

KNOWLEDGE PARTNERSHIP PROGRAMME

Right to Information Learning Programme in India *for civil society and media representatives of Kenya, Tanzania and Uganda*

Commonwealth Human Rights Initiative (CHRI), New Delhi

Submitted to



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Right to Information Learning Programme in India



for civil society and media representatives of Kenya, Tanzania and Uganda

sponsored by the Department for International Development (DfID), UK Government

16-26 March, 2014

Hotel Asthan Sarovar Portico, New Delhi

Report

Contents

Theme		Page
Background	...	2
RTI - LP Proceedings	...	4
Day 1: March 17, 2014	...	4
Day 2: March 18, 2014	...	8
Day 3: March 19, 2014	...	13
Day 4: March 20, 2014	...	18
Day 5: March 21, 2014	...	22
Day 6: March 22, 2014	...	22
Day 7: March 23, 2014	...	24
Day 8: March 24, 2014	...	25
Day 9: March 25, 2014	...	28
Evaluation and Feedback	...	30



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Background

CHRI organised a Learning Programme on the Right to Information (RTI-LP) for representatives of civil society, media and academia from Commonwealth member States- Kenya, Tanzania and Uganda in East Africa, between 16-26 March 2014, with support from the Department for International Development (DfID), India office. The broader purpose of the RTI-LP was to showcase the Indian model of campaigning for a strong RTI law and the manner in which civil society and media organisations were using it to demand greater transparency and accountability in the working of government and other public authorities. The specific objectives of the RTI-LP were as follows:

- 1) to enable participants to better understand the significance of the right to information (RTI) in the context of democracy, rule of law, accountable and corruption-free governance, sustainable development and human rights;
- 2) to arrange interactions for participants with RTI campaigners and practitioners in India to better understand campaign strategies for enacting and implementing the RTI Act in India;
- 3) to familiarise participants with the measures taken to implement the Right to Information Act (RTI Act) in public authorities through interactions with key functionaries and site-visits;
- 4) to share with the participants ICT and MIS solutions for improving records management systems and people's access to information in real time;
- 5) to apprise participants of the manner of use of RTI by citizens, civil society and the media in India; and
- 6) to identify opportunities to widen the base of the RTI coalitions in the participants' countries and to identify collaborative activities.

Nominations were invited from CHRI's partners in Africa such as the Africa Freedom of Information Centre (AFIC), Transparency-International Kenya, International Commission of Jurists-Kenya, Katiba Institute, Kenya, Media Council of Tanzania, Media Institute for Southern Africa (MISA) – Tanzania chapter, HURINET-Uganda, Advocates Coalition for Development and Environment (ACODE), Uganda and Open Society Initiative for Eastern Africa (OSIEA). CHRI received 40 nominations within 20 days of floating the request. CHRI selected the following participants based on criteria such as involvement in the respective RTI coalitions and campaigns in

the parent country or promoting anti-corruption work, promoting environmental justice, some experience of reporting on or using RTI for purposes of journalism or working with community based organizations on issues of transparency, accountability and expanding people's participation in public decision-making processes. The following participants were selected from amongst the nominees keeping in mind representation for gender and nationality:

Sl.	Country	Name and Organisation	Profile
1	Kenya	Ms. Anne Gitonga International Commission of Jurists - Kenya	<i>LLB and PGD in Law from Kenya School of Law.</i> Programme Manager –Democratization Programme with ICJ. Chairperson of FOI Network in Kenya
2	Kenya	Mr. Lempaa Vincent Suyianka Katiba Institute	<i>LLM and LLB.</i> PIL Litigator with Katiba Institute, Advocate of High Court of Kenya with litigations majorly in public law and human rights. He has facilitated seminars on electoral reform
	Kenya	Ms. Sheila Masinde Transparency International - Kenya	<i>Masters in Communication Studies and BA in Sociology.</i> Research, Learning and Communications Manager with TI-Kenya. She has run various advocacy campaigns including a freedom of information campaign through a public petition, social media, newspaper articles, legislative and policy advocacy
4	Tanzania	Mr. Deus M Kibamba Tanzania Citizens' Information Bureau (TCIB)	<i>MA in Development Studies and BA in Political Science.</i> He is Executive director of TCIB. He is in lead of Campaigns around promoting citizens' access to information, Freedom of expression, movement and opinion and associated entitlements
5	Tanzania	Mrs. Diana Kidala Tanzania Constitutional Forum	<i>PGD in Education. Certificate on Gender and Development.</i> Coordinator with TCF. She has coordinated the capacity building sessions and discussions for CSOs and the media on constitution-making process, content of the draft constitution and process of ensuring that constitution making process involves citizens as much as possible
6	Tanzania	Mr. Francis Uhadi Norwegian Church Aid	<i>BA in Political Science and Sociology.</i> In-charge of Governance Programme. He has carried out capacity building trainings for partner FBOs and CSOs on Tax and anti-corruption advocacy, advocacy on accountability and financial secrecy. He also facilitates access to information to the public through public notice boards
7	Uganda	Mr. Dan Ngabirano Development Law Associates	<i>LLM and LLB.</i> He is a member of ATI Working Committee. He is a consulting partner, DLA and Asst. Lecturer, School of Law, Makerere University
8	Uganda	Mr. Charles Mpagi Mwanguhya	Editor, Daily Monitor - the biggest daily independent newspaper in Uganda. He brought up one of the court

		Daily Monitor	cases testing Uganda's Access to Information Act
9	Uganda	Ms. Cissy Kagaba Anti Corruption Coalition	<i>LLB and PGD in Law</i> Executive Director of this NGO working on issue of transparency and governance. He helps in skill building exercises for CSO/local actors to influence policy and decision-making
10	Uganda	Mr. Apollo Lee Kakonge Western Ankole Civil Society Forum	<i>BA in Development and Democratic Studies</i> Chief Executive and Accounting officer of Western Ankole Civil Society Forum

After initial hiccups with the visa procedures in Kenya and Uganda which CHRI managed to overcome by contacting the respective High Commissions, all 10 participants arrived in Delhi on 16th March. Given below is a brief report of the discussions and interactions at various sessions of the RTI-LP.

RTI – LP Proceedings

DAY 1: March 17, 2014

Session 1

1.1 Opening Session: The RTI-LP began with a brief round of introductions with participants voicing their expectations as follows:

1. to better understand the strategies adopted by civil society actors to successfully campaign for the RTI law in India so that they may be used in one's own country;
2. to understand the challenges in implementing the RTI Act and the solutions devised to overcome the difficulties;
3. the manner of use of RTI by peoples and communities at the grass roots level;
4. the manner in which 'national security' exemptions have been invoked to resue access to information in India;
5. the role of political parties and Parliamentarians in the RTI campaign in India;
6. to appreciate citizens' stories of success in using the RTI Act;
7. to understand how RTI may be sued for the realization of economic and social rights of people without having to file suits in courts of law;
8. to better understand how the RTI Act had impacted various aspects of governance;
9. to learn how RTI has improved citizen-participation in public processes in India; and
10. to understand trends in the development of the jurisprudence around RTI.

These expectations were written up on chart paper for reference during the topical sessions so that none was left unanswered.

1.2 Introduction to CHRI and its work on RTI: CHRI's Director Ms. Maja Daruwala gave a brief introduction to CHRI's work emphasizing the experience of promoting RTI laws across Commonwealth countries with particular reference to the South Asian region. She explained that the RTI-LP was an example of south-South Cooperation that CHRI has always tried to promote. She pointed out the important stages in the campaign for a strong RTI law in India explaining the efforts that went in to moving the government to replace the weak Freedom of Information Act, 2002 with the relatively stronger RTI Act in 2005. CHRI's role in providing examples of international best practice standards to the RTI Bill drafting process was highlighted. She pointed out that in addition to possessing essential values and imbued with high degree of enthusiasm, coalitions

worked best when proper processes were put in place for consulting with members before making decisions. Processes must be easily understood for building trust amongst members of a coalition. Trust builds up when agreed processes are complied with by all members. Participants agreed that processes were a big issue in their coalitions and campaigns as well.

This was followed by a discussion on a key question of campaign strategy given the long years of struggle to get an RTI law in place in Kenya and Tanzania- Whether it was a good idea to agree to a weak RTI law being adopted by Parliament or wait until consensus was developed around a strong RTI law which matched international standards of access legislation. While a majority of the participants opted for having a weak law placed on the statute book a vociferous minority supported that idea of continuing the struggle for a strong RTI law despite the length of time it may take. Eventually the consensus position that evolved was that if core principles such as maximum disclosure, narrowly drawn exemptions containing specific and clear harm tests coupled with a public interest override, an independent oversight body to guide and monitor the implementation efforts and sanctions for willful contravention of the law were incorporated in the legislation participants would be satisfied even though it may not be of the highest standard.

To another question raised by the Director about ideas for strengthening RTI coalitions and alliances in the participating countries, participants agreed that there was an urgent need to broaden the membership base in order to get more traction for their efforts and serious attention from government and lawmakers. Participants agreed that diverse civil society organizations working at the community level or policy advocacy level for human rights, groups rights, social justice, transparency and accountability in the extractive industries sector will have to be brought into the RTI campaigns in their countries. CHRI assured the participants that the sessions with resource persons from civil society, particularly the National Campaign for People's Right to Information in the days to come would provide insights into how diverse civil society actors became part of the RTI campaign in India.

The Director said that while working at the grass roots level was exciting there were several challenges to getting the idea and discourse of RTI into the public consciousness. Developing materials and disseminating it amongst Parliamentarians and government officers was not too difficult if one had the contact details. However reaching out to the public is an art and needs to be structured carefully. The idea of RTI is easy to convey to the people by connecting it with their needs, challenges, dissatisfaction and sorrows. However getting people to challenge the existing situation of inequality and injustice was a big challenge. Leaders of the RTI coalitions and campaigns must be able to walk the talk by imbibing and practicing the very values of transparency and participation that they promote under the rubric of RTI. Venkatesh Nayak, CHRI took the participants through the sessions planned during the course of the RTI-LP and explained the rationale for including them in the programme.

1.3 Audio-visual clipping on the importance of RTI - viewing and discussion: Participants then watched a 5-minute audio-visual clipping on the empowerment of a seemingly disempowered student approaching a government office to offer her services as a free-lance researcher. Venkatesh Nayak, CHRI facilitated a discussion on the impressions created by the film. Discussions hovered around real life situations where citizens seeking some service in a government office were harassed by bureaucratic procedures and red tape. The film also brought out the importance of proactive disclosure of information by government offices so that government decision-making processes become predictable for citizens. Participants agreed that the citizens' experience of apathy or maltreatment in government offices would change considerably if there was more access to information about decision-making processes, particularly for the disadvantaged segments of society.

1.4 RTI and its links with democracy, human rights, accountable governance, sustainable development and eradication of corruption: Later Ms. Seema Choudhary, CHRI gave a presentation on the linkages between RTI and democracy, accountable governance, realization of human rights, combating corruption attainment of the Millennium Development Goals and achieving sustainable development. The presentation highlighted RTI as being inherent in the concept of equality of all human beings that underpins democracy and makes them equal stakeholders in democratic government. References to RTI in key documents on which international consensus had developed were made such as in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights (rights to water, food, health, education and adequate housing) the Convention on the Elimination of All Forms of Discrimination Against Women, Convention on the Rights of the Child, International Convention on the Rights of Migrant Workers and their Families, Convention on the Rights of Disabled Persons, the UN Convention Against Corruption, the Millennium Declaration and the Rio+10 Summit for Sustainable development (Johannesburg Plan of Action on Agenda 21). The purpose of this presentation was to show that all countries except Tanzania had signed or ratified these international instruments and had a duty ensure the protection of all the recognized rights and entitlements including the right to access information from government and other public bodies. Tanzanian participants explained that the lack of acceptance of any of the international human rights instruments was a legacy of the socialist form of government that dominated their country for several decades since independence. However they clarified that the Government and several lawmakers had been repeatedly assuring the public that they would put in place an RTI law. Several versions of the RTI Bill – drafted by Government and civil society were floating around and consensus was hard to come by due to the reluctance of the Government to deliver on its promise. However the constitution-reform exercise did provide an important historical moment to push for a strong formulation of the right to access information in the fundamental rights chapter of the draft constitution. All participants agreed that instead of talking about RTI as a standalone civil and political right, its linkages with economic and social rights and sectoral rights would help improve the visibility of the campaign and strengthen the demand for an RTI law by bringing in diverse civil society groups working for the realization of those other rights. A Ugandan participant observed that linking RTI to economic and social rights was crucial for demonstrating the utility of RTI to people at the grass roots level.

Session 2

2.1 RTI across the world – a presentation: Venkatesh Nayak, CHRI made a presentation on the history of the concept of RTI and its evolution during the last two centuries to demonstrate the linkages between the origin of the human rights discourse on the planet and the centrality of the values and expectations of transparency and accountability in a government underpinned by the rule of law. During the presentation he encouraged participants to examine two popular myths, namely, RTI is primarily a luxury for people in developed democracies and that it is a right useful only for the educated middle class. Giving examples from 18th century Sweden, 19th century Colombia and Rajasthan and Maharashtra in 20th century India he explained that lack of access to information hurts the unlettered and the poor the most. Information poverty is an important facet of all round poverty that the disadvantaged segments of society face.

2.2 Salient features of the Indian RTI Act – a presentation: Ms. Amrita Paul, CHRI gave a presentation on the salient features of and procedures for accessing information under India's RTI Act. The participants followed up with an in-depth discussion about some of the access procedures in India. For example, one participant wanted to know the level at which Public Information Officers were designated by the Government in each public authority. Concerns were expressed that if officers with sufficient authority and seniority were not designated for the purpose of dealing with RTI applications they would not be able to do their jobs well or even get access to records from other units in their public authorities. Another participant expressed a view

that designating very high level officers for dealing with RTI applications would defeat the very purpose of timely disposal as they would be very busy with other routine affairs of the public authority. One participant wanted to know the effect of the RTI Act on the *Official Secrets Act (OSA)* which is a commonly occurring law on the statute books of all countries that were once under colonial rule. CHRI resource persons explained that the OSA was overridden by the RTI Act in India to the extent of inconsistency however it also contained several espionage related offences and related punishments making its retention on the statute book essential even in the age of RTI. An option would be to transfer these provisions to another penal statute and wind up the OSA for psychological advantage so that the bureaucracy does not remain confused between the old secrecy and new transparency laws.

A participant from Uganda suggested that RTI being a basic human right it must be used in an assertive manner. So the phrase "information requests" must be replaced with the phrase- "RTI applications" in keeping with the empowering nature of information access laws. Participants also sought clarifications on the qualifications of persons selected as Information Commissioners across the country. CHRI explained its role in ensuring that Information Commissions in India were not turned into courts with the appointment of retired judges as Commissioners. CHRI's experience of litigating in the Supreme Court to recognise the Information Commissions as administrative tribunals was narrated as a model to follow. This would ensure that appeals and complaints procedures would not become cumbersome and expensive for people. There was some discussion on whether RTI should be available only to citizens of a country as a matter of right or if it should be opened up to all individuals. A Kenyan participant pointed out that students of foreign origin studying in a country must have some rights of access to information pertaining to themselves. CHRI pointed out that this had been its demand at the drafting stage, however the Government and Parliament linked the RTI Act to Article 19(1)(a) of the constitution which guarantees freedom of speech and expression only to citizens. As RTI has been deemed an implied right under this provision the RTI Act recognized rights of access of Indian citizens only. CHRI pointed out that the Model ATI Law for the African Union which it contributed to along with some of the participants at the drafting stage recognized RTI as a human right available to any person. Most of the participants agreed that it would be appropriate to recognise the rights of foreigners as well. CHRI pointed out that many of the recent RTI laws enacted across the globe including that in India required proactive disclosure of a wealth of information through websites which would be accessible to any person sitting at any corner of the globe. So it does not make much sense to restrict the right to citizens only particularly in a globalizing world. Some participants believed that their governments may not easily accede to this demand and would want to restrict access rights only to citizens first and foremost.

Some participants sought to know the interaction between records classification systems and the RTI Act, i.e., if official records were classified 'top secret' or 'secret' would they be accessible under the RTI Act. CHRI resource persons clarified that the RTI Act overrode all other laws, rules and regulations to the extent of inconsistency, so mere classification of a document with a label would not be adequate ground for withholding access if a request were made under the RTI Act. It was also pointed out that a separate session was scheduled later in the RTI-LP where these matters would be discussed in greater detail. Participants examined the exemption clauses in the RTI Act in some detail to understand how they were being used to reject access to sensitive information. CHRI resource persons explained the manner in which exemptions were being invoked by public authorities to deny access to information with the help of case studies. Attention was drawn to the RTI resources that would be distributed on memory sticks later in the RTI-LP.

Sessions 3 and 4

3.1 Presentation on the ATI Act and its use in Uganda: Participants from Uganda gave a presentation on the status of the implementation of the ATI Act in their country. The campaign for the adoption of the RTI law and the inordinate delays caused by the Government in implementing the law were explained. (The PPT used by participants during the presentation is included in the CD containing this report.) CHRI apprised

participants of its role in guiding the Government of Uganda to develop a roadmap for implementing the RTI law in 2007-09. Participants shared some stories of success achieved and challenges faced in using the ATI Act. Participants wanted to know how RTI could be linked to social audit of government welfare programmes to assess their impact and outcomes. CHRI explained that resource persons from the civil society sector would cover this topic later in the RTI-LP and also that the visit to Rajasthan would afford them an opportunity to interact with activists engaged in RTI and social audit interventions at the grass roots level.

4.1 Presentation on the FOI Bill and the FOI campaign in Tanzania: Later participants from Tanzania gave a presentation on the RTI campaign in that country. One of the participants gave a very detailed presentation on how civil society actors had engaged with the constitution reform process to make it more participatory. (The PPT used by participants during the presentation is included in the CD containing this report.) The presentation highlighted the repeated assurances of Government and Ministers about adopting an RTI law which they had failed to honour till date. Participants agreed that there was an urgent need to broaden the membership of the campaign to bring more pressure on the Government and MPs to pass the RTI Bill and that the learning from the RTI-LP in India would give them ideas to expand the diversity in the membership of the campaign.

Day 2: March 18, 2014

Session 5

5.1 RTI campaign in india: lessons learnt: The first meeting of the day was arranged at the residence of Prof. Shekhar Singh former convenor of the National Campaign for People's Right to Information (NCPRI). The purpose of the interaction was to get insights into the formation and processes of the RTI campaign in India that culminated in the adoption of a strong RTI law. Prof. Singh gave a brief overview of the evolution of the campaign. He pointed out that it was the grass roots level demand from people who were cheated of their rightful wages and entitlements under the food-for-work programme in drought-affected districts of Rajasthan, the groups that were struggling for accountability for human rights violations committed by security forces in the northeastern States of India and Jammu and Kashmir that eventually led to the formation of the NCPRI. Civil society groups demanding transparency and justice in relation to the environment formed another prominent stream that joined the nation-wide demand for an RTI law. However getting all of these groups to recognize the value of advocating for a transparency law was a major challenge. So the core group of the NCPRI held meetings with each of these sectoral players and discussed the problems and difficulties that they were facing. After identifying the topmost challenges faced by the groups the NCPRI members asked then to identify the information gaps which if filled up would add strength to their demands. This demonstrated the value of having a strong RTI law to support the advocacy efforts of these disparate civil society groups. It is these interactions which made the diverse civil society actors recognise the importance of demanding an RTI law as the first step towards resolving the main problem areas that they were tackling in their own spheres of work. The RTI-LP participants found this strategy fascinating because it helped widen the membership of the NCPRI in a big way and amplify the voices demanding a strong transparency law.

Prof. Singh responded to several questions that had been emailed to him on behalf of the group prior to the meeting. On the question of how the NCPRI financed its work during the difficult years, he replied that the campaign members took a decision not to accept any institutional funding. This was the best way of keeping the campaign focused on its goals. Institutional financing would have required setting up an elaborate bureaucracy just to manage the spending and that would have taken away a lot of time of the members who were volunteering their time and energies to the campaign. Also institutional funding would have raised issues of antecedents of the donor which was a controversy that the campaign wanted to consciously avoid in order

to keep up its clean reputation. However the campaign accepted small sized donations from individuals with clean background to finance its activities such as meetings and conferences which were not lavishly organised. The RTI-LP participants found this strategy astonishing given the fact their campaigns are often donor supported. Prof. Singh pointed out that what the campaign lacked in resources was more than made up by the public support it received not only for its demands but also for the transparent and accountable manner of its functioning. The NCPRI has always practiced transparency by disclosing the sources of the donations it receives and the manner and extent of expenditure on its activities.

While these strategies took care of the identity issue within the campaign, the NCPRI consciously decided not to have a structured hierarchy to obviate competitive politics within. It functioned with only a Convenor and a Working Group that was responsible for making all major decisions. Even press releases were circulated for approval before dissemination to the media. In order to avoid entrenchment of individual interests the campaign elected new Convenors periodically with the previous incumbents gracefully stepping down. Participants agreed that hierarchies in the coalitions were a major problem as some members would make ascendance to positions of prominence their main goal and move away from the main objectives of the campaign. So the Indian model of keeping the campaign hierarchy almost flat was a good way of avoiding competitive politics within the coalitions so that members' energies were maximized to achieving the main cause.

To the queries of participants about the role of the NCPRI after the enactment of the RTI law, Prof. Singh replied that the campaign was engaged in awareness raising activities to encourage use of the law amongst citizenry, advocacy and mobilization against government's efforts to roll back the regime of transparency to protect vested interests and advising governments to effectively implement the law. He briefly pointed out an initiative begun recently to cultivate groups of activists, experts, academics and mediapersons to focus on thematic sue of the RTI Act for greater transparency and accountability. One such group had been formed recently to work on environmental justice and accountability. Members of the NCPRI have also undertaken elaborate exercises to assess the levels of compliance with the RTI Act in public authorities across the country. RTI-LP participants were able to appreciate the role that their coalitions and campaigns may design for themselves after their RTI laws are enacted by their respective Parliaments.

To a query about the impact of RTI on governance Prof. Singh replied that the transparency law was a major change maker. Ordinarily in countries with RTI laws the trend is for the number of applications to peak over the initial years of implementation and then flatten out or reduce in subsequent years. However in India the number of requests for information continues to be on the rise in the 9th year of implementation at an estimated 4 million requests across the country. Improving the quality, content and accessibility of information proactively disclosed by public authorities would be necessary to reduce the number of formal requests for information. This is a strategy the NCPRI and other organizations have been focused on in recent years. RTI has helped demystify government processes and procedures for the common people. It has made bureaucrats wary about giving illegitimate advice and opinions on files for fear of being exposed. It has actually empowered honest and upright officers to work according to the rules and norms and withstand political pressure to act otherwise. However the systemic changes that RTI was expected to bring in have been slow in fructifying. These changes also need to be documented more vigorously and this is what the latest round of assessment studies that Prof. Singh is leading will help establish.

Session 6

6.1 Challenges of implementing the RTI Act in India - a supply-side view: After hearing about the implementation and use of the RTI Act from the demand side, the RTI-LP participants met with Dr. S K Sarkar, IAS, Secretary, Department of Personnel and Training, Government of India which is the nodal department to facilitate the implementation of the RTI Act. He was accompanied by Joint Secretary Ms. Archana Varma, IAS, Ms. Sarita Nair and Mr. R K Girdhar, both Under Secretaries. The DoPT team made a brief presentation on the steps taken to implement the RTI Act in the Central Government. Dr. Sarkar began by pointing out to the difficulties faced by the Dept. in the initial years of implementation. A majority of the bureaucrats felt that information was their domain and the RTI Act was forcing them to share it with the citizenry. The mindset of secrecy was slowest to change and it still continues in the ninth year of implementation of the Act although it is much lesser now. In order to encourage the State Governments to implement the RTI Act (as it covers them as well in order to ensure a uniform regime of transparency across the country) a plan scheme has been initiated to provide financial and technical support to the State Information Commissions and the officer training institutes across the country. In order to maximize the outreach of the training efforts which is a statutory responsibility of the Governments, online training modules have been developed. Not only officers but also ordinary citizens may enroll under this training programme without incurring huge expenditure. Youth are being encouraged to know more about RTI and the procedures for accessing information by including a chapter in their school and college curriculum. Support has been provided to some universities to set up chairs for studying RTI-related matters. CSOs have been engaged in these public awareness raising in a major way. RTI-LP participants found it surprising that the Government in India was so open to collaboration with civil society actors unlike in their own countries. The Secretary also pointed out that efforts were being made to link up all Information Commission across India through a network so that they do not work in silos but engage in experience and knowledge sharing.

The Joint Secretary pointed out that in the initial years of implementation a large number of appeals and complaints received in Information Commissions indicated that the RTI Act was being used mostly by serving bureaucrats to get information about their service matters. However the trend has changed in more recent years with more information requests coming from the citizenry. DoPT representative agreed that many public authorities poorly performed in terms of their responsibility to disclose information proactively and the Dept. had developed guidelines in 2013 for them to put more and more information in the public domain voluntarily. These guidelines were developed by a Task Force comprising of both government and civil society representatives. On the whole the officers expressed their satisfaction of the positive impact of RTI as the main objective of the law, namely, empowering the people was happening in many ways as evidenced by the numerous success stories of RTI usage published in the media across the country.

Replying to a participant's query about the effect of the provision relating to sanctions against officers for contraventions of the law the Secretary replied that it had indeed put some fear in the minds of the public information officers as the law made them personally liable for penalties. To a query about the abuse of misuse of information obtained under RTI by citizens the DoPT representatives replied that some such instances have come to light where applicants have used the information to malign their opponents publicly. The media has also resorted to such tactics sometimes, however these instances are part of the growth pangs of such a law in the initial stages. Explaining the impact of RTI on the manner of working of the government, the Secretary pointed out that they had started uploading even cabinet notes on websites for people's reference - something that was unheard of in the pre-RTI era. RTI is certainly increasing accountability of officers in a big way with citizens making this demand in almost every RTI application.

In response to a participant's question about the level of compliance in all ministries across the country the DoPT representatives replied that the implementation was better and more serious at the Central level than in the States. Within the Central Government some of the 80+ Departments were doing a better job than others.

The DoPT has established an implementation monitoring unit to oversee compliance in the Central Government. Stories of positive impact of RTI on the working of departments are being collected and published to encourage others to emulate their examples. A Kenya participant wanted to know if national security concerns had been a hindrance to the disclosure of information under the RTI Act. The Secretary replied that the DoPT did not receive many requests which have national security implications. The CHRI resource person pointed out that Ministries of Home, Defence and External Affairs received more applications for information that have national security implications. While information is disclosed in some cases it is withheld in more sensitive cases leading to litigation all the way up to courts even beyond the Central Information Commission. Regarding a query about making RTI a right of non-citizens as well, the DoPT representative pointed out that to start with, the right was restricted to citizens only. Citizens living abroad could file information requests and pay fee through internet gateways. However information proactively disclosed on website of ministries and other public authorities were accessible to any person sitting in any corner of the planet.

One of the participants from Uganda pointed out that sometimes the information given by the public authority under an RTI Act was false. How were such problems being handled in India. The DoPT representatives pointed out that the Indian RTI Act had penalties for furnishing false, incomplete or misleading information. If the applicant was dissatisfied with the quality or quantity of information supplied, he or she could approach the appellate mechanism under the law for redress. There were several instances where penalties were imposed on public information officers for delays or unreasonable refusals to part with information. On a Kenyan participant's query about whether fixing a maximum age limit for appointment of individuals as Information Commissioners, the DoPT representatives pointed out that the RTI Act followed the norm of other laws that required establishment of similar regulatory bodies. In response to a query the Secretary pointed out that records management was also a weak link in the process chain of establishing the regime of transparency. Towards the end he pointed out that though there were several demands from within the Government for amending the RTI Act the DoPT had not been able to zero in on a truly necessary amendment till date as the Act in the original was quite robust. He also pointed out that wherever retrograde amendments to the RTI Act were being contemplated, civil society rose to the occasion and demanded their withdrawal successfully. The Act had remained untouched for the last nine years.

6.2 CHRI's experience of strategically litigating for greater transparency in India: Later, at the venue of the RTI-LP, Venkatesh Nayak. CHRI gave a brief presentation on the organization's experience of strategically litigating for widening the boundaries of the regime of transparency. He shared three such stories- one relating to disclosure of Cabinet notes relating to the Whistleblowers Protection Bill where the Central Information Commission (CIC) explained in its order that until a Minister signs on a Cabinet Note it will not receive the protection of Section 8(1)(i) of the RTI Act which requires such information to be kept confidential. The 2nd case was about obtaining documents relating to disposal of the mercy petitions of three persons accused of conspiring to assassinate a former Prime Minister. They had been awarded the death sentence. After a difficult round of arguments before the CIC, it ordered disclosure of all advice and opinion recorded by officers on the mercy petitions sans the names of officers for ensuring their physical safety. The death row convicts were able to make use of this information obtained under the RTI Act and demonstrate the undue delay caused by the Central Government in the disposal of their mercy petitions. The Supreme Court recently commuted their death sentence to life in prison due to the 11 year delay in the disposal of the mercy petitions. The 3rd case was narrated to show that RTI can be sued by citizens to clarify the stand of governments on controversial issues. CHRI had requested copies of correspondence relating to India's vote on a UN resolution against child, forced and early marriages. While the international media and later the national media reported that India had failed to support this resolution information obtained under RTI revealed that India had in fact spoken in favour of the resolution. It had only not co-sponsored it as there was no clarity on

the meaning of the phrase 'early marriage' in Indian law. RTI can be sued by civil society and the citizenry to bring clarity in government's working and policies. This will help instill confidence in the credibility of civil society actors. Copies of these documents and the decisions of the CIC were supplied to the participants in electronic form.

6.3 Presentation on the FOI Bill and the FOI campaign in Kenya: Later Kenyan participants made a presentation on the state of the FOI campaign and the different versions of the ATI Bills in that country. The current version of the Bill is more progressive than the official version of the Bill as it includes harm tests and public interest overrides over the exemption clauses. (A copy of the presentation is included in the CD). Kenyan participants pointed out that they would prioritise tabling the civil society version of the RTI Bill through a private member in the upcoming session of Parliament. Several participants pointed out that the opportunity for tabling private members' bills in Parliament was a recent one and did not exist in the past when one-party governments ruled over their countries.

The presentation occasioned an elaborate discussion on several legal and implementation issues around the RTI Act. Ugandan participants narrated their struggles to obtain information in what is now known as the 'Greenwatch' case. They also pointed out to the difficulty of making the right available only to citizens as it precludes persons from seeking information on behalf of artificial juridical entities. CHRI resource persons pointed out that this issue had been resolved after several controversies in India. Requests for information by artificial juridical persons also require human intercession. So long as there is a name and signature of the person requesting information on behalf of a company, society or trust, it must be treated as an application received from a natural person. Even if the request is on the letterhead of an organisation that should be treated as contact address for the purpose of further communication with the requestor. The test should be about the nature of information sought- whether it would serve or harm the public interest if disclosed, not who is seeking information and on whose behalf. The law should not prohibit access to information on such minor technicalities.

6.4 Transparency in the Indian Parliament: At the last session on Day 2, Mr. M R Madhavan, President, PRS Legislative Research presented on the extent of transparency in the functioning of the Indian Parliament and his organisation's contribution to creating greater awareness about its working as well as the performance of individual Parliamentarians. He pointed out that PRS fills in a gap that existed for a long time in relation to the functioning of Parliament. Unlike other advanced democracies where institutional support is provided to MPs for performing their jobs better no such support was available in a structured manner in India until the origin of PRS. He gave the example of the Congressional Research Services which resources the US Congress with information on draft laws, and policies under its consideration. PRS provides neutral inputs to MPs without taking a partisan stand on any Bill or resolution or issue under the consideration of Parliament. Another prominent role of PRS is to ensure that information about the working of Parliament reaches the citizens in a simplified and easy to understand form.

Mr. Madhavan took the participants through PRS's website to show how a citizen could access simplified versions of Bills pending before Parliament, reports of parliamentary committees on such Bills and relevant implications and issues as analysed in a non-partisan way by PRS. This information is also available in Hindi, the most popularly spoken language across northern India on the same website. Using information displayed on the official websites of both Houses of Parliament, he showed datasets created compiling the activities of each MP. These could be used by netizens for research and analytical purposes apart from policy advocacy. He pointed out that these efforts enable people to engage with the law-making process in India in ways never

previously explored. He also pointed out that people had real time access to debates in Parliament through live telecasts and streaming through the official websites. Uncorrected verbatim reports of the proceedings in each House were uploaded on the respective website the same day and the official Hansards are uploaded after a few days upon receiving corrections from MPs.

To a query of one of the participants as to whether political parties should be directly responsible for giving access to information about their workings inside and outside legislatures, Mr. Madhavan replied in the negative. He reasoned that they were essentially private associations that needed privacy for their internal discussion, especially about how candidates are selected to represent the parties during elections. However he strongly vouched for transparency in the financial dealings of political parties as the source of corruption was prominently visible in this sector. Large donations to political parties are made by corporates not out of charity but in the expectation of favours in terms of policy change or rigged public procurement systems. This aspect of the functioning of political parties must be thrown open to public scrutiny under the laws applicable to political parties. This discussion occasioned the presentation of divergent views on the subject. Venkatesh nayak, CHRI shared his personal convictions with participants holding that unlike political parties other private organizations did not seek to represent the people. So political parties claiming to represent the people have a duty to be directly transparent to them. However the CIC order issued in June 2013 declaring the six national political parties as public authorities under the RTI Act was based on tenuous arguments. The indirect support they received from the State in terms of free time on TV and radio and the lease of public land and buildings for their offices at dirt cheap rentals were not enough to make them State funded. Instead the Supreme Court judgement in a constitution bench matter where the multi-party system was declared to be part of the basic structure of the Indian Constitution (which cannot be amended even by Parliament) provided a stronger basis for holding political parties directly responsible for replying to people's queries under the RTI Act. RTI-LP Participants pointed to the constitutional provisions in their countries which assured state funding of political parties. CHRI resource persons pointed out that accountability and transparency to the taxpayer would be a very strong ground for demanding that political parties be brought under the cover of RTI laws. The example of Fiji's new law governing political parties which empowers Fijians to walk into a political party's office, inspect its records and books and seek copies is a good example in the Commonwealth. However the law in Fiji had come about through a decree issued by an undemocratic government that had been installed after a coup. Nevertheless the principles informing such a law were sound and could be emulated in other countries. Participants agreed that it was necessary to make political parties directly accountable to the people between elections although the method of doing so will have to be chosen keeping in mind local specificities and aspirations.

Day 3: 19th March, 2014

Session 8

8.1 Recapitulation exercise: The day's session began with a brief recapitulation of the previous day's proceedings and discussion on any pending issues. Tanzanian participants appreciated the idea of improving the membership of the RTI coalitions and campaigns to make them more broad based and therefore more forceful in their demand for a transparency law. Participants were quite surprised that the synergies were being built in India between the Government and civil society organizations to promote and assess implementation of the RTI Act. This working together of supposedly opposing pillars of society in the African experience was an eye opener for them. Several participants expressed a desire to replicate the work of PRS in their own countries so as to bring their legislatures closer to public scrutiny. Although Hansards were available in their legislatures and the proceedings were broadcast or telecast live, citizen engagement with MPs between elections was not common on issues of law-making and policy formulation. To a question about

the inspiration for the comprehensiveness of the proactive disclosure of information clause in the Indian RTI Act, the CHRI resource person replied that it draws on the Indian and Mexican models. Some of the State in India had included such provisions in their RTI laws before the central RTI Act was put in place. Mexico, being a developing country like India, it was not very difficult for the campaigners and advocates in India to impress upon the Government about the necessity of incorporating that model in the Indian law. Participants wanted to know if the sharing of information about the performance of MPs with their constituents had any impact on their voting patterns during elections. CHRI resource persons replied that these exercises had begun only recently and their impact on the voters needed to be assessed in the upcoming elections.

8.2 Presentation on the experience of RTI implementation in the Ministry of Petroleum and Natural Gas:

The first technical session of the day began with an interaction with Ms. Anuradha Chagti, Director, Ministry of Petroleum and Natural Gas, Government of India. Ms Chagti presented to the participants an honest view of the challenges and difficulties faced in implementing the RTI Act in Government, particularly in the Ministry where she worked. She pointed that few bureaucrats within Government felt a sense of ownership about the RTI Act which was a major reason why implementation was lagging behind. Despite nine years of implementation efforts the bureaucratic culture or mindset of secrecy had not been dented much. RTI applicants continued to face several obstacles in the processes of obtaining access to information.

Ms. Chagti explained the nature of the activities regulated by her Ministry in the fossil fuel sector. A large majority of RTI applications were received from the citizens and media in relation to the downstream activities of the Ministry, namely, fuel supply and distribution- essentially service delivery-related questions. There were fewer requests for information about the upstream and mid-stream activities which correspond to oil and natural gas exploration and allocation of natural resource blocks and assets for extractive purposes to private players. Some RTI applications seek information about tender documents, pricing policy etc. However the nature of queries was not very specific as to elicit a high degree of scrutiny and accountability on these matters. As these are very technical issues, both civil society and the media lack the capacity to explore these issues in depth to be able to refine their queries and pin point the information they require. The Ministry was cautious about disclosing any information that would harm the competitive position of third parties- a valid exemption to disclosure under the RTI Act. Participants sought to know whether requests for information about the manner appointments to the top positions in fossil fuel companies were received from the general public. Ms. Chagti replied that such requests were received occasionally and the information was required to be disclosed as no exemption was found to be attracted. However she pointed out that there was an urgent need for identifying norms for several operations and decision-making processes in the sector including recruitment processes. She mentioned an instance of a request for information about a contract awarded under the single vendor type of procurement. There was considerable resistance to disclosing this information although disclosure would not have harmed the vendor's competitive position as there were no competitors in that segment. However the RTI request raised the issue of whether single vendor system was the best method for that procurement process. Another phenomenon she pointed out was the rise in the number of RTI queries that seemed to be aimed at blackmailing some person or the other, particularly an officer who was involved in a procurement decision process. Often such requests are received from failed bidders in a tender process and this was cause for concern within the government. This session was an eye-opener for the RTI-LP participants for the candid manner in which the interaction took place. CHRI resource persons explained that the RTI-LP was also intended to show the downside of the implementation of RTI so that participants may learn from India's mistake and provide for their prevention in their own countries while designing or implementing their RTI laws.

Session 9

9.1 Transparency and electoral reforms – the experience so far: Ms. Mashqura Fareedi of the Association for Democratic Reforms (ADR) resourced the next session. She explained ADR's role as well as that of other prominent civil liberties groups in India in pushing the Supreme Court to recognize every voter's right to know the financial, education and criminal antecedents (if any) of candidates contesting elections to Parliament and State Legislatures at the time elections. She later spoke about the two CIC orders one in 2008 ordering disclosure of the Income Tax returns filed by the political parties in order to get tax exemptions and the second declaring political parties as public authorities under the RTI Act last year. ADR was one of the litigants in this second case. She pointed out that these jurisprudential developments over the last decade have played a seminal role in bringing greater transparency in information relating to the working of political parties. Ms. Fareedi also explained the manner in which these developments have opened up spaces for civil society action under the rubric 'Election Watch'. ADR has helped put together a National Election Watch comprising of hundreds of civil society organizations across the 28 States who compile, analyse and disseminate the information contained in the affidavits of candidates contesting elections to Parliament and the State Legislatures. This has led to a widespread debate and pressure on political parties about giving party tickets to candidates accused of committing heinous offences. The election watch interventions have put in the public domain information about the astronomical rise in the wealth and assets owned by MPs between two elections sharpening the focus on big ticket corruption indulged in by politicians. Political leaders had started giving public

RTI-LP participants found resonances with the political realities in their own countries in the course of this session. One participant pointed out that a prominent politician contesting elections in his country had a big criminal record and there was no way of preventing him from contesting elections. The Indian example of bringing about transparency of information is an important first step to keeping lawbreakers out of Parliament. A Ugandan participant asked whether the information about the antecedents of politicians had made any impact on the voting pattern of the citizenry. Ms. Fareedi replied that change was slowly becoming visible. Several tainted candidates were unable to win elections during the last round. However political parties continued to give tickets to such candidates guided by the winnability factor throwing other principles to the wind. She pointed out that making false declarations on oath such as about valuation of assets owned is a criminal offence. ADR is working with the Election Commission to build consensus to amend the electoral laws to prescribe some discouraging consequences to such candidates. She also pointed out that ADR has been advocating for empowering the Election Commission for derecognizing political parties for violating the electoral laws. She also discussed two recent judgments of the Supreme Court that barred persons charge sheeted for crimes or held in police of judicial custody from contesting elections to Parliament or the State Legislatures. Tanzanian participants discussed the possibility of making their political parties more transparent to the people because they secured State funding on the basis of the amount of votes polled. However there is very little transparency in the amount of funds distributed to various political parties. When an Opposition leader sought to find out this information he was targeted not only by the ruling party but also his own party for crossing the line. Participants said that having a strong RTI law would help guarantee access to such information and with whistleblowers protection systems such requestors could seek some protection from harassment.

Session 10

10.1 Training public authorities to implement the RTI Act – experience sharing: Later in the day participants visited the Institute of Secretariat Training and Management (ISTM) a premier officer training institute under the Central Government that has specialised in conducting RTI-focused training programmes for public authorities across the country. CHRI had worked with ISTM in 2005 to design the initial training

workshops for public information officers and later gave inputs for designing training of trainers' module. CHRI continues to share information on the latest jurisprudential developments on RTI with the institute. Recently CHRI co-hosted an RTI training programme for officers from the Government of Nepal. Till date CHRI has helped the Institute design and organize 3 RTI sensitization workshops for government officers of Commonwealth countries sponsored by the Commonwealth Secretariat and the Foreign and Commonwealth Office of the UK Government.

Mr. K Govindarajulu, Joint Director, ISTM gave a presentation on the activities of the Institute to promote awareness about the practice and [procedures of transparency within the bureaucracy. He pointed out that the Institute not only conducted specialized courses on RTI for officers tasked with specific responsibilities under the Act but also mainstreamed it in all induction and mid-career training courses for government officers. He also pointed out to the numerous invitations the Institute receives from public authorities across the countries to conduct specialized RTI training for their officers by linking it to their spheres of work. This requires customisation of the standard training courses. Regarding the changes that RTI has brought about in the mindset of bureaucrats, he pointed out that while bureaucrats would earlier get away with vaguely drafted replies to questions raised by MPs in parliament now providing access to information contained in official documents had become an onerous task. The transparency regime is now demand driven and bureaucrats had to get their act together to ensure timely furnishing of information to requestors. He also pointed out that RTI has turned records management from a storage driven exercise to a retrieval driven exercise. He also pointed out that offshoots of the RTI Act's implementation are visible in the very public demand for a law to redress people's grievances about poor or non-delivery of public services and also projecting whistleblowers who make complaints of wrongdoing in Government. In fact the RTI Act had turned every citizen into a potential whistleblower and the law to protect them had been passed by the Indian parliament recently. RTI was proving to be an administrative reform measure as well. The Institute also focused on improving behaviour of officers while interacting with RTI applicants as the citizen-bureaucrat interface had increased manifold after the enforcement of the RTI Act.

To a participant's query about ensuring that bureaucrats with sufficient seniority were appointed as public information officers, Mr. Govindarajulu pointed out that ranks and grades of such officers at the level of the States and districts was a major problem. Junior level officers had been designated with duties under the RTI Act and they were not able to perform well in the absence of adequate cooperation from their seniors. However the Institute emphasized that they were not acting as junior officers but as designated officers clothed with statutory powers while dealing with RTI applications. So their seniors could be forced to provide assistance on pain of inviting penalties.

Later Mr. Umesh Kumar the Director of ISTM joined the discussions and emphasized on the importance of having such a law in a democracy. He pointed out that democratic government was guided by matters of public interest alone as it was sworn to protect that value and principle. RTI was essential for establishing accountability of government functionaries. He also pointed out that an officer who opposes transparency may actually have something to hide from the public gaze. Transparency should become part of the work ethic in governments for the successful implementation of an RTI law.

CHRI resource persons accompanying the RTI-LP participants suggested that they contact their respective officer training institutes to approach ISTM for capacity building programmes for their own faculty members and senior bureaucrats when their RTI laws were enacted and enforced.

10.2 Civil society's experience of using RTI to empower disadvantaged communities and seek accountability of elected representatives: The last session of the day was addressed by Ms. Amrita Johri of Satark Nagrik Sangathan (SNS). RTI-LP participants had on Day 1 voiced their expectations to learn more

about linking information obtained under RTI with social audit as an accountability tool. This session provided a snapshot of the experience of SNS in demanding information about government spending on developmental programmes for disadvantaged segments of society and using that information for the purpose of social audit to assess the nature of change that had occurred at the grassroots level for people. Ms. Johri explained (PPT used during this presentation is copied on the accompanying CD) how SNS has educated women living in slum clusters about the procedures of demanding and seeking information under the RTI Act and then helped them use it for bringing about greater transparency and accountability in the functioning of the targeted public distribution system (TPDS). TPDS is a Central Government sponsored programme for supplying food grains at subsidized prices every month to households through licensed shops. She explained how women used RTI to demand details of people's entitlements under these schemes, check the sales and stock registers held by the licensed shopkeepers and also inspect the documents held by the Food and Civil Supplied Dept. of the Government of Delhi. Records revealed that the vigilance committees mandated to monitor the implementation of the TPDS simply had not met since their constitution.

Armed with these classes of information SNS took up the job of explaining the contents of the records by demystifying them to women who had barely been to school. Records showed that they were entitled to a lot more than what they received at the licensed shops. SNS helped them organize a public hearing to present the official information and the reality on ground in front of elected representatives government functionaries, eminent citizens and the media. The entire exercise of social audit showed major problems in the implementation of TPDS such as diversion of food grains for black marketing, fudging of records and absolute lack of accountability for such wrongdoings. However getting the government to act on these findings was even more difficult. This is why SNS along with the community of women it works with joined the NCPRI to draft a law to address people's grievances about the poor or non-performance of public service delivery mechanisms. RTI-LP participants learnt about the progress made from grass roots activism to advocacy for a strong law to mitigate the systemic problems – all by women empowered by RTI and the tool of social audit.

Later Ms. Johri explained how SNS had used RTI to obtain information about the manner of spending of constituency development funds provided to the State Legislators (Members of the Legislative Assembly – MLAs) and Municipal Councillors in Delhi. This was a direct outcome of their work on TPDS. Having tasted success, the women sought to explore whether they could seek accountability from their elected representatives as well. They collated data about the performance of the legislators in the State Assembly obtained under the Rti Act and published snapshots of their findings prior to the last Assembly elections. These MLA reports cards helped raise awareness about the performance of the elected representatives amongst the voting citizenry of Delhi. It also showed how public funds were wasted on embellishing parks with fountains while slum clusters in the neighbourhood suffered water supply shortages – a case of mismatched priorities. In one instance a senior party member was denied a ticket for the next round of elections as she gave a lackadaisical public response to the findings of her poor performance in the State Assembly. These examples showed that armed with information even disadvantaged communities can raise their concerns in an impactful manner and demand justice.

Ms. Johri explained that these interventions guided them to focus more on getting the proactive disclosure provisions of the RTI Act implemented better in all public authorities that had large scale public interface. SNS moved the CIC to issue orders for disclosure of money spent by the MLAs from the funds allocated to them for constituency development. Participants drew parallels with the manner of allocation and spending of constituency development funds in their own countries. They agreed that while there was considerable interest in these matters at the constituency level information was simply no forthcoming from government. Ms. Johri ended the presentation with a short film on the success of their work in Delhi's slum clusters.

Day 4: 20th March, 2014

Session 11:

11.1 Recapitulation: The day's session began with a brief recapitulation of the learnings from the previous days. RTI-LP participants discussed about the issues on which to focus in the initial years of implementation of the RTI, such as what categories of information must be prioritized for making information requests. During the course of the discussion and based on the Indian experience participants agreed that it would be useful to focus on issues of basic service delivery such as food, water, health, education, infrastructure etc. and then move on to more complex issues of corruption, public procurement etc. This would be a good way to raise visibility for the RTI law in the public consciousness. However issues of corruption and extraction of minerals and oil will be closely linked to the ability of the government to spend on the provision of such services. So these issues will also require to be attended to. CHRI representatives pointed out that it would be good to follow an 'RTI in concert' strategy where each member of the RTI coalition/campaign focused on a particular segment of a problem and filed information requests. They could all then compare notes and develop a method of advocating with government for improving its performance. This way RTI interventions would not become burdensome on just a handful of civil society organizations. It was also pointed out that more and more citizens unattached to any CSO in a formal way must be encouraged to demand information under the law. Their stories of success and failures when highlighted through the media would encourage many more to use the RTI law to demand transparency and accountability. Venkatesh Nayak, CHRI narrated the story of ethnic communities in the eastern Indian State of Odisha that got mobilized to challenge the lease of their lands to mining companies. They challenged the opaque manner in which the government was going about issuing mining leases in the Supreme Court. The Apex Court recognized their argument that the hill region which was to be leased out for mining bauxite was worshipped by them over several generations, as an important aspect of cultural and religious rights and ordered that public hearings be held in all the villages so that people may make a decision whether or not to support the government's decision to allow mining. Village after village rejected the proposal of mining which put a spanner in the works. However the debate over the need for development and the kinds of sacrifices that the most disadvantaged segments of society were forced to make remains unresolved. This issue was brought up to highlight the dilemmas that participants would face when they intervene in matters of decision making on development issues.

11.2 Records Management initiatives in India – classification and archiving of official records: Venkatesh Nayak, CHRI gave a presentation on the laws, rules and manuals governing the management and maintenance of official records in the Central Government. He took the RTI-LP participants through the *Public Records Act, 1993* which is the primary law governing management of official records in the Central Government. He also familiarized participants with the scheme for categorization of records and the record retention procedures- the first provided in the Central Secretariat's Manual of Office Procedure, the second displayed on the website of the Department of Administrative Reforms and Public Grievances and the third which is included in the *General Financial Rules, 2005*. The fourth was unique to each public authority which it could develop for the records that it generates or information which it collects in the course of its assigned work.

He also familiarised the participants with the criteria for classifying records on the basis of their sensitivity and the procedure for declassifying records as provided in the *Public Records Act*. He also pointed out that the manual containing detailed criteria for classifying official information was itself a secret document and that he had unsuccessfully argued before the CIC for disclosure of this document. The summary information about classification criteria was included in a chapter in the office manual of the Andaman and Nicobar Administration. The purpose of this presentation was to apprise participants about the importance of focusing

on records management as well. In the absence of a good records management system or clarity about the manner of classifying and declassifying official records, it would neither be possible to implement RTI laws effectively nor challenge claims of a public authority regarding the classified nature of a document. Responding to a Kenyan participant's question, he pointed out that until the RTI Act was enforced records management was the least amongst interests of public authorities. However the duty to make a decision about access under the Rti Act had now compelled public authorities to take the task of records management more seriously. He pointed out that proper records management is not only essential for transparency but also for the public authority's own efficient functioning. Only when records of past decisions and precedents are easily accessible will the public authority be able to avoid arbitrariness in decision-making and such processes could become predictable – an important aspect of the rule of law.

11.3 Implementing the RTI Act in a public sector enterprise: Site visit to the Powergrid Corporation of India Ltd. (PGCIL): PGCIL is India's sole power transmission grid managing public sector undertaking. CHRI has worked with this PSU since the initial days of the RTI Act to train its executives and managers. RTI-LP participants visited the headquarters of PGCIL at Gurgaon. The purpose of the site visit was to impress upon the participants that a well crafted RTI law would not be detrimental to the legitimate commercial interests of such organizations. Mr. J Satish Kumar, General Manager and his colleagues gave a presentation on the trends observed over the years in the nature of information requests received by the company. He pointed out that in the initial years more employees and unsatisfied bidders sought information under the Rti Act. However in recent years more and more citizens are seeking information, particularly about the drawing of transmission lines over their farm lands and the amount of compensation awarded to landowners who were required to hand over a portion of their plots for the erection of power transmission towers. The PGCIL representatives from the Vigilance Dept. and the RTI monitoring cell explained how they had applied correctives in their decision making processes under the RTI Act after the CIC ordered disclosure of information in several cases. They also pointed out that they were uploading all RTI applications received and replies/information supplied to the requestor. This would help potential requestors to first check whether the information they were planning to seek from the company had already been made public or not. The company's representatives also pointed out that the RTI queries received had helped them tone up their internal administrative procedures as well. For example, it was only after receiving an RTI application about the amount of power consumed by their company's headquarters that they made an assessment of actual consumption and put in place a power conservation policy for the company. (A scanned copy of the presentation is available on the accompanying CD).

The second objective of this site visit was to apprise the RTI-LP participants of India's grand plans to connect every village panchayat to the broadband internet network. PGCIL is one of the three public sector companies that have been tasked with connecting rural areas to the National Optical Fibre network which aims to make a range of government services accessible to people through the Internet. This initiative has been launched in order to create convenience for villagers to access these services at their door step and also eradicate corruption in the provisions of such services. Mr. V Balaji, Chief Manager, Dept. of Telecom, PGCIL gave a detailed presentation. (A scanned copy of the presentation is available on the accompanying CD). The site-visit aimed to impress upon the participants the solutions that the information technology sector could offer to solve information and service access problems. Participants were informed that the site visit to Rajasthan would be a contrast to this hi-tech solution that was being implemented across India through pilot projects. Participants were impressed to learn that the linking up of villages to the internet in this manner would enable them to access tele-education and tele-medicine services. With the increase in the usage of smart phones even in rural areas such services could be accessed by citizens on their palmtop. However PGCIL representatives conceded that there were several obstacles to overcome to successfully implement these measures. Social disabilities such as caste, religion, gender and age and physical disabilities that hindered

free access need to be addressed by the State Governments and the district administration. RTI-LP participants raised several questions about the manner of working of the power sector in terms of generation, transmission and distribution activities. Mr. B Mishra the Executive Director of the company joined the discussion during the second half of the discussion. The company hosted lunch for the participants after the presentation was completed. Participants remarked that it would be very difficult in their countries to get access to the top executives and managers of such companies. CHRI representatives explained that this relationship was cultivated over a period of time without any *quid pro quo*. CHRI neither sought nor received any financial support from either the Government or public sector undertakings in India as a policy in order to remain independent of any overbearing influences from the government sector.

Session 12

12.1: Adjudication of information access disputes – experiences of a former Information Commissioner:

CHRI flew down Mr. Shailesh Gandhi, former Information Commissioner, Central Information Commission for an interaction with the RTI-LP participants about the working of Information Commissions as dispute resolution mechanisms under the RTI Act. The session began with a screening of a short film capturing the essence of the work done by Mr. Gandhi, commissioned by the Open Society Justice Initiative. Mr. Gandhi preferred to have an interactive session right from the beginning instead of starting with a monologue presentation. The discussion began with Mr. Gandhi floating a general question – “Should all information held by the Government be disclosed to people? During the course of the interaction participants agreed that while maximum disclosure should be the norm there was reasonable justification for keeping certain kinds of information confidential to protect important public interests. Mr. Gandhi used this consensus as his launching pad to explain how it was important for oversight and dispute resolution bodies like Information Commissions to balance competing public interests involved in an access dispute. He illustrated his point with two examples, the first being the manner in which the Reserve Bank of India determines the interest rates for commercial banks and the second being the disclosure of a report about the ecological sensitivity of the Western Ghats. In both cases he explained why the CIC had ordered disclosure of information. His decision in the Western Ghats matter was upheld by the Delhi High Court when the Central Government mounted a challenge to it. (Copies of these and other important decisions from the CIC and various High Courts across the country on RTI disputes were handed over to all RTI-LP participants in a pen drive for use in their own contexts).

Mr. Gandhi raised the sensitive issue of RTI users and activist being attacked for demanding transparency in even the most mundane of information such as wage payment registers. He pointed out that Information Commissions had a major role to play in disclosing the information sought by the victim in order to frustrate the designs of the attackers. To a question by a Ugandan participant about the efficacy of penalty clauses in an RTI law, Mr. Gandhi replied that they were necessary in a developing country like India without which bureaucrats would not hesitate to deny access to information unreasonably. Penalty clauses acted as a deterrent for illegitimate actions such as refusal to receive RTI applications by bureaucrats, unreasonable delays in supplying information or knowingly giving false, incomplete or misleading information. He pointed out that the bureaucratic mindset of secrecy was the slowest to change and was the biggest obstacle in the implementation of RTI laws. While he was completely in favour of affixing individual responsibility on errant officials for contraventions of the RTI law he also said that penalties were but one method of improving compliance. In fact political will to implement the RTI law must be demonstrated through credible action at the highest levels of government for everyone to fall in line. Replying to a Ugandan participant's question about illegal removal of official records by bureaucrats, Mr. Gandhi pointed out that such actions must be punished quickly and resolutely. However some Information Commissions in India had resorted to the practice of passing the buck to the very public authority that delayed or refused access to information unreasonably to

affix responsibility for such actions. He felt that this was a sign of abdication of one's statutory responsibilities by such bodies. Packing Information Commissions with retired bureaucrats would not serve the cause of the transparency law. Instead experts from various walks of life who believe in the value of transparency must be selected as Information Commissioners.

He advised the RTI-LP participants to focus on promoting awareness about the RTI laws amongst the citizenry as soon as they are enforced as a way of popularising the law. He pointed out that CSOs could set up RTI clinics to assist people when they faced difficulties in accessing information. He cited the example of some citizens and CSOs in his home State of Maharashtra who set aside two hours every day to assist people with their RTI applications, appeals and complaints. He also vouched for employment of ICT facilities to make offices of Information Commissions and other public authorities paper-less in order to conserve the environment. CSOs and academia had an important role to play in spreading awareness about RTI Laws amongst people and also in assisting them to file crisp and precise information requests free of charge. Cross-country learnings would help in taking stock of the implementation efforts and do a better job of embedding the regime of transparency. A Tanzanian participant asked how in a country with scant respect for the rule of law RTI could be successful. Mr. Gandhi pointed out that the situation in India was not very different. However the RTI Act had helped in slowly changing the power equations between government and the governed. So long as people continued to demand transparency and accountability public authorities would find it difficult to brush aside those demands.

12.2 Use of the RTI Act for environmental protection and justice: Advocate Ms. Shibani Ghosh a well known researcher and academic on environmental issues gave a presentation on the use of the RTI Act in India for protecting the environment and ensuring environmental justice (a copy of the PPT used during the presentation is on the accompanying CD). Ms. Ghosh pointed out that citizens and environmental activists had used the RTI Act most in finding out details of environmental clearances given by the Government for infrastructural, industrial and mining projects. She explained how the procedure of conducting an environmental impact assessment (EIA) of a proposed project which must precede grant of every environmental clearance was skewed in favour of the seeker of such clearance. They were required to get an EIA done instead of the Government appointing an independent and impartial authority to look into the matter. She explained how the RTI was used to get documents to be placed before the National Green Tribunal to issue an order to prevent illegal stone quarrying in the Kaziranga national Park which is a sanctuary for the Indian rhinos – an endangered species. She also narrated how documents were obtained with great difficulty under the RTI Act to fix responsibility on Ministers who had issued instructions against the law in the case of a colliery in Chhattisgarh. She pointed out that citizens using the RTI Act had managed to put government officers on their toes in such matters and business was no longer as usual. This had helped bring in greater accountability in the decision-making process.

Ms. Ghosh pointed out that the poor state of record keeping in government departments responsible for environmental protection. She also pointed out a strange instance of time-limited transparency that activists found being practiced by the Union Ministry of Environment and Forests. Records relating to environmental clearances granted by the Ministry were accessible on its website only during office hours. Those web pages were somehow disabled after office hours by entities unknown. She pointed out that in the rush towards economic progress decision-makers in government paid little attention to the often irreversible damage to the environment that developmental activities would cause. One of the participants asked whether Ms. Ghosh could throw light on the manner of use of the RTI Act in India to explore the funding received for activities to slow down or reverse climate change. She replied that she was not aware of such initiatives, but there was growing concern within the environmental activity community about receiving foreign funding on this account.

The day's session ended with CHRI staff providing instructions to the RTI-LP participants about the travel to Rajasthan to observe first hand low-cost low technology solutions to implementing the RTI Act.

Day 5: 21st March 2014

Participants travelled for almost 12 hours by road to Rajsamand district of Rajasthan and stayed the night at Hotel Deogarh in Deogarh.

Day 6: 22nd March 2014

Site-visits in Rajsamand district and interaction with representatives of the Mazdoor Kisan Shakti Sangathan (MKSS): The day began with Mr. Shankar Singh a founder member of the MKSS joining the group as a guide. Venkatesh Nayak, CHRI translated the communication from Hindi to English and vice versa. The first visit was to a work site at Vijaypura panchayat where women and aged men were laboring away for constructing an embankment under the *National Rural Employment Guarantee Act* Scheme (NREGA) for daily wages. This is India's flagship social development programme funded by the Central Government which guarantees every rural household 100 days of wage labour in a year. Villagers can apply for work as and when they want and will have to be paid unemployment allowance by the State Government if work is not provided as required within 15 days of making the application at the village panchayat office. Villagers have a major role to play in identifying and prioritizing the development works to be completed under the programme based on their local needs. Apart from providing a means of sustenance in a largely drought-affected area of the State, it also aims for the creation of common assets for the village.

The workers at the site took a 30-min break from work to interact with the RTI-LP participants through the interpreters. Mr. Singh first explained the purpose of the visit of the East African delegation to the workers to gain their confidence. Then he explained the significance of NREGA to the rural poor. He explained the manner in which wages paid to labourers had risen. To a participant's question as to how wages were determined he explained that the government engineer and the foreman would measure the work completed at regular intervals and determine the amount of wages to be paid according to the schedule of rates stipulated by the State Government. However a major grievance was that the Government had stubbornly refused to pay the statutory minimum wage to workers. The current wage rate at full was Rs. 165 per day per person (about GBP 1.65) which was nevertheless useful for the workers to make ends meet in times of difficulty. Mr. Singh observed that 90% of the workers in these villages were women as the men folk migrated to towns and cities in search of better paying jobs. He pointed out that under the NREGA women workers were entitled to have a shed constructed by the administration to shelter their young children from the blazing sun. However the administrative authorities had not provided this facility claiming absence of funds.

To a participant's question about the kinds of information needs that these workers have and how they went about seeking it, Mr. Singh replied that most of them have grievances rather than mere information needs, first and foremost against the village, sub-district and the district administration. Most of these grievances relate to poor or non-delivery of essential services and guaranteed entitlements such as pensions, housing assistance, health benefits, lack of basic amenities and infrastructure facilities etc. As their grievances were not redressed on time, people found the RTI Act useful to demand explanations for the delayed delivery or non-delivery of public services. In this manner villagers were using RTI innovatively to hold the administrative authorities accountable. As most of the women were veiled, Mr. Singh urged them to look at the women members of the delegation who had their heads uncovered. He pointed out that they needed to get out of the traditional practices which curbed women's freedoms. When women were working as hard as the men folk to support their families coming out of the walls of their homes, they should give up traditions that restricted their freedoms.

Towards the end Mr. Singh explained to the workers that a convention was being organized at the State capital of Jaipur for women and the aged to demand social security pension, continuation of the TPDS and the NREGA because business interests in collusion with government were trying to scuttle these major programmes. The business houses wanted NREGA wound up as they were finding it difficult to get cheap labour and they wanted to exploit the rural folk as in the past. So he exhorted them to contribute Rs. 50 per person to send one out of every three residents of the village to the State Convention to present their views. The workers all agreed to this suggestion. They bid adieu to the delegation by singing farewell songs impromptu.

Kaladeh Gram panchayat: The next stop was the office of the Kaladeh panchayat situated a few km away from Vijaypura. The delegation witnessed a small office brimming with people of all age groups most of whom were women. Mr. Singh explained that although Saturday was a holiday the office had been kept open to receive the delegation. Residents learnt about the office being open and had come in large numbers to file their complaints about poor or no-delivery of services under Rajasthan's *Right to Hearing Act* (RTH). Enacted in 2012 RTH provides the next step in the path towards greater accountability after RTI. This law requires the State Government to designate officers at the village and town level to receive grievances from the people against the manner of provision of basic services by various government departments. Complainants were given an acknowledgement of receipt of their complaint on a pink slip. The law requires these grievances to be 'heard' publicly once a week by the designated officer in the presence of officers responsible for delivering the specific service. The responsible officer is ordered to provide redress within a specific time limit. Failure to deliver would entitle a fine on the officer concerned. The law also provides for an appellate mechanism up to the State level if the grievances are not resolved. This law had become very popular in Rajasthan and was being sued by the disadvantaged segments of society in a big way. The RTI-LP participants witnessed scores of men and women queuing up to file their complaints about matters such as non-payment of the assured pensions, delay in sanctioning housing assistance funds, non-payment of wages under the NREGA etc.

Mr. Singh took the RTI-LP participants on a tour of the office premises showing them the manner in which essential information about beneficiaries of various welfare schemes and their entitlements was painted on the outer walls of the panchayat or printed on flexi-banners hung on the inner walls of the panchayat. The interpreters held the delegation read each of these categories of information displayed. The schemes for which information was displayed included the institutional delivery encouragement scheme (Janani Suraksh Yojana), the Integrated Child Development Scheme, the agricultural assistance programme, the student scholarship programme for children of widows, etc. Boards painted with information about the exact location of the wall paintings displaying the wages paid to each worker under the NREGA were also showcased to the participants. Later they had a brief interaction with the village headman Mr. Moturam about his efforts to promote RTI and transparency in his panchayat. He pointed out that if information about the implementation of welfare programmes and development works is displayed proactively on walls, it reduces the opportunities for committing fraud. This meeting ended with a similar exhortation to the people gathered in the hall to attend the State level Convention on 7th April.

MKSS camp in Devdungri village: The RTI-LP participants visited the hutment from where the core members of the MKSS team including Mr. Singh started their work. He introduced the village level volunteers, student interns and freelance associates who had joined the MKSS for varying periods of time to help mobilize people's demand for their rights and social justice. Delegates met with a freelancer who had left his job at Bloomberg TV to work with MKSS for a year and who was engaged in operationalising the School for Democracy where colloquiums and meetings were held on various aspects of democratic government. Mr. Singh gave a brief account of how they started their work in Rajsamand by linking people's entitlements and rights to RTI. He also narrated the opposition they came up against from the vested interests in the area who wanted to put an end to their work. However they stood up to pressure and have continued their work of mobilizing people to demand their rights. Participants were introduced to Mr. Kaluram who was the village headman a few years ago in

Vijayapura and had won the elections by spending a few hundred rupees on his campaign. He explained how after being trained by MKSS he was the first to initiate the low cost low technology but high visibility method of making information proactively available to people. Vijayapura later served as the model for other panchayats in the area. The MKSS volunteers sang a motivational song which conveyed the message about the importance of information to the most disadvantaged people of society over and above worldly pleasures and luxuries.

Participants also learnt how through Ms. Chunnibai MKSS was able to raise public consciousness about RTI and accountability. She and her husband are traditional singers of the couplets of the medieval bhakti saint named Kabir in the evening hours at the village community centre. MKSS teamed up with them to spread awareness about the value of RTI and demanding accountability by developing songs in the same traditional style. For example, comparisons were drawn between the thieves and robbers of yore and corrupt officials of modern times while the former lived in jungles and attacked people using weapons, the modern counterparts live right amongst the people and use pen and paper to commit malfeasance. Such public education methods helped demystify the concept of RTI and link it to people's grievances against the system. This helped to win them over to the cause of demanding a strong RTI law which eventually led to the formation of the NCPRI and culminated in the enactment of the RTI Act. The RTI-LP participants got a first-hand impression of how unlettered and underprivileged people could be mobilized around the demand for something as seemingly esoteric as an RTI law.

Public meeting on pensions at Thekarvas in Devdungri village: The last stop for the day was a public meeting at Devdungri village where the MKSS had called for a public meeting of the elderly people and widows who were entitled to receive pensions from the State or the Central Government under the social safety net programmes. More than 50 elderly women and men participated in this meeting. RTI-LP participants witnessed narrations of cases where beneficiaries had not received pensions for several despite the government issuing a sanction order. In some other cases the applications for pensions were returned on flimsy technical grounds such as missing seal of the village panchayat office or a missing date below an official's signature. People demanded that the government ensure payment of at least Rs. 2,000 (GBP 20) instead of the existing amount of Rs. 200 (GBP 2) paid by the Central Government and Rs. 500 (GBP 4.25) paid by the Central Government every month. MKSS volunteers were helping these applicants with filling RTI applications and RTH grievances as was appropriate to each case.

Later in the day some of the participants met with Mr. Gopal Kansara who had filed close to 1,500 RTI applications with various public authorities under the Central and State Governments. He had succeeded in getting penalties imposed on several officers for delay in replying to his requests or for not furnishing the correct information. Participants appreciated his efforts and wished him well for his future endeavours. They returned to Delhi by road travelling all night and reached the city around 9.30am. Participants were given the Sunday off to rest and relax after the long journey.

Day 7: 23rd March 2014

Day of rest for all RTI-LP participants.

Day 8: 24th March 2014

Session 13

13.1 Discussion on the experience of the field visit: The day's session started with the Director facilitating a discussion amongst the RTI-LP participants of the experiences and insights picked up during the site-visit to Rajasamand district. Participants said that they had acquired first-hand knowledge of how RTI can be demystified for people in rural areas and liked to their demands for better service delivery and better administration from the public authorities. The wall paintings bringing access to information to the very doorsteps of the villagers made a big impression on them given the fact that it was low cost, low technology but with a high degree of effectiveness. Participants found that cooperation between the literate and the unlettered members of the village made access to basic information about developmental spending a reality even in the remotest parts of the country. Participants pointed out that the information initially painted on the walls had not been updated for more than a year. CHRI resource persons explained that this was indeed a challenge as the initial experiments with transparency had not become institutionalized despite the continued efforts of the civil society organizations. CHRI explained its own experience in Gujarat where it took a lot of effort to get the district and the State-level administration to agree to scale up the village level experiments at improving access to information. Participants were appreciative of the linkages between RTI and RTH in order to resolve people's grievances with the service delivery mechanisms. They agreed that they could see how economic and social rights could be realized without having to go to courts for redress every time.

Participants asked whether such people's movements were in danger of being co-opted by political parties due to their popularity at the community level. Such experiences are not uncommon in East African countries. CHRI resource persons pointed out that this is a major tension about grassroots mobilization as major successes attract the attention of political parties. There have been instances where leaders of such movements have crossed over to political parties successfully in the recent past. However the more committed amongst them continue to remain unattached to any political party although they may not be apolitical in their actions. Grassroots level activism challenges established unequal relationships of power and is therefore a very political act in itself. However the challenge is to remain committed to the original objectives of the movement.

13.2 Future collaboration: Participants began an exploration of how they could use the insights gained in India in their own advocacy and public education interventions back home. They said that several community based organizations that have not been brought into the RTI coalitions or campaigns in their countries could be interested in the subject by hosting similar Learning Programmes for them. It was also suggested that CHRI could make the effort to find the resources to take to their respective countries a team of practitioners from amongst the resource persons they had interacted with for a discussion with other members of the RTI coalitions. Other CSOs working on issues of human rights, justice, empowerment and accountability may be invited to such interactions to understand the value of joining the campaign for a law on transparency. Several participants said that they would like to explore with CHRI the possibility of building a cross-border RTI coalition within East Africa and with their counterparts in South Asia. The objectives, goals and modalities of engagement needed to be worked out. They asked CHRI to facilitate such a process of synergizing actions in collaboration with the Africa Freedom of Information Centre which is the pan-African coalition on RTI.

Session 14

14.1 Media's use of the RTI Act for the purpose of investigative journalism – experience sharing: Mr. Shyamlal Yadav, Senior Asst. Editor, Indian Express, one the most widely circulated English language

national dailies gave a presentation on his experience of using RTI for the purpose of investigative journalism. He explained how his RTI based investigative stories on the amount of foreign travel resulted in the Central Government launching austerity measures to reduce expenditure on foreign jaunts for Ministers and senior bureaucrats. He pointed out that this intervention resulted in systemic reform with the Central Government making it compulsory for reports of such foreign tours to be placed on the websites of the respective departments. When his published stories showed that senior officers were using the frequent flyer miles, the Government decided to pool in those miles for official use and issued a circular prohibiting their use for personal purposes. He demonstrated how media could sue RTI for bringing about greater accountability in government. He emphasized that RTI was very useful for strengthening and successfully exercising the right to freedom of speech and expression and the freedom of the press.

In another case Mr. Yadav was able to show through information obtained under the RTI Act, that most ministers under the Central Government were not making mandatory disclosure of their assets and liabilities. After he published this story, the practice had improved and the previous year all Ministers had declared their financial assets and liabilities publicly. His RTI-based stories brought to light several facts that had remained secret such as, how many ex-MPs were squatters in official accommodation, how many had entertained guests for several months and even years at a stretch in violation of the rules of use of official accommodation. He was also able to expose the number of requests received and the number of orders issued for tapping telephones of private individuals. This led to streamlining of the procedures for official eavesdropping. (A copy of his published stories are on the accompanying CD).

RTI-LP participants quizzed Mr. Yadav about measures taken for his personal safety when he was challenging the high and mighty. He pointed out that being associated with a major media house he was relatively safe and there were no instances of his being threatened. However when his newspaper exposed a story about a public sector company – Life Insurance Corporation of India, which had pocketed huge amounts of premiums because the policyholders had discontinued the policies mid-way they stopped advertising their business in the Indian Express which led to some loss of revenue. However the Indian Express was able to withstand this shock as the editors and the management did not want to compromise on their values. Mr. Yadav conceded that RTI-based investigative journalism was not an easy task for stringers and mediapersons working in small towns and rural areas as there were instances of their being threatened for exposing corruption and mismanagement of public funds. However this was a professional hazard that must be accepted if one believed in free and fearless journalism. Kenyan participants pointed out how the government came down heavily on media houses that published adverse news stories about their functioning. Mr. Yadav pointed out that the public would support any media house that withstood such pressure. In recent times the social media outlets had expanded the freedoms available for journalists to publish such stories without the fear of being clamped down upon. However he pointed out that RTI-based investigative journalism required enormous patience as getting information was a time-consuming process. However as the information would be authentic, there would be no fear of persecution under criminal laws for defamation or libel. CHRI resource persons pointed out that the governments in India could not sue a journalist under the law for defamation or libel unlike in many other Commonwealth countries.

Session 15

15.1 Media's use of the RTI Act for investigative journalism on issues relating to national security – experience sharing: In order to give the RTI-LP participants a flavor of using RTI for doing investigative stories that have a national security implication, CHRI had invited Mr. Saikat Datta, Editor, Hindustan Times as a resource person. Mr. Datta narrated a few cases where he chased stories of corruption and abuse of power at the highest levels of Government by using RTI. For example, when he was working with another daily earlier, he published a story involving corruption in the procurement of rice from India by Ghana in

Western Africa. The information obtained showed collusion of some ministers and senior officers in the rice export scandal. With this story being published widely in the national and international media, Ghana officially wrote to India demanding official investigation of the scandal. However not much information was available in the public domain about the steps taken by the Indian Government to investigate this matter. In any case the information would not be shared with anybody under the Rti Act by invoking the exemption relating to ongoing investigations – a legitimate ground for refusal of access to information. He shared another story relating to the use of discretionary funds in intelligence agencies which he was able to expose using information obtained under RTI. Although intelligence agencies are partially excluded from the obligation of transparency under the RTI Act, they are duty bound to furnish information about allegations of corruption. The information obtained under the RTI Act showed how public funds were being used by some unscrupulous elements in the intelligence agencies for personal benefit. Simultaneously, a former employee of one such agency filed a writ petition in the Delhi High Court which led to the Court ordering an audit of the accounts of the intelligence agency- the first ever in India.

RTI-LP participants asked how investigative journalism had changed from the pre-RTI days after the enforcement of the RTI Act. Mr. Datta replied that journalists were dependent upon their personal networking skills with members of the bureaucracy for access to information which was leaked to them. They had to sue other sources for checking the authenticity of information leaked to them. So the process of investigative journalism in the pre-RTI days was very time consuming. However under the RTI Act they were no longer dependent upon the whims and fancies of bureaucrats for obtaining information. The law provided for a high degree of certainty in enabling access to information. The possibility of monetary penalties for unreasonable denial of access to information was also a major factor in the opening of information contained in the files held by the bureaucracy. As any person had the right to get certified copies of official records under the RTI Act there was no need to checking the authenticity of the information further. All that had to be done was to verify the contents against reality on the ground.

Mr. Datta pointed out that the productivity of journalists had increased manifold thanks to RTI. Journalists using RTI could work on multiple issues simultaneously. They were not required to file information requests in serial order. Instead they could file several RTI applications and depending upon the information received, they could do story after story unlike before where each story required a lot of time to be developed and checked. However the journalist could continue to work on short term stories depending upon the beat he/she was assigned by the editor in order to remain productively occupied every day. He pointed out that the culture of doing investigative stories by using information obtained under the RTI Act was increasing in recent years and this was a good sign. In response to a query about threats received for investigating matters of national security, he conceded that it was indeed hazardous. He was shadowed by an intelligence agency for some time when he was pursuing the story of corruption. However he had not faced any serious threats or attacks of a physical nature. In order to minimise the threats to a journalist, he pointed out that a team of journalists could work in tandem asking for information about the different aspects of a single problem. It was also necessary for journalists to work closely with CSOs that were engaged in advocacy on issues of common interest to build solidarities and synergies. Tanzanian participants were fascinated by the interaction and the experience of Indian journalists getting so much traction with Government. They pointed out that the Government in their country does not easily respond to journalist, instead they tend to cultivate only such media houses that are favourable towards them. However all participants agreed that a strong RTI law would enable journalists to do their work a lot better. It was pointed out that the editors and the management must support such initiatives for better success. Individual initiatives may not lead to much impact and could even endanger the life and safety of the journalist.

15.2 CHRI's use of RTI for improving transparency and accountability in Prisons in India – presentation of case studies: Mr. Raja Bagga of CHRI's Prison Reforms Programme made a presentation on cases of success achieved by his team in bringing about greater accountability in the prison administration in Rajasthan by using the RTI Act. (A copy of the PPT used during the presentation is included in the accompanying CD). CHRI's work in getting information about prisoners languishing in jails without being tried for several years was showcased. One incident included the release of a mentally challenged prisoner who was on the verge of death. Information obtained under the RTI Act to ascertain his mental state was used to move the Court to order his release from prison to be taken to a mental institution for treatment. Other resource persons from CGHRI pointed out how prisons were the least important of institutions for many people in society save those of the families of the inmates. There was an urgent need to bring about greater accountability in the prisons administration as human rights violations occurred in a big way in such places which do not fall under public scrutiny.

The day ended with CHRI's Director hosting a dinner for RTI-LP participants at the India International Centre. They interacted with special guests such as from the Law Commission of India, the Central Information Commission and the media sector. Pre-dinner discussion focused on topics of transparency and accountability in relation to the judiciary and the media in India. A DfID representative also attended this meeting.

Day 9: 25th March, 2014

Session 16

16.1 Realisation of MDGs: the experience so far - Post 2015 Agenda and opportunities for RTI based interventions: Ms. Pooja Parvathi of Wada Na Todo Abhiyan (Do not Break the Promise Campaign) gave a presentation on the Millennium Development Goals (MDGs), the post-2015 agenda and the track record of developing countries including India in achieving the goals. This session was organized with the objective of conveying the importance of the role of transparency to the realisation of these goals. Mr. Parvathi gave a brief introduction to the Wada Na Todo Abhiyan (WNTA) and "Nine is Mine Campaign" under which civil society actors have demanded that the Government spend 9% of the GDP on improving people's access to the right to health and education which are recognized as fundamental rights of all persons. After explaining the historical context and the targets set under the MDGs, Mr. Parvathi explained the latest developments around the post-2015 agenda where more comprehensive goals and specific targets are being developed to address the issues of human deprivation. (A copy of the materials used by the resource person is on the CD accompanying this report). She also gave a snapshot view of the achievements made vis-a-vis the targets set at the turn of the millennium. While the planet would have reached some of the targets developing countries were lagging behind in several others. Venkatesh Nayak, CHRI gave a brief presentation on how RTI could be used to adopt and implement a participatory approach to the realization of the MDGs and the post-2015 agenda.

A Ugandan participant observed that the MDGs paradigm of development is very impractical and the claims made by governments about their realisation are not real and that in reality people are getting poorer despite the numerous interventions. For example, the enrolment for children in schools was quite high but the dropout rates were equally high- which had not been factored in while developing the MDGs. Ms. Parvathi agreed with this criticism and pointed out that the post-2015 agenda was focused on these parameters as well. A Kenyan participant pointed out that instead of using 'eradication' as a strategy for tackling poverty efforts should have been made to 'elevate' the poor to higher income levels and standards of living. He also pointed out that the MDGs strategy of development had increased the incidence of corruption in the implementation of welfare

programmes. Ministries entrusted with the responsibility of implementing the MDGs strategic plans often mismanaged public funds and did not deliver on the expected results. There was some discussion on the manner in which poverty and absolute poverty are determined in India. Venkatesh Nayak, CHRI explained the recent controversies over the criteria for measuring poverty.

During the discussion Ms. Parvathi also pointed out that several other enabling factors necessary for the realisation of the MDGs had been left out in the existing paradigm, such as social and political marginalisation and deprivation and inequalities in distribution of wealth. She also pointed out that not enough attention was paid to the financing of the programmes to achieve the MDGs. The 8th goal was not taken seriously by the economically advanced countries. With the exception of the UK no other developed country has invested the required amount of funds for overseas development assistance (ODA). ODA focused more on transfer of some basic technology without the necessary capital to back it up and nurture productive economic activity in the developing countries. She also lamented the absence of clear connections between national and global goals in the MDG framework. In the course of the discussion participants agreed that access to credible information such as statistics, targets, intervention strategies, resource inputs, monitoring reports, evaluations of outcomes etc. Venkatesh Nayak, CHRI pointed out how RTI laws would make a difference in ensuring access to information in a guaranteed manner. Information access will have to be linked to opening up of opportunities for citizen and civil society participation at all stages of planning, implementation, monitoring and evaluation in the MDG achievement process.

Session 17

17.1 Discussion on future collaboration and follow up: Ms. Maja Daruwala, Director CHRI facilitated the discussion during the last session of the RTI-LP on how CHRI could collaborate with the organizations which the participants represented and add value to the ongoing work of their RTI coalitions and campaigns. Participants suggested engagement with several organisations in their countries which were not yet part of the RTI coalitions and campaigns but whose inclusion would amplify their voices and add more strength to their efforts. Ms. Daruwala also suggested interesting all donor agencies and consortiums of donors working in their countries to encourage them to include RTI-related interventions in their portfolio so that more resources are available for spreading awareness about RTI and also broadening the membership of the coalitions. Venkatesh nayak, CHRI suggested that instead of merely taking about the value and significance of RTI participants could go back and train CSOs working at the community level to make requests for mundane information relating to basic services such as health, education, sanitation etc. to test out the ability of the system for dealing with information requests from the people. He also pointed out that laws pertaining to local government such as county or district level governments in many countries have provisions requiring disclosure of budgets and other development related information. In some countries meetings of municipalities must be held in the open allowing the people to witness the proceedings. These provisions could be collected, published and disseminated in simplified form for people's use. These could be used as tool for developing a culture of seeking information in an official manner amongst the citizenry. CHRI would share with them its publications containing similar compilations of provisions applicable to rural administration in several Indian States. They could model their own publications on these guides.

Participants also suggested holding skype of tele-conference with CHRI regularly to share knowledge and experiences. CHRI agreed to set up a list serve where it would share information relating to developments around RTI in India and other parts of the Commonwealth. Participants suggested that CHRI make the effort to find resources to travel to each of their countries to showcase the Indian model of campaigning for and implementing an RTI law along with a selection of resource persons whom they had interacted with during this RTI-LP. One participant suggested that CHRI could assist them to research existing laws that contain information disclosure provisions which could then be tested for their efficacy. Another participant suggested

that a survey be conducted about the levels of transparency in the government of each country and publish a study ranking them in a descending order. Participants also suggested that CHRI facilitate sensitization sessions in their countries about the value of RTI for members of the judiciary and the bar. Some participants suggested that community radio networks in their counties could be involved in the awareness raising campaigns as they had a phenomenal outreach. All participants agreed that it was necessary to keep on discussing RTI as an issue through the media to maintain high visibility for the issue. CHRI agreed to send its RTI News Digests published for S. Asia every month to the participants so that they may find issues of relevance to write for the print and social media.

Evaluation and Feedback:

CHRI sought an evaluation of the RTI-LP from the participants through a structured questionnaire that was designed to elicit both quantitative and subjective responses. The main findings of the evaluation exercise against each query are given below:

1) Did the workshop meet the objectives mentioned above in a satisfactory manner?

70% of the participants found the workshop highly satisfied while 30% of the participants rated the workshop as satisfactory.

2) Please rate each session according to its usefulness in achieving the objectives of the workshop (Rating: very useful, useful, somewhat useful and not useful at all).

Session 1: 70% of the participants found it very useful while 30% of the participants found it useful.

Session 2: 70% of the participants found it very useful while 30% of the participants found it useful.

Session 3: 70% of the participants found it very useful while 30% of the participants found it useful.

Session 4: 60% of the participants found it very useful while 40% of the participants found it useful.

Session 5: 70% of the participants found it very useful while 30% of the participants found it useful.

Session 6: 90% of the participants found it very useful while 10% of the participants found it useful.

Session 7: 50% of the participants found it very useful while 50% of the participants found it useful.

Session 8: 30% of the participants found it very useful while 70% of the participants found it useful.

Session 9: 40% of the participants found it very useful while 60% of the participants found it useful.

Session 10: 60% of the participants found it very useful while 40% of the participants found it useful.

Session 11: 56% of the participants found it very useful while 33% of the participants found it useful. 11% of the participants found it somewhat useful.

Session 12: 80% of the participants found it very useful while 20% of the participants found it useful.

Session 13: 67% of the participants found it very useful while 33% of the participants found it useful.

Session 14: 80% of the participants found it very useful while 10% of the participants found it useful. 10% of the participants found it somewhat useful.

Session 15: 80% of the participants found it very useful while 10% of the participants found it useful. 10% of the participants found it somewhat useful.

Session 16: 63% of the participants found it very useful while 25% of the participants found it useful. 12% of the participants found it somewhat useful.

Session 17: 83% of the participants found it very useful while 17% of the participants found it useful.

3) Please rate the resource persons in term of their knowledge levels:

(Rating: very knowledgeable, reasonably well informed and not well informed at all)

- 1) **Professor Shekhar Singh:** 90% of the participants found him a very knowledgeable resource person while 10% of the participants rated him as a reasonably well informed resource person.
- 2) **DoPT representatives:** 70% of the participants found them very knowledgeable resource persons while 30% of the participants rated them as reasonably well informed resource persons.
- 3) **Mr. M R Madhavan, PRS:** 70% of the participants found them very knowledgeable resource persons while 30% of the participants rated them as reasonably well informed resource persons.
- 4) **Ms. Anuradha Chagti, MoPNG:** 70% of the participants found them very knowledgeable resource persons while 30% of the participants rated them as reasonably well informed resource persons.
- 5) **Representatives of ISTM:** 70% of the participants found them very knowledgeable resource persons while 30% of the participants rated them as reasonably well informed resource persons.
- 6) **Mr. Amrita Johri, SNS:** 78% of the participants found them very knowledgeable resource persons while 22% of the participants rated them as reasonably well informed resource persons.
- 7) **Representatives of Powergrid Corporation of India:** 89% of the participants found them very knowledgeable resource persons while 11% of the participants rated them as reasonably well informed resource persons.
- 8) **Mr. Shailesh Gandhi:** 80% of the participants found them very knowledgeable resource persons while 20% of the participants rated them as reasonably well informed resource persons.
- 9) **Ms. Shibani Ghosh:** 78% of the participants found them very knowledgeable resource persons while 22% of the participants rated them as reasonably well informed resource persons.
- 10) **Representatives of MKSS:** 90% of the participants found them very knowledgeable resource persons while 10% of the participants rated them as reasonably well informed resource persons.
- 11) **Mr. Shyamlal Yadav, Indian Express:** 70% of the participants found them very knowledgeable resource persons while 30% of the participants rated them as reasonably well informed resource persons.
- 12) **Mr. Saikat Datta, Hindustan Times:** 80% of the participants found them very knowledgeable resource persons while 20% of the participants rated them as reasonably well informed resource persons.
- 13) **Ms. Pooja Parvathi, WNTA:** 67% of the participants found them very knowledgeable resource persons while 33% of the participants rated them as reasonably well informed resource persons.
- 14) **Ms. Seema Choudhary, CHRI:** 70% of the participants found them very knowledgeable resource persons while 30% of the participants rated them as reasonably well informed resource persons.
- 15) **Ms. Amrita Paul, CHRI:** 70% of the participants found them very knowledgeable resource persons while 30% of the participants rated them as reasonably well informed resource persons.

- 16) **Mr. Venkatesh Nayak, CHRI:** 90% of the participants found them very knowledgeable resource persons while 10% of the participants rated them as reasonably well informed resource persons.
- 17) **Ms. Maja Daruwala, CHRI:** 90% of the participants found them very knowledgeable resource persons while 10% of the participants rated them as reasonably well informed resource persons.

4) Was the workshop interactive enough?

60% of the participants found the workshop highly interactive while 40% of the participants rated the workshop as reasonably interactive.

5) Please name any session that in your opinion could be made more interactive. Please give concrete suggestions.

The following suggestions were received:

- a) All sessions should be as interactive as possible.
- b) Session 13 as this would have helped us to develop action plan on how to put into action the lessons learnt from the team.
- c) There is an overlap between sessions. Session 7 and session 9 could have been combined to have a more interactive session. Similarly the presentations on investigative journalism ATI should have been combined.
- d) The programme was good but it was so packed that it was not possible to allow more discussions. It would be good to learn in future where RTI application was difficult. The visit to public offices and Rajasthan made the programme more engaging. However there could have been more videos, small group discussions and group presentations to reduce the monotony of lectures.

6) Please choose an overall rating for the workshop.

(Rating: 1=lowest; 5=highest).

60% of the participants gave an overall rating of 5 for the workshop while 30% of the participants gave a rating of 4. 10% of the participants gave a rating of 2 out of 5 for the learning programme.

7) Do you think follow up activities are necessary? Please give concrete suggestions.

All the participants strongly agree that follow up activities are necessary. The following suggestions were received from the participants:

- a) CHRI should organise a workshop in any of the African countries after six months.
- b) An online discussion should be initiated so that there is continuous conversation on RTI issues in the different countries.
- c) There is need to find practical ways of getting the East African RTI activists and advocates members communicating, sharing, learning and strategising together.
- d) Give proper feedback to the Coalition for the Right to Information and update CHRI regularly.
- e) Convene a national meeting to strategically plan action points for the near future.
- f) Do a couple of feature articles on Indian experiences of RTI campaign.
- g) Establish an East African FOI coalition.

- h) CHRI must visit various East African countries and help correct gaps in the implementation of FOI.
- i) An interaction with government-side to foster culture change is essential.
- j) Information sharing is important. CHRI should share latest jurisprudences well as information on good practices.
- k) Support in form of legal opinion on Bills in countries where ATI law has been proposed.
- l) Capacity building seminars by CHRI resource persons in specific countries.
- m) Field visit by members from each country to understand how active grassroots in India have been in RTI.
- n) Conduct a similar learning programme for public officials to address the supply side of RTI.
- o) Carry out an exclusive learning programme for media particularly community/regional media who operate at grassroots level.
- p) There should be strengthening the focus of national coalition on RTI making them able to spread the news/capacitate the community and their members on RTI-This could spark further debates and ensure robust RTI laws.
- q) CHRI should/could facilitate regional networking and cross learning between east African countries.
- r) CHRI in collaboration with local RTI coalition should capacitate local organisations.

8) Please tell us the key messages/ideas you are taking back with you from the RTI-LP.

CHRI received the following responses from the RTI-LP participants:

- a) RTI is an effective tool against corruption and it can enhance accountability in governance.
- b) People in India have owned the movement for the enactment and implementation of RTI.
- c) For the success of RTI, both the citizens and the government must work together.
- d) Citizen action is necessary for realisation of full scale RTI Implementation, bring citizens to the forefront. RTI must be grassroots based.
- e) We should find ways of ensuring legal literacy at community level.
- f) RTI has worked quite well in India and exchange of these ideas is very important.
- g) There is a need for local citizens to understand the RTI campaigns better.
- h) There is a need to broaden the RTI coalitions. There is an impressive attitude with government officials that support disclosure in India. The lessons I got from India will help in trying to foster transparency among public officials.
- i) There are progressive lessons to learn from India RTI Law. The provision of individual responsibility for giving access to information in the bureaucracy is very progressive. We can borrow the section on proactive disclosure from the RTI Act.
- j) Power of grassroots support/empowerment in RTI campaigns.
- k) Idea to form an East African Coalition on RTI.
- l) Need to impose sanctions on non compliance individual information officials.

- m) RTI if well applied can be useful to media.
- n) RTI is not an end in itself, there is need for linkages on what next. Awareness creation session on RTI to other organisations. Pushing for the RTI Act.
- o) Organise coalition to demand for RTI at grassroots level on various thematic areas-health, education, water, agriculture etc.
- p) Demystification of the Act for clear understanding by public.
- q) Effective mobilisation of grassroots population in using RTI to realise their rights.
- r) Coalition/network building for RTI.
- s) Mainstreaming RTI in cross-sectoral work.
- t) Working with media in RTI campaigning, capacity building of journalists in using RTI.
- u) Being focussed in advocacy on RTI-clicking on the right button that brings light.
- v) Use of student volunteers to capacitate local CBOs.
- w) Proper community mobilisation on demanding of RTI.
- x) Need for well documented data for advocacy. Research should be done that will spark further discussion and act as tool for national advocacy.
- y) Being organised and focussed in advocacy.

9) Please tell us what new ideas you are taking back with you to broaden the base of the RTI/ATI coalition in your country.

RTI-LP participants said they would take back the following new ideas:

- a) Build alliances with those in power and civil society to ensure full and effective RTI implementation.
- b) Reconnect local RTI champions to take on RTI implementation.
- c) Proactively engage local governments in implementing RTI Act.
- d) Integrate RTI in social accountability work.
- e) Local organisation of the sort of MKSS is a very useful strategy towards full RTI.
- f) The inclusion of different sectors in the coalition
- g) The grassroots movements help relate RTI with people's immediate problems
- h) That you actually don't need all that money to advance the campaigns. Maja's point that you need to get what people really want and link it to RTI.
- i) Need to expand the national coalition to include grassroots movements in the same way MKSS has been included in India.
- j) Re-energize the coalition by proposing an expansion in terms of focus of the coalition beyond implementation of the law by government, coalition should tap into various linkages like day to day needs of the community.
- k) Adopt a multi-sectoral approach in campaigning for RTI mainstream, RTI in all sectors to file pressure on government and demonstrating RTI's importance in realising economic, socio-cultural rights.

- l) Identify RTI ambassadors/champions across sectors including parliament, judiciary.
- m) Capacity building of media on use of RTI to get media more involved in RTI campaign.
- n) Linking public service delivery to RTI to relate to grassroots population engagement.

10) Please tell us what you would like to do differently in the RTI/ATI campaign in your country inspired by the Indian experience.

RTI-LP participants penned the following responses:

- a) Will mobilise citizens to be at the top of the campaign to ensure RTI is realised.
- b) Would build national connection with local action on RTI.
- c) Would like to start with the grassroots and sub-national levels.
- d) The bottom up approach is very impressive. That people get to own the campaign and RTI becomes a very critical law to support their life.
- e) Engage citizens at the grassroots more so that they own the RTI campaign.
- f) Link ATI to other crucial areas such as ESCRs which affect majority of the population.
- g) Lobby for a review of the law to clarify the appeal mechanism making it more independent.
- h) A sanctions regime which is key to compliance.
- i) Increase engagement- encourage more media usage of law.
- j) Start with the already existing coalition working on different thematic areas to learn what is available in terms of laws and acts. Create awareness based on existing laws/acts on RTI. N
- k) Engage with policy makers on RTI. Going out to engage the grassroots at the same time to push on the RTI bill.
- l) Engage the grassroots to demand for RTI. Despite challenges, there is a need for not giving up.
- m) Engage as many stakeholders as possible.
- n) RTI is not only about freedom of media but with RTI, community is empowered.
- o) The fight against corruption could be best fought when the community has the RTI.
- p) Linking RTI to demand for basic RTI goods and services, in this way RTI becomes a critical tool in effective public service delivery.
- q) Expose public officials to success/learning on RTI implementation.
- r) Engage with the media through capacity building/mentoring.
- s) Conduct more research on RTI to use for evidence based advocacy.

11) Please tell us what you would like to change in the RTI Bill in your country based on your learning in India (applies only to Kenya and Tanzania).

RTI-LP participants would like to make the following changes in the RTI Bills in their country:

- a) Sanctions must be included in the draft.
- b) Cut down the numbers of exemptions.
- c) The independent oversight body is a great lesson for Kenya especially following recent debate in development of the RTI Law.
- d) The elaborate proactive disclosure provision which obligates government to disclose is very progressive.
- e) The concept of individual responsibility is very good especially when it comes to implementation of RTI.
- f) The bill in Tanzania had more emphasis on freedom of media, with the lessons from India -the right to freedom works better when people are empowered.
- g) The Bill was mostly resisted in Tanzania because it was most pushed by media and NGOs instead of citizens.
- h) Have a comprehensive provision to capacity building/training as part of RTI implementation.
- i) Individual penalties for not responding to information request-have a provision like this.

12) Please tell us what you would like to do improve the implementation of the ATI Act in your country (applies only to participants from Uganda).

Ugandan participants made the following observations:

- a) Improvement of the grassroots in the ATI process that will create a substantial demand side that has always been taken for granted especially by the politicians.
- b) Mobilisation of citizens' actions for full scale demands for RTI and engage local and national leaders on full implementation of ATI Act.
- c) Mainstream ATI/RTI in all organisations programming and initiatives. This would result in increased citizen's knowledge and actions.
- d) Advocate for inclusion of sanctions in the ATI Act for officials that unreasonably deny information
- e) Take the FOI campaign to people as grassroots encourage ordinary citizens to file as many information requests as possible.
- f) File a number of information requests in the different government agencies.
- g) Push for an amendment of the act to among others make provision for an enforcement body such as Central Information Commission.
- h) Ownership is the key.
- i) Encourage more mediapersons to use the RTI law.
- j) More ordinary citizens need to be encouraged to file RTIs and some of the information could be useful for journalists.

13) Please tell us what new ideas you are taking back with you to increase the use of the ATI Act (in Uganda) or the fundamental right to information (in Kenya and Tanzania).

RTI-LP participants mentioned the following ideas:

- a) ATI struggle is a process and it takes time and patience
- b) Not to give up asking for information even when denied information.
- c) Build a local committed grassroots movement while connecting their demands to improvement in service delivery especially in sectors or areas that touch their lives.
- d) ATI Act has been effective without a constitutional anchorage.
- e) The use of litigation to enforce RTI.
- f) The need to mainstream FOI in all sectors.
- g) Increase awareness of the Act at grassroots level so that ordinary citizens can be encouraged to file information requests.
- h) Grassroots mobilisation, working with rural organisations to file information requests.
- i) Collaboration with media in RTI advocacy.
- j) Use other platforms for requesting information held by state. Eg ask MPs, secretary to ask questions on the floor in parliament during question hour.

14) Please tell us which organisations you would like to recommend from your own countries to participate in similar RTI-LPs in future (please mention email addresses or websites).

RTI-LP Participants suggested the following organisations:

a) Article 19	b) AFIC
c) Law society of Kenya	d) ACME (African Centre for Media Exercise)
e) Kenya Union of teachers	f) HRNJ (Human Rights Network for Journalist)
g) Uganda National NGO Forum	h) Christian council of Tanzania
i) The Media Council of Tanzania	j) Mwananchi Communication, Tanzania
k) MISA Tanzania	l) Justice and Legal Affairs Parliamentary committee, Kenya
m) National Organisation for Legal Assistance	n) Attorney General's Office, Kenya
o) Tanzanyika Law Society	p) Ministry of information, Kenya
q) The Legal and Human Rights Centre	r) Law society of Kenya
s) Tanzania Media Women's Association	t) Editor's Guild, Kenya
u) CEDA	v) Media Owners of Association, Kenya
w) ICJ Kenya	x) HURINET-U
y) Muhuri	

15) Please tell us how you would like CHRI to add value to your RTI/ATI campaign efforts in your countries.

RTI-LP participants gave the following suggestions:

- a) By sharing information on global activities relating to RTI
- b) By involving as many stakeholders as possible both government and non-government.
- c) Support nation based learning among partners/actors.
- d) Providing learning opportunities for government officials to India, especially to Rajasthan.
- e) Would like to have a regular exchange of material and information between India and Tanzania.
- f) Would like to invite CHRI experts to Tanzania for a training of government and CSO actors for RTI.
- g) Do collaboration in supporting improve draft bills for RTI when they are ready.
- h) A visit to our country by CHRI would be very important to pass the technical knowledge to the larger groups in Kenya.
- i) A similar learning initiative targeting government officials would be key. This would have key government officials learning from peers in India government so that we begin influencing culture change.
- j) If possible, craft a similar programme for government officials in various countries.
- k) To participate in the initial sessions of awareness creation to other organisations as facilitators.
- l) If possible, organise field visits for trained organisations to hear and see from the grassroots in India and how the government has accepted RTI and own it.
- m) Development of a common proposal to facilitate broader campaign and facilitate CHRI staff and resource persons from India to come to east Africa to share their experiences with wider CSO, community and media.
- n) Facilitate collaborative research on RTI and have an RTI Index.
- o) Capacity building for relevant public officials-like having a similar learning programme for public officials.
- p) Exclusive learning programme for media to enable them realise the value of RTI and facilitate their engagement in the campaign.
- q) Facilitate engagement with the organs of the East African community.
