

UNIT-9

ISSUES AND CONSTRAINS FACED BY PUBLIC INFORMATION OFFICERS

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9.1 INTRODUCTION

Currently there exist insufficient measures and procedures in the Information Commission to view the adherence stages of the vital provision of the Act. The Information Commission receives to know the failure of the Public Authority in providing the records within 30 days (or 48 hours or 35 days or 40 days (as can be the case) as soon as the appeal or complaint is filed. Due to inadequate facilities the flow of information is inevitably delayed. Due to inadequate record management procedures with the Public Authorities. It is a recognised truth that the document keeping procedure within the Government is a huge assignment. This situation is in addition irritated because of non-availability of skilled PIOs and the enabling infrastructure (computer systems, scanners, net connectivity, photocopiers and many others.). Public Authorities need to meet the requirements of the RTI Act to study their modern report maintaining approaches and different constraints and plan out the resources.

Lack of refresher education and occasional level of focus on key SIC judgments: RTI implementation remains inside the technique of evolution, ensuing in new dimensions being brought routinely. Hence RTI refresher training or primary understanding repository wishes to be had to the PIOs. However, given the modern levels of fundamental training to the PIOs, the refresher education (covering the Key landmark orders exceeded through SIC) nonetheless seems a far off truth. A few projects have been taken by means of CIC (<http://cic.gov.in>) and Centre for Good Governance and a website for RTI (<http://www.rti.org.in>) has been created under capacity building project, in which know-how repositories and landmark judgments are provided. However the notice of these projects/websites among the PIOs is notably low.

9.2 OBJECTIVES

After reading this unit you will be able to know about the issues and constrains faced by the public information officers.

9.3 SUBJECT

9.3.1 lack of behavioral training

1-It is widely recognized that the training provided to the PIOs is limited to RTI Act. While that is the bare minimum, the PIOs are predicted to provide assistance to the applicants as per the Section 5(3) of the Act.

2- Manager reliable facts as per the record management guidelines.

These areas require specialized training to equip the PIOs for the above stated role.

9.3.2 need an external enterprise for training

All education institute surveys reveals that the useful resource constraint and need for external help to conducting RTI training wished the guide of an external agency for undertaking RTI education of PIOs and APIOs of states and centre.

The training of PIOs is a big challenge generally due to

- a) huge range of PIOs to be trained
- b) frequent transfers of PIOs to different posts.

The training institutions also possess a large constraint with respect to the availability of training assets. Also, it turned into discovered that inside the current way of presenting training, there's a low involvement of the Public Authority and an insufficient feel of urgency in getting their PIOs trained. There is a sizable dependence on the ATI institutes for training of the PIOs. At the same time it's also referred to that there are a large number of non-earnings organizations which are sporting out the trainings in legitimate/ un-legitimate capacities – these are untapped resources which may be used by the PA, appropriate Government and Training Institutes.

9.3.3 obsolete record management guidelines

Ineffective file management machine and collection of information from field places of work main to postpone in processing of RTI programs:

As in step with Section 4(1a) of the Act, a Public Authority needs —to maintain all its records duly catalogued and indexed in a way and form which helps the Right to Information under this Act and make certain that every record which can be appropriate to be computerized are, inside an inexpensive time and subject to availability of resources, computerized and connected through a network all around the country on different systems so that access to such records is facilitated

It is well known that even in Central Government Ministries, the status of record keeping is a problem area. In most of the places, the current rules pertaining to record management only cater to categorization of records based on time period for storage before destruction. In most states, file maintaining processes have now not been revised for many years. Most notably the exercise of cataloguing, indexing and orderly storage is absent, that's critical for quick-turn around in case of information record request under RTI Act. Even while information are saved, retrieval of intelligible information is a challenge. It is possibly because of this situation that there may be an inclination to provide bulk unprocessed information rather than relevant and pertinent information.

Laying down detailed procedures by using themselves could now not suffice. A permanent mechanism with sufficient authority, expertise, and obligation needs to be created in each Public Authority to coordinate and supervise proper report-keeping. It is liked that there can be aid constraints for a Public Authority to undertake comprehensive computerization, but the point which wishes to be highlighted is that there has been limited attempt being installed to plan out the tasks (with or without computerization) a good way to reap the goal inside an affordable time. This inadequacy may be related to absence of institutional mechanism in Public Authorities specializing in RTI and inter alia focusing on the record keeping guidelines.

9.3.4 non-availability of basic infrastructure

The Implementation of RTI requires the PIOs to provide records to the applicant via photocopies, soft copies etc. While these facilities are taken into consideration to be without

problems available at a district level, it's far a task to get data from Block/ Panchayat level. PIOs spotlight that the dearth of infrastructure hampers the RTI implementation on the PA level. In order to service RTI requests, fundamental infrastructure consisting of photocopier machines at each Public Authority and basic level of automation together with essential applications and connectivity is needed.

9.3.5 limited use of it

The use of Information Technology in acceptance or delivery of RTI applications is minimum within the Public Authorities. Isolated IT answers have been advanced by some Departments independently but these systems are just restrained to tracking the status of RTI applications. Some PAs like Kandivali Municipal Corporation and Kamrup Metro District have developed software program packages for inner tracking of the popularity of RTI programs but no widespread software has been developed at State level. At the Central stage RTI MIS advanced by way of NIC has been deployed in Central Ministries and Departments; this system has the following features –

- Facility to update the list of PIOs and AAs
- Auto generation of responses for PIOs and AAs
- Reporting and MIS generation

Currently efforts are underway to combine this system with the appeal management system being utilized by the CIC to provide a unbroken RTI workflow.

It changed into additionally found that there's a honest quantity of IT utilization at the SIC stage. Amongst the ones surveyed, Information Commissions Central Information Commission and SIC Andhra Pradesh had been the the front runners in utilization of IT. CIC has supplied the facility of filing and tracking appeals and proceedings online on its internet site. Similarly SIC Andhra Pradesh has additionally provided the power for tracking of appeals and complaints on-line and through SMS. Barring SIC Uttar Pradesh, all of the other SICs under survey have published their selections on their websites.

As has been cited earlier, the issue of implementation of the RTI Act at an operational level rest with the Public Authority. The suitable Government and Information Commission can play simplest a facilitative and adjudicative function. Unless the Public Authorities examine the problems of implementation and identify sources required, there would no longer be any cognizance on implementation. The ARC report had mentioned that G.O.I may allocate one per cent (1%) of the funds of the Flagship Programmes³ for a period of five years for enhancing the infrastructure requirements. However this has now not been applied.

9.3.6 lack of motivation among pios

In addition to loss of resources, PIOs lack the inducement to implement RTI Act. During the RTI workshops organised inside the surveyed states, PIOs referred to that there were no incentives for taking over the obligation of a PIO; however penalties have been imposed in instances of non compliance. It was also observed that there's a extensive variance inside the seniority levels of PIOs. For instance PIOs were appointed at the extent of college instructors

inside the School Education Department in Andhra Pradesh. During the records provider survey, 89% of the PIOs stated that there have been no additional allocation of staff for RTI related activities.

9.3.7 ineffective implementation of section 4 (1) (b)

As per the Act, one of the basic responsibilities of the Public Authorities (PAs) is to disseminate information on suo moto basis. Section 4(1) (b) sub clauses i-xvi; in particular mention the sort of information which wishes to be provided by the PAs. Beyond this stipulated information, the Act additionally mandates the PAs to offer other records as in step with Section 4(1) (b) sub clause xvii, Section 4 (1) (c), Section 4 (1d) and 4 (2).

As per our observations and interactions with numerous Government offices/Public Authorities, the key observations and assessment are as follows: -

The internal techniques within the Public Authorities aren't defined, with the intention to deal with the requirement of the applicable suo moto clauses. Various Departments and Ministries of Government of India have within the final 12 months published the necessities specific under section 4(1) (b) at the website. However the same within the State Government departments and web sites is extensively terrible (it is assumed that the supply of information at the website is a extra convenient way of disseminating and updating the information).

- Information proactively disclosed is not up to date often leading to obsolescence of facts provided. As consistent with the Act, the information needs to be updated annually, however plenty of records wishes to get up to date on actual time foundation e.g. Details of the Officers, PIOs etc.

- The PIOs also are now not aware that they are able to disseminate information on suo-moto basis. This results in higher number of RTI applications. The PIOs could employ this clause and disseminate information proactively and accordingly eliminating the need to file RTI applications

- At places where suo-moto information is being provided, the quality of disclosure is quite low and does not cater to the information needs of the citizens. There is not any/ inadequate mechanism within the Public Authorities to put in force the provisions of the Act. Neither the State Government nor the Information Commissions have taken adequate steps to make sure compliance of the basic minimum requirement for filing RTI applications.

9.4 SUMMARY

In this unit we learn about the issues and constraints faced by the public information officers like Lack of Behavioral Training , Need an external enterprise for training

Obsolete record management Guidelines ,Non-availability of basic Infrastructure ,Limited use of IT, Lack of motivation among PIOs ,Ineffective implementation of Section 4(1) (b)

9.5 GLOSSARY

1.Infrastructure-It consists of the basic facilities such as communications, power supplies and buildings, which enable to work properly.

2.Motivation- The act or process of giving someone a reason for doing something

9.6 SAQS

1. Short Answer Questions-

- a) What is the need of external enterprise for the training of PIO's?
- b) Is limited use of IT a issue faced by the PIO's?

2. Fill in the blanks-

- a) The PIOs are predicted to provide assistance to the applicants as per the Sectionof the Act.
- b) Information Commissions, Central Information Commission andhad been the front runners in utilization of IT.

3. True and False type questions

- a) The use of Information Technology in acceptance or delivery of RTI applications is minimum within the Public Authorities.
- b) At places where suo-moto information is being provided, the quality of disclosure is quite low and does not cater to the information needs of the citizens.

9.7 REFERENCES

- a) https://en.wikipedia.org/wiki/Right_to_Information_Act,_2005.
- b) The Right to Information Act, 2005.
- c) www.ingaf.in/INGAF/RTI-ACT/Guideonrti.pdf

9.8 SUGGESTED READINGS

1. Right to Information Act, 2005
2. Guide on Right to Information Act, 2005 (Government of India Ministry of Personal, Public Grievances & Pensions Department of Personnel & Training)<http://www.rtifoundationofindia.com/guide/Guideonrti.pdf>
3. Dr. Neelam Kant, 2014, published by Orient Publishing Compan
4. Right to Information Law in India by N.V. Paranjape
5. Right to Information Act, 2005 by Jitesh Dhanrajani

9.9 TERMINAL QUESTIONS AND MODEL QUESTIONS

- a) What are the main issues faced by the PIO's in providing Information
- b) Is Ineffective implementation of Section 4 (1) (b) a issue faced by the PIO's

9.10 ANSWERS

SAQS

1(a) Refer 9.4

(b) Refer 9.7

2(a) Refer 9.3

(b) Refer 9.7

3(a) True,

(b) True

Terminal Questions and Answers

(a) Refer – whole unit

(b) Refer 9.7