
PR-e-FACE: From the desk of Editor in Chief
“Corporate Sector – Beware and be aware of RTI Act“



The Editorial team wishes all our readers a very Happy New Year.

In a civilized society, all the citizens are entitled to get the information from the organisations for which they become the stakeholders. Right to Information Act 2005 has started bringing transparency in the administration and accountability in the Government Sectors.

Though the RTI Act has exposed information from the 'secret regime', the awareness level has not yet improved amongst the general public. Presently, consumer organizations have started using this Act for getting transparent information.

The Corporates in Government Sector are covered by this Act. Corporates in Private Sectors are under the wrong impression that they are not covered by this Act. Many Corporates enjoy

financial support and concessions from the Government Sector directly and indirectly promising 'sky and moon'. All along under the earlier provisions, none of their actions and contributions were questioned or discussed.

Presently, all the citizens of India are armed with this great tool, to get such information relating to Private Sector Corporates, from the Government Departments. While the Government Sector is moving towards transparent regime, it is time for the Private Sector Corporates too, to become more and more transparent.

If the Indian Corporates and Multinationals operating in India do not realise this urgently, they may land themselves in deep crisis in the days to come.

K. Srinivasan

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PR-e-CISE – Inside this ezine

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| • Exclusive interview with Mr Rajan Kashyap, CIC of Govt. of Punjab | • Expert views from Mr Desikan, Consumer Activist |
| • Expert views from Mr A K Venkatasubramanian, Former Secretary to Government of India | • RTI Act at a glance |
| | • Similar acts in USA and UK. |
| | • Book Review |
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January 08 issue

Theme : ABCI- A legendary organisation

Guest Editor : Mr Yogesh Joshi, President, ABCI

PR-eXCLUSIVE**“RTI Act has brought in more transparency and accountability”**

Mr. Rajan Kashyap, presently the Chief Information Commissioner of Govt. of Punjab has also been appointed as the Convener of the 9-member



National Coordination Committee to evaluate and recommend further improvements in the RTI Act.

Mr C J Singh, CEO, Core PR, Chandigarh interviewed him on behalf of *PR-e-Sense*. Excerpts:

How has the RTI Act brought transformation in India?

RTI Act has ensured transparency in working of the government, and made the officials handling the file accountable. Now these officials cannot take shelter behind the secrecy act and anyone can have access to the official information. And the most important aspect of RTI Act is the empowerment of the common man and the public.

What are the greatest challenges, according to you in implementation of RTI Act?

The difficulty in implementation is to change the mindset of the person who is seeking information and the one who has to give the information. On both sides, the Act enjoins that systems should be made more systematic, since the Act requires that all government records should be put on computers, and people should not have to ask public functionaries; it should be automatically available on their respective official website.

Now in India we have the biggest body of trained manpower in information technology, and we are serving rest of the world but in our own governance we are yet to use the information technology effectively.

Another major hurdle has been the preparation time. The President of India signed the Act on 15th of June 2005, and only four months were given to streamline all the records, and the RTI Act became effective from 12th October 2005. In UK it took 5 years for freedom of information act to come into force. It was promulgated in 2000 and was put into operation only in 2005, so that all officials could prepare themselves for this, but here in India we got just four months, which is one of the difficulties.

Another biggest challenge before us is as to how the record management can be made scientific and professional so that people do not have to demand information.

How has the bureaucracy been reacting to the Act?

The Act makes a change in the approach of many stakeholders; first is the bureaucracy which has to reform itself, and the official staff has to be trained so that they deal with people properly who approach them for information.

Secondly, the political executive has to change its thinking. if it has done some good work it likes to blow up its own trumpet, but the RTI Act gives the opportunity to the people to talk about the facts, i.e. how many roads have been built; or how many hospitals, schools, or how many people are getting educated.

Thirdly, the political executive has also to change its thinking and has to reduce its dependence on bureaucracy. Tomorrow anyone can ask that if minister or the chief minister overrules a bureaucrat, it has to be for a cogent reason, since now anyone can ask for the file notings.

Many of the people are not aware that under the RTI Act you can ask for the file notings. There was a conflict sometime back and the government wanted to remove file notings from the purview of RTI Act and the Cabinet had also passed a resolution to that effect but there was so much public outcry against that they never placed the amendment to the Act in the Parliament, and as a consequence, the file notings are also to be made available.

Now, as I said, RTI Act affects everybody, the bureaucracy, the political executive, and also the media. Media is responsible for the origin of the freedom of information in all the countries, including UK, or USA. It used to be said that the censorship of the government by the press is preferable to the censorship of the press by the government; which is the origin of RTI Act, and this is what the founding fathers of American Constitution brought up.

Sweden was the first country in the world to bring in 1776 the freedom of information act, but most of others came around in late 20s and it was part of UN declaration of human rights. So the right to information is considered a fundamental right and RTI Act has been brought under Article 19 of the Constitution, which pertains to the fundamental right to freedom of expression.

The corporate sector is also affected by RTI because the government has to give transparent, fair and objective linkage. You cannot take decision favouring one industry, and RTI has created level playing field for the industry by the corporate governance since the government's decision can be questioned through this Act.

Is the Information Commission more people-friendly?

What we have done is that we have brought up procedures so that people have minimal procedures which are prevalent in courts. For example we do not give adjournments; we do not insist on lawyers and people can apply themselves; and open hearings are held as far as possible. We dictate the orders in the presence of litigants of both parties; quite often we have to summon government officials and we do not want repeated appearance by senior officials. To that extent it helps both sides and when they realise that they are getting justice without delay so automatically they do not go for professional lawyers.

So promptness in disposal is essential. We have 3500 cases registered as of 1st December 2007 and out of these 2900 cases have been disposed of; more than 80 percent have been disposed of and we try to dispose them within 2/3 hearings.

Other things in which we are little different in Punjab, we do not close the case unless compliance of orders is reported to us. We found earlier that the people got back to us that the orders were not being complied with. Now we ensure that the orders get implemented.

PR-eXCLUSIVE**“Extensive and intelligent use of this Act needed”**

Excerpts from the exclusive interview of Mr. A K Venkatasubramanian,



Former Secretary to Government of India and presently a citizen activist: (Please listen to the full interview in the podcast – link given below)

- RTI Act is being extensively used in States like Tamilnadu, Delhi, Karnataka and Maharashtra.
- Freedom of expression is provided in Indian Constitution and RTI Act is only an extension of this provision
- Citizen Centres run by us sought information on the tax collected by the Municipalities for the purpose of elementary education. Municipalities collect this tax along with property tax. We found that in 16 Municipalities, the tax amount collected for elementary education was not utilized for this purpose. If the amounts are used properly, the Schools run by these Municipalities will be better than private schools. We have now taken up the matter with the respective Municipalities. We could get these information, only because of RTI act.
- RTI Act provides that even Non Government organizations who receive substantial funding directly and indirectly from the appropriate

Government or Government bodies are also brought under this purview. This can be in kind also like getting lands at concessional rate or getting tax concessions.

- ‘Substantial’ is subjective. It has not yet been tested in any Court of Law.
- Transparency and Truth are good for every one whether private sector or public sector.
- More awareness needs to be created amongst Public and Public Authorities.
- Public should know what information to be asked. It should be used for some action in the interest of the general public.
- Some of the Agencies say ‘information not available’. Citizen cannot prove whether it is available or not. Information Commissioners should have more power to direct the Public Authorities to provide the information, if it is required in public interest.
- Presently, Information Commissioners can only pass orders. In reality, how many orders are executed? Fortunately, somebody has sought this information from Tamilnadu Information Commissioner.
- Success of this Act depends on extensive and intelligent utilization by the general public.

Please listen to the full interview in audio podcast – click here

<http://www.primepointfoundation.org/presense1207.htm>

or from

<http://poduniversal.blogspot.com/2007/12/right-to-information-act.html>

To contact Mr A K Venkatasubramanian catalyst-trust@eth.net

PR –e- VIEWS – Right to information Act – A case study

Poompuhar Shipping Corporation Limited is a fully owned Company of Government of Tamilnadu. They own three ships of 40 thousand DWT. These ships are being used to transport coal from eastern harbours to Tuticorin.

Now the Government of India and Government of Tamilnadu, while promoting the controversial Sethu Samudram Canal Project (SSCP) (now popularly known as Ramar Sethu issue) have declared that this project would help the ships to save lot of fuel and time. They have also been promoting that these ships, which are presently taking circuitous and long route around Sri Lanka, would be in a position to travel through the Sethu Canal. As such, Poompuhar shipping Corporation should derive maximum advantage out of this project.

Mr A K Venkatasubramanian, IAS (Retd) and a Citizen activist filed an application under RTI Act on 20th November 2007 with Poompuhar Shipping Corporation seeking information as to how much they would save in terms of fuel, time,

distance and money, after the Sethu Canal Project was commissioned.

The Public Information Officer of the Corporation responded on 10th December 2007, stating that such information was not available in their records. (See picture below)

Mr Venkatasubramanian appealed to the Chairman and Managing Director of the Corporation, on 15th Dec 07, as per the provisions of RTI Act, seeking the information. The Chairman of the Corporation reiterated the earlier stand vide his letter dated 18th Dec 2007 and again confirmed that such information was not available with them.

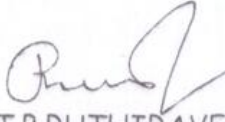
Mr Venkatasubramanian expressed surprise and shock over the reluctance of Poompuhar Shipping Corporation, who was supposed to derive the maximum advantage of Sethu Canal Project, to furnish the information.

Source: Dinamalar (Tamil) 30th Dec 2007

Copy of the letter dt. 10th Dec 07 from Poompuhar Shipping Corporation Ltd

2. The Savings the ship will realize per trip in terms of Time, Distance, fuel consumption and Money when it uses the proposed Sethu Samudhram Canal as against the current route of going around Sri Lanka.

This information is not available on the records of Poompuhar Shipping Corporation Ltd.


(T.P.RUTHIRAVELU)
PUBLIC INFORMATION OFFICER

PR –e- STIGE – Expert views

Mr R. Desikan, Founder, Consumers Association of India and a well known Consumer Activist raghavachari.desikan@gmail.com

“You can demand the concessions enjoyed by Corporates through RTI”



RTI is perhaps the second best legislation in India next only to Consumer Protection Act of India. It should be used by every

citizen to make sure that accurate information is provided to the Citizens of India. The scope for using it is enormous. It will definitely reduce corruption throughout the system, if all the commissioners follow the law and their conscience.

At the moment RTI does not cover Corporates. BASICALLY THEY BEHAVE AS THOUGH THEY ARE DOING US A FAVOUR WHEN THEY SET UP AN INDUSTRY. THE VERY OLD SAYING IN TAMIL-- "YOU BRING RICE FLAKES, I WILL BRING RICE HUSK, WE WILL MIX THEM, BLOW OUT THE HUSK AND SHARE THE FLAKES."

IN CORPORATE TERMS IT WILL MEAN YOU GIVE THE LAND, LOANS, TAX

EXEMPTIONS, (Which really is from the taxes of common people) I'LL BRING TECHNOLOGY, WE WILL TOGETHER START THE INDUSTRY AND I MAKE ALL THE MONEY."

One can ask the Government for information on these. The Govt cannot refuse. (eg) You can ask the department of land revenue as to how many acres of land was given to company A, and what is its guideline value. Similarly, you can ask what are the concessions on tax that were given to a company and what is the expected non-revenue on that. There are so many ways to get information. It is a question of what you wish to know. You can even ask after company or industry starts functioning-- what was the estimate the company gave to the Government on the "locals" to be employed by the company and how many are really working for the company. etc etc

Indian Prime Minister Dr Manmohan Singh, on 11th May 2005, during the Parliamentary debate on RTI Act said:



"The key to the successful functioning of any democratic polity is the ability of a citizen to observe and evaluate the functioning of elected representative and make an informed judgment of their performance. This evaluation is predicated on the early availability of the necessary information for a citizen to arrive at an assessment.

It is the common man or common woman who is the fulcrum of our democratic system as an observer, as the seeker of information, as the one who asks relevant questions, as the analyst and as the final judge of our performance.

Our Civil Servants should see the bill in a positive spirit and not as a draconian law for paralyzing Government, but as an instrument for improving Government – Citizen interface, resulting in a friendly, caring and effective Government functioning for the good of our people *

PR –e- STIGE – Expert views

Mr Yushau A. Shuaib, National Press Centre, Abuja, Nigeria
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“Nigeria will have Freedom of Information laws soon”



It is an undeniable fact that Africa as a continent is lagging behind in the global movement towards the adoption of Freedom of Information Laws.

This should not be so because there exists regional and international instruments that emphasis the need for such legislation.

In fact there exist the African Union Convention on Preventing and Combating Corruption, which requires States Parties to adopt measures that guarantee access to information and also the Treaty of ECOWAS, which encourages the free flow of information within national borders as well as regional cooperation in the area of information.

These are apart from the Declaration of Principles on Freedom of Expression in Africa, issued by the African Commission on Human and Peoples' Rights, which affirms that “public bodies hold information not for themselves but as custodians of the public good and everyone has a right to access this information”. Others are the Commonwealth Freedom of Information Principles; the UN's Principles on Freedom of Information; and Articles 10 and 13 of the UN Convention against Corruption.

The prayers in every lip in Nigeria is that with the interest shown by the present administration of President Umaru Yar'Adua who came to power in May 29, 2007 on the FOI, the Act will be in place by 2008

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Image Management Group – Second largest yahoo group on PR with nearly 1550 global members. Click here

http://finance.groups.yahoo.com/group/Image_Management/

PRpoint Group - The largest Indian group for PR/CorpComm /academic professionals with 780 plus members. Click here

<http://finance.groups.yahoo.com/group/prpoint/>

New Media Forum Group – A group for Indian journalists with around 350 members. Click here

http://groups.yahoo.com/group/New_Media_Forum/

India Vision Group – A group for Indian youth on India Vision 2020 with around 1500 members. Click here

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PR –e- VIEWS – Right to information Act in India



What does information mean?

Information means any material in any form including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force[S.2(f)].

What does Right to Information mean?

- It includes the right to -
- Inspect works, documents, records.
- take notes, extracts or certified copies of documents or records.
- take certified samples of material.
- obtain information in form of printouts, diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts.[S.2(j)]

What is the Application Procedure for requesting information?

- Apply in writing or through electronic means in English or Hindi or in the official language of the area, to the PIO, specifying the particulars of the information sought for.
- Reason for seeking information are not required to be given;
- Pay fees as may be prescribed (if not belonging to the below poverty line category).
- Some categories of documents are exempted under this Act – not open for disclosure
- Certain departments like Intelligence Bureau, Defence, etc. are excluded from the purview

What is the time limit to get the information?

- 30 days from the date of application
- 48 hours for information concerning the life and liberty of a person
- 5 days shall be added to the above response time, in case the application for information is given to Assistant Public Information Officer.
- If the interests of a third party are involved then time limit will be 40 days (maximum period + time given to the party to make representation).
- Failure to provide information within the specified period is a deemed refusal.

For more details about Indian RTI Act visit

<http://www.cic.gov.in/> and <http://rti.gov.in/>

PR –e- VIEWS – Freedom of Information Act in United Kingdom



The Freedom of Information Act 2000 (2000 c. 36) is the implementation of freedom of information legislation in the United Kingdom on a national level, with the exception of Scottish bodies, which are covered by the Freedom of Information (Scotland) Act 2002 (2002 asp. 13).

The Freedom of Information Act 2000 (2000 c. 36) is the implementation of freedom of information legislation in the United Kingdom on a national level. It is an Act of Parliament that introduces a public "right to know" in relation to public bodies. The Act implements a manifesto commitment of the Labour Party in the 1997 general election. The final version of the Act is believed to have been diluted from that proposed while Labour was in opposition. The full

provisions of the act came into force on 1 January 2005.

The Act is the responsibility of the Lord Chancellor's Department (now renamed the Ministry of Justice). The Office of the Information Commissioner oversees the operation of the Act.

In 2007, the Freedom of Information (Amendment) Bill was introduced as a private members bill to the House of Commons. If passed into law, the bill will exempt Members of Parliament (MP) and Peers from the provisions of the 2000 act, amongst other things.

The Freedom of Information Act has been used by news organisations to generate news stories.

The Act affects over 100,000 public bodies including government departments, schools and councils. The Act came into force in phases, with the final "general right of access" to public information under the Act coming into force on the 1 January 2005.

For more details please visit

<http://www.dca.gov.uk/rights/dca/foidcaintro.htm>



Public Relations Council of India (PRCI) inaugurated their Jaipur Chapter on 23rd November 2007. They also held a one-day convention with the theme "Brand is the Image of the Company" on the next day. Many eminent professionals participated and shared their views (Photo)

PRCI has also inaugurated their Mysore Chapter on 15th December 2007. With this, PRCI has established 15 Chapters in India.

PR –e- VIEWS – Freedom of Information Act in United States

Sejal Gandhi, Corporate Attorney, Chicago, IL (sejal.a.gandhi@gmail.com)



The Freedom of Information Act (5 U.S.C 552) facilitates public access to certain U.S. government documents and records. President Johnson signed the Act into legislation and it became effective in 1967. The Freedom of Information Act (commonly referred to as FOIA) is of particular importance in the United States, since the American Constitution and government were formed on the principle that the government functions for the benefit of its citizens, and that consequently, the public has the “right” to access government information.

FOIA exclusively applies to federal government agencies and corporations, which are legally required to comply with reasonable requests from the public for information. The Freedom of Information Act covers an extremely broad range of information, such as a federal agency’s emails, print and electronic documents, letters, photographs, and videos. The cost of making a FOIA request is typically nominal; news media outlets,

educational institutions, and non-commercial organizations often receive fee waivers or pay reduced fees. Any person or group can make a FOIA request, including U.S. citizens, foreign nationals, and educational institutions. The procedure for making FOIA requests varies for each particular federal agency, corporation, or branch, though typically, an individual or organization must send a written request to the agency, specifying the exact information required.

The Freedom of Information Act is subject to several restrictions and exemptions. For example, the federal courts and Congress are not covered by FOIA and therefore are under no obligation to comply with public requests for information. Additionally, federal agencies and corporations which are required to disclose their records to the public may deny a FOIA request if the information requested deals with: national security; internal personnel regulations; legally exempt information; communications subject to litigation or other privileges; personal privacy; Law Enforcement records; Financial Institutions; or, Geographical Information.

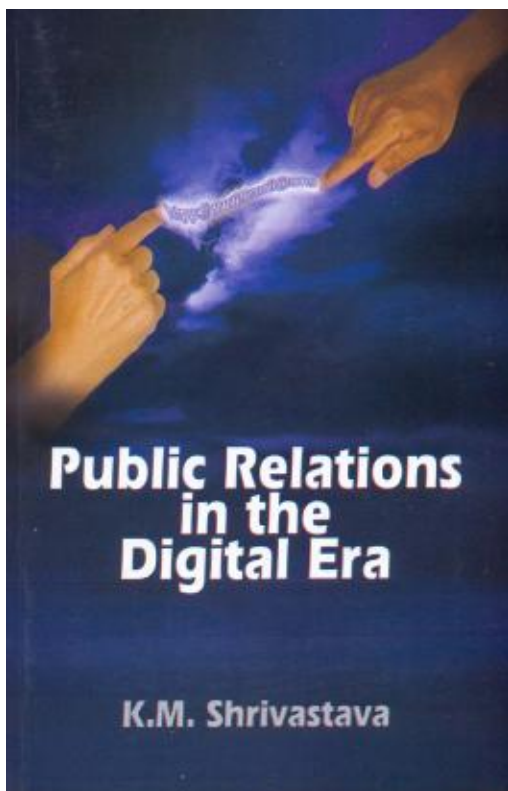
For more information about The Freedom of Information Act, visit:
<http://www.usdoj.gov/oip/>.

Sources:

<http://www.usdoj.gov/oip/>

<http://www.gwu.edu/~nsarchiv/nsa/foia.html>

PR –e- View – Book Review – “Public Relations in Digital Era”



Mr.K.M.Shrivastava, a media professional and a Professor at the Indian Institute of Mass Communication, Delhi, in his book “Public Relations In the Digital Era” has successfully covered all the important aspects of Public Relations, and the way it has revolutionized and got digitized over the years. He has also given the most needed Indian feel with brilliant examples extracted from the Indian Politics, Indian history and the government.

The author has done an excellent job of bringing together all the functions related to PR activities from Advertising to Marketing, Sales to Media Relations and the functions of PR personnel in various levels of organizations.

PR IN THE DIGITAL ERA definitely comes as a handbook to the students of management and PR. It also covers the industry expectations from a PR person. The Indian scenario of the PR industry has been highlighted. Theories and models as an added bonus, the book can be considered as a good guide for professors in the field of PR and Marketing.

In the last section of the book, the author has brought into light the most powerful medium of communication widely used in this digitized world, i.e. Internet. The author has covered many Dos and Don'ts for an ideal website. All the new technological tools, like CD ROMs, mobile, audio/video usage, monitoring services etc. have been given adequate importance. For any reader, this book will be of great use.

Pages 385 Price Indian Rs.300/-
Publisher: Pilgrims Publishing,
Varanasi, India

Contact: Mahitosh Verma
pilgrimsmarket@sify.com

**For Book reviews (English)
(only on PR and Corpcom)
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PR eTTY - Police arrests for seeking information under RTI Act



An incident of a 67-year-old consumer activist who was assaulted by some persons for seeking information under the newly enacted Right to Information Act (RTI) has come to light.

In his letter to the Catalyst Trust here, A. Annamalai of Chokkanathapuram in Salem district who was the district coordinator, FEDCOT, Pondicherry and Tamil Nadu and Secretary of Chokkanathapuram Consumer

Awareness and Environment Protection Society said he sought information under the RTI Act about the waiver of loans by a cooperative society in his village. Following this, he was abused and attacked by two persons, whom he identified, in front of his house on November 22. Following a complaint by one of the assailants with the Malliakkarai police station, he was taken to the police station where officials told him to withdraw the application. Mr. Annamalai said on November 24 he was assaulted by another person near the Chokkanathapuram bus stand.

A.K.Venkatasubramanian, trustee, has written to the Chief Secretary about the incident, with copies to the Secretary to the Chief Minister, State Chief Information Commissioner, Director-General of Police (DGP) and the Salem District Collector.

The DGP, D. Mukherjee, said he had not received the letter. The Superintendent of Police, Salem, N.Bhaskaran, said he was not aware of any such incident, had not received any complaint from Mr. Annamalai, but would look into the matter.

Source : <http://www.hindu.com/2006/12/01/stories/2006120104120500.htm>

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