

RTI Week celebrations – 2016

The Tamil Nadu State Information Commission organized the following programmes as part of the Right to Information week.

- Essay competition in seven Law Colleges in the State on 04.10.2016.
- Work Shop on Right to Information at Chennai on 06.10.2016.
- Distribution of handbills throughout the State to create awareness about the salient features of the Act.

The initiatives were undertaken with assistance extended by Department of Personnel and Training, Government of India

Essay Competition

An Essay Competition was held the School of Excellence in Law, Chennai and at six Govt. Law Colleges at Chengalpattu, Vellore, Tiruchirapalli, Madurai, Coimbatore and Tirunelveli on 04.10.16

The participants were asked to write an essay in Tamil or English on any one of the following topics:

- Transparency and Accountability in Public Services - before and after RTI Act.
- How to Improve the Efficacy of the RTI Act and its implementation.
- Compare Freedom of Information in India and other Countries.

The first, second and third prize winners in each college were given Rs 5000, Rs 3000 and Rs 2000 respectively

242 students participated in the competition.

College	No. of participants	Prize winners		
		First	Second	Third
Dr. Ambedkar School of Excellence in Law, Chennai	39	Ms. Swetha	Ms.M. Amudhini	Ms. S. Gopika
Government Law College, Chengalpattu	62	Ms. Bharathi Ms. Kanimozhi	Ms. K. Divya	Ms. Dhanalakshmi
Government Law College, Vellore	15	Ms. P. Kanmani	Ms. S. Shanmuga Priya	Mr.S. Vigneshwaran
Government Law College, Tiruchirapalli	34	Ms. C. Dorathy	Ms. S. Niveditha	Ms. S. Gayathri, Ms. T. Pushbika
Government Law College, Madurai	23	Ms. P. Poongodi	Ms. Manohari	Ms.P. Bhuvaneswari

Government Law College, Coimbatore	41	Ms. M. Gayathri Lakshmi	Ms. S. Royal Raj	Ms. Monisha Ms. Umabharathi
Government Law College, Tirunelveli	28	Mr. K. Chelliah	Ms.B.Nithya priya	Ms. Angala Eswari

The Prize winning students of the School of Excellence in Law attended the workshop held at Chennai on 06.10.2016 and the Cash awards were given to them by Thiru Justice K. Chandru, who presided over the event. The prizes for other colleges were distributed on 6th - 7th October, 2016 at the respective Colleges.

The Tamil Nadu Information Commission places on record its appreciation of the Principals and Faculty of the respective Colleges for having organized and conducted the competition in a commendable manner.

Workshop on Right to Information

The State Information Commission conducted a workshop on Right to Information with the participation of representatives of all stake holders. Held at the Anna Institute of Management, Chennai, on 04.10.2016, the workshop was presided over and moderated by Thiru Justice K. Chandru.

The deliberations started at 10.15 a.m. with a welcome address by Thiru P. Tamil Selvan, State Information Commissioner. The State Chief Information Commissioner Thiru K. Ramanujam, delivered the inaugural address, suggesting that:

- Online filing of RTI application facility may be considered for mplementation in the state on the lines of RTI Online initiative of Government of India.
- This could be done in a phased manner starting with departments that have a network connecting Public Information Officers and First Appellate Authorities

He concluded by pointing out that the Right to Information Act is unique in the sense that it focuses on the right of citizens whereas all other Acts are regulatory or penal in nature.

Special Address

Thiru Justice K. Chandru, highlighted the following:

- Before the introduction of the RTI Act, public were in the dark about the functioning of the Government.
- Public Authorities are still haunted by the mindset nurtured by Official Secrets Act
- While the RTI Act itself provided for only two levels of appeal, in practice, many cases traverse through five layers including High Court, Division Bench and Supreme Court.
- RTI petitions often act as catalysts for redressal of grievances.
- Threat to the life of RTI activists should not be brushed aside.

Thiru K. Skandan IAS, Additional Chief Secretary/Director, Anna Institute of Management, Chennai stressed the following:

- RTI is an evolving initiative serving the benign purpose of getting information from the government.
- Remedial measures have to be taken by the Government to minimize the stress to the Government departments in implementing this Act.
- As much information as possible should be put on the public domain.

Professor P. Vanangamudi, Vice-Chancellor, Dr. Ambedkar Law University, Chennai, pointed out:

- RTI Act is a consequence of delivering the object laid down under Article 19(1)(a) of the constitution which speaks about freedom of speech and expression.
- The authorities who implement this Act should have in mind that the country not only wants economic growth but also wants social development and only an informed citizenry will advance this objective.
- People should refrain from trying to use this Act to settle personal scores.

Case Studies:

Three groups consisting of representatives from the press, RTI Campaigners, PIOs and students from the School of Excellence in Law, Chennai, were formed and a set of actual RTI petitions and decisions at different levels were given to them. Each group had discussions among themselves, about the way the petitions were handled by the respective authorities. Tvl. R. Natarajan, M. Thooyamurthy and P. Kalyanasundaram, all RTI campaigners, presented views of the three groups.

During the discussion on the case studies, the State Chief Information Commissioner drew attention to the following:

- The Act says that if the applicant is below poverty line then the information asked for should be given free of cost, waiving the fee payable for taking copies of documents. Should there be any limit to the quantum of information supplied free of cost? What safeguards can be provided to ensure that a well-off person does not seek voluminous information in the name of a person below poverty line?
- Suo-motu declaration u/s 4(1)(b) of the Act has not been updated periodically. The Commission is planning to take up the issue with the Heads of Departments regarding the suo motu declaration under 17 categories.
- Heads of Departments should lay down what information is to be published by different layers in the department.

Presentations

Thiru Sai Yashodaran, representing an NGO 'Grey Face of India' said that while learning the process of seeking information they came across several difficulties in asking for correct information. Based on the experiences, they had developed a tool to "online RTI generator" to help public draft petitions. He also requested the PIOs to make use of the platform "Digitise India" for having an insight to the process of digitization.

Thiru R. Natarajan, an RTI campaigner, spoke on issues where he was able to get necessary information to retrieve the encroached property to the rightful owner and and to restore public property. He assured the audience that the State Information Commission looks into every petition they receive and necessary orders are passed.

Thiru S. Rajendran, Anna Institute of Management, Chennai said he collects important orders of the Tamil Nadu State Information Commission and other State Information Commissions and educates PIOs on a daily basis drawing lessons from these orders. He narrated two tragic cases – one in which a PIO committed suicide after imposition of fine of Rs25,000 even though he had supplied information on 7 out of the 10 requests and another in which a young woman government servant took her own life being humiliated by questions intruding into her privacy. He also narrated an incident where an application under RTI helped to sanction pension for an illiterate old woman.

He pointed out that in a number of offices, Public Information Officers do not have photocopiers to take copies of documents. He also requested the Commission to collect and upload the list of Public Information Officers in the State on the Commission's website so that public could address the correct authority to get information.

Tmt. K. Razeeya, Director, Commercial Taxes Staff training college, said that her Department gives special importance to RTI petitions and requested the applicants to avoid asking for sensitive information involving Commercial Confidence.

The State Chief Information Commissioner gave a presentation from the perspective of the State Information Commission, mentioning a variety of practical issues:

- The word 'information' is perceived in different ways by different people. Some think that whatever they want to know is information, without realizing that the Public Information Officer or the RTI machinery is not akin to a help desk or a facilitation centre or a May I Help You booth. Some applicants seek explanation or opinion or advice. Information as defined in the Act means an information which is on record as a **material** in some **form**. In short, information is something that resides as a paper in office of the PIO. The difference in understanding is a major source of conflict between the seekers of information and providers of information.
- The largest provider of information in the world is "Google" but it also provides only links to web pages that reside in web servers.
- Public Information officers cannot be expected to give information based on surmises nor can they be expected to redress grievances. They can only give information which is available in the records which are in their custody.
- Government departments may think of creating a help desk in offices which cater to the public directly so as to give guidance and help in matters that do not fall within the realm of 'information' as envisaged in RTI.
- A study could be made on frequently asked questions in their Departments and publishing the answers in the form of FAQs in their websites will help.
- As the Preamble to the Act highlights, disclosure of information aimed at Transparency, Accountability and Minimising Corruption should be in harmony with other public interests such as efficiency of operation, optimum use of limited fiscal resources and confidentiality of sensitive information.
- The Act stipulates a time of 30 days for the PIO to give information irrespective of the fact whether a single item of information is sought or a hundred items are sought.
- Supreme Court of India has helped to clarify certain issues in the judgment in Aditya Bandopadhyaya case. One important ruling is that the PIO is not required to

furnish information which relates to drawing inferences or provide any advice to the applicant. It is not the duty of the PIO to collect and collate and furnish information, if the information is something not expected to be maintained in such form under any law or rules.

- Revenue Department in the State has received 32% of all the RTI applications filed during the years 2010 to 2014. More than 50% of RTI applications were received in Revenue, Home and Rural Development Departments. These being the cutting edge departments, this leads to the inference that RTI is now taking a new route as a grievance redressal mechanism rather than merely enlightening the public by providing for transparency.
- A consultative committee with prominent persons from different sections of the stakeholders could be considered by the Commission to evolve norms on common issues.

Discussions

The participants raised a variety of questions on RTI Act. The State Chief Information Commissioner and Thiru Justice K. Chandru offered clarifications.

Valedictory Address

In his valedictory address Thiru Justice K. Chandru appreciated the healthy approach among the participants who participated in the workshop. He expressed his wish that such workshops are held by the Commission frequently.

Conclusion

Thiru S. Shanmugasundaram, Private Secretary of the Commission read out a Tamil verse on RTI and the Commission.

The Secretary, Tamil Nadu Information Commission proposed a vote of thanks.

SECRETARY