

Information and Democracy

**Monograph on IASLIC National Seminar
on Right to Information
and Book and Information Technology Exhibition**



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Information and Democracy

Monograph on IASLIC National Seminar on
Right to Information and Book and
Information Technology Exhibition
21-24 December, 1998

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RAJ BHAVAN
THIRUVANANTHAPURAM

Message

I am happy to know that the Kerala Agricultural University is hosting the 22nd All India Conference of the Indian Association of Special Libraries and Information Centres (IASLIC) and National Seminar on 'Right to information' from 21st to 24th December '98 at Thrissur.

Right to information is something sacred to citizens especially to those in a democracy. Many of our problems, I feel, crop up because of the lack of transparency in our dealings, and the non-availability of vital information to the public.

I am glad that more than 400 experts in the fields will attend the seminar, and I hope that the Souvenir will be a volume of immense reference value for those interested in the subject.

I send my best wishes on the occasion.

Sd/-
(Sukhdev Singh Kang)



E. K. NAYANAR
CHIEF MINISTER, KERALA



VIRITH KERALA YEAR
(15th August 1997 to 15th August 1998)

THIRUVANANTHAPURAM

4. 12. 98



Message

I am happy to learn that a Seminar on Right to Information is being held under the joint auspices of Kerala Agricultural University, Trichur and IASLIC, Calcutta.

It goes without saying that information technology has assumed a significant role, as we are about to step in to the next millenium.

It is gratifying to note that you are trying to focus the attention of the public to a field which deserves special attention and consideration.

I extend my good wishes to the seminar and the souvenir, which is being brought out in connection with this. I hope, the relevant pieces of information that emerge from the seminar will truely get reflected in the souvenir.

(Sd/-)

E.K.Nayanar



VISIT KERALA YEAR
2000

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സർദേശം

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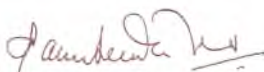
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Dr. K.N. Shyamasundaran Nair
Vice-Chancellor
Kerala Agricultural University
Trichur - 680 654

Message

It is an occasion of pride and joy for all of us at the Kerala Agricultural University. I am thankful to Indian Association of Special Libraries and Information Centres (IASLIC), Calcutta for giving us the opportunity to host the National Seminar on Right to Information. Openness and accessibility of people to information is a topic widely discussed in the country at present. Access to information has many dimensions. Information in its widest sense will enrich democracy. Media and libraries which disseminate information to the people have a critical role to play in sustaining and enhancing democracy, stability with change, diversity and peace. We hope that this programme will address the issues involved and put forward suggestions for possible solutions.


K.N. Shyamasundaran Nair



LOCAL GOVERNMENTS AND RIGHT TO INFORMATION

Teeka Ram Meena IAS, Dr. V.K. Gopi, K. Rajasekharan

Introduction

Democracy is the best form of governance at any level whether it be central, state or local. Openness and accessibility of people to information is a vital component of democracy. Democratic Govt. presupposes peoples involvement and it is hardly possible unless people have information about the way the Govt. business is transacted. Right to information / transparency measures would certainly create confidence in the minds of the public and make them true participants in a democracy. People often complain about mis utilisation of funds, unnecessary delay and poor quality in various developmental / welfare schemes. Transparency is one of the effective ways to ensure fair and equitable delivery of goods and services to the people. Choice of govt.'s, very important in a democracy, depend upon availability of adequate, accurate, timely and reliable information. Transparency is also the most potent weapon against corruption and ensures a responsive administration reflecting the true will and aspirations of the people.

People's involvement would be more real and purposeful if the Government is closer to the people. The 73rd and 74th amendments made a new era in the federal democratic set up of our country by making the Government nearer to the people. Public participation / intervention is easily possible in local governments, since they are very close to the people. In Kerala, the grama panchayats are endowed with more powers, functions and resources and to ensure public participation grama sabha's, various committees and social audit are envisaged in tune with the spirit

underlying 73rd and 74th amendments to the constitution. But what prevails in the Local Administration System is minimum openness and maximum secrecy in day to day functions, where as what the need of the hour is to bring about maximum transparency and openness and keep minimum secrecy. Right to information/ Transparency is a pre requisite for achieving public participation in Government affairs at any level. In this paper an attempt is being made to assess govt. measures in this regard and to identify bottlenecks in transparent administration of local governments in the context of Kerala.

Objectives

More specifically its objectives are

- (A) to examine Government measures to ensure transparency;
- (B) to identify bottle necks in transparent administration of local bodies;
- (C) to suggest measures for making the system more open and accessible to the people, and
- (D) to bring about "Right to information" as a fundamental right.

Methodology

Panchayati Raj / Municipal Acts, Rules, Govt. Orders clarifications and guide lines were examined in detail to assess the govt. measures in this regard. State Finance Commission report and Sen Committee report were also made use of for the purpose. Discussions were also held with administrators, politicians and local govt. functionaries. Panchayat documents / registers were also consulted to classify them into secret and open documents.



LOCAL GOVERNMENT SYSTEM IN KERALA

The three tier Panchayati raj system with the District Panchayat at the apex level, Block panchayat at the intermediate level and Grama Panchayats at the grass root level came into existence on 2nd October, 1995, the 125th birth anniversary of Mahatma Gandhi, the pioneer of Grama Swaraj. Urban Local Bodies (ULB's) governed by the Kerala Municipalities Act, 1994 and also came into force on the same day. The local govt. system working in Kerala based on the Conformity Acts had the following characteristics.

- * Grama Sabha / Ward committees at ward level
- * Three levels of panchayats at Village, Block and District levels
- * Directly elected members.
- * Presidents elected from among members (indirectly)
- * One third of seats at all levels reserved for women - on rotation basis
- * Seats are reserved for SC/ST in proportionate to their population - allotted by rotation.
- * Reservation of chairpersons for SC's / ST's on population basis - 1/3 reservation for women.
- * Election in every 5 years.
- * State Election Commission for holding election.
- * Finance Commission to look into financial matters and five yearly review of financial position.
- * Continuous Audit of accounts
- * District Planning Committee (DPC) at district level.
- * Metropolitan Planning Committee at corporation level.

Local governments in Kerala are in a privileged position with regard to powers, functions and resources. The Government has

given functional autonomy to the 3 levels of panchayats. Their powers, duties and functions are laid down in schedules III, IV & V of the act. Earlier they were performing some conventional civic functions like sanitation, water supply, street lighting, drainage etc. However under the new panchayati raj / municipal acts, developmental functions were also entrusted to them as envisaged in the 73rd and 74th constitutional amendments.

In Kerala, Local bodies enjoy much fiscal autonomy. During 1993-94 own revenue of the grama panchayats were around 44 percent. For India the ratio was around 10 percent for rural local bodies. ULB's enjoy much higher fiscal autonomy. The share of the own revenues in the total receipts of ULB's were around 68 percent in 1993-94. Under the peoples campaign for IXth plan in addition to their self raised income 35-40 percent of state plan funds are earmarked for the projects prepared by the LB's. During 1997-98 it was 1025.37 crores.

Administratively also Local bodies enjoy much autonomy. They have administrative control over the staff transferred to it. They are authorised to sanction leave, take disciplinary action against officials and to impose minor punishment as part of the people empowerment process.

Kerala's grama panchayats are relatively larger in size when compared to those in other states. An average grama panchayat is 37.83 sq.kms in area and has a population of 25199 (1991 census)

Administratively Local bodies enjoy much autonomy. They have administrative control over the staff transferred to it. They are authorised to sanction leave, take disciplinary action against officials and to impose minor punishment as part of the people empowerment process.



TRANSPARENCY IN LOCAL ADMINISTRATION - GOVT. MEASURES

Grama Sabha /Ward Committees

The Kerala Panchayat Raj Act, 1994 provides for constitution of Grama Sabha consisting of all voters in the village and convening of its meeting twice in an year to discuss development issues pertaining to the village. Ward Committees are to be formed and convened once in 3 months as per Kerala Municipalities Act, 1994. The Grama Sabha/ Ward committee can discuss any issues concerning the res-pensibilities transferred to it and can pass the resolution on the basis of majority. Beneficiaries are selected through Grama Sabha's. The right of Grama Sabha for beneficiary selection was upheld by the Hon'ble High Court of Kerala in a Verdict and it states, "the selection should be made only through Grama Sabha and the panchayat is only an approving authority and not a selecting authority". The Grama Sabha act as an important means to ensure transparency in the local government functioning.

Collective decisions through Committees

Kerala Panchayat Raj/Municipal Acts contain provisions for constituting various committees for discussions and decision-making. Standing committees are to be constituted - 1. for Grama Panchayat 2. for Block Panchayat and 4. for District Panchayat to look after various development sectors. Municipal Act provides for 3. Standing Committees for municipal councils and 5. for municipal corporations. As per Section 163 of the Panchayat Raj Act the local bodies can create functional committees for various subjects like agriculture, public health, education, etc. Clause 164 provides for creation of sub-committees and ward committees. All these committees in a way bring many subjects to the knowledge of more

people than otherwise and hence can be treated as a provision for more transparent functioning.

Public Works and Transparency

Public works constitute an important development activity of the local governments in Kerala. The public works Rules provides that the estimate of public works should include a note in local cost, labour charge, manpower requires etc. to be exhibited in the work place and that is a provision to ensure right to information by public. The bills and accounts of the public works done by the panchayat itself should be kept separately and itself should be kept separately and made available for examination by any citizen on demand. The execution of public works can be done by any panchayat member, the social audit committee appointed by the panchayat, the sub-committee appointed by the grama sabha, the committee of beneficiaries or the officers appointed by the Government for the purpose. The abstract of public works should be placed in the Gramasabha and it should be exhibited in the work place. The details of the work should be displayed on the notice board of the panchayat office. The selected list of beneficiaries should be placed in the next gramasabha with adequate justification. All these are measures in the public works rules to execute public works in a more open and transparent manner.

Transparency through performance audit.

Local government system incorporates a new concept of performance auditing to ascertain the actual performance with regard to the functions of the local government institutions. It act as a corrective mechanism and give suggestions to the local body to work in conformity with the Rules and regulations of the Government. The performance audit report prepared by performance audit team and the decision of the local body on the report as well as the replies made by the president



of the panchayat to the officer authorised by the audit authority shall be published on the notice board of the panchayat office and this is a case of ensuring transparency in the functioning of the local bodies. Copies of these documents are available to the public on a nominal cost.

Transparency in beneficiary selection

Transparency has been incorporated in the selection of beneficiaries under the Panchayati raj/Municipal administrative system. To ensure transparency the selection of beneficiary is determined by Grama sabha based on predetermined criteria and with wide publicity, including the display of selected beneficiary list on the notice board. All documents relating to beneficiary selection like application forms, verification reports, enquiry reports and decision minutes are determined as public documents and the public have not only access to them but can have a copy of it on payment of nominal fees.

Press galleries

The Government have already announced its policy decision to have press galleries in the Panchayat Councils in order to ensure that the Council meetings are transparent and accessible to the public through mass media.

The provision for obtaining xerox copies of any document by paying a nominal fee could be seen as an excellent means to ensure transparent functioning of Local Governments. The foregoing analysis leads to the conclusion that sufficient provisions are already there in the Acts and Rules to make the system more open and transparent. In addition with the acceptance of Sen Committee recommendations on transparency and right to information the system will be more open and accessible to the public.

Transparency - A Tool for Financial control.

Finance is the lifeblood of any organisation and in a Govt it is financed by the public. So public should have a right to see how efficiently funds are raised and expended for their well being. This can be done by making the financial management system transparent and open to the public. Transparency can be introduced in the areas of resource mobilisation, budgeting, accounting and audit. Local bodies in Kerala raise funds mainly through taxes and matters relating to tax assessment, collection, exemptions given, arrears of taxes, appeals tax assessed and decisions taken may be made public through various means like grama sabhas, circulating through newsletters etc. Resource crunch is very common and it can be brought to the notice of the public through grama sabha. Budget proposals can be discussed at the grama sabha level to have a broader consensus. Annual accounts, annual financial statement, D.C.B. and administrative report also requires thorough scrutiny and inspection by public. Thus, audit function can be entrusted to the public by constituting social audit committees, women watch dog committees etc. at the Grama Panchayat level. Since the citizens right to information and the level of his access to it would constitute the best indication of democratisation of a society, more standardised measures are needed to open the financial system to the public.

Public should have a right to see how efficiently funds are raised and expended for their well being. This can be done by making the financial management system transparent and open to the public. Transparency can be introduced in the areas of resource mobilisation, budgeting, accounting and audit.



TRANSPARENCY IN LOCAL ADMINISTRATION - MAJOR CONSTRAINTS

POLITICAL WILL

A major constraint in bringing openness and transparency in local government functioning is the lack of political will on the part of the political executives. Every political executive desires that the power of governance to be devolved down to him but not below that. If decision making power is devolved down to the people, the political executive feels embarrassed as he does not have much say on any issue. Generally, political executive at any level is unwilling to make any effort to put any element of transparency into the government system including local governance unless he is pressurised to do so. In the name of the official secret Act, the political executive indulges in many misdeeds. Thus the corruption breeds. Panchayat Raj Act and People's planning process have made a breakthrough to do away with this.

Bureaucratic attitude

The veil of secrecy that surrounds any government system is a shield for the inept bureaucracy, ill kept records and ill motivated activities. So bureaucracy always prefers to make the system not transparent to the extent

Need for lobbying for enacting the state legislation for making the right to information a public right. The only organised group who may probably lobby for a right to information act in the state should be the non-governmental organisations. As well interested individuals and intellectuals can create some pressure on the government to develop political will to enact the legislation and to ensure effective means for transparency in all spheres of public administration.

possible under the guise of inability to bureaucratic provision that may or may not endow him to key the information out of toner by the public. The interpretation about the laws regarding official secrecy are of extreme nature. Some views that the laws of official secrecy is pertaining to national security, defence and international relations and those laws have no applicability in the areas of development. On a safer side, many prefer to keep the official information away from public. In practice, the official secrets act has been grossly misused. The "unholy nexus" between "corrupt politicians criminal and corrupt bureaucrats" is the product of this archaic and draconian act enacted in 1923 by the Britishers.

Legal provisions

Indian constitution and the laws governing public administration do not explicitly provide for ensuring the right to information by public. The need for a right to information act was being discussed at various levels from long. But nothing has materialised even now. The absence of any clear provision for providing information and the existence of certain provisions in the official secrets act and Code of Conduct rules creates a condition not conducive for exercise of right to information by the public.

Lack of awareness among public

Another drawback that work against emergence of a conducive environment for exercising even the slightest extend of the right to information is the lack of awareness among public regarding this basic right. Majority of people are under a mistaken notion that the politics and public affairs are not their area of activity and hence they keep away from it. This certainly reduces the chances of exercising the right to information by the public. This on the other hand enable the protagonist of the school of secrecy in public administration to keep everything away from public gaze.



TRANSPARENCY IN LOCAL ADMINISTRATION - WHAT IS TO BE DONE?

Lobbying for developing a political will

As identified earlier the lack of political will is one constraint that needs to be checked in making the right to information a reality. There is an urgent need for lobbying for enacting the state legislation for making the right to information a public right. The only organised group who may probably lobby for a right to information act in the state should be the non-governmental organisations. As well interested individuals and intellectuals can create some pressure on the government to develop political will to enact the legislation and to ensure effective means for transparency in all spheres of public administration.

Intensive training to officials

One way to ensure transparency is to provide continuous training for the officials at various levels. Enactment of some provisions through the legislative or formulation of certain rules and procedures do not suffice. Unless the officials are exposed to the new culture of transparent functioning, the efforts cannot materialize. So the administrative and other training centres in the state should devise new training schemes to inculcate new attitudes among the officials on the need to have more transparency.

NGO intervention

NGOs are the only organised groups who can do a lot for the creation of a more transparent public administration system. An NGO namely centre for transparency in Administration had prepared a model right to information bill for the state and circulated the contents for public decision. Similarly, NGOs can act as a strong force in awareness generation and can function as a pressure group.

Measures for opening up local government functioning to public

More members of practicable committees and their transparent functioning can be a good measure for bringing the local government functionary in public gaze. Providing publicity to the various local government functioning can be a measure for awareness generation among the public and can act as a best ground for transparency in governmental affairs.

Modern information technologies like networks and closed circuit television could be used for making people aware of local government activities and information. Monthly news bulletins, video films etc. can be used for disseminating information to the common man.

Role of mass media

Mass media can play a very dominant role in bringing many information concerned with local governance to the notice of the local public. The fear of reporting may ensure a lot of changes in the local government functioning in the right way.

Social audit

Committees of public interested citizens, women watch-dog committees, beneficiary committees etc. can be created to have social audit of local government functioning.

Demystifying the language barrier

The language of local administration should be demystified so that the communication should be people friendly. The language does act as a serious barrier in keeping the local government functioning away from majority of the rural population so all statutes, rules, regulations and orders should be in local language.

Strengthening Grama Sabha

Even though the importance of grama sabha has been well understood and necessary



recommendation have been made for legislation, the transparency through grama sabha could be a reality only if the public keep proper vigil over its functioning. The role of gramasabha as a transparent mechanism could become meaningful if it meet more frequently with more number of members and properly discuss all the issues coming into the purview of it. Necessary legislation, political will and public enthusiasm are required to make the gramasabha more vital and meaningful.

Conclusion

Right to information is the best indicator of the extent of democratisation of any society. This right has been in some way in built in our legislative and judicial process but not very visible in the functioning of the executive. The denial of right to information by executive is done under the pretext of safeguarding public interest but in reality the private and vested interests are safeguarded. In a government system, nothing other than matters concerning with political and economic sovereignty of a country need to be kept away from the public scrutiny. The convenient interpretation of the official secrets Act suppress the truth to come out. The honest elements in the Government at times become victim of it. In the case of development programmes nothing need to be kept secret particularly when it is done with consensus opinion of the people.

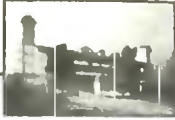
Local governments are the institutions of the people to be governed based on their collective will. But many of systems existed in the recent past are not people friendly and are not transparent. To kept registers, delayed decision making and a variety of reasons make the officers of the local government unsystematic and hence unworthy of being open up to the public.

Therefore, there is need to open up the local government system and to bring the administration mere acceptable, accountable and closer to the people by eliminating all

hindrances standing against it. Transparency in local administration could certainly reduce chances of corruption in a state like Kerala. Transparency could serve as a best form of audit. Participation of people in the local government affairs could only be possible if there is transparency in local administration. The efforts being made by the Local Administration Dept in Kerala in this regard are commendable. It will go a long way to bring about 'transparency' in the system. Transparency, if not the ultimate panacea for preventing "corruption", the 'cancer' in so far the developmental activities are concerned, will certainly work as an "effective check" on it.

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ROLE OF MICRO LEVEL SOCIAL INSTITUTIONS IN PARTICIPATORY PLANNING

V.R. Raghunandan

A pioneering model building exercise in micro-level planning in the form of an action research programme entitled, 'Programme for participatory and Sustainable Panchayat Level Development Planning' (PLDP), was undertaken by Integrated Rural Technology Centre, Palakkad and brought out some interesting findings on the role of social institutions in participatory planning. Panchayat (Local Body), Development Societies (PDS), Neighbourhood Groups (NHG) and Technical Support Groups are the three institutional forms hitherto unknown to our society, and emerged under PLDP initiative, in five of its experimental Grama Panchayats. These institutions are not independent entities and in fact both PDS and TSG are born out of and controlled by NHG.

NHG is a unit of 50-60 households in a locality. On an average there can be about 10 NHGs per ward and 100-140 NHGs per GP (In the case of Municipalities and corporations, the number of NHGs will be still larger). NHG is a sort of permanent area wise social set up convenient for ensuring peoples' participation in decision making, development planning and implementation. The constitutional powers developed at present to Grama Sabha can be taken as an umbrella protection to safeguard the rights and responsibilities of citizens comprised in an NHG and also their collective decisions and actions.

NHG provides a convenient platform for empowerment of citizen in people centred development process. It can also ensure true democracy, cutting across the barriers of party and religious differences in our society. Experience so far show that women empowerment and their involvement in developmental activities have tremendously improved under NHG system.

In a system where participation is as well as an end a means for achieving progress, NHG can function as a very effective social institution. NHG system can inculcate a sense of social responsibility in every citizen and sustain it. It can form various sub committees in order to ensure real involvement of people. Among the activities that NHG can identify from its own locality include data collection with regard to status of poverty, education, health, hygiene, drinking water availability, shelter, women's status, employment, infra-structural facilities, etc. Knowledge about the actual conditions of living situation will naturally lead to suitable local initiatives for improving the situation. This would ultimately lead to a new development culture where the citizen identifies and undertakes one or other community responsibility'. The PLDP experience in Kumarakom panchayat in the case of thrift societies managed by women is only an example to illustrate the potential of NHGs in decentralised planning.

Our constitution has recommended the Panchayat Raj Institutions as the basic unit for decentralised planning and development. Since the formulation, implementation, monitoring and evaluation of annual and five year plans have become mandatory functions of local governance in a new environment of functional and financial autonomy in Kerala. Hence the PLDP action research has tried a model.

In a system where participation is an end as well as a means to achieve progress, the neighbourhood groups can function as a very effective social institution. This can inculcate a sense of social responsibility in every participant citizen in a sustainable manner.



introducing Panchayat Development Societies, basically to facilitate integrated and perspective planing in local bodies which do not have any previous experience in planning at all. PDS was contemplated as a registered society to be constituted democratically through representative participation (one woman and one man) from NHGs to the general body of PDS. Elected panchayat council members become ex-officio members both in the general body as well as executive committee of PDS, with president of GP as chairperson. Collectivism, transparency, equity and competency in local planning process will be ensured by offering participation of eligible and capable persons from all walks of life including scientific professional communities. Feeder units such as sub-committees at NHG, Ward and GP level will establish a network which in turn ensure effective interaction and exchange of ideas from among the NHGs in the panchayat. The system emerged in PDS for formulation, implementation and monitoring of development plan in PLDP panchayats are better and stable compared to other panchayats. They have acquired relatively better insight in perspective planning, integrated planning and spacial planning. They have already developed a social system for data generation, processing, documentation and updation. These panchayats are now preparing their Master Plan for development, based on the local information system in conformity with regional and district plans. PLDP panchayats have already taken a headway in bringing out innovative, production-oriented and environment-friendly development projects and implementing them through NHGs. Local initiatives in the form of voluntary labour finance, expertise and consultancy services and effectively mobilised in these panchayats. The NHG-PDS network system has proved its

Development planning essentially has to be a process of utilising human and material resources in the most efficient manner so that the wealth of the society increases continuously in conformity with equity and sustainability.

effectiveness in ensuring local sustainability to the planning process to a certain extent.

Continuous education of citizens and quality improvement of local planners are perhaps the two most important aspects of participatory planning. PLDP experience have shown that the conventional training programmes and interactions are far from satisfactory in effecting desirable changes in the attitude and perception of the people. This is mainly because majority of them see "peoples' planning" only as a new way to do old things - to distribute benefits and favours'. There are other problems like data gap, concept poverty, lack of expertise and inertia that prevail in our society. The old type of professionalism still hold 'technology transfer' and 'blue print approach' as their paradigm of development. The reorientation contemplated in the bottom up planning process therefore requires proper animation, structuring and facilitation to take its root in an entirely new development culture. Technical Support Group is a team of local experts developed organically in every pan-chayat, who participate voluntarily as an intermediary in leading the reorientation process ahead. The TSG training programme developed under PLDP has been found very successful in realising the said objectives. The TSG teams that has been developed in the PLDP panchayats are now engaged in a continuous process of self-learning and aided learning as well as Citizens' Education Programme adding further dimension to the prospects of NHG-PDS social institution network.

Development planning essentially has to be a process of utilising human and material resources in the most efficient manner so that the wealth of the society increases continuously in conformity with equity and sustainability. Ideally the entire process should lead to visible improvement in employment, in production and in the quality of life of the people. The social institutions evolved under PLDP intervention have been proved effective and capable of dealing with the challenges of decentralised planning.



KAU ON THE SPRINGBOARD TO CYBERSPACE

R. Raman Nair

Agriculture forms the backbone of our economy and despite concentrated industrialisation it is the source of livelihood for over seventy percent of our population. Agricultural research develops technologies that can increase food production and agricultural information systems access, store and disseminate the knowledge generated by research to the extension worker and also to the farming community. As a consequence of rapid developments taking place in science and technology, there is a virtual information explosion the world over. For achieving an optimal utilization of these developments it is essential that the agricultural scientist have a quick access to information at local, national and international levels. The Global Village, Shrinking World, Digital Revolution etc are some of the terms being used to describe the possibilities of information technology. In the fast developing world, time is a crucial factor and availability of timely information is necessary to provide cutting edge to the success of any research programme. Fortunately with the phenomenal development in computer and communication technology along with their application in library systems we are in a position to accomplish the task of the information management so that the information is both integrated, and disseminated and shared. Efficient library and information systems are very crucial for research and development.

KAU was established in 1972. There is clear provision in KAU Act of 1971 and statutes itself for a centrally coordinated library and information system. But till recently libraries in eight constituent colleges,

five regional agricultural research stations and 23 sub stations functioned as independent units.

Recently KAU has obtained support from various national and international agencies and started the work for development of an integrated library and information system which can pool and share the resources available at various centres as well as extend access to the total resources to all KAU stations and also the public.

Library and Information Network

The integrated library and information system KAU has established consist the Central Library with a Building LAN connected to the main campus network and automated libraries in distant campuses of the university connected to concerned campus networks. These campus LANs will be interconnected to form a Wide Area Network which will be linked to the outside world using satellite technology. KAU has already got a 64 kbps VSAT for main campus and another VSAT is available for Nilesvaram campus. This will give to these campus networks strong communication capabilities to access information from various sources. All Research Station will have minimum computer facilities which can be connected to the Public Service Telephone Network (PSTN) through dial-up modems and through that to the college libraries or the Central Library.

Central Library Building

KAU has decided in 1992 to establish a central library to develop the system on modern lines. University created a high level committee in 1992 which visited number of



major libraries in India and gathered useful information for the planning and development of the Central Library. On the basis of study made by the high level committee a detailed proposal for the central library building was forwarded to the CPWD. Mr. Koragaonker one of the eminent architects of India prepared the concept design for the university library building.

The Central Library located in the most prominent site in the main campus at Vellanikkara in Trichur has a unique building of Kerala's traditional design which can utilise natural air and ventilation to the maximum hours of the day. It faces a serene and beautiful landscape and provides comfortable and peaceful environment for the seekers of knowledge. The physical facilities provided are of international standard. The four storey building has a total plinth area of 4000 sq.mt. The furniture and equipments provided in the library are of international standards and are designed with a view to accommodate the developments in current information technology. As per the opinion of experts the physical facilities can remain functional and modern for at least next two decades.

A Building LAN of the central library has already been completed. Through this in the initial phase thirty five users can at the same time access textual and multimedia information stored in the electronic libraries of KAU and also from databases of outside sources. Being a plug and play type of LAN this facility can be increased to accommodate 65 users by adding required terminals. They can read the text or see the video on their topic or hear the talk by experts. Through the campus network to be established at main campus under ARIS programme any staff member in the colleges in the main campus can access library from the terminal in their table. Even plans are there for providing terminals at students hostels for day and night online access to the

library. Library databases can be accessed online from distant college campuses also. Central Library will also co-ordinate the linkages and co-operate with external sources of information like IARI Library. It will have the responsibility to exchange online information to college campus networks and research stations to meet their specific requirements.

DISC From Dept of Biotechnology

Department of Biotechnology, Government of India supported KAU in 1995 by providing a Distributed Information Centre (DISC) under Biotechnology Information System (BTIS) for harnessing the scientific knowledge in various interdisciplinary areas of biotechnology and its dissemination to scientists. It comprises specialised information centres on; genetic engineering, animal cell culture and virology, plant tissue culture, photosynthesis, and plant molecular biology, oncogenes, reproduction physiology, cell transformation, nucleic acid and protein sequences, immunology, enzyme engineering, immobilised biocatalysts, microbial fermentation and bio process engineering which can be accessed online from KAU. DISC has already started functioning in KAU.

MOU with INFLIBNET

KAU has also signed in 1995 an MOU with Information and Library Network Programme (INFLIBNET) under Govt of India which has its central hub at Ahmedabad. It connects universities and research and development institutions of national importance using a hybrid version of communication architecture using satellite and terrestrial networking. As per the MOU; INFLIBNET will be providing technical advice for standardisation of services. INFLIBNET has already provided system configuration, specification and technical assistance and software standards for automating KAU Library and Information System.



ARIS Programme

The support for Campus networks was obtained in 1996 through ICAR under its Agricultural Research Information System (ARIS) programme which was financed by World Bank. Collaboration among scientists in India, systematic access to research information available in India as well as in other countries, better project management of agricultural research and modernization of the office automation tools used by the scientists and administrators are the major goals of ARIS programme. It envisages point to point connectivity to all state agricultural universities, research institutions under ICAR, project directorates, national research centres and zonal research stations through a national network. ARIS consists information modules, Agricultural Management Information System (ARMIS), Agricultural Research Personnel Information System (ARPIS), Agricultural Research Financial Information System (ARFIS), and Agricultural Research Library and Information System (ARLIS).

CGIAR Support

Consultative Group on International Agricultural Research (CGIAR) is an informal association of 48 public and private sector members that supports a network of 16 international agricultural research centres. One of those centres, ICRISAT, is located in Hyderabad in India. The mission of CGIAR is to contribute through research to promoting sustainable agriculture for security in developing countries. CGIAR has developed the largest full text electronic library on agriculture and biosciences. In 1996 KAU had received an electronic version of this huge collection for its library system. It gives practical problem solving research in key areas like productivity, management of natural resources, improving policy environment, institution building, germ plasm conservation and building linkages in agricultural system. This electronic library contains all the

publications originally brought out by 19 international agricultural research centres including ICRISAT of India. It contains in full results of 24 years agricultural research recorded in documents including key books, serials, conference proceedings, reports, maps, graphs and photographs produced by research centres worldwide. In print the items will cost more than Rs. 60 lakhs.

Tie up With IDRC

International Development Research Centre, (IDRC) Ottawa has developed an electronic library containing information on development research going on all over the world supported by World Bank, FAO and other international organizations. IDRC has given this database to KAU library and agreed to update it continuously under a resource sharing programme.

NIC Facilities

The National Informatics Centre (NIC) Network under Planning Commission connects approximately 750 earth stations with links to all district headquarters and a number of public sector undertakings. Some of the important management information systems implemented by NICNET in agricultural sector are; agricultural census, agricultural input survey, agricultural commodity, price movement and market arrival monitoring, crop statistics, seed management, fertiliser production and consumption, irrigation water deliveries, monitoring of reservoir levels,

Collaboration among scientists in India, systematic access to research information available in India as well as in other countries, better project management of agricultural research and modernization of the office automation tools used by the scientists and administrators are the major goals of ARIS programme.



program monitoring for rural development, land records system, management of food economy, wheat and rice procurement, food grain stock and price, sugar information, public distribution etc. From 1995 NIC has started to provide communication links to KAU under various schemes for access to NIC information systems.

ERNET Connectivity

Educational and research Network implemented by DOE with UNDP support has over four hundred organizations connected to it within India and also neighbouring countries. They include many agricultural research institutes, universities, organizations and specialised information systems at national and international level. In February 1997 DOE has agreed to provide ERNET connection to KAU also for accessing databases of institutions participating in its resource sharing programme.

CAB Services

Centre for Agriculture and Biosciences International is an intergovernmental organization. It maintains an electronic database covering subjects like agricultural engineering, animal breeding, animal diseases, arid lands, diary sciences, forestry, forest products, horticulture, nutrition, veterinary science, entomology, plant breeding, plant pathology, soils and fertilizers, weeds and world agricultural economics. The database contains information including abstracts of papers published in 8500 journal on the concerned topics in 37 different languages, and also books, reports, thesis, conference proceedings, patents, annual reports and guides. The coverage is from 1972. Over 1, 60 000 items will be included in the database every year. The CAB database on agriculture and allied subjects covering the period from 1973 to present consisting of 3,000,000 records is already available at the Electronic Library Division of KAU and will be an asset to the

state's agricultural research and development programmes.

Objectives of KAU Information System

The process of agricultural research is becoming more and more complex and the function has come to be keenly dependent on efficient library and information services. Hence a modern library system has become essential and urgent for KAU to ensure the quality of research and also avoid waste of resources due to duplication of research. The integrated library and information system implemented in KAU can in addition to KAUs' need give necessary leadership for sharing the agricultural information in the state. The integrated library and system of KAU can meet the following needs.

- * Provide a Library and Information Service Network consisting of the libraries in the main campus, colleges, research stations, and also the information Systems available to the University.
- * Build up information resources, prepare computerised data bases on agricultural sciences and to develop relevant information handling tools and techniques.
- * Evolve standards and guidelines for library and information systems and networks.
- * Co-ordinate efforts to access information on agricultural sciences world wide including establishment of linkages with national and international agricultural libraries.
- * Provide information retrieval services either online or offline in all areas of Agricultural Sciences and to give overall information support in all field of knowledge.
- * Implement user education programmes for scientists and students on subjects



like information sources, literature search, indexing and abstracting procedures, computerised information retrieval, etc. and provide in service training for librarians.

Benefits of Integrated System

In the integrated system, the Computer and communication equipments received by KAU under various schemes can be installed in constituent colleges or stations at different regions of the state on a set plan to form the WAN and make extension of services to all a reality. High reliability at less cost and manpower will become possible.

Bringing all libraries and information systems of the university and their equipments together as an integrated system and extending their use through KAU's own network as done at present is an inevitable necessity to enable agricultural scientists and researchers to have access to all information generated by agricultural research institutes world wide. This can enable KAU to extend the services to other research institutes, government and the people especially the villagers and farmers which is to be considered the very important duty of KAU.

Application of Information Technology

In addition to traditional divisions which also will be automated KAU Library and Information System will have various IT divisions for providing services using current information technology..

Multimedia Division

Already KAU had acquired minimum facilities for this division. Placed in the perspective of CD-ROM and other variants this division will provide to KAU the ability to meet relatively large storage requirement of information in various media as well as provide a vehicle for the distribution purposes. Unlike books, videos and other non interactive

media, multimedia technology can provide users with a choice of numerous meaningful paths. Paths can be defined choosing options that pertain to a current activity. For example select information on natural resources; and expect to be presented with options such as energy, water, land, animal, plant and media options like video, audio, text and so forth. Interactions of this sort permits users to view incidents, hear speech of expert, read text matter or print relevant pages in seconds.

User Orientation

The Executive Committee of KAU has decided to start a Centre for Library and Information Science to demystify the digital world to students and researchers. The Central library has a lecture hall and the facilities required for offering such programmes including continuous user orientation which is essential to remove the psychological barriers in using a high tech information system. New users can attend introductory group sessions which will be conducted regularly at the University Library or can contact library staff who will explain how to get the most benefit from the resources available. These library staff who provide readers advice will be staff with specialist subject knowledge who work with individuals and departments to develop skills in identifying and processing relevant information.

Farmers Division

Already university had collected a large number of reading materials video tapes and interactive multimedia programmes specially prepared for villagers and farmers. This division also will have video programmes and interactive multimedia databases on sustainable farming methods, animal rearing etc specially produced for them. There will also be an exhibition facility for displaying posters, books and other materials on special occasions like environment day and wild life week



Database Division

KAU will be developing at Central Library bibliographical and full text location specific data bases on agricultural and related technologies. Creation of a bibliographical database of the document collections held by the university at its constituent colleges and stations is in progress. University can share these databases with other institutions so that the university will have a position of repute among all resource sharing information systems. Some other databases like Academic Database, Scientists Database etc have been already been created which will be continuously updated.

Services Offered

Books for loan, Reference and information services, Periodicals and newspapers, Photocopying of materials held in libraries, Access to microform collection, Career information, Access to CD-ROM databases in the libraries, International photocopying service, International lending service, Online bibliographic search service, Current awareness bulletins, Selective Dissemination of Information, Inhouse video service.

Humanware

Human beings are the most important components of a system. The first and most

Library and Information support that the university has to offer is a very important ingredient which determines the quality of human resources as well as relevance and efficiency of all programmes for agricultural development.

important requirements for the effective functioning of any library and information system is the availability of qualified and experienced staff. The university has recruited few professionals with proved record of innovation and achievement in Information Technology field which forms the cream of specialised human resource available in the state for the operation of such a high tech system

Sustainable Development

KAU has to play a vital role in agricultural sector by preparing human resources of teachers, researchers and extension workers. Library and Information support that the university has to offer is a very important ingredient which determines the quality of human resources as well as relevance and efficiency of all programmes for agricultural development. Information technology has provided new techniques and equipments that can break the barriers of time and space in collecting, storing and disseminating information. KAU cannot afford to lag behind in this technology. Our resources are limited and hence it is only proper to pool and share information systems and equipments to enable an integrated library and information system at KAU for the use of the agricultural sector of the state so that we do not starve for information which is vital for development. The integrated library and information system envisaged and implimented at KAU can enable effective utilisation of the support for development of such systems and services, extended by ICAR, State Government and other national and international agencies.



PARTICIPATORY APPROACH AND INFORMATION ACCESS: STEPS TO DEVELOPMENT PLANNING

Dr. Padma V Upadhya and Prof. I K Ravichandra Rao

1. Introduction

In the information age there is no argument regarding the importance of information and its role in the development of the individual, society and country. Similarly there is also no doubt with the fact that we are in the dilemma of unbalanced development in our society where one part of the society is enjoying all the available amenities and the part is sting to get the minimal facilities. Strictly we are not able to cope with the different crisis. We are proud to declare that ours is a nuclear country and also do agree that yet large percentage of the people are still below poverty line, literacy level and unemployed. All facilities, which are made available in the urban area, are at the cost of the others. Sherzin Madon (1997) in her case study reports that

- a) Indian society at large remains biased in favour of main cities and professional worker society.
- b) There is a distinct bias towards establishing access to information for urban inhabitants at the cost of the others.
- c) The information infrastructure in urban appears to be the inequality of its development.

To overcome this situation i.e., to have a balance in the national development with regard to urban and rural areas, the only solution is to encourage participatory approach between and among people and make them aware of the different activities by providing information. This will enhance people's ability to actively participate in the developmental activities. Both Government and Non-Government organizations have to work on this task to realise the dream of self

sustained society. Since the NGO and local voluntary organizations are more easily approachable to the people more importance/consideration has to be given to them. Here an attempt is made to study the role of participatory approach, role of voluntary/NGO and need for information provision in planning process.

2. What is Participatory Approach

Participatory approach assumes an activity in which the community takes part and involvement of at least one other party usually a govt. or Non govt. organization. Participatory approach concept otherwise is also known as 'Popular participation', 'grassroot-development' or development from below. The literature available on participation centres on 'potential representations'. It is a channel through which people ensure their effective role and influence on the decision making process at all levels of social activity and social institutions. Further it can also be defined as 'organised effort to increase control over resources and regulative institutions in a given social situation on the part of the groups and movements of those hitherto excluded from such control.

Thus the participation converge on two key concepts viz. taking part and influence. The concepts of the participation process are (1) Decision and (2) Action. The decision

Participatory approach assumes an activity in which the community takes part and involvement of at least one other party usually a govt. or Non-govt. organization.

making process is to decide upon what is to be achieved and action process is to realise the objectives decided upon. We can say that participation leads to Collective Action'.

3. Why Participatory Approach

The capacity to manage and analyse the national resources, each country should identify the course for its problems. Here the participatory approach is perhaps the only solution. This will enable to overcome the problems of man and material and time resources. From the point of view of Govt./ N.G.O/agency PA can be deemed desirable for the planning of development activities. Participating approach is necessary because

1. Community participation is a right, people have the right to participating process which directly effects their living, conditions.
2. To promote social development by increasing local self reliance
3. To achieve better project results and then satisfy the needs of both the community and authorities.
4. Enhance the effectiveness of the project by giving assistance to project experts.
5. To improve the relation between the people and the Govt. and make them realise that people and government are working hand in hand.
6. To achieve political and social control by increased co-opting a strong but manipulable community leadership.
7. Helps to move sustainability

Since the achievement of sustainable development, requires a substantial capital investment in the developing country the PA can assert the project experts to some extent to with financial crisis.

' The PA will enable agencies

- a) to have transparency of their programmes
- b) to mobilise people's participation



- c) acquire the people's confidence. These factors to a large extent make the programme success and also help to have sustainability in future.

4. Participatory Approach in Planning

The following aspects are to be considered.

- a) Planning is defined as an organised process by which a society achieves its developmental goals. It is a means to achieve development. In the planning process it is necessary to
 - i) specify quantified target.
 - ii) Specify potential of reaching such target.
 - iii) Find out the resources available to reach the target
 - iv) Find out alternative approach if the resources are insufficient
 - v) Specify implementation process
- b) It is also necessary to understand that plan should not be, reinforced on other and for which understanding the need and problems of the people is necessary. To know the problems of the people have to be involved in the Process.

This indicates that planning is not a task of only professional planners... at top level. Therefore involvement/involving of the people is participation/participatory approach in planning is very much essential and is the need of hour.

Normally we find that while planning these concepts are not considered. It needs with the bureaucrats and technocratic exercise. To overcome this, Participatory Approach is the only way and to achieve success in a real sense. Participatory planning presupposes planning by people. Then the bureaucracy, technocracy and voluntary agencies are to participate in what people want to do. Then here people become the centre of attraction. This can be represented as follows:



- c) To make this model a working model there is a need for the sharing of information/knowledge between among people and the agencies. According to the information related to Planning, projects and people problems and needs will certainly narrow down the gap between the people and the professional planners. The problem and access to information will make the people actively participate in the activities.
- d) Emphasis should be given to Non-Governmental organizations and voluntary agencies of the area. It is observed by the author during the survey made for the recent work that people have more tendency to approach these organizations and they prefer these organizations.

It was found that among the 756 people of 21 villages in two Districts, 503(66.5%) people were member of one or other local voluntary and Non-Governmental organizations.

Table 1

Members	Male	Female	Total
Yes	251	252	503
No	146	107	253
Total	397	359	756

The above table indicates that men and women equally represent themselves in the organizations. 251(49.90%) were men and 252(50.10%) were women representatives. The equal participation by men and women indicates that the development is equally important to them.

Though 503 people were members of the various organizations, only 311 were actively involved in the activities. Though involvement was either as Field workers, communications officers and organizers. (Table 2)

Table 2

Role	Male	Female	Total
Field work	143	101	244
Organisers	25	6	31
Communications	21	15	36
Officers			
Total	189	122	311

The above table indicates that large number of people were field workers. Chi Squantant revealed that people's interest in development activities depend on their gender but there is no difference in the role played in the development activities.

Since we observe a large number of people are involved as field workers, worked voluntarily we can exploit their capabilities to make them participate in the developmental activities. This is a sign of participatory approach. Proper attention and interest will help to make them participate.

The enrolled people as member of various organizations clearly indicate that voluntary organizations play a key role in development activities. Both facts i.e., people's enrolment and agencies/organizations intent to take part complement each other.

Manipal Industrial Trust in collaboration with IDRC, CANADA established the villages where the usury was conducted village information centre. This is the only project where a NGO has taken interest to promote the facility of information access to the rural people. Apart from this it has several other projects established. In all the projects it has adopted the participation approach. The field workers are working voluntarily for the projects. This is an example for participatory process in development.

The outputs of the entire project except the 'village' project are quantifiable. The benefits are subjective in nature. Since the funding

is stopped the vie are still providing servicing to the people, with the help of the volunteers.

Efforts are to be made to make people aware of the benefits of becoming aware of all the activities and the importance of information center.

All these factors reveal that participatory approach and access to information are the key components of planning process. Participatory approach can be made successful venture only if the people have access to varieties if information at their disposal.

The information which are to be made available to people can be grouped as:

- a) Survival information - information related to housing, financial assistance etc.
- b) Citizen Action information - information related to people role in social and political activities.

Or inflation related to

general information awareness
professional activities
governmental activities
organising activities
cultural / ethical activities etc

The information that an information centre can provide are-based on the survey made by the author for the research work.

1. Demographic features.
2. Village profile, company
(a) population of the village (b) preference of the people and their activities (c) land use plan (d) agricultural products cultivated (c) problems faced by the people.
3. Socioeconomic data.
4. Trade information.
5. Social amenities available.
6. Departmental activities and projects.
7. Educational and counselling information.
8. Appropriate believing.
9. Rural media and health

10. Professional activities and improve ments.
11. NGOs and voluntary organizations activities.
12. Women and children health problems
13. Rehabilitation work.
14. Social security
15. Environment and protection
16. Law regarding consumer health trade etc.
17. Any other information which may be useful to the people.

Immediate action on enactment of 'Access to Information Act 1996' will certainly make the people to have their right of access to information

Planning proves thee can be modelled as

Planning Process.

Peoples participation

Govt Agencies/NGO/voluntary Agencies

the above model clearly indicates the role of information, people and agencies in the planning process.

Provision of information will increase the (a) social responsibility (b) individual integrity (c) Personal credibility (d) professional competence (e) participating process (f) freedom of communication (g) dignity of the individual (h) equitable opportunity (i) cultural quality of life (j) individual choice of different activity and (k) team approach.

5. Findings and Conclusions

1. To achieve, success in planning we give due importance to the following features:

Since people have mere tendency to approach the Non Governmental organization and voluntary organizations efforts are to be made

to identify such organizations in the area
to identify their role in the village



incorporate these organizations in the planning process to achieve success a sustainability in the developing new projects.

2. Provision has to be Made for the disposal of information to the people and keep the people well aware of the activities. This will enhance the participation activity among the people. It will enable the Government officials to acquire the confidence of the people.
3. Identification of indigenous technologies which will help the technocrats in their role
4. Participation process and process of information /access to information are the two ends of the planning process. Unless they are merged probably there is no chance of success in planning.

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Participation process and process of information /access to information are the two ends of the planning process. Unless they are merged probably there is no chance of success in planning.



REPORT OF THE WORKING GROUP ON RIGHT TO INFORMATION AND PROMOTION OF OPEN AND TRANSPARENT GOVERNMENT

Introduction

1.1 The working Group was set up under Government of India, Department of Personnel and Training's Office Memorandum F.No. 34011/1(s)/97-Estt.(B) dated Jan. 2, 1997. The terms of reference of the Group included the examination of feasibility and need to introduce a full-fledged Right to Information Act so as to meet the needs of open and responsive Government. The Group was also asked to examine the rules framework with particular reference to the existing Conduct Rules and Manual of Office Procedure with a view to introducing greater openness and transparency in Government working including dealings with employees. A copy of the Government Order dated Jan.2,1997 is at Appendix A.

1.2 The following officials and non-officials were nominated to the Group:-

Chairman: Sri. H.D.Shourie, Chairman, Common Cause,

Members: Sri. Soli J. Sorabjee, Senior Advocate, Supreme Court; Sri S.Narendra, Principal Information Officer, Ministry of Information & Broadcasting.; Sri A.Sinha, Joint Secretary, Department of Legal Affairs; Sri R.N.Verma, Executive Director, Railway Board.; Sri. S.P Ojha, Sr. Deputy, Director General, Department of Posts; Sri Ashok Kumar, Joint Secretary, Department of Telecommunications; Sri Shashi Prakash, Joint Secretary, Ministry of Home Affairs; Sri N.S. Madhavan, Joint Secretary, Ministry of Information & Broadcasting; Sri Harinder Singh, Joint Secretary, Department of Personnel & Training.

Consequent on his transfer Sri. Ojha was replaced by Sri. V. Saksena on the Group.

1.3 The Working Group was given a time of 2 months to give its report. However, taking into consideration the complexities of the issues involved, the time given for submission of its report was extended to May, 31,1997.

1.4 The Group held six meetings. The Chairman of the Working Group also called on Justice P.B. Sawant, Chairman, Press Council of India to appraise him of the tentative views of the Working Group and to elicit his views on the subject. Similarly Dr. Sundaram, Additional Secretary, Department of administrative Reforms also called on Sri. A.K. Venkat Subramanian, Secretary, Department of Consumer Affairs, to appraise him of the proposals of the Working group as regards use of the machinery under the Consumer protection Act, 1986 as an appellate forum under the proposed Freedom of Information Act and to seek his informal views.

The Context

2.1 It is now widely recognised that openness and accessibility of people to information about the governments's functioning is a vital component of democracy. In all free societies, the veil of secrecy, that has traditionally, shrouded activities of governments is being progressively lifted and this has had a salutary effect on the functioning of governments. In most democratic countries, the right of people to know is now a well established right created under law. It is a right that has evolved with the maturing of the democratic form of



governance. Democracy is no longer perceived as a form of government where the participation of people is restricted merely to periodical exercise of the right of franchise, with the citizens retiring into passivity between elections. It has now a more positive and dynamic content with people having a say in how and by what rules they would be governed. Meaningful participation of people in major issues affecting their lives is now a vital component of the democratic governance and such participation can hardly be effective unless people have information about the way government business is transacted. Democracy means choice and a sound and informed choice is possible only on the basis of knowledge.


2.2 Modern democracy embraces a wider and more direct concept of accountability - a concept that goes beyond the traditionally well established principle of accountability of the Executive to the Legislature in a parliamentary democracy. Increasingly, the trend is towards accountability, in terms of standards of performance and service delivery, of public agencies to the citizen groups they are required to serve. Such accountability is possible only when public have access to information relating to the functioning of these agencies.

2.3 Finally, transparency and openness in functioning have a cleansing effect on the operations of public agencies. As has aptly been said, sunlight is the best disinfectant.

2.4 It bears mention that it is not only the developed countries that have enacted freedom of information legislation. Similar trends have appeared in the developing countries as well. In our neighbourhood, Pakistan recently promulgated a Freedom of Information Ordinance. The new South African Constitution specifically, provides the right to information in its Bill of Rights - thus giving it an explicit constitutional status. Malaysia operates an online data base system, known as Civil Service Link, through which a person can access information regarding functioning of the public administration. There is thus a broad sweep of change towards openness and transparency across the world.

2.5 In our own country, we have not been immune to these winds of change. There have long been demands for greater openness and transparency in administration which have gained momentum in the recent past and a consensus has evolved among the political parties on the need to legislate the right to freedom of information. The Common Minimum Programme of the present Government specifically mentions its commitment to introducing a Bill on Freedom of Information. In their 38th Report on demands for grants of the Ministry of Personal, Public Grievance and Pensions, the Parliamentary Standing Committee on Home Affairs has strongly recommended that the ministry may take up the matter urgently to

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facilitate early enactment of a Right to Information. The Government of Tamil Nadu has recently passed an Act for Right to Information. Some other state governments have also taken administrative steps to make information available to public. The Government of Gujarat, Rajasthan and madhya Pradesh may be mentioned in this context.

2.6 The Courts too have, in a series of judgements, declared that the right to know is a facet of the fundamental right to freeborn of speech and expression enshrined in Art. 19(1) of the Constitution - a landmark judgement on the subject being the judgement of the Supreme Court in *S.P.Gupta vs Union of India* (AIR 1982 SC 149).

2.7 In bureaucracy also there has been an increasing awareness of the importance of openness and transparency. A consensus emerged in the Conference of Chief Secretaries, held in November, 1996, on the need for an early enactment of a law on Right to Information. We also note with satisfaction the various steps taken by the Government such as the issue of instructions on transparency to all Ministries/Departments of the Central Government and a request for similar action to the State Governments, the incorporation of a specific provision relating to transparency in the draft Code of Ethics for the Civil Services and the initiative to formulate Citizens' Charters in various organisations under the Government.

Freedom of Information Bill

3.1 Even though the need for right to information has thus been widely recognised in the country, and the right has also received judicial recognition, there is no specific law which assures the public access to information. In many quarters apprehensions are expressed about the possible impact of such a law and the costs it might impose on public agencies in terms of time and money

3.2 After a detailed study of these documents, we have finalised a draft Freedom of Information Bill, 1997 which is annexed to this report as Annexure A.

3.3 A few remarks may, be made about some of the important features of the Bill.

3.4 At the outset, we decided that the most appropriate title for the Bill would be "Freedom of Information Bill". The right to information has already received judicial recognition as a part of the fundamental right to free speech and expression and the purpose in enacting the Freedom of Information Act is mainly, to promise a statutory framework for this right. Therefore, in our opinion, the expression "freedom of information" fully reflects the spirit and intent in the proposed legislation. We accordingly decided that the Bill may be called Freedom of Information Bill.

3.5 We believe that there are certain kinds of information that public authorities should, suo motto, make available to public. This includes information relating to functions and responsibilities of the concerned organisation, a description of its decision making processes and the statutory/administrative framework within which it performs its assigned tasks etc. In order to facilitate access of public to their records, the concerned organisations should also be required to maintain such records in proper manner. Similarly, there should be a duty to give reasons for decisions and, in respect of major policy announcement, to disclose to public the relevant facts and analyses. The Bill accordingly seeks to cast such obligation on public authorities. We may clarify that, in respect of the obligation as regards maintenance of records, the provision only refers to records that are operationally required and does not seek to impose an obligation to create new records, solely for the purposes of the Act, that are not required for normal operations (Clause 4).



3.6 In view of the wide diversity, of conditions of life of our people, we recognised the need to specifically, provide for a facultative function for the officers responsible for providing, access to information. Accordingly, the Public Information Officer is enjoined to render reasonable assistance to persons requesting for information. Similarly, where a person is unable to make a written request, the Public Information Officer may either accept an oral request or assist such person to make a written request (Clauses 5 and 6).

3.7 We also considered it necessary to define clearly the areas of information that should remain exempted from disclosure under the proposed Bill. In drafting the relevant provisions for this purpose, we have kept in view the overriding importance of public interest (Clause 9).

3.8 We also kept in view the possible adverse effect of an overload of demand on administration and provided that that requests for information can be refused on certain grounds such as their being too general or causing a disproportionate diversion of the resources of a public authority. However, a duty has been cast on the Public Information Officer to help the requester as far as possible, to reframe his request in such a manner as would facilitate compliance with it, where it is being refused as being too general (Clause 10).

3.9 While we have provided for charging of fees for access to information, we have also made a provision for waiver of fees where the disclosure of information is in the public interest in order that an individual may not have to bear the cost where the community at large benefits from disclosure (Clause 11).

3.10 While setting out the grounds for exemption from disclosure, we have also incorporated the principle of severability in the Bill. This would ensure that access would be given to non-exempted information contained

in a document, which also contains exempted information, if such information can reasonably be segregated (Clause 12).

3.11 We felt that there was need to provide a departmental remedy to the affected citizens first before recourse to an external grievance redressal forum. This would enable quicker redressal in many cases and would also result in filtering of disputes before they reach an external appellate authority. Accordingly, a provision has been made for an internal review of decisions to refuse access to information taken by Public Information Officers (Clause 14).

3.12 As regards the appellate remedy, we felt that there was a clear necessity to provide for an independent machinery for this purpose. We examined the feasibility of providing for appeal to the Courts having jurisdiction over the concerned public authority. We, however felt that this might not prove an effective appellate remedy considering the state of arrears in Courts and the high cost of litigation. At the same time, creation of a separate machinery would entail huge costs and would also take time.

We, therefore, felt that it would be preferable to utilise an existing, district level mechanism to ensure quick and economic grievance redressal for the affected citizens. In our view the most suitable institution for discharging the appellate function under the Act would be the machinery created under the Consumer Protection Act, 1986 and a suitable provision has accordingly been made in the Bill (Clause 15).

In deciding what to disclose and what to withhold from the public, one has to balance the public interest in disclosure with public interest in secrecy on the one hand and public interest in disclosure with legitimate private interest in secrecy on the other.

3.13 While recommending this, we are conscious of the deficiencies that continue to affect the functioning of these forums in many States. It would be necessary for the Government of India and State Governments to take effective steps to remove these deficiencies, particularly in view of the additional functions proposed to be assigned to them.

3.14 We also discussed at length the question whether the provisions of the Freedom of Information Act should be given an overriding effect or its provisions should be made subject to those of other laws. This was particularly in the context of the fact that even in advanced countries like the United States of America, Canada and Australia, the provisions of such Acts are subject to those of other laws. We, however, felt that the Freedom of Information Act might be frustrated by resort to other legislation unless there is a non-obstante clause. Besides, we are convinced that, for freedom of information, it is the provisions of this Act that should be the limitus test since the information that needs to be protected from disclosure would, in any case, be covered by the exemptions provided in it. The Bill accordingly contains a non-obstante clause which seeks to give the Act an overriding effect (Clause 18).

Amendments to other laws/rules

4.1 There are certain other laws and rules which may impinge on access of public to information. If Freedom of Information Act is to fully serve its intended purpose, it would be necessary to review all such laws to make them consistent with it in order to ensure that they, do not impede flow of information to the public. While the scope of such a review is obviously too wide for us to cover, we reviewed a few important provisions. These were Section 5 of the Official Secrets Act, 1923, Sections 123 and 124 of the Indian Evidence Act, 1872 and Rule 11 of the Central Civil Services

(Conduct) Rules, 1964.

4.2 It is the Official Secrets Act that has been regarded in many quarters as being primarily responsible of the excessive secrecy in government. Its "catch-all" nature has invited sustained criticism and demands for its amendment. Section 5 of this Act provides for punishment for unauthorised disclosure of official secrets but omits to define official secrets. We have proposed an amendment to this section which incorporates a definition of 'official secret' and thus removes its omnibus character. The draft of Section 5 Proposed by us is at Annexure B.

4.3 As far as the Evidence Act is concerned, we took note of the amendments to the above sections recommended by the Law Commission in its Eighty Eighth report. We have made a slight change in their formulation and the provisions proposed by us are at Annexure C.

4.4 There is a wide spread feeling that the Central Civil Services (Conduct) Rules, 1964, and corresponding rules applicable to Railways, Foreign Services and All India Services, inhibit government servants from sharing information with public. The accent in these rules is on denial of information to public. This situation has obviously to change if Freedom of Information Act is to serve its purpose and if transparency is to be brought about in the system. We have accordingly finalised two drafts for the amendment to Rule 11 of CCS (Conduct) Rules. The first can be adopted straightaway, while the other may be adopted once the Act comes into force. The proposed amendments are at Annexure D and E of the Report. The All India Services (Conduct) Rules, 1968, and other similar rules, would also need to be amended on the same lines.

4.5 We also recommend that the Government may entrust the task of comprehensive identification and review of the Central as well





as State laws, which may impinge on freedom of information, to an expert body such as the Law Commission.

4.6 In order to make the Act fully operational and effective, it would also be necessary to frame rules to be notified under it. We have confined ourselves to drafting of the Bill. The Government may consider setting up a small sub-group to draft the necessary rules.

Classification of Information

5.1 A major contributor to the lack of transparency is the tendency to classify information even where such classification is clearly unjustified. There is also the tendency to accord higher classification than is warranted. The Manual of Departmental Security Instructions, issued by ministry of Home Affairs, and the Manual of Office Procedure, which incorporates some of these instructions do lay down the criteria and guidelines for classification and specify the authorities competent to authorise classification gradings viz. Top Secret, Secret and Confidential.

5.2 While the criteria for classification have perhaps necessarily to be broad, it is desirable, in the interest of a proper approach to classification, that they should be backed up by, suitable illustrative list for guidance of officers. While drawing up such a list, the principle to be adhered to is that ordinarily only such information, as would qualify for exemption under the proposed Freedom of Information Act, should be classified.

5.3 We also find that, among other things, "serious embarrassment to government" and "embarrassment to government" appear as criteria for classification of information as secret and confidential respectively. These are obviously too vague and general and need to be deleted.

5.4 We are also of the view that the level of authority for deciding classification grading

should be raised by one level in order to ensure adequate application of mind and well considered decisions.

5.5 We also find that the present instructions do not prescribe any specific period for validity of classification and merely state that a document shall remain classified as long as required. We recommend that a specific limitation on such period may be prescribed and this should be twenty years excepting cases where a particular information may require to be kept classified beyond this period for reasons of national security/national interest. In such cases the competent classifying authority should be required to record the justification in writing.

5.6 We also note that the Manual of Departmental Security Instructions is itself classified as Confidential. Consequently, it appears that it is not widely available to officers in the government which may be a contributory factor for lack of uniformity and proper application of the prescribed guidelines. We, therefore, recommend that its classification should be downgraded to "Restricted" and it should be freely available to officers at least of the rank of Under Secretary and above.

5.7 Our recommendations relating to amendments to Manual of Departmental Security Instructions are at Annexure F of the Report.

Administrative Measures for Making Freedom of Information Effective

6.1 The proposed Act will not be fully effective unless the Government takes steps to build capacity in its systems to cope with the expected demand for information. There will have to be a substantial upgradation of the management of information in the Government and other organizations covered by the Act. We are informed that the Government, as a part of its thrust in the direction of administrative reforms, have



made plans for computerisation of operations. These plans will have to be pushed through with vigour. Similarly, it will need to be stressed to the concerned organisations that they must develop modern management information systems to ensure quick and easy access to information held in their records. We are informed that the Government have already launched a project for public facilitation counters in identified Ministries/Departments with public interface. This is welcome measure and its coverage may be widened as expeditiously as possible.

Training and Reorientation of Employees

7.1 The full potential of Freedom of Information Act would not be realised unless a culture of openness and transparency pervades the Government and its agencies. Such a culture cannot come about unless there is a fundamental shift in the attitudes and ethos among employees. It would be necessary for the Government to make this a central component of the training inputs that it provides for its employees. The experience in other countries which have enacted freedom of information legislation suggests that this is a specialised field and officers need to be properly trained to exercise sound judgement in interpreting the provisions of the relevant legislation while taking decisions relating to disclosure of information. Special skills and aptitudes would need to be developed among officers to ensure that the provisions of Freedom

of Information Act are implemented in their true intent and spirit and without jeopardising public interest. It would, therefore, be essential for the Government to develop special training modules for this purpose.

Conclusion

8. It only remains for us to thank the government for having given us the opportunity to devote ourselves to such an important task. The Freedom of Information Bill, when passed, will without doubt be one of the most significant milestones in the history of our country. We are confident that the Government will take all necessary steps to bring forward the draft legislation before the Parliament as soon as possible and appropriately during the fiftieth year of our independence. Any measure of this nature requires the widest possible consultation and debate in the community. We, therefore, suggest for the consideration of the Government that they may give wide publicity to our Report and invite reactions from all sections of society. We are told that a Conference of Chief Ministers is being held on May 24, 1997. This may be a good opportunity for the Central Government to circulate this Report and elicit the views of Chief Ministers of the States.

8.2 We would like to place on record our special and profound appreciation of the work done by the concerned officers: Dr. P.S.A. Sundaram, Additional Secretary, Department of Administrative Reforms, and Shri Y.C. Parande, Director, Department of Personnel and Training.

Sd/- (H.D. Shourie), Chairman

Sd/- Soli J sorabji, A. Sinha, V. Saksena,
Shashi Prakash, S. Narendra, R.N.Verma, N.S.
Madhavan, Harinder Singh.

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FREEDOM OF INFORMATION BILL, 1997

A Bill to provide freedom to every citizen to secure access to information under the control of public authorities, consistent with public interest, in order to promote openness, transparency and accountability in administration and in relation to matters connected therewith or incidental thereto.

Be it enacted by Parliament in the forty-seventh year of the Republic of India as follows:-

1. Short title and Commencement

- (1) The Act may be called the Freedom of Information Act, 1997.
- (2) It extends to the whole of India.
- (3) It shall come into force on such date as the Central Government, by notification in the Official Gazette, appoint.

2. Definitions

In this Act, unless the context otherwise requires:-

- (a) "appropriate Government" means the Government of India or the Government of a State/Union Territory, as the case may be.
- (b) "document" means a document in any form and includes any printed or written material, information stored or recorded by means of any devices and visual images which are reproducible, whether with or without the aid of any device.
- (c) "freedom of information" means the freedom to seek information and includes inspection, taking notes and extracts and obtaining certified copies of documents or records of any public authority; and where the information is stored in computers or any other electromagnetic device, the facility of access to it through terminals or supply of printouts.
- (d) "information" means any material relating to the affairs, administration or decision of a public authority and includes any, document or record

relating to the affairs of the public authority ;

- (e) "Public Information Officer" means the Public Information Officer appointed under the Act.
- (f) "prescribed" means prescribed by rules under this Act.
- (g) "public authority" includes :

(i) the Government of India, the Government of each of the States/Union Territories, local bodies and other bodies owned or substantially controlled or funded by the Government of India or Government of a State/Union Territory and the administrative offices of the Supreme Court, High Courts, subordinate Courts and of Parliament and State Legislatures;

(ii) a company, corporation, trust, firm, society or a cooperative society substantially funded or controlled by the Government;

The expressions company, corporation, trust, firm, society and cooperative society shall have the same meaning as assigned to them in the respective Acts under which they are registered.

- (h) "third party" means a person or an organization other than the person making a request for access to information and a public authority.

3. Freedom of Information:

Subject to the provisions of this Act, every citizen shall have the freedom to seek information from a public authority.

4. Obligations on Public Authorities:

- (1) Every public authority shall be under a duty to maintain all its records, as per its operational requirements, duly catalogued and indexed and, subject to the provisions of sections 9 and 10, grant access to information to any citizen requesting for such access

(2) Each public authority shall publish periodically, and keep updated, information indicating:

(i) particulars of its organization, functions and responsibilities;

(ii) description of its decision making processes in terms of procedures and powers and responsibilities of its officers and employees;

(iii) norms for performance of activities such as prescribed periods for their processing and completion of physical and financial targets etc., and the actual achievements with reference to such norms;

(iv) classes of records under its control including the rules, regulations, instructions and list of manuals etc. used by its employees for carrying out activities;

(v) the facilities provided for access to information; and

(vi) the name, designation and other relevant particulars of the Public Information Officer, to whom requests for information may be addressed.

(3) It shall be the duty of the concerned officers of a public authority to give reasons for decisions whether administrative or adjudicative to those affected and to disclose the relevant facts and analyses when major policies or decisions are announced.

5. Appointment of Public Information Officers:

(i) Every public authority shall appoint officers to be called Public Information Officers in its offices.

(ii) It will be the responsibility of Public Information Officers to deal with requests for access to information and to render reasonable assistance to requesters seeking access to information.

6. Requests for Access to Information.

A request under this Act shall be made to the appropriate Public Information Officer in writing. And shall specify as clearly as possible the particulars of the

information, document or records to which access is being sought.

Provided that a requester cannot for valid reasons make a request in writing the Public Information Officer may either accept an oral request or render reasonable assistance to the requester in making a written request.

7. Disposal of Requests.

(1) Upon request being made to him, the Public Information Officer shall provide access to the information, where it is decided not to refuse such access, as expeditiously as possible and in any case within 30 days of the receipt of the request. Provided that where it is not possible to provide access within 30 days, the period may be extended upto a maximum of another 30 days, for reasons to be recorded, and communicated to the requester, in writing.

Provide further that where it is decided to grant access to information on payment of any additional fee, representing the cost of providing such access, the Public Information Officer shall send an intimation to the requester, accompanied by details of fees determined by him, requesting him to deposit the fees; and the period intervening between the dispatch of the said intimation and payment of fees shall be excluded for the purpose of calculating the period prescribed for grant of access to information.

(2) Where the Public Information Officer decides to refuse access, such decision shall also be taken within 30 days of the receipt of the request and it shall be communicated to the requester in writing, setting out the precise grounds and the relevant provisions of the Act, on which such refusal is based and mention the remedy open to the requester.

(3) Access to information shall ordinarily be provided in the form in which it is sought unless it could disproportionately divert the resources of a public authority or would be detrimental to the



safety or preservation of the document in question.

8. Deemed Refusal of Request

Where the decision on a request for access to information is not communicated to the requester within 30 days, or within the extended period, the request shall be deemed to have been refused and the requester shall have the right to make a review application in accordance with the provisions of the Act.

9. Exemption from Disclosure of Information

Information covered by any of the following categories shall be exempted from disclosure under the provisions of this Act:

(i) information disclosure of which would prejudicially affect the sovereignty and integrity of India, security, of the State, conduct of international relations, including information received in confidence from foreign Governments, their agencies or international organisations;

(ii) information disclosure of which would prejudicially affect the conduct of Centre/State relations, including information exchanged in confidence between the Central and State Governments or any of their authorities/agencies;

(iii) information in the nature of Cabinet papers, including papers prepared for submission to Cabinet or submitted to Cabinet, other than the documents whereby such decisions are published;

(iv) information in the nature of internal working papers such as inter-departmental/ intra departmental notes and correspondence, papers containing advice, opinions, recommendations or minutes for the purposes of deliberative processes in a public authority; Provided that this exemption shall not apply to reports of scientific or technical experts, including their opinion or scientific or technical matters or information that is factual.

(v) information disclosure of which would prejudicially affect the enforcement of any law including detection, prevention, investigation or suppression of crime or contravention of any law; or would lead to incitement to an offence; or would prejudicially affect the operations of any intelligence organizations to be specified by the appropriate Government; or would prejudicially affect public safety or the safety of an individual; or would prejudicially affect fair trial or adjudication of a pending case; or would reveal the existence or identity of a confidential record or source of information; or would prejudice future supply of information relating to violation or contravention of any law;

(vi) information disclosure of which would prejudicially affect the Government's ability to manage the economy or would prejudicially affect the legitimate economic and commercial interests of a public authority; or would cause unfair gain or loss to any individual or organization.

Without prejudice to the Generality of this provision, such information may include premature disclosure of proposals relating to (a) taxes, including duties of Customs and Excise; (b) currency, exchange or interest rates; (c) regulation or supervision of financial institutions;

(vii) information the disclosure of which would prejudicially affect the management of services under, and operations of, public authorities;

(viii) information in the nature of trade or commercial secrets or any information having a commercial value which is likely to be prejudicially affected by such disclosure, or information the disclosure of which is likely to prejudicially affect the competitive position of a third party;

Provided that, excepting in the case of trade or commercial secrets protected by law, disclosure may be allowed if

public interest in such disclosure outweighs in importance any possible harm or injury to the interests of any such third party;

(ix) information the disclosure of which would not subserve any public interest;

(x) information which would cause unwarranted invasion of the privacy of an individual;

(xi) information the disclosure of which may, result in the breach of Parliamentary privileges or would amount to violation of an order of a competent Court.'

10. **Grounds for Refusal of Access in Certain Cases**

Without prejudice to the provisions of Section 9, a Public Information Officer may refuse access to information where:

(i) the request is too general or is of such a nature that, having regard to the volume of information required to be retrieved or processed for fulfilling it, it would involve disproportionate diversion of the resources of a public authority or would adversely interfere with the functioning of such authority.

Provided that, where access is being refused on the ground that the request is too general, it would be the duty of the Public Information Officer to render help as far as possible, to the requester to reframe his request in such a manner as may facilitate compliance with it;

(ii) the request relates to information that is required by law or convention to be published at a particular time or

(iii) the request relates to information that is contained in published material available for sale.

11. **Fee**

The appropriate Government may prescribe the fees to be charged for access to information, which may include an application fee and such additional fees as may represent the cost of providing access.

Provided that the fees may be waived where the disclosure of information can be said to be in the larger public interest.

12. **Severability**

If a request for access to information is refused on the ground that it is in relation to information which is exempted from disclosure, then notwithstanding anything contained in this Act, access may be given to that part of the document which does not contain any information that is exempted from disclosure under this Act and which can reasonably be severed from any part that contains exempted information.

13. **Third Party Intervention**

Where a public authority intends to disclose information which relates to, or has been supplied by a third party, and has consistently been treated as confidential by such third party, a notice may be given to it of the intended disclosure inviting it to make a representation against the intended disclosure, within 14 days of such notice. The Public Information Officer shall take such representation, if any made, into consideration while taking a decision on the request for information in question.

Provided that, excepting in the cases of trade or commercial secrets protected by law, disclosure may be allowed if the public interest in disclosure outweighs in importance any possible harm or injury to the interests of such third party.

14. **Internal Review**

(1) A requester, whose request for access to information has been refused by the Public Information Officer, may make an application, within 30 days of the refusal, for review of the decision to the Head of Department, or such other authority as may be prescribed, having jurisdiction over the office of the public authority to which the request had been addressed.

(2) The reviewing authority, shall dispose of the application within 30 days.

Provided that, where the application for review is rejected, the grounds for rejection shall be communicated to the



applicant in writing setting out the appellate remedy available to the applicant.

(3) In the case of third party information, the reviewing authority shall also follow, the procedure set out in section 13 of the Act.

(4) A review, application may also be made as regards the fee proposed to be charged by, the Public information Officer for access to information.

15. Appeals

(1) An appeal against the decision of a reviewing authority may be made, within 30 days of such decision. The appeal shall be considered and disposed of as a complaint under the Consumer Protection Act, 1986.

(2) It shall be disposed of by the District Forum, the State Commission or the National Commission, as the case may be, by a written order, within 30 days.

(3) The concerned Forum or the Commission, as the case may be, on an application by the public authority, hold proceedings in camera.

Provided that no document or record shall be withheld from the perusal of the appellate authority.

16. Publication of Certain Matters of Public Authorities

Notwithstanding anything, contained in this Act or in any other law for the time being in force, but subject to the

provisions of section 9, it shall be the duty of every public authority which proposes to initiate any project or activity, to appropriately publish, as soon as possible, and in any case well before the commencement of the project or activity, for the information of the general public and the persons to be affected, such matters within its knowledge and control as affect the general public.

17. Protection of Action Taken in Good Faith

No suit, prosecution or other legal proceedings shall lie against any public authority or any individual, for any thing which is in good faith done or intended to be done under the provisions of this Act or any rule made thereunder for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule, or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity, of anything previously, done under that rule.

(2) Every rule made under this Act by a State Governments shall be laid, as soon as may be after it is made, before the State legislature.



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KAULIS

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Activities

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Training in Information Science and Technology
Digital Library Development

Services

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Online and CD-ROM based Information Retrieval
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Documentation and Repography

For Further Information Contact

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