granted that all the posts that land in the department actually get registered and given the acknowledgement? The same also applies to the SIC! Many an applicant complain of not receiving any acknowledgement or response from the departments/SIC after having sent the application there through post. Though it has been a practice that the proof of registry or other postal service are seen as an acknowledgement of sending the application, these proofs are not sufficient for considering the 'receipt of application'.

Some Common Procedural Barriers

- People visiting government offices are unable to locate the concerned PIO. If anybody wants to know about him, he has to ask other employees.
- PIOs are ready to give information informally without any application. It has been experienced by people that PIOs ask them not to file application for some kind of information and promise them to give it without any application.
- Some time PIOs resist taking applications so much that the applicants have to send it by registered post.
- When PIOs say that they will provide information without any applications in this situation there are three probabilities (1) they are free to give the desired information either in 'as it is' or in 'mend up' way (1) they can deny the information or (3) they can give the desired information. In the second case, their act is de-motivating and against the spirit of RTI Act.
- In most of the offices fee is not accepted in cash because either they don't have printed receipts for it or they don't want people to know about it just to avoid taking application.
- In some departments PIOs have made day or time schedule for accepting applications which is again for their own convenience.
- In case of non availability of PIO other employees hesitate in taking application as there remains no 'fixed substitutes' to 'act' as PIO.
- As per the rule if demanded information is not available with a particular department then the concerned PIO is responsible for forwarding the application to the responsible department and will also intimate applicant about it. But actually PIOs don't pass the application to concerned department and keep it with them which mean overruling the act guidelines.
- Applicants do not receive exact date and time in receipt while filing application which again confuses him and takes more time and effort for further processing in commuting to concern office. It again causes more financial burden and mental stress.
- One of the challenges is that applicants don't receive correct and full information in desired format instead they are given in as it is form.
- Government employees including secretaries change their perspective and become suspicious just by uttering the word "RTI".
- People have limited information about application processing under RTI which is one of the biggest challenges. Due to which people in case of not getting information within the scheduled time loose confidence and hope.
- PIOs take more charge per page (varying Rs. 5 to 15/-) instead of prescribed Rs 2/- per page as per the Act. PIOs argue that per page cost of computer generated prints is more than cost of photocopy.
- No formal training has been given to PIOs about rules, regulations and procedures to be adopted for processing applications under RTI.
- Non availability of receipts in office makes RTI fee collection difficult. Some times employees in concerned departments don't have any idea under which sub head the fee is to be booked which again makes them rigid in taking applications.
- PIOs are generally not sensitive enough towards applicants. It results into non acceptance of applications, rude behaviour with them, delayed or no information dissemination at all by leaving the applicant harassed, confused and tired.
- Apart from RTI, PIOs have other departmental responsibility that hinders their professional efficiency.

8.1 Flaws in Supply of Information

Despite progress some times people find it hard to deal with the situation and challenges arise when money is demanded from people of Below Poverty Line category or unnecessary delay happens in information dissemination. Cases are there where incomplete information was received from the information seekers.

Sometimes non attested copy of information has been given instead of the attested one.

Non-attested copy instead of attested one

Anoop Chaudhari s/o late N.G. Choudhari, a resident of ward no.-3 Pensioner's Colony filed an application under RTI to know the information about tax collection during 2006-07 in 35 wards of Sehore municipality along with attested copy of ward wise tax amount yet to be collected. He was called in response to the application in municipality on 30.5.07 and offered non attested copy of details by revenue inspector Anand Verma. When Choudhari asked him to attest it he denied to do so and instead tried to handover the copy forcefully to Mr. Choudhari. But the applicant was firm in his decision of not accepting non attested copy of information. He asked the concern clerk to issue him a present letter or certificate which was again not made. He himself wrote an application about his presence in the office premises and deposited same in dispatch division of department. He took a receipt of same. Still after not receiving information in scheduled time limit he applied further for first appeal and is waiting for the response of same.

INCOMPLETE INFORMATION

Mr. K.L. Bairagi ex-employee Forest Department and a resident of Sehore demanded attested copy of travel allowances paid to Mr. B.K. Singh, the then Divisional Forest Officer during June 04 on 27th April 07 under RTI. The department conveyed that there was no such travel allowance details available within the department. Mr. Bairagi also demanded vouchers of court fee for seven cases but was only given details of five of them. Again on 11th June 07 he demanded vouchers and details of developmental works done by forest security committee, Amjhir Beelpati but the information is yet to be delivered

9. The Way Forward

In the light of the analysis given in this Report this far, both the State Information Commission and the Government of Madhya Pradesh need to introspect whether they find their perceived role in parity with serving the larger public interest or in constructing and deconstructing the provisions of the Act and the orders issued by the government as per their own convenience. In the state like Madhya Pradesh which exhibit sheer disappointing trends in terms of positive goals like human and infrastructural development, RTI could emerge as a potential tool to curb the widespread corruption, unaccountability and delays. It is time that the formative years of the RTI Act are respected and nurtured with due prudence, so that the Act may start contributing in promoting good governance in a substantial manner. The major recommendations for better functioning of RTI regime are as follows:

9.1 Strengthening Demand Side

Awareness Generation: It has been realised from the experiences over the last 2.5 years that the citizens in Madhya Pradesh are still not aware of the RTI Act and its provisions. Therefore there is a need to broad base the awareness efforts on the Act. The departments may be instructed to utilise its existing programme budget (for IEC) to promote RTI. All possible means of communication like radio, television, internet, print media etc should be used for spreading information on the Act.

Orienting Information Seekers: There is a need for orienting citizens on the methods of using RTI and apply for information. Training should be conducted in the same manner as the trainings conducted during the electoral reforms when EVMs were introduced.

Developing Information Material: Separate allocation of resources should be made to the GAD for preparing simple booklets on the provisions of the Act (as done by Maharashtra government) and its dissemination. The government should also ensure that at least one copy of these booklets should reach each panchayat and municipality in the State.

Publicizing APIOs/PIOs/FAOs: The process of preparing the list of APIOs, PIOs, and FAOs needs to be expedited. These details should be made available to the public. At village level, this could be done effectively through wall writings. At district level, a comprehensive directory containing department wise details of such functionaries could be prepared. The government should ensure that each panchayat and municipality has a copy of this document. The government should make financial provisions for preparation and dissemination of such documents.

RTI through Education: Since almost all families have children studying in the schools, there is a need to include RTI in the school textbooks. This can ensure that the RTI Act reaches each household in the state.

9.2 Demystifying Supply Side

Training of Information Givers: Resources should be allocated to the departments so that the training of the APIOs, PIOs, and FAOs can be held in a time bound manner. Effective impact assessment of all the trainings should also be undertaken to identify further training needs. The trainings need to be undertaken at a rapid pace and the civil society organisations should also be engaged in the initiative so that massive orientation campaigns can be conducted in the state.

Removing Barriers: A large number of PIOs at district or block level have fixed timings or days for receiving applications. It is a waste of time and money for any person to travel and return disappointed. Thus the cost of seeking information sometimes deters genuine poor citizens to exercise their right. Instructions need to be issued by the GAD that the public authorities cannot restrict timing for seeking information.

Quick Disciplinary Action: Quick disciplinary action should be taken against the PIOs and officials who do not accept applications, do not issue receipts, accept applications (if they do) with great difficulty, or pressurize applicant to take the application back.

Sharing Accountability: On several occasions the decisions of the first appellate officer have been biased in favour of the PIO. If on the second appeal, the PIO is found guilty, it is only the PIO who gets penalised. There should be provision for punishment for the first appellate officer too so that they too can be made equally accountable for ignoring the requests for information. In the same manner, if the officers are keeping the sought information in their custody and despite the request of the PIO, these officers are not parting the information; the HOD should be made accountable for the lag.

Sharing Responsibility: The officials should possess clear instructions about responsibilities and duties to be performed by the APIOs and PIOs under RTI. This will help the APIOs and PIOs in collecting the sought information from different sources being looked after by other officials working in their departments.

Removing Communication Lag: Many a time it happens that the concerned PIO fail to maintain due communication with the applicant and as a result fo this the applicant keep on waiting for response. The Act definitely provide for further avenues in the form of Second Appeal and Complaint, but these avenues are a kind of 'postponement of request' looking at the large disposal time. Even when these cases reach the SIC and it is found that the sought information was not to be shared with the applicant, no proceedings are undertaken against the PIO or FAO and they are given clean chit. In such cases, the accountability over 'communication lag' should necessarily be established. The practice should be such that once the decision has been taken by the PIO or FAO over whether the information is to be given or not, it should be communicated in clear terms, so that the applicant may explore further steps only as the last resort.

9.3 Capacitating State Information Commission

Removing Resource Constraints: There is a need to broaden the role of SIC and this would require additional resource allocation to the SIC in terms of human resources, technological and other support. The broadened role of the State Information Commission would include monitoring of the awareness initiatives being undertaken by the government, the training initiatives and monitoring of the status of self disclosure. But in order that this promise is fulfilled, the manpower and infrastructure related constraints should be addressed at the earliest. It is seen that the disposal of cases from State Information Commission (SIC) is not fast enough. With the three new Information Commissioners having been appointed in MP, there is definitely some promise.

Time Bound Case Disposal: There is a dire need to check and improve the time taken in disposal of cases at the level of the State Information Commission. As the Act has not prescribed any time limit for this, and in the light of disproving state government's rule making powers in this regard as ultra vires, the SIC should itself set time limit for disposing the cases. Furthermore, as the time limit will be set by the SIC itself, adherence to it will be a natural outcome. Such a step will be a justified one, addressing the interests and sufferings of public at large.

Monitoring through SIC: If the SIC comes up with such a monitoring mechanism of its own that can analyze the major trends of appeals filed, it can always come up with some proactive guidelines towards relevant disclosures from various government departments. By asking the departments to submit some specific trends, it can always facilitate such monitoring from the very entry of application details. The State Information Commission should impose fines in cases where there is delay or resistance in providing information to the citizens. It has been realised that greater number of PIOs being fined will send a positive message to all the public authority for taking the Act seriously.

Enhancing SIC Interactivity: The SIC should periodically be interacting with the 'RTI Facilitators' like civil society organizations, community groups, and media in a more organized and systematic manner. Such interaction will bring forth prevailing ills as well as localized best practices. Development of an inclusive feedback mechanism will thus be a simultaneous product of such engagement.

Ensuring updation of Proactive Disclosures: It has constantly been realised that Proactive Disclosures are not prepared/well maintained by the Public Authorities. These documents carry much significance and can considerably reduce the number of applications being filed by the citizens. The State Information Commission should monitor the content and updation of these documents on regular basis. It should ensure that the modalities devised by the GAD to this end are actually serving the purpose.

Broadening the Meaning of Information: The RTI Act has given meaning as well as form to 'Information' lying with public authorities. However, such meanings and forms of Information are not to be seen in a restrictive sense but in an indicative sense. It should always be remembered that Indian citizenry, especially the one inhabiting Madhya Pradesh is illiterate not only in the sense of reading and writing, but also when it comes to possessing detailed knowledge about the manner and methods of functioning of public authorities. Also, the state has never undertaken any comprehensive 'procedure literacy programme' of such sort. In such backdrop, it would be unreasonable to expect from citizenry to come up with specific information demand. A large number of RTI requesters belong to such a category of populace that has long been suffering on account of one or the other kind of delay on the part of corresponding public authorities. Such requesters will anyhow be willing to get their pending work done alongside getting to know the reasons for such delays through RTI. But when they ask questions of this sort to the public authorities, it is replied to them that 'telling reasons do not fall under the category of information' and that 'the PIO is not bound to compile the information'. Even the SIC has specified very clearly in its decisions that 'PIOs are not competent to give opinions'.

Simplifying the Drafting of Application: It has been observed that many a applicant fail to write their applications in such a manner that clearly specifies the details of the sought information. It is being mentioned in the RTI Act that the PIO carries the responsibility of providing 'all reasonable support' to the applicant in drafting the application well. It is to be noted here that as the information seekers have not been given any training, they will naturally give request in the manner which they find themselves comfortable with. Therefore, such a practice should be promoted where on finding certain limitation with the application; the concerned APIO/PIO should extend support in drafting as well, rather than simply waiting for 30 days (sometime even more) just to let the applicant know that the very draft had problems.

Expanding the Horizon of Complaints: It has been experienced that when an RTI applicant goes to a certain office, the corresponding officers hesitate to give acknowledgement receipts to the applicants, or misbehave, or misguide. As per the Act, the applicant should file a complaint with the SIC directly. But when such complaints come for hearing, there remains no evidence to substantiate that the applicant actually witnessed such hindrance on the part of respective department or the official. The SIC should devise certain mechanism to ensure that such happenings do not recur, and in case it receives complaints of such sort, fact finding and justice should be undertaken.

9.4 Proactive Disclosures in Public Authorities

Simplifying the Format: There is a need to build a simple format on the status of updation of the Proactive Disclosure document. Though the GAD has issued guidelines towards updating the document on monthly basis, these are not being. A monthly statement of updation should be produced by each Public Authority and the GAD should review the status.

Reaching the Grassroots: Instructions should be issued by the GAD to the Panchayat and Social Welfare Department as well as the Department for Urban Administration and Development to ensure that each panchayat and municipal body produces the manual of self disclosure. The awards to the local bodies (which is declared from time to time) should be linked with the self disclosure manuals prepared by these bodies.

Widespread Availability: The Proactive Disclosure manual is uploaded on the website and a hard copy is also kept at the departments. However these documents are not available at the district and sub-district levels. The GAD should issue instructions to each department to ensure that these documents are kept in hard copy at the district level and the district office add additional information in the document and keep it in public domain.

Regular Updation: The GAD should issue clear-cut directions on action, that would be taken against the Public Authority if these documents are not updated regularly. Since there are several changes, particularly staff turnover, in the government departments, an older document would become redundant and not serve any purpose in promoting Right to Information.

9.5 General Recommendations

Preparing RTI Action Plans: The government should prepare a comprehensive action plan for raising awareness and orientating information demanders as well suppliers. This plan will be shared with all the departments and each one will share a component of the same. Through their budget components, it will be ensured that the implementation of the plan would not be a matter of choice but a matter of compliance.

Acknowledging Performance: The Act has provisions for punishment for the PIOs who have delayed or not disclosed information to the citizens. On a corollary, there is a need to consider ways of acknowledging the performing PIOs as well as departments which are efficiently and effectively engaged in providing information to the citizens. This can be done by rewarding or officially acknowledging such officials as well as departments.

Grievance Redressal: At the state level a grievance redressal committee should be set up. The purpose of this committee should be to follow up on the decisions taken by the SIC and redressing the grievances. At the district level there is a need to engage the Vigilance Committees of the Zilla Panchayat and similar committees in the municipality to monitor the implementation of the RTI Act.

Periodic Review: A system needs to be developed at the state level where on a quarterly basis the Chief Secretary can review the numbers and status of applications filed –department-wise as well as district-wise. The GAD has already extended formats to all the Public Authorities, but in practice, the system of filing returns on timely basis is yet to be evolved. The GAD should periodically update such review along with data on its website on quarterly basis. A summary of the review could also be published in the newspapers.

Expanding the Innovation: The Madhya Pradesh Government has also initiated an innovative scheme of 'one day governance centres' where citizens are helped in getting birth/death registration certificates, driving licenses, land records, etc. efficiently. Such centres can be used to handle RTI applications. There are very few such centres within the state running in selective district headquarters. There is a need to upscale such an initiative with strong support of political and administrative machinery.

Facilitating Fee Deposition: Presently, application for seeking information can be put up by paying a prescribed fee on non-judicial stamp paper, cash, or through treasury challan. This is not a feasible option for people living in far off villages, who rarely come to the block or district headquarters. Hence the possibility of sending applications by post and using post offices for collection of fees should be explored, so that the outreach of the Act can be extended to such remote villages. In the same manner, it could further be explored that if the inhabitants of villages start paying the application fee to the panchayat and affix the receipt of the payment along with the application.

Periodic Estimates: As the RTI implementation require due funding, periodic estimates of the additional resources towards this purpose have to be carried out. These resources could be allocated for yet cheaper information and awareness generation. A time and activity based plan towards awareness generation of RTI Act be charted out by the government. The proposed plan will be guided by the budget that has been given for this purpose. Such estimates will help the government department mobilize the requisite funds in advance, thereby avoiding the last minute activity. It will also be possible to conduct a comparison among different departments as to which departments are actively engaged in proactively disclosing the important pieces of information and which are not.

Provision for Poor: A separate amount could be allocated in annual budget of each department for BPL applicants. Looking at the rise in number of cases filed from the BPL category people, estimates for such budgetary provisions could be made. Due modalities should be worked out to reimburse the aggrieved requester (complainant/second appellant) in those cases where the decision of the SIC has come out to be in his/her favour. Such reimbursement will cover for the to and fro fare if called at the state capital for the purpose of hearings.

10 Concluding Remark

The RTI Act specifically provides the 'right' to citizens and even though the collective strength of organizations, especially the civil society organizations, give a fillip to the development and governance initiatives, specifically in promoting transparency and accountability, the fate of RTI will be determined by informed citizenry. Therefore, the common people should continue their efforts to make the system more accountable through their usage of RTI in its completeness, and not in a shallow manner. The organizations can certainly provide the necessary inputs in the process by enhancing the capacities of the citizens in this drive and by providing platforms for exchange of concerns and interests amongst themselves and with the public authorities in a more institutionalized manner.