

CHAPTER – IV

PROBLEMS AND PROSPECTS

The right to information is a revolution in public management. It has not only utilized information communication technology in governance but also helps in establishing good governance, more appropriately, the governance which is more responsible, accountable, transparent, participative and corruption free. The large goal of RTI is to bring out good governance. But there has not been any guarantee that Right to Information Act, 2005 will be implemented in a right spirit. The experience so far indicates many institutional flaws in disseminating information as obliged by the Act. The several government department or institutions are facing some problems to implementation the RTI Act, 2005. The Secondary Education is no exception.

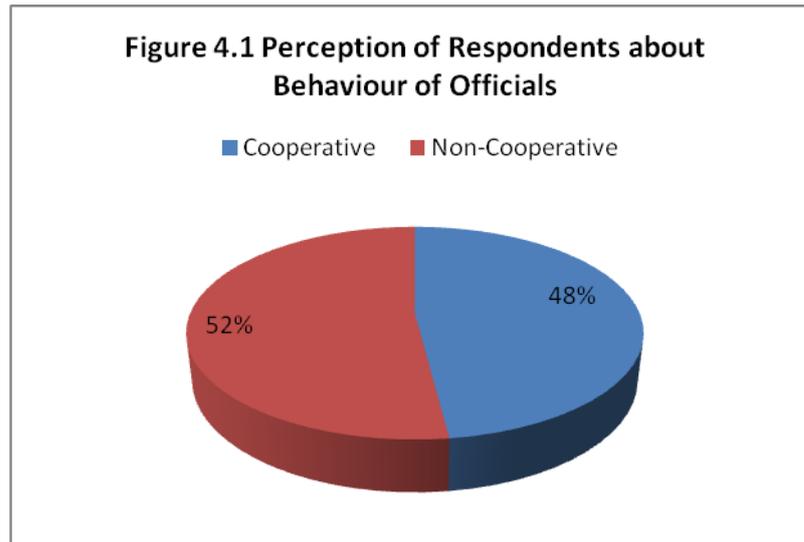
In the department, institutional arrangement is not adequate, staff is not sufficient, special cell has not been made and due to the unavailability of required infrastructure for RTI Act, department feels it extra burden, The department has not been made special financial allocation for RTI related activities, department is not using any software for processing RTI request. Still it is using manual filing system. The behaviour of officials is non-cooperative with the information seekers. People feel unsafe while filing RTI and people are not enthusiastic for RTI Act.

Hence, these problems are hindering the efficiency of the RTI Act in the Department of Secondary Education, Haryana. But there are some prospects also which can resolve these problems. The following figures throw light on the problems prevailing in the department and their prospects which would have a bearing on finding the solutions of these problems.

The RTI Act, 2005 has been made for common man to participate in administration through obtaining information under this Act. But people are facing problem while obtaining information. In fact, it is very serious problem so it is necessary for the department and the government to resolve this problem in order to improve the ease of people in filing RTI. Further analysis of problem and their prospects have been discussed below.

About Behaviour of Officials

The behaviour of officials is non-cooperative for information seekers. It is one of the major problems because their behaviour pattern encourages or discourages the morale of information seekers. The agenda behind the RTI Act was to open the window of administration for common man. If they will behave like this, the purpose will be jeopardized. Therefore, to make it successful, behaviour pattern of the officials have to change. To attain this objective the department or government should arrange the training programme for them as per their requirement. They should also make the provision of the fine against officials to bring down their rigid behaviour or give them incentive for their good behaviour. Such type of reform will have to introduce in the administration. They will bring the new culture of esprit-de-corps in the administration. To make the Right to Information more effective and people friendly, officials have to play very crucial role for it. Their behaviour towards the information seekers should be friendly. They should be guided or assisted. When it is required, official should stop their autocratic attitude and make their knowledge and experience about RTI act more familiar towards beneficiaries. To clarify this statement figure 4.1 displays the data below.

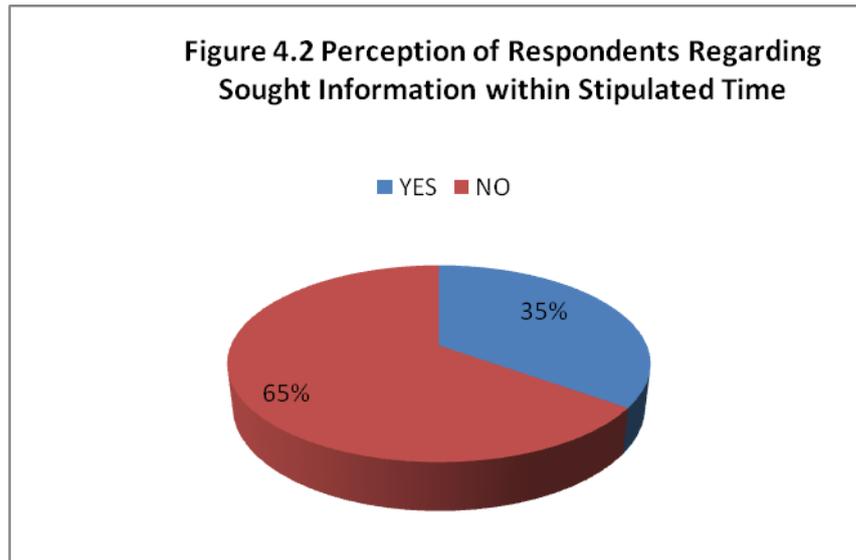


The data in figure 4.1 reveals that 48 per cent respondents said that the behaviour of officials was cooperative while seeking information and majority of respondents said that their behaviour was non cooperative, it was ratified by 52 per cent of respondents.

Seeking Information within Stipulated Times

In the RTI Act, for obtaining information stipulated time period has given 30 days for normal circumstances and 48 hours in case of life and liberty of a person. If they file to 1st appellate and 2nd appellate authority then time is 60 and 90 days Period. The respondents stated that it is too long time because sometimes information becomes useless if provided with too much delay. In these circumstances what is use of the information.

Therefore, the make RTI Act more purposeful and more people friendly time period for supply of information should decrease .This statement is described by pie chart 4.2.

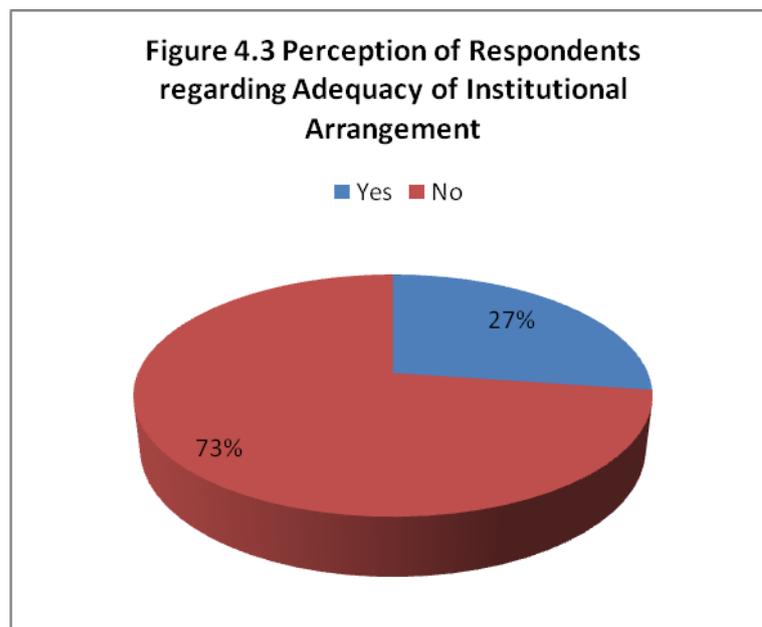


The data in above figure 4.2 shows that out of 100 per cent respondents, 35 per cent respondents said that they have got information within stipulated time period. Remaining 65 per cent responded that they didn't get information within 30 days, which is prescribed time limit to furnish information by the department.

Respondents regarding Adequacy of Institutional Arrangement

According to provision of RTI Act, its institutions have to be established by centre and all states except J&K within 120 days after passing of the act. Although it has been established in the Department of Secondary Education in Haryana, respondents are complaining of inadequate infrastructure. They are saying that infrastructure or institutional arrangements for implementation of RTI Act in the department is not up to the required level. There is inadequate staff, poor digital system, unavailability of Public Information Officer and their poor knowledge regarding provision of RTI Act etc. In fact infrastructure is basic and essential requirement for implementation of RTI Act. Without its adequacy we can't hope for its effective implementation. It is not only problem for people but also for officials and the whole department. Therefore, to make it more successful and citizen centric

adequate infrastructure has to be established. The relevant statistical information is given below.



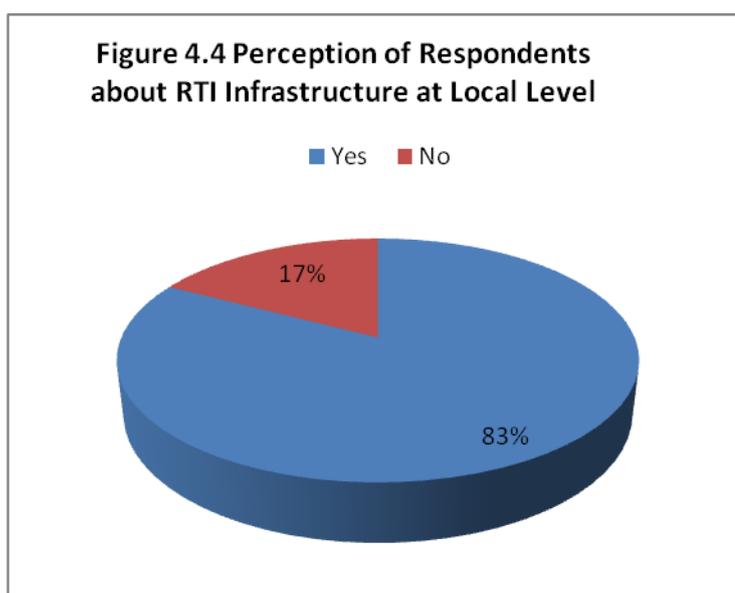
The data in figure 4.3 make it clear that out of total data, 27 per cent respondents stated that institutional arrangement in the department is adequate and remaining 73 per cent respondents stated that it is inadequate. In fact, this statement was given by majority of respondent.

About RTI Infrastructure at Local Level

The RTI Act is working successfully according to the provisions of the Act. But it has some flaws as all the norms are not adhere to while it has been established at centre, state and department level. But it is not established at local level even through our majority of population is staying in rural areas and they are unable to come at district level. Due to this basic reason most of the people do not file RTI. Although they can do it through by post but they can don't have to if the institution will set up at local level like block education Officer level or at the senior secondary school level

then more and more people will benefit from it. Simultaneously school children will also aware about this act.

If government will enhance its territory, it will be new initiative in the RTI Act and it will also connect the rural India to the RTI Act. In other words for making RTI Act more beneficial and reachable to all common masses, it becomes necessary that government or department take further step. The diagrammatic presentation through pie chart is given below.



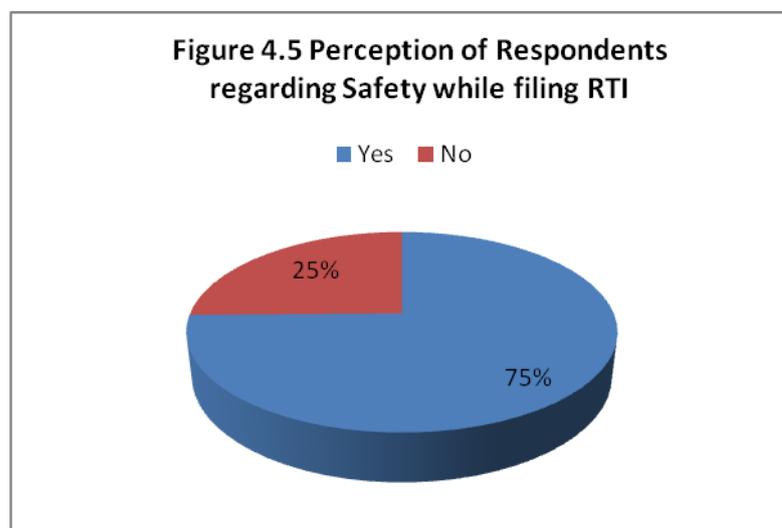
The information in figure 4.4 indicates that majority of respondents are unsatisfied with the present established infrastructure in the department. They gave their perception to establish it at the local level. Out of 100 sampled data, 83 per cent respondents stated that it should be set up local level and only 17 per cent respondents are in favour of present institutional arrangements.

Regarding Safety while filing RTI

RTI Act brought the revolution in the politico- administrative system of India. Now the people have legal right to obtain information regarding status of ration card, driving license, voter card, admission procedure, recruitment process and other basic

requirement. In fact they are obtaining these information but they are fearful. In last few years lot of RTI activist and common people were killed by their rival groups, due to that most of people does not file RTI. Thus to make RTI Act more successful government should pass any legislation like whistle blower bill to protect information seekers.

Although government is taking step to protect whistleblowers but they are not satisfactory. Therefore, there is need of effective legislation to ensure the safety and protection of whistleblowers. The graphical depiction is given below.

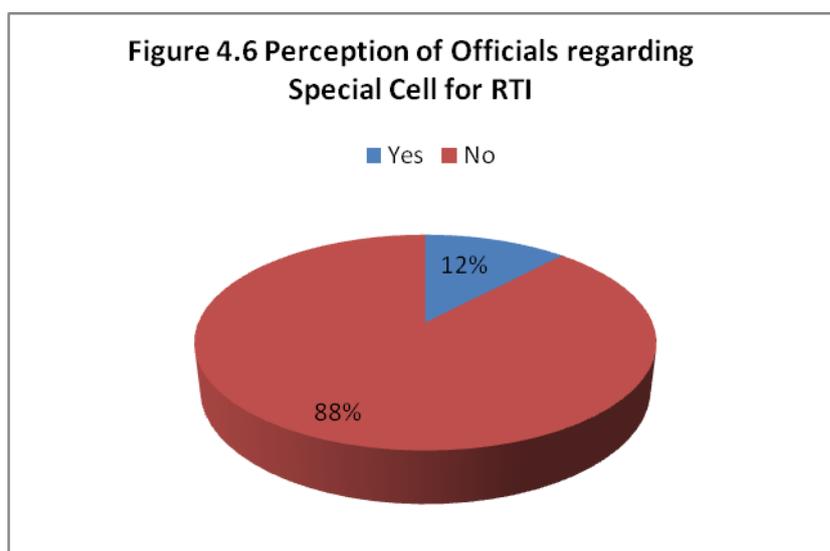


The data in figure 4.5 reveals that 75 per cent respondents feel unsafe while filing RTI and only 25 per cent stated that it is not true. They do not feel unsafe. However, majority of respondents fell unsafe and minority of them doesn't feel unsafe.

However, various problems are faced by information seekers while obtaining information from the Department of Secondary Education, Haryana. Further problems faced by officials and also give their prospects to resolve them are discussed below.

Regarding Special Cell for RTI

The Department of Secondary Education, Haryana has not made special cell for RTI. The officials of the department are performing both duties simultaneously like the principle or Headmaster of the school handling the general administration, teaching norms, cultural activities, social activities and the post of the state public information officer (SPIO) also. In fact, their post becomes multi functionary due to that they can't work efficiently. Therefore, to make the RTI Act more useful for common masses the institutional under RTI Act should be separated from the general branch of the department because separate institutions of RTI can work efficiently and with autonomy. After separation of RTI institution their function will be specified and clear. In fact, separation will give new dimensions to the RTI institution to disseminate information and will resolve citizens' grievances effectively and efficiently. The pictorial representation is shown under.

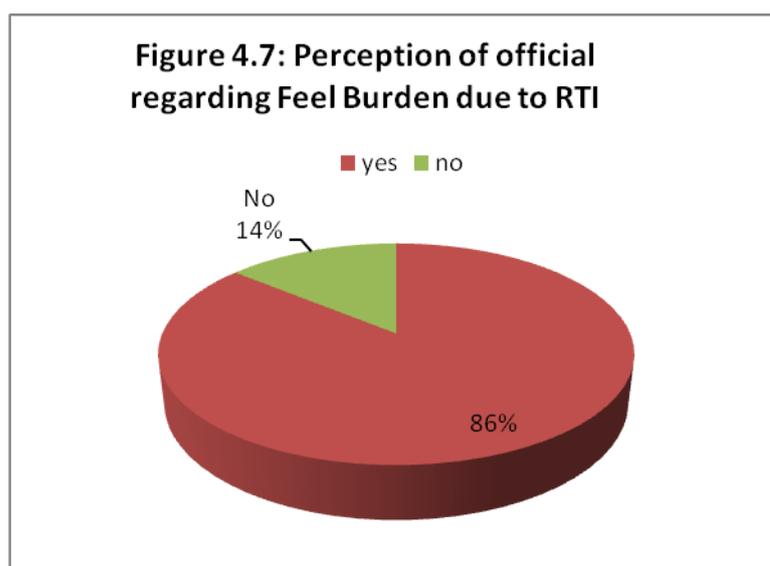


The data in the pie chart 4.6 reveals that 12 per cent officials responded that special cell has been established for implementation of RTI Act, in the department but they were in minority. Majority of officials responded negatively. They said that

special cell was not established in the department. 88 per cent officials gave this statement.

Regarding Official Burden due to RTI

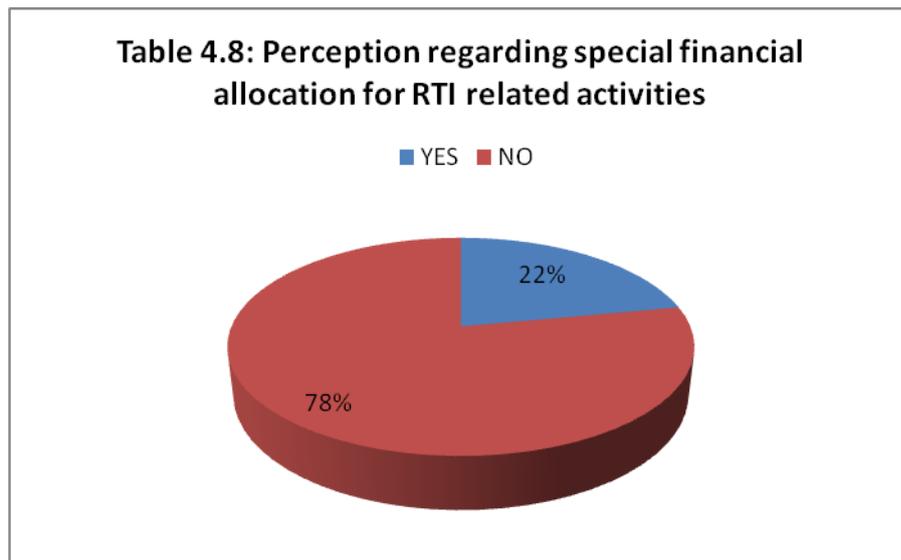
Due to the unavailability of required infrastructure like adequate staff, special cell and necessary financial allocation, officials of the department feel burden due to the RTI Act. The department didn't provide them extra facilities for implementation of RTI related activities rather they have attached it with general administrative functioning. Due to that they feel it extra burden on the department. To make official burden free from RTI Act more staff should be recruited for handling RTI related activities. If adequate staff will available in the department for RTI then officials will feel burden free and their behaviour towards common masses will be improved. The problem of official burden has been discussed through figure 4.7.



The data in figure 4.7 depicts that RTI Act, 2005 is additional burden on the department working process, 86 per cent officials were ratified with the above statement and another 14 per cent are against this view. Therefore majority of the officials responded that the institution of RTI Act, 2005 is really a burden on the department working process.

Regarding special financial allocation for RTI related activities

Finance is the basic requirement for administration or set up of any organization. Without financial assistance any of the requirements cannot be fulfilled, i.e., recruitment of staff, digital system, arrangement of training programme for officials and promotion of RTI related activities etc. Therefore, to boost RTI Act or make it more effective, special allocation should be given to RTI related activities. The data is classified in pie chart below.



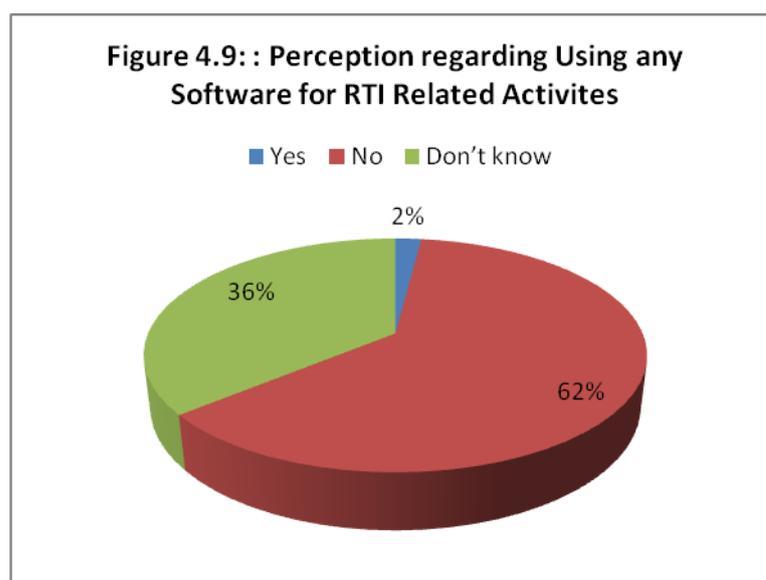
The data in figure 4.8 reveals that 22 per cent officials stated that special assistance is given for RTI related activities and remaining 78 per cent official said there is no such special financial provision for RTI related activities. Hence, majority of officials ratified the above view that still department had not made the special financial allocation for RTI related activities.

About Using Software for Processing RTI request

In the present information and communication technology era administrative functioning is depending upon e-system, which is being promoted through e-governance, which makes administration speedy and corruption free. At the district

level e-disha Kendras are providing facilities to people. But in the Department Secondary Education, Haryana, information disseminating pattern is in documentation form. The department is not using any software for processing RTI request. In fact, it is increasing burden on officials as well as it is slowing down the process of the department functioning. We are living in third largest growing economy of the world and richest state of the country but still having backward informative system as comparison to America, U.K., Australia and New Zealand etc.

Therefore, to make our system and governance more advanced and people friendly in the field of RTI, department must use software for processing RTI request and disseminating information for information seekers. It will be new way of people participation in the administration. It will not only save the time of official but also connect the common man to the governance. The figure is highlighting this information through pie chart.

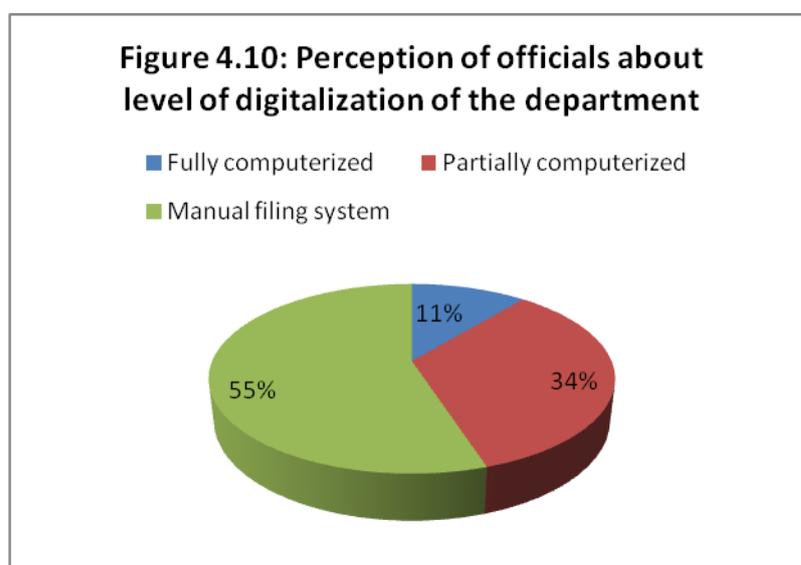


The data in pie chart 4.9 reflects that still department is not using any software for processing RTI request. Out of total sample data only 2 per cent officials stated that department is using software. 62 per cent officials stated that the department is

not using any software for implication of RTI Act and remaining 36 per cent officials did not respond in this regard.

About level of digitalization of the department

Although we are talking about frequent development of e-governance in every sphere of administration but in real sense it is not true. In the department most of the work is done through manual filing system. All the RTI related activities based on manual system. This slows down the functioning of department because in manual system officials have to work and through digital system, computer will work. It means computer software will accept the application for RTI, prescribed format will automatically be used, online fee will be accepted and information can be furnished online. The digital system will save the time, minimum human resource will be utilized, the chance of error will be reduced and ultimately people will be also benefited. They can obtain information without any hindrance and they will not be feeling any kind of harassment.

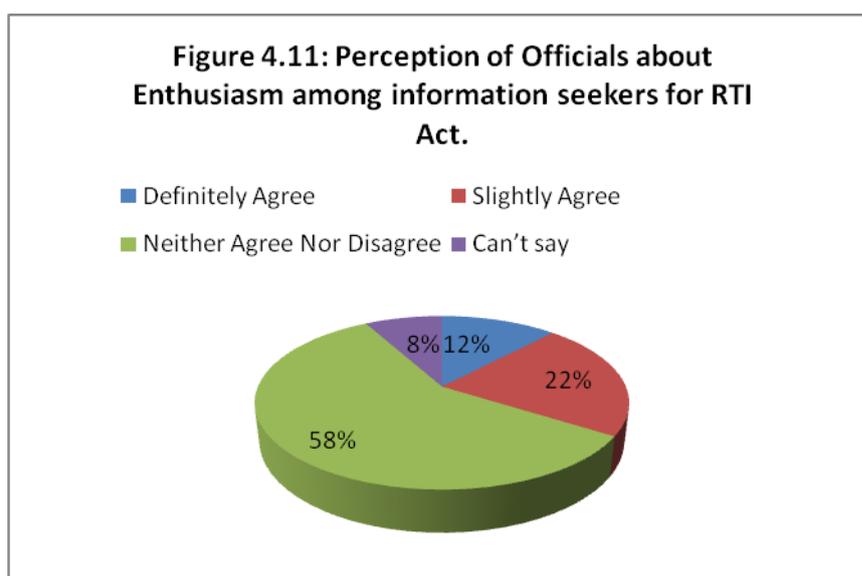


The data in figure 4.10 reflects that department is majorly working through manual filing system. 55 per cent officials out of total sample date ratified the above statement. Whereas 34 per cent officials stated that department is partially digitalized

and remaining 11 per cent stated that it is fully digitalized. Hence, majority of officials are supporting the view that still department has not been digitalized. It is still working on manual filing system.

Regarding Enthusiasm among information seekers about RTI Act

The RTI Act, 2005 came in to existence but after 7 years of its implication, people have not been enthusiastic for it. Although they have been obtaining information as per their requirement but dissatisfaction from PIO, 1st and 2nd appellate authority, non-cooperative behaviour of officials and inadequate institutional arrangement etc. are cause of their apathy. Therefore in order to make them more enthusiastic towards the Act. The Department has to remove the prevailing flaws from. The relevant information is shown through pie chart.

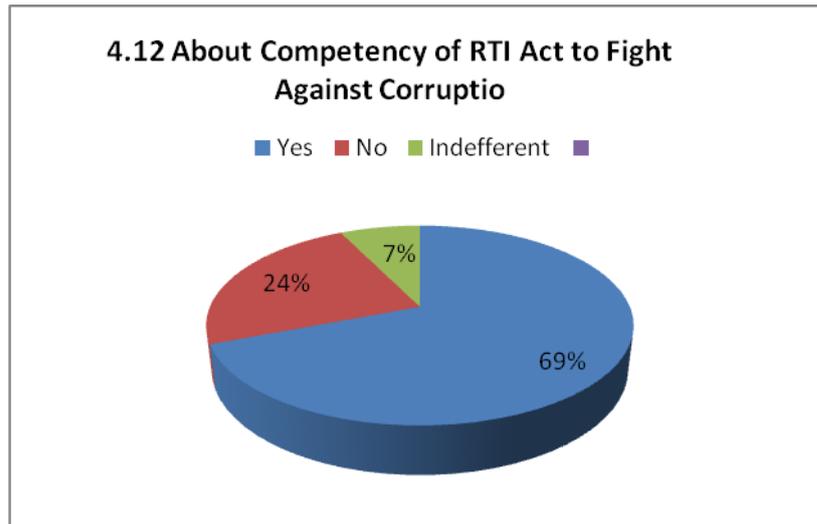


The data in figure 4.11 shows that out of total sample, 12 per cent officials are definitely agree that people are enthusiastic for RTI Act, 22 per cent official are slightly agree. 58 per cent officials replied that they neither agree nor disagree. It means they stated that people are obtaining information and utilizing RTI Act but not enthusiastic towards it. Remaining 4 per cent officials did not respond in this regard

About Competency of RTI Act to Fight Corruption

Secrecy is the enemy of transparency. The RTI Act, 2005 has broken the culture of secrecy and brought the open culture and people friendly administration. It has made the administration accountable and responsible towards their duties and broke the pattern of delay and corrupt activities from administration. Now, people have the legal right to know about administrative procedure through information obtained under RTI Act.

In the Department of Secondary Education Haryana, perception of officials was taken regarding capacity of RTI Act against corruption. Although, RTI Act has brought the transparency in the department but sometime people are unable to obtain adequate information or department does not furnish adequate information within stipulated time period. In this case information seekers have to approach first appellate or second appellate authority. It is time consuming and harassing people. Sometime people do not get satisfied from the second appellate authority. In these circumstances RTI Act becomes ineffective. Though such people are not in majority but their right to information is not fulfilled. Therefore, it is duty of the department to resolve these problems for common masses and for success of democracy as well. The figure given below throws light in this regard.

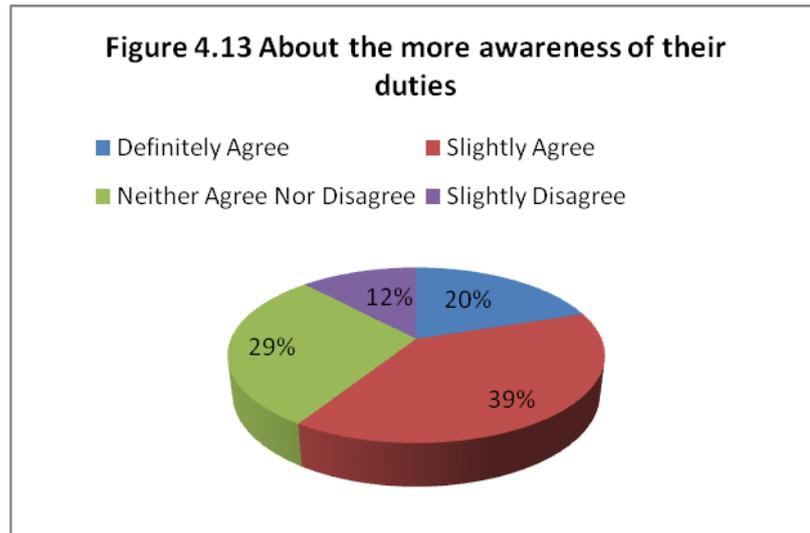


Out of total sample 76 per cent officials stated that RTI Act is capable to fight corruption, 26 per cent officials said that in real sense it is not competent to fight corruption and remaining 8 per cent officials replied indifferently

Regarding Awareness towards Duty

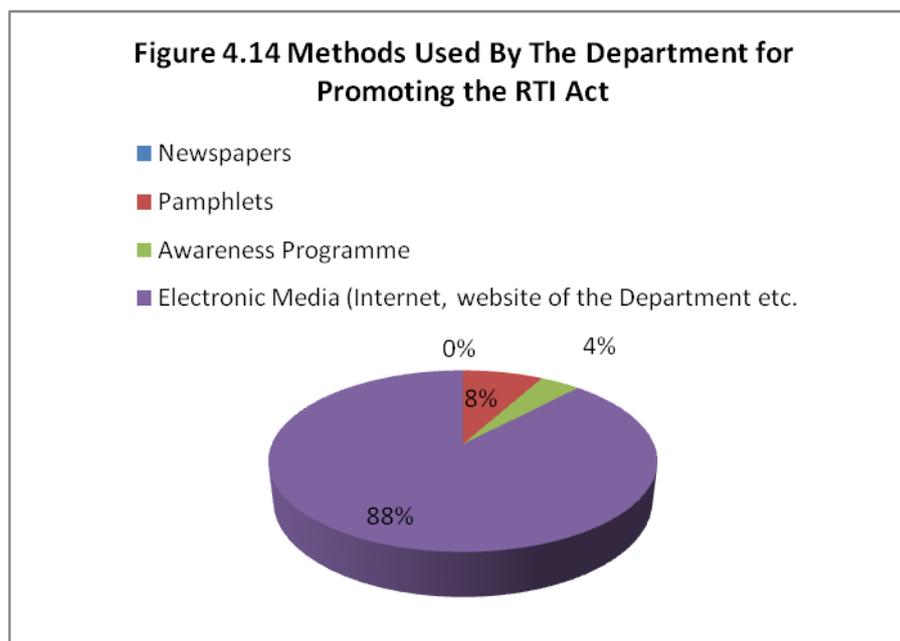
The RTI Act, 2005 has awakened the officials who were deep sleeping. It has also made them aware of their duties and responsibilities, as information seekers can seek any information relating to the department. To fulfill all these demands officials have to be aware, they have to maintain all records related to the department and in this process they become more aware about their duties and responsibilities.

In fact, it is a revolution in Indian administrative history which has made the official more aware of their deeds but it is one of the problems as well that some of official are not aware and committed towards work. They are not only irresponsible towards their duties but also harass people. It is spoiling the image of the department and also affecting the working process of the department .To solve this problem department has to take strict action against such officials, who are not working seriously and performing their duties efficiently. To explain it more clearly graphical representation is given below.



The data in pie chart 4.13 highlights that 20 per cent officials definitely, agree that due to RTI Act they became more aware about their responsibilities, 39 per cent officials are slightly agree with this statement. 29 per cent officials are neutral means they are neither agree nor disagree and remaining 12 per cent officials slightly disagree. They stated that they are not so much affected from RTI Act. Before its implementation they were committed toward their work. Therefore, majority of officials responded in favour rise in duty consciousness among officials due to the RTI Act.

Regarding methods used by the Department for Promoting RTI Act



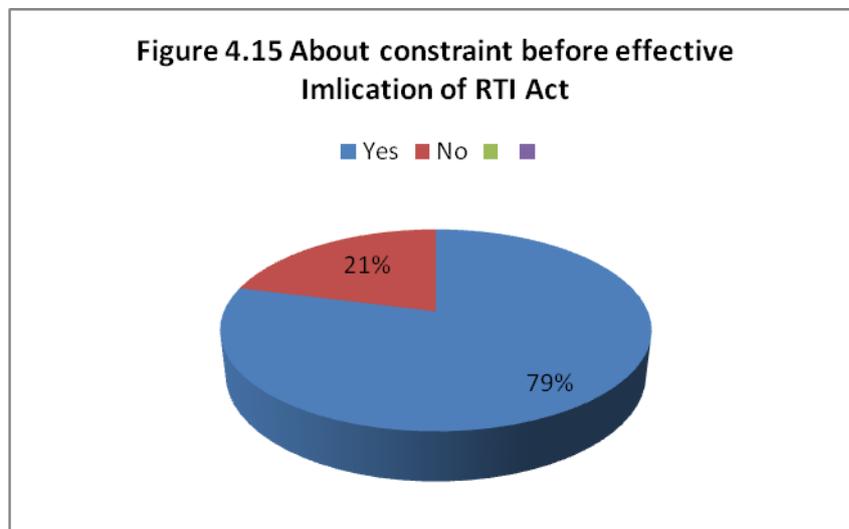
The data in figure 4.14 depicts that Secondary Education Department, Haryana is using various methods for promoting RTI Act. 88 per cent officials replied that the department has used electronic media for promoting RTI Act i.e., through internet, website of department etc. 8 per cent officials replied that the department uses pamphlets and brochure for promoting RTI and the remaining 4 per cent which lowest one stated that the Department uses awareness programmes through TV, and radio etc, for permotion of RTI Act among people.

The above analysis points towards the need for the awareness about RTI act through traditional methods like newspaper, pamphlets etc. The use of these traditional means needs to be promoted in order to make more and more people come under RTI act awareness campaign. Major drawback regarding RTI act awareness has been the fact that it is limited to the electronic media only.

About Constraints before Effective Implementation of RTI Act

RTI Act, 2005 brought revolution in Indian democracy. It has evolved the new system of people participation and accountability of officials towards their deeds. It has reduced the delay in administration but some of the provisions of the RTI Act are constraints before its effective implementation i.e. fee, stipulated time period, imposition of penalty, non availability of funds and non availability of staff etc.

In this regard empirical data was collected from officials. They gave their perception towards impediments prevailing before effective implication of RTI Act.



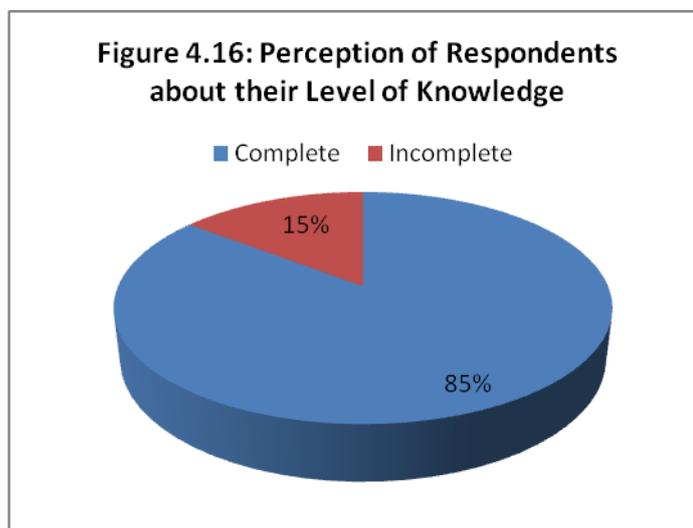
The data in chart 4.14 highlights that some constraints are affecting RTI Act due to which it is not being implemented effectively; the majority of officials has ratified this statement, and remaining 21 per cent officials stated that it is working smoothly.

However empirical analysis indicates that in real sense some factors are affecting its effective implementation. Thus an attempt has been made to analyze the RTI Act and its implementation in Secondary Education Department Haryana on the basis of primary survey. From the study, It has been found that the RTI Act, 2005 is

working successfully but simultaneously some constraints have also aroused which are hindering its effective implementation i.e. institution arrangements, lack of staff, prescribed time limit, non co-operation of people, obligation of penalty etc.

About level of Knowledge

This figure 4.16 shows that people became more aware through media and internet, which is a leading source of analysis of government policies and programmes. The information regarding how people get awareness regarding RTI Act and what is their level of knowledge, has been explained below.



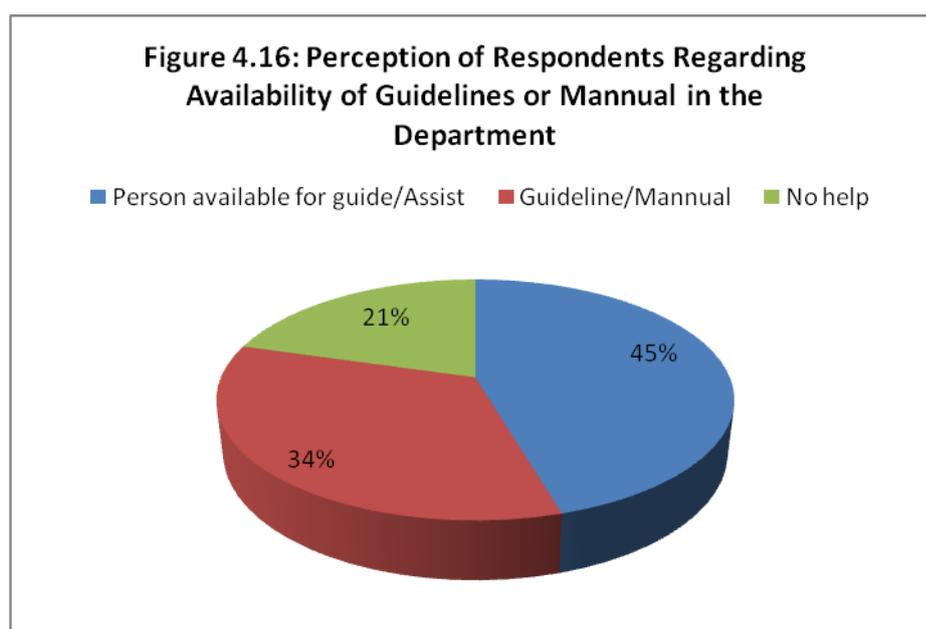
The data in above Figure 4.16 reveals that 85.5 per cent beneficiaries are having complete knowledge about RTI Act and remaining 14.5 per cent have incomplete knowledge.

Therefore, it is proved from this study that people are becoming more aware about RTI Act because majority of respondents have complete knowledge which is 85.5 percent and only 14.5 percent people have incomplete knowledge. It is really fruitful for study also that majority of beneficiaries are having complete knowledge because those who has complete knowledge about the act, they can seek information effectively. If they are unable to seek information or they get incomplete irrelevant

information, they can appeal before 1st or 2nd appellate authority or take the necessary step if not satisfied.

Availability of Guideline or Manual in the Department for Information Seekers

Guidance or assistance for information seekers is very useful while filing RTI. It also shows the infrastructure development and RTI applicability in the department. The next table focuses on department status regarding availability of guidelines or manual.



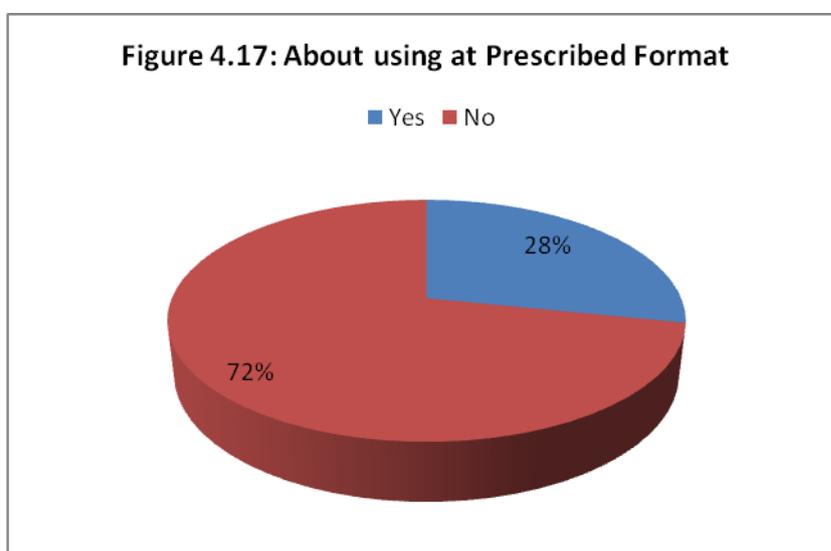
The data in above figure makes it clear that, 45.5 per cent said that while filing RTI person was available to guide them, 34 per cent said that manual was available to guide them in the form of notice board and through pamphlets but 20.5 per cent said that there was no availability of guidelines or manual while filing RTI.

In fact guidelines or any kind of assistance is very important for information seekers because some time information seeker is unable to clarify the subject of information which creates problem before officials. In the figure, majority of beneficiaries responding positively about availability of guidelines/manual, which is

positive sign for information seekers. It also shows the effective implication of RTI act in the department.

Prescribed Format

Prescribed format is also one of the important factors of RTI Act. They are classified as Form 'A' and Form 'B'. The Form 'A' for initial stage or filing RTI and form 'B' for responding or furnishing information from department. If information seekers use it more and more then it means people are more aware of the act and that in turn helps officials in furnishing information to the satisfaction of information seekers. This given table is analyzing usage of RTI in prescribed format.



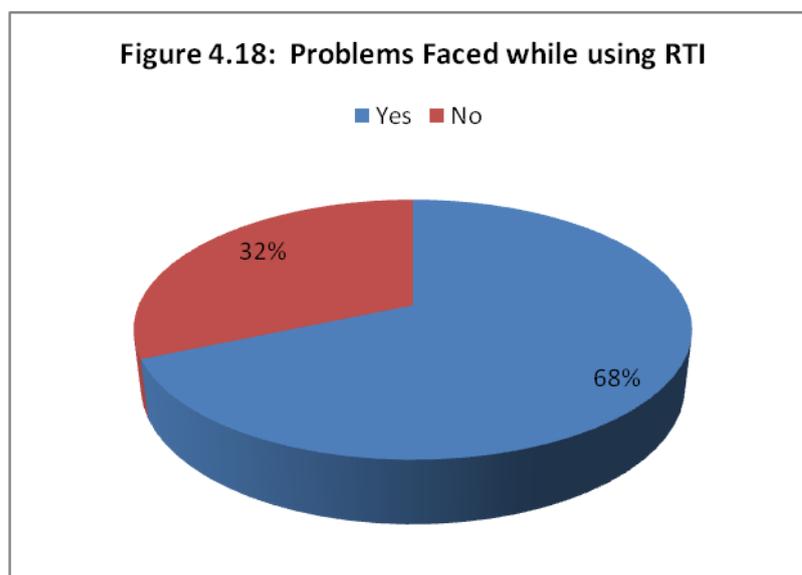
The data in figure 4.17 reveals that 28.25 per cent respondents has used prescribed format for seeking information and remaining 71.75 per cent respondents filed RTI on simple paper.

Thus the data reflects that majority of respondents didn't use prescribed format although according to provision of RTI Act, information can be sought through prescribed format or simple paper or orally. There is no need to follow any

prescribed format but it is helpful and beneficial for information seekers and officials as well, if they are using prescribed format.

Problem Faced by Respondents while Using RTI Act

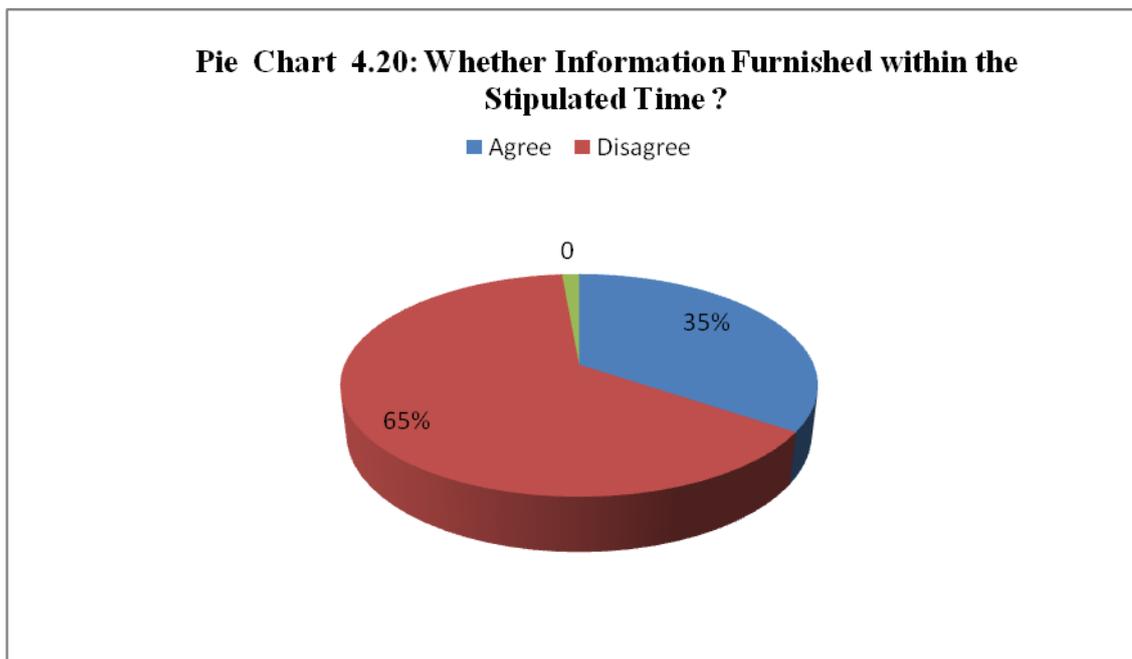
While seeking information people face many problems like departmental assistance, procedure to obtain information, availability of official to submit application, stipulated time period, behaviour of officials etc. It is explained in figure number 4.18.



The data in above figure 4.13 shows that 68.5 per cent respondents said that they faced problem while filing RTI and remaining 31.5 per cent respondents responds that they didn't face any problem.

The majority of respondents faced problem. It shows negative response of the officials, due to which common man become apathetic to seek information. It also shows the negative sign for the effective implication of RTI Act. Further information was furnished or not within stipulated time period. It is given in Pie Chart number 4.19

Adherence to the Stipulated Time Period

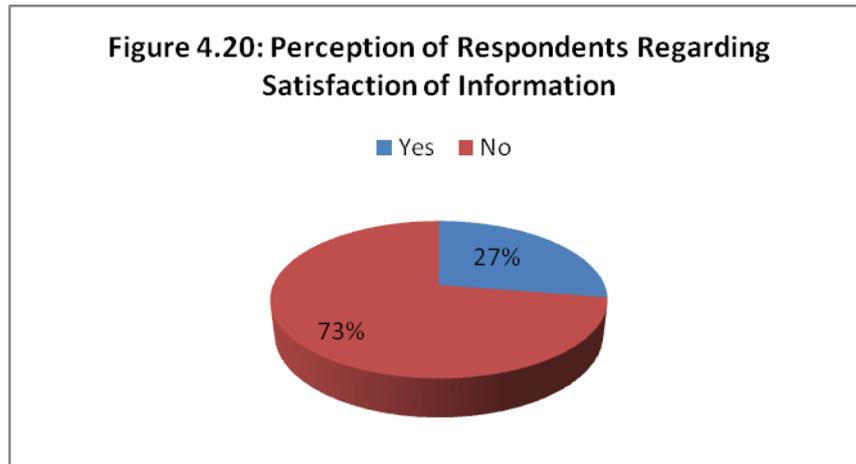


The data in table shows that out of 400 respondents, 140 (35 per cent) respondents said that they have got information within stipulated time period. Remaining 260 (65 per cent) responded that they didn't get information within 30 days which is prescribed time limit to furnish information by officials.

Thus even after the incorporation of section 20 of RTI Act which is concerned with penalties. 65 per cent percent of respondents did not obtain information in stipulated time period. Therefore to make RTI Act purposeful and relevant, correct information will have to be furnished in stipulated time frame.

Satisfaction from Furnished Information

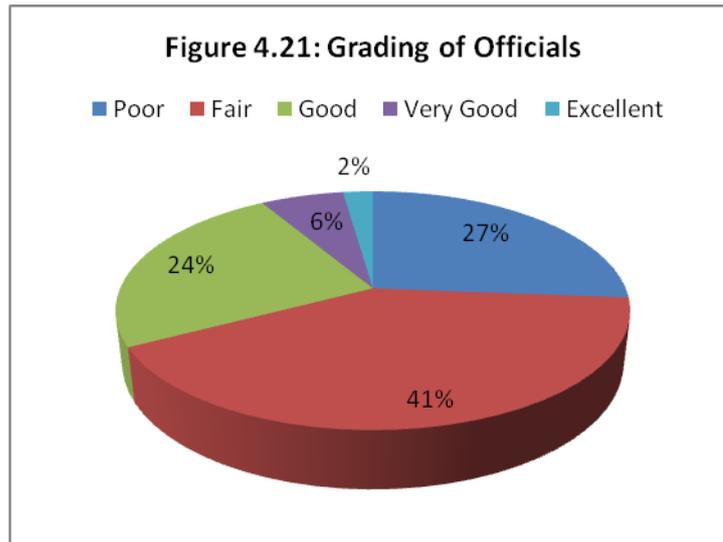
The information regarding satisfaction is tabulated in Pie Chart number 4.20.



The Chart 4.20 reveals that 27.5 per cent respondents are satisfied from the information furnished information by the department and remaining 72.5 per cent are not satisfied. Thus the analysis given data shows that majority of information seekers are dissatisfied from the information which is either irrelevant or insufficient information.

Regarding Grading of Officials Given by Information Seekers

While obtaining information our respondents interacted with the officials. While interacting some beneficiaries were not satisfied with behavior pattern of officials, assistance, absenteeism from their seat and their knowledge etc. Hence on the behalf of their perception grading is given for officials, where they have been classified in five grades to the officials. 1 denotes poor and 5 is excellent. More analysis was given below.



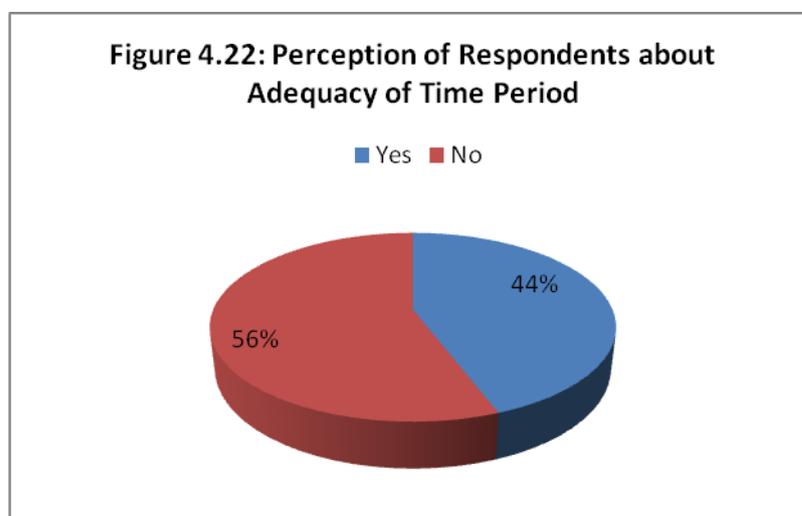
The data presented in figure 4.21 shows the people perception regarding the knowledge of officials about procedure of furnishing information and provisions of RTI Act. On the behalf of their perception grading was given to the officials. 26.25 per cent respondents have given grade E which highlights the Poor performance. It means they have poor knowledge about RTI Act. 41 per cent respondents said that they have fair performance. It means they were not poor, they have some knowledge about the Act and its usage. 24.25 respondents indicated that they have good performance regarding the RTI Act and its usage. 6.25 per cent respondents revealed that the officials performed ‘very good’. They said they had very knowledge and remaining 2.25 per cent gave the grade A which denotes excellent performance.

From the above analysis, it can be concluded that majority of officials have good knowledge about the act. Out of 400 sampled, 131 respondents said, ‘Good’, ‘V. Good’, and ‘excellent’. 164 included in ‘Fair’ criteria and only 105 respondents said that officials had poor knowledge and performed poorly.

Perception of Respondents Regarding Time Limit

The information seekers have given their perception about the sufficiency of time to obtain information. Under section (7) of RTI Act there are 30 days for

information from the date of application, 48 hours for information concerning the life and liberty of a person. The respondent gave their views differently about the provision RTI Act. Some are in favour and the remaining is against it. The relevant data is classified below.



The data in figure 4.22 reveals that 44.25 per cent respondents stated that given time period of 30 days in normal circumstances and 48 hours in emergency is adequate. But majority of respondents, i.e., 55.75 per cent stated that given time period is so long because when we get information, the purpose of seeking information ceases and the information becomes useless. It is a big problem before effective implementation of the RTI Act. Therefore, to make it more effective, time period should be decreased.

Thus the above analyses indicated that prescribed time limit is too long and in case information seekers appeal before the 1st Appellate Authority, the time period doubles. So, to make RTI Act more meaningful and beneficial time constraints must be brought down.

In the last chapter, the findings of the study along with the suggestions for the better implementation of RTI Act, 2005 have been discussed in detail.