

Compliance with The Right to Information Act: A Survey

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CHRI

Commonwealth Human Rights Initiative

working for the **practical realisation** of human rights in the countries of the Commonwealth

Commonwealth Human Rights Initiative

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Compliance with The Right to Information Act: A Survey

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Why Did We Launch This Survey?

CHRI's paralegal training programme commenced after the communal violence of 2002 in Gujarat. The legal system failed to give protection or succour to the victims during and after the violence. Common failings and lacunae of the legal system were magnified to become life and freedom-threatening conditions for the entire community of survivors of the violent incidents.

In this milieu, it became essential for people working in the areas of challenging this regime of oppression and attempting at more equitable processes to have a grounding in the legal framework.

Guided by this imperative, the paralegal training programmes were started with the objective of leaving behind a permanent legal resource base within the community. Basic training was followed up with continued capacity building of the paralegals to understand and interact with the legal regime in an informed manner. Paralegals trained by CHRI were quick to see the value of providing legal advice to the broader citizenry. Within six months of the training, paralegals broached the idea of setting up information centres. Three years ago they set up what is today known as the Nagarik Adhikar Kendra, Kalol which provides and disseminates information on a broad range of laws and legal concepts and government schemes, and provides legal advice to people on various issues. A set of four monthly law and rights-based newsletters are published through the centre which reaches out to about 6000 people across the State. The paralegals are now intervening in cases involving people's rights and entitlements, demanding accountability from government departments and making sure that benefits of government-sponsored schemes are reaching the intended beneficiaries. They now have the skills to teach neighbouring communities and are also invited by civil society organisations and government to resource workshops.

With the operationalisation of the RTI Act in 2005 the paralegal group started using the Act in its work. Besides publishing pamphlets on the Act they also brought out newsletters on the successful use of the Act and how it helped bring about transparency in decision-making processes in the day-to-day administration. They staged a series of street plays on the Act which were very well received. As their knowledge about the Act and its effective use increased they were invited as resource persons to several RTI training workshops conducted by the district and taluka administration.

After the initial successes, the group started facing several barriers and obstacles to accessing information from government offices. Officials were slow in providing the information, and information requests had to be put in for almost every kind of information that people wanted. The group realised that the information requests increased manifold because public authorities had not yet implemented their proactive disclosure obligations thoroughly. This proactive disclosure provision, they realised, was the most important component for engendering a functional information access regime. If this provision were complied with and information made available to people voluntarily, then need for citizens to file formal requests would be considerably reduced. This in turn would reduce the RTI-related workload of the offices. So the paralegal group decided to launch a survey to systematically assess compliance of public authorities, not only with their proactive disclosure obligations, but also other mandatory obligations in the law such as designation of Public Information Officers (PIOs), Assistant PIOs (APIOs) and Appellate Authorities (Aas) and the maintenance of RTI registers. CHRI and the team hope that the findings of the survey and the recommendations made in this report will encourage the government to take credible steps to improve the implementation of the RTI Act in Gujarat.

We also hope that advocates and civil society organisations will refine the indicators developed for this survey and use them as a tool for monitoring public authorities regards their obligations under the RTI Act.

Survey Team

Editorial Team

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Executive Summary

The Right to Information Act (RTI Act) has been in place for more than three years. Many citizens and activists, organised civil society groups, and media-persons all over the country are using this path-breaking law to bring about transparency in the working of public authorities. Gujarat is one of the few States that took an early lead in 2005 to set up systems and procedures for implementing this law. A vibrant civil society movement is actively promoting awareness about people's rights to seek and obtain information in many parts of the State. The media regularly reports on stories of people who are making use of this law to unearth instances of corruption, mismanagement of public funds and poor decision-making in public authorities. Nevertheless, a widespread view persists within civil society that public authorities are lagging in terms of compliance with the requirements of this pro-transparency law.

CHRI and Nagarik Adhikar Kendra, Kalol designed this survey to assess compliance of public authorities with their obligations under the RTI Act in Panchmahals district. Panchmahals was the district of choice as it was handpicked by the State Government in 2006-2007 for intensive capacity building of public authorities under a UNDP sponsored programme. This survey is an exercise aimed at evaluating the performance of public authorities in terms of objective parameters based on their duties described under the RTI Act and the RTI Rules issued by the Government of Gujarat. These parameters are primarily related to:

- a) the availability and accessibility of information about the systems set up in order to deal with people's information requests;
- b) the availability and accessibility of information required to be proactively disclosed under section 4(1)(b) of the Act;
- c) the state of preparedness to deal with information requests (display of notice boards containing information about and training of officials designated to deal with people's information requests); and
- d) the state of maintenance of records relating to information requests received and disposed (RTI registers).

We identified 95 offices at the taluka (71) and district (24) levels of administration to test their compliance with the RTI Act. Specific criteria such as degree of public interface and extent of impact of their activities on people's lives informed the choice of public authorities included in this survey.¹

In essence, this exercise is also meant to reveal the kinds of treatment received by information requestors at the hands of public authorities on any ordinary working day. Yet this survey is not an opinion poll. The narratives illustrated in this report are a true record of the experiences of the members of the survey team who visited these offices seeking to obtain information as a matter of right- a promise made by the RTI Act.

Major findings

I. Availability of information and accessibility of designated officials

The RTI Act requires the name and designation of Public Information Officers (PIOs) to be proactively disclosed to people. However “Who do I contact for information?” is the first bottleneck encountered by a citizen visiting a public office.

Taluka-level offices

- 76% of the offices did not display the name or the designation of the PIOs on notice boards.
- 80% of the offices did not display the name or the designation of Appellate Authorities (AAs) on notice boards.
- Less than 20% of the offices prominently displayed notice boards containing information about the identity of PIOs and AA.

Halol Taluka Panchayat office was the only one to display information about its PIO and AA at two prominent places.

- Only 8% of the offices provided a copy of the notification relating to the designation of PIOs.

Several offices denied access stating that it was an internal document not meant to be shared with outsiders.

¹ See: Methodology Adopted for the Survey at page 129.

- 65% of the designated PIOs were not available at their desks even though the team visited the offices more than once. Attendance at meetings, official tours and leave of absence were the major reasons given for the absence of PIOs.
- 42% of the offices had Assistant PIOs (APIOs) and almost all of them were available at their desks. However in police stations and post offices where only APIOs have been designated, either awareness about this fact was lacking or the APIOs were out of office on official duty.
- With the exception of the Legal Services Authority, Kalol, no other office placed restrictions on meeting the PIO. The PIO of this office was accessible only between 3:00 - 3:30pm every day.

District-level offices

- 75% of the offices had displayed the name and designation of PIOs and AAs on notice boards.
- 62% of the offices had placed these notice boards at prominently visible locations.
- Only 25% of the offices provided a copy of the notification relating to the designation of their PIOs.
- 75% of the designated PIOs were available at their desks during the survey team's visit.
- 83% of the APIOs were accessible at their desks.
- Most of the offices had not placed restrictions on meeting the PIO. The team was not allowed to meet the District Superintendent of Police, as he was said to be very busy.

II. Availability and accessibility of proactively disclosed information

Section 4(1)(b) of the RTI Act requires every public authority to voluntarily make a wealth of information about its working available to people. Seventeen categories of information must be prepared and supplied to people through all offices of a public authority. There is no need for filing a written application or paying applications fees to obtain this information. If the requestor seeks a copy of this information it must be made available free of cost or at such price fixed by the State Government in the RTI Fee Rules.

Taluka-level offices

- Less than 40% of the offices were able to confirm that they had compiled information that was required to be proactively disclosed.
- Almost none of the offices that had compiled their proactive disclosure documents had displayed any of this information on their notice boards.

Only Kalol Nagarpalika office had displayed on its notice board some information about the expenditure on construction works being undertaken in its jurisdiction.

- 94% of the offices required the survey team to submit formal applications for obtaining proactively disclosed information.
- 85% of the offices required the team to pay application fees for obtaining proactively disclosed information.
- Less than 30% of the offices actually provided access to their proactive disclosure documents.

The Kalol Sub-Registrar's office was the only office that provided proactive disclosure documents against a verbal request, entirely free of cost and without expecting a written application.

- 22% of the offices took between 10-30 days to provide a copy of their proactively disclosed information to the survey team.

Kalol Taluka Panchayat provided a copy of its proactively disclosed information after 36 days.

- The office of the Halol Legal Services Authority rejected the application stating that the information requested attracted section 8 (and hence exempt from disclosure) as per instructions issued by the Hon'ble Gujarat High Court.²
- More than 70% of the offices have not provided their proactive disclosure documents till the date of writing this report despite receiving a written application along with application fees in the prescribed mode.
- These offices have received a total of Rs. 1,000 by way of application fees from the survey team but have not provided any information. The team spent a total of Rs. 1,250 to send the applications by registered post, acknowledgement due (RPAD) as several offices refused to receive the applications in person.

District-level offices

The record of compliance was significantly better at the district level offices.

- 79% of the offices were able to confirm that they had compiled information that was required to be proactively disclosed.
- Most of the offices had not displayed on their notice boards any information required to be proactively disclosed under the RTI Act.

The Deputy Collector's office at Godhra had proactively disclosed information about its functions and various procedures relating to land revenue matters.

- 54% of the offices provided the survey team with a copy of their proactively disclosed information.

Only 3 offices namely the Department of Social Security, the District Industries Centre and the District Planning Office provided their proactive disclosure documents to the team entirely free of cost, without requiring them to submit a written application.

² See Annexe I for a scanned copy of the reply received from the Halol Legal Services Authority at page 143.

- 10 offices took between 5-30 days to supply this information.
- 46% of the offices have not provided their proactive disclosure documents to the team till the date of writing this report despite receiving a formal application along with application fees.
- These offices have received a total of Rs. 220 by way of application fees from the survey team but have not provided any information. The team spent a total of Rs. 275 for sending the applications by registered post, acknowledgement due (RPAD) as some offices refused to receive the applications in person.

III. Status of training of PIOs and APIOs

Section 26(1)(d) of the RTI Act requires the Government of Gujarat to train PIOs in all public authorities to implement the provisions of the Act and produce relevant training materials for the purpose of educating them. This provision is subject to the availability of resources. The Sardar Patel Institute of Public Administration (SPIPA) has conducted RTI capacity building workshops and orientation seminars for public authorities since 2005. SPIPA was chosen as the State Implementing Agency for conducting intensive officer training and public education programmes on the RTI Act under a project supported by the United Nations Development Programme (UNDP), sponsored by the Government of India and coordinated by the Centre for Good Governance (CGG), Hyderabad and the Yashwantrao Chavan Academy of Development Administration (YASHADA). According to a progress report prepared by the Panchmahals District Collector's Office- the designated District Implementing Agency under this project- a total of 677 officers including APIOs, PIOs and AAs in various departments have been trained between January 2006 and April 2008.³ Our survey revealed a different picture.

Taluka-level offices

- Less than a third of the PIOs (29.16%) and APIOs (27.45%) interviewed by the survey team claimed that they were trained to implement the RTI Act.

3. CHRI obtained this progress report after filing a formal application under the RTI Act with the District Collector's office.

- Offices of the Mamlatdars and Nagarpalikas had more trained PIOs and APIOs than others.
- PIOs and APIOs in the offices of Madhya Gujarat Vij Company Ltd. (MGVCL), Legal Services Authorities, police stations and post offices stated that they had not received any training for implementing the RTI Act.

District-level offices

The status of training was better in the district level offices.

- 66.66% of the designated PIOs stated that they underwent at least one training session on the RTI Act offices.
- 56.52% of the designated APIOs stated that they were trained to implement the RTI Act.

IV. Availability and accessibility of the RTI register

Under section 25 of the RTI Act, every public authority is required to file an annual report with the respective ministry or department, containing statistics about the number of RTI applications received; the number of instances where information was not provided; the reasons for declining access to information in each case of refusal; and the number of times a specific provision of the Act was invoked in this regard and the amount of money collected in the form of application fees and additional fees.

In order to be able to access this information easily, the State Government has required every public authority to maintain RTI registers containing all the information mentioned above. The survey revealed interesting statistics regarding compliance with this obligation.

Taluka-level offices

- Only 60.56% of the offices maintained separate RTI registers in accordance with the requirements of the RTI Act.
- Some of the offices maintained limited data about the receipt and disposal of RTI application in the general *dāk* register.

- Only 40.84% of the offices allowed the survey team to inspect their RTI registers.
- The office of the Halol Legal Services Authority rejected the request for inspection stating that the register was covered by Section 8 (and hence exempt from disclosure) and that the Hon'ble Gujarat High Court had issued a circular to this effect.⁴
- 56.33% of the offices have not permitted the team to inspect their registers till the date of writing this report despite receiving written applications along with application fees.
- These offices have received a total of Rs. 840 by way of application fees from the survey team but have not provided the requested information. The team spent a total of Rs. 1,050 for sending the applications by registered post, acknowledgement due (RPAD) as several offices refused to receive the applications in person.

District-level offices

The status of compliance at the district level was significantly better when compared with taluka level offices.

- 92% of the offices claimed that they maintained separate RTI registers.
- 62% of the offices permitted the team to inspect their registers.
- Offices of the Department of Roads and Buildings, the Deputy Conservator of Forests, the Office of the District Development Officer, the District Planning Office, the District Registrar, the District Industries Centre and the Sub Jail permitted the team to inspect their RTI registers upon verbal request, the same day and entirely free of charge.
- 48% of the offices have not permitted the team to inspect their registers till the date of writing this report despite receiving written applications along with application fees.

⁴ See Annexe I for a scanned copy of the reply received from the Halol Legal Services Authority at page 144.

- These offices have received a total of Rs. 180 by way of application fees from the survey team but have not provided the requested information. The team spent a sum of Rs. 225 for sending the applications by registered post, acknowledgement due (RPAD) as some offices refused to receive the applications in person despite repeated visits.

What the registers revealed

Contrary to the perception popular amongst official circles that RTI has increased the workload of officers since 2005, a bulk of the information requests received from people are confined to a handful of offices at the district level. The District Education Officer had received 194 RTI applications in the year 2007 - the highest - followed by the District Rural Development Agency with 102 applications. The District Collector's Office also appears to have received more than 100 applications but this could not be ascertained due to bureaucratic obstacles.⁵ Other offices at the district level had received between 2-25 applications during the same period. Even if the record of the District Education Officer is taken as the norm this works out to an average of 16.16 applications per month and 1 application every two days.

At the taluka level, the nagarpalikas of Kalol and Santrampur had received 33 and 25 applications respectively in 2007. Most other offices had received none or only a handful of information requests during the same period. Even if the record of the Kalol Nagarpalika is taken as the norm, this works out to an average of 2.75 applications per month. The daily average rate is almost negligible. This may be due to the low levels of awareness about the RTI amongst people at the taluka and village levels. Nevertheless, the workload added by the RTI Act does not appear to be as Herculean as people have been made to believe.

⁵ This office refused to provide access to copies of the register unless the team submitted a fresh RTI application and paid the application fee a second time. The team had already submitted a written application along with application fees for inspecting the RTI register at this office.

Ranking the performance of offices

We have ranked the performance of the public authorities and offices covered by the survey against a set of six indicators. These indicators closely relate to the compliance parameters mentioned above.⁶

Taluka-level offices

Overall, the offices of the Mamlatdar as a category, scored the highest marks without any negative marking (Table 1: page 14) being the most compliant with the provisions of the RTI Act.

Madhya Gujarat Vij Company Ltd. (MGVCL) and the Community Health Centres followed in second and third place respectively while the Legal Services Authority, police stations and post offices came at the bottom of the list.

Individually speaking, the Ghoghamba Mamlatdar's office topped the ranking list receiving 13 out of the maximum possible score of 20 (Table 2: page 15). Kalol Nagarpalika and the Lunawada MGVCL office followed at second and third positions respectively. The police stations at Ghoghamba and Kadana, the post offices at Ghoghamba and Kalol, the Integrated Child Development Scheme desk (ICDS) at Ghoghamba, the Legal Services Authority of Lunawada and the *gram panchayat* at Kadana scored 5 out of a maximum possible negative score of 6 and appear at the bottom of the list.

District-level offices

The Department of Social Security and the District Planning Office topped the list scoring 16 marks each out of a maximum possible score of 20 (Table 3: page 20).

The District Industries Centre and the Office of the District Education Officer came in second and third respectively. The Godhra Head Post Office, the sub-divisional office at Lunawada and the District Legal Services Authority occupied the last three positions at the bottom of the list. Overall, the district level offices scored better than most of their taluk level counterparts.

6 For details about the ranking scheme please see page 136.

Concluding observations

We believe the findings of this survey are arguably representative of the record of compliance with the RTI Act throughout Panchmahals district. With the exception of a handful of public authorities that have made serious efforts to implement the RTI Act, the record of compliance is poor in a large majority of the offices. Compliance at the taluka level is much weaker compared to offices at the district level. The dismal levels of performance overall in Panchmahals can be attributed to several factors:

- a) negligible or partial understanding of the obligations under the RTI Act;
- b) a cavalier attitude towards fulfillment of the objectives of the RTI Act;
- c) lack of proper understanding about the effect and consequences of providing access to information that they hold in custody;
- d) lack of incentives to change from deep-set ways of maintaining undue secrecy in every aspect of governance; and
- e) unjustifiable attitudes towards the taxpaying citizen ranging from casual treatment to blatant disregard.

The narratives of the experience the survey team went through to obtain mundane, everyday information about the implementation of this Act are illustrative of the degree of resistance within the bureaucracy to changing old habits of keeping information hidden from public view.

The public authorities have collected a total of Rs. 2,060 by way of application fees but have not provided access to information. Their refusal to accept information requests in person have placed an additional burden to the tune of Rs. 2,800 on the members of the survey team. This money also has gone into government coffers. In any civilised and rule-based democracy this would be treated as illegally profiting at the expense of the citizen- taxpayer.

We believe, a strong and unequivocal reiteration about the commitment to implement the RTI Act in letter and spirit must be made from the highest levels of Government in Gujarat if the current situation is to be improved. We recommend some practical measures to improve compliance with the RTI Act at the district and taluka levels.

Recommendations

- All offices and administrative units (such as extension desks) should display the contact details of relevant PIOs, APIOs and AAs prominently at the entrance irrespective of the fact that they may not be functioning on the premises.
- As a significant number of PIOs at the district and taluka level offices were not available at their desks, APIOs, or in their absence link officers must be identified to handle the tasks of receiving RTI applications. The identity and contact details of such link officers should also be prominently displayed at the entrance of all offices.
- Proactively disclosed information is not easily accessible even to people knowledgeable about the RTI Act. In order to create the impression amongst people that a public authority is truly transparent, all its offices must display as much information as possible on their notice boards that is of relevance to people.
- The entire compilation of information proactively disclosed by a public authority should be put in a file and made available for free inspection in all its offices at a place easily accessible to every person.
- If the State Government is serious about inculcating a culture of transparency within the bureaucracy, it must adopt innovative methods of disseminating all proactively disclosed information in the public domain. One practical way of promoting transparency would be to make all proactively disclosed information at the district and taluka levels available in hard copies for free inspection at all libraries set up or funded by the government.
- This survey has shown that a significant number of public authorities compel people to submit written requests along with the application fee for obtaining proactively disclosed information. This is against the letter and spirit of section 4 of the Act. AAs, being officers senior to the PIOs, should initiate disciplinary action against erring PIOs if initial warnings have failed to change such practice.
- If the Gujarat State Information Commission becomes more alert to these kinds of obstacles faced by people, PIOs are likely to follow the rules faithfully. Where the Commission finds that a PIO has required an applicant to submit a written

application and/or pay the application fee for obtaining information covered by section 4(1)(b), it should impose penalties under section 20 of the Act without any hesitation.

- The State Government must take serious note of the fact that its law enforcement arm, namely, the police is the least compliant with the provisions of proactive disclosure. Corrective measures must be taken to implement the obligations of transparency at all levels of the police department.
- The Gujarat High Court must take serious note of the fact that Legal Services Authorities (LSAs) are amongst the least compliant of offices with regard to proactive disclosure of information. Invoking exemptions to deny access to information that is required to be disclosed proactively amounts to making a mockery of the law. Corrective measures must be taken to improve the implementation record in LSAs.
- The survey has shown that awareness amongst taluka level officers about their obligations and procedures under the RTI Act is poor. The Government must concentrate on improving the outreach of its training efforts on a sustainable basis. This requires the development of capacity of senior officers at the district and taluka level to become trainers in RTI procedures. They should be available to train officials as and when they are transferred to posts designated as PIOs and AAs.
- All offices and administrative units with designated PIOs and APIOs should be required to maintain RTI registers in the prescribed format, compulsorily. These registers should be made available to any person for free inspection on demand. However, reproduction charges may be collected from an applicant if copies of the register are requested.

Table 1: Ranking of categories of offices at the taluka level

Name of Department/ Office	Number of offices surveyed	Positive score	Negative score	Total score	Average	Rank
Mamlatdar	6	36	0	36	6	1
Madhya Gujarat Vij Company Ltd. (MGVCL)	5	35	-5	30	6	1
Community Health Centre	6	28	-2	26	4.3	2
Sub-Registrar	3	15	-2	13	4.3	2
Nagarpalika (4 + 2 gram panchayats)	6	28	-5	23	3.8	3
Taluka Panchayat	6	16	-9	7	1.2	4
Integrated Child Development Scheme (ICDS)	6	6	-8	-2	-0.3	5
Dept. of Roads and Buildings	5	7	-11	-2	-0.4	6
Dept. of Agriculture, Extension Desk	6	1	-8	-7	-1.2	7
Desk of the Dept. of Education	6	1	-8	-7	-1.2	7
Legal Services Authority	4	0	-12	-12	-3	8
Police Station	6	0	-21	-21	-3.5	9
Post Office	6	0	-22	-22	-3.6	10

Table 2: Ranking of individual offices at the taluka level

Name of Department/ Office	Name of Taluka	Indicator 1 <i>Availability of information about PIO and AA</i>	Indicator 2 <i>Accessibility of PIO and APIO</i>	Indicator 3 <i>Availability of proactive disclosure documents</i>	Indicator 4 <i>Accessibility of proactive disclosure documents</i>	Indicator 5 <i>Training of PIOs and APIOs</i>	Indicator 6 <i>Maintenance of RTI register</i>	Total of all Indicators <i>(highest possible score = 20)</i>	Rank
Mamlatdar	Ghoghamba	6	1	1	1	2	2	13	1
Nagarpalika	Kalol	3	1	2	1	2	2	11	2
MGVCL Office	Lunawada	5	2	1	1	0	2	11	2
Sub-Registrar	Kalol	0	1	1	4	2	2	10	3
MGVCL Office	Kalol	5	1	1	1	0	2	10	3
MGVCL Office	Halol	5	2	1	1	0	0	9	4
Community Health Centre	Lunawada	5	1	1	1	0	1	9	4
Nagarpalika	Santrampur	1	1	1	1	2	2	8	5
Taluka Panchayat Office	Kalol	2	0	1	1	2	2	8	5
Taluka Panchayat Office	Halol	6	2	0	-4	1	2	7	6
Mamlatdar	Lunawada	0	1	1	1	1	2	6	7
MGVCL Office	Santrampur	0	1	1	4	0	-1	5	8
Community Health Centre	Santrampur	0	1	1	1	2	0	5	8
Mamlatdar	Kadana	0	1	1	1	0	2	5	8
Community Health Centre	Halol	0	1	1	1	0	2	5	8
Mamlatdar	Kalol	0	2	1	1	1	0	5	8
Community Health Centre	Kalol	2	1	1	1	0	0	5	8
Sub-Registrar	Lunawada	0	1	1	1	0	2	5	8
Nagarpalika	Lunawada	2	0	1	1	1	0	5	8

Table 2: Ranking of individual offices at the taluka level (contd.)

Name of Department/ Office	Name of Taluka	Indicator 1 <i>Availability of information about PIO and AA</i>	Indicator 2 <i>Accessibility of PIO and APIO</i>	Indicator 3 <i>Availability of proactive disclosure documents</i>	Indicator 4 <i>Accessibility of proactive disclosure documents</i>	Indicator 5 <i>Training of PIOs and APIOs</i>	Indicator 6 <i>Maintenance of RTI register</i>	Total of all Indicators <i>(highest possible score = 20)</i>	Rank
Community Health Centre	Ghoghamba	0	0	1	1	0	2	4	9
Mamlatdar	Halol	5	1	0	-4	2	0	4	9
Roads and Buildings	Lunawada	0	1	0	1	0	2	4	9
Mamlatdar	Santrampur	3	1	1	-4	2	0	3	10
ICDS Office	Kadana	0	1	1	-2	1	2	3	10
Roads and Buildings	Halol	0	0	0	1	0	2	3	10
ICDS Office	Lunawada	3	1	1	-4	0	2	3	10
Gram Panchayat <i>(in lieu of nagarpalika)</i>	Ghoghamba	0	1	1	-4	2	2	2	11
Nagarpalika	Halol	0	2	1	-4	1	2	2	11
Taluka Panchayat Office	Kadana	0	1	0	-2	0	2	1	12
Dept. of Agriculture, Extn. Desk	Kadana	0	1	0	-2	0	2	1	12
Desk of the Dept. of Education	Kadana	0	1	0	-2	0	2	1	12
Dept. of Agriculture, Extn. Desk	Ghoghamba	0	0	0	0	0	0	0	13
Desk of the Dept. of Education	Ghoghamba	0	0	0	0	0	0	0	13
Dept. of Agriculture, Extn. Desk	Halol	0	1	0	-4	1	2	0	13
Desk of the Dept. of Education	Halol	0	1	0	-4	1	2	0	13

Table 2: Ranking of individual offices at the taluka level (contd.)

Name of Department/ Office	Name of Taluka	Indicator 1 <i>Availability of information about PIO and AA</i>	Indicator 2 <i>Accessibility of PIO and APIO</i>	Indicator 3 <i>Availability of proactive disclosure documents</i>	Indicator 4 <i>Accessibility of proactive disclosure documents</i>	Indicator 5 <i>Training of PIOs and APIOs</i>	Indicator 6 <i>Maintenance of RTI register</i>	Total of all Indicators <i>(highest possible score = 20)</i>	Rank
Legal Services Authority	Kalol	3	0	1	-4	0	0	0	13
Dept. of Agriculture, Extn. Desk	Kalol	0	0	0	-4	2	2	0	13
Desk of the Dept. of Education	Kalol	0	0	0	-4	2	2	0	13
Police Station	Santrampur	0	2	0	-4	2	-1	-1	14
ICDS Office	Santrampur	0	2	0	-4	1	0	-1	14
ICDS Office	Halol	0	1	1	-3	0	0	-1	14
ICDS Office	Kalol	0	1	1	-4	1	0	-1	14
Sub-Registrar	Santrampur	0	2	0	-4	0	0	-2	15
Post Office	Santrampur	0	2	0	-4	0	0	-2	15
Community Health Centre	Kadana	0	1	0	-2	0	-1	-2	15
Roads and Buildings	Kalol	0	0	0	-4	NA	2	-2	15
Taluka Panchayat Office	Lunawada	0	2	0	-4	0	0	-2	15
Legal Services Authority	Santrampur	0	1	0	-4	0	0	-3	16
Taluka Panchayat Office	Santrampur	0	1	0	-4	0	0	-3	16
Post Office	Kadana	0	2	0	-4	0	-1	-3	16
Police Station	Halol	0	2	0	-4	0	-1	-3	16

Table 2: Ranking of individual offices at the taluka level (contd.)

Name of Department/ Office	Name of Taluka	Indicator 1 <i>Availability of information about PIO and AA</i>	Indicator 2 <i>Accessibility of PIO and APIO</i>	Indicator 3 <i>Availability of proactive disclosure documents</i>	Indicator 4 <i>Accessibility of proactive disclosure documents</i>	Indicator 5 <i>Training of PIOs and APIOs</i>	Indicator 6 <i>Maintenance of RTI register</i>	Total of all Indicators <i>(highest possible score = 20)</i>	Rank
Police Station	Kalol	0	0	0	-4	2	-1	-3	16
Dept. of Agriculture, Extn. Desk	Lunawada	0	1	0	-4	0	0	-3	16
Post Office	Lunawada	0	2	0	-4	0	-1	-3	16
Roads and Buildings	Santrampur	0	1	0	-4	0	-1	-4	17
Taluka Panchayat Office	Ghoghamba	0	1	0	-4	0	-1	-4	17
Legal Services Authority	Halol	0	1	0	-4	0	-1	-4	17
Post Office	Halol	0	0	0	-3	0	-1	-4	17
Police Station	Lunawada	0	1	0	-4	0	-1	-4	17
Desk of the Dept. of Education	Lunawada	0	1	0	-4	0	-1	-4	17
Desk of the Dept of Education.	Santrampur	0	1	0	-4	0	-1	-4	17
Dept. of Agriculture, Extn. Desk	Santrampur	0	0	0	-4	0	-1	-5	18
Police Station	Kadana	0	0	0	-4	0	-1	-5	18
Gram panchayat (in lieu of nagarpalika)	Kadana	0	0	0	-4	0	-1	-5	18
Police Station	Ghoghamba	0	0	0	-4	0	-1	-5	18
ICDS Office	Ghoghamba	0	0	0	-4	NA	-1	-5	18
MGVCL Office	Ghoghamba	0	0	0	-4	0	-1	-5	18

Table 2: Ranking of individual offices at the taluka level (contd.)

Name of Department/ Office	Name of Taluka	Indicator 1 <i>Availability of information about PIO and AA</i>	Indicator 2 <i>Accessibility of PIO and APIO</i>	Indicator 3 <i>Availability of proactive disclosure documents</i>	Indicator 4 <i>Accessibility of proactive disclosure documents</i>	Indicator 5 <i>Training of PIOs and APIOs</i>	Indicator 6 <i>Maintenance of RTI register</i>	Total of all Indicators <i>(highest possible score = 20)</i>	Rank
Roads and Buildings	Ghoghamba	0	0	0	-4	0	-1	-5	18
Post Office	Ghoghamba	0	0	0	-4	0	-1	-5	18
Post Office	Kalol	0	0	0	-4	0	-1	-5	18
Legal Services Authority	Lunawada	0	0	0	-4	0	-1	-5	18
Sub-Registrar	Kadana	no office	no office	no office	no office	no office	no office	no office	Nil
Legal Services Authority	Kadana	no office	no office	no office	no office	no office	no office	no office	Nil
MGVCL Office	Kadana	no office	no office	no office	no office	no office	no office	no office	Nil
Roads and Buildings	Kadana	no office	no office	no office	no office	no office	no office	no office	Nil
Sub-Registrar	Ghoghamba	no office	no office	no office	no office	no office	no office	no office	Nil
Legal Services Authority	Ghoghamba	no office	no office	no office	no office	no office	no office	no office	Nil
Sub-Registrar	Halol	no office	no office	no office	no office	no office	no office	no office	Nil

Table 3: Ranking of offices at the district level

Name of Department / Office	Indicator 1 <i>Availability of information about PIO and AA</i>	Indicator 2 <i>Accessibility of PIO and APIO</i>	Indicator 3 <i>Availability of proactive disclosure documents</i>	Indicator 4 <i>Accessibility of proactive disclosure documents</i>	Indicator 5 <i>Training of PIOs and APIOs</i>	Indicator 6 <i>Maintenance of RTI register</i>	Total of all Indicators <i>(highest possible score = 20)</i>	Rank
Department of Social Security	6	2	1	4	1	2	16	1
District Planning Office	5	2	1	4	2	2	16	1
District Industries Centre	5	2	1	4	1	2	15	2
District Education Officer	6	1	1	1	2	2	13	3
Integrated Child Development Scheme (ICDS)	6	2	1	1	2	0	12	4
Civil Hospital	6	2	1	-2	2	2	11	5
District Rural Development Agency	5	2	1	1	0	2	11	5
District Supply Office	5	2	1	1	1	0	10	6
Office of the Additional District Collector, Mid-day Meal Scheme	5	2	1	-2	2	2	10	6
Madhya Gujarat Vij Company Ltd.	5	1	1	1	1	0	9	7
Roads and Buildings	0	1	2	1	2	2	8	8
District Registrar	1	2	1	1	1	2	8	8
District Collector and District Magistrate	5	0	1	-2	2	2	8	8
Sub-Jail	0	2	1	1	2	1	7	9
Department of Social Welfare	5	2	0	-4	1	2	6	10
Department of Geology and Mines	5	2	1	-4	2	0	6	10
Deputy Collector, Godhra sub-division	5	2	2	-4	1	0	6	10

Table 3: Ranking of offices at the district level (contd.)

Name of Department / Office	Indicator 1 <i>Availability of information about PIO and AA</i>	Indicator 2 <i>Accessibility of PIO and APIO</i>	Indicator 3 <i>Availability of proactive disclosure documents</i>	Indicator 4 <i>Accessibility of proactive disclosure documents</i>	Indicator 5 <i>Training of PIOs and APIOs</i>	Indicator 6 <i>Maintenance of RTI register</i>	Total of all Indicators <i>(highest possible score = 20)</i>	Rank
District Development Officer	4	1	1	-4	2	2	6	10
Deputy Conservator of Forests (DCF)	5	2	0	-4	0	2	5	11
District Superintendent of Police	0	0	1	1	1	0	3	12
Dept. of Public Health, Water and Sewage	5	1	0	-4	1	-1	2	13
Head Post Office	0	2	0	-4	0	2	0	14
Sub-Divisional Office, Lunawada	0	2	1	-4	0	0	-1	15
District Legal Services Authority, Godhra	0	1	0	-4	0	-1	-4	16

Compliance in Taluka-Level Offices

Part 1

Availability and Accessibility of Designated Officers

What is the obligation of public authorities under the law?

Public authorities covered by the RTI Act are required to designate three categories of officers to deal with people's information requests and grievances related to accessing information. According to section 5(1) of the Act, every public authority has a duty to appoint, within 100 days of its enactment, as many Public Information Officers (PIOs) as may be necessary to provide information to people in each of its offices and administrative units. Under section 7(1) these PIOs have the authority to decide whether the requested information ought to be provided to the applicant or not. If the information does not attract any of the exemptions mentioned in sections 8 and 9 of the Act and is fit for disclosure, the PIO is required to collect additional fees from the requestor before supplying the information, unless the latter is eligible for fee waiver.¹ If the information is covered by one or more of the exemptions mentioned in the Act and there is no overwhelming public interest favouring disclosure, the PIO is required to send a written refusal to the applicant. The PIO must provide in his/her order detailed reasons for denying access to information. He/she is also required to inform the applicant of the contact details of the appellate authority and the time limit for filing an appeal against the order. When confidential information relating to a third party is requested, the PIO has a duty to invite objections if any, from such third party before making a final decision on the request.

In other words, the PIO is the primary point of interface between the public authority and people seeking access to information held in its custody. He/she plays a significant role in the fulfillment of people's right to obtain information. People should have easy access to the PIO in every public authority. It is for this reason that section 4(1)(b)(xvii) of the RTI Act requires every public authority to proactively disclose the name, designation and contact details of its PIO(s).

In addition to the PIO a public authority may, under section 5(2), appoint Assistant PIOs (APIOs) at the sub-divisional or the sub-district level for two purposes:

- a) accepting information requests from people and forwarding them to the concerned PIO; and

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A requestor living below the poverty line (BPL) is entitled to receive the information free of cost upon furnishing proof of his/her BPL identity.

- b) accepting appeals from people who are aggrieved by the decision of a PIO (or in the absence of a timely decision) and forwarding them to the concerned appellate authority (first appellate authority or the relevant Information Commission).

Unlike the PIO, an APIO does not have the authority to decide whether the information requested by an applicant ought to be disclosed or not. The APIO merely acts as a one-way post office by forwarding requests and appeals to the appropriate officers. This mechanism was created for the convenience of people who live far away from the district or divisional headquarters and may not have easy access to a PIO. There is no specific requirement on a public authority to proactively disclose the name and contact details of APIOs. However, every public authority is expected to inform people voluntarily, the contact details of its APIOs in accordance with the objectives and the spirit of the RTI Act.

Every public authority has an obligation, under section 19(1) of the Act, to appoint an appellate authority (AA) for the purpose of redressing people's grievances regarding access to information. An officer senior in rank to the PIO is designated in every public authority to receive and decide appeals filed by citizens who are not satisfied with the actions or omissions of PIOs. Under section 7(3) the AA also has the power to review the additional fee charged by the PIO if a requestor finds it unreasonable. Strictly speaking, the Act does not require public authorities to proactively disclose the name, designation and contact details of their appellate authorities. However, Information Commissions have over the last three years insisted that this information also be made available to people voluntarily.

What has the State Government done to implement this obligation?

The Gujarat government has appointed PIOs and APIOs at various levels of the administration. Departments have designated serving officers as PIOs and APIOs starting from the Secretariat level down to the line agencies. All boards, corporations, public sector undertakings, universities, schools and colleges and other bodies in the State sector have designated PIOs and APIOs. An AA has also been designated to review the decisions of every PIO, although the AA may not always be present in the same office as the PIO. For example, the Mamlatdar is the appellate authority designated to receive appeals against the decisions of the talati-cum-mantri (revenue official) the designated PIO of gram panchayats. However the Mamlatdar operates from his/her office located at the taluka headquarters.

Several departments and public authorities have uploaded the name, designation and contact details of their PIOs, APIOs and AAs on their websites. The Gujarat State Information Commission has provided links to these web pages through its website (<http://gic.guj.nic.in>).²

What criteria were adopted for assessing compliance?

The survey focused on two criteria for assessing compliance with the obligations of public authorities to designate duty-holders:

- a) availability of information about PIOs, APIOs and AAs; and
- b) accessibility of these designated officers.

Indicators for assessing the 'availability' of information about designated PIOs, APIOs and AAs included the following: whether or not-

- i) the name and designation of the PIO and the AA were displayed on notice boards at the offices surveyed;
- ii) these notice boards were visible prominently to visitors entering these offices;
- iii) a copy of the notification/circular issued by the public authority designating the PIO was available with the offices; and
- iv) APIOs were designated.

Indicators for assessing the 'accessibility' of the PIO and the APIO included the following parameters:

- i) physical presence of the PIO and the APIO at his/her desk during the surveying team's visit; and
- ii) stipulation of any specific day or time for people to meet the PIO, thereby limiting access to requestors.

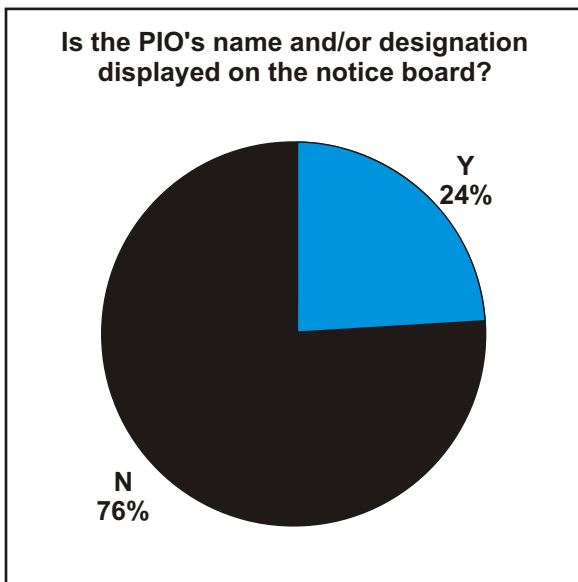
How did the public authorities perform?

Overall performance

Availability: The team found that more than three-fourths (76%) of the 71 offices surveyed did not display the name or designation of the PIOs on notice boards. Fewer offices (80%) displayed the name or designation of AAs. In less than 20% of the offices notice boards were

² The team experienced some difficulty opening the web pages of some departments such as the Agriculture, Education and Women and Child Development departments through the State Information Commission (SIC) website.

prominently displayed at the entrance. In six offices (9%) the notice boards had been put up



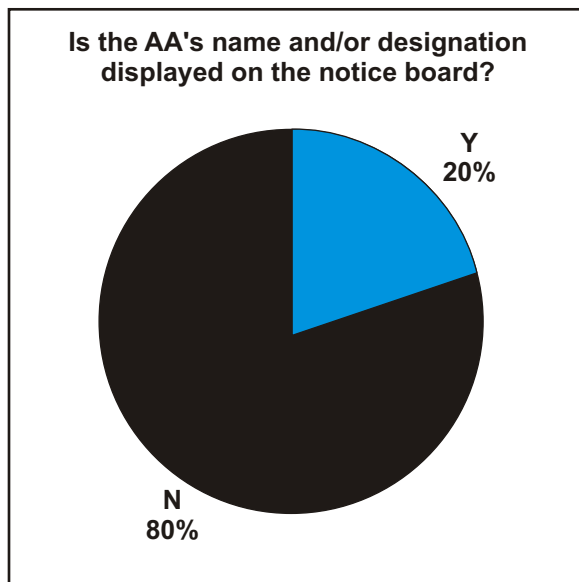
in a remote corner easily escaping the notice of several visitors. The Halol Taluka Panchayat was the best performer as it had displayed information about the PIO at two places: once on the compound wall and again at the entrance to the office building. Less than a tenth (8%) of the offices provided the team with a copy of the notification/circular issued regarding the designation of the PIO. In a handful of offices the team was told that the notification was meant for internal use only and was not meant to be shared with people outside the office.

Offices like the police station and the post office at the taluka level do not have

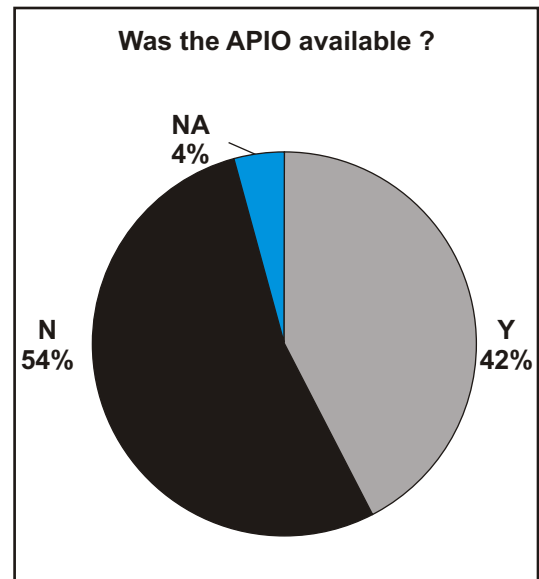
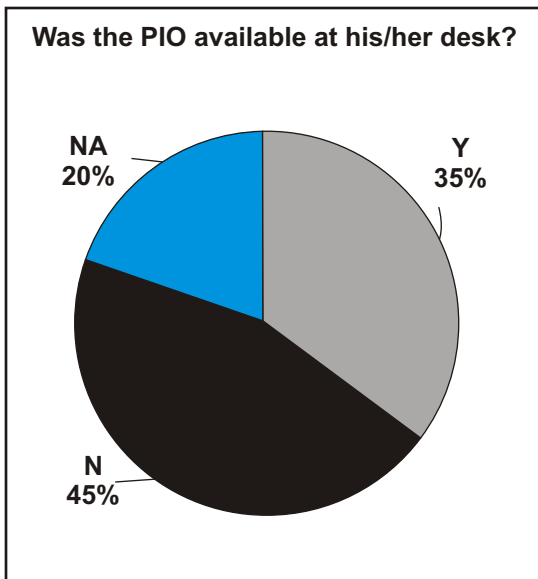
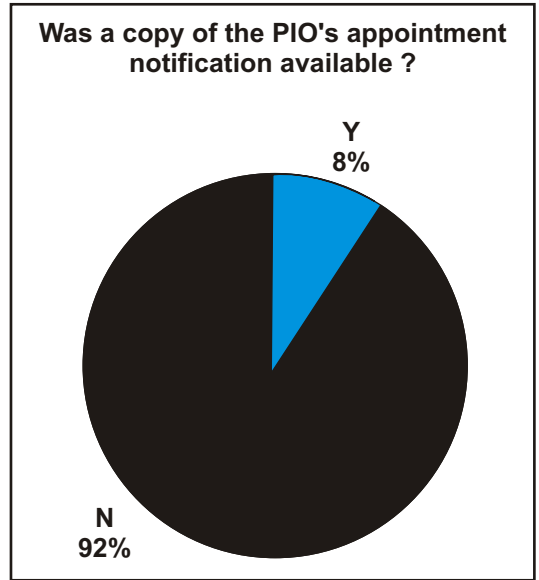
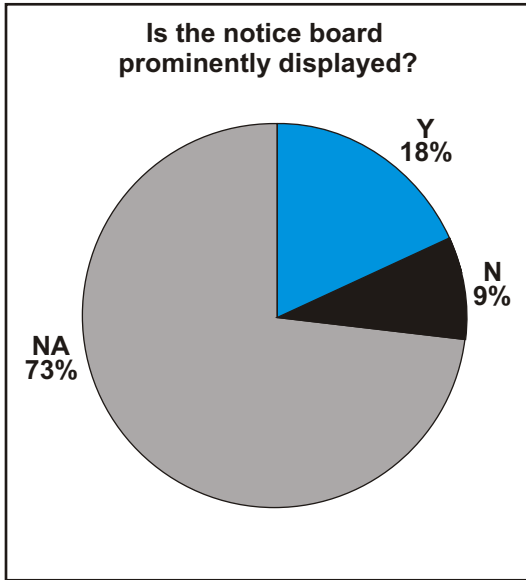
designated PIOs. PIOs have been designated only at the district level in the office of the District Superintendent of Police and the Head Post Office respectively. However, the team could not find any information on the notice boards of the police stations or the post offices about PIOs linked to these offices. There was no information about APIOs on their notice boards either.

Accessibility: The team found the PIO at his desk only in 25 of the 71 offices (35%) surveyed. Often the PIO was busy attending meetings or was out of office on field visits. In a few cases the PIO was on leave. In a few others the PIO was not available at his desk despite the team visiting the office on 2-3 consecutive days. Reasons for absence ranged from the PIO

Offices like the police station and the post office at the taluka level do not have



holding charge of more than one office situated in different towns to his travelling over long distances from his residence to get to the office (latecomers). Only 42% of the offices surveyed had APIOs and almost all of them were available at their desk during the team's visit.



The team tried to ascertain whether the offices had stipulated specific days or timings for the public to meet the PIOs. The team found that only one office had placed such limitations on access to the PIO. The Office of the Legal Services Authority in Kalol had stipulated a 30-minute slot between 3:00 and 3:30pm every working day when any member of the public could meet the Judicial Magistrate First Class- the designated PIO. Therefore this data is not being shown as a separate field in the department-wise tabulation of the findings given below.³

Category-wise performance

I. Community Health Centres (CHCs)

Name of Taluka	PIO's name and designation displayed on the notice board Y/N	Appellate Authority's name and designation displayed on the notice board Y/N	Copy of the PIO's appointment notification was obtained Y/N	Notice board is prominently displayed Y/N/NA	PIO was available at his desk Y/N	If PIO was not available reasons for absence	APIO was available Y/N
Ghoghamba	N	N	N	NA	N	PIO was on a field visit	N
Halol	N	N	N	NA	Y	NA	N
Kadana	N	N	N	NA	Y	NA	N
Kalol	Y Only name is mentioned	N	N	Y	Y	NA	N
Lunawada	Y	Y	N	Y	N	PIO was busy at a meeting	Y
Santrampur	N	N	N	NA	Y	NA	N

Availability: The Lunawada CHC was the only one in this category where the name and designation of both the PIO and the AA were displayed on a notice board and placed prominently at the entrance to the building. While the Kalol CHC displayed only the name of the PIO, none of the other CHCs had proactively disclosed any information about their duty-holders under the RTI Act. The team could not obtain a copy of the circular/notification designating the PIO from any CHC despite making verbal requests.

Accessibility: The PIO was not available at his desk when the team visited the CHCs of

³ However, this variable has been taken into consideration while awarding marks to this office.

Ghoghamba and Lunawada. However the team was able to meet the APIO of the Lunawada CHC during their visit. While the PIO of this CHC was said to be busy at a meeting the Ghoghamba PIO was out of office on a field visit.

II. Integrated Child Development Scheme (ICDS) Desks

Name of Taluka	PIO's name and designation displayed on the notice board Y/N	Appellate Authority's name and designation displayed on the notice board Y/N	Copy of the PIO's appointment notification was obtained Y/N	Notice board is prominently displayed Y/N/NA	PIO was available at his desk Y/N	If PIO was not available reasons for absence	APIO was available Y/N
Ghoghamba	N	N	N	NA	N	Nobody was aware of the designated PIO	N
Halol	N	N	N	NA	N	PIO was busy at a meeting	Y
Kadana	N	N	N	NA	Y	NA	N
Kalol	Y	Y	N	NA	N	PIO was on a field visit	Y
Lunawada	Only designation is mentioned	Only designation is mentioned	N	Y	Y	NA	N
Santrampur	N	N	N	NA	Y	NA	Y

Availability: The ICDS desk at Lunawada was the sole member of this category of offices that had displayed some details about the PIO and the AA on its notice board placed at a prominent location at the entrance to the office building. Here too only the designation of both functionaries had been displayed. The team could not obtain copies of the notification designating the PIO from any ICDS desk despite making verbal requests. In Ghoghamba none of the officials had any knowledge about the existence of a PIO.

III. Offices of the Legal Services Authority (LSA)

Name of Taluka	PIO's name and designation displayed on the notice board Y/N	Appellate Authority's name and designation displayed on the notice board Y/N	Copy of the PIO's appointment notification was obtained Y/N	Notice board is prominently displayed Y/N/NA	PIO was available at his desk Y/N	If PIO was not available reasons for absence	APIO was available Y/N
Ghoghamba	No office	No office	No office	No office	No office	No office	No office
Halol	N	N	N	NA	N	PIO was away on a field visit	Y
Kadana	No office	No office	No office	No office	No office	No office	No office
Kalol	Y	N	N	Y	N	PIO was on leave	Y
Lunawada	N	N	N	NA	N	Nobody was aware of the designated PIO	N
Santrampur	N	N	N	NA	N	PIO was busy at a meeting	Y

Accessibility: The team was able to meet the PIO in Kadana, Lunawada and Santrampur. The PIOs of Halol and Kalol ICDS desks were either busy in meetings or out of office on field visits. However the team was able to meet the APIO in both offices as well as the ICDS desk in Santrampur.

Availability: The LSA office of Kalol alone had displayed the name and designation of the PIO prominently. However no information about the AA had been included. The team was unable to locate LSA offices in Ghoghamba and Kadana talukas. None of the LSA offices provided the team with a copy of the notification designating the PIO despite making verbal requests.

Accessibility: As the PIOs of LSA offices are Judicial Magistrates First Class (JMFCs) they were busy in courts during working hours. The team was unable to meet them easily despite repeated visits and was required to wait for several hours before meeting them at lunch time or in the evening. Furthermore in Kalol the office had stipulated a 30-minute slot for meeting the PIO. The team could not get access to him even during this period. Therefore it is shown

that the PIO of LSA offices were not readily available at their desks. In Halol LSA the PIO was out of office on tour. However APIOs were accessible in Halol, Kalol and Santrampur. APIOs were not available in other LSA offices.

IV. Mamlatdar Offices

Name of Taluka	PIO's name and designation displayed on the notice board Y/N	Appellate Authority's name and designation displayed on the notice board Y/N	Copy of the PIO's appointment notification was obtained Y/N	Notice board is prominently displayed Y/N/NA	PIO was available at his desk Y/N	If PIO was not available reasons for absence	APIO was available Y/N
Ghoghamba	Y	Y	Y	Y	Y	NA	N
Halol	Y	Y	N	Y	N	PIO was busy at a meeting	Y
Kadana	N	N	N	NA	N	PIO was on leave	Y
Kalol	Y	Y	Y	N	Y	NA	Y
Lunawada	N	N	N	NA	Y	NA	N
Santrampur	Y	Y	N	Y	N	PIO was busy at a meeting	Y

Availability: The Mamlatdar's offices in Kadana and Lunawada did not indicate on their notice boards that the Mamlatdar had been designated as the PIO under the RTI Act. These offices did not display any details about the AA either. Except for the Kalol office, others that had displayed the details of PIOs and AAs on notice boards had placed them at prominent locations at the entrance of the office building. The team was able to obtain a copy of the notification of the designation of the PIO from Ghoghamba, Halol and Santrampur only.

Accessibility: The team was able to meet the PIOs in Ghoghamba, Kalol and Lunawada. The team could not get in touch with the PIOs of Halol and Santrampur despite repeated visits as they were busy attending meetings. However, the team met with APIOs in both offices. APIOs were not available in the Mamlatdar's offices at Ghoghamba and Lunawada.

...and this is what the team experienced...

Excuses for not complying with the law can be many but the excuse given by the Kadana Mamlatdar's office was unique. When the team arrived at the office they could not locate any board displaying the name and designation of the PIO or the APIO. As they looked around they found the Deputy Mamlatdar sitting in his chamber. From him the team learnt that both

the PIO and APIO were away on tour. There was no link officer to fill in for them. The team asked the Deputy Mamlatdar if he knew why the notice board displaying the names and designations of the PIO and the APIO had not

been put up. From the look on his face it seemed he was glad that someone had asked him that question. *"The matter is all ready... We have been trying to find a painter... have asked around... have spread the word but cannot seem to find a person to paint the board for us."* The team asked how was it possible that no painter could be located in the entire town of Kadana to paint a small notice board and that too for two and a half years. The deputy Mamlatdar meant business. *"You get me a painter and I will pay you for it and get the board put up at the earliest..."* The team left the office amused. Hiring a painter for the Mamlatdar's office was not within their mandate.



...and this is what the team experienced...

The PIO at the Halol Mamlatdar was out of office when the team arrived to conduct the survey. The relevant boards were displayed as required. In the absence of the PIO the team approached the APIO. He was extremely rude to the team. He asked them to wait if



they wanted to meet the PIO. The team waited patiently. After an hour they went back to the APIO to find out how much longer they would have to wait. He told them they were free to leave if they did not want to wait.

One of the team members asked the APIO if he had a copy of the PIO notification. At this he completely lost his temper. *“Are you a reporter or do you work for some newspaper? It is only these kinds of people that harass officials and merely blackmail officers. The intentions/motives of such people are always doubtful...”*

The team tried to explain their purpose but he kept shouting at them till they could bear no more. The team left his chamber quietly. He did not accept the application seeking a copy of the notification, so it had to be sent by registered post later. The Mamlatdar's office has not bothered to reply till the date of compiling this report.

V. Offices of Madhya Gujarat Vij Company Ltd. (MGVCL)

Name of Taluka	PIO's name and designation displayed on the notice board Y/N	Appellate Authority's name and designation displayed on the notice board Y/N	Copy of the PIO's appointment notification was obtained Y/N	Notice board is prominently displayed Y/N/NA	PIO was available at his desk Y/N	If PIO was not available reasons for absence	APIO was available Y/N
Ghoghamba	N	N	N	NA	N	PIO was on a field visit	N
Halol	Y	Y	N	Y	Y	NA	Y
Kadana	No office	No office	No office	No office	No office	No office	No office
Kalol	Y	Y	N	Y	N	PIO was on a field visit	Y
Lunawada	Y	Y	Y	N	Y	NA	N
Santrampur	Y	Y	N	Y	N	PIO was busy at a meeting	Y

Availability: The team was unable to find an office of MGVCL in Kadana. With the exception of Ghoghamba the remaining offices had displayed the name and designation of their PIOs and AAs. Except in Lunawada, all other offices that had proactively displayed information about their duty-holders under the RTI Act, had placed their notice boards at prominent locations. However the team was able to obtain a copy of the notification designating the PIO only from the Kalol office.

Accessibility: The team was able to meet the PIO at his desk only in Halol and Lunawada offices of MGVCL. The PIOs in Ghoghamba and Kalol were out of office on field visits while the PIO in Santrampur was busy at a meeting. The team was able to meet the APIO in Kalol and Santrampur in the absence of the PIO but the APIO was also not present in Ghoghamba.

VI. Nagarpalika Offices

Name of Taluka	PIO's name and designation displayed on the notice board Y/N	Appellate Authority's name and designation displayed on the notice board Y/N	Copy of the PIO's appointment notification was obtained Y/N	Notice board is prominently displayed Y/N/NA	PIO was available at his desk Y/N	If PIO was not available reasons for absence	APIO was available Y/N
Ghoghamba (Gram panchayat performs the functions of the Nagarpalika)	N	N	N	NA	Y	NA	N
Halol	N	N	N	NA	Y	NA	Y
Kadana (Gram panchayat performs the functions of the Nagarpalika)	N	N	N	NA	N	Despite two visits on different days the office was closed	N
Kalol	Y Only designation is mentioned	Y Only designation is mentioned	N	Y	N	PIO was on a field visit	Y
Lunawada	Y Only designation is mentioned	N	N	Y	N	PIO was on leave	N
Santrampur	N	N	Y	NA	N	PIO was busy at a meeting	Y

Availability: Ghoghamba and Kadana do not have nagarpalikas. The team included their Gram Panchayats in the survey as they perform the functions of the nagarpalika in these places. Kalol and Lunawada Nagarpalikas were the only offices that had displayed some information about the PIO. The team found only the designation of the PIO and the AA in Kalol while information about the AA was missing from the notice board in Lunawada. The notice boards were put up at prominent locations in both offices. The team was able to obtain a copy of the notification designating the PIO only from the Lunawada Nagarpalika.

Accessibility: The team was able to meet the PIO only in Ghoghamba and Halol. The team found the Kadana Gram Panchayat office closed during their visits on two different days. The PIO of Kalol Nagarpalika was out of office on a field visit while the PIO of Santrampur was busy in a meeting. The PIO of Lunawada Nagarpalika was on leave. The team met the APIO in Kalol and Santrampur Nagarpalikas in the absence of the PIO.

...and this is what the team experienced...

The team could not locate any notice board displaying the name and designation of the PIO/APIO at the Ghoghamba Gram Panchayat. The PIO said that they had given the board for printing. *“As soon as it comes back to us we will hang it up.”* No other information required to be disclosed under section 4(1)(b) of the RTI Act was displayed on the notice board. Upon enquiring the PIO said, *“Firstly nobody submits any RTI application in this office and secondly I do not accept any applications. To people who need or ask for information, I give it immediately without any application or fee...”* The team's experience with him was slightly in contrast to his claim. He did not take their application or ask for any fee for giving access to the proactive disclosure document of his office but he also did not give them this information. He called them over to his office on two consecutive days but simply did not have the time or the inclination to part with the information.

VII. Police Stations

Name of Taluka	PIO's name and designation displayed on the notice board Y/N	Appellate Authority's name and designation displayed on the notice board Y/N	Copy of the PIO's appointment notification was obtained Y/N	Notice board is prominently displayed Y/N/NA	PIO was available at his desk Y/N	If PIO was not available reasons for absence	APIO was available Y/N
Ghoghamba	N	N	N	NA	PIO has not been designated at this level	Only APIO has been designated	N
Halol	N	N	N	NA	PIO has not been designated at this level	Only APIO has been designated	Y
Kadana	N	N	N	NA	PIO has not been designated at this level	Only APIO has been designated	N
Kalol	N	N	N	NA	PIO has not been designated at this level	Only APIO has been designated	N
Lunawada	N	N	N	NA	PIO has not been designated at this level	Only APIO has been designated	Y
Lunawada	N	N	N	NA	PIO has not been designated at this level	Only APIO has been designated	Y

Availability: Police stations are amongst the three categories of offices included in the survey that were the least compliant in terms of proactive disclosure of the contact details of the PIO and AA. The team did not find any information on their notice boards about the PIO or the AA who have jurisdiction over the police stations. None of the police stations had bothered to inform people on their notice boards that the Police Sub-Inspector (PSI) had been designated as the APIO responsible for forwarding people's information requests to the PIO designated in the office of the District Superintendent of Police at Godhra. The team was unable to obtain a copy of the notification designating the PIO who has jurisdiction over the police station despite making verbal requests.⁴

Accessibility: The team was able to meet the APIO at Halol, Lunawada and Santrampur police stations only. In the remaining places the APIO was out of office on other official duties during the team's visit.

VIII. Post Offices

Name of Taluka	PIO's name and designation displayed on the notice board Y/N	Appellate Authority's name and designation displayed on the notice board Y/N	Copy of the PIO's appointment notification was obtained Y/N	Notice board is prominently displayed Y/N/NA	PIO was available at his desk Y/N	If PIO was not available reasons for absence	APIO was available Y/N
Ghoghamba	N	N	N	NA	PIO has not been designated at this level	Only APIO has been designated	N
Halol	N	N	N	NA	PIO has not been designated at this level	Only APIO has been designated	N
Kadana	N	N	N	NA	PIO has not been designated at this level	Only APIO has been designated	N
Kalol	N	N	N	NA	PIO has not been designated at this level	Only APIO has been designated	N
Lunawada	N	N	N	NA	PIO has not been designated at this level	Only APIO has been designated	N
Lunawada	N	N	N	NA	PIO has not been designated at this level	Only APIO has been designated	N

⁴ The team found out about the PIOs and APIOs designated in the police department from the government website.

Availability: Post offices belong to the second category of offices included in the survey that were the least compliant in terms of proactive disclosure of the contact details of the PIO and AA. The team did not find any information on their notice boards about the PIO or the AA who have jurisdiction over the post offices. None of the post offices visited by the team had bothered to inform people on their notice boards that the Post Master has been designated as the APIO responsible for forwarding people's information requests to the PIO designated in the Head Post Office situated at Godhra.⁵ The team was unable to obtain a copy of the notification designating the PIO who has jurisdiction over the main post offices situated in the taluka headquarters.

Accessibility: In almost all places officials refused to recognise that an APIO had been designated by the Department of Posts in their post office. The lone exception was the Post Office at Kadana where the APIO acknowledged his role. In other post offices the team was advised to direct its survey-related queries to the Head Post Office at Godhra.

IX. Offices of the Roads and Buildings Department (RBD)

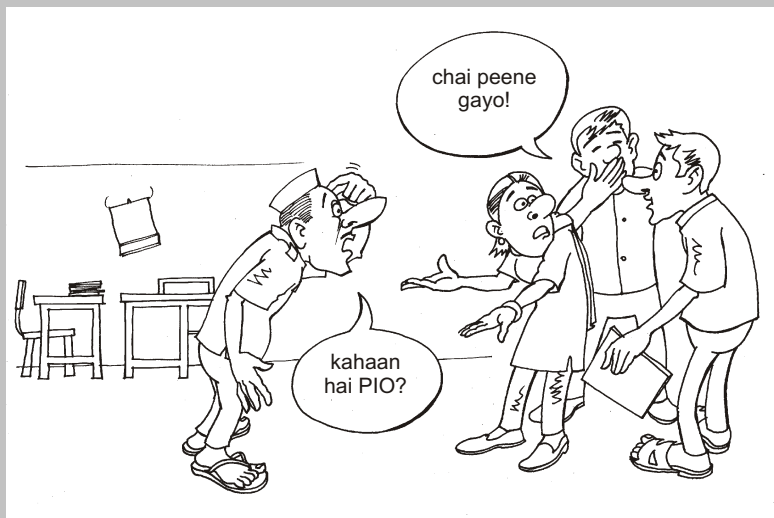
Name of Taluka	PIO's name and designation displayed on the notice board Y/N	Appellate Authority's name and designation displayed on the notice board Y/N	Copy of the PIO's appointment notification was obtained Y/N	Notice board is prominently displayed Y/N/NA	PIO was available at his desk Y/N	If PIO was not available reasons for absence	APIO was available Y/N
Ghoghamba	N	N	N	NA	N	PIO was on a field visit	N
Halol	N	N	N	NA	N	PIO was away on tour	N
Kadana	No office	No office	No office	No office	No office	No office	No office
Kalol	N	N	N	NA	N	Nobody was available in the office to inquire	N
Lunawada	N	N	N	NA	N	PIO was busy at a meeting	Y
Santrampur	N	N	N	NA	N	PIO was busy at a meeting	Y

⁵ The team learnt about the designation of PIOs and APIOs from the website of the Department of Posts (<http://indiapost.gov.in>).

Availability: The RBD offices form the third category of offices that are least compliant with the obligation of proactively disclosing the names of their PIOs and AAs. All five offices surveyed had not displayed any information about the PIO and AA on their notice boards. The team could not find an RBD office in Kadana. The team was unable to obtain a copy of the notification designating the PIO from any office. The website of RBD contains a long list of PIOs and AAs designated at various levels of operation (<http://rnbgujarat.org>). However the Department has not put in adequate efforts to display this information on its notice boards in the offices contacted by the team for the benefit of a large majority of people who are not Internet-literate.

Accessibility: The team was unable to meet any of the PIOs despite repeated visits to these offices. In Santrampur and Lunawada the PIOs were busy attending meetings. In Ghoghamba and Halol the PIOs were out of office on tour or field visits. The team could not find anybody to inquire about the PIO at the Kalol RBD office.

...and this is what the team experienced...



The team arrived at the RBD office at Halol around noon. Except the peon nobody else was present in the office. When the team asked him about the PIO he seemed to know nothing about such an officer. They waited for a while and then left to return in the evening. This time a clerk was available at his

desk. He offered to accept the application and deliver it to the PIO. When the team asked him about the notice board he said that it was still to be printed and hence not hung. Three years have passed since the Act came into force and the board was still being printed.

X. Sub-Registrar's Offices

Name of Taluka	PIO's name and designation displayed on the notice board Y/N	Appellate Authority's name and designation displayed on the notice board Y/N	Copy of the PIO's appointment notification was obtained Y/N	Notice board is prominently displayed Y/N/NA	PIO was available at his desk Y/N	If PIO was not available reasons for absence	APIO was available Y/N
Ghoghamba	No office	No office	No office	No office	No office	No office	No office
Halol	No office	No office	No office	No office	No office	No office	No office
Kadana	No office	No office	No office	No office	No office	No office	No office
Kalol	N	N	N	NA	Y	NA	N
Lunawada	Y	Y	Y	Y	N	PIO had not come in yet as he lives in a village far away	Y
Santrampur	N	N	N	NA	Y	NA	N

Availability: The team was able to locate the offices of the Sub-Registrar in only three of the six talukas included in the survey. The Lunawada Sub-Registrar's office alone had displayed the name and designation of the PIO and the AA but the board was situated in a remote corner of the building. The team was able to obtain a copy of the notification designating the PIO from this office. The offices of Kalol and Santrampur did not furnish a copy of the notification despite the team's verbal requests.

Accessibility: The team was able to meet the PIO in Kalol and Santrampur. The team was informed that the PIO of Lunawada Sub-Registrar's office came in late as he lived at a considerable distance from the town. The team was able to meet the APIO in the Lunawada and Santrampur offices.

XI. Desk of the Department of Education

Name of Taluka	PIO's name and designation displayed on the notice board Y/N	Appellate Authority's name and designation displayed on the notice board Y/N	Copy of the PIO's appointment notification was obtained Y/N	Notice board is prominently displayed Y/N/NA	PIO was available at his desk Y/N	If PIO was not available reasons for absence	APIO was available Y/N
Ghoghamba	Office was not open	Office was not open	Office was not open	Office was not open	Office was not open	Office was not open	Office was not open
Halol	N	N	N	NA	Y	NA	N
Kadana	N	N	N	NA	Y	NA	N
Kalol	N	N	N	NA	N	PIO was on leave	N
Lunawada	N	N	N	NA	Y	NA	NA
Santrampur	N	N	N	NA	Y	NA	N

Availability: The desk (locally known as table) of the Department of Education functions within the premises of the taluka panchayat in most places. The team was able to contact only five out of six desks in different talukas. The Ghoghamba office was not open despite the team visiting the office on different days. None of the offices had displayed any information about their PIO and the AA on their notice boards. The Taluka Development Officer (TDO) deals with all RTI applications submitted to the Taluka Panchayat office. However the Education desks did not display on their notice board the fact of the TDO being their officiating PIO. The team was unable to obtain a notification designating PIOs from any of the Education desks.

Accessibility: The team found the PIOs (TDO) at their desks in four out of six offices when they conducted the survey specific to the Education desks. While the Ghoghamba office was not open as stated above, the Kalol PIO was said to be on leave. The team did not find any APIO specific to the Education desk in any of the offices included in this category.

XII. Department of Agriculture, Extension Desk

Name of Taluka	PIO's name and designation displayed on the notice board Y/N	Appellate Authority's name and designation displayed on the notice board Y/N	Copy of the PIO's appointment notification was obtained Y/N	Notice board is prominently displayed Y/N/NA	PIO was available at his desk Y/N	If PIO was not available reasons for absence	APIO was available Y/N
Ghoghamba	Office was not open	Office was not open	Office was not open	Office was not open	Office was not open	Office was not open	Office was not open
Halol	N	N	N	NA	Y	NA	N
Kadana	N	N	N	NA	Y	NA	N
Kalol	N	N	N	NA	N	PIO was busy at a meeting	N
Lunawada	N	N	N	NA	N	PIO was busy at a meeting	Y
Santrampur	N	N	N	NA	N	PIO was on leave	N

Availability: The desk (locally known as table) of the Department of Agriculture also functions within the premises of the Taluka Panchayat in most places. The team was able to contact only five out of six desks in different talukas. The Ghoghamba office was not open despite the team visiting the office on different days. None of the offices had displayed any information about their PIO and the AA on their notice boards. The website of the Agriculture Department displays lists of PIOs, APIOs and AAs (<http://agricujarat.gov.in>) up to the district level. However the Extension desks did not display on their notice boards details of PIOs and AAs who have jurisdiction over them. The Taluka Development Officer (TDO) is said to deal with all RTI applications submitted to the Taluka Panchayat office. The team was unable to obtain a notification designating PIOs from any of the Extension desks.

Accessibility: As the team visited the Extension desks and the taluka panchayat offices on different days to conduct the survey, the TDO was not available at his desk on all those days. The team could meet the PIO only in Halol and Kadana. In Kalol and Lunawada the PIOs were busy in meetings. The PIO in Santrampur was away on leave on the day of the team's visit. APIOs were also not available on all days despite the team visiting the same office for

surveying different desks. The team was able to contact the APIO only in Lunawada. It may be recollected here that the team was unable to meet the same APIO when the Education desk was surveyed at the same premises.

XIII. Taluka Panchayat Offices

Name of Taluka	PIO's name and designation displayed on the notice board Y/N	Appellate Authority's name and designation displayed on the notice board Y/N	Copy of the PIO's appointment notification was obtained Y/N	Notice board is prominently displayed Y/N/NA	PIO was available at his desk Y/N	If PIO was not available reasons for absence	APIO was available Y/N
Ghoghamba	N	N	N	NA	Y	NA	N
Halol	Y	Y	Y	Y	Y	NA	Y
Kadana	N	N	N	NA	N	PIO was busy at a meeting	Y
Kalol	Y Only designation is mentioned	Y Only designation is mentioned	N	N	N	PIO was away on a field visit	N
Lunawada	N	N	N	NA	Y	NA	Y
Santrampur	N	N	N	NA	N	PIO was on leave	Y

Availability: The team found the Halol Taluka Panchayat to be most compliant in terms of proactively disclosing the name and designation of the PIO and the AA. The notice board was also placed at a prominent location near the entrance to the building. In Kalol Taluka Panchayat the notice board contained only the designation of the PIO and the AA. The board itself was not placed at a prominently visible location. The team was able to obtain a copy of the notification designating the PIO only from the Halol office.

Accessibility: As the team visited the taluka panchayat offices on different days as compared to the Education and Extension desks they came up with different findings regarding the accessibility of the PIO and the APIO. The team could meet with the PIO only in Ghoghamba, Halol and Lunawada. The PIO of Kadana Taluka Panchayat was busy in a meeting while his counterpart in Kalol was out of office on a field visit. The PIO of

Santrampur Taluka Panchayat was on leave on the day of the team's visit. The team was able to meet the APIO only in Halol, Lunawada and Santrampur Taluka Panchayats.

...and this is what the team experienced...

The team had some unpleasant experiences with PIOs but at the same time they had ones which amused them considerably. The PIO at the Ghoghamba Taluka Panchayat office spoke to the team at length. When they asked him why there was no notice board showing the details of the PIO and the APIO he immediately called for his office attendant (peon) and asked him for the whereabouts of the board. The peon who seemed to have no knowledge about the existence of any such board asked "Sir, which board are you talking about?" When the PIO explained, he quickly replied that there was no such board. The PIO attempted to refresh his memory again, but in vain.



Accusing the peon of having a very poor memory the PIO ordered him to go and look for the board. He then turned to the team and said "The board is there, the peon will get it now and you will see..." "But Sir, if the board is there why have you not displayed it?" asked the team. Half an hour later the peon returned but without the board. "Sir I looked everywhere, no such board was ever made...." The PIO was annoyed. He made some gestures but the peon did not seem to understand anything. The PIO sent him back and told him not to return till he found the board. The team waited for another 45 minutes but there was no sign of the board or the peon.

Part 2

Availability and Accessibility of Proactively Disclosed Information

“Survey team: Sir, please give us a copy of your proactive disclosure.

PIO: What is meant by proactive disclosure? I have never heard of it.

Survey team: Sir, proactive disclosure means 17 categories of information that you must give to people voluntarily. People do not have to ask for it in order to obtain it.

PIO: Rubbish! Even God does not give anything unless someone asks Him.

And you want information from us without asking for it?”

(Excerpted from a conversation between the survey team and the PIO, Nagarpalika, Lunawada)

This brief exchange is reflective of the attitudes adopted by a large number of PIOs towards openness and sharing government-held information with people whom they are meant to serve. Compliance of public authorities with their proactive disclosure obligations under the RTI Act formed a special focus of the survey.

What is the obligation of proactive disclosure under the law?

Under the RTI Act, citizens have the right to access information from public authorities in two ways. First and foremost, the Act requires every public authority to furnish 17 categories of information to people proactively. Proactive disclosure includes detailed information about the public authority such as, its organisation, structure, duties and responsibilities, laws, rules and regulations which it is authorised to implement, norms adopted for the discharge of its functions, current channels of decision-making and supervision, a directory of all officers and employees, amount of salary paid to every official, and consultative committees formed for the purpose of seeking people's opinions. Every public authority is also required to disclose on its own, details of its budget and expenditure, subsidy schemes implemented and permits and licenses issued, if any, and such other information that people must know.

Proactive disclosure is intended to serve two objectives: a) creating a citizenry that is well informed about the working of public authorities and b) reducing people's need to make formal applications for obtaining information, the second procedure for seeking access under the RTI Act.

Popularly referred to as 'section 4(1)(b) manuals' in official circles, every public authority by 12 October 2008 was required to complete the process of putting all this information in the public domain within 120 days of the notification of the RTI Act in the Gazette. This information must be updated at least once a year or at such intervals as determined by the public authority. According to section 4(4) of the RTI Act the PIO is the keeper of this information.

The Act suggests various ways of disseminating this information through websites, notice boards and advertisements in the print and electronic media so that every citizen has easy access. If none of these methods are affordable, a public authority may place this information in its office(s) and make it available to any person for inspection on demand. People need not submit a formal application and wait for 30 days to obtain this information. Ordinarily this information must be given free of charge, but governments have the power to make rules prescribing the cost price of the medium (electronically or in hard copy) through which this information will be provided to people. Even if proactively disclosed information has been uploaded on a website, a PIO has a duty to provide a seeker with printouts or a floppy or CD-based recording on demand.

What has the State Government done to implement this obligation?

One of the earliest attempts to develop a template for proactive disclosure under the RTI Act was made in July 2005 in the State of Uttarakhand. CHRI obtained a copy of this template from the Uttarakhand Government and shared it with the Department of Personnel and Training (DoPT), Government of India requesting them to circulate it to all other state governments. The DoPT uploaded this template on its website¹ and advised public authorities to consider using it to fulfil their proactive disclosure obligations. In September, the Sardar Patel Institute of Public Administration (SPIPA), Ahmedabad, prepared its own

1 <http://persmin.gov.in/WriteData/CircularNotification/ScanDocument/RTI/RTI-Templates.pdf> as on 5 December, 2008.

template in Gujarati which was released at the first state-level orientation workshop held at its premises. CHRI was invited to resource this workshop. Subsequently this template was circulated to all departments and public authorities to serve as a guide for preparing their proactive disclosure documents.

The *Gujarat RTI Rules, 2005* do not contain any provision for collecting costs from citizens who demand copies of proactively disclosed information. In the absence of such a provision all copies must be made available free of cost. However, the survey team discovered that several PIOs charge Rs. 2 per page, the rate for charging additional fees applicable to the second procedure of seeking information.

What criteria were adopted for assessing compliance?

The survey focused on two criteria for assessing compliance with proactive disclosure obligations of public authorities:

- a) availability; and
- b) accessibility of the information.

Indicators for assessing 'availability' of proactively disclosed information included the following: whether or not the public authority had:

- i) compiled the 17 categories of information in hard copy or on websites; and
- ii) displayed information belonging to any of these categories on its notice boards.

Indicators for assessing 'accessibility' of proactive disclosure included the following parameters:

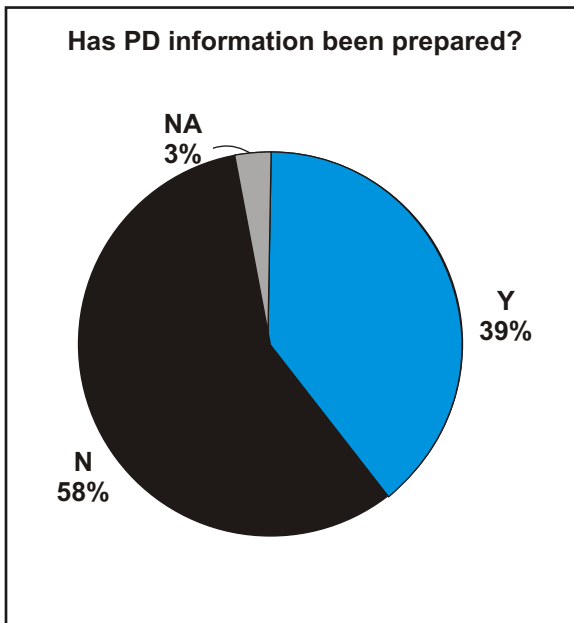
- 1) procedure required and time taken for obtaining a hard copy;
- 2) expenditure incurred for obtaining a copy (application fee and additional fee paid); and
- 3) attitude of PIOs / APIOs towards seekers of this information (based on the personal experiences of the surveying team).

How did the public authorities perform?

Overall performance

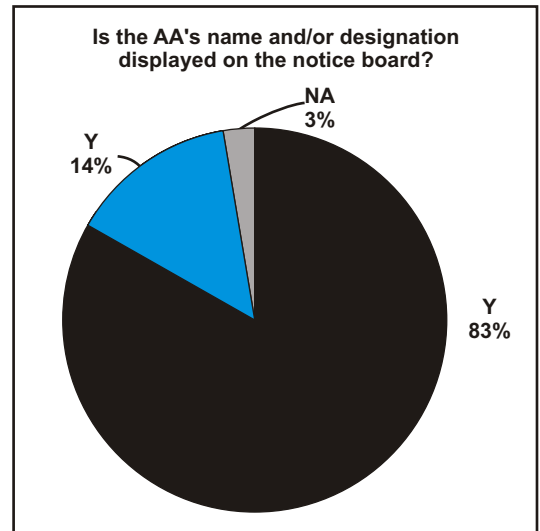
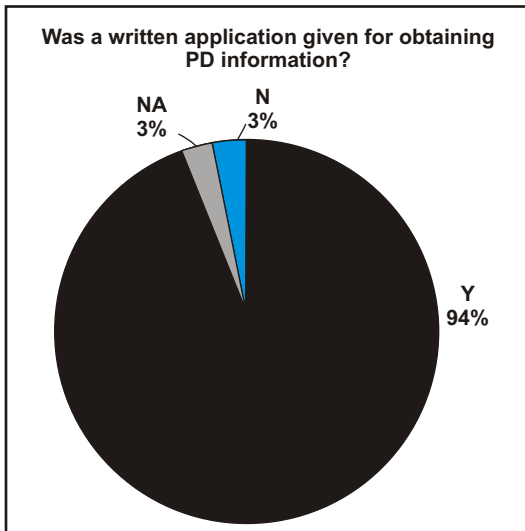
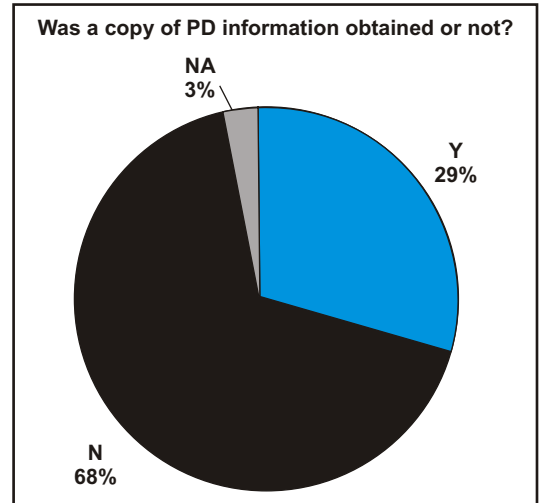
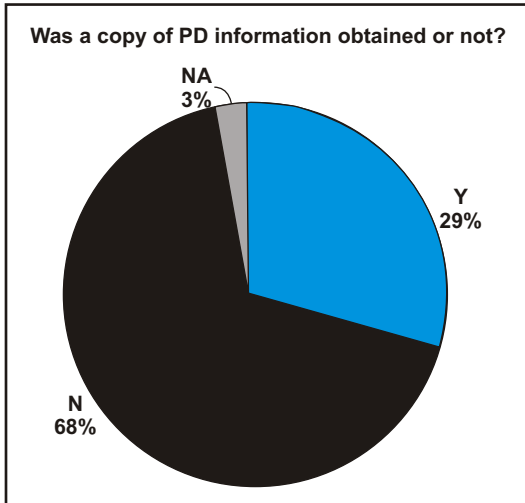
Availability: The team found that only a little more than a third of the offices surveyed had complied with their proactive disclosure obligations. Only 28 out of the 71 offices (39.43%) included in the survey were able to confirm that they possessed copies of information compiled as required by section 4(1)(b) of the RTI Act. With the exception of the Nagarpalika (municipal body) of Kalol none of the offices displayed on their notice boards any information required under this provision (in addition to the details regarding PIO, APIO and AA). The survey team found some information about expenditure on construction works displayed on a notice board in the office of this Nagarpalika.

Accessibility: Only 21 out of the 71 offices surveyed (29.57%) provided copies of their proactive disclosure documents to the team. Despite explaining the meaning of proactive disclosure and the obligation of PIOs to provide this information without any delay or submission of a formal application, the team was required to submit written applications in 94% of the offices. In 85% cases application fee was required to be paid along with the application. In a few offices PIOs refused to accept applications in person and insisted on receiving them by post causing unnecessary additional expenditure to the team. The ICDS office of Kalol did not give access to their proactive disclosure documents even after the additional fee was deposited.



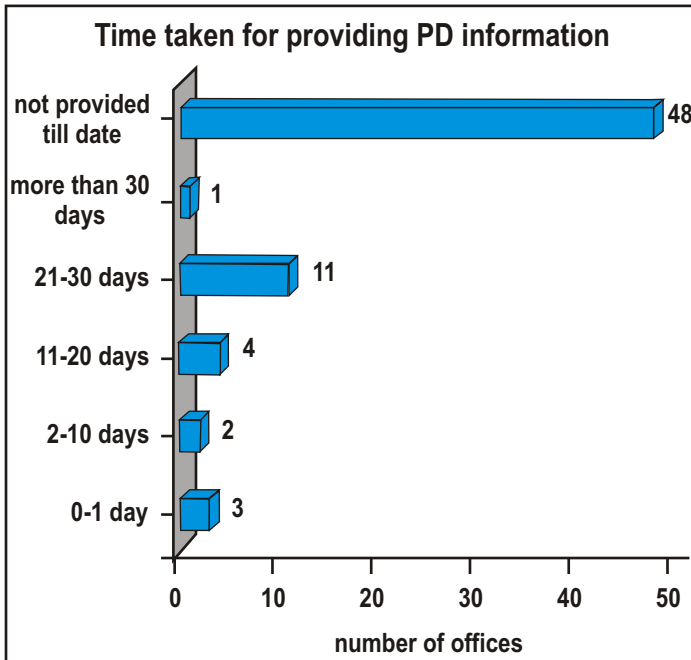
Two offices were more forthcoming in providing access to proactive disclosure documents. The office of the SubRegistrar, Kalol provided the information entirely free of cost against a

verbal request without asking for a written application. The Santrampur office of Madhya Gujarat Viji Company Ltd. (MGVCL)² provided the information on the same day of the team's visit without seeking a formal application or application fee. The team deposited Rs. 22 as photocopying charges. The PIO of Kalol Nagarpalika sought a written application but provided the proactive disclosure documents within 24 hours without collecting any application fee or additional fee. Of the remaining 21 offices that supplied proactive disclosure documents, 16 took between 10-30 days. The Taluka Panchayat office of Kalol



2 Formerly part of the undivided Gujarat Electricity Board (GEB)

Updated Information: It was not possible to ascertain from a cursory reading as to whether the proactive disclosure documents had been updated or not. They did not contain any date



or indication that would suggest that the information had been updated annually. For example, the proactive disclosure of the Mamlatdar's office ought to have included a complete list of beneficiaries of various subsidy schemes implemented through that office. The Indira Awaas Yojana (IAY) is one such scheme funded by the Government of India and implemented by the State Government. The IAY sanction list is prepared afresh every year and new beneficiaries receive housing assistance under this scheme. As the

documents obtained from the Mamlatdar's offices do not contain a list of IAY beneficiaries or those of any other subsidy scheme, it is not possible to ascertain whether the proactive disclosure documents were updated or not.³

³ The second volume of this report, to be brought out later, will provide a qualitative analysis of the proactive disclosure documents obtained from various offices as part of this survey.

Category-wise performance

I. Community Health Centres (CHCs)

Name of Taluka	PD prepared Y/N	PD displayed on notice board Y/N	Application given for obtaining PD Y/N	Application fee paid Y/N	Additional fee paid Rs.	Information received in # of days (N= not received)
Ghoghamba	Y	N	Y	Y	50	20
Halol	Y	N	Y	Y	36	24
Kadana	N	N	Y	N	NA	N
Kalol	Y	N	Y	Y	30	23
Lunawada	Y	N	Y	Y	50	26
Santrampur	Y	N	Y	Y	0	28

Availability: Of the six CHCs surveyed, the CHC of Kadana alone did not confirm that its proactive disclosure documents had been prepared. Except for the name and room number of the doctors serving at the CHCs, the team hardly found any category of proactively disclosed information displayed on notice boards as required by the RTI Act.

Accessibility: The team submitted formal applications in all CHCs and paid application fees and additional fees in order to obtain proactively disclosed information. Five out of six CHCs supplied the information, Kadana CHC being the exception. Amongst all the offices included in the survey, CHCs were the slowest to supply this information. No CHC supplied information in less than 20 days even though the law requires it to be supplied immediately on demand.

...and this is what the team experienced...

The team had a bitter experience at the Santrampur CHC. The official appointed as the PIO in 2005 had been transferred out. The resident doctor newly appointed as the PIO was away on leave and nobody was available to provide information. The team approached the chief of the CHC with their request for proactively disclosed information. He seemed to know very little about the proactive disclosure provision contained in the RTI Act. He asked the team why they wanted the information. Initially he cautioned the team in a gentle tone of voice, *“If you have no genuine reasons for seeking information, a case can be filed against you...”* “Sir, who will file this case against me and on what grounds?” asked one of the team members. *“Anyone can file a case...even I can file if I am instructed...”* replied the doctor. He then asked the team to give an affidavit explaining their reasons for seeking proactive disclosure documents from the CHC. To this the team merely replied that if he was not willing to accept the application then they would send it by registered post. The doctor was not in the mood to give up. He retorted that if they sent their application by registered post he would send them a notice requiring them to give an undertaking that they had no criminal record for the past five years and that he would also summon their criminal record if any, from the police station.

The team later learnt that this chief doctor was also the designated appellate authority for the CHC.

II. Integrated Child Development Scheme (ICDS) Desks

Name of Taluka	PD prepared Y/N	PD displayed on notice board Y/N	Application given for obtaining PD Y/N	Application fee paid Y/N	Additional fee paid Rs.	Information received in # of days (N= not received)
Ghoghamba	N	N	Y	Y	NA	N
Halol	Y	N	Y	N	NA	N
Kadana	Y	N	Y	N	NA	N
Kalol	Y	N	Y	Y	16	N
Lunawada	Y	N	Y	Y	NA	N
Santrampur	N	N	Y	Y	NA	N

Availability: Only four of the six ICDS desks surveyed had prepared proactive disclosure documents. Hardly any information required to be disclosed under section 4(1)(b) of the RTI Act had been displayed on the notice boards.

Accessibility: The team was advised to submit formal applications and pay application fees in all ICDS offices to obtain a copy of their proactively disclosed information. The Kalol ICDS desk sent a communication to the team requiring them to pay additional fee of Rs. 16 if they wanted a copy. However the team did not receive the proactive disclosure documents from this office despite making the payment. None of the other ICDS desks have provided their proactively disclosed information until the date of completion of this report.

III. Offices of the Legal Services Authority (LSA)

Name of Taluka	PD prepared Y/N	PD displayed on notice board Y/N	Application given for obtaining PD Y/N	Application fee paid Y/N	Additional fee paid Rs.	Information received in # of days (N= not received)
Ghoghamba	No office	No office	No office	No office	No office	No office
Halol	N	N	Y	Y	NA	N
Kadana	No office	No office	No office	No office	No office	No office
Kalol	N	Y	Y	Y	NA	N
Lunawada	N	N	Y	Y	NA	N
Santrampur	N	N	Y	Y	NA	N

Availability: Only four of the six talukas included in the survey had offices of the LSA. None of them informed the team that they had prepared their proactive disclosure documents.

Accessibility: A formal application was submitted along with application fee at all the LSA offices. However none except the Halol office has responded till date. The PIO of Halol LSA sent a written reply to the team stating that the proactive disclosure sought by the team had been barred under the orders of the High Court and also because it was covered by section 8 of the Act (see Annexe I).

...and this is what the team experienced...

The Judicial Magistrate First Class (JMFC) who is the designated PIO of the Lunawada LSA informed the team that the LSA was beyond the purview of the RTI Act. Thus the question of providing any information or making proactive disclosure available to them did not arise at all. He then told the team *“Log to court aane se darte hain...tum shareef ghar ke lagte ho, phir kyun yahaan pe aaye ho?... Log dua karte hain ki unko kabhi adaalat ki seedi nahin chadhni pade aur tum saamne se chadh ke aa rahe ho?”* (People are normally scared to come to courts. You appear to belong to respectable families. Why have you come to court? People pray to God that they may never have an occasion to step into a court. Yet you have dared to come through the front door?)

The team was too amused to reply. When they tried to hand over the application to him he initially refused to accept it. After much persuasion from the team he agreed to read the application. Upon seeing the non-judicial stamp paper attached to the application he asked them why it had been attached. The team explained that the stamp paper represented proof of payment of application fee and was one of the modes of payment approved under the Gujarat RTI Fee Rules, 2005. Angrily the Magistrate said, *“You people are wasting stamp papers when there is a shortage...I will take action against the stamp vendor for issuing them to you for this purpose.”* He returned the application to the team and told them to leave the room. If they refused to comply he threatened that he would complain to his seniors that they were harassing him. The team had to leave and the application was later sent by registered post. No response or information has been received from the Lunawada LSA office till date.

IV. Mamlatdar Offices

Name of Taluka	PD prepared Y/N	PD displayed on notice board Y/N	Application given for obtaining PD Y/N	Application fee paid Y/N	Additional fee paid Rs.	Information received in # of days (N= not received)
Ghoghamba	Y	N	Y	Y	0	24
Halol	N	N	Y	Y	NA	N
Kadana	Y	N	Y	Y	0	11
Kalol	Y	N	Y	Y	20	30
Lunawada	Y	N	Y	Y	20	30
Santrampur	Y	N	Y	Y	NA	N

Availability: Five out of the six Mamlatdar offices had prepared their proactive disclosure documents. It was not possible to ascertain whether the same was true of the Halol Mamlatdar office for reasons mentioned below hence it is being presumed that the documents might not have been prepared. The team could not find on the notice boards any information required to be proactively disclosed under section 4(1)(b) of the RTI Act.

Accessibility: Only four of the five Mamlatdar's offices provided copies of their proactive disclosure. The team had to put in written requests formally and pay application fees at all offices. The PIOs in Kalol and Lunawada charged Rs. 20 each as additional fees while the PIOs at Ghogambha and Kadana provided copies without charging additional fees. The Mamlatdar of Halol directed the team to collect copies from his juniors in the office. But despite repeated visits the team did not succeed in obtaining a copy. Copies of proactive disclosure were obtained on the 30th day from Kalol and Lunawada while those from Kadana and Ghoghamba were made available within 11 and 24 days respectively.

...and this is what the team experienced...

The PIO at the Mamlatdar's office in Ghoghamba had gone out for lunch when the team reached his office. They waited for almost two hours until he returned. At 3pm he entered his office. There were others waiting to see him who had come after the survey team. He attended to them first.

When the team entered his cabin, he asked where they had come from and for what purpose. When he learnt that the team wanted proactively disclosed information about his office he was furious. *"Why should I provide information to you? You have come from Halol, to seek information about Ghoghamba...why*



don't you seek information from Halol itself...?" He then asked the team for proof of identity. As they had none, they merely told the PIO that the RTI Act does not require a requestor to submit any identity, proof. The PIO then demanded a written application for the proactive disclosure documents. His tone was rude and intimidating. After reading the application he asked the team to clearly list down the 17 points of information they sought. Then he asked them, *"Are you politicians...? If not I cannot give you information because information can be sought by and given only to politicians..."* It was clear the PIO did not know that the proviso under section 8(1) of the RTI Act unambiguously states that any information that cannot be denied to the Parliament or the State legislature cannot be denied to any person. He sent the team out of his chamber without accepting the application. Later, when the team submitted the application along with application fee by registered post, he had little choice but to reply. The team received the proactive disclosure documents after 24 days but did not have to pay any additional fee.

...and this is what the team experienced...

The PIO at the Santrampur Mamlatdar's office asked the team to collect the proactive disclosure on a specific date. When the team visited his office to collect the information they were made to wait the whole day. Towards the end of the day they were asked to deposit additional fees and this had to be paid through the bank. Such a demand was unreasonable and not sanctioned by the *Gujarat RTI Rules*.

V. Offices of Madhya Gujarat Vij Company Ltd. (MGVCL)

Name of Taluka	PD prepared Y/N	PD displayed on notice board Y/N	Application given for obtaining PD Y/N	Application fee paid Y/N	Additional fee paid Rs.	Information received in # of days (N= not received)
Ghoghamba	N	N	Y	Y	NA	N
Halol	Y	N	Y	Y	0	9
Kadana	No office	No office	No office	No office	No office	No office
Kalol	Y	N	Y	Y	0	16
Lunawada	Y	N	Y	Y	30	30
Santrampur	Y	N	N	N	22	0

Availability: Four of the five offices of MGVCL had prepared their proactive disclosure documents. The team could not locate an MGVCL office in the recently formed Kadana taluka. Officials of the MGVCL office at Ghoghamba did not know whether their office held any proactively disclosed information about itself. The office-in-charge was away on a field visit and could not be contacted. It may be recollected here that MGVCL has uploaded a wealth of information proactively on its website (<http://www.gseb.com>). The team obtained slimmer volumes of proactive disclosure from the MGVCL offices in other talukas that are specific to the working of those offices. The Ghoghamba office ought to have prepared its

proactive disclosure document in a similar manner. The team could not find any information relating to section 4(1)(b) displayed on any notice board in these offices.

Accessibility: The PIO of the Santrampur office of MGVCCL was most forthcoming as he provided the proactive disclosure documents on the same day without compelling the team to file a formal application and pay application fee. However the team was required to pay for the cost of photocopying the document. The MGVCCL offices of Kalol and Halol provided their documents without seeking any additional fee but the team was required to submit formal applications and pay application fees. The PIO of the Halol office sent the information in 9 days while the team obtained the documents from Kalol and Lunawada within 16 and 30 days respectively.

VI. Nagarpalika Offices

Name of Taluka	PD prepared Y/N	PD displayed on notice board Y/N	Application given for obtaining PD Y/N	Application fee paid Y/N	Additional fee paid Rs.	Information received in # of days (N= not received)
Ghoghamba (Gram Panchayat performs the functions of the Nagarpalika)	Y	N	Y	Y	NA	N
Halol	Y	N	Y	Y	NA	N
Kadana (Gram Panchayat performs the functions of the Nagarpalika)	N	N	Y	Y	NA	N
Kalol	Y	Y	Y	Y	0	1
Lunawada	Y	N	Y	Y	22	30
Santrampur	Y	N	Y	Y	28	10

Availability: Only four out of six taluka headquarters have nagarpalikas. In Ghoghamba and Kadana the respective gram panchayats perform the functions of the nagarpalika. All four nagarpalikas had prepared their proactive disclosure documents. While the PIO of the Ghoghamba Gram Panchayat informed the team that their proactive disclosure document

was ready, the Kadana Gram Panchayat does not appear to have prepared its proactive disclosure. The Kalol Nagarpalika had displayed on its notice board some information about the costs and nature of development works being undertaken currently. No other office had displayed any information required to be disclosed proactively under the RTI Act.

Accessibility: None of the nagarpalika offices provided the team with their proactive disclosure documents readily on demand. The team was required to submit a formal application and pay application fee in all offices. The Kalol Nagarpalika provided the information within 24 hours but did not charge any additional fee. The Lunawada Nagarpalika collected a fee of Rs. 22 and supplied the information on the 30th day. The Santrampur Nagarpalika made the information available within 10 days and upon payment of Rs. 28 as additional fee. None of the other nagarpalikas or the two gram panchayats have supplied copies of their proactively disclosed information till the date of writing this report.

...and this is what the team experienced...

The PIO at the Lunawada Nagarpalika was on leave. The APIO had to rush for a meeting thus he too was not free to meet the team. After almost two hours of waiting the senior clerk attended to the team. The conversation is a memorable one.

The clerk quite clearly knew nothing about the RTI Act. When the team asked him for a copy of the PIO notification letter he seemed clueless. When they asked him to provide the proactive disclosure he said he was not aware of any such thing available in the office. Suddenly he remembered that the department had indeed prepared some book but he did not know where it was kept. However he quickly asked the team to submit an application. *“Whatever you want just submit an application and pay the fees and we will give it all to you....no information can be provided without a formal written application and the money...”* he said. *“But sir, proactive disclosure information is to be provided without an application. It is the department’s duty to provide such information without people having to ask for it,”* said the team. This was news. The clerk was surprised. He smiled and said *“I am not God! How will I know what you want if you don’t ask?”*

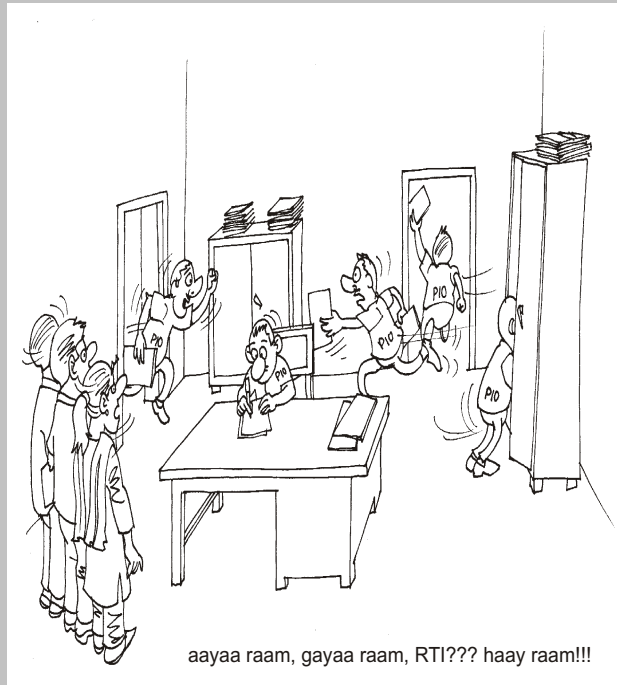
The team had little choice but to submit an application and pay the fee. The clerk refused to accept payment in cash saying that it was a headache to maintain cash records and thus only non-judicial stamp papers were accepted as fees. Once the formalities were over he proudly said.... “*You are unnecessarily submitting an application. Our department works so*



well that we hardly get any information requests...!” The team received the proactive disclosure documents on the 30th day.

...and this is what the team experienced...

The team spent two full days at the Ghoghamba Gram Panchayat office. On the first day the team met the PIO and asked him for a copy of the proactive disclosure for his office. He replied that the information was ready but he was quite busy at that hour. He told the team that they would have to come back later and went out of the office. The team waited



aayaa raam, gayaa raam, RTI??? haay raam!!!

at the office itself. The PIO returned after almost two hours. He went straight into his room for lunch. After waiting for another hour the team approached him again. He said “I have an urgent meeting with the Mamlatdar at his office. I have to leave now. If you want the information come back tomorrow...” The team left the office disappointed.

The next day was no different. The team went to the office in the morning itself. They waited for several hours for the PIO's arrival. When the PIO arrived at his chamber he told them to come back later as he was busy.

The team waited some more. Finally he said that he had to attend a meeting at Godhra and needed to leave immediately. If they wanted the information they would have to come back another day. The team asked him to accept their written application but he refused. “*Whenever anybody asks I give the information straight away...I don't accept applications unnecessarily...*” he proudly said and left for Godhra. The team had little choice but to send the application by registered post. The team has not received any response till the date of writing this report.

VII. Police Stations

Name of Taluka	PD prepared Y/N	PD displayed on notice board Y/N	Application given for obtaining PD Y/N	Application fee paid Y/N	Additional fee paid Rs.	Information received in # of days (N= not received)
Ghoghamba	N	N	Y	Y	NA	N
Halol	N	N	Y	Y	NA	N
Kadana	N	N	Y	Y	NA	N
Kalol	N	N	Y	Y	NA	N
Lunawada	N	N	Y	Y	NA	N
Santrampur	N	N	Y	Y	NA	N

Availability: None of the police stations surveyed by the team had proactive disclosure documents specific to their office nor was a copy of the proactive disclosure prepared by the office of the District Superintendent of Police (DSP), Godhra available with them. The team could not find any information required to be disclosed under section 4(1)(b) displayed on any notice board in these police stations.

Accessibility: The team submitted to these police stations formal applications for proactive disclosure. As the police officials at Ghoghamba, Halol and Kalol refused to receive applications in person the team had to send the requests along with the application fee by registered post. The team has not received any response from these police stations till date. One would expect that the designated APIOs at these police stations would forward the applications to the PIO designated at the DSP's office for action. This is their role as APIOs according to section 5(2) of the RTI Act. However the team has not heard from the PIO of the DSP's office either.

VIII. Post Offices

Name of Taluka	PD prepared Y/N	PD displayed on notice board Y/N	Application given for obtaining PD Y/N	Application fee paid Y/N	Additional fee paid Rs.	Information received in # of days (N= not received)
Ghoghamba	N	N	Y	Y	NA	N
Halol	N	N	Y	Y	NA	N
Kadana	N	N	Y	Y	NA	N
Kalol	N	N	Y	Y	NA	N
Lunawada	N	N	Y	Y	NA	N
Santrampur	N	N	Y	Y	NA	N

Availability: None of the six post offices surveyed by the team had any proactive disclosure documents required to be compiled under section 4(1)(b) of the RTI Act. Hardly any information belonging to the 17 categories specified in the Act were displayed on their notice boards.

Accessibility: The team submitted formal applications at all post offices seeking copies of their proactive disclosure. Only the Halol Post Office did not collect any application fee. None of the post offices save that of Kalol bothered to send any response to the team despite receiving the application along with fee. The Kalol Post Office sent a letter to the survey team informing them that the Department of Posts had uploaded its proactive disclosure on its website (<http://indiapost.gov.in>) for the entire department. If they wanted the information on a CD they would have to deposit Rs. 50 at the Halol Post Office and send the receipt to the Godhra Head Post Office. The Godhra Head Post Office would then dispatch a copy of the information on a CD. The team did not pay the additional fee as they wanted the proactive disclosure specific to the post office and not general information about the entire Department which they could easily download from its website.

IX. Offices of the Roads and Buildings Department (RBD)

Name of Taluka	PD prepared Y/N	PD displayed on notice board Y/N	Application given for obtaining PD Y/N	Application fee paid Y/N	Additional fee paid Rs.	Information received in # of days (N= not received)
Ghoghamba	N	N	Y	Y	NA	N
Halol	Y	N	Y	Y	40	15
Kadana	No office	No office	No office	No office	No office	No office
Kalol	N	N	Y	Y	NA	N
Lunawada	Y	N	Y	Y	46	26
Santrampur	N	N	Y	Y	NA	N

Availability: Only five talukas surveyed by the team had RBD offices. The team could not find an RBD office in the recently formed taluka of Kadana. Only two of these offices had prepared proactive disclosure documents. The team could not find on the notice boards of RBD offices any information required to be proactively displayed under section 4(1)(b) of the RTI Act.

Accessibility: The team was required to file formal applications and pay the application fees at all RBD offices surveyed. The office of Halol and Lunawada charged the team Rs. 40 and 46 respectively for providing the information. The team obtained the proactive disclosure documents from these offices within 15 and 26 days respectively.

...and this is what the team experienced...

The team could meet the PIO at the Halol RBD office only during their second visit. During the first visit the office attendant (peon) had insisted that they submit a written application. When they met the PIO on the second visit and inquired about proactive disclosure documents relating to his office he said that the department had prepared a booklet but it had not been finalised. So it would not be proper to give them incomplete information. He

also said that only one copy of the book was available with his office which he could not part with. The team explained that for such information neither was an application required nor was an application fee necessary. It was the Department's duty to provide it without people having to ask for it. The PIO was not interested in the team's sermon. He advised the team not to argue with him any further and told them to leave.

Later the team sent a written application along with application fee by registered post. The PIO had no choice but to send a fee intimation letter requiring the team to pay additional fees of Rs. 40. The team received the documents within 15 days of the application.

X. Sub-Registrars' Offices

Name of Taluka	PD prepared Y/N	PD displayed on notice board Y/N	Application given for obtaining PD Y/N	Application fee paid Y/N	Additional fee paid Rs.	Information received in # of days (N= not received)
Ghoghamba	No office	No office	No office	No office	No office	No office
Halol	No office	No office	No office	No office	No office	No office
Kadana	No office	No office	No office	No office	No office	No office
Kalol	Y	N	N	N	0	same day
Lunawada	Y	N	Y	Y	20	24
Santrampur	N	N	Y	Y	NA	N

Availability: Only three of the talukas included in the survey have separate offices of the Sub-Registrar. Of these only two offices had prepared their proactive disclosure documents. The team could not find on their notice boards any information required to be proactively disclosed under the RTI Act.

Accessibility: The Sub-Registrar's office of Kalol was the most compliant in terms of proactive disclosure as the team was given the information on demand, on the same day,

without any application, application fee or additional fee required to be paid. The team obtained the proactive disclosure of the Sub-Registrar's office of Lunawada within 24 days on the payment of an additional fee of Rs. 20.

...and this is what the team experienced...

The PIO at the Santrampur Sub-Registrar's office was rude and dismissive of the team. When the team approached him he indicated that he was aware of this survey being done and that a group was going round the district "indulging in such activities". He told the team, "Nothing is going to come out of this survey. You people have no work so you are moving from one taluk to another to harass officers." The team chose to ignore his accusations. When they inquired about the absence of the notice board he said that it was impossible to put on a board all the information mentioned under section 4(1)(b). When asked about the proactive disclosure he said, "You can collect it from the district Sub-Registrar's office...we do not have anything here..." With much reluctance he accepted the application but only after the team paid the application fee. The team has not received any information from this office until the date of writing this report.

XI. Desk of the Department of Education:

Name of Taluka	PD prepared Y/N	PD displayed on notice board Y/N	Application given for obtaining PD Y/N	Application fee paid Y/N	Additional fee paid Rs.	Information received in # of days (N= not received)
Kadana	N	N	Y	N	NA	N
Kalol	N	N	Y	Y	NA	N
Lunawada	N	N	Y	Y	NA	N
Santrampur	N	N	Y	Y	NA	N
Ghoghamba	No desk	No desk	No desk	No desk	No desk	No desk
Halol	N	N	Y	N	NA	N

Availability: Only five talukas had desks of the Department of Education. The office at Ghoghamba was not open on both days of the team's visit. None of the officials indicated that proactive disclosure documents pertaining to their area of work and jurisdiction had been prepared. The team could not find on the notice boards of these offices any information required to be disclosed under section 4(1)(b) of the RTI Act.

Accessibility: The team formally submitted applications along with application fees to obtain the proactive disclosure of these offices. The team has not obtained any information from any of these offices till the date of compiling this report.

XII. Department of Agriculture, Extension Desk

Name of Taluka	PD prepared Y/N	PD displayed on notice board Y/N	Application given for obtaining PD Y/N	Application fee paid Y/N	Additional fee paid Rs.	Information received in # of days (N= not received)
Ghoghamba	No office	No office	No office	No office	No office	No office
Halol	N	N	Y	Y	NA	N
Kadana	N	N	Y	N	NA	N
Kalol	N	N	Y	Y	NA	N
Lunawada	N	N	Y	Y	NA	N
Santrampur	N	N	Y	Y	NA	N

Availability: Only five talukas had a desk of the Department of Agriculture. The office of the Ghoghamba desk was not open on both days of the team's visit. None of the officials indicated that proactive disclosure documents pertaining to their area of work and jurisdiction had been prepared. The team could not find on the notice boards of these offices any information required to be disclosed under section 4(1)(b) of the RTI Act.

Accessibility: The team formally submitted applications along with application fees to obtain the proactive disclosure documents of these offices. The team has not been able to obtain this information from any of these offices till the date of compiling this report.

XIII. Taluka Panchayat Offices

Name of Taluka	PD prepared Y/N	PD displayed on notice board Y/N	Application given for obtaining PD Y/N	Application fee paid Y/N	Additional fee paid Rs.	Information received in # of days (N= not received)
Ghoghamba	N	N	Y	Y	NA	N
Halol	N	N	Y	Y	NA	N
Kadana	N	N	Y	N	NA	N
Kalol	Y	N	Y	Y	NA	36
Lunawada	N	N	Y	Y	NA	N
Santrampur	N	N	Y	Y	NA	N

Availability: Amongst the six taluka panchayat offices surveyed only Kalol had prepared its proactive disclosure documents. Even in this office the team could not find on the notice board information required to be displayed under section 4(1)(b) of the RTI Act. The situation was similar in other taluka panchayat offices

Accessibility: The team submitted formal applications along with application fees at all taluka panchayat offices. Five of the six offices have not responded to the team till the date of compiling this report. The Kalol office provided the information after 36 days and without charging any additional fee.

Part 3

Training of PIOs and APIOs

What training obligation is specified in the law?

Officers and employees of public authorities join the public service after swearing an oath of secrecy. This pronounced commitment to keep all official information confidential has the effect of throwing a cloak of opaqueness on all decision-making processes within government. Age-old practices and habits of keeping files and records out of public view are not easy to overcome. The mere enactment of an information access law is not adequate guarantee that it will make public authorities more transparent than before. The paradigm change in governance from officially sanctioned secrecy to legally mandated openness requires close management. Training is a crucial input for the realisation of the objectives of the RTI Act. Section 26(1)(d) requires all governments to train PIOs in all public authorities to implement the provisions of the Act and produce relevant training materials for the purpose of educating them. This directory provision is subject to the availability of resources with governments. The training of PIOs, APIOs and AAs is crucial to the success of the objectives of the Act.

What has the State Government done to implement this obligation?

Gujarat is one of the few States that took the initiative early on to organise sensitisation seminars and training workshops for its officers. The first state level sensitisation workshop was organised by the State Government under the aegis of the Sardar Patel Institute of Public Administration (SPIPA) at Ahmedabad in September 2005. Senior-most officers of the Government including the Chief Secretary, heads of various departments, senior representatives of state-owned or controlled boards and corporations attended the day-long deliberations. Arrangements were made to relay the discussions live to all district headquarters via video-conferencing facilities. CHRI was invited to resource this workshop. Since then, SPIPA has conducted several workshops and seminars for sensitising officers designated as PIOs, APIOs and AAs.

SPIPA was chosen as the State Implementing Agency for conducting intensive officer training and public education programmes on the RTI Act under a project supported by the United Nations Development Programme (UNDP), sponsored by the Government of India and coordinated by the Centre for Good Governance (CGG), Hyderabad, and the Yashwantrao Chavan Academy of Development Administration (YASHADA). Under this project, senior and middle-level officers of the State Government were coached in the art of conducting officer-training programmes for other public authorities. In addition to this initiative, SPIPA, the General Administration Department (GAD) and the State Information Commission have uploaded on the government website resource materials on the RTI Act in the local language for the benefit of PIOs, APIOs and AAs. Numerous training programmes are said to have been conducted since the operationalisation of the Act, in several departments, boards, corporations, public sector undertakings, universities and other institutions owned, controlled or funded by the State Government.

Two districts were chosen in Gujarat for conducting intensive officer-training programmes in addition to the public education efforts under the UNDP-sponsored project. A District Implementing Agency (DIA) was set up in each district under the leadership of the District Collector to plan and coordinate the training and public education activities. Panchmahals is one of the two districts chosen for this purpose. According to a progress report prepared by the District Collector's office, the DIA has trained a total of 677 officers including APIOs, PIOs and AAs designated in various departments in the district between January 2006 and April 2008.¹

What criteria were adopted for assessing compliance?

The survey team decided to depend on the verbal inputs given by PIOs and APIOs in order to determine whether or not they had been trained to implement the Act. Responses of these officers were taken at face value without making any attempt to cross-check whether they had indeed been trained or not. The team decided against focusing on an actual assessment of the knowledge levels of these duty-holders for three reasons. First, as the survey was designed to be a rapid assessment of compliance levels, it was not feasible to

¹ CHRI obtained this progress report after filing a formal application under the RTI Act with the District Collector's office.

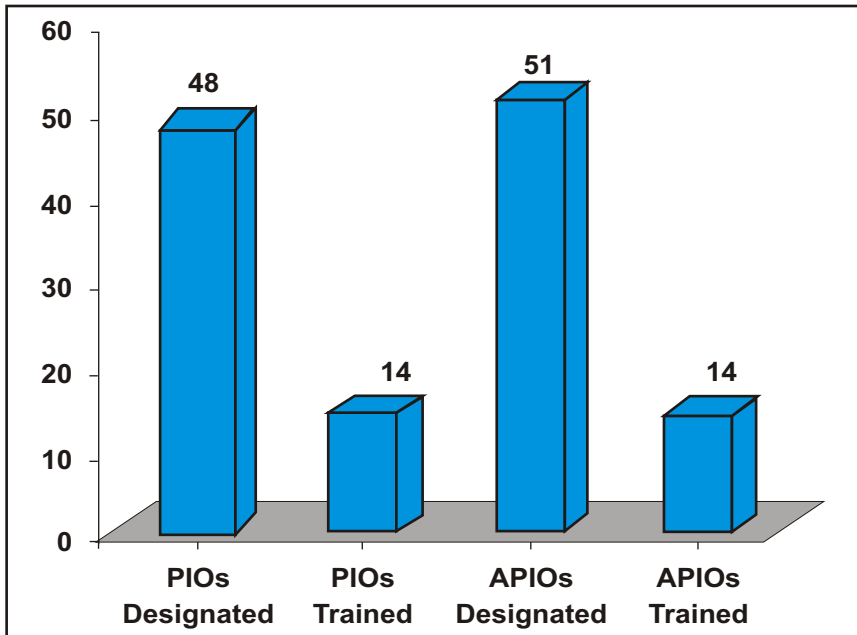
hold detailed discussions with the PIOs and APIOs to gauge their levels of knowledge and understanding about the RTI Act. Second, given the fact that the team decided to conduct the survey without seeking any approval of, or permission from, the district administration, officers would not have agreed to be quizzed by the team about their knowledge levels. Third, the Act having been drafted in substantial detail and with vagueness rarely characterising its provisions, any officer with some years of experience in administrative matters would be able to pick up the basic provisions of the Act after a few intensive reading sessions. As the State Government and SPIPA have disseminated study materials amongst public authorities through various means including websites, any conscientious PIO or APIO would be expected to be self-taught. So, one could reasonably expect the PIOs and APIOs to be knowledgeable about the Act without attending many formal training sessions at workshops or seminars.

How did the public authorities perform?

Overall performance

The team was able to meet about 48 PIOs and 51 APIOs during the survey. In all, an equal number of PIOs and APIOs (14 each) informed the team that they had attended at least one training programme on the RTI Act. In other words, less than a third of the PIOs (29.16%) and APIOs (27.45%) interviewed by the team claimed that they had undergone some kind of training on the RTI Act. Offices of the Mamlatdars and nagarpalikas had more trained PIOs and APIOs than others. PIOs and APIOs in the offices of MGVCL, Legal Services Authorities, police stations and post offices stated that they had not received any training for implementing the RTI Act.²

² As the experiences of the survey team show throughout this report, several officers interviewed during the survey were not only rude but also dismissive of the efforts of the team to assess compliance with the RTI Act. Some of them appeared quite irritated when the team members, young men and women, questioned them if they had been trained to implement the RTI Act. Not used to being questioned in this manner it is possible that some of the officers may have treated the question casually and may have elected not to disclose the fact that they had indeed undergone some training. One such instance that occurred at the Mamlatdar's office in Ghoghamba is narrated below (See page 79). However a more structured survey conducted with the approval of the administration may reveal a more accurate picture regarding the status of the training of PIOs and APIOs.



Category-wise performance

I. Community Health Centres (CHCs)

Name of Taluka	Number of PIOs appointed	Number of PIOs trained	Number of APIOs appointed	Number of APIOs trained
Ghoghamba	1	0	1	0
Halol	1	0	0	0
Kadana	1	0	0	0
Kalol	1	0	0	0
Lunawada	1	0	1	0
Santrampur	1	1	1	1

CHCs were amongst the poorer performers in terms of having trained PIOs and APIOs amongst the offices included in the survey. Only Santrampur CHC had a PIO and an APIO who had both undergone some kind of training. None of the PIOs in other CHCs claimed that they had any training to implement the RTI Act.

II. Integrated Child Development Scheme (ICDS) Desks

Name of Taluka	Number of PIOs appointed	Number of PIOs trained	Number of APIOs appointed	Number of APIOs trained
Ghoghamba	No one had any information about the designated PIO	0	No one had any information about the designated PIO	0
Halol	1	0	1	0
Kadana	1	1	0	0
Kalol	1	0	1	1
Lunawada	1	0	1	0
Santrampur	1	0	1	1

The survey team could not get any information about PIOs and APIOs at the Ghoghamba ICDS desk. The PIO of the Kadana ICDS desk was the only official who claimed to have undergone some training amongst the PIOs in this category of offices. The number of APIOs trained in this category was slightly higher compared to other categories of offices.

...and this is what the team experienced...

The newly appointed PIO at the Santrampur CHC was on leave on the day of the team's visit. However the team spoke to the Chief of the CHC who is also the Appellate Authority. He was extremely rude and badly behaved with the team. When team members asked him if he had undergone any training to implement the RTI Act, he replied that training was meant for lower grade officers. He was a Senior A-grade officer and required no training. The team asked him if he had attended any training workshop organised by SPIPA. The Chief admitted that he had not attended any training programme at SPIPA but had heard from his colleagues that instances of the misuse of the RTI Act had been discussed at length at one such workshop. He

told them that all participating officers had agreed that there was widespread misuse of the RTI Act. In order to check this trend it would soon become mandatory for the applicant to give reasons for seeking any information. The team asked him why he thought the law was being misused. He promptly replied, "95% of the time it's the baddies and anti-social elements who come around asking awkward questions and voluminous information using the



Act. The good ones beg humbly and get it from the officials anyway." "And who are these bad people Sir, who ask for information?" asked the team. The Chief replied, "Well don't you know...? It's the lawyers who have no work: then there are the media reporters and finally those whose tenders are not passed or want some official do something illegal which the official has refused...it's only these people who ask for information....the common man does not need it....he does not ask for it..."

III. Offices of the Legal Services Authority (LSA)

Name of Taluka	Number of PIOs appointed	Number of PIOs trained	Number of APIOs appointed	Number of APIOs trained
Ghoghamba	No office	No office	No office	No office
Halol	1	0	1	0
Kadana	No office	No office	No office	No office
Kalol	1	0	1	0
Lunawada	1	0	0	0
Santrampur	1	0	1	0

The team could not locate any office of the LSA in Ghoghamba and Kadana. None of the PIOs in other LSA offices said that they were trained. This may perhaps be explained by the fact that the PIOs are Judicial Magistrates (First Class) who are required to be knowledgeable about various laws in the ordinary course of their work. The team found that none of the APIOs in these offices had received any training on RTI either.

...and this is what the team experienced...

In Kalol, the team tried to meet the Judicial Magistrate First Class on two occasions with no success. An enthusiastic legal-aid lawyer advised them to wait until lunch time when the Magistrate would be back in his chamber. Even after lunch the Magistrate was nowhere near his office. The lawyer returned to assist the team. He handed over some books about legal aid to the team saying that they would find them useful. When the team asked him if he was aware of the Magistrate attending any RTI-related training, he laughed aloud and said, *"We are a mine of laws ourselves...we do not require training in any law...!"*

It may be recollected here that the team was unable to obtain copies of proactive disclosure documents from this office despite submitting a formal application along with application fee via registered post.

IV. Mamlatdar Offices

Name of Taluka	Number of PIOs appointed	Number of PIOs trained	Number of APIOs appointed	Number of APIOs trained
Ghoghamba	1	1	1	1
Halol	1	1	2	2
Kadana	1	0	1	0
Kalol	1	1	1	0
Lunawada	1	1	1	0
Santrampur	1	1	1	1

As mentioned at the beginning of this chapter Mamlatdars' offices had the best performance in terms of training PIOs. Only one PIO in Kadana claimed that he had not undergone any training. The APIOs in Kadana, Kalol and Lunawada had not attended any training programme. The Halol Mamlatdar's office had two APIOs both of whom had been trained.

...and this is what the team experienced...

When the team visited the Mamlatdar's office in Kadana both the PIO and APIO were not available. The team had a long conversation with the Deputy Mamlatdar. He informed them that the PIO and APIO had undergone training. He told the team that officers did not really need the training. *"We understand everything and we pick up things very fast...that's why we are government officials. Even without training we can understand the law and give the desired responses..."*

It may be recollected here that the team was required to submit a written application and pay an application fee to obtain a copy of the proactively disclosed information from this office. The PIO sent the information after 11 days but without charging the team any additional fee.

...and this is what the team experienced...

The team waited for almost two hours to meet the Mamlatdar of Ghoghamba who had gone out for lunch. When he returned he first attended to visitors who had come in after the survey team's arrival. When the team interviewed him he spoke rudely. He also seemed ignorant of some of the basic provisions of the RTI Act. The team was considerably agitated over the PIO's behaviour, the tone in which he spoke as well as his ignorance of the law. They asked him if he had undergone any training under the RTI Act. He was infuriated. *"What gives you the authority to ask me such a question...?"* he shouted. He refused to talk to the team any further and told them to leave his office immediately.

V. Offices of Madhya Gujarat Vij Company Ltd. (MGVCL)

Name of Taluka	Number of PIOs appointed	Number of PIOs trained	Number of APIOs appointed	Number of APIOs trained
Ghoghamba	1	0	0	0
Halol	1	0	1	0
Kadana	No office	No office	No office	No office
Kalol	2	0	2	0
Lunawada	1	0	2	0
Santrampur	1	0	2	0

Officers of MGVCL conceded that none of their PIOs and APIOs had been trained formally to implement the RTI Act.

VI. Nagarpalika Offices

Name of Taluka	Number of PIOs appointed	Number of PIOs trained	Number of APIOs appointed	Number of APIOs trained
Ghoghamba (Gram panchayat performs the functions of the Nagarpalika)	1	1	0	0
Halol	1	1	1	0
Kadana (Gram panchayat performs the functions of the Nagarpalika)	NA Office was closed on all days of the team's visit	NA Office was closed on all days of the team's visit	NA Office was closed on all days of the team's visit	NA Office was closed on all days of the team's visit
Kalol	1	1	1	1
Lunawada	1	1	2	1
Santrampur	1	1	1	1

The PIOs of all nagarpalikas and the gram panchayat of Ghoghamba informed the team that they had received some training on the RTI Act. In Lunawada Nagarpalika only one of the two APIOs claimed that he had been trained. The team could not ascertain the training status of the PIO in the Kadana Gram Panchayat as the office was closed.

VII. Police Stations

Name of Taluka	Number of PIOs appointed	Number of PIOs trained	Number of APIOs appointed	Number of APIOs trained
Ghoghamba	NA	NA	1	0
Halol	NA	NA	1	0
Kadana	NA	NA	1	0
Kalol	NA	NA	1	1
Lunawada	NA	NA	1	0
Santrampur	NA	NA	1	1

Police stations were amongst the poorest performers in terms of training of APIOs. As noted in earlier parts of this report, only APIOs have been designated at this level. Only two APIOs in Kalol and Santrampur claimed that they had undergone some training on the RTI Act.

VIII. Post Offices

Name of Taluka	Number of PIOs appointed	Number of PIOs trained	Number of APIOs appointed	Number of APIOs trained
Ghoghamba	NA	NA	1	0
Halol	NA	NA	1	0
Kadana	NA	NA	1	0
Kalol	NA	NA	1	0
Lunawada	NA	NA	1	0
Santrampur	NA	NA	1	0

The post offices in the talukas also have only APIOs designated as duty-holders. None of the APIOs appeared to have undergone any training in the RTI Act.

IX. Offices of the Roads and Buildings Department (RBD)

Name of Taluka	Number of PIOs appointed	Number of PIOs trained	Number of APIOs appointed	Number of APIOs trained
Ghoghamba	0	0	0	0
Halol	1	0	2	0
Kadana	No office	No office	No office	No office
Kalol	NA (No one was available in office)	NA (No one was available in office)	NA (No one was available in office)	NA (No one was available in office)
Lunawada	1	0	1	0
Santrampur	1	0	1	0

The RBD offices were also amongst the poorest performers in terms of training of PIOs and APIOs. None of the PIOs interviewed by the team claimed that they had been formally trained to implement the RTI Act.

X. Sub-Registrar's Offices

Name of Taluka	Number of PIOs appointed	Number of PIOs trained	Number of APIOs appointed	Number of APIOs trained
Ghoghamba	No office	No office	No office	No office
Halol	No office	No office	No office	No office
Kadana	No office	No office	No office	No office
Kalol	1	1	0	0
Lunawada	1	0	1	0
Santrampur	1	0	0	0

Three of the six talukas surveyed by the team did not have offices of the Sub-Registrar. Only one PIO at the Kalol office and one APIO at the Lunawada office informed the team that they had attended training programmes on the RTI Act.

XI. Desk of the Department of Education

Name of Taluka	Number of PIOs appointed	Number of PIOs trained	Number of APIOs appointed	Number of APIOs trained
Ghoghamba	Office was not open	Office was not open	Office was not open	Office was not open
Halol	1	0	1	1
Kadana	1	0	1	0
Kalol	1	1	1	1
Lunawada	1	0	1	0
Santrampur	1	0	1	0

The PIO of the taluka panchayat officiates as the PIO for the desk of the Department of Education. Only one PIO in Kalol and two APIOs in Halol and Kalol claimed that they had been trained formally on the RTI Act. None of the other PIOs and APIOs appeared to have had any training in this category of offices.

XII. Department of Agriculture, Extension Desk

Name of Taluka	Number of PIOs appointed	Number of PIOs trained	Number of APIOs appointed	Number of APIOs trained
Ghoghamba	Office was not open	Office was not open	Office was not open	Office was not open
Halol	1	0	1	1
Kadana	1	0	1	0
Kalol	1	1	1	1
Lunawada	1	0	1	0
Santrampur	1	0	1	0

The PIO of the Taluka Panchayat officiates as the PIO for the Extension desk of the Department of Agriculture. Only one PIO in Kalol and two APIOs in Halol and Kalol claimed that they had been trained formally in the RTI Act. None of the other PIOs and APIOs seems to have had any training in this category of offices.

XIII. Taluka Panchayat Offices

Name of Taluka	Number of PIOs appointed	Number of PIOs trained	Number of PIOs appointed	Number of PIOs trained
Ghoghamba	1	0	0	0
Halol	1	0	1	1
Kadana	1	0	1	0
Kalol	1	1	1	1
Lunawada	1	0	1	0
Santrampur	1	0	1	0

The PIO of the Taluka Panchayat at Kalol informed the team that he had undergone formal training on the RTI Act. In fact one such training programme was conducted in collaboration with CHRI and the Kalol Nagarik Adhikar Kendra. Only one PIO in Kalol and two APIOs in Halol and Kalol claimed that they had been trained formally on the RTI Act. None of the other PIOs and APIOs appeared to have had any training in this category of offices.

Part 4

Availability and Accessibility of the RTI Register

What is the obligation of RTI-record keeping under the law?

The RTI Act requires ministries and departments to submit compliance reports every year to the respective Information Commissions. In order to facilitate the compilation of this report these ministries and departments in turn are required to collect a wealth of compliance data from the public authorities falling within their jurisdictions. Under section 25, every public authority is required to file an annual report with the appropriate ministry or department having jurisdictions containing statistics about:

- a) the number of RTI applications received;
- b) the number of instances where information was not provided;
- c) the reasons for declining access to information in each case of refusal and the number of times a specific provision of the Act was invoked in this regard; and
- d) the amount of money collected in the form of application fees and additional fees.

In addition to the above, every public authority must also report on the number of instances where disciplinary action was initiated against an officer for persistently refusing to comply with the provisions of the Act. The report may include any facts that are indicative of efforts made by the public authority to give effect to the spirit and intention of the Act. The respective Information Commission is required to add its own report relating to the number of appeals received and the decision made in each case. This comprehensive report is submitted to the respective legislature in the case of a State Government and to Parliament in the case of the Central Government.

The maintenance of a database of information requests received and disposed is therefore mandatory for every public authority. As this 'RTI register' also falls within the definition of the terms 'information' and 'record' mentioned in section 2(f) of the RTI Act, it must be made

available to any citizen whenever a specific written request is made for inspection or for obtaining photocopies.

What has the State Government done to implement this obligation?

The *Gujarat RTI Rules, 2005* framed by the State Government clearly indicate that every PIO is required to maintain a record of all RTI applications received and the fees collected in each case. For this purpose, every public authority is required to maintain a specific register listing the details mentioned above. The register is to be updated every time an RTI application is received in an office of the public authority. Several public authorities are known to maintain the RTI register in a format that covers all the aforementioned data.

Criteria adopted for assessing compliance

Two criteria were laid down by the survey team for assessing compliance of the offices surveyed with the obligation to maintain RTI registers:

- a) Availability of the register; and
- b) Accessibility of the register.

Indicators for assessing the availability of the RTI register included the following:

- i) whether the register was maintained in accordance with the law; and
- ii) whether all the information was filled in as required.

Indicators for assessing accessibility included the following:

- 1.) Whether the register was accessible to the survey team; and
- 2.) The process and time taken for accessing the register.

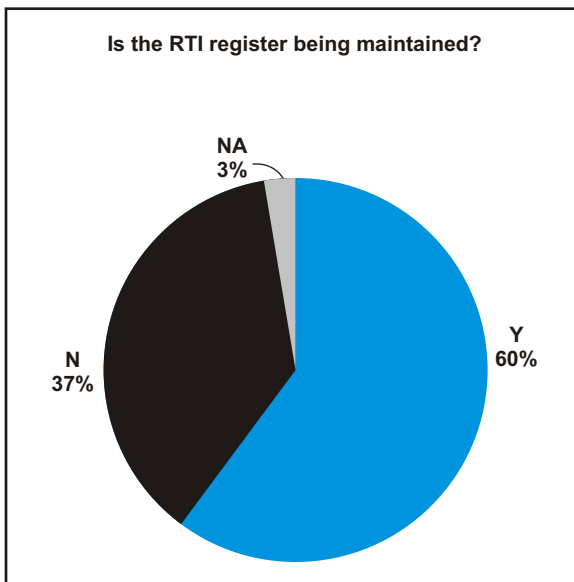
The objective of this exercise was not only to assess compliance with the requirements of RTI-record maintenance but also to get an idea of the number of information requests that were received in the offices covered in the survey.

1 Section 20(2).

How did the public authorities perform?

Overall performance

Availability: The survey team took for granted the PIO's word about the availability of the RTI register. The PIO's affirmation about its existence was taken to be a true statement of facts even when the team was not allowed to inspect the register. In two offices surveyed, the register formed part of the general *dāk* (inward) register containing some data such as the date on which an RTI application was received. As this is not adequate for the purposes of the RTI Act the team categorised them as offices that did not maintain RTI registers.



Most offices surveyed by the team performed well on this front. The team found that registers were maintained in 43 of the 71 offices (60.56%) surveyed. Most registers were maintained in accordance with the law. The required columns detailing the number of applications that had been received and the number of requests where information was given or declined were filled. In many offices the amount of fees collected was not filled or the column itself was absent. In two offices in Ghoghamba it was not possible to confirm whether they maintained RTI registers or not as these

offices were closed on all the days of the team's visit.

Accessibility: Not all the public authorities that had prepared the registers made them accessible to the survey team. The team was able to inspect the register in only 29 (40.84%) of the 71 offices.

The offices of Kalol and Santrampur Nagarpalikas collected additional fees of Rs 16 and Rs 20 respectively for allowing the team access to the register. According to section 5(2)(c) of the *Gujarat RTI Fee Rules, 2005*, inspection is allowed free of cost for the first half hour. The applicant is required to pay Rs. 20 for every subsequent half hour or part thereof.

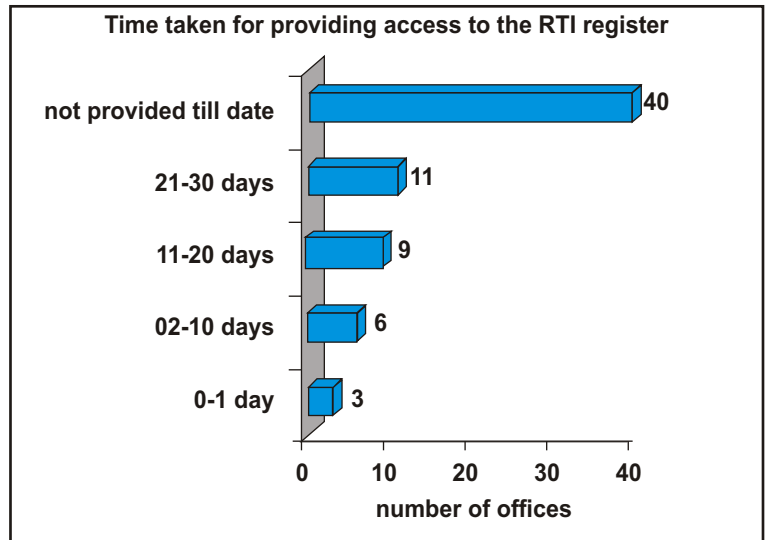
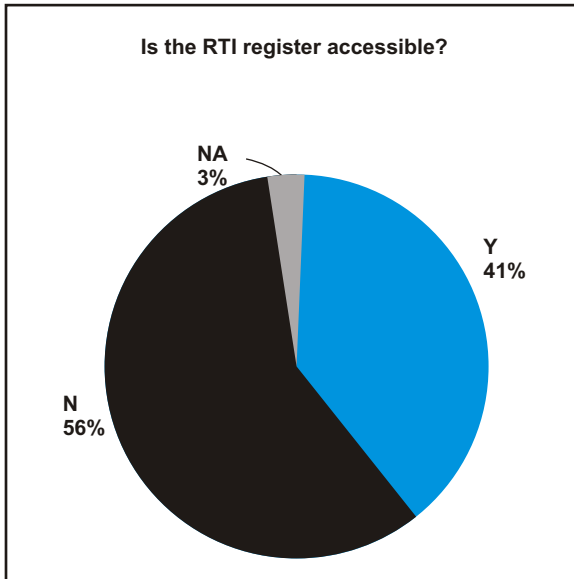
The basis for calculation of these figures is not known as the team was merely directed to pay the prescribed amount before inspection. Access to the registers in all offices (where allowed) was within the 30-day time limit stipulated in the Act.

More than half the offices surveyed (53.5%) did not give access to their registers despite receiving formal applications along with fees from the team.

What the registers revealed

During the last two years, CHRI and members of the survey team have together conducted a number of trainings

and workshops for PIOs, APIOs and Appellate Authorities around the country including those working in Panchmahals district. The most common complaint heard from officers at all such workshops is: *"We are overburdened. We have a hundred things to do, now this additional burden of providing information. We get hundreds of applications. Government is busy making laws implementation falls on us. Our service conditions are bad, we have no infrastructure, no*



facilities. One order from our senior and we have to leave all other work and attend to him. And now an RTI application comes in and we have to drop all regular work to fulfill the request.”

The team inspected the registers for the period starting from 1 January to 31 December 2007. The results were interesting and are in contrast to the claim of officers that they are unduly burdened with information requests. Kalol Nagarpalika received the maximum number of applications -33 in one year. This was followed by 25 applications received at the Santrampur Nagarpalika. The Halol Community Health Centre had received just one application in the entire year. The Kadana ICDS Desk had maintained a register but had not received any application till the date of the team's visit to that office. According to the PIO, the applications submitted by the team for seeking copies of the proactive disclosure document and inspecting the RTI register were amongst the first to have been received by that office.

Category-wise performance

I. Community Health Centres (CHCs)

Name of Taluka	RTI register maintained Y/N	Register accessible Y/N	Application given for inspection Y/N	Application fees paid Y/N	Inspection allowed in # of days
Ghoghamba	Y	Y	Y	Y	20
Halol	Y	Y	Y	Y	24
Kadana	N	N	Y	Y	NA
Kalol	Y	N	Y	Y	NA
Lunawada	N (Part of general dak register)	Y	Y	Y	26
Santrampur	N (Part of general dak register)	Y	Y	Y	29

Availability: Registers were maintained in three of the six CHCs surveyed. At the Lunawada and Santrampur CHCs no separate RTI register was maintained.²

2 Even though the RTI register is shown above as not being available in these offices some record exists about the receipt of RTI applications and the team was allowed to inspect them. So these offices have been marked compliant under the parameter of availability.

Accessibility: Access to the register was allowed in four of the six offices surveyed. All offices allowing inspection took 20 days or more for this purpose. Despite the availability of the register and despite the payment of application fees the Kalol CHC did not allow access to it. When the team went to inspect the Lunawada and Santrampur registers they discovered that no separate register was being maintained. Data was merely being entered into the general *dāk* register maintained in these offices. Such registers do not comply with the requirements of section 25 of the RTI Act. This clearly defeated the purpose of maintaining distinct and separate RTI records. When the team inspected both the inward and outward *dāk* registers they found that the data was not available in a consolidated format. Furthermore, there were no corresponding entries about the information requests that were declined or pending, the reasons for denying access and the fees that were collected.

What the registers revealed: Only one application was received at the Halol CHC and two at the Ghoghamba CHC.

...and this is what the team experienced...

In response to the team's application seeking permission to inspect the RTI register, the PIO of the Santrampur CHC sent two replies. The first response said that the application was not clear and that the applicant had not specified which register he/she wanted to inspect. The team had clearly mentioned that permission was sought for inspecting the RTI register. Before the team could respond they received a second letter saying that the right to inspection of registers under the RTI Act is not available to the public. Nevertheless, the PIO informed the team that he had fixed a date for inspection and advised them to arrive on that date. When the team went for inspection on the specified date they discovered that no separate RTI register was being maintained and RTI records were in fact being maintained in the general *dāk* register.

The PIO of the CHC at Kadana also permitted the team to visit the office and inspect the RTI register. However no date or time was mentioned in the letter. When the team went over to the office, after several hours of discussion with the PIO, they discovered that there was in fact no separate RTI register being maintained.

II. Integrated Child Development Scheme (ICDS) Desks

Name of Taluka	RTI register maintained Y/N	RTI Register accessible Y/N	Application given for inspection Y/N	Application fees paid Y/N	Inspection allowed in # of days
Ghoghamba	N	N	Y	Y	NA
Halol	Y	N	Y	Y	NA
Kadana	Y	Y	Y	Y	11
Kalol	Y	N	Y	Y	NA
Lunawada	Y	Y	Y	Y	17
Santrampur	Y	N	Y	Y	NA

Availability: All offices in this category except the ICDS desk at Halol had maintained the RTI register.

When the team visited the ICDS desk at Kadana they discovered that no such register was being maintained. After a conversation with the PIO it became clear that the PIO was not aware of the obligation to maintain such a register. The PIO admitted that he had not received any application in the past and thus the need to maintain an RTI register never arose. He requested the team to explain the format to him and assured them that he would definitely maintain records thereafter. The format for the register was prepared by the team and the same is now operational in this office.

Accessibility: Despite the team submitting a written application and paying application fees the Kalol, Halol and Santrampur ICDS desks did not allow access to their RTI registers. While the Kadana office allowed inspection in 11 days the Lunawada office allowed access in 17 days.

What the registers revealed: The Lunawada ICDS desk had received only five applications in the whole year.

III. Offices of the Legal Services Authority (LSA)

Name of Taluka	RTI register maintained Y/N	RTI Register accessible Y/N	Application given for inspection Y/N	Application fees paid Y/N	Inspection allowed in # of days
Ghoghamba	No office	No office	No office	No office	No office
Halol	N	N	Y	Y	NA
Kadana	No office	No office	No office	No office	No office
Kalol	Y	N	Y	Y	NA
Lunawada	N	N	Y	Y	NA
Santrampur	Y	N	Y	Y	NA

Availability: Only four of the six talukas included in the survey had offices of the LSA. Of these only two had maintained RTI registers.

Accessibility: The team sent written applications along with application fees to all four LSA offices. The Kalol and Santrampur offices did not allow access to their registers. The Santrampur office sent a response rejecting the application without giving any reason. The Halol office rejected the request citing a circular of the Gujarat High Court issued in 2005 and also because the information was covered under section 8. No specific provision under section 8 was mentioned in this rejection letter (see Annexe I).

...and this is what the team experienced...

The Kalol LSA did not bother to respond to the application. When the team visited the office and asked about the RTI register the lawyer at the Kalol LSA said that a list of applications received was sent to the District LSA at Godhra. So no register was being maintained at the Kalol office. Anybody interested in checking the RTI register was required to make an application at the district level LSA office.

...and this is what the team experienced...

The team first sent a written application along with fee to the Lunawada LSA for inspecting the RTI register but did not get a response. Later when the team visited this office to seek access to their proactively disclosed information they met the Judicial Magistrate First Class (JMFC). The JMFC who is also the designated PIO of the LSA office was alerted by his staff to the fact that the team had also sought inspection of the RTI register. He got irritated that someone had dared to ask for inspection of a register of the court. He told



them, *"No register of this court is accessible to anybody save myself. Even the High Court or Supreme Court cannot be allowed access... I am a judge, not a vegetable vendor or a mobile company that you ask for inspection of my registers. I don't even receive any government grants...how dare you ask for such inspection...?"*

...and this is what the team experienced...

The PIO of the Halol LSA sent a reply on the 28th day after the team submitted the RTI application by registered post. First the PIO stated that the application was being rejected for two reasons: a) the High Court had issued a circular in 2005 stating that inspection was not to be allowed and b) the information sought by the applicant was covered by section 8. Second, the PIO stated that he had sent two written communications on different days requiring the applicant to 'appear' before him in connection with the request. As the

applicant failed to 'appear' before the PIO the application deserved to be rejected. The team member who filed the request for inspection has not received either of those communications till date. Furthermore, the team was amused to learn that the PIO had intended to summon the applicant to 'appear' before him as if he were a criminal or a witness in some trial.

IV. Mamlatdar Offices

Name of Taluka	RTI register maintained Y/N	RTI Register accessible Y/N	Application given for inspection Y/N	Application fees paid Y/N	Inspection allowed in # of days
Ghoghamba	Y	Y	Y	Y	27
Halol	Y	N	Y	Y	NA
Kadana	Y	Y	Y	Y	22
Kalol	Y	N	Y	Y	NA
Lunawada	Y	Y	Y	Y	24
Santrampur	Y	N	Y	Y	NA

Availability: All six Mamlatdar offices performed well on this front. RTI registers were being maintained in all offices.

Accessibility: Written applications along with application fees were submitted to all offices. The PIOs at Ghoghamba, Kalol and Lunawada allowed the team to inspect the register between 22 and 27 days from the date of submitting the applications. The remaining offices did not allow inspection despite receiving a formal application and application fee.

What the registers revealed: The team inspected the registers in Ghoghamba, Kadana and Lunawada. These offices had received 14, 4 and 9 applications respectively. The record showed that information had been provided in all cases.

...and this is what the team experienced...

The team received a letter from the Halol Mamlatdar's office asking them to visit the office and check the register on a specific date and at an appointed time. The additional fee payable was also indicated in the letter. When the team went on the specified day, the PIO was busy in a meeting. Despite waiting for almost four hours at the office the team could not meet the PIO. The team visited the office again the next day. The Mamlatdar was said to be on leave. The team spoke to the Deputy Mamlatdar who agreed to allow inspection of the register but he told them to wait for some time. After a 30-minute wait the team went back to the Deputy Mamlatdar but he told them to wait for some more time. This happened several times. The team waited for four more hours at this office but they were not allowed to inspect the register.

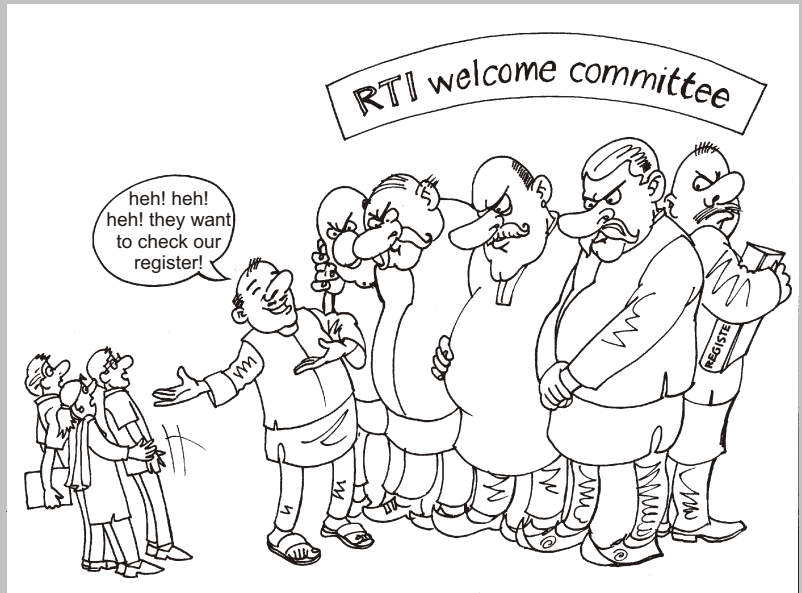
...and this is what the team experienced...

The PIO of the Mamlatdar's office at Santrampur invited the team to check the register within 13 days of sending the written application. The letter mentioned that the RTI Act, 2005 does not list any provision for checking of departmental registers. The team was unable to go over to the office on the specified day. When they went over a few days later, access was not allowed. The Mamlatdar said that they had missed the date and now he was helpless. He claimed to be very busy and had no time to show them the RTI register. They even submitted an application asking for an alternate date but in vain.

...and this is what the team experienced...

When the team went to check the register at the Mamlatdar's office in Kadana, the team came upon 10-12 people including the Taluka Pramukh and other officials working in that office and other departments waiting for them. The team felt somewhat intimidated by this gathering. It

seemed that the presence of so many officials was intended to create some problem. The Mamlatdar however introduced the team to all the officials. They in turn asked the team in a roundabout way why they wanted to check the registers and what were they planning to do with



that information. The team explained the purpose of the survey. Only after the round of introductions and interrogation was completed, was access to the RTI register allowed.

V. Offices of Madhya Gujarat Vij Company Ltd. (MGVCL)

Name of Taluka	RTI register maintained Y/N	RTI Register accessible Y/N	Application given for inspection Y/N	Application fees paid Y/N	Inspection allowed in # of days
Ghoghamba	N	N	Y	Y	NA
Halol	Y	N	Y	Y	NA
Kadana	No office	No office	No office	No office	No office
Kalol	Y	Y	Y	Y	15
Lunawada	Y	Y	Y	Y	30
Santrampur	N	N	Y	Y	NA

Availability: The team was unable to locate the office of the MGVCL in Kadana. RTI registers were available in the MGVCL offices at Halol, Kalol and Lunawada.

Accessibility: Access to the register was allowed only in two of the MGVCL offices namely those of Kalol and Lunawada on the 15th and 30th day respectively. The team received a response from the Santrampur office denying permission to inspect any of their registers. The letter also mentioned that if the applicant specified what information he/she wanted then the same could be photocopied and sent.

What the registers revealed: The MGVCL office at Lunawada had maintained the register as required. However no applications had been received by that office till date. The applications submitted by the survey team seeking a copy of their proactive disclosure document and inspection of the RTI register were the first to be received at that office since October 2005 when the RTI Act was fully operationalised.

VI. Nagarpalika Offices

Name of Taluka	RTI register maintained Y/N	Register accessible Y/N	Application given for inspection Y/N	Application fees paid Y/N	Inspection allowed in # of days
Ghoghamba (Gram Panchayat performs the functions of the Nagarpalika)	Y	Y	Y	N	Same day
Halol	Y	Y	Y	Y	28
Kadana (Gram Panchayat performs the functions of the Nagarpalika)	N	N	Y	Y	NA
Kalol	Y	Y	Y	Y	1
Lunawada	Y	N	Y	Y	NA
Santrampur	Y	Y	Y	Y	25

Availability: All nagarpalikas had maintained RTI registers. The Ghoghambha Gram Panchayat also had maintained the register. However the Kadana Gram Panchayat had not maintained such a register.

Accessibility: The PIO of the Ghoghambha Gram Panchayat office sought a written application for checking the RTI register but allowed access on the same day without asking for the application fee and without collecting any additional fee for inspection. At the Kalol Nagarpalika the team was required to submit a written application along with application fee. The PIO allowed the team to inspect the register within 24 hours and without collecting any additional fee. The Nagarpalika offices at Halol and Santrampur allowed access to their RTI registers within 28 and 25 days respectively only after the team deposited Rs. 16 and Rs. 20 respectively as inspection fees. The remaining offices did not allow access despite receiving a written application along with application fees. The PIOs did not provide the team with the basis for calculating the additional fees.

VII. Police Stations

Name of Taluka	RTI register maintained Y/N	Register accessible Y/N	Application given for inspection Y/N	Application fees paid Y/N	Inspection allowed in # of days
Ghoghamba	N	N	Y	Y	NA
Halol	N	N	Y	Y	NA
Kadana	N	N	Y	Y	NA
Kalol	N	N	Y	Y	NA
Lunawada	N	N	Y	Y	NA
Santrampur	N	N	Y	Y	NA

Availability: All police stations surveyed have been totally non-compliant with the implementation of the Act in respect of maintaining RTI registers even though an APIO is designated at this level. None of the police stations surveyed by the team had maintained RTI registers.

Accessibility: Despite submitting formal applications along with the application fee for checking the RTI register at all police stations none of the offices allowed access or even bothered to respond. The team has not received any response from any of these police stations till the date of writing this report.

VIII. Post Offices

Name of Taluka	RTI register maintained Y/N	Register accessible Y/N	Application given for inspection Y/N	Application fees paid Y/N	Inspection allowed in # of days
Ghoghamba	N	N	Y	Y	NA
Halol	N	N	Y	Y	NA
Kadana	N	N	Y	Y	NA
Kalol	N	N	Y	Y	NA
Lunawada	N	N	Y	Y	NA
Santrampur	Y	Y	Y	Y	NA

Availability: Of the six post offices surveyed RTI registers were available only in the Santrampur post office.

Accessibility: None of the six post offices surveyed by the team allowed access to the registers despite the submission of a written application and the requisite application fee. None of the offices has sent any response to the team till the date of writing this report.

IX. Offices of the Roads and Buildings Department (RBD)

Name of Taluka	RTI register maintained Y/N	Register accessible Y/N	Application given for inspection Y/N	Application fees paid Y/N	Inspection allowed in # of days
Ghoghamba	N	N	Y	Y	NA
Halol	Y	Y	Y	Y	27
Kadana	No office	No office	No office	No office	No office
Kalol	Y Part of Taluka Panchayat RTI register	Y	Y	Y	16
Lunawada	Y	Y	Y	Y	26
Santrampur	N	N	Y	Y	NA

Availability: Registers were maintained in three of the six RBD offices surveyed by the team. The team was unable to locate an RBD office in Kadana. The offices at Halol and Lunawada had maintained separate RTI registers as required by the Act. The team found the RTI-related data of the Kalol RBD office being maintained in the Taluka Panchayat RTI register.

Accessibility: Three RBD offices allowed the survey team access to their RTI registers. The RBD offices in Halol, Kalol and Lunawada allowed access to their registers within 27, 16 and 26 days respectively.

What the registers revealed: Only one application had been received at the RBD office at Halol. A total of 11 applications had been received at the Lunawada office. Of these two requests had been rejected.

X. Sub-Registrar's Offices

Name of Taluka	RTI register maintained Y/N	Register accessible Y/N	Application given for inspection Y/N	Application fees paid Y/N	Inspection allowed in # of days
Ghoghamba	No office	No office	No office	No office	No office
Halol	No office	No office	No office	No office	No office
Kadana	No office	No office	No office	No office	No office
Kalol	Y	Y	Y	Y	29
Lunawada	Y	Y	Y	Y	Same day
Santrampur	Y	N	Y	Y	NA

Availability: Only three of the talukas included in the survey have separate offices of the Sub-Registrar. All three offices had maintained RTI registers.

Accessibility: The team submitted applications along with application fees for checking the RTI registers. Two of the three offices surveyed allowed access to the registers. The Kalol Sub-Registrar's Office allowed inspection after 29 days. The PIO at the Lunawada office was more forthcoming and allowed access on the same day. The PIO at the Santrampur Sub-Registrar's Office sent a letter to the team informing them that they could check the RTI register any time during working hours. However when the team visited the office it was closed. They waited the whole day in the hope that the office would open at some point of time but went back disappointed.

What the registers revealed: The Lunawada Sub-Registrar's Office had received only 3 applications of which information was provided in 2 cases and denied in the third. In Kalol the Sub-Registrar's Office had received 7 applications out of which information had been provided in 5 cases and the request was rejected in 2 cases.

XI. Desk of the Department of Education

Name of Taluka	RTI register maintained Y/N	Register accessible Y/N	Application given for inspection Y/N	Application fees paid Y/N	Inspection allowed in # of days
Ghoghamba	Office was not open	Office was not open	Office was not open	Office was not open	Application was returned undelivered
Halol	Y	Y	Y	Y	5
Kadana	Y	Y	Y	Y	10
Kalol	Y Part of Taluka Panchayat RTI register	Y	Y	Y	16
Lunawada	N	N	Y	Y	NA
Santrampur	N	N	Y	Y	NA

Availability: The team was able to contact only five out of six desks in different talukas. The Ghoghamba office was not open despite the team visiting the office on different days. With the exception of Lunawada and Santrampur, the remaining desks had maintained the RTI registers. The register maintained at the Kalol desk was part of the Taluka Panchayat RTI register.

Accessibility: The team submitted applications along with application fees to all the offices. The RTI application submitted to the Ghoghamba desk by registered post came back undelivered. Access to the registers was allowed in Halol, Kadana and Kalol within 5, 10 and 16 days respectively.

XII. Department of Agriculture, Extension Desk

Name of Taluka	RTI register maintained Y/N	Register accessible Y/N	Application given for inspection Y/N	Application fees paid Y/N	Inspection allowed in # of days
Ghoghamba	Office was not open	Office was not open	Office was not open	Office was not open	Application was returned undelivered
Halol	Part of Taluka Panchayat RTI register	Y	Y	Y	5
Kadana	Part of Taluka Panchayat RTI register	Y	Y	Y	10
Kalol	Part of Taluka Panchayat RTI register	Y	Y	Y	16
Lunawada	Y	N	Y	Y	NA
Santrampur	N	N	Y	Y	NA

Availability: The team was able to contact only five out of six desks in different talukas. The Ghoghamba office was not open despite the team visiting the office on different days. Four of these five desks had maintained RTI registers. RTI-related data of Halol, Kadana and Kalol desks formed part of the taluka panchayat RTI register.

Accessibility: The team submitted written applications along with application fees for checking of the RTI registers at all offices. The RTI application submitted to the Ghoghamba desk by registered post came back undelivered. All others save those in Santrampur and Lunawada, allowed access.

XIII. Taluka Panchayat Offices

Name of Taluka	RTI register maintained Y/N	RTI Register accessible Y/N	Application given for inspection Y/N	Application fees paid Y/N	Inspection allowed in # of days
Ghoghamba	N	N	Y	Y	Application was returned undelivered
Halol	Y	Y	Y	Y	5
Kadana	Y	Y	Y	Y	10
Kalol	Y	Y	Y	Y	16
Lunawada	Y	N	Y	Y	NA
Santrampur	Y	N	Y	Y	NA

Availability: Amongst the six taluka panchayat offices surveyed all save the office at Ghoghamba had maintained the RTI register.

Accessibility: Access was allowed in only three of the Panchayat offices surveyed namely, Halol, Kadana and Kalol in five, eleven and sixteen days respectively.

What the registers revealed: The offices at Kadana, Halol and Kalol had received 15, 16 and 17 applications respectively and information had been provided in all cases.³

³ As a common register was being maintained for all three office mentioned immediately above, it was not possible to ascertain the department-wise breakup of applications.

Compliance in District-Level Offices

Findings of the Survey in District-Level Offices

Introduction

The team surveyed 24 offices at the district level in Panchmahals. This also included two sub-divisional offices as they are closely linked to the district administration. The first is the office of the Deputy Collector, Godhra who is in charge of the Godhra sub-division. Three talukas included in the survey namely, Halol, Kalol and Ghoghamba fall within its jurisdiction. The second sub-divisional office included in the survey is located at Lunawada and it covers the remaining three talukas of Kadana, Lunawada and Santrampur covered by this survey.

The survey of district-level offices focused on similar parameters applied in the case of the talukas. Compliance levels were surveyed on the basis of the following criteria:

- a) availability of information about duty-holders and accessibility of PIOs and APIOs;
- b) availability and accessibility of proactively disclosed information;
- c) training of PIOs and APIOs; and
- d) availability and accessibility of registers required to be maintained under the RTI Act.

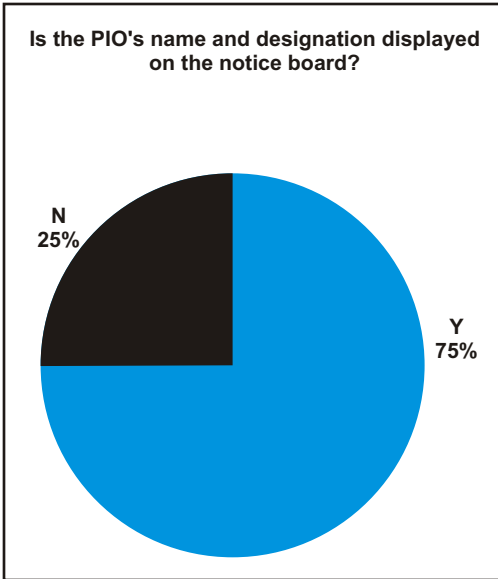
I. Availability and Accessibility of Designated Officers under the RTI Act:

How did the public authorities perform?

Name of office	PIO's name and designation displayed on the notice board Y/N	Appellate Authority's name and designation displayed on the notice board Y/N	Copy of the PIO's appointment notification was obtained Y/N	Notice board is prominently displayed Y/N	PIO was available at his desk Y/N	If PIO is not available reasons for absence	APIO was available Y/N
Civil Hospital	Y	Y	Y	Y	Y	NA	Y
Department of Geology and Mines	Y	Y	N	Y	Y	NA	Y
Department of Public Health, Water and Sewage	Y	Y	N	Y	N	PIO was busy at a meeting	Y
Department of Roads and Buildings	Y	Y	N	N	Y	NA	Y
Department of Social Security	Y	Y	Y	Y	Y	NA	Y
Department of Social Welfare	Y	Y	N	Y	Y	NA	Y
Deputy Collector, Godhra sub-division	Y	Y	N	Y	Y	NA	Y
Deputy Conservator of Forests	Y	Y	N	Y	Y	NA	Y
District Collector and District Magistrate	Y	Y	N	Y	N	PIO was busy at a meeting	N
District Development Officer	Y	Y	N	N	N	PIO was busy at a meeting	Y
District Education Officer	Y	Y	Y	Y	N	PIO was on leave	Y
District Industries Centre	Y	Y	Y	N	Y	NA	Y
District Planning Office	Y	Y	N	Y	Y	NA	Y

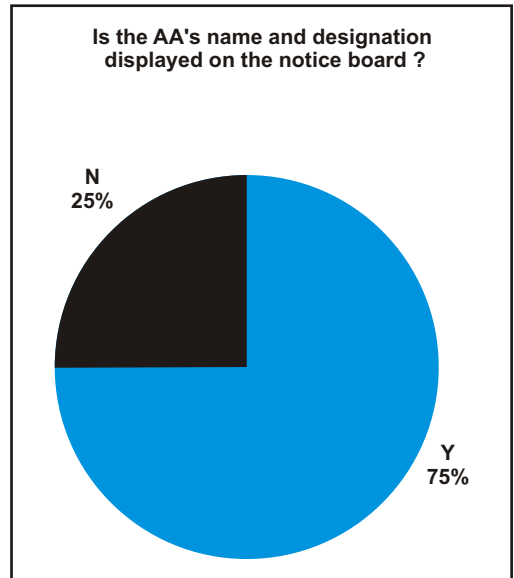
Name of office	PIO's name and designation displayed on the notice board Y/N	Appellate Authority's name and designation displayed on the notice board Y/N	Copy of the PIO's appointment notification was obtained Y/N	Notice board is prominently displayed Y/N	PIO was available at his desk Y/N	If PIO is not available reasons for absence	APIO was available Y/N
District Registrar	N	N	Y	NA	Y	NA	Y
District Rural Development Agency	Y	Y	N	Y	Y	NA	Y
District Superintendent of Police	N	N	N	NA	N	Team was not allowed to meet the PIO	N
District Supply Office	Y	Y	N	Y	Y	NA	Y
Head Post Office	N	N	N	NA	Y	NA	N
Integrated Child Development Scheme (ICDS)	Y	Y	Y	Y	Y	NA	Y
Legal Services Authority	N	N	N	NA	Y	NA	Y
Maha Gujarat Vij Company Ltd.	Y	Y	N	Y	N	PIO was busy at a meeting	Y
Office of the Additional District Collector, Mid-day Meal Scheme	Y	Y	N	Y	Y	NA	Y
Sub-Jail	N	N	N	NA	Y	NA	N
Sub-Divisional Office Lunawada	N	N	N	NA	Y	NA	Y

Availability: Compliance with regard to proactive disclosure of the identity of PIOs and AAs was much better in the district level offices when compared with the taluka-level offices. Three-fourths (75%) of the 24 offices surveyed by the team had displayed the names and designations of both the PIO and the AA on notice boards. A large majority of the offices (62%) had prominently displayed these notice boards at the entrance. However the team was able to obtain a copy of the notification designating the PIO from only six offices (25%) despite making verbal requests.

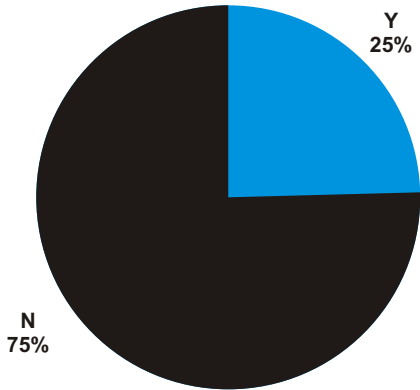


Notably the offices of the District Superintendent of Police (DSP) and the Head Post Office at Godhra had not proactively disclosed the name and designations of their PIOs and AAs despite the fact that these offices receive many visitors every day. The offices of the District Registrar and the Sub-Jail also did not display this crucial information. The same was true of the sub-divisional office at Lunawada. The offices of the Roads and Buildings Department, the District Development Officer and the District Industries Centre did not place their notice boards at prominent locations.

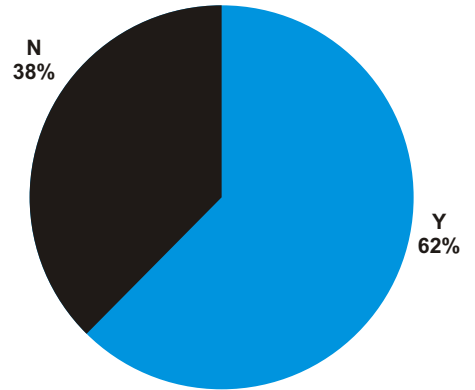
Accessibility: The team was able to meet the PIOs in 75% of the offices. PIOs were not available at their desks in the District Collectorate, District Education Office (DEO), District Development Officer, DSP, MVGCL and the Department of Public Health, Water and Sewage. In most cases, the PIO was busy in a meeting. The PIO of the DEO was on leave. The team was prevented from meeting the DSP by his subordinates. Even though the sub-divisional office at Lunawada had not displayed any information about its PIO and AA, the team was able to meet the PIO during the visit. The team was able to meet the APIO in 83% of the offices covered by the survey. The team did not find an APIO at his desk in the offices of the District Collector, DSP, Sub-Jail and the Head Post Office.



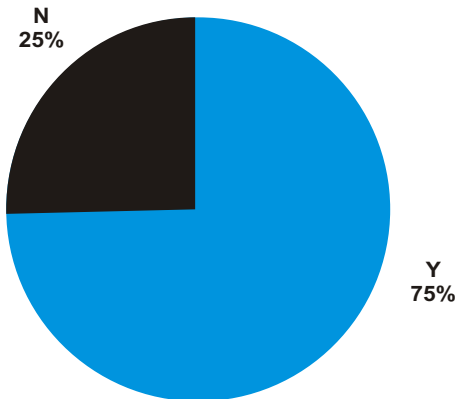
Was a copy of PIO's appointment notification available?



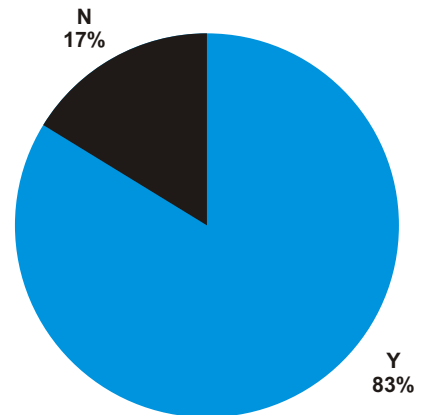
Is the notice board prominently displayed?



Was the PIO available at his/her desk?



Was the APIO available?



...and this is what the team experienced...

Government officials often complain that the RTI Act is being misused or used by miscreants for personal gain. The other side of the story is that officials are now insisting upon people to hand in an RTI application for even ordinary information required from a government office. Take for instance the following experience of the team during their visit to the office of the District Superintendent of Police (DSP) at Godhra.

At the entrance to the DSP's office, the team met the security guard who asked them about the reason for their visit. Once all the details were filled in the visitors' entry book they were allowed to go further. As they reached the DSP's room another round of security personnel greeted them. The team was once again asked the reason for their visit. They informed the personnel that they wanted to meet the DSP, who is the designated PIO, in order to collect some information about the RTI Act. One of the security personnel told them that there was no reason to disturb the DSP. A separate RTI desk had been set up in that office. All RTI related queries were being handled at that desk. The guard directed the team to the concerned officer.

The team approached the RTI desk. Once again they explained that they wanted to meet the PIO. The official replied, *"The PIO is not available but you can ask me whatever you want."* The team asked him about the notice board which ought to display the names and designations of the PIO and the AA. *"The board had become old and it was not looking nice so we have ordered a new one to be made...."* said the official. When the team asked him when it would be displayed again, he did not reply.

Then the team asked him about the proactive disclosure documents prepared by the DSP's office. He told them, *"We have ours ready. Submit an application along with the fees and we will send it to you."* *"But sir, proactive disclosure information is to be made available without an application or application fee,"* the team mildly protested. The official claimed he knew better. *"I have attended the training so don't try to teach me the rules..."* he cautioned them. The team once again asked him who had been actually designated as the PIO for the DSP's office. *"For that information also you must give me an application and application fee and I will give it all to you..."* the official replied with a smile.

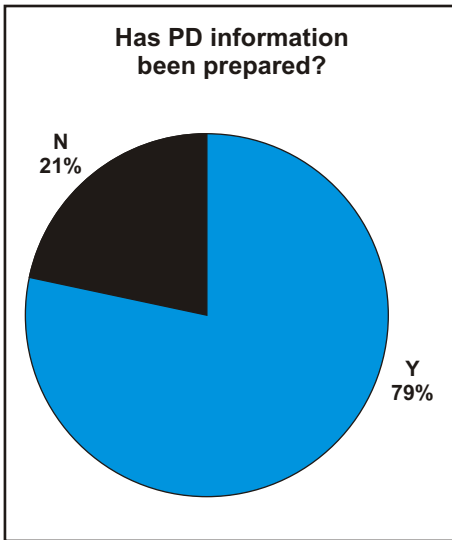
II. Availability and Accessibility of Proactively Disclosed Information

How did the public authorities perform?

Name of the office	PD prepared Y/N	PD displayed on notice board Y/N	Application given for obtaining PD Y/N	Application fee paid Y/N	Additional fee paid Rs.	Information received in # of days (N= not received)
Civil Hospital	Y	N	N	N	N	N
Department of Geology and Mines	Y	N	Y	Y	N	N
Department of Public Health, Water and Sewage	N	N	Y	Y	N	N
Department of Roads and Buildings	Y	N	Y	Y	84	21
Department of Social Security	Y	N	N	N	N	Same day
Department of Social Welfare	N	N	Y	Y	N	N
Deputy Collector Godhra sub-division	Y	Y	Y	Y	N	N
Deputy Conservator of Forests (DCF)	N	N	Y	Y	N	N
District Collector and District Magistrate	Y	N	Y	N	N	N
District Development Officer	Y	N	Y	Y	N	N
District Education Officer	Y	N	Y	Y	120	30
District Industries Centre	Y	N	N	N	N	Same day
District Planning Office	Y	N	N	N	N	Same day
District Registrar	Y	N	Y	Y	N	19

Name of the office	PD prepared Y/N	PD displayed on notice board Y/N	Application given for obtaining PD Y/N	Application fee paid Y/N	Additional fee paid Rs.	Information received in # of days (N= not received)
District Rural Development Agency	Y	N	Y	Y	104	23
District Superintendent of Police	Y	N	Y	Y	N	15
District Supply Office	Y	N	Y	Y	13	7
Integrated Child Development Scheme (ICDS)	Y	N	Y	Y	N	21
Head Post Office	N	N	Y	Y	N	N
Legal Services Authority	N	N	Y	Y	N	N
Maha Gujarat Vij Company Ltd.	Y	N	Y	Y	N	21
Office of the Additional District Collector, Mid-day Meal Scheme	Y	N	Y	N	N	9
Sub-Jail	Y	N	Y	Y	N	13
Sub-Divisional Office Lunawada	Y	N	Y	Y	N	N

Availability: The district-level offices fared much better than the taluka-level offices in terms of proactive disclosure. More than three-fourth (79%) of the offices surveyed by the team had prepared their proactive disclosure documents. The team was told in the offices of the Department of Public Health, Water and Sewage, Department of Social Welfare, the Deputy Conservator of Forests, the Legal Services Authority and the Head Post Office that their proactive disclosure documents had not been prepared. The office of the Deputy Collector, Godhra was the only office that had prominently displayed on its notice board some information other than the particulars of the PIO and AA. This office had displayed some basic information about its functions and various official procedures including time limits pertaining to land revenue matters.



Updated information: From a cursory reading of the documents obtained, the team was unable to ascertain whether the proactively disclosed information made available to them by various departments had been updated.

Accessibility: The team was able to obtain proactive disclosure documents from more than a half of the offices (54%) surveyed. Three offices, namely, the Department of Social Security, the District Industries Centre and the District Planning Office provided their proactive disclosure documents to the team against a verbal request the

same day, entirely free of charge and without compelling them to submit a written application. The office of the Additional District Collector, Mid-day Meal Scheme supplied a copy of its proactively disclosed information to the team without charging any application fee or additional fee after nine days of submitting the written request. The team did not have to pay additional fee for the proactive disclosure documents of the Sub-Jail, but a formal application along with application fee was required to be submitted. All other offices that furnished copies of their proactive disclosure did so only after the team filed a written application along with application fee and after depositing additional fees.

About 46% of the offices did not supply the proactively disclosed information despite receiving a formal application along with application fee. The District Collector's Office took the application but not the application fee and refused to provide a copy of its proactive disclosure documents stating that a member of the team had already collected a copy earlier.¹ Two offices provided their proactive disclosure documents within less than 10 days and the remaining eight took between 10-30 days to supply copies of their proactively disclosed information.

¹ One of the team members had indeed collected a copy of the proactive disclosure document of the District Collector's Office in December 2007 well before the date of the visit related to this survey. The demand for proactive disclosure documents this time was made by another member of the team hoping that he would be able to acquire a copy of an updated version of this document. According to sections

...and this is what the team experienced...

The PIO at the Social Welfare Office refused to give any information when the team approached him. Instead he directed the team to collect any information that they wanted from the AA of that office. This was unusual but it appeared that the PIO was nervous about giving any information without the permission of his senior.

The AA in turn asked the team to give reasons for seeking the proactive disclosure documents. The team reminded him that any citizen had the right to seek information without assigning reasons. One of the team members told the AA that he wanted the information to increase his knowledge about the working of the Social Welfare Department. At this the AA offered to give him some books which would help him but the team refused to accept these saying they wanted the proactive disclosure document prepared by that office. The AA got very annoyed. *“I am not interested in giving you any information and there is no need to increase your general knowledge...”* he said admonishingly and told the team to leave his chamber. So much for the RTI Act's commitment to creating an informed citizenry.

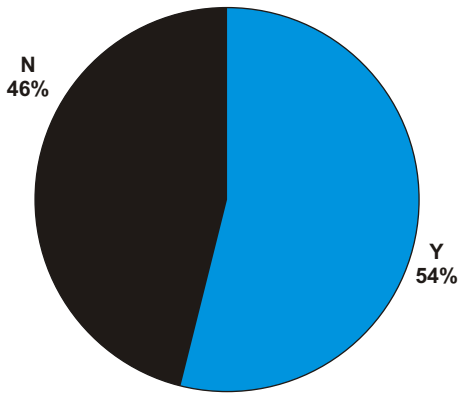
...and this is what the team experienced...

The PIO at the District Supply Office (DSO) seemed to expect the team's visit. By now news of the survey had spread amongst official circles and the attitude of many officers seemed to have changed. Some had become more obliging whilst a few others preferred to become more intimidating. When the team entered the PIO's office he remarked, *“Oh! I was expecting your visit. I know all about you and your work and where you have travelled to seek information...”*

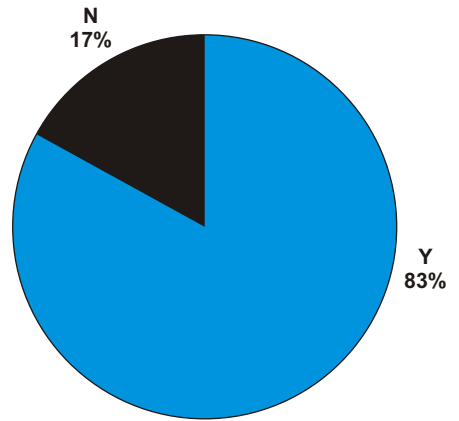
The team asked him for a copy of the PIO's notification. He advised them to file a written application. When asked about the proactive disclosure he got a little annoyed and said... *“You ask for unnecessary things. You ask such questions to keep a watch on our department. This is what all NGOs do. You should know that the work of NGOs is to help others and not indulge in activities like these.”*

4(1(b) and 4(2), every public authority is required to update this information at regular intervals and in any case no later than a year from the date of the last compilation.

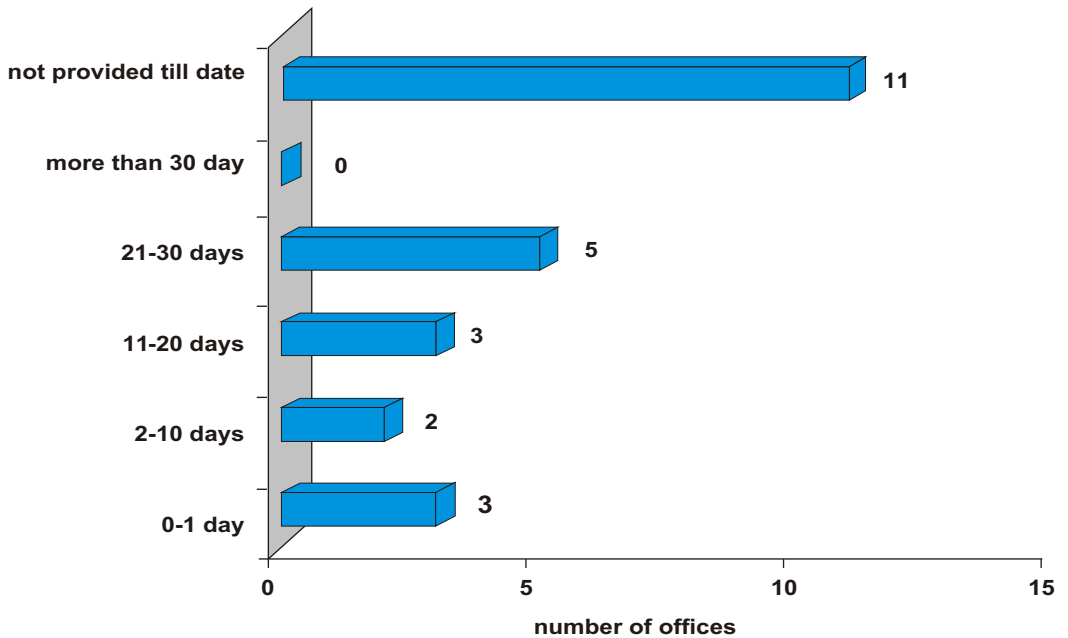
Was a copy of PD information obtained?



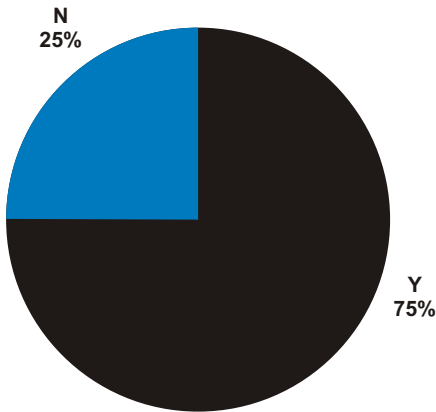
Was a written application given to obtain PD information?



Time taken to provide PD information



Was a written application fee paid for obtaining PD information?



...and this is what the team experienced...

The APIO at the Sub-Divisional office in Lunawada insisted upon an application for proactively disclosed information. When the team explained that an application was not required he merely laughed and said “*You seem to know the law so well...you should know that an application is mandatory for seeking any information...*”

...and this is what the team experienced...

Despite three visits to the Department of Public Health Water and Sewage, the team was unable to obtain a copy of the proactively disclosed information prepared by that office. On all three days the PIO was out of office. The APIO had recently joined the office, had not undergone any training and knew nothing about the law. On the first day he simply refused to accept the RTI application. He asked the team to come back at a time when the PIO would be available because he himself would not be able to help them. The team waited for almost three hours but there was no sign of the PIO.

When the team went on the second day the APIO got angry. “*Don't you have any other work. We are all busy officers. We have other work besides attending to people's information requests... If you want you can wait for the PIO. I am not going to help you...*” he shouted. The PIO did not turn up on the second day either and the team went back after waiting for the whole day.

On the third day also only the APIO was available at the office. The team once again asked him if the department had prepared the proactively disclosed information. He told them he was not sure but from what he knew he did not think any such information was available with his office. The team has not received the requested information till the date of compiling this report despite submitting a written application along with fee.

III. Training of PIOs and APIOs

How did the public authorities perform?

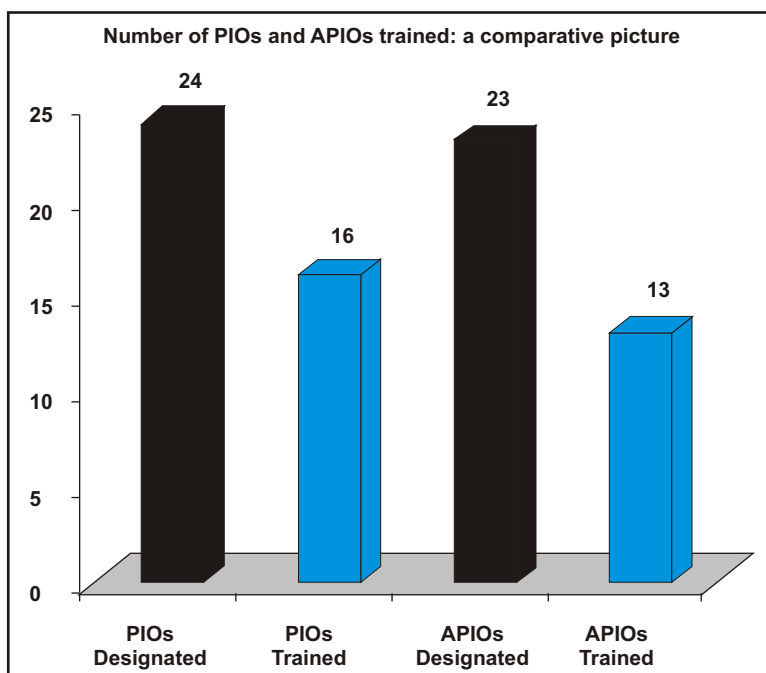
Name of the office	Number of PIOs appointed	Number of PIOs trained	Number of APIOs appointed	Number of APIOs trained
Civil Hospital	1	1	1	1
Department of Geology and Mines	1	1	2	2
Department of Public Health, Water and Sewage	1	1	1	0
Department of Roads and Buildings	1	1	1	1
Department of Social Security	1	0	1	1
Department of Social Welfare	1	1	1	0
Deputy Collector Godhra sub-division	1	1	1	0
Deputy Conservator of Forests (DCF)	1	0	1	0
District Collector and District Magistrate	1	1	1	1
District Development Officer	1	1	1	1
District Education Officer	1	1	1	1
District Industries Centre	1	1	1	0
District Planning Office	1	1	1	1
District Registrar	1	0	1	1

Name of the office	Number of PIOs appointed	Number of PIOs trained	Number of APIOs appointed	Number of APIOs trained
District Rural Development Agency	1	0	1	0
District Superintendent of Police	1	0	1	1
District Supply Office	1	1	1	0
Head Post Office	1	0	0	0
Integrated Child Development Scheme (ICDS)	1	1	1	1
Legal Services Authority	1	0	1	0
Maha Gujarat Vij Company Ltd.	1	1	1	0
Office of the Additional District Collector, Mid-day Meal Scheme	1	1	1	1
Sub-Jail	1	1	0	0
Sub-Divisional Office Lunawada	1	0	1	0

The survey revealed that every office had designated at least one PIO. Only two-thirds of these PIOs informed the team that they had been formally trained to implement the Act. Notably, the team was informed that the PIOs in the offices of the Department of Social Security, the Deputy Conservator of Forests, District Rural Development Agency, Head Post Office, Legal Services Authority and the sub-divisional office at Lunawada had not had any formal training. The official manning the RTI desk at the DSP's office remarked that the DSP was so busy that he did not have the time to attend RTI training programmes despite being the PIO.

The offices covered by the survey had a total of 23 APIOs. The Department of Geology and Mines had designated two APIOs both of whom had been trained. The team learnt that only

13 of the 23 APIOs covered by the survey had undergone any training. The Civil Hospital, Department of Geology and Mines, Department of Roads and Buildings, the District Collector, the District Education Office, the office of the District Development Officer, the District Planning Office, ICDS and the office of the Additional Collector, Mid-day Meal Scheme had trained all designated PIOs and APIOs. As admitted by the officers themselves, the DCF, DRDA, Legal Services Authority and the sub-divisional office at Lunawada did not have trained APIOs and PIOs.²



² As the experiences of the survey team show in almost every part of this report, some of the officers interviewed during the survey were surprised, and on occasion to the point of irritation, when young men and women team members questioned them if they had been trained to implement the RTI Act. Not used to being questioned in this manner, it is possible that in rare cases some officers may have treated the question causally and chosen not to disclose the fact that they had indeed undergone some training. This hunch is based on the claim made by the District Implementing Agency of Panchmahals regarding the large-scale outreach of its training programmes. However a more structured survey may reveal a slightly more accurate picture regarding the status of the training of PIOs and APIOs.

IV. Availability and Accessibility of RTI Register

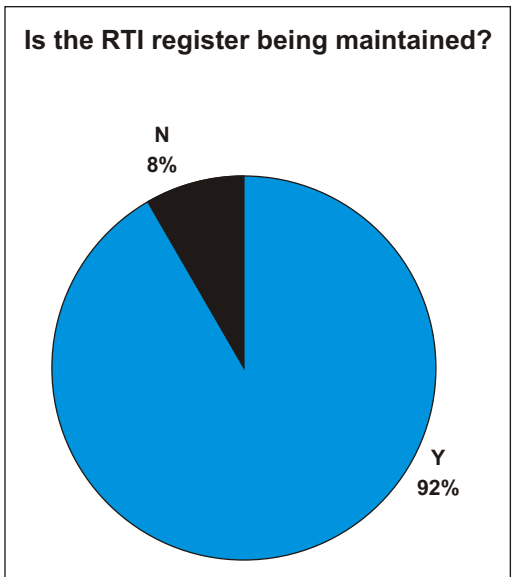
How did the public authorities perform?

Name of the office	RTI register maintained Y/N	Register accessible Y/N	Application given for inspection Y/N	Application fees paid Y/N	Additional fees paid	Inspection allowed in # of days
Civil Hospital	Y	Y	Y	Y	N	8
Department of Geology and Mines	Y	N	Y	Y	N	N
Department of Public Health, Water and Sewage	N	N	Y	Y	N	NA
Department of Roads and Buildings	Y	Y	N	N	N	Same day
Department of Social Security	Y	Y	Y	Y	N	Same day
Department of Social Welfare	Y	Y	Y	Y	N	Same day
Deputy Collector Godhra sub-division	Y	N	Y	Y	N	N
Deputy Conservator of Forests (DCF)	Y	Y	N	N	N	Same day
District Collector and District Magistrate	Y	Y	Y	N	N	2 visits were required after 14 days
District Development Officer	Y	Y	N	N	N	Same day
District Education Officer	Y	Y	Y	Y	N	30
District Industries Centre	Y	Y	N	N	N	Same day
District Planning Office	Y	Y	N	N	N	Same day
District Registrar	Y	Y	N	N	N	Same day
District Rural Development Agency	Y	Y	Y	Y	N	23

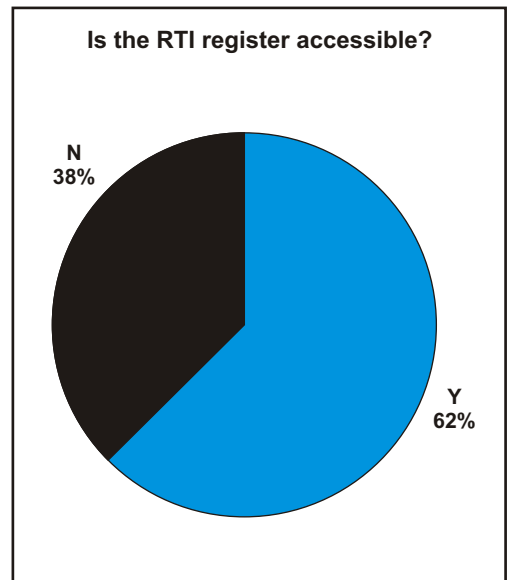
Name of the office	RTI register maintained Y/N	Register accessible Y/N	Application given for inspection	Application fees paid Y/N	Additional fees paid	Inspection allowed in # of days
District Superintendent of Police	Y	N	Y	Y	N	N
District Supply Office	Y	N	Y	Y	N	N
Integrated Child Development Scheme (ICDS)	Y	N	Y	Y	N	N
Head Post Office	Y	Y	Y	Y	N	20
Legal Services Authority	N	N	Y	Y	N	NA
Maha Gujarat Vij Company Ltd.	Y	N	Y	Y	N	N
Office of the Additional District Collector, Mid-day Meal Scheme	Y	Y	Y	N	N	Same day
Sub-Jail	Y	Y	N	N	N	Same day
Sub-divisional Office Lunawada	Y	N	Y	Y	N	N

Availability: The team found that a large majority of offices (92%) included in the survey maintained RTI registers to record details of information requests that they received and disposed. The team was informed by two offices namely, the Department of Public Health, Water and Sewage and the office of the Legal Services Authority that they did not maintain an RTI register. Unlike in some of the offices surveyed in the talukas none of the district level offices had mixed up the RTI register with the general *dāk* register.

Accessibility: The team was able to inspect RTI



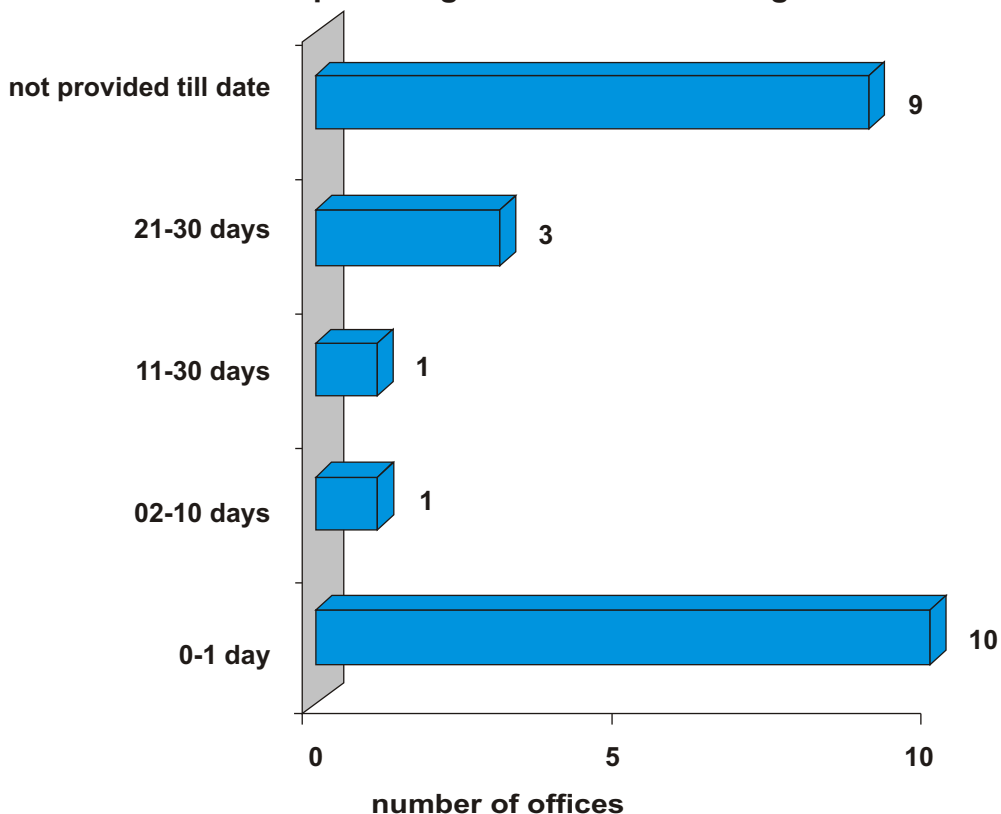
registers in only 62% of the offices included in the survey. Seven offices, namely, the Department of Roads and Buildings, the Deputy Conservator of Forests, the office of the District Development Officer, the District Planning Office, the District Registrar, the District Industries Centre and the Sub-Jail permitted the team to inspect their RTI registers upon verbal request, the same day and entirely free of charge. The team was required to submit a formal application along with application fees to inspect RTI registers in all other offices. Seven offices namely, the Department of Geology and Mines, the Deputy Collector, Godhra, DSP, the District Supply Office, ICDS office, MVGCL and the sub-divisional office at Lunawada did not allow the team to inspect their RTI registers despite receiving a formal application along with application fees. The Godhra Deputy Collector's office sent a letter to a member of the team inviting him to inspect the register after 26 days from the date of the RTI application. However when he went to the office he was not shown the register on the pretext that the Deputy Collector had gone out of office for some meeting. The register could not be inspected despite long hours of wait. The Department of Geology also refused to allow inspection of the register citing a similar reason. The team member waited for two hours for the PIO who had gone out of office. He had to return empty-handed as the PIO did not turn up.



...and this is what the team experienced...

When the team asked the PIO at the District Supply Office whether his office had maintained the RTI register he threw it at them. *“Here is the register....if you want to check it give me an application and pay the fees...and I will call you when I have the time.”* The team submitted a written request along with application fee but it has not received any response from this office till the date of compiling this report.

Time taken for providing access to the RTI register



...and this is what the team experienced...

“Allowing the general public access to departmental registers is out of the question...”

This was the response the team got from the PIO at the Sub-Divisional office in Godhra when the team asked if they could check the RTI register.

What the registers revealed: The District Education Office had received 194 applications, the highest amongst all offices included in the survey followed by the District Rural Development Agency with 102 applications. The offices of the District Registrar and the

Additional Collector, Mid-day Meal Scheme had received 2 applications the least of all offices. The Sub-Jail had not received any application until the date of the team's visit. The team discovered that District Collector's Office had also received more than 100 applications when it inspected the register. When the team requested photocopies of the register they were told to file a separate application for this information. The team did not follow this advice. Therefore this report does not contain the exact figure regarding the number of applications received by the District Collector's office. Please see the table below for a list of the number of applications received by the offices included in the survey.

Name of the office	Number of applications received
Civil Hospital	04
Department of Geology and Mines	NA
Department of Public Health, Water and Sewage	NA
Department of Roads and Buildings	19
Department of Social Security	08
Department of Social Welfare	07
Deputy Collector, Godhra sub-division	NA
Deputy Conservator of Forests (DCF)	08
District Collector and District Magistrate	??
District Development Officer	NA
District Education Officer	194

Name of the office	Number of applications received
District Industries Centre	25
District Planning Office	08
District Registrar	02
District Rural Development Agency	02
District Superintendent of Police	NA
District Supply Office	NA
Integrated Child Development Scheme (ICDS)	NA
Head Post Office	NA
Legal Services Authority	NA
Maha Gujarat Vij Company Ltd.	NA
Office of the Additional District Collector, Mid-day Meal Scheme	02
Sub-Jail	0
Sub-Divisional Office, Lunawada	NA

Methodology Adopted for the Survey

Choice of sample district

A set of predetermined criteria guided the team in choosing the sample district for this survey. Amongst the 26 districts in Gujarat, Panchmahals became the district of choice for the following reasons:

- 1) Panchmahals is one of the two districts in Gujarat chosen for intensive capacity building to implement the RTI Act under the UNDP supported and Government of India sponsored programme implemented by the Centre for Good Governance, Hyderabad and YASHADA, Pune from 2006-2008. The Sardar Patel Institute of Public Administration (SPIPA), identified as the State Implementing Agency and the District Collectorate, identified as the District Implementing Agency under this project have invested a considerable amount of resources- Rs. 926,000- and efforts to train officers in various public authorities and offices to implement the RTI Act in letter and spirit. The survey of the selected offices was conducted towards the end of this project period in 2008. It is reasonable to expect that public authorities and offices in Panchmahals would exhibit high levels of compliance as a result of the two-year long capacity-building efforts. The survey was intended to be a means for testing this hypothesis.
- 2) Kalol Nagarik Adhikar Kendra which constituted the survey team is based in Kalol, situated in Panchmahals district. The survey team is more familiar with this district than Narmada- the second district chosen under the UNDP-zsupported RTI capacity building programme. The team chose its home district for the survey for another reason- to keep costs involved in conducting the survey especially on travel and accommodation to a minimum.
- 3) CHRI has worked in Panchmahals district since 2002. Its Access to Justice Project is aimed at developing embedded community-level paralegal resources. CHRI's Access to Information programme conducted a capacity building

workshop on the RTI Act, targeting the paralegal team in 2005. Later in 2007, CHRI resourced two RTI sensitisation seminars at the taluka level in Kalol and, district level in Godhra respectively, organised by the Nagarik Adhikar Kendra in collaboration with the offices of the Mamlatdar and the District Collector. The district level seminar was attended by close to a hundred officers from various departments. These seminars were in addition to the series of workshops conducted under the UNDP-supported capacity-building programme. Panchmahals, with which CHRI is more familiar, was therefore preferred above other districts in Gujarat.

Choice of sample talukas

The team decided against covering all the talukas of Panchmahals district in this survey in order to keep the resource inputs (human and material) at an affordable and manageable level. Therefore only six out of eleven talukas were chosen. As more than half the number of talukas would be covered the findings of the survey could be said to be reasonably representative of the compliance levels across the district. The team identified the following criteria for selecting the talukas that would form the focus of the survey:

- a) Geographic spread: The team ensured that the selected talukas were spread across the district. Kadana is situated in the northern part of the district, Halol in the south, Lunawada in the north-west and Kalol in the south-west. Ghoghamba is situated in the south east and Santrampur in the north-eastern part of the district.
- b) Taluka size: The largest and the smallest of talukas namely, Lunawada and Kalol respectively were included in the sample (see Column 2 of the table below).
- c) Population size: Talukas with the largest and lowest population figures namely Lunawada and Kadana respectively were chosen, (see Column 3 of the table below). Talukas with the largest and the smallest number of habitations (urban and rural settlements) namely, Lunawada and Kalol respectively were chosen, (see Column 4 of the table below).
- d) Literacy levels: Talukas with the highest and lowest levels of literacy namely, Kalol

and Ghoghamba respectively were chosen, (see Column 5 of the table below).

- e) Nature of economic development: Even though Panchmahals is less developed with a significantly large tribal population (27.5%)¹ there are variations between talukas in terms of economic development. For example, Kalol and Halol talukas are more industrially developed² while Kadana and Ghoghamba are primarily agrarian. The survey included talukas belonging to both categories.

Taluka ³	Size (sq. km)	Population	Habitations #	Literacy %
Ghoghamba	502.10	179,574	95	44.55
Halol	515.22	195,275	122	61.58
Kalol	397.42	192,009	67	67.76
Kadana	423.42	110,415	135	56.27
Lunawada	620.69	229,786	241	67.64
Santrampur	490.82	219,016	153	60.53

Choice of sample offices⁴

The team decided to conduct the survey at two out of three levels of administration, namely, the district and taluka (block) levels. The team did not include the village level offices such as panchayats [except where they performed the role of nagarpalikas (municipalities) at the

1 <http://www.tribal.nic.in/EduSTG-Scheme-08-09.pdf> checked on 13 October 2008.

2 Ibid.

3 Source of data: Jayant Parimal, *Provisional Population Totals Paper 2 of 2001*, Directorate of Census Operations, Gujarat, Ahmedabad, 2001: pp. 5ff.

4 The complete list of offices included in the survey at the taluka and district levels has been provided in the chapters discussing the findings of the survey and also in the context of ranking based on indicators. Therefore this list is not repeated here.

taluka headquarters in Ghoghamba and Kadana] in the survey due to the limitations of human and material resources at their disposal. The first criterion informing the choice of offices at both levels is the scale of public interface. Offices of the nagarpalika, Mamlatdar, taluka panchayat, Sub-Registrar and the community health centre are frequented by residents of talukas for various purposes. At the district level, the offices of the District Collector, the District Supply Office (Department of Food and Civil Supplies), Roads and Buildings Office, District Education Office, etc. are most frequently visited by people. In addition to these offices, the post office, police stations and the offices of the Maha Gujarat Vij Company Ltd. (MGVCL) responsible for power supply, also provide a range of services to people and receive a significantly larger number of visitors every day compared to other offices. Often people do not have clear and accurate information about the official procedures or their entitlement to various services from these offices. If the RTI Act is implemented well in such offices, considerable hardship and most important of all, petty corruption can be prevented. Hence the inclusion of these offices in the survey at the taluka and district levels.

The second criterion informing the choice of offices at both levels is the nature of work and funding they receive. Taluka level offices such as the ICDS desk and the Extension desk⁵ of the Department of Agriculture provide crucial services to people living in rural areas and are funded through several centrally-sponsored schemes. Similarly, the District Rural Development Agency, the offices of Social Security and Social Welfare, the District Planning Office and the Additional District Collector's office-in-charge of implementing the Mid-day Meal scheme at the district level receive and disburse large amounts of public funds in the name of disadvantaged and vulnerable people. Engendering accountability in the working of all public authorities through transparency in the decision-making process is the primary objective of the RTI Act. The team included these offices in the sample even though they may not be frequented by as many visitors every day as those chosen on the basis of the first criterion.

5 These desks are called 'tables' in local parlance.

Survey Method

Data collection: The team consciously decided against conducting a survey based on people's perceptions about the levels of compliance with the RTI Act in public authorities and offices. Such a survey would not accurately indicate the state of compliance with various obligations mandated by the RTI Act. Instead, the team decided to draw up a questionnaire linked to various duties and obligations placed on public authorities and make an assessment on the spot after visiting their offices. The questionnaire (see Annexe II) facilitated the following actions:

- i) the recording of facts based on personal observation such as- contents and visibility of notice boards containing information about designated officers under the Act;
- ii) the recording of responses of officers to specific questions such as status of training and availability of proactive disclosure documents and RTI registers; and
- iii) recording of information based on formal inspection of data such as entries in the RTI register and the notification of the appointment of the PIO.

The team made a conscious choice to conduct this survey independently without seeking the formal approval or the cooperation of the district and taluka administration. This course of action was decided upon in order to avoid the collection of skewed and unrealistic data. Had the team taken the approval of the district administration before conducting the survey, all offices would have been alerted to the fact that they would be assessed by an official team. Notice boards would have been updated with information, copies of proactive disclosure would have been kept ready and PIOs would all probably have been available at their desks during the team's visit. This would have negated the core objective informing this survey to assess the levels of compliance from the point of view of a citizen who is not conversant with the provisions of the RTI Act. However it is conceded that the survey team's knowledge of the Act was central to its ability to design the survey and look for compliance indicators.

This course of action had its fall out as well- some officials questioned the legitimacy (*locus standi*) of the team in conducting such a survey. The team members explained that they derived legitimacy from being citizens of India- a democracy- and had every right to make an independent assessment of the public authorities' compliance with a law that essentially codified one of the legitimate aspirations of the people - the right to know what governments do in their name with the money they contribute in the form of taxes. In order to avoid unnecessary friction, the survey team first made a detailed observation of the state of compliance in every office based on the pre-identified criteria and filled up the questionnaire later after walking out of the office premises. After completing the survey of each taluka the team returned to their offices and recorded on a computer all positive experiences, difficulties and inconvenience encountered by them while conducting the survey, before the details faded from memory. This documentation forms the basis of the anecdotes and experiences narrated in text boxes in the above chapters.

Using RTI to obtain information: Where information was not readily available from the offices, the team submitted formal applications under the RTI Act and paid the prescribed application fees. Where PIOs were not available despite repeated visits or where they refused to accept applications in person, the team dispatched the application by registered post-acknowledgement due (RPAD). This course of action was adopted to ensure that there is adequate proof of the formal request made by the team. ⁶ In the large majority of cases where the team was advised to submit written requests and pay application fees for obtaining proactive disclosure documents, the team specified in the application that it was doing so at the PIO/APIO's bidding. This course of action was resorted to after the team failed to convince the PIO/APIO that proactively disclosed information should be made available on demand without seeking a written application or application fee. The team also consciously avoided using BPL persons for submitting RTI applications during the survey as it hoped that its chances of getting the desired information might be better if the requisite

6 The original receipts and acknowledgement cards will be maintained by the survey team on record for one year for inspection by any reader of this report who wishes to ascertain the veracity of this claim.

fees were paid. The survey findings however indicate that payment of fees does not always ensure access to information proactively disclosed or otherwise.

Where the team was invited to collect the proactively disclosed information or conduct a formal inspection of the RTI register, members visited the respective offices more than once when the PIO was absent from his desk at the first visit. This was done keeping in mind the fact that most PIOs were senior or experienced officers handling several onerous responsibilities requiring them to attend meetings or go out of office on field visits. Where PIOs were available on subsequent visits the relevant fields in the questionnaire were marked with a positive response instead of making a rigid negative assessment based solely on the first visit.

Data entry and report compilation: The survey team collected the data from the taluka-level offices during the months of February and March 2008 and from the district-level offices during the month of April. The team tabulated the responses on MS Excel and cross checked the data for internal consistency. This report was put together during the months of July-December 2008. The team prepared pie charts and graphs to illustrate the data.

Methodology for Ranking Based on Compliance Indicators

The team identified a set of six indicators for ranking the offices surveyed for compliance with their obligations under the RTI Act. These indicators were developed in order to arrive at a reasonable scheme for ranking the performance of the offices surveyed. The team is aware of the likelihood of more complex indicators being developed, for example, to assess whether the PIO provided complete and accurate information and whether or not the exemptions clauses were invoked on reasonable grounds to deny access to information. However, this would have required the team to contact the requestors- an exercise that would have extended the time required for the survey to be completed. Instead, the team decided to restrict assessment of compliance to obligations that are less cumbersome and time consuming.

Some of the indicators contain negative scores as well, for example, Indicators II, IV and VI. The method adopted for ranking performance related to each indicator is explained below.

Indicators I and II: Designated Officers

The team focused on two aspects related to compliance levels with regard to designated officers in public authorities and offices, namely, the 'availability' of information about and the 'accessibility' of the PIO and the APIO. Indicator I related to assessing the 'availability' of information about designated officers included: if the public authority/office had-

- i) displayed the name and designation of the PIO on the notice board;
- ii) displayed the name and designation of the AA on the notice board;
- iii) placed the notice board at a prominently visible location in the office building; and
- iv) made a copy of the notification designating the PIO available to the team or allowed informal inspection of that document.

Every office surveyed was given two marks each for compliance with criteria (i) and (ii). If the notice board displayed only the name or the designation, then only 1 mark was awarded. The public authorities/offices received one mark each for fulfilling the remaining criteria. If there was no compliance with any of these criteria the office was awarded a null score. A public authority/office fulfilling all criteria scored a maximum of 6 marks. This indicator does not include any negative score.

Indicator II related to the 'availability' of the duty-holders included the following:

- i) physical presence of the PIO during the visit of the survey team;
- ii) physical presence of the APIO during the visit of the survey team; and
- iii) absence of any formal restrictions for meeting the PIO such as specific day and timings

Every office surveyed was given two marks if all designated officers were physically present at their desks during the team's visit. For example, a police station or a post office which has only designated APIOs but no PIOs received two marks if the APIO was present. If only one of the designated officers - PIO or APIO was accessible the office was awarded only 1 mark. If the office had specified timings to meet the RTI applicant it scored a negative mark. A public authority/office fulfilling all criteria could score a maximum of 4 marks. A public authority/office failing on all criteria would score -1.

Indicators III and IV: Proactive Disclosure

The team elected to assess the performance of public authorities and offices with respect to their proactive disclosure obligations on the basis of the 'availability' and 'accessibility' of such information. Indicator III relating to the 'availability' of proactive disclosure included the following criteria, whether the public authority/office had:

- i) compiled the 17 categories of information in hard copy;
- ii) displayed any information from these categories on its notice boards; and
- iii) updated the information annually.

Every office surveyed was given one mark for compliance with each criterion. A public authority/office fulfilling all three criteria scored a maximum of 3 marks while non-compliance was awarded a null score. This indicator does not include negative marking.

Indicator IV relating to the 'accessibility' of proactive disclosure included the following parameters:

- i) procedure and time taken for obtaining a copy;
- ii) expenditure incurred for obtaining a copy (application fee and additional fee paid);
and
- iii) attitude of PIOs/APIOs towards seekers of this information (based on the personal experience of the surveying team).

Only the first two criteria were included in the marking scheme under Indicator IV. An office was awarded a full score of 4 marks if 1) it provided the proactive disclosure documents 2) on demand the same day, 3) without requiring submission of a formal application and 4) payment of application fee. For non-compliance any of these four conditions the office was awarded a negative score (-1) each. Offices that did not bother to provide information despite submitting an application and paying the application fee received the lowest score of -4.¹

The team is aware of the fact that not all offices included in the survey are public authorities in their own right. Therefore, going by a narrow interpretation of the RTI Act these offices may not be required to prepare separate proactive disclosure documents specific to their offices. However, the public authority under whose jurisdiction they fall is required to proactively disclose information about all these offices and make them available through PIOs designated at such offices. Furthermore, public offices such as the desks of the Department of Education, ICDS and the Extension Desk of the Department of Agriculture, being the line agencies of separate public authorities are required by law to have PIOs or APIOs at this level. Even though they may be working from the premises of the taluka

¹ Some offices supplied their proactive disclosure without collecting additional fee. However this element was not included in the marking scheme as the RTI Act leaves it to the discretion of governments to make rules regarding payment of fees for obtaining proactively disclosed information from the public authority. The *Gujarat RTI Rules* are silent on this issue.

panchayat offices their proactive disclosure documents would be different from those prepared by the host office. Citizens who approach these offices have a legitimate right to get all information required to be disclosed under section 4(1)(b) by their public authorities from these very offices. Hence the team decided to include these offices in the assessment scheme for awarding marks.

Indicator V: Training of PIOs and APIOs

This indicator was less complicated compared to other indicators. The team merely ascertained the number of PIOs and APIOs designated and trained in the public authorities/offices surveyed. This information was based on the admission of the designated officers themselves or by their colleagues that they had been trained. If all designated officers had been trained the public authority/office was given a full score of 2 marks. If any designated officer had not been trained only 1 mark was awarded. This indicator does not include negative marking.

Indicator VI: Maintenance of RTI Registers

The team chose to assess compliance with the duty to maintain RTI registers on the basis of two criteria - 'availability' and 'accessibility'.

- i) 'Availability' included the physical presence of a register to record RTI applications related-information separate from the general *dāk* register meant for recording incoming letters and packets; and
- ii) 'Accessibility' was assessed in terms of the team being allowed to inspect the register.

Public authorities/offices maintaining RTI registers in the format specified under the *Gujarat RTI Rules, 2005* were awarded 1 mark each. Absence of such a register attracted a null score. Where the team was allowed to inspect the RTI register the public authority/office was awarded 1 mark each. Where the team was not allowed to inspect the RTI register on demand merely on verbal request, the team submitted a formal application along with application fee. No marks were deducted for this purpose as access to this register does not

fall within the category of proactively disclosed information. Where a public authority/office did not allow inspection of the register despite receiving an application and application fee, a negative mark (-1) was awarded. A public authority/office could score a maximum of 2 marks or the lowest score of -1.

Overall Score: The team awarded marks based on the criteria explained above for every public authority/office. The positive and negative marks were taken into account for calculating the net score of each office. The most compliant public authority/office could potentially score a maximum of 20 marks and the poorest performer could score as low as -6. This scheme of scoring has been tabulated below as a ready reckoner for the convenience of the reader.

Scheme of Marking for Performance Indicators		
Subject	Values	Values
Indicator I: Information about the PIO and the AA		
PIO's name on the notice board	Y=1	N/NA=0
PIO's designation on the notice board	Y=1	N/NA=0
AA's name on the notice board	Y=1	N/NA=0
AA's designation on the notice board	Y=1	N/NA=0
Notice Board is in prominently visible place	Y=1	N/NA=0
Copy of PIO notification is accessible	Y=1	N/NA=0
Highest score = 6, Lowest score = 0		

Scheme of Marking for Performance Indicators		
Subject	Values	Values
Indicator II: Accessibility of the PIO and the APIO		
Every designated PIO and APIO was accessible	Y=2	N/NA=0
Only PIO was accessible	Y=1	N/NA=0
Only APIO was accessible	Y=1	N/NA=0
Specific time fixed to meet the PIO	N=1	Y=-1
Highest score = 4, Lowest score = -1		
Indicator III: Compliance with Proactive Disclosure (PD)		
PD manuals have been prepared	Y=1	N/NA=0
PD manuals have been updated	Y=1	N/NA=0
PD Information is displayed on notice boards	Y=1	N/NA=0
Highest score = 3, lowest score = 0		
Indicator IV: Accessibility of PD		
PD was obtained	Y=4	N=0
Written application had to be submitted	Y=-1	N=0
Application fees had to be paid	Y=-1	N=0
PD not given on the same day	Y=-1	N=0

Scheme of Marking for Performance Indicators

Subject	Values	Values
PD was not obtained at all despite filing application and paying application fee	Y=-1	nil
Highest score = 4, Lowest score = -4		
Indicator V: Training of PIOs and APIOs		
If all PIOs and APIOs have been trained	Y=2	
If only PIO has been trained but APIO has not been trained	Y=1	
If only APIO has been trained but PIO has not been trained	Y=1	
If neither PIO nor APIO have been trained despite being designated	Y=0	
Highest score = 2, Lowest score = 0		
Indicator IV: Maintenance of RTI Register		
RTI register is maintained	Y=1	N/NA=0
Inspection of RTI register was allowed	Y=1	N/NA=0
Inspection of RTI register was not allowed despite filing application and paying fee	Y=-1	
Highest Score = 2, Lowest score = -1		
Total Highest score = 20 Total Lowest score = -6		

Reply received from the Halol Legal Services Authority- I

FORM - F

Jawak No. 108/2008.

By READ

From :-

D. M. PANCHAL,
Public Information Officer,
C/o Pri. Civil Court,
At. HALOL.
Dt. 16-4-2008.

To,
Mr. Aslam Diwan,
3146, Purshotam Nager Society,
Opp. G.E.B.,
At. KALOL.
Dist. Panchmahal.

Sir,

With reference to your application No. 2/08 Dt. 14-3-08 under R.I. Act. requesting for an inspection of Registers which can not be given to you as per Circular No. C/3001/2005 of our Hon'ble High court of Gujarat and u/s -8 of R.I. Act. therefore your application is hereby rejected.

Further I state that inspite of written to appear before us vide our office letter No. 295/08 Dt. 15-3-08 and letter No. 327/08 Dt. 31-3-08 you are failed to appear, therefore your application also be deserves to be rejected, hence rejected due to non appearance till today.

Further I state that, If you are aggrieved by the above decision, you may prefer an appeal to Public Information Officer C/o. Principal District Judge, District Court, Panchmahal At. Godhra. within 30 days from the date of receipt of the above decision.

Your faithfully,

DM Panchal
16-4-08
D. M. Panchal,
Public Information Officer,
C/o. Pri. Civil Court,
At. Halol.

Reply received from the Halol Legal Services Authority- II

BY R.P.A.D. FORM - F

Jawak No. ૧૦૯/૨૦૦૮.
C 107(08)

From :-

D. M. Panchal,
Public Information Officer,
C/o.Pri.Civil Court,
At.HALOL.
Dt.16-4-2008.

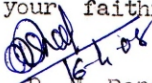
To,
Mr.Zakir. M. Sheikh,
3146, Purshotam, Nager Society,
Opp. G.E.B.
At.KALOL.
Dist.Panchmahal.

Sir,

With reference to your application No.3/2008 Dt.20-3-2008 requesting for supplying an information. I am to state that It can't be given to you as per Circular No. C/3001/2005 of our Hon'ble Gujarat High Court, and u/s -8 of R.I.Act.

Further I state that If you are aggrieved by the above decision you may prefer an appeal to Public Information Officer C/o Principal District Judge, District Court,Panchmahal At.Godhra within 30 days from the receipt of the decision

your faithfully,


(D. M. Panchal,)
Public Information Officer,
C/o.Pri.Civil Court,At.HALOL.

Survey Questionnaire

નાગરીક અધિકાર કેન્દ્ર

પુરુષોત્તમ નગર સોસાયટી જી.ઇ.બી ની સામે મું.પો.તા.કાલોલ જિલ્લા.પંચમહાલ

૩૮૯૩૩૦

માહિતી અધિકાર અધિનિયમ-૨૦૦૫ના સેક્શન ફોર બી માટે નું

કચેરી તપાસણી માટે તૈયાર કરેલું ચેકલિસ્ટ

તારીખ :

વાર :

૧)	કચેરીનું	નામ	અને	સરનામું
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૨) જાહેર માહિતી અધિકારીનું નામ બોર્ડ પર લખેલું છે ?

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ના	તો	કારણ
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૩) અપીલ અધિકારીનું નામ બોર્ડ પર લખેલું છે ?

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ના તો કારણ

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૪) ખોર્ડ જે જાયા એ લાગવવું જોઈએ તે જાયા પર છે ?

હા	ના

કઈ જાયા એ લગાવેલું છે

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૫) પી.આઈ.ઓના નામ અને હોદ્દાઓ.

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૬) પી.આઈ.ઓની નિયુક્તની ઠરાવની કોપી તમને મળી છે ?

હા	ના

હોય તો તે કોપી લેવાની અને ના હોય તો કારણ લખો.

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૭) ૧૭ મુદદામાં આવેલી માહિતી બોર્ડ પર મુકી છે ?

હા	ના

✓ હા તો કઈ રીતે અને કઈ માહિતી

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✓ ના તો કારણ આપો.

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૮) જે સમયે તમે ઓફીસમાં ગયા ત્યારે પી.આઈ.ઓ. તેમની જગ્યાએ હાજર હતા ?

હા	ના

ચાહ પિવા ગયા	મિટીંગમાં કે વિજીટમાં ગયા	રજા પર હતા	અન્ય કોઈ કારણ

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૯) તે સમયે મદદનીશ જાહેર માહિતી અધિકારી તરીકે કોઈ હતું ?

હા	ના

ના તો કારણ આપો.

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૧૪) આ માહિતી માટે વધારાની ફી જમા કરાવી કે નહીં ?

હા	ના

હા તો કેટલી ફી જમા કરાવી અને તે કઈ રીતે તે લખો.

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..... ૧૫) અરજી આપ્યાના કેટલા સમયમાં માહિતી મળી ?

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૧૬) માહિતી મળી તે કઈ તારીખ સુધી અપડેટ છે તે લખો

.....

૧૭) આ માહિતી કોની પાસેથી મળી ?

પી.આઈ.ઓ.પાસેથી	એ.પી.આઈ.ઓ.પાસેથી	અન્ય કોઈ પાસેથી

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૧૮) જાહેર માહિતી અધિકારી એ તમારી સાથે કેવા પ્રકારનો વ્યવહાર કર્યો ?

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૨૨) રજીસ્ટ્રાર ચેક કરવા માટે અરજી મળ્યા પછી કેટલા સમયમાં રજીસ્ટ્રાર ચેક કરવા બોલાવેલા ?

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૨૩) માહિતી અધિકાર હેઠળ કેટલી અરજીઓ આવેલી છે તેની વિગત પાછળ આપેલા પત્રક-૧ ના કોઠા પ્રમાણે લખો.

અને સહિ

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સર્વે કરનારના નામ

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પત્રક - ૧

માહિતી અધિકાર અધિનિયમ - ૨૦૦૫ હેઠળ મળેલ અટકાયતો તથા નિકાલની વિગત દર્શાવતું પત્રક
અધિનિયમ અમલથી તારીખ : ૧-૧-૨૦૦૭ થી તારીખ ૩૧-૧૨-૨૦૦૭ સુધીનું

અ.નં	જાહેર માહિતી અધિકારીનું નામ અને સરનામું	તા : ૧-૧-૨૦૦૭ થી તારીખ ૩૧-૧૨-૨૦૦૭ સુધીની આવેલી અટકાયતોની સંખ્યા	તા. ૧-૧-૨૦૦૭ થી તારીખ ૩૧-૧૨-૨૦૦૭ સુધીમા નિકાલ કરેલી અટકાયતોની સંખ્યા	નિકાલ કરેલ અટકાયતો પૈકી		૩૧-૧૨-૨૦૦૭ સુધીમા નિકાલ કરવાની બાકી અટકાયતોની સંખ્યા	મળેલી અટકાયતોની નકલ ચાર્જિસની રકમ			કુલ રકમ	ક્રિમાર્કસ
				હકારાત્મક નિકાલ	નકારાત્મક નિકાલ		અટકાયતોની પેટે મળેલ રકમ	ચાર્જિસ પેટે મળેલ રકમ	નકલ ચાર્જિસ પેટે મળેલ રકમ		
૧		૩	૪	૫	૬	૭	૮	૯	૧૦	૧૧	

CHRI Programmes

CHRI's work is based on the belief that for human rights, genuine democracy and development to become a reality in people's lives, there must be high standards and functional mechanisms for accountability and participation within the Commonwealth and its member countries. Accordingly, in addition to a broad human rights advocacy programme, CHRI advocates access to information and access to justice. It does this through research, publications, workshops, information dissemination and advocacy.

HUMAN RIGHTS ADVOCACY:

CHRI makes regular submissions to official Commonwealth bodies and member governments. From time to time CHRI conducts fact finding missions and since 1995, has sent missions to Nigeria, Zambia, Fiji Islands and Sierra Leone. CHRI also coordinates the Commonwealth Human Rights Network, which brings together diverse groups to build their collective power to advocate for human rights. CHRI's Media Unit ensures that human rights issues are in the public consciousness.

ACCESS TO INFORMATION:

CHRI catalyses civil society and governments to take action, acts as a hub of technical expertise in support of strong legislation, and assists partners with implementation of good practice. CHRI works collaboratively with local groups and officials, building government and civil society capacity as well as advocating with policy-makers. CHRI is active in South Asia, most recently supporting the successful campaign for a national law in India; provides legal drafting support and inputs in Africa; and in the Pacific, works with regional and national organisations to catalyse interest in access legislation.

ACCESS TO JUSTICE:

Police Reforms: In too many countries the police are seen as oppressive instruments of state rather than as protectors of citizens' rights, leading to widespread rights violations and denial of justice. CHRI promotes systemic reform so that police act as upholders of the rule of law rather than as instruments of the current regime. In India, CHRI's programme aims at mobilising public support for police reform. In East Africa and Ghana, CHRI is examining police accountability issues and political interference.

Prison Reforms: The closed nature of prisons makes them prime centres of violations. CHRI aims to open up prisons to public scrutiny by ensuring that the near defunct lay visiting system is revived.

Judicial Education: CHRI facilitates judicial exchanges focusing on access to justice for the most vulnerable. Participating judges get a rare opportunity to hear from activists and experts, focus on pressing issues specific to their region and familiarise themselves with recent legal and procedural, as well as social and scientific, developments relevant to their judicial work. The work was begun with INTERIGHTS some years ago. CHRI now works independently to orient lower court judges on human rights in the administration of justice.

CHRI and Nagarik Adhikar Kendra, Kalol conducted this survey to assess compliance of public authorities with their obligations under *The Right to Information Act (RTI Act)* in Panchmahals, Gujarat. Specific criteria, such as the degree of public interface and the extent of impact of their activities on people's lives, informed the choice of public authorities included in this survey. The performance of public authorities is ranked against a set of six indicators on the basis of positive and negative scores.

Narratives of the experience that the survey team faced in order to obtain mundane, everyday information about the implementation of this Act illustrate the high degree of resistance within the bureaucracy to changing old habits of keeping information hidden from public view.

CHRI and Nagarik Adhikar Kendra hope that the findings of this survey and the recommendations made in this report will encourage the Government to take credible steps to improve the implementation of the RTI Act.

We also hope that advocates and civil society organisations will refine the indicators developed for this survey and use them as a tool for monitoring public authorities regards their obligations under the RTI Act.



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website: www.humanrightsinitiative.org



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