

# 3. ACHIEVEMENT MADE AT A GLANCE

## 4. ACHIEVEMENT MADE AT A GLANCE:

*Capacity Building for Access to Information Project* which speaks mainly on Training/Mass Awareness about the Act has got two target groups. The Govt. functionaries who are the public authorities on one hand have to be trained properly. This will enable the Govt. functionaries basically PIOs/APIOs/Deemed PIOs to discharge their duties for making the information available to the information seekers. In addition, by imparting training to them, they will be able to get free from the penalty provision which is one of the major issues reflected in the Act. In other words, a PIO can escape from the maximum penalty and the departmental enquiry if he knows the subject i.e. RTI Act in detail and if he/she discharge his/her duties under the provisions of the Act. The Act really creates an alarming situation mostly to the PIOs. Here, it may also be mentioned that the role played by PIOs alone is not the most important one which in other words means that his subordinates, the so-called Deemed PIOs are also to be trained properly. Because there are chances that a faulty Deemed PIO may put his senior officer i.e. PIO in trouble if the deemed PIO does not pay proper attention to the application filed under the Act. Simultaneously another aspect which the project has allowed the Academy to take up was to give awareness to the Masses/civilians about the Act so that they can apply for any information under the provisions of the Act and if need be, a citizen is allowed to go upto the level of State Information Commission etc. During the tenure of the project, it has given a very good impact to the Govt. officials as well as to the public mostly in the two districts of the State. If such project is allowed to take up further, the people will achieve the so-called Good Governance in the last, thereby really giving the meaning of democracy in this country.

### 1. TRAINING & CAPACITY BUILDING

No. of Govt. Officials	-	<b>891</b>
No. of Non Govt. Bodies	-	<b>1200</b>
No. of Training Programmes conducted	-	<b>(22 + 14) = 36</b>

### 2. MASS AWARENESS PROGRAMME(s)

- (i) Provisions of the Act and its value to the public have been published in the local dailies.
- (ii) 20 numbers of Roadside Posters on the usefulness of the Act have been displayed in 20 different locations of Imphal West and Imphal East District of Manipur.
- (iii) A Play based on RTI Act have been telecast in local T.V. channel (DDK, Imphal)
- (iv) Talks on RTI Act through local channel with 2-3 experts.
- (v) 1-day Mass Awareness Programme conducted for 11 times covering about 1100.

### 3. WORKSHOP AND INFORMATION AUDIT

#### (a) Workshop

4 Workshops were conducted inviting Media People, NGO's and Govt. officials.

#### (b) Information Audit

Information Audit was conducted two times for Govt. Departments. The 1<sup>st</sup> Audit was conducted in the month of June, 2007 and the 2<sup>nd</sup> Audit was during the period from October to November, 2008.

### 4. RESEARCH & DOCUMENTATION

(i) Directory of SPIO's/ASPIO's in the State Govt. Departments with 17 Manuals have been prepared.

(ii) Civil Societies Guide on the Act has been translated in Manipuri Version and 2500 copies distributed to the State Govt. Offices, NGO's and Civil Society Organisations.

(iii) User's Guide on the Act has also been translated in Manipuri Version and 2500 copies distributed.

(iv) 500 copies of A few Key Points on RTI Act, 2005 published and distributed.

(v) Series of Guidelines on RTI Act, 2005 published in Manipuri Language and 500 copies distributed.

(vi) Series of Guidelines on RTI Act published in English language and 500 copies distributed.

### 5. FROM THE DOOR OF THE STATE INFORMATION COMMISSION

#### (SUCCESS STORIES)

#### (i) **Success Story No. 1**

A good no. of Complaints/Appeals about 230 nos. were disposed of by the State Information Commission (SIC) during the past 2 ½ years. It would be worthy to note that a Remarkable Judgment was passed by the State Information Commission in an Appeal filed by a boy (Mr.X) who did not get selected in the Recruitment of Sub-Inspectors in the Police Deptt. As per the direction of the SIC, marks obtained by the boy (Mr.X) and another selected candidate (Mr.Y) were made known. In the process, it has been revealed that Mr.Y was wrongly selected. Thereafter, after going to the High Court, court has quashed the appointment of Mr.Y. This has left a good impact to the General mass about the utility of the Act.

#### Observation of the ATI/Imphal :

Such a role played by RTI deserves appreciation in order to achieve Good Governance.

(ii) **Success Story No. 2**

A Women Body namely MACHA LEIMA RTI LUP could intervene the non-payment Housing Fund to a lady namely Smt. Moirangthem Kamala Devi under the Indira Awas Yojana (IAY) of Imphal East District. The story runs as under:-

1. The Pradhan of the village where Smt. Kamala Devi is residing was trying not to give Housing Fund to Smt. Kamala Devi by hiding the list of beneficiaries under the IAY Scheme. Then, the role of the Macha Leima RTI Lup came into play and they filed a complaint to the State Information Commission in order to direct the Deputy Commissioner concerned to furnish the list of the beneficiaries under the IAY Scheme in respect of the said District.
2. The due payment per beneficiary under such scheme is Rs. 35,000/-. After going to the State Information Commission, the list of the beneficiaries was known to the beneficiary namely Smt. Kamala Devi. Thereafter, they went to the Gauhati High Court seeking for a prayer to make the payment of the Housing Fund to her for which Gauhati High Court has directed to make the payment. Since, the DC was not very keen enough to make the payment, he was given Notice of Contempt of Court. Thereafter, only the DC directed the Pradhan of the said village where Smt. Kamala Devi is residing to make the payment to the said beneficiary namely Smt. Kamala Devi.

**Observation of the ATI/Imphal :**

**If no application was filed under the RTI Act and no intervention was made under the said Act, it is quite confirmed that the beneficiary namely Smt. Kamala Devi would not have got the Housing Fund. This is simply an example and similar other cases might be floating in all the districts. Hence, RTI Act has played a very important role in the functioning of the district administration / Govt. machineries of the State.**

(iii) **Success Story No. 3**

In another case filed in the Manipur Information Commission, Imphal, bearing in Complaint Case No. 43/2007, the complainant Shri L. Maikho of Senapati District sought information in regard to certified copies of work acceptance and letter of intent of the Package No. 605 of the PMGSY under Phase-III/IV/V. The concerned Superintending Engineer of Manipur (State Rural Road Development Agency), Imphal did not furnish the information. Hence, this complaint. Giving information on Tender acceptance and the Work Order will be a bad precedent which is a secret document for the SE of the Department concerned, as he felt. But after RTI Act came into play, the SE concerned has no other way except giving the said information as demanded by the complainant. Accordingly, the State Information Commission has passed an order as under:-

*It is ordered by the Commission that*

- (a) The present OP. Party (Superintending Engineer, Manipur State Rural Road Development Agency, Imphal and Commissioner (Rural Development), Govt. of Manipur) should furnish all documents sought for; free of cost to the complainant within fifteen days from the receipt of this order, under intimation to this Commission. The personal attendance of the Appellant in the office of the S.P.I.O. is not required.
- (b) The Appellant can approach this Commission again in case of any grievances within three weeks from today.

**Observation of the ATI/Imphal :**

*In the absence of openness of the work order and the acceptance order in any work items taken up by the Govt. departments, there must be a flow of corruption in the process. When RTI Act has played its role properly, this corruption or pollution in the Govt. system would be really reduced to a great extent because the Act will be a good check to the activities taken up by the State Govt. In the process, after demanding such information from the departments, in the State Govt. having works component, the Deptts. will perform better.*

(iv) **Success Story No. 4**

*Appeal Case No. 57/2007 of MANIPUR INFORMATION COMMISSION*

The Case is detailed below:

FACTS:

1. Ms. Bidyabati Laishram of Wangkhei Palace Compound, Manipur, Imphal East District, a candidate has submitted an application on 9.5.2007 to the State Public Information Officer of the office of the Directorate of Education Manipur, requesting to provide her the marks secured by the last successful candidate in the select list of Science Graduate Teachers (General) for the written Examination and Viva Voice held for the recruitment of Science Graduate Teachers under the Government of Manipur, Education Department (Schools) in the year, 2006. However, the S.P.I.O. had neither rejected nor given any response till 26.6.2007, thereafter, an appeal was preferred to the 1<sup>st</sup> Appellant Authority on 26.6.2007; however, the Appellant Authority also had not taken the least trouble of responding this Appeal to this Commission on 30.7.2007. The petition filed to the S.P.I.O. was under the provisions of the RTI Act, 2005 and the fee prescribed by the Manipur Right Information (Regulation of fee and cost) Rules, 2005 was also paid by the petitioner at the time of the submission of the petition.

2. The Commission took up the case and had issued a letter on 30<sup>th</sup> July, 2007, calling comments on the matter, from the SPIO with a copy to the Commissioner/Secretary Education (Schools), Govt. of Manipur, but either of them did not respond to the letter no. Appeal Case no. 57/2007 dated 30<sup>th</sup> July, 2007. Further, the Commission sent a Notice on 17.8.2007 calling objection from the above respondents fixing 25.8.2007 as the date for the submission of the objection and hearing. On 20<sup>th</sup> August, 2007, the SPIO in her Letter No. 46/18/2007-AD (V) dated 20<sup>th</sup> August, 2007 has stated "no instruction regarding deputation of the undersigned for collection of marks obtained by the candidates concerned, who seeks information to this effect under RTI Act, 2005 pursuant to the Letter No. 1/PF (Sc & Tech)/2007 addressed to the Director Education (S) from the Commissioner (Sc & Tech) has been received till date. Hence, this office has been put in an uncomfortable position to comply with the orders of the Commission. "Further, it has been stated that it may be reiterated that access to information sought by Ms. Bidyabati Laishram shall amount to violation of the provisions contented in sub-clause (g) & (j) of the clause (1) Sec. 8 of Chapter II of RTI Act, 2005. As such, the prayer made in the petition filed by Ms. Bidyabati Laishram is flatly denied". In another letter of even number dated 1<sup>st</sup> September, 2007, the same contention is again reaffirmed. The case was heard on 30.8.2007 ex parte as nobody from the side of respondents turned up on 25.8.2007 and on 30.8.2007.

3. The contention of the Respondent no. 1 is that the marks obtained by the last successful candidates had been announced on December 19<sup>th</sup>, 2006 and appointment of the candidates had already given and they have joined to their respective places of posting, but the records of the DPC. Proceeding was not available in the Education Department till date, which is quite interesting and intriguing.

4. Sub-section (g) and (j) of the RTI Act, 2005 states

*“(g) information, the disclosure of which would endanger the life or physical safety of any person or identity the source of information or assistance given in confidence for law enforcement or security purposes.*

*(j) information which relates to personal information the disclosure of which has no relationship to any public activity or interest or which cause unwarranted invasion of privacy of the individual unless the Central Public Information Officer or the State Public Information Officer or the Appellate Authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information”.*

Provided that information which cannot be denied to the Parliament or a State Legislature shall not be denied to any person.

5. The Right to Information ensures openness in the administration by enabling the public to demand information about the issues which are of utmost concerned to them. The Commission does not agree that the disclosure of the marks obtained by the last successful candidate who had already been given appointment and subsequently joined his/her place of posting will endanger the life or physical safety of any person or identity the source of information or assistance given in confidence for law enforcement or security purposes. Rather, such a step will open the whole process of recruitment to the public scrutiny, particularly to the candidates.

6. It has been submitted by the Respondent no.1 that the disclosure of the above information, which is personal, has no relationship to any public activity or interest or would cause unwarranted invasion of privacy of the individual. The argument of the respondent no.1 is not tenable as the above recruitment is an open one, every candidate has the right to know other candidates are doing and what is his or her position or place in this competition. It is in the interest of the public that such disclosure should be made. The Commission would like to take as a delaying tactics and malafidely denying the request for information.

Accordingly, the decision of State Information Commission was passed as under:-

***Ms. Bidyabati Laishram Roll No. 1303, Palace Compound, Wangkhei should be provided the marks secured by the last candidate in the select list of Science Graduate Teachers (General) in the Written Test and the Viva Voice***

*conducted by the Directorate of Education (Schools), Govt. of Manipur in the year, 2006 for the recruitment of Science Graduate Teachers and the same should be intimated to her within seven days from the date of announcement of this order. The personal presence of the petitioner in the office of the SPIO is not required.*

*(b) The SPIO is also informed to submit a Show Cause within seven days from the receipt of this order why the penalty as prescribed under Sec. 20 of the Act which includes a maximum fine of Rs.25,000/- and recommendation for disciplinary action should not be imposed on her for her failure to furnish the information within the time specified under sub-section(1) of Section 7, without any reasonable cause. In case of her failure to do so, it will be presumed that she has nothing to submit.*

*(c) The appellant can approach this Commission again in case of any grievance within two weeks from the date of order.*

**Observation of the ATI/Imphal :**

**The decision given by SIC is quite a good step to check the corruption process when recruitment takes place in the State. If corruption in selection process is checked, ultimately right person for a right job will be in position. In the last, purpose of RTI Act would be served.**