

# CITIZEN'S EYE ON EXECUTION OF RIGHT TO INFORMATION ACT



A SOCIAL AUDIT OF IMPLEMENTATION OF RTI, ACT, 2005  
IN BRAHMAPUR MUNICIPAL CORPORATION



YOUTH FOR SOCIAL DEVELOPMENT  
BRAHMAPUR, ORISSA



PUBLIC AFFAIRS CENTRE  
BANGALORE

## Right to Information Act: Its Importance, Implementation and Issues

The ability of citizens to hold the government to account and participate fully in a democratic society hinges on access to public information. The 2005 Indian Right to Information Act (RTI) aims to improve citizens' access to public documents and information held by public authorities.

### The key rights guaranteed by the Act are as follows:

- ☉ A citizen's right to file a request for information from government and in some cases private bodies
- ☉ The duty of the government to provide the requested information within a reasonable time frame, unless defined exemptions apply
- ☉ The duty of the government to be proactive in its disclosure of information that is of public interest without the need for that information to be first requested by citizens



While RTI has empowered activists, citizens and the media in holding public institutions to account, many public institutions still refuse to honor the act, disclosing information in an improper, slow, inaccurate and unreliable manner or refusing to disclose information altogether. It is within this context that YSD has conducted a community social audit in partnership with the Public Affairs Centre, Bangalore.

### A Community Social Audit : How does it Work?

A community social audit is generally conducted through the use of a Community Score Card (CSC) methodology. CSC is a community-based monitoring tool and an instrument to exact social and public accountability and responsiveness from service providers. CSC includes interface meetings between service providers and community members that allows for immediate service delivery feedback and is a strong instrument for community empowerment. CSC employs the community as its unit of analysis and is focused on conducting monitoring at the local/facility level. CSC facilitates the community in its monitoring and performance evaluation of services, projects, and even government administrative units (like district assemblies, panchayats, municipalities). It is a grassroots initiative used in rural and urban settings.

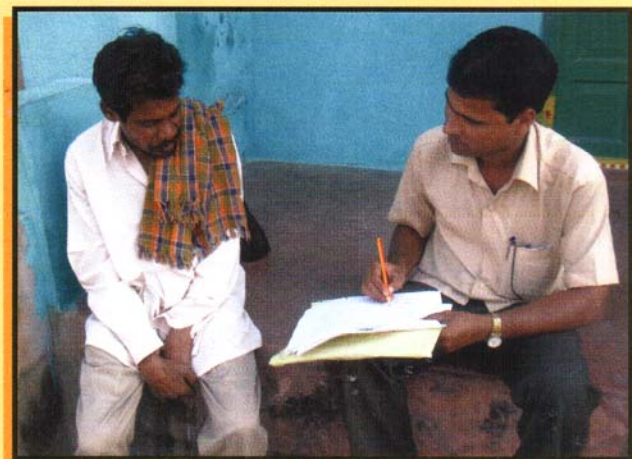
### The Purpose of a Right to Information (RTI) Social Audit

The aim of the audit was to assess RTI implementation from citizens' and public officials' perspectives and disseminate the results to engage public officials in the efficient implementation of RTI. Additionally, policy suggestions were made at the local and state level to ensure efficient RTI implementation.

### How YSD conducted the Social Audit : Scope and Methodology

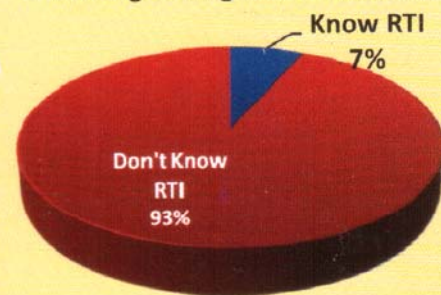
Brahmapur city is the second largest in Orissa, with a population of nearly half a million. A large proportion of the population 38.48%, dwells in one of the many 100 slum pockets in the city. The city was declared a Corporation in December 2008. However, in 2005, the Right to Information Act 2005 was implemented with the designation of a Public Information Officer, Additional Public Information Officer and other assistant staff. In an effort to measure the degree to which the city's public service organizations have been implementing the Act, YSD partnered with the Bangalore-based NGO, Public Affairs Centre (PAC), employing their social audit Community Score Card methodology to assess this. The Community Score Card process allows for the tracking of inputs and expenditures, monitoring the quality of services and projects, generation of benchmark performance criteria that can be used in resource allocation and budget decisions, the cross-comparisons of department performances in different districts/facilities, generation of direct feedback mechanisms between service provider and user, building of local capacity and strengthening of citizen voice and community empowerment.

Brahmapur Municipal Corporation the second largest and oldest municipality in Orissa which was constituted in 1855. This is the most important town and business centre of southern Orissa. The city was declared as Corporation December 2008. Since 29th October 2005 the Right to Information Act, 2005 is being implemented in Brahmapur Municipal Corporation. Berhampur Municipal Corporation has been taken as sample public agency for the piloting of Citizen Monitoring of Right to Information execution.



In this case, community members were educated on the RTI Act and trained to conduct the survey. Information from public agencies (Public Information Officers) on RTI implementation was collected through a structured questionnaire developed by PAC, semi-structured interviews were conducted among citizen's groups and individual community members to verify the implementation of RTI in the form of official's responses to RTI applications as well as the quality of applications submitted and the information sought. Additionally, a physical verification of public agency compliance with onsite information display and proactive information disclosure was assessed. The data collected was analyzed through a statistical package and compiled in a public report that was disseminated at various levels through workshops and interface meetings between service providers and citizens, such as public hearings.

Knowledge of Right to Information



## Public Hearing on RTI

### What the Social Audit Uncovered Citizen's Perspective (RTI applicants and non-applicants)

- ⊗ Only 6.7% of respondents had any knowledge whatsoever of the existence of the Right to Information Act and they had received that knowledge from the Brahmapur Municipal Corporation (BMC) office. Many citizens didn't know that seeking public information was considered to be a citizen's right.
- ⊗ Only 26% of respondents have filed a Right to Information (RTI) application to seek information from BMC, and of that percentage only 6.7% know the proper procedure for filing RTI applications. Most RTI applications were filed by males in regards to BMC service delivery
- ☺ 96.7% of respondents agreed that RTI is a good tool to access information from BMC
- ☺ 56.7% of respondents were aware of 'suo moto' (an Indian legal term meaning "on it's own motion") RTI provision and of that percentage 85.5% responded that a hard copy of the provision is available from BMC



### Service Provider's Perspective (Public officials, public information officer, elected representatives)

- ☺ All public officials surveyed were aware of the RTI act and its provisions
- ☺ All most all officials stated that it was reasonable to expect that all RTI applications could be appropriately responded to within the 30-day time limit
- ☺ BMC has not begun a public awareness campaign on RTI, moreover, the RTI information available at BMC is limited to that posted on its campus
- ☺ Most officials stated that the RTI Act is problematic and has become burdensome to their scheduled job
- ☺ Officials expressed the following difficulties in relation to the RTI Act: lack of sufficient staff, insufficient training on the implementation of the Act, lack of databases to respond to applications with appropriate information, and inability to collect information within the stipulated time (although there is knowledge among the officials that the rule says "RTI applications could be appropriately responded to within the 30-day time limit" officials claim this practice is difficult due to the above reasons)
- ☺ Officials faced the following issues in citizen RTI applications: incorrect filing of application, difficulty in understanding questions/information requested by citizens, applications are unrelated to information held by BMC, applications are not specific to a required timeframe
- ☺ Lack of staff, infrastructure, contingency funds and information management were the chief complaints among officials who viewed the implementation of the Act impractical and behaved defensively and uncooperatively in their attitudes towards RTI implementation



## BMC's Compliance with RTI Act

- ☹ It was found that BMC has limited publicly accessible information displayed on RTI and does not in any form publicize RTI's 17-point information structure
- ☺ BMC has made the following information public: its organizational structure, directory of the officers and employees information as well as their roles and responsibilities, recent budget data, names and beneficiaries of welfare schemes like PDS and other poverty alleviation schemes
- ☹ BMC has kept the following information private: its process of decision-making, (although this is provided upon request), statements from its boards, councils and committees or any official BMC meeting minutes, subsidy programme and subsidy programme beneficiary data, concession recipients, permits or authorizations granted
- ☹ No records or information exists on the rules, regulations, instructions, manuals, and employee records or the statement of categories of documents held under BMC control

## What to do : Suggestions for improved implementation of RTI

- ☹ BMC should launch a public awareness campaign and publish RTI materials for citizens
- ☺ RTI help desk should be established in BMC for RTI applicants, as well, PIOs and officials should be required to help citizens in filing RTI applications
- ☹ Budgetary provisions should be made for RTI awareness campaigns and electronic data management systems, also a contingency fund should be established for RTI implementation
- ☺ Capacity building of public officials should include training on various aspects of RTI and as well as on state guidelines for effective implementation and updates on government orders in reference to the Act
- ☹ A mandatory disclosure of RTI's 17-point information should be disclosed though an information board in front of BMC office as well as available via the web and other media

## THE HINDU

Friday, Jun 25, 2010

### 'IMPLEMENTATION OF RTI NOT UPTO MARK IN BERHAMPUR MUNICIPAL CORPORATION' Staff Reporter

Study reveals that only 6.7 p.c. of citizens of the city had knowledge about the RTI and its proper use

**BERHAMPUR:** Implementation of Right to Information (RTI) is too poor in Berhampur Municipal Corporation, revealed a recent study.

This revelation surely puts question on the transparency and the credibility of the municipal corporation. This fact has come to the fore due to the Social Audit on execution of RTI in Berhampur Municipal Corporation by the Youth for Social Development (YSD) an organisation of youths of the city.

This study was done in January, 2010. Trained community volunteers monitored the implementation of RTI taking data from beneficiaries, ordinary people, public officials, elected representatives, Public Information-Officers. The infrastructure available for RTI and the 'sou moto' (17 point) disclosure done by BMC were also taken into account. The study revealed that only 6.7 per cent of the citizens of the city had knowledge about the RTI and its proper use. A large chunk of populace amounting to 96.7 per cent were ignorant about the 'suo moto' (17 information disclosure) provision of the RTI Act.

The problems that the citizens faced while filling application to get information from the municipal corporation under RTI Act were also many. As per the report of the Social audit most of the applicants said the official s were negligent towards acceptance of RTI applications. There was also delay in provision of information.

Most respondents felt that the approach of the public officials working in the municipal corporation towards providing information to the public was negative. As per the study the officials were not cooperative and they did not feel shy to deny acceptance of RTI applications or rejection of these applications.

The study also found that lack of manpower, infrastructure, contingency fund and faulty management of information were major hindrances for the proper implementation of RTI in the Berhampur Municipal Corporation, said Bibhu Prasad Sahu of the YSD.

Compliance to 'suo moto' information disclosure under Section 4 (1) (b) done by the BMC were found to be not user friendly. Very general information is available in 17 point information disclosure and only available on demand. No public disclosure of these facts has been done through information board, media or by any other means. At a public hearing held to discuss about these findings it was suggested that the municipal corporation should set up a RTI help desk streamline the free flow of information to the public.

## About Youth for Social Development

Youth for Social Development (YSD) is a not-for-profit independent social research and development organization established in 2005 devoted to improve the lives of the tribal, rural and urban poor in Orissa. YSD undertakes research, public education, capacity building, documentation, dissemination, people centered advocacy and participatory development action. Sustainable livelihood promotion, influencing public policy & finance, improving democratic governance for the betterment of the people and the state, are the thrust areas of the organization.

Youth for Social Development is promoting governance which is participatory, is based on the rule of law and protects human rights, is consensus oriented, transparent, accountable, effective and efficient, responsive, equitable and inclusive. This assures that corruption is minimised, the views of minorities are taken into account and that the voices of the most vulnerable in society are heard in decision-making. It is also responsive to the present and future needs of society.

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