Understanding the"key issues and constraints" in implementing the RTI Act

Approach and Methodology*

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List of Abbreviations

Name	Description
APIO	Assistant Public Information Officer
AA	Appellate Authority
CIC	Central Information Commission
DoPT	Department of Personnel and Training
IT	Information Technology
MIS	Management Information System
NGO	Non Governmental Organization
PA	Public Authority
PIO	Public Information Officer
PSU	Public Sector Undertaking
RTI	Right to Information
SIC	State Information Commission
TNA	Training Need Assessment
ToR	Terms of Reference

Contents

We need to provide a small para here to say why this report (as a stand alone) has been prepared

This document provides an overview of the objective of the study that has been mandated by DOPT to PricewaterhouseCoopers. An important element of the assignment is to seek the views of the information provider and information seekers under RTI. The document summarized our methodology for conducting the study.

Section 1   Introduction

Project Background

In order to promote, transparency and accountability in administration, Parliament passed "Right to Information Bill, 2004 on 15th June, 2005, "The Right to Information Act" was notified in the Gazette of India on 21st June, 2005. The "Right to Information Act" has become fully operational from 12th October, 2005. so as to enable a citizen of India to secure access to information under the control of Public Authorities.

After the Act came into existence, it has become evident that there are many anticipated and unanticipated consequences of the act. These have manifested themselves in various forms. While some of the issues pertain to procedural aspects of the government others pertain to the capacity aspects. Hence, there was a need to evaluate the implementation of the Act based on actual data and information

With the above context, DoPT, Ministry of Personnel, Public Grievance and Pension, Government of India has engaged PricewaterhouseCoopers (PwC) for assessing and evaluating the Act with specific reference to the key issues and constraints faced by the "Information Providers" and "Information Seekers".

The scope of study would include review of the experience of the central and state governments in implementing the RTI Act, review of the experiences of various categories of information seekers, Diagnosis of the situation, suggest the nature of interventions to be made and prepare an action plan for implementation of the recommended changes.

For the study, the Consultants i.e. PwC are also required to hold several stakeholder consultations including Public Authorities, PIOs, Appellate Authorities, SICs & CIC under the Information Provider category and common people, disadvantaged groups & CBOs / NGOs / Activist Groups and media under the Information Seeker Category.

Activities planned in the study

The activities planned under the study include

1. Analysis and categorization of information sought under RTI Act in select states of the country, including the Central Government.

2. Design a methodology to identify those states that need to be studied in detail for the understanding the implementation related experiences.

3. Preparation of a state-wise 'State of RTI act implementation matrix" for the selected states indicating the compliance with the key expectations of the Act.

4. Workshops at different stages of the project which include

   a. Workshop1: Envisioning workshop to discuss the project outcomes for effectively designing the field visit and survey

   b. Workshop 2: Interim Finding and Interim Solution after field study and survey to 2 States

   c. Workshop 3: As-Is findings workshop to discuss the findings of the field visits to five states and overview of possible interventions to address the key issues.

   d. Workshop 4: National Workshop - Recommendation on implementation and capacity building plan

5. Since the study involves analysis of the all the factors facilitating and hindering the implementation of the RTI Act in entirety across the country, there is a need to take up a sample that is adequate and representative. International Market Research Bureau (IMBR) which offers a full spectrum of customised research services is apart of the study and is involved in designing of the survey methodology. Based on discussions with key stakeholders and secondary research, it has been proposed to take a large sample of more than 5000 across 5 States to provide a confidence level of 93-95% and an error level of 5-7%.

6. The survey will have break-up of information seekers from Urban / Rural areas and also optimal coverage of various target groups such as common people, CBOs, NGOs and Activist groups. Further, it will be ensured that marginalized classes across various socio-economic classes are also adequately represented. This includes people below poverty line, uneducated (illiterate), socially backward including tribal and women.

7. Analysis of the data on experiences of the providers and seekers of information to lead to identification of generic problems, which need to be resolved.

8. The diagnosis to be shared and debated with the various stakeholders in a structured manner for ratification and revision, where required.

9. Based on the diagnosis and feedback from the Stakeholder workshop preparation of the report with specific recommendations on the structural, institutional, procedural, infrastructural and technological, and people related changes.

10. Preparation of a detailed action and capacity building plan at the central and state government levels and for the RTI division and the Central Information Commission and State Information Commissions in line with the recommendations.

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Section 2

Approach and Methodology

There are a number of approaches available for a Government seeking to review the effectives of its policies and initiatives. Approaches that are more systemic and collaborative in nature typically achieve greater impact and results. After evaluation of the objectives and requirements of the engagement, we propose to adopt our tested and proven performance improvement approach for providing the overall guidance to the engagement. This approach consists of distinct phases tightly integrated to achieve the targeted outcomes envisaged for this engagement.

For reviewing the implementation of the RTI Act, it is important to approach the information seeker groups and information provider groups in a different manner. The information seekers (being a large group with varied interest and involvement in RTI implementation), customized assessment tools have to be deployed. Likewise, for the information providers, a different range of tools and methodologies have to be leveraged to assess more accurately and effectively. Within each of the groups, our work is going to be divided across 5 work streams, namely:

- Legal

- Organizational

- Process

- Communication / awareness

- Information availability and accessibility

The overall approach to the engagement is presented in the figure overleaf. The detailing of each of the tasks within the approach is provided subsequently.

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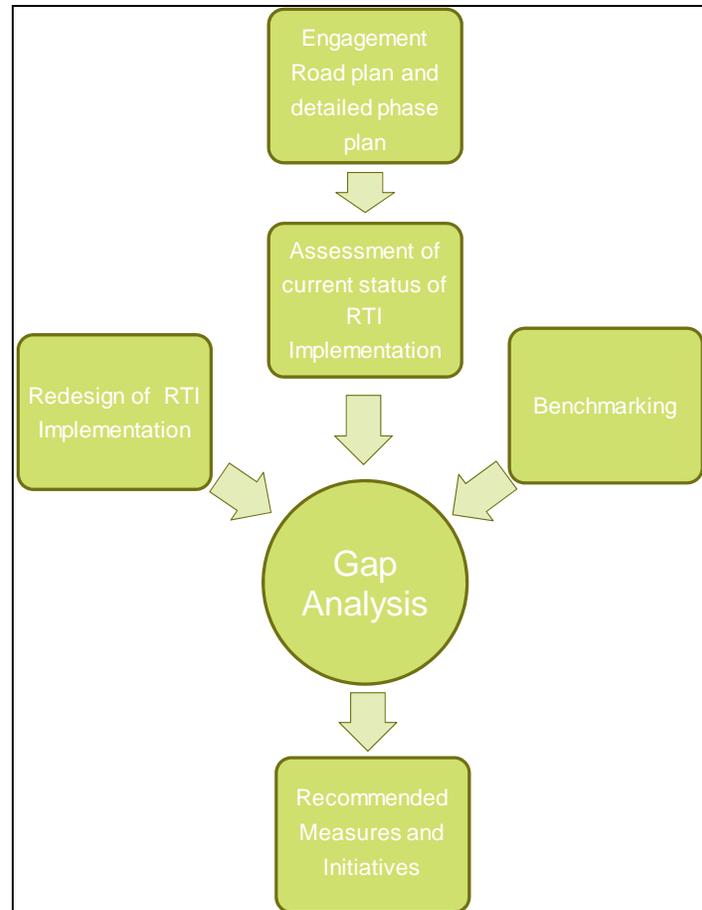
1.0 Engagement Roadmap and Detailed Phased Plan

Overview

We will be designing an inception report detailing the engagement roadmap with activities and timelines within two weeks from the start of the engagement. The following activities are included under this stage:

- Project kick-off
- Mobilization of the resources
- Preparation and finalization of a full and comprehensive plan for the engagement
- Determination of all necessary review considerations

Approach

We aim to work closely with DoPT and other stakeholders to produce a comprehensive plan covering

- Project Inception Report
- Detailed project plan incorporating activity schedules, work products, planned deliverables and other key outputs
- Communication plan with all internal and external stakeholders
- Key project assumptions/risks and role definition
- Presentation of some of the key issues/challenges based on secondary research

Methodology

In past engagements, we have found it extremely useful to commence the process with a Project Kick-off Meeting - completed) involving the client and other key stakeholders. This meeting is focused on reviewing and evaluating objectives and underlying assumptions, determining priorities, discussing risk factors and identifying communication requirements.

Tools

We will be using the MS Project Office application for designing the project plan with key deliverables and associated timelines.

2.0 Assessment of Current State of RTI Implementation

Overview

We will capture the existing information, processes and systems associated with the current implementation of the RTI Act. The assessment will involve the analysis of existing processes, policies, documentation, and organizational alignment through discussions with representatives from information seeker and information provider groups. As this stage of the engagement, it is essential to cover as wide an audience as possible, as this will help define the basis against which the change interventions can be defined. The following activities are included under this stage:

- Study of the process of implementation – information request to information provisioning

- Evaluation of the legal rules in the RTI Act governing its implementation process

- Needs Assessment of the information providers vis-à-vis RTI implementation

- Organizational review for effective institutionalization of the RTI Act

- Review of public awareness about the right to information access and ways and means to exercise this right

- Understand the information needs of the citizens by interviewing both the applicants and non users of RTI

Approach

The following approach will be taken for assessing the current state of implementation of the RTI Act:

- Visits to various sampled PIOs and other government offices to study the current process of implementation of the RTI Act

- Review of actual statistics of RTI Act implementation taken from select public authorities

- Conducting meeting and focus group discussions amongst the information seeker groups vis-à-vis citizens, media, non-governmental organizations

- Workshops with associated public authorities to understand the issues and constraints in implementing the RTI Act

- Study the institutional structure for the RTI Act implementation and also the legislation to identify the possible areas to be targeted for interventions

Some of the key information areas that would be covered during the survey are as follows:
a. Awareness and information availability related satisfaction
   - Adequacy of the number of sources on which information is available
   - Extent of information made available
   - Comprehensiveness of information
b. Accessibility related satisfaction
   - Responsiveness: Speed of service and problem/ complaint resolution
   - Number of visits required
c. Personnel related satisfaction can be captured through the survey conducted with the information seekers. The survey instruments will be designed to capture the following information
   - Knowledge of the personnel
   - Helpfulness and cooperation

- Availability of key officials for instant resolution of queries and complaints
- Promptness and clarity in communication
- Time taken to resolve query

d. Usage related satisfaction
- Response time
- Hassle free mechanism

Methodology

We propose to adopt a two-fold approach to address the objectives of the project

Module I: <u>Exploratory Research</u>

Module II: <u>Quantitative Research</u>
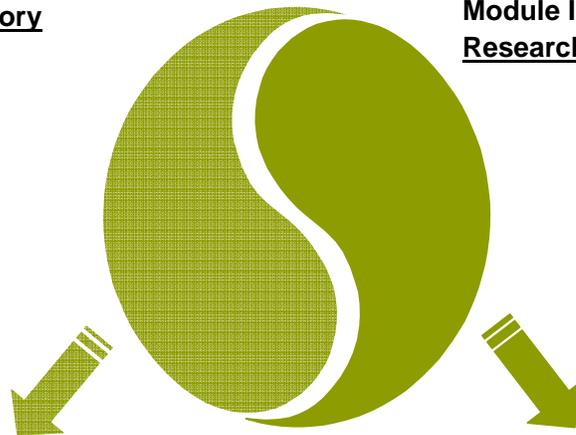
This module consists of 2 parts:-

<u>Part – 1: Secondary Research</u>

- Help in selection of states where quantitative survey needs to done

<u>Part – 2: Qualitative Research</u>

- To determine the experience and satisfaction of information seekers on an individual basis
- Help in developing an exhaustive list of expectation criteria

This module would aim to:-

- Determine the experiences of various categories of information seekers
- Identifying the types of problems faced by these information seekers
- Determining the level of satisfaction of information seekers with the service rendered by various information providers

Module I: Exploratory Research

This module consists of the following two parts:

Part – 1: Secondary Research

Various journals, websites, literature, directories would be referred for generating initial information on the subject and also for facilitating collation of the information with respect to various states. Also, it would help us in determining the level of Government interactions (Governance) in a particular state, the number of PSUs in various states, number of applications received through the RTI Act, etc.

Part - 2: Qualitative Research

This part consists of conducting in-depth interviews with information providers/seekers:
- These interviews would be conducted in order to gauge an understanding from the perspective of various information providers
- Conduct **Focused group discussions** with the information providers
- Conduct a **Workshop** with key stakeholders to understand the requirements
- This would help us in preparing a more descriptive research instrument (questionnaire) for the part 2 of this phase
- The list of service providers may include
  a. PAs – Public Authorities
  b. PIO – Public Information Officer
  c. AAs – Appellate authorities
  d. Nodal Agency
  e. SIC – State Information Commission
  f. CIC - Central Information Commission
  g. Exempted Institutions

Module – II: Quantitative Research: Face-to-face interviews with information seekers:

1. An adequate representation of information seekers will be taken:
   a. Common People
   b. Disadvantaged groups
   c. CBOs
   d. NGOs
   e. Activist Groups
   f. Media
2. Well-trained interviewers would conduct the interviews across these categories

SAMPLING CONSIDERATIONS AND SAMPLING PLAN:

We propose a three step approach for sampling purposes:

Level 1: Selection of states

The selection of states where the quantitative research will be conducted would be done on the basis of the following parameters:
   a. Population of the state / capital
   b. Level of industrialization in that particular state
   c. Extent of computerization / usage of IT in various state departments
   d. Per Capital Income
   e. Rural Population
   f. Extent of RTI Implementation
   g. Regional Spread

The above parameters have been chosen to include citizen base from varied backgrounds in terms of education, income etc. The level of industrialization and computerization in government departments has been considered to understand its impact on the effectiveness of RTI implementation. In addition the importance of including rural and disadvantaged groups has also been taken into consideration

The following steps shall be followed for selection of states:
- States will be divided in terms of their population levels
- Then literacy rates would be taken for all the states and compared against the population
- The states would be divided and selected as having high, medium or low literacy levels
- Next step would be to compare the per capita income of various states
- The states would be selected as having high, medium and low per capita income with respect to the population of these states
- Following that we will compare states on the basis of population of disadvantaged groups and urban population

The details on the selection of states have been provided overleaf

Selection of states – Literacy level vs. population

Population		High	Medium	Low
		> 50 million	10 - 50 million	< 10 million
Literacy Rate	> 70 %	Tamil Nadu, Maharashtra	Kerala	Mizoram, Goa, Tripura, Himachal Pradesh, Uttaranchal
	63.5 - 70%	Madhya Pradesh, West Bengal, Andhra Pradesh	Chhattisgarh, Haryana, Punjab, Gujarat, Karnataka	Sikkim, Nagaland, Manipur
	< 63.5 %	Rajasthan,, Bihar, Uttar Pradesh	Jammu and Kashmir, Assam, Jharkhand, Orissa	Arunachal Pradesh, Meghalaya

Selection of states – Disadvantaged group vs. population

Population		High	Medium	Low
		> 50 million	10 - 50 million	< 10 million
SC / ST Population	High	Madhya Pradesh	Jharkhand, Orissa	Mizoram, Arunachal Pradesh, Nagaland, Meghalaya, Tripura
	Medium	Rajasthan, Tamil Nadu, West Bengal, Uttar Pradesh	Haryana, Punjab	Sikkim, Manipur, Himachal Pradesh, Uttaranchal
	Low	Andhra Pradesh, Bihar, Maharashtra	Jammu and Kashmir, Chhattisgarh, Assam, Kerala, Gujarat, Karnataka	Goa

Selection of states – Per Capita Income vs. population

Population		High	Medium	Low
		> 50 million	10 - 50 million	< 10 million
Per Capita Income	> Rs. 23000	Maharashtra	Haryana, Punjab, Gujarat, Karnataka	Manipur, Himachal Pradesh
	Rs. 14800 - Rs. 23000	Madhya Pradesh, Tamil Nadu, Andhra Pradesh, West Bengal	Jharkhand	Sikkim, Arunachal Pradesh
	< Rs. 14800	Rajasthan, Bihar, Uttar Pradesh	Chhattisgarh, Assam, Kerala, Orissa, Meghalaya	

Selection of states –Urban population vs. population

Population		High	Medium	Low
		> 50 million	10 - 50 million	< 10 million
Urban Population	High	Tamil Nadu, Maharashtra	Haryana, Punjab, Gujarat, Karnataka	Mizoram, Goa, Meghalaya, Tripura
	Medium	Rajasthan, Madhya Pradesh, Andhra Pradesh, West Bengal, Uttar Pradesh	Jammu Kashmir, Jharkhand, Kerala	Manipur, Uttaranchal
	Low	Bihar	Chhattisgarh, Assam, Orissa	Sikkim, Arunachal Pradesh, Nagaland, Himachal Pradesh

Selected States

Factors	Uttar Pradesh	Maharashtra	Andhra Pradesh	Orissa	Meghalaya	Assam
Population	High	High	High	Medium	Low	Medium
Literacy level	Low	High	Low	Medium	Low	Medium
Per Capita Income	Low	High	Medium	Low	Low	Low
Disadvantaged groups	Medium	Low	Low	High	High	Low
Urban population	Medium	High	Medium	Low	High	Low
Geographical region	North	West	South	East	North – East	North – East

Based on discussions with the key stakeholders in the Project kick off-meeting and the above parameters the following five states are proposed to be taken up for field study

- Maharashtra
- Andhra Pradesh
- Uttar Pradesh
- Assam
- Orissa

It may be noted that detailed discussion will be taken from Information providers and seekers in these five states but as part of the process of information gathering we would be writing to all the States/UTs for collecting basic information for analysis. As part of this process, we would also create a feedback forum on the RTI portal to seek large feedback from all stakeholders.

Level 2: Selection of locations within the States

The selection of location for quantitative survey within each state would be done on the basis of the following parameters:

    a. The state capitals would be one of the obvious choices because many of the Government departments are located there
    b. locations with a mix of 70% of rural and 30% of urban population
    c. The number of RTI applications received across various departments

Level 3: Division of sample within each location

We propose **stratified random sampling** technique for selecting respondents for the quantitative survey. The division of sample within each city would be done on the basis of the following parameters:

    a. An adequate break-up of information seekers from **Urban / Rural areas**
    b. Optimal coverage of **various target groups** such as common people, CBOs, NGOs and Activist groups. Further, it will be ensured that common people of various socio-economic classes are also adequately represented
    c. **Type of government departments** for which RTI applications are received (ministries and departments, semi-government organizations and PSUs)

The adequate break up of the sample into above categories shall be done proportional to the percentage of each category in the data of stakeholders provided by DoPT/nodal agencies/CICs/SICs.

Sample Size:

We propose to conduct the survey in two stages:
Stage I: We propose to conduct 400 interviews per selected state (5 States in total) in addition to a minimum of 40 in-depth interviews overall across various stakeholders (information providers). The above sample size has been arrived at assuming a confidence interval of 95% and accuracy level of 5%.

The exercise would be broken up in two parts. In the first part, we would cover two states and in the second part three states. After the first part, inputs from the client would be sought based on the findings of the same and the necessary modifications would be made for the second part.

The following approach will be taken for finalization of the sampling and survey methodology
    • Getting database of various stakeholders from the client (Database to be provided by various CICs, SICs, Nodal agencies, etc.)
    • Finalizing the hypothesis (through issues identified from secondary research)
    • Discussion with Focus Group

- Preparation of the questionnaire (Structured and un-structured)
- Administering questionnaire for 30% Urban Population and 70% Rural Population

S.No	Categories	Number
1.	Common people	270
2.	Disadvantaged people / groups	90
3.	CBOs, NGOs and Activist groups	40
	Total	400

Stage II: To measure the awareness on the people on the RTI Act we propose to conduct a random sampling of 5 citizens staying in close proximity of the 400 people to be interviewed. A total of 1000 interviews/listing will be conducted for measuring the awareness of the RTI Act. A point to note here is that this way of finding out the awareness of the RTI Act would have some bias as we would be covering only those places where people have applied for RTI Act. However, keeping in mind the broader requirements of the study we would follow the above method for gauging the awareness of the RTI Act.

However, to check out the awareness of the RTI Act we would have to cover a very large sample. Then percolating down to the people who have knowledge about the Act and finally the people who have made use of the act would result in a lot of effort going to waste as the awareness itself about the Act would be less 10%. In such a scenario we would not be able to adequately depict the whole picture regarding the implementation and effectiveness of this Act.

Therefore, for the purpose of this study, we should conduct interviews with only those stakeholders who have made use of the RTI Act. This would help us in giving us a better understanding on the state of implementation of this act, the various barriers in seeking information, the experience and the satisfaction level of the people who have made use of the Act. This could be discussed with different stakeholders during the focused group discussion and envisioning workshop.

However, the sample size this is just an indication. The final sample size across all the above categories would be decided only after getting the database of RTI applicants from the client and discussions with key stakeholders during focused group discussions and envisioning workshop

3.0 Benchmarking of the Good Practices

Overview

We will study the good practices implemented within and outside India to conduct a benchmarking exercise with respect to the existing implementation of the RTI Act. We will identify the key learning's from the national and international experiences and incorporate it in the recommendations.

Approach

Benchmarking will be conducted using the following approach:

- Defining the parameters to be used for benchmarking
- Determining the selection criteria to identify countries to be benchmarked
- Conducting a secondary research supported by proprietary database of PwC

It will be ensured that the countries that are being benchmarked will have some commonality and relevance to the federal structure and also the policy provisioning as done in India.

Based on the initial discussion, Mexico and Canada have been chosen. The study of good practices would not just be limited to countries outside India but would also include good practices of RTI implementation within India. For example the RTI call centre used in Bihar will also be studied. The citizens in Bihar use the call centre for applying for information under the RTI.

4.0 Redesign of RTI Implementation approach

Overview

This stage is designed to capture and clarify the future needs of the RTI Act implementation. Completing this stage is likely to involve a similar number of people as the current assessment stage and will run in parallel with it in order to accelerate the identification of improvement opportunities in the RTI implementation. This stage will capture the following:

- Preparation of a state-wise 'State of RTI act implementation matrix" for the selected states indicating the compliance with the key expectations of the Act.

- Envisaged objectives of the RTI Act's implementation
- Description of how the redesigned implementation process may look like and the associated service levels
- Summary of the proposed intervention measures to enhance the effectiveness of the RTI Act
- Roadmap to build awareness and educate the general public on the use of RTI Act
- Capacity building plan to impart training and relevant skills to the government personnel to effectively implement the RTI Act

Approach

- Discussion with key stakeholders(Information provider and Information seeker) on the assessment results
- Process redesign for the implementation including revision of customer interfaces such as forms and formats
- Workshops with relevant stakeholder groups to understand the pros and cons of various draft intervention measures
- Organizational and legal study to ascertain the possible improvement opportunities
- Needs Assessment to identify the capacity gaps in the information providers group

Based on the survey conducted and discussions with the key information providers we will try and identify the impediments that exist for the provider and seeker for accessing the information. The following matrix may be used for designing the state-wise RTI implementation matrix.

E.g. State 1: Andhra Pradesh	Available	Accessible	Affordable
Information seeker (Citizen)			
Information Provider (Government)			

Based on the matrix, we propose to design the appropriate measures to overcome these constraints. These various measures would be with respect to capacity building efforts at the institutional, organisational and individual levels.

5.0 Recommended Measures and Initiatives

Overview

The purpose of this stage is to firstly ascertain the gap between the current way of implementation and the envisaged way of implementation, and then dovetail it with the international best practices to identify actionable measures to be undertaken for enhancing the effectiveness of the RTI Act's implementation.

Approach

The source of inputs for identifying improvement opportunities in the existing RTI Act implementation requires process redesign as well as organizational alignment.

The key analysis criterion is the requirements of the activity from the provisioning and seeking perspectives. To locate non-value-adding activities:

- first identify the owner/beneficiary of the activity
- identify what that beneficiary needs from the activity or expected outcome of the activity; and
- what constitutes a satisfactory result (in terms of quality, cycle time and flexibility)
- Determine whether the activity satisfies the expected outcome requirements. If it does not, does another activity result into the expected outcome of the activity

Root Cause Analysis
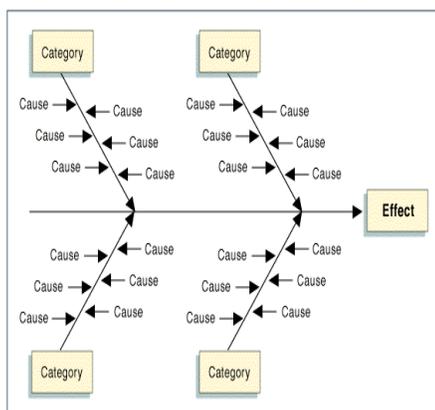
Once current processes have been documented and analyzed for value added ratios, PwC shall identify the root causes of problems and non-value adding activities in processes.

Identifying the root cause of process dysfunction enables to ensure that the process redesign solves the root cause, rather than simply addressing a symptom of a problem that will occur again. It also allows us to determine how many processes are affected by a single root cause. The more process problems a root cause creates, the higher priority it is for being addresses quickly and effectively.

- A systematic analyzing cause and effect relationships to identifying the potentially fundamental causes of problems

- Cause and Effect Diagram are drawn to sort out and relate the interactions among the factors affecting a process
- Define the major categories of possible causes. Draw a branch for each major category. Factors to consider include:
  - Methods
  - People
  - Measurements
  - Training
  - Information Systems
  - Environment etc..

Rework Considerations

If the draft recommendation does not satisfy the requirements, PwC shall continue to work with the client project teams to arrive at the acceptable and desirable outcome. Some ideas to support these iterations include in the following:

- Conduct workshops with the key stakeholders to re-valuate the issues and constraints based on which the recommendations were designed.
- Design an implementation plan which is feasible to be implemented and can be achieved within the desired time frame of the client
- Introduce reforms in the procedures and technology which will help in timely information dissemination to the information seekers.
- Determine if the performance targets are appropriate and if they should be changed. PwC shall discuss with department officials as to why changes are needed.
- Design recommendations for improving in the areas of structural, institutional, processual, infrastructural and technological, and people related changes
- Design the capacity building requirements for effective enforcement of the RTI Act.