

Chapter – VI

Conclusion & Suggestions

Lack of transparency and accountability in governance (the functioning of administration) has been two major problems/challenges common people facing from a long period. Some tools were launched by the government from time to time with the specific object of eradicating unnecessary secrecy and delays in service providing to the people. Though each of this could boast of several successes to its credit, the fact is that the two problems have been persisting and even growing. The need of some more specific and concerted efforts was long felt and this culminated into the enactment of Right to Information Act, 2005.

This Act is different from earlier ones as it is right based approach and makes the government legally accountable to provide information within 30 days or 45 days as the case may be and provide reason for its quasi judicial and administrative decisions to the effected person and publish all relevant facts while formulating impotent policies or announcing the decisions which effect public. For the first time officials are being forced to be accountable to the citizens¹. The object and rational of the Act was, “the practical regime of right to information for citizens to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority.”²

The Act was comes in use on the same day of in force in all over India, except Jammu & Kashmir³. At least four and half years have passed since the Act was implemented. The investigator, therefore, considered it appropriate to conduct a study of the effectiveness and performance of the Act. Bhiwani district of Haryana state was chosen as a case.

6.1 Conclusion:

Aggregate data obtained from the secondary sources was analyzed in Chapter-4 and the sample statistics generated through primary sources was analyzed in Chapter-5. On the basis of this analysis, following conclusions may be drawn:

¹ REPORT OF NATIONAL SUB COMMITTEE OF CENTRAL INFORMATION COMMISSION, “IMPLEMENTATION OF RIGHT TO INFORMATION ACT, 2005”, (July 2008) New Delhi.

² Right to Information Act, 2005 Preamble.

³Right to Information Act, 2005 Preliminary.

6.1.1 Disposal of Applications & Appeals

On the basis of analysis of secondary data regarding disposal of applications and appeals in Chapter-4, responses of the information seekers and SPIOs Chapter -5, the following observations may be drawn:

- More than four-fifths (85.71 per cent) of the information seekers applications were disposed off in stipulated time frame (Section-5.1.3.3A).
- Near about four-fifths of SPIOs respond that they respond application in stipulated time of 30 days (77.78 per cent) while in some cases including transfer of application it takes more than 30 days(Section-5.2.3.1).The SPIOs 62.22 % admit that though in some cases information could not be provided in time frame(5.2.3.2)
- On the basis of analysis of secondary data of Bhiwani district in Chapter-4, it is observed that most of the PAs performed well while some like Education, Agriculture, Information & Public relation, Treasury, Fisheries and Public health departments are not responding all applications in stipulated time frame. In these Public Authorities aggregate 90-95 percent applications disposed off in stipulated time period (Section-4.3.1 to Section-4.3.32)
- Few more of 5 per cent (5.13 per cent) of the information seekers responded that their case at 1st appellate authority was disposed off in stipulated time of 30 days. While more than four-fifths (84.61 per cent) respondents state that it takes 30-60 days, in this time period they include the time of communication of judgment as well (Section-5.1.4.2).

From the responses of the information seekers, SPIOs and aggregate data analysis it may be conclude that majority of the information seekers (85.71 per cent of Information seekers and 89.61 per cent of appellants), SPIOs (77.78 per cent) and from aggregate analysis of data in Chapter-4 most of the PAs except some PAs in few cases disposed off the application in stipulated time frame. Thus the null hypothesis “The applications/appeals received under RTI Act are not disposed off within in the specified time frame” has been rejected.

6.1.2 Level of Awareness

On the basis of analysis of data pertaining to the level of awareness of information seekers about provisions of the Act in Chapter-5, following observations may be drawn:

- About three-fourths of the information seekers (76 per cent) are aware about applicability of the Act.(Section-5.1.1.1)
- An overwhelming majority of respondents have awareness about time period of supply of information.(Section-5.1.1.2)
- Near about three-fifths (59 per cent) of the respondents have awareness about provision regarding website.(Section-5.1.1.3)

From the above it may be concluded that about three-fourths of the information seekers possess awareness about the provisions of the Act. Therefore, the null hypothesis, “Information seekers are not aware about the provisions of the RTI Act” has been rejected.

6.1.3 Suo Motu Disclosures

On the basis of analysis of responses of the information seekers under the RTI Act, SPIOs in various sub-sections in Chapter-5 regarding Suo Moto disclosure of the information as per provisions of the RTI Act, following observations may be drawn:

- More about Three-fifths (67.65 per cent) of the information related to seekers reported that information they seek on website was not available while one-fifths (20.59 per cent) information seekers respond that inadequately information is available. (Section-5.1.2.2).
- Three-fourths of the SPIOs (60 per cent) state that information is partial available.
- An overwhelming majority of SPIOs (95 per cent) whose PAs have no official website admitted that no information brochure has displayed or published by them. (Section-5.2.2.2)
- Four-fifths (82.22 per cent) of SPIOs admitted that there is no website for Suo-Moto disclosure.(Section-5.2.2.1)

From the responses of the information seekers and SPIOs, it may be concluded that no provision of Suo Motu disclosure were completely or partially followed and in that cases of fulfilling of requirement of Suo Motu disclosure have cropped up. Thus the null hypothesis “Public Authorities are not fulfilling the requirement of Suo Motu disclosure of information under RTI Act” could not be rejected.

6.1.4 Relevant Information

On the basis of analysis of responses of the information seekers under RTI Act in Chapter-5 regarding receiving of relevant information, the following observations may be drawn:

- Majority of the information seekers, more than four-fifths (83.67 per cent) receive relevant information in response of RTI application from concerned Public Authorities. (Section-5.1.3.2)

From the above observation it may be conclude that the Public Authorities made efforts to provide relevant information to the seekers. Thus the null hypothesis, “The Public Authorities do not furnish relevant information under RTI Act to the information seekers” has been rejected.

6.1.5 Difficulties Faced

On the basis of analysis of data pertaining to the difficulties faced by information seekers in seeking information in Chapter-5, following observations may be drawn:

- More than four-fifths of the information seekers and appellant (88 per cent & 88.46 per cent) does not face any difficulty during filing application and at first appeal level. While an overwhelming majority of respondents (93.11 per cent) does not face any difficulty at approaching to SIC. (Section-5.1.6.1)
- More than half of the information seekers (59.72 per cent) found the attitude of SPIO/SAPIOs encouraging. While an overwhelming majority (97.44 per cent) of respondents found encouraging attitude of First Appellate authority and an equal proportion of respondents (96.55 per cent) found encouraging attitude of SIC/CIC.

From the above observation it may be conclude that the majority of information seekers and appellant do not face difficulties during seeking information or approaching to appellant authority. We could not ignore the rest of respondents who faced difficulties at their respective levels. As stated by the respondents, the common difficulty faced during this process was not availability of RTI dealing head in the offices and their response regarding the address and designation of first appellate authority. While at first appellate authority level, lenient behavior of appellate authority towards PIO creates problems for information seekers. On the basis of majority responses, the null hypothesis, “The information seekers/appellants under RTI Act faced difficulties at respective levels” has been disapproved.

6.1.6 Assistance from Colleagues

If PIO considers necessary, the assistance of any other officer for the proper discharge of duties may take the assistance. The assistance, whose officer is sought by the PIO, would render all assistance to him. On the basis of analysis of responses of SPIOs regarding timely and adequate inputs/assistance of colleagues in Chapter-5, the following observations may be drawn:

- Four-fifths of SPIOs (80 per cent) respond that they receive timely and adequate assistance from their colleagues. While some of them (13.33 per cent) stated that in some cases they don't get assistance from colleagues. (Section- 5.2.1.2)

From the responses of the SPIOs it may be conclude they get assistance from colleagues. Thus the null hypothesis “The SPIOs do not get adequate assistance from colleagues in furnishing information under RTI Act” has been rejected.

6.1.7 Working of SPIOs

On the basis of analysis of responses of the SPIOs working at district level or divisional/block level it was observed:

- More than three-fourths (64.44 per cent) of SPIOs respond that they decided their own to disclosure of information. While some of SPIOs (35.56 per cent) admitted that in some cases they discuss with their seniors (all of them hailed from division level or block level). (Section-5.2.1.3)

PIO/SPIO at their respective level are fully powered and having an authority of furnishing information. From above observation it may be concluded that in some cases SPIOs are not working independently of official hierarchic though this proportion is less. On majority basis the null hypothesis, “The PIOs do not work independently of their official hierarchic in matters of providing information under RTI Act” has been rejected.

6.1.8 Furnish of Annual Report

The Act has a splendid provision to make Public Authorities, Department, Ministries accountable through monitoring and reporting.⁴ On the basis of analysis of data pertaining to the furnishing of Annual Report at India level, Haryana level in Chapter-4 and SPIOs responses at district level in Chapter-5, following observations may be drawn:

- As per CIC reports at India level three-fifths (67.5 %) of Public Authorities submitted Annual Reports in 2010-11. (Section-4.1.1) At Haryana level only one report (2005-06) had published by SIC.
- Only 17.78 per cent SPIOs respond yes in submission of report, while more than half of SPIOs of PAs not submit reports (57.78 percent). (Section-5.2.4.2)

Thus from the two contradictory responses at CIC level and at Haryana & Bhiwani district level regarding submission of annual report, the null hypothesis, “The Public Authorities do not furnish annual report about status of RTI in their respective authorities under RTI Act” has been proved.

6.1.9 Record Keeping and Service Delivery

On the basis of responses received from SPIOs regarding improvement in record keeping and service delivery after implementation of RTI Act Chapter-5, the following observations may be drawn:

- More than three-fourths (75.56 per cent) of SPIOs respond about moderate improvement while less the one-fifths of SPIOs respond about substantial improvement (Section-5.2.4.1).

⁴ Sec. 25 (2) of RTI Act, 2005.

- Only few of SPIOs openly state that they want to make fundamental changes (6.67 %) while more than two-fifths of SPIOs wants to change in some extent (44.44%).

Thus from the above it may be conclude that there is improvement in record keeping and service delivery though some SPIOs want to make fundamental changes in record keeping. Thus, the null hypothesis, “The implementation of RTI Act is not resulted in improvement in record keeping and service delivery” has been disapproved.

6.2 Suggestions:

Keeping in view the revealed findings and conclusions drawn, following suggestions are made:

- A major objective of RTI Act is to promote transparency & accountability in system. So the Public Authorities should use different modes of communication specially information broacher for Suo –Motu disclosure.
- Proper training should be imparted to CPIO/SPIO at field level to enhance their efficiency & effectiveness.
- Method of nit picking should be adopted by FAA and CIC/SIC when a complaint or appeal received against official (CPIO/SPIO).
- SPIO at field level should take more interest in Suo-Motu disclosure and record keeping.
- PAs should make an endeavor to diagnose the problems faced by information seekers in seeking information at their respective level.
- Lenient attitude of Appellate Authorities at their respective level towards bureau creates should be reduced while deciding appeals.
- First Appellate Authority should consider appeals seriously to ensure timely service delivery.
- Creation of efficient web service at district and field level is suggested for effective implication of the provisions Suo –Motu disclosure.
- In all PAs internal & continuous evaluation mechanism should be developed for compliance of all RTI Provisions.

- In RTI mechanism of social audit should be developed for continuous check and balance by civil society (As suggested by Mr. Amit Bhatia DSP Headquarter).
- As per applicants, there should be a provision of penalty and disciplinary action at first appeal level.
- A major goal of RTI Act is to improved service delivery. There should be a provision of effective separate RTI cells in concerned PAs at their respective level to avoid enormous burden on officials and to ensure better service delivery.