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1.1. Study background

> "An Act to provide for setting out the practical regime of right to information for citizens to secure access to information under the control of Public Authorities, in order to promote transparency and accountability in the working of every Public Authority…. "

At the International level, Right to Information and its aspects find articulation as a human right in most important basic human rights documents, namely, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. At regional levels, there are numerous other human rights documents, which include this fundamental right for example, the European Convention for the Protection of Human Rights and Fundamental Freedoms, the American Convention on Human Rights, the African Charter on Human and People's Rights, etc. The Commonwealth has also formulated principles on freedom of information.

The Indian Parliament had enacted the "Freedom of Information Act, 2002" in order to promote, transparency and accountability in administration. The National Common Minimum Program of the Government envisaged that "Freedom of Information Act" will be made more "progressive, participatory and meaningful", following which, decision was made to repeal the "Freedom of Information Act, 2002" and enact a new legislation in its place. Accordingly, "Right to Information Bill, 2004" (RTI) was passed by both the Houses of Parliament on May, 2005 which received the assent of the President on 15th June, 2005. "The Right to Information Act" was notified in the Gazette of India on 21st June, 2005. The "The Right to Information Act" became fully operational from 12th October, 2005. This new law empowers Indian citizens to seek any accessible information from a Public Authority and makes the Government and its functionaries more accountable and responsible.

During the period of the implementation of the RTI Act i.e. October 2005 onwards, it has become evident that there are many anticipated and unanticipated consequences of the Act. These have manifested themselves in various forms, while some of the issues pertain to procedural aspects of the Government; others pertain to capacity building, and so on. The most important aspect to be recognized is that there are issues to be addressed at various ends for effective implementation of the Act.

There have been many discussions and debates about the effectiveness and impact of the Act. The Civil Society Organizations and Government agencies have been engaging themselves in the debate over various aspects of the Act and its effectiveness and interpretations. There is a broad consensus that the implementation of the Act needs to be improved to achieve the objectives. At the same time there is evidence to suggest that the information seekers too have to learn how to use the Act more effectively. While there is significant information – both anecdotal and quantitative – on the level of implementation of the Act, there was limited systematic and comprehensive review available for action by the appropriate Governments. This in turn necessitated a review of all the aspects necessary to analyze the current situation and draw up a plan to bridge the gaps.

In the above context, Department of Personnel and Training, Ministry of Personnel, Public Grievances and Pension, Government of India, had engaged PricewaterhouseCoopers (PwC) for assessing and evaluating the Act with specific reference to the key issues and constraints faced by the "Information Providers[7]" and "Information Seekers". The scope of study included review of the experiences of the Central and State Governments in implementing the RTI Act, review of the experiences of various categories of information seekers[8], diagnosis of the situation, suggestion of the nature of interventions to be made and preparation of action plan/recommendations.

The assessment of the current situation through various market research tools has resulted in identification of the current problem areas. These problems areas have been analysed/ discussed in various workshops/meetings to define time-bound actionable steps to make the Act an effective tool of good governance

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[7] Information Providers is a term used in this report for the entire eco-system appointed/ leveraged by the appropriate Government to implement the RTI. It includes - Public Information Officers (PIOs), First Appellate Authority (FAA), Information Commissions and enabling institutions like Administrative Training Institutes.

[8] Information Seekers is a term used in this report for the Common Citizens and organizations supporting/enabling a common citizens in accessing information under RTI

2.2. Scope of work

The scope of work as defined in the Terms of Reference (ToR) for the study and further clarified through subsequent Consultative Monitoring Committee meetings included:
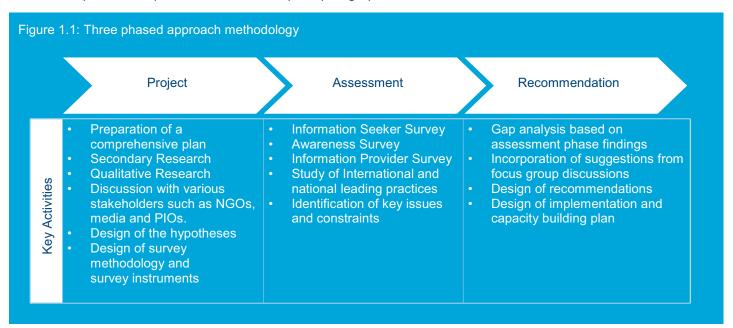
- Review of the experience of the Central and State Governments in implementing the RTI Act based on systematic data collection and analysis. The experiences of the states to cover aspects related to constraints – institutional, infrastructural, and informational – faced by the information providers in responding to requests

- Review of the experiences of various categories of users in their information seeking efforts. The experiences included constraints relating to accessing the information provider, the costs of obtaining information and responsiveness of the information provider. In addition, it was necessary to ascertain the problems faced in identifying and seeking relevant information by the ordinary citizen. It was also necessary to focus on the problems faced by the disadvantaged groups in particular.

- Diagnosis of the situation, based on the review and suggestion of actions to be initiated in every aspect of the information providing entity. In the same manner suggest the nature of interventions to be made, if necessary, to ensure that ordinary citizen is equipped with adequate awareness to utilize the RTI Act effectively and efficiently. Further, identify the interventions needed for successful implementation of the Act with regard to the disadvantaged groups.

- Prepare an action plan for implementation of the recommended changes. Specifically, identification and provision of blueprint for capacity building efforts to be initiated at different levels of the Government – like RTI division of DoPT (Government of India), Central Information Commission and State Information Commissions, to facilitate the institutionalization process of the Act.

The scope of work entailed the following specific tasks:

- Analysis and categorization of information sought under RTI Act

- Design of a robust methodology to study the states on a sample basis for studying in detail for a clear understanding on the implementation related experiences;

- Preparation of a State-wise 'State of RTI Act implementation matrix" for the selected states indicating the compliance with the key expectations of the Act;

- Study of select experiences, in detail, so as to identify successful initiatives and failures in the delivery system.

- Analysis of the data on experiences of the providers and seekers of information for identification of generic problems

- Sharing the findings/analysis with the various stakeholders in a structured manner

- Based on the diagnosis and feedback from the stakeholder workshop, preparation of the report with specific recommendations on the structural, institutional, "processual", infrastructural and technological and people-related changes

- Preparation of a detailed action/ capacity building plan at the Central and State Government levels

1.3. Methodology of the study

The project methodology involved a three-phased approach to identify key issues and constraints in implementing the RTI Act and further suggest recommendations on the structural, institutional, procedural, infrastructural, technological, and people-related changes. Figure 1.1 below depicts the three phases and the activities in each phase. The details of each of the phases are provided in the subsequent paragraphs.

Figure 1.1: Three phased approach methodology

	Project	Assessment	Recommendation
Key Activities	• Preparation of a comprehensive plan • Secondary Research • Qualitative Research • Discussion with various stakeholders such as NGOs, media and PIOs. • Design of the hypotheses • Design of survey methodology and survey instruments	• Information Seeker Survey • Awareness Survey • Information Provider Survey • Study of International and national leading practices • Identification of key issues and constraints	• Gap analysis based on assessment phase findings • Incorporation of suggestions from focus group discussions • Design of recommendations • Design of implementation and capacity building plan

Phase 1: Project planning

The objective of this phase was to develop a comprehensive road map for implementing the project activities and achieving the desired objectives. This phase included understanding various issues faced by the stakeholders of the RTI Act and formulating a hypothesis of the current constraints. Thereafter, the survey methodology and instruments were designed to validate the hypotheses.

The key tasks in this phase included:

• Preparation of a comprehensive project plan for undertaking the study;

• Secondary research on the key issues and constraints faced in implementing the RTI Act; Since the enactment of the Act, there have been significant initiatives among various stakeholders especially Civil Society Organizations and NGOs, who have conducted various studies to review the implementation of the Act. As part of the study design, a conscious effort was made to study these reports. Various journals, websites, literature, directories were referred for generating initial information on the subject and for facilitating collation of the information with respect to various states (Refer Annexure 12 for the list of references);

• Qualitative research consisted of in-depth interviews/discussions with information providers and seekers.

• PwC conducted various focused group discussions (FGDs) with the information seekers to design a list of hypothesis, which could be validated during the Assessment Phase. Information seekers considered for the research and formulation of hypothesis include:

- Citizens
- Disadvantaged groups
- CBOs
- NGOs
- Activist groups
- Media

- As per the importance of the role played by the entities in strengthening of RTI implementation in the country, the following information providers were identified for the study :
  - PIOs
  - AAs
  - Information Commissioners
  - Nodal Agencies and
  - Training Institutes
- Discussions were also conducted with Central Ministries' PIOs to capture issues and constraints in delivery of information. These inputs were used for the design of hypothesis;
- Based on the hypothesis, questionnaires were designed for various groups of stakeholders. The questionnaires were designed to capture the:
  - Level of awareness of the RTI Act among the citizens
  - Issues and constraints in using the RTI Act by the information seekers
  - Issues and constraints in implementing the RTI Act by the Information Providers, which include
    - PAs – Public Authorities
    - PIOs – Public Information Officers
    - AAs – Appellate authorities
    - Nodal Departments
    - SICs – State Information Commissions
    - CIC - Central Information Commission

  A National Level Workshop was conducted to validate and obtain consensus from various stakeholders on the list of hypotheses and survey instruments (Refer Annexure 8 for the summary of discussions).

Phase 2: Assessment phase

The objective of this phase was to conduct surveys (information provider and information seeker) in select states, for identifying/evaluating key issues and constraints faced. The sampling methodology of the survey was designed to:

- Adequately represent the issues/ findings across the country through selection of sample states having diverse backgrounds and regional spread
- Comprehensively capture the inputs of the information providers and seekers within each State (sample size assuming a confidence interval of 95% and inaccuracy level of 5%).

Survey and sampling methodology:

The following approach was adopted for designing the sampling plan for the survey

Level 1: Selection of states

Step 1: States were divided in terms of their population levels: States with high and medium populations were selected as they were expected to have the maximum no. of RTI applicants

Step 2: The literacy rates for all the states were taken and compared against the population: The states with high, medium or low literacy levels were selected. Table 1.1 below illustrates the states selected after Step 1 and Step 2

Table 1.1: Comparison of literacy rates with population

Population		High	Medium	Low
		> 50 million	10 - 50 million	< 10 million
Literacy Rate	> 70 %	Tamil Nadu, Maharashtra	Kerala	Mizoram, Goa, Tripura, Himachal Pradesh, Uttaranchal
	63.5 - 70%	Madhya Pradesh, West Bengal	Chhattisgarh, Haryana, Punjab, Gujarat, Karnataka	Sikkim, Nagaland, Manipur
	< 63.5 %	Rajasthan, Andhra Pradesh, Bihar, Uttar Pradesh	Jammu and Kashmir, Assam, Jharkhand, Orissa	Arunachal Pradesh, Meghalaya

Step 3: The per capita income of the states was compared with the population: The states with high, medium and low per capita income with respect to the population were selected.

Table 1.2: Comparison of per capita income with population

Population		High	Medium	Low
		> 50 million	10 - 50 million	< 10 million
Per Capita Income	> Rs. 23000	Maharashtra	Haryana, Punjab, Gujarat, Karnataka	Manipur, Himachal Pradesh
	Rs. 14800 – Rs. 23000	Madhya Pradesh, Tamil Nadu, Andhra Pradesh, West Bengal	Jharkhand	Sikkim, Arunachal Pradesh
	< Rs. 14800	Rajasthan, Bihar, Uttar Pradesh	Chhattisgarh, Assam, Kerala, Orissa	

Step 4: The population of disadvantaged communities was compared with the total population. The states with high, medium and low proportion of disadvantaged communities' population were selected. Refer Table 1.3 for details

Table 1.3: Comparison of proportion of disadvantaged population with total population

Population		High	Medium	Low
		> 50 million	10 - 50 million	< 10 million
SC/ST Population	High (Greater than 35% SC/ST population)	Madhya Pradesh	Jharkhand, Orissa	Mizoram, Arunachal Pradesh, Nagaland, Meghalaya, and Tripura
	Medium (More than 18% to 35% SC/ST population)	Rajasthan, Tamil Nadu, West Bengal, and Uttar Pradesh	Haryana, Punjab	Sikkim, Manipur, Himachal Pradesh, and Uttaranchal
	Low (Up to 18% SC/ST population)	Andhra Pradesh, Bihar and Maharashtra	Jammu and Kashmir, Chhattisgarh, Assam, Kerala, Gujarat, and Karnataka	Goa

Step 5: Finally the proportion of urban population was compared with the total population. The states with high, medium and low proportion of urban population were selected. Refer Table 1.4 for details.

The above parameters were chosen to include citizen base from varied backgrounds in terms of education, income etc.

Table 1.4: Comparison of proportion of urban population with total population

Population		High	Medium	Low
		> 50 million	10 - 50 million	< 10 million
Urban Population	High (More than 28% urban population)	Tamil Nadu, Maharashtra	Haryana, Punjab, Gujarat, and Karnataka	Mizoram, Goa, Meghalaya, and Tripura
	Medium (More than 20% and up to 28% urban population)	Rajasthan, Madhya Pradesh, and Andhra Pradesh, West Bengal, and Uttar Pradesh	Jammu Kashmir, Jharkhand, and Kerala	Manipur, Uttaranchal
	Low (Up to 20% urban population)	Bihar	Chhattisgarh, Assam, and Orissa	Sikkim, Arunachal Pradesh, Nagaland, and Himachal Pradesh

Step 6: The states which were common in the entire selection criterion (marked with red) were selected for the field exercise. Table 1.5 below depicts the selected states

Table 1.5: Selected states

Factors	Uttar Pradesh	Maharashtra	Andhra Pradesh	Orissa	Assam
Population	High	High	High	Medium	Medium
Literacy level	Low	High	Low	Medium	Medium
Per capita income	Low	High	Medium	Low	Low
Disadvantaged group	Medium	Low	Low	High	Low
Urban population	Medium	High	Medium	Low	Low
Geographical region	North	West	South	East	North- East

It may be noted that detailed discussions/survey were held with information providers and seekers in the selected five states.

Efforts were made to establish contacts with all the States. Questionnaires were sent to all SICs across the country to capture inputs on the issues/ constraints in implementing the RTI Act.

As a part of this exercise, questionnaires were sent to over 950 Central PIOs (with responses from 100+ respondents) and more than 50 NGOs (with no responses) across the country to obtain their feedback on the implementation aspects of the RTI Act.

Feedback facility on the Department of Personnel & Training website (www.persmin.nic.in) was developed to obtain feedback from different stakeholders on the project methodology and the survey questionnaires. Documents designed during the course of the project were uploaded on the website for inviting mass participation.
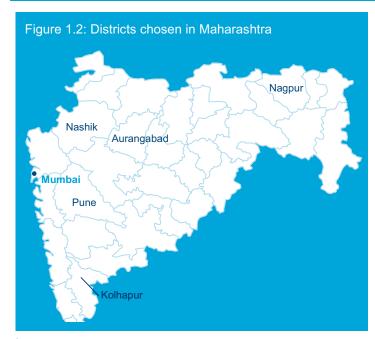
Level 2: Information seeker survey

During the information seekers survey, the following constraints were faced by the project team:

- No centralized database of RTI applicants;

- Database spread across Departments, districts and taluka Level;

- Low quality of data available at the Departments – a lot of information provided in the application with respect to the address of the applicant was not correct;

- No single nodal person responsible for collection and coordination of the RTI applicant's data;

- No information of RTI applicants in the public domain; and

- Different levels of officials involved for getting approvals for sharing the RTI applicants' database.

In the above context, the methodology for conducting the information seeker survey was revised, which was then discussed and approved by the 3rd Consultative Monitoring Committee.
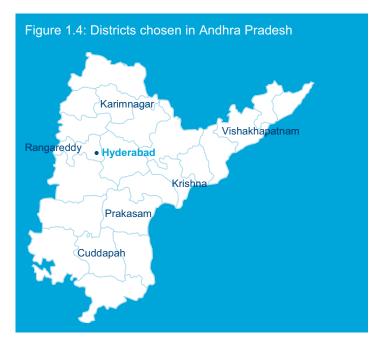
Selection of districts within the states[9]

- The districts were selected using systematic random sampling technique. All the districts in a particular State were arranged and numbered. For example if a State has 29 districts then all these are numbered and 6 districts are chosen with a sample interval of 5. (Systematic sampling is a statistical method involving the selection of elements from an ordered sampling frame. The first step involves ordering of the population and then selecting elements at regular intervals through that ordered list. Systematic sampling involves a random start and then proceeds with the selection of every kth element from then onwards. In a systematic sampling technique all the elements in a population have an equal chance of selection.)

- Systematic sampling is used in this case in order to ensure geographical spread across the State. The hypothesis behind such a selection is that a 'State is homogeneous within its boundaries with minor variations as per the geography'. Thus the contiguous districts within a State would be similar to each other. Stratification at minor level, where it segments the State into nuanced subgroups, disturbs the randomness of the sampling.

- While sampling districts, it would always be the case that certain geographies or regions are not part of the sample. That does not necessarily infer that the selection (of districts) is not representative of the State.
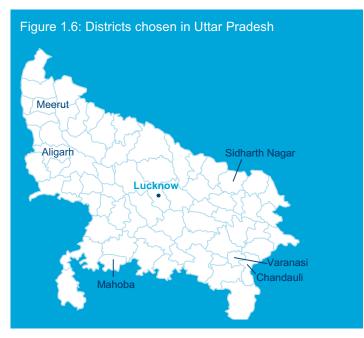

Figure 1.2: Districts chosen in Maharashtra

Figure 1.3: Districts chosen in Orissa

[9] It may be noted that due to focusing the survey in the States and inter alia the State PAs, the focus of the study is towards the State PAs.

Figure 1.4: Districts chosen in Andhra Pradesh

Figure 1.5: Districts chosen in Assam

Figure 1.6: Districts chosen in Uttar Pradesh

Locating information seekers – RTI Applicants

- A database of information seekers was created from the records available with the District Collectorate

- Social activists working in the district;

- Civil Society Organizations working in the district

- SIC appeals records.

Level 3: Awareness survey

To measure the awareness of the people regarding the RTI Act, a random sample of 5000 citizens was taken up across the five states. Following sampling methodology was used to conduct this survey:

- The sample was divided according to the urban – rural split of the population of a particular State;

- Out of all the districts in a State, a sample of 6 districts was covered ensuring a geographical spread across the State;

- The urban respondent sample was distributed across the whole of the district headquarter;

- The headquarter was divided into pockets consisting of homogenous localities;

- There was also a split on the basis of the strata of the respondents depending on their education level and occupation (SEC classification);

- Rural respondents from 6 villages across every selected district were interviewed;

- Out of these villages, 2 each were of low population (< 1500), medium population (1500 – 2500) and high population (> 2500);

- A village was divided into a group of hamlets (cluster of houses). The map of every village was drawn with the help of local population of that village;

- The hamlets were numbered in a clockwise manner and one hamlet from each village was chosen randomly;

- The male to female ratio covered in the sample is 50:50;

- Respondents were equally divided in the age groups of 18-30 years, 31-45 years and more than 45 years;

- Only one interview per household was conducted; and

- The data obtained was weighted according to the rural/urban population split of the states.

Level 4: Information provider survey

In order to understand the key issues and constraints faced by the information providers, various information providers including PIOs, AAs, Information Commissioners, Nodal Agencies and training institutes were surveyed.

The list of stakeholders includes:

- Information provider's survey was conducted in the states of: Maharashtra (48), Assam (50), Andhra Pradesh (36), Orissa (17) and Uttar Pradesh(34);

- Questionnaires were sent to over 950 PIOs across all the Central Ministries (103 Central PIOs responded to the questionnaire).

- Questionnaires were sent to 28 State Administrative Training Institutes across the country; (9 State Administrative Training Institutes responded to the questionnaire)

- Questionnaires were sent to all the State Information Commissions across the country (8 State Information Commissions responded to the questionnaire – Maharashtra, Assam, Orissa, Andhra Pradesh, Uttar Pradesh, Himachal Pradesh, Uttarakhand and Punjab)
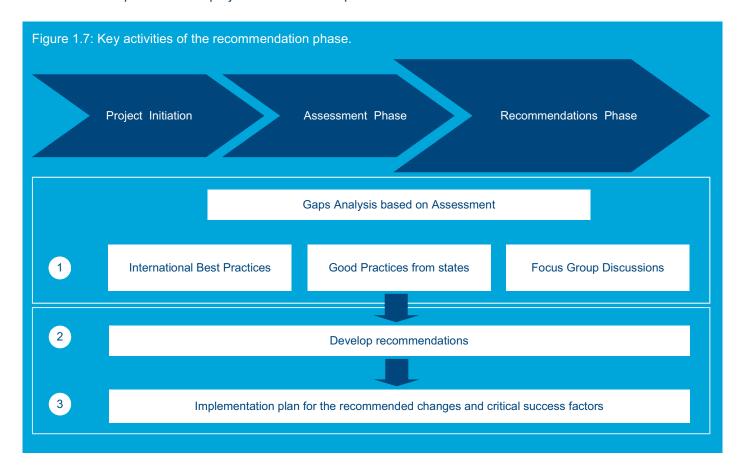
Phase 3: Recommendations phase

The purpose of this stage was to was firstly to ascertain the gap between the current way of implementation and the envisaged way of implementation, and then to the international leading practices to identify actionable measures for enhancing the effectiveness of the RTI Act. In this phase recommendations for improving the implementation of RTI Act were designed based on:

- Issue/ Constraints identified during the assessment phase (Awareness survey, Information Provider survey, Information Seeker survey)

- Second and Third National Level Workshop held with SICs, Civil Society Organizations and DoPT to validate the issues and discuss the recommendations (Refer Annexure 8)

- Inputs from various focus group discussions held which included SICs, Civil Society Organizations and DoPT (Refer Annexure 8)

- International leading practices in implementation of similar Acts (Canada and Mexico)

- Leading National practices

1.4. Key activities

This section briefly summarizes the key activities undertaken in the project. The activities have been presented across the three phases of the project mentioned the previous section.

Figure 1.7: Key activities of the recommendation phase.

Phase 1: Project planning

The Table 1.6 below summarizes the project planning activities undertaken by team:

Table 1.6: Key activities in Project Planning phase

S. No	Activity
1	• Kick-off presentation
2	• Resource mobilization • Work-plan and timelines • Task allocation
3	• Preparation of a project plan for the engagement
4	• Background research on key issues and constraints faced in implementing the RTI Act • Study of websites of State Information Commissions for gathering data pertaining to implementation issues • Study reports by various organizations involved in review of the RTI Act to gain an understanding of the ground level issues faced by citizens
5	• Design the sampling methodology and plan
6	• Inception Report • Approved project plan incorporating activity schedules, work products, planned deliverables and other key outputs • Communication plan with all internal and external stakeholders • Key project assumptions/risks and role definition • Sampling plan and survey methodology
7	Discussions with stakeholders such as CSOs/NGOs for identifying the issues faced by Information seekers • Parivartan • NCPRI • SNS • CHRI • Kabir
8	Discussions with stakeholders like media agencies including: • Times of India • India Today • Outlook • CNN IBN • NDTV India • ASSOCHAM
9	Discussions with Central PIOs for identifying issues being faced by information providers: • Ministry of External Affairs, Passport Division • Ministry of Minority Affairs • Delhi Electricity Regulatory Commission
10	• Finalization of survey methodology, hypothesis and survey instruments
11	• First National Level Envisioning Workshop • Consensus from all the stakeholders including NGOs, SICs and DoPT. on the methodology, survey instruments and hypothesis of the assessment phase

Phase 2: Assessment phase

The objective of the assessment phase was to identify and assess the key issues faced by both information seekers and providers in implementation of the RTI Act. Table 1.7 below summarizes the activities that have been carried out as part of this phase:

Table 1.7. Key activities in assessment phase

S. No	Activity
1	Information provider survey in five states (more than 200 information providers including PIOs, AAs, Information Commissioners, Nodal Agencies and Training Agencies) • Maharashtra • Assam • Andhra Pradesh • Orissa • Uttar Pradesh
2	RTI applicants survey and Awareness Survey across five states: (2000 information seekers and 5000 respondents for awareness survey) • Maharashtra • Assam • Andhra Pradesh • Orissa • Uttar Pradesh
3	Questionnaire sent to over 950 PIOs across all the Central Ministries (responses received from 100+ respondents)
4	International Leading practices: • Canada and Mexico were identified as countries which have a similar access to information regime as India. Leading practices were identified from the information acts of both the countries
5	• Leading practices from states • Identification of leading practices from various states and analysis of there scalability to the country
6	Design of State of Implementation Matrix to capture the implementation status of RTI Act in a State

Phase 3: Recommendations phase

The objective of this phase was to recommend solutions to overcome the issues and constraints identified in the previous phase. The Table 1.8 below summarizes the activities that have been carried out as part of this phase:

Table 1.8: Key activities in recommendations phase

S. No	Activity
1	Undertaking Gap analysis based on Assessment findings
2	• Focus group discussions attended by various stakeholders including CSOs/ NGOs, SICs and DoPT for discussing the recommendations • National Level Workshops
3	Discussions with stakeholders Civil Society Organizations/ NGOs for capturing inputs on recommendations: • Parivartan • PRIA • SNS • CHRI
4	Preparation of draft recommendations
5	Implementation plan
6	Discussions with CMC on the recommendations and implementation plan
7	Drafting of Final Report

2.5. About this report

This report covers identified issues and constraints faced in implementation of the RTI Act as detailed in the assessment report and also provide detailed recommendations to overcome these issues. This report also highlights international leading practices observed during the study.

This report is specially targeted towards addressing issues for all the stakeholders of RTI (including Public Authorities, Public Information Officers, Nodal Agencies, Information Commissions, Appellate Authorities, citizens), that can actively participate in implementation of recommendations and bring about a positive change in the landscape of RTI in India.