Study of E-Governance in Flourishing Right to Information Act in India

Kalpeshkumar L Gupta
Academic Associate – Business Policy
Wing 1 A, IIM,
Ahmedabad.

Baijul Parikh
Academic Associate
Information System
Wing 3 K, IIM,
Ahmedabad.

Abstract

India is transforming into a transparent society. It is very much necessary that the Government functions which are related to public or are interfaced with public should be done by using Information and Communication Technologies (ICTs) to increase the level of transparency. These technologies should be implemented in a manner that they are easily accessible by the citizens and they should be citizen friendly. India has core competence in information technology so by properly managing e-commerce and e-business leading to e-Governance, transparency in administration of Government activities and administration is definitely possible.

The Right to Information Act is one of the rarest laws which enforce the implementation of e-Governance.Quoting the provision of the Act: "Every public authority shall ensure that all records that are appropriate to be computerized are within a reasonable time and subject to availability of resources, computerized and connected through a network all over the country on different systems so that access to such records is facilitated. Public and judicial activism can progressively increase the interpretation of all records that are appropriate to be computerized."

The paper aims at studying e-governance and its proper implementation in flourishing RTI Act in India. The paper gives a brief understanding about e-governance and other co-related terms like e-government and governance. It also describes the difference between them as often they are used instead of each other. We also try to understand the RTI Act and section 4 of RTI Act, 2005 which emphasizes on enforcement of e-Governance. Examples are given on how e-Governance has helped in proper implementation of RTI Act like Online RTI Application Centre, Centre Information

Commission online, Bihar Jaankari, etc. We have also come up with a model which describes the flow in which an online application system should be developed.

Key words: - E-governance, Right to Information, RTI, Development, Transparency, Accountability

INTRODUCTION

E-Governance is the only way to move from good governance to proactive pro-people good governance

- Shri Narendra Modi, Hon'ble Prime Minister of India

Good governance is a key stroke for the success of any country. Countries over the world have taken up specific initiatives for open government. Right to Information is redefined and is also supported by detailed guidelines. With Internet emerging as a powerful tool for information sharing and retrieving, governments of countries over the world have strived in putting citizens into the centre of focus of governance where citizens are perceived to be the customers and clients.

E-Governance needs to be amiable with the citizens. In a country like us which has a population of over one billion people to establish an e-Governance system which has seamless flow of information is a big challenge in front of us. In this paper we are trying to analyze how RTI Act will work as an accelerator to take the e-Governance movement forward in India. Digitization of government documents stands as a base for e-Governance is quite important to give information access to all the Indian Citizens. Effective Online services give a faster and easier access to Indian Citizens at a convenient place, which the RTI Act truly advocates.

Undoubtedly, the RTI Act truly is a boon for various e-Governance initiatives if implemented fully. But the challenge faced is that though such Rights have been converted into laws but the practice of enforcing such rights is one, which in many cases is out of the reach due to financial or legal issues.

With growing initiatives in e-Governance, this paper will provide lucid learning and be of interest for all those who are involved in conceptualizing and implementing e-Governance projects in the country.

2. E-GOVERNANCE

1. e-Government v/s. e-Governance

Many times e-Governance is mixed with e-Government while there exist a wide difference between the two. E-Government is dealing with a narrower area consisting of developing an online platform to provide services to citizens like - e-tax, e-health, e-transportation etc. While e-Governance consists of a broader spectrum that deals with the networks and cardinalities within the Government with respect to the usage and application of ICTs. E- Governance is a broader concept that encompasses the impact of technology in administrating the activities carried out by various government bodies with the citizens, non-profit organizations and private sector entities. e-Governance basically checks the successful implementation of e-Government services to the citizens.

2. e-Governance v/s. Governance

E-Governance is not simply Governance with electronic patina. To understand this in broader sense we need to first understand what actually Governance means and then what the difference between Governance and e-Governance is. Governance comes up with multiple meanings. Here are listed a few taken from different sources:

"Governance is about how local public bodies and partnerships ensure that they are doing the right things, in the right way, for the right people in a timely inclusive, open, honest and accountable manner. It comprises the systems and processes for the direction and control of local authorities through which they account to, engage with and lead their communities" (Cadbury Committee, 1992)

The International Institute of Administrative Sciences (HAS) (1996) proposes a lengthy definition which includes. (Frank Bannister, 2012)

• "Governance refers to the process whereby elements in society wield power and authority, and influence and enact policies and decisions concerning public life, and economic and social development.

• Governance is a broader notion than government, whose principal elements include the constitution, legislature, executive and judiciary. Governance involves interaction between these formal institutions and those of civil society.

• Governance has no automatic normative connotation. However, typical criteria for assessing governance in a particular context might include the degree of legitimacy, representativeness, popular accountability and efficiency with which public affairs are conducted?

From the above definitions it is clear that there is a wide difference in each of the definitions stated. So before writing a paper or a case in this segment it is better to state which definition we are using and then carry it forward and this paper too is not an exception to it. To clearly distinguish the two a better example would be to understand the transformation as to how over the years the administration has transferred from government to governance due to outsourcing, decentralization, and agentification.

E-Governance is an expression which has mostly been used as a substitute of e-Government especially in India. It doesn't serve as the synonym of e-Government. If governance without "e" comprises of many stakeholders than just by adding ICTs to the mix will result into group dynamics, possibility of interaction and nature of communication and a balance of power between and possibly the number of stakeholders.

3. e-Governance Approach to India – NeGP Plan

National e-Governance plan was presented by Hon'ble Prime Minister of India on 6th Nov 2003.The plan aims to lay the foundation and growth of e-Governance in India. It consists of 27 Mission Mode Projects (MMPs) and 10 Components. The main objective of this plan was to improve efficiency and transparency between the Government and citizen interface.

An extract of Hon'ble PM's announcement on Independence Day 2002 pertaining to e-Governance is reproduced as under:

"The Ministry will implement a comprehensive programme to accelerate e-Governance at all levels of the Government to improve efficiency, transparency and accountability at the Government –citizen interface …."

Department of Information Technology jointly with Department of Administrative Reforms and Public Grievances prepared a National e-Governance Action Plan for implementation in the Government at the centre and States and was presented to the Hon'ble Prime Minister which has been approved in principle.

An apex committee was established for NeGP to provide policy direction to its implementation. The composition of apex committee is as follows:

(i) Cabinet Secretary… Chairman

(ii) Finance Secretary…Member

(iii) Secretary, Department of Expenditure… Member

(iv) Secretary, Planning Commission…Member

(v) Secretary, Department Of Personnel ad Training…Member

(vi) Additional Secretary, Department of Administrative Reforms and Public Grievance…Member

(vii) Secretary, Department of Information Technology…Member-Convener

4. Framework for e-Governance

NeGP Program Framework is as depicted in the diagram:-
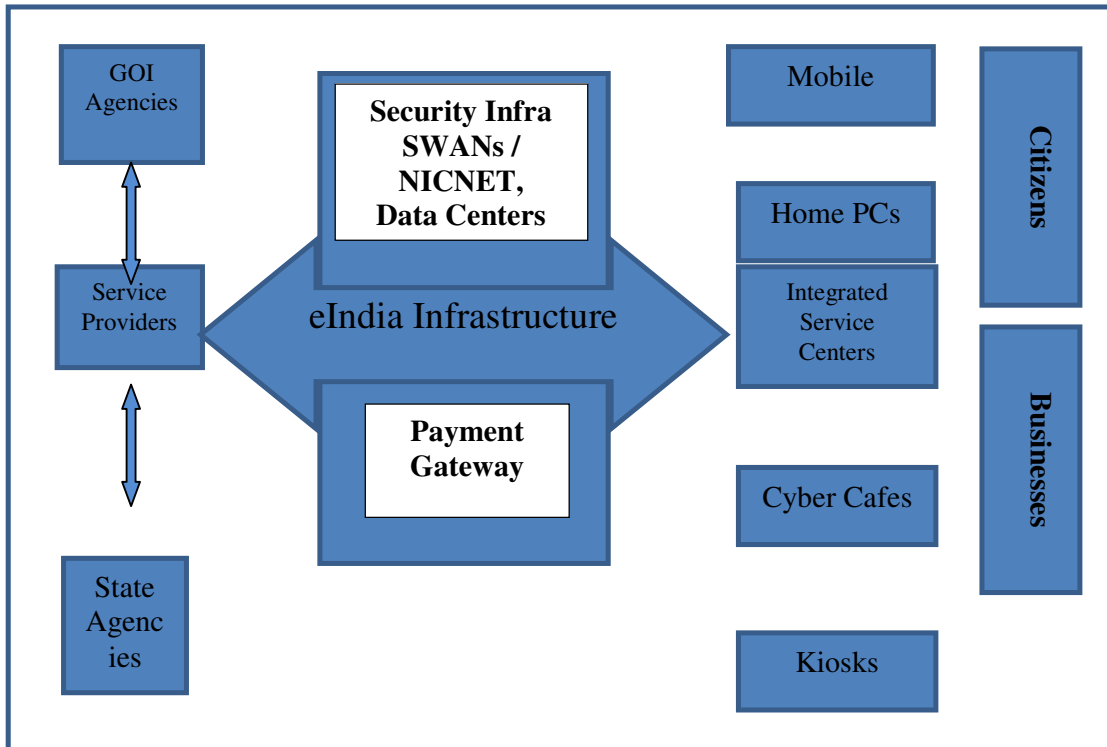
Gupta Piyush & R K Bagga (2008)

As shown in the diagram above, e-Governance Framework would include Back-ends (data from different Government agencies, service providers, state governments etc.), Middle and Front-end Delivery Channels (home PCs, Mobile phones, kiosks, Cyber cafes, etc.) for citizens and Businesses. The Middleware consists of communication and security infrastructure, gateways and integrated services facilitating integration of inter-departmental services.

All services are supported by three infrastructure systems namely :

Connectivity: State Wide Area Networks (SWANs)/NICNET

National Data Bank / State Data Centers (SDCs)

Common Service Centers (CSCs) primary mode of delivery

Core Projects (Mission Mode Projects)		
Sr. No.	Mission Mode Projects	Line Ministries/Departments Responsible
	Central Government	
1	Income Tax	Ministry of Finance/Central Board of Direct Tax
2	Passport Visa and Immigration Project	Ministry of External Affairs/Ministry of Home Affairs
3	MCA21	Ministry of Company Affairs
4	Insurance	Dept. of Banking
5	National Citizen Database	Ministry of Home Affairs/Registrar General of India (RGI)
6	Central Exercise	Excise & Custom
7	Pensions	Dept. of Pension and Pensioners welfare & Dept. of Expenditure
8	Banking	Dept. of Banking
	State specific Government	
1	Land Records	Ministry of Rural Development
2	Road Transport	Road Transport & Highway
3	Property Registration	Dept. of Land Resources
4	Agriculture	Department of Agriculture & Cooperation
5	Treasuries	Ministry of Finance
6	Municipalities	Ministry of Urban Development & Poverty Alleviation
7	Gram Panchayats	Ministry of Rural Development
8	Commercial Taxes	Ministry of Finance
9	Policy (UT's initially)	Ministry of Home Affairs
10	Employment Exchange	Ministry of Labour and Employment
11	e-District	Co-ordinated by Dept. of IT ,Government of India

	Integrated Services	
1	EDI(e-Commerce) Formatted Transaction of business documents(invoice, purchase and)electronically	Ministry of Commerce and Industry
2	E-Biz ; Single window Government to business portal offering services for the complete lifecycle of business	Department of Industrial Policy & Promotion/Department of Information and Technology
3	Common Service Centers	Department of Information Technology
4	India Portal ; Single Window web based delivery of information and Government services at the national level	Department of Information Technology/department of Administrative Reforms and Public Grievances
5	EG Gateway	Department of Information Technology
6	e-Courts	Ministry of Home Affairs
7	e-Procurement	Ministry of Commerce & Industry
8	e-Office	Department of Administrative Reforms & Public Grievances

3. RIGHT TO INFORMATION ACT, 2005

Right to Information (RTI) Act was enacted in year 2005. Main objective of RTI Act is to bring transparency and accountability in the working of public authorities. Public Authority is having wider definition than government, it also coverers organizations substantially financed and controlled by the government. It has been more than eight years of this act and there are numerous success stories of it. There are some negative aspects of this act also e.g. killing of RTI activists who are trying to expose corruption, reluctance of public authorities to disclose information mainly on voluntary basis. Many organizations deny information taking the shield that they are not public

authorities. Presently thousands of RTI appeals/complaints are pending at the central and state commissions offices. Posts of information commissioners are lying vacant at central and state levels. It takes 2-3 years to have first hearing in the second appeal or complaint stage. Even if having sufficient information commissioners, disposal rate is too low.

One of the main reasons behind these large nos. of appeals/complaint is that, many public authorities is not maintaining computerized data and not disclosing certain information voluntarily as prescribed in Section 4(1)(b) of RTI Act, 2005 which pertains to suo-moto disclosure of information. In absence of this citizens are filing to get information which the public authorities are supposed to disclose it voluntarily. Section 4 talks about the computerization of all records and suo-moto disclosure of the certain information and E-governance will play crucial role in flourishing RTI Act in the country. Public Authority can easily disclose all information on their website in compliance of Section 4(1)(b) of RTI Act. It will be expensive and not advisable at all to disseminate information by way of notice boards, newspapers, public announcements, media broadcasts etc. Non-compliance of this section leads to unnecessary RTI appeals/complaints ultimately resulting wastage of time and money.

Here is provision of Section 4 of RTI Act, 2005
Section 4

1. Every public authority shall –
a) Maintain all its records duly catalogued and indexed in a manner and the form which facilitates the right to information under this Act and ensure that all records that are appropriate to be computerized are, within a reasonable time and subject to availability of resources, computerized and connected through a network all over the country on different systems so that access to such records is facilitated;

b) Publish within one hundred and twenty days from the enactment of this Act,-
    i.   the particulars of its organization, functions and duties;
    ii. the powers and duties of its officers and employees;

iii. the procedure followed in the decision making process, including channels of supervision and accountability;

iv. the norms set by it for the discharge of its functions;

v. the rules, regulations, instructions, manuals and records, held by it or under its control or used by its employees for discharging its functions;

vi. a statement of the categories of documents that are held by it or under its control;

vii. the particulars of any arrangement that exists for consultation with, or representation by, the members of the public in relation to the formulation of its policy or implementation thereof;

viii. a statement of the boards, councils, committees and other bodies consisting of two or more persons constituted as its part or for the purpose of its advice and as to whether meetings of those boards, councils, committees and other bodies are open to the public, or the minutes of such meetings are accessible for public;

ix. a directory of its officer and employees;

x. the monthly remuneration received by each of its officers and employees, including the system of compensation as provided in its regulations;

xi. the budget allocated to each of its agency, indicating the particulars of all plans, proposed expenditures and reports on disbursement made;

xii. the manner of execution of subsidy programmes, including the amounts allocated and the details of beneficiaries of such programmes;

xiii. particulars of recipients of concessions, permits or authorization granted by it;

xiv. details in respect of the information, available to or held by it, reduced in an electronic form;

xv. the particulars of facilities available to citizens for obtaining information including the working hours of a library or reading room, if maintained for public use;

xvi. the names, designation and other particulars of the Public Information Officers;

xvii. such other information as may be prescribed and thereafter update these publications every year;

c) publish all relevant facts while formulating important policies or announcing the decisions which affect public;

d) provide reasons for its administrative or quasi-judicial decisions to affected persons.

2. It shall be a constant endeavor of every public authority to take steps in accordance with the requirements of clause (b) of sub-section (1) to provide as much information suo-moto to the public at regular through various means of communications, including **internet**, so that the public have minimum resort to the use of this Act to obtain information.

3. For the purposes of sub-section (1), every information shall be disseminated widely and in such form and manner which is easily accessible to the public.

4. All materials shall be disseminated taking into consideration the cost effectiveness, local language and the most effective method of communication in that local area and the information should be easily accessible, to the extent possible in electronic format with the Central Public Information Officer or State Public Information Officer, as the case may be, available free or at such cost of the medium or the print cost price as may be prescribed.

> Explanations – For the purposes of sub-sections (3) and (4), "disseminated" means making known or communicated the information to the public through notice boards, newspapers, public announcements, media broadcasts, the internet or any other means, including inspection of offices of any public authority.

4. RECENT SCENARIO e-GOVERNANCE AND RTI ACT, 2005

There are many success stories where e-Governance has stood successful in promoting RTI in India. Here are a few:

1. Online RTI Application Centre

Department of Personnel and Training, Ministry of Personnel, Public Grievances and pensions launched a RTI portal www.rtionline.gov.in in year 2013 for online filing of RTI application/appeal and payment of fees. Presently only central ministries are covered under this portal. Citizen can submit RTI application and first appeal through this portal.

2. Central Information Commission (CIC) Online,

Central Information Commission is the central level body constituted under RTI Act, 2005 to hear the second appeal and compliant for matter pertaining to central level public authorities. CIC Online helps filing of second appeal and compliant. The project "CIC Online" a key initiative driven by Central Information Commission (CIC) and National Informatics Centre (NIC), the premier ICT Organization of the Government of India under the aegis of National e-Governance Plan (NeGP), was sought to acquire the key benefits of ICT and deliver the RTI system over the digital network for the citizens. CIC Online has embedded into it a 12 stage workflow that indicates the status of Appeals/Complaints at various levels of treatment beginning from the "Registering" the same to "Consigning the File to the Record Room". The module is being used for processing all the appeals/complaints filed before the Central Information Commission. The module also acts as a single source of information for all Complaints and Second Appeals.

3. State Level Initiatives

Bihar (Jaankari)

Bihar Govt. introduced RTI helpline called *Jaankari*. They introduced two dedicated numbers, one for helpline and one for filing RTI application and appeal. Application fees will be included in the telephone bill.

Online Filing of RTI Application/Appeal

Few months back Gujarat State Information Commission has started online filing of appeal and complaint called e-application. This will help to expedite the disposal of appeals and complaints. By the end of August 2014, Maharashtra Govt. is going to have dedicated website for RTI on which RTI Application, Appeal can be made. Presently four departments that will go online are minority affairs, environment, culture and tourism. (Shukla Ashutosh, 2014)

Video Conferencing for Hearing of cases

Central Information Commission, New Delhi already hearing appeals and complaints for more than five years. Earlier appellant has to go New Delhi for hearing which was time consuming and costly affairs. Some offices of State Information Commissions like, Punjab SIC, Haryana SIC, Tamil Nadu SIC, Chhatisgarh etc. also have started hearing cases through the video conference.

5. CONCLUDING REMARKS

5.1 Conclusion

As we seen above that e-governance plays crucial role in effective and efficient governance. It is very cost effective medium of disseminating information well in time. E-governance can play crucial role in flourishing RTI in the country by way of disseminating information to public at large and facilitating citizen in filing RTI application and appeal. As per Section 4(1)(b) of RTI Act, public authority has to make suo-moto disclosure of prescribed information using different medium like display board, newspaper, internet etc. Out of all medium, internet is the only cost effective and fast medium to disseminate information. But till date there are umpteen no of public authorities which have not complied the said legal requirement. Looking at other side, handful public authorities have implemented online system for filing of appeal/complaint and video conferencing facilities for hearing of appeals and

complaints. Most importantly there is no comprehensive plan of state government for better implementation of RTI act with the help of e-governance.

5.2 Recommendation

Looking at above discussion I recommend followings for better utilization for RTI Act

1. All public authorities make full disclosure as per Section 4(1)(b) of RTI Act, 2005.
2. Promote online RTI application/appeals in the state. Public authorities also can make individual effort for this.
3. Dedicated web portal in the state covering all public authorities in that so that one can file an application/appeal at one point itself.
4. Enable video conferencing facility for hearing appeals and complaints in the office of State Information Commissions.

For online application

It has been observed that there is no centralized online process system for RTI application/appeal in any states. Hardly any states have come up with online RTI application/appeal filing which will save lot of time and money. Ministry of Personnel, Public Grievances & Pensions, Department of Personnel & Training, Government of India launched RTI web portal (www.rtionline.gov.in) for online filing of RTI application in April 2013 covering only Department of Personnel & Training (DoPT) initially but as of now all Central Ministries/Departments of Govt. of India have been covered. The application filed through this web portal would reach electronically to the Nodal Officer. The Nodal Officer shall access this portal at least twice in a day. He shall transmit the RTI application electronically to the concerned CPIO. In case the RTI application is not meant for department, the Nodal Officer shall transfer the application physically to the concerned public authority, under section 6(3) of the RTI Act. The applicant can pay the prescribed fee through Internet banking through State

Bank of India and its associate banks or Credit/Debit card of Visa/Master[1]. This website covers only central ministries/departments. This website should expand its scope and cover all offices of Central Public Authorities.

At State Level, department wise online application RTI process will not serve the purpose as sometimes a person will not be able to make out that which department is involved in the particular matter. We hereby propose a state level centralized online application/appeal process to make it hassles free. There will be a RTI portal for every state in India. After opening portal, there will be tab for main state government's department and district. Clicking on main state government's department and district tab, there will be list of public authorities covered under those headings. In addition to that Talukas can be put under heading of districts to make RTI application/appeal more convenient. One can submit online application/appeal to concerned public authority on the said portal. In case where some offices of public authorities are not covered in the portal because of some reasons, one can submit RTI application/appeal to Facilitation Centre by filling up details of public authority. Facilitation Centre will forward that application to concerned public authority.

Example

> **A** wants to file RTI application in Gujarat University, Ahmedabad, Gujarat. He will open the Gujarat RTI portal; click on district Ahmedabad, there will be list of various public authorities, click on Gujarat University and proceed with application.

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[1] Office Memorandum No. 1/1/2013-IR, Dated April 22, 2013 available at http://ccis.nic.in/WriteReadData/CircularPortal/D2/D02rti/1_1_2013-IR-D.pdf accessed on December 17, 2013

Figure 1: Online RTI Application Flow
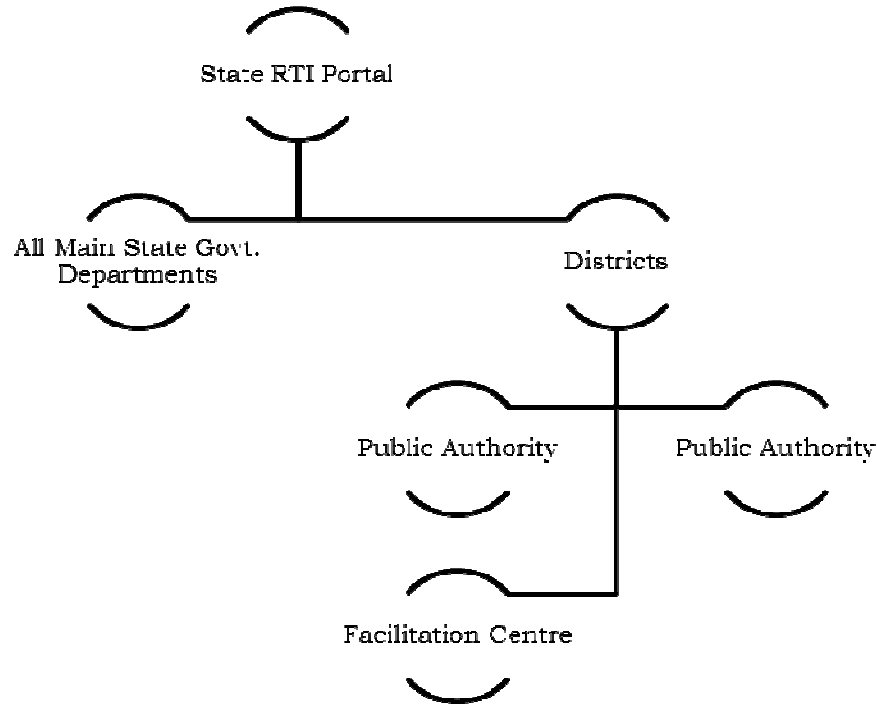
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