JAN SOOCHNA PORTAL BREAKTHROUGH

Social Accountability Forum for Action and Research (SAFAR) & The Soochna Evum Rozgar Adhikar Abhiyan (SR Abhiyan)

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Written by:

Social Accountability Forum for Action and Research (SAFAR) & The Soochna Evum Rozgar Adhikar Abhiyan (SR Abhiyan)

AUTHOR'S NOTE

This document is authored by Khush Vachhrajani, Nikhil Dey, Rakshita Swamy and Vineet Bhambhu along with inputs from many members of the digital dialogue team of SR Abhiyan.

This primer, is an attempt to put down on paper a very creative and sustained effort by members of the SR Abhiyan collective, to give shape to some potential areas of (proactive disclosure) Section 4 of the RTI Act. We felt the need to bring out such a primer because of the need to record and understand the extraordinary collaborative effort between Government of Rajasthan and the SR Abhiyan which has resulted in the *"Jan Soochna Portal Breakthrough."* However, this initiative emerged from citizens groups in Rajasthan working together under the banner of the Soochna Evam Rozgaar Adhikar Abhiyan, to demystify and bring under people's purview all digitised information and IT systems. This effort has been brought to life in the primer by designs and illustrations put together by Vikas Yadav.

We would therefore like to make it clear that the initiatives, campaigns and formulations articulated in the paper are based on the collective experience, struggles and efforts of the Abhiyan along with countless citizens, campaigns, and organizations. The effort on digital dialogue and Jan Soochna Portal can also not be separated from their efforts and determination to create a more equal and just world by holding power to account, and by keeping the essence of democracy alive. The authors accept responsibility for any limitations arising in the articulation. However, the very rich processes, thoughts, and conceptualization have originated from the creativity, and perseverance of those associated with this initiative. We hope that by putting this together , this will also serve as a resource to help this important initiative intensify and spread to other parts of the country and the world."

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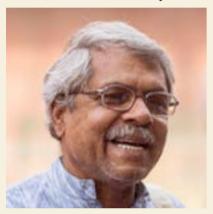
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CONTENTS

Chapter 1: Introduction	09
Chapter 2: Advocacy, Campaigns and Struggles	13
Chapter 3: Need for a Janta Information System	30
Chapter 4: Genesis of the Digital Dialogue	33
Chapter 5: Birth of the Jan Soochna Portal	39
Chapter 6: Roll Out of the Jan Soochna Portal and Outreach	42
Chapter 7: Case Studies	45
Chapter 8: Developing Digital Systems for Governance from the Point of View of Citizens	73
Chapter 9: The pandemic and the portal	77
Chapter 10: Challenges	79
Chapter 11: Action for the Future	84

1 INTRODUCTION

This primer describes an example of Rajasthan's civil society organizations working with the State Government to define how digital technology should be used for strengthening peoples' rights and for sharing information in the public domain.

The primer focuses on

- The history behind this engagement. It describes the yatras, dharnas and advocacy that led civil society organizations to focus on issues of digital technology and its impact on transparency and accountability.
- The actual process of engagement known as 'Digital Dialogues', how they were designed and sustained.
- Building of a Janta Information System (JIS).
- The evolution of the Jan Soochna Portal (JSP) as a part of the JIS.
- Key challenges that emerged.
- The ongoing agenda for action.

Introduction

The primer documents how general demands for mandatory disclosure of information in the public domain as mandated under Section 4 of the RTI Act, are converted into precise interventions. The Indian RTI Act is considered one of the most progressive and advanced laws in the world due to its expansive scope, safeguards for information seekers, proactive disclosure mechanism, penalty provisions and an independent appellate mechanism. It has rightly served as a model and a benchmark for assessing other laws in the region.

One of the core elements of RTI's progressive framework is a legal mandate for the proactive disclosure information under section 4 (2) of the act, which says that

"it shall be a constant endeavour of every public authority to take steps in accordance with the requirements of the Act to provide as much information suo motu to the public at regular intervals through various means of communications, including internet, so that the public have minimum resort to the use of this Act to obtain information."

Under this provision, all public authorities are required to proactively publish 16 categories of information including details of the services provided, organisational structure, decision-making norms and rules, opportunities for public consultation, recipients of government subsidies, licenses, concessions, or permits, categories of information held, and contact details of information officers.

Despite such a clear legal mandate and subsequent directions from the Central Information Commission (CIC), India's first transparency audit conducted by the CIC in 2018 revealed that only 4 percent of the surveyed central ministries and departments have been proactively disclosing information to the citizens under the Right to Information (RTI) Act. As per a study conducted by Satark Nagarik Sagathan and Center for Equity Studies in 2014, 67% of RTI applications filed were seeking information that should either have already been made public proactively, under section 4 of the RTI Act without being requested for (49%), or proactively supplied to the applicant without her having to file an RTI application (18%)¹. Given the poor state of compliance with Section 4 of the RTI Act, the primer showcases an example of an initiative to implement the provision of mandatory disclosure in its truest form.

We hope that this can serve as a useful resource to citizens, campaigns, activists, civil society organizations and Government Departments to demonstrate and strengthen ways in which transparency can lead to greater accountability.

¹ Peoples' Monitoring of the RTI Regime in India, 2011-13

2 Advocacy, campaigns and struggles

Sharing the history of the digital dialogue and jan soochna portal is important. If other CSOs, citizen campaigns and citizens wish to attempt similar initiatives in their States, it is important to know the set of factors that enabled this process to take root, and the unique set of challenges and opportunities because of which it grew. **T**he foundation of the Digital Dialogue and the Jan Soochna Portal, is based on years of campaigning and advocacy led by the Soochna Evum Rozgar Adhikar Abhiyan (SR Abhiyan) in the State. The SR Abhiyan is a coalition of nearly 80 representatives of unions, public campaigns, social movements, NGOs and citizens of Rajasthan. It was formed in 2005 for advocating for the people's right to work and the people's right to know, and played an important role in campaigning for the RTI Act and the NREGA Act in the State.

Over the past few years, the Abhiyan has focused on overseeing the implementation of various rights-based laws in the State, and advocate for stronger measures of transparency that can empower ordinary citizens to hold local administration accountable. The composition of the Abhiyan is diverse in terms of sector and region. Its members represent 28 Districts of the State and work on issues that range from mining, health, education, dalit and tribal rights, land rights, nutrition, women's rights, disability rights, labour and employment, social security amongst others. This gives the coalition a remarkable collective understanding of the multiple issues being faced by people, particularly the poorest and the most structurally marginalized, in claiming the most basic of services and opportunities in different parts of the State.

In 2015, the SR Abhiyan led SHIKSHAKA SAWAAL

The campaign in collaboration with Rajasthan Patrika advocated for an improved public education system in Rajasthan, greater community partnership in the management of government schools and greater transparency in the running of schools. It was felt that students, parents and members of the local community did not have adequate information to monitor how schools were running. The campaign therefore took the route of filing nearly

SJ LNY

5000 RTI applications across 33 DISTRICTS Access to information on the following questions were asked

Total number of enrolled children in 2014-15 and in 2015? Total number of sanctioned posts for teachers, total number of posts filled and total posts remaining vacant?

Availability of functioning toilet with water; whether the toilet has a roof and whether there are separate toilets for boys and girls?

List of School for boy Management Committee members?

°

Meeting Minutes and number of meetings in past year?

Copy of the School Development Plan? Information on teachers deputed to other schools /office?

Total number of Subject wise teachers present?

Average attendance class wise?

- Number of students who passed to the subsequent class from 2014?
- Availability of playground free of encroachment, whether the playground is levelled and has a boundary wall?
- Copy of Land document of playground and area?

The campaign involved training of community members in filing RTI applications, organizing gaon and mohalla meetings, bal melas, filing grievances and participating in public hearings. The campaign led to important policy improvements such as orders issued for construction of school playgrounds under MGNREGA, revised norms of maintenance of school registers, changes to norms for conducting parent teacher meetings, tabling of teachers' transfer policy in the vidhan sabha with amendments etc. Responses from the RTI applications and visits by Abhiyan members to the schools began to serve as an alternate database of the existing conditions of schools.

The inadequacy of the DISE database in reflecting the true status of how public schools were running became extremely clear. This was one of the first instances when the SR Abhiyan began to look at the question of the quality of public data being disclosed by the Government, and began to think of ways in which data collection and data disclosure can be improved.

Short video of the campaign: Shiksha ka Sawaal

Right after the Shiksha ka Sawaal, The SR Abhiyan organized a 100 Day long *"Jawabdehi Yatra"* from December 2015 onward that travelled to each one of the 33 districts in the State of Rajasthan. The Yatra was organized to advocate for an accountability law that could give citizens a central role in monitoring the performance of government officials and holding them accountable.

During this time the Yatra presented for discussion, consideration, and advocacy, the draft accountability law to people and the administration, as a means of building a comprehensive legal framework of accountability of public officials and government to the people of the state.



Please rotate your device

JAWABDEHI YATRA

The Yatra spent an average of three days in each district with nukkad sabhas, block level meetings, seminars and workshops, RTI and accountability clinics, street theatre, songs, distribution of pamphlets, grievance redress camps and melas, followed up with discussions and meetings with the administration in every District. An accountability mela was held in every District head quarters where the pending issues and grievances of the people was brought to the attention of the administration.

Jaipur

100 days 33 districts 201 meetings 70,000 people In total 201 meetings and grievance camps were held in the 33 districts of Rajasthan. An estimated 70,000 people were present in crowds that gathered around to listen to the yatra's performance, presentation of data and demands and registration of grievances.

JAWABDEHI YATRA

THE TOTAL Collection in Revenues

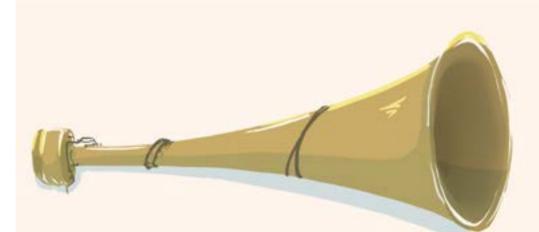
which contributed to the fuel costs of the bus through the 100 days.

9297

GRIEVANCES LODGED

1,37,000

in total, during the course of the Yatra



Type of grievances included:

DENIAL OF SERVICES AND RIGHTS

names of eligible people being left out of the National Food Security Act (NFSA) lists

lack of functioning toilets in schools because of missing overhead tanks of water

> Poorly functioning Community Health Centers (CHC) and Primary Health Centers (PHC) with vacant staff positions

sizeable number of subject teacher

vacancies in schools

lack of playgrounds in schools

lack of a well-maintained registers with relevant information in school

Workers not being able to get work under MGNREGA

failure of POS machine verification causing exclusion

INTERRUPTIONS IN PROVISION OF BENEFITS

long and complicated process of appeal for those left out of the NFSA list

Rejections and delays in granting of pattas under Forest Rights Act

> Delays in legal compensation payable to silicosis affected patients

Delays in payment of wages due

to MGNREGA workers

Silicosis affected patients not being able to get medical certification and tests in time

LACK OF TRANSPARENCY AND CORRUPTION

lack of transparency regarding norms being used to decide who would be eligible for rations under NFSA

corruption and inefficiency of the business correspondent system responsible for doorstep delivery of pension entitlements pensioners unaware that a bank account was opened in his/her name

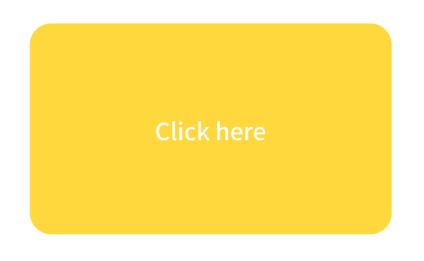
Pensioners not knowing when their pension amount would be credited into their bank account

illegal mining and distress being caused to the environment, local livelihoods and land rights

Pensioners suddenly stopped receiving their pension, and not knowing why

overcharging and taking of bribes by E-Mitra operators

Fake toilets shown to be constructed under Government of India's flagship programme of Swacch Bharat Mission Nexus between E-Mitra operators and Government functionaries such that applications from selected E-Mitras are treated preferentially by verifying/sanctioning authorities It became clear that having such grievances redressed in time was restricted by citizens and citizen groups not having access to the relevant information at the relevant level. Many of these grievances arose from inadequate budgetary allocations, vacancy in staff positions, poor communication of citizen entitlements, elaborate application and processing norms etc. However, the absence of systematic disclosure of information across all stages of the planning, application, verification, sanction and expenditure process resulted in the poor enforcement of accountability on public officials when citizens' rights were violated.



Short video of the campaign: Jawabdehi Yatra

There was one startling instance of how lack of access to information and the insensitive use of digital technology in service delivery led to widespread distress and death. Through the Jawabdehi Yatra and later, activists were confronted with repeated grievances of pensioners who had suddenly stopped receiving their pensions without being told why. Thousands of grievances were filed with the State Department and information was repeatedly sought through RTIs.

It emerged that out of **22000** active pension beneficiaries in Bhim Block, Rajsamand District, Rajasthan **3729** pensions were stopped/cancelled. Approximately **2700** of these were shown as *"duplicates"* and approximately **1000** of them were certified as being *"dead"*.

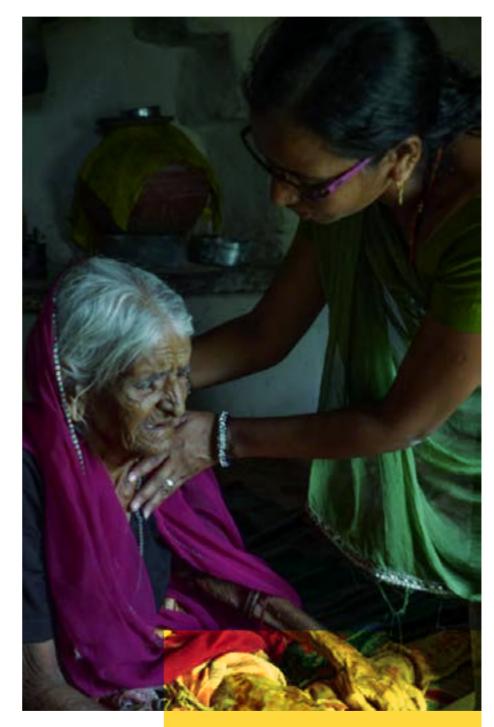
Over **400** of those declared dead were found to be alive based on fact finding visits conducted by members of the Mazdoor Kisan Shakti Sangathan (MKSS).

Many of these 400 pensioners whose pensions were stopped because of the administration certifying them as dead, actually died in the process of the wait. The cruel injustice of this blatant lack of accountability and answerability cannot be overstated.

<mark>dhaku d</mark>evi / Dilip Singh

She was aged around 90 years with no immediate relations to take care of her. She was staying in Bavdi Guar village, Kushalpura panchayat without any electricity connection. She was bedrideen and used to give her ration to neighbour who would provide her cooked roti. Her ration had stopped for over

8 months because the dealer said that she would have to physically come with her ration card and verify herself through the POS machine with her aadhar card. Her pension had stopped since January 2016 with the reason being cited as "Death". She visited block office and was told to apply for pension again. After finding this, a MKSS team visited ration dealer and found that her 8 months were siphoed off but she never received it. After a complaint she finally received her 8 months ration of 40kgs. Similarly, her pension was



Dhaku Devi

restored on 2nd August 2016 but it was all a little t<mark>oo late. She passed away on</mark> 19th August 2016 at 7pm.

MANI DEVI / ROOP SINGH

She was aged around 80 years and stayed with her son in village Sunoto Ka Badiya, Kushalpura. She was bed ridden and her pension had stopped citing "Death" as a reason from January 2016. She received her pension around 7th of July 2016 and passed away on 1st August, 2016 succumbing to her illness.

JAMKU / NOL SINGH

Both she and her husband had stopped receiving pension but only her husbands name was in the stop report with "Death" being cited as the reason.



They were staying with their daughter in law and their grandkids in Attoliya, Kushalpura. Aged about 75 she and her husband were in a very weak condition. She passed away in March 2017 without ever having gotten her pension in her hands.

Nol Singh

DALU DEVI W/O NOL SINGH

Dalu Devi, aged 75 years, was a resident of Dhorela Village of Bhim block.



She was not receiving any ration from the PDS because of incorrect spelling of her name on her ration card. She stopped receiving pension in March 2016 as the records showed "Death" as the reason of stop pension. She didn't receive pension for 6 months until this was rectified.

None of them received their meager social security pensions for months but when it was finally restored it was just too late. Payments accrued to

pensioners were abruptly stopped and the digital architecture that facilitated

this stoppage did not provide any information to them or to the general public about why this happened. The absence of information regarding why their pensions were stopped, since when and what avenues were available to them for contesting this anomaly led to this injustice being prolonged. On top of this, in some instances, information available in public domain was inconsistent with one available through government login. E.g., in one instance the reason for stop pension in public domain was "Incomplete Address" while in government login the reason cited was "Death".

DURING AND AFTER THE YATRA, NEARLY **10,000** GRIEVANCES WERE FILED

on the Government of Rajasthan's official grievance portal known as Rajasthan Sampark.

The Abhiyan took extraordinary effort to not only register the grievance, but also track it till the time it was closed or resolved. It was through this process of tracking, that it emerged that:

> Out of 9458 grievance registered, 9207 were said to be "disposed" by the concerned Departments.

3401 COMPLAINTS

said to be disposed by the concerned Department, included a resolution 1596 Grievances actually redressed

Individual calls made to the above 3401 complainants confirmed that only 47% of them had their grievances actually resolved. Therefore, out of grievances filed, only 1596 grievances were actually redressed.

> Out of registered grievances, 61% of the grievances were rejected by Departments

Unresolved 5788 Rejected 9458

Out of those rejected, 48% of the complainants stated that their grievance is still unresolved.

9458

Grievance

Registered

Through the course of the yatra, members of the SR Abhiyan could clearly see that digital systems of public service delivery were worsening exclusion and denial of rights. In addition, information being shared through web-portals and websites were not helping citizens access their rights and hold the appropriate officials accountable for misaction.

After the yatra, a 22 day sit-in was organized in Jaipur. The protest included residents from places to where the Jawaabdehi Yatra had travelled, and social and political activists from the State. The protest had two demands. One was to enact an Accountability Law. The Accountability Law would give citizens a right to have their complaints sorted out in a timely manner, and hold government officials accountable for their duties. The second demand was to make public all Management Information Systems being run in the State.

Based on experience and learnings from the Jawabdehi Yatra, the protestors understood that critical information such as list of pensions cancelled and reason behind its cancellation; vacancies in teacher positions in government schools; list of ration beneficiaries; number of people who could not access ration from PDS because of biometric authentication failure etc could be seen by Government, but not be seen by citizens. The absence of this information with citizens severely constrained their ability to hold the Government to account. That is why a clear demand from CSOs and citizens who participated in the Jawabdehi Yatra was to make public all information that was available with the Government in digital and non digital forms.

3 **NEED FOR A** JANTA INFORMATION **SYSTEM**

The context described above was the reason why civil society organizations wanted to engage with the State Government to demonstrate how:

- Digital technology should be used for empowering citizens to access their rights with the least effort

- Information should be made available proactively in the public domain for every scheme so that citizens can identify when their rights are being violated and why, and can seek answers from the administration for it

SR Abhiyan understood that digital technology is not neutral. Its impact on citizens, particularly the most vulnerable sections of society, depends on who designs its architecture and for what objective. Over the past few years, digitization of information and maintenance of databases by the Government has led to inequality in information available with citizens and with the Government.

Information and records collected by a Government about its citizens are locked under "administrative login" within the "Management Information Systems", and only those pieces of information that the administration decides to put out in the public domain is made public. This runs contrary to the spirit of the Right to Information Act which envisaged a regime of open government where all information stored by Government would be public, with the exception of those categories of information that cannot be made public as per Section 8 of the RTI Act. The Abhiyan felt the need to move from a 'Management Information System' to a 'Janta Information System' where information would be collected, managed, categorized and disclosed, through web portals and through physical platforms like public hearings, social audits, wall paintings, notice boards etc as per the needs of the citizen not the Government. Digital Dialogue was a means to start building such a Janta Information System in Rajasthan. The first Digital Dialogue was organized in September 2016 jointly by SR Abhiyan, Unnati, Institute of Development Studies, Jaipur and the Digital Empowerment Foundation in Jaipur.

4 Genesis of the Digital dialogue

The exercise began with the SR Abhiyan forming an internal group known as the 'Janta Information System Group' (JIS Group).

 \mathbf{T} he JIS Group consists of 2-3 activists representing individual sectors such as PDS and nutrition, children and women, health, education, mining, disability rights, labor, skilling and employment, tribal development, housing, urban development, public works, forest and land rights etc.



Jawabdehi Yatra-Bhilwara

These were grassroots activists who had years of experience of working in these sectors. They were well versed with issues pertaining to the sector on the ground, the various schemes run by the Government in the sector and the pain points in the implementation of these schemes. In short, these were activists who knew exactly what information provided at which level can help citizens access their rights individually and collectively. All of them had been centrally involved in the campaigns led by the Abhiyan over the past few years, particularly the Shiksha Ka Sawaal Campaign and the Jawabdehi Yatra.

The first activity undertaken under the Dialogues was an introduction of the JIS Group with the DoIT nodal officers to explain to each other the purpose of this initiative and clarify doubts, apprehensions and queries if any. This was not an easy process. It took many such meetings for the two groups of people to be comfortable with each other, and take each other seriously. Initially, the DoIT Nodal Officers would not understand why they had to communicate with social activists who had no knowledge of IT systems and computer programming. Social activists on the other hand had a difficult time arriving at and communicating precise asks from the DoIT Nodal Officers who had no in depth understanding of the scheme and its implementation on the ground.

The preliminary challenge for the JIS Group was to keep their interventions and recommendations limited to the nature of information that ought to be shared in the public domain. Since the dialogue was taking place with officials of the IT Department, it was important to remember that these officials did not have powers to correct the manner in which schemes and programmes were implemented on the ground. It took practice and discipline for the JIS group to learn to not expect officials of the IT Department to correct implementation issues on the ground, however grievous they might be.



Digital Dialogue team's interaction with Government officials

Each member of the JIS group worked with the corresponding officer in DoIT to study existing databases of schemes and programmes. Information databases developed by the State have two kinds of viewer access. The public access helps us understand the information that is currently available in the public domain for which no usernames/ passwords are required. The administrator access helps us understand the universe of information that is currently captured, collated and viewed by the administration to better "manage" the programme. The information showcased under the former is only a fraction of the information that is accessed through the latter. For this reason, it was critical for members of the JIS group to gain insight into the scope of information currently captured by the administration, which they could only do so through the administration login. This period of study took nearly 4-6 months, and formed the foundation of the advocacy thereafter.

Now that the JIS Group and the DoIT Team were on the same page about knowing the details and of information being captured, organized, managed and disclosed for each programme, the JIS group was in a position to make clear recommendations on what information ought to be disclosed and in what manner. Multiple meetings, consultations and workshops were organized by the JIS group over a period of three years to reach out to other activists, campaigners, subject matter specialists and beneficiary communities to finalize the formats that laid out in great detail.

- What information needs to be disclosed?
- At which level the information needs to be disclosed?
- How should the information be disclosed?



People lodging complaints in RTI on Wheels counter



Jawabdehi Yatra-Kushalgarh, Banswara



Jawabdehi Yatra-Dungarpur

The JIS group worked painstakingly to develop formats in which Departments were asked to disclose information in the public domain. The JIS group consulted activists in the State and from other States, beneficiaries, subject matter specialists and elected representatives in describing the information required in minute detail. Formats were physically draw out and explained to officials from the IT Department. Multiple discussions took place to explain officials why certain rows and columns were nonnrgotiable. An illustration of some of the formats developed is below:

Formats

Go to Page no. 86

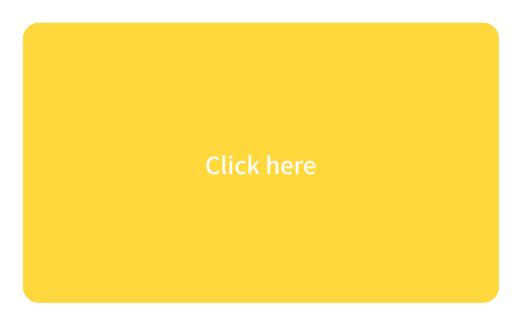
5 Birth of the Jan Soochna Portal

Midway through the Digital Dialogue, the JIS group realized that it was not enough to simply make all this information available on Departmental websites in a simple manner. This was because the sheer number of websites that a citizen would have to access would be too much. An idea emerged about how useful it would be if citizens had one window where they could access information regarding all schemes being implemented in their Panchayat/ Ward at one place, instead of visiting multiple websites.

This was the genesis of the idea of the Jan Soochna Portal, a web- based platform to suo-moto disclose information related to planning, budgeting and expenditure of more than 48 schemes across 24 Departments. It is the first such portal in the country and is a breakthrough in terms of enforcing the legal provision of mandatory disclosure of information under the Right to Information Act.

The Portal has been developed (and continues to be maintained) by the Department of Information technology and Communication, Government of Rajasthan and is an outcome of the three year long deliberations and agreements that emerged through the bi-monthly digital dialogues with activists and CSOs giving formats detailing the exact nature of information that is required to be made public, and in what form, for each scheme.

As of today, the Portal discloses information about how funds for schemes has been spent in each Gram Panchayat and Ward along with details such as beneficiary lists, work orders, distribution of payments, status of applications, sanctions etc.



short video on the portal

It was understood that the Jan Soochna Portal would pull out information from existing Government databases, and disclose it to the public domain in a relevant and actionable manner. Government used the formats prepared through the Digital Dialogues to disclose information on the Jan Soochna Portal. Information on the portal was arranged according to geography so that citizens residing in a particular Panchayat or Municipal Ward could access information about themselves and public institutions in their geographical area.

The Jan Soochna Portal depends on generation of real time and transaction-based records by the Government. This is essential to make sure that accurate and updated information that the Government itself relies on, is being disclosed to the public. It also pushes for the Department to reduce *"administrative based logins"* that prevent information disclosure stored in the digital applications in the public domain.

Learning from the Digital Dialogue process, the Government of Rajasthan issued guidelines that institutionalize the participation of civil society in the development of the Jan Soochna Portal. It was mandated that an Advisory Group be formed consisting of representatives from Government, civil society organizations and elected representatives to jointly decide on what information should be disclosed on the portal and how.

A journey that began with citizen campaigns for protecting peoples access to basic services, their right to effective grievance redress and public disclosure of all information held by Government , led to a sustained dialogue with Government for nearly 4 years, which eventually led to the creation of a Jan Soochna Portal that successfully demonstrated the institutionalization of a Janta Information System.

ROLL OUT OF THE JAN SOOCHNA PORTAL AND OUTREACH

The Jan Soochna Portal was officially launched by the Chief Minister of Rajasthan on 13th September 2019, nearly three years after the first digital dialogue. The launch of the Jan Soochna Portal was attended by Justice AP Shah, Former Chief Justice of the Delhi High Court and Chairperson, Committee of Experts on Privacy. In his address, he stated that *"the public's right to information is the cornerstone of a democracy"*. He acknowledged that the Jan Soochna Portal was an important step towards fulfilling Article 19(A) of the Indian Constitution. He stressed that the Right to Information Act is essential for democracy to be more participating, for accessing other rights, stake claim to public information as peoples' resources and for supporting open governance. The Jan Soochna Portal is a substantial support to each of these 4 functions. In the end, he concluded that

"

many things in the portal do not merely have implications for transparency of a scheme or programme. In fact, the information on rations, pensions, wages medicines are essential right to life issues; and therefore not disclosing it as per the standards of Section 4 is a violation of Article 21 of the Constitution

Justice Madan Lokur, Former Judge of the Supreme Court hailed the launch of Jan Soochna Portal as a "vital clog in access to the RTI" and a "remarkable achievement in furtherance of the right to information (RTI) — especially Section 4 of the RTI Act — that deals with proactive disclosure of information" and added that JSP has "great value and significance" in ensuring that transparency is accompanied by accountability since "it places the power of making the State government accountable to everyone who accesses the information made available on the portal."

Many journalists also reported on the Jan Soochna Portal, and studied how it helped ordinary citizens claim their rights and assert themselves with local government officials. They refer to the portal as the "*mother of RTI*" and highlight cases where people used the Jan Soochna Portal to track their entitlements, identified where they were cheated and took steps to recover their entitlements.



Click to read the full story



7 CASE STUDIES

The section below shares stories of how organizations and individuals are using the Portal to claim their rights, and further inform the Digital Dialogue on how the JSP can be further improved.

CASE STUDY 01 Health Insurance

Sohni Devi (55 years) is an example of one of the most vulnerable families for whom government programs should be designed. She is a resident of Kaladeh village in Rajsamand district. She belongs to an economically vulnerable family and belongs to the Below Poverty

Line (BPL) category. She lost her husband some time back (3 years almost) to cancer and currently lives with two sons and a daughter. One of the sons can't walk on his legs and uses his hands to move and the other son is deaf and mute. The family survived on an income (pensions? - 500 Sohni Devi + 750*2 kids) that came from rearing ____ (25 thi ---> 0; 2



now) goats. (were all the goats sold off to cater to the cancer treatment of her husband).

Further tragedy struck the family when Sohni Devi fell ill with _____ (Uterus issue - bhar nahi uthaya jaata ab). As is the case with any major health ill issue for people at the edge of poverty, one single health episode pulls the entire family below poverty. In Sohni Devi's case as she was the only earning family with heavily dependent members this threatened to put the family's survival at stake.

She was treated at a local private hospital under the Bhamashah Health Insurance Scheme of the state government, under which she was entitled to receive the treatment entirely free. The Bhamashah Health Insurance Program has listed X number of packages (link to the program) for the range of treatments. Empanelment of privat hospitals, hospital is to ensure cashless treatment for all the eligible families by accessing a package.

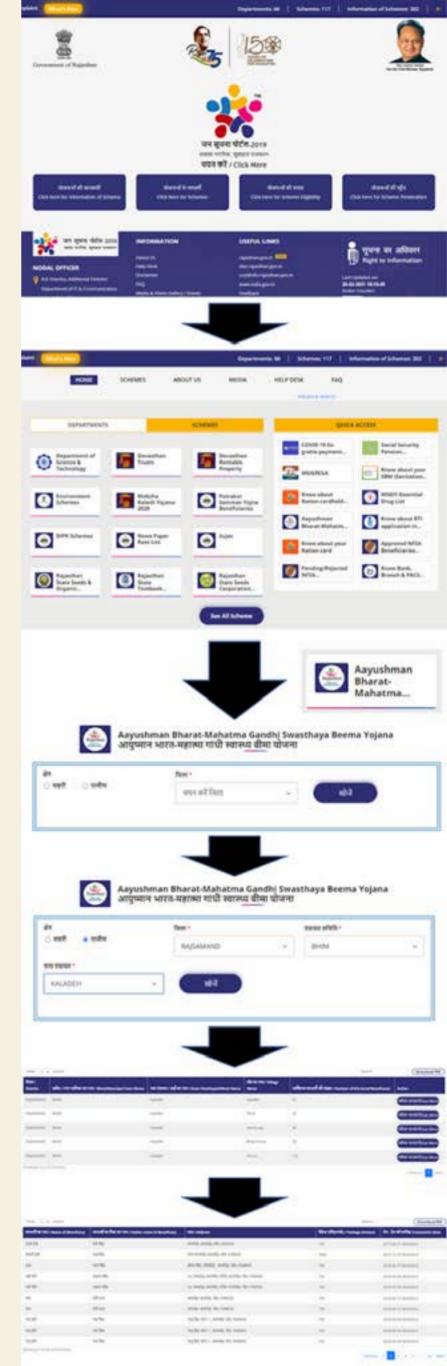
Since Sohni Devi went to a private hospital in Devgarh to get herself treated. The doctors decided to carry out a surgery and agreed to treat her under the Bhamashah Health Insurance Program. However, she was asked to deposit the treatment money upfront, which the hospital told her that they would reimburse upon receiving the insurance money from the state government. In fact, the hospital had no right to ask her for money in advance or in any other form. Since she had no information of this kind with her, she deposited 15,000 Jama, 4500 bills (davai, scans etc., 3k 4k live the per receipt nahi tha) amount and underwent her operation.

Later, Sohni Devi kept visiting the hospital to inquire if her money had come from the state government. The hospital kept telling her that no money had come despite many follow up visits to the hospital. She was in fact shunned by the management who told her that she would get a call from the hospital when they received the money. Not receiving the insurance money even after months, Sohni Devi approached the MKSS to ask if the MKSS could help her access her money under the scheme.

Use of Jan Soochna Portal:

The MKSS accessed the information disclosed on the Jan Soochna Portal. This information had been asked for during the Digital Dialogues where it was decided that details of patients' illnesses would not be discussed to protect privacy but the amount disbursed and the date along with the village of the patient would be put up for all the disbursement under this scheme. When MKSS accessed the information for Kaladeh village as per chart it was found out that the hospital did receive the insurance money quite some time ago. Sohni Devi took the copy of this information and went to the hospital to claim her money. The hospital tried to deny initially but when she confronted them with the photocopy of the information showing disbursement, they had no choice but to return the money to her.

The Bhamashah Health Insurance Scheme (like the Aayushman Bharat / PM Jan Arogya Yojana) is contentious because of its connections with the private hospitals and the private sector. Social sector groups who have been demanding strengthening of the public health system have also been stressing the fact that patients especially from the vulnerable families often gets exploited by the hospitals who indulge in a number of practices such as charging for the wrong package, demanding extra money from the patients, and conducting unnecessary tests or procedures to name a few. The lack of information leaves all the patients even more vulnerable. An important way of controlling malpractice in this situation is to disclose as much information as possible without compromising on the privacy of the patient.



CASE STUDY 02 Ration

(A) One of the teams from MKSS went around with a projector in a couple of villages in Thana panchayat of Bhilwara district, asked people to bring their ration cards to view what entitlements they have received. They were amazed to see the ration card holder photograph and list of family members on a big screen. But the most appalling thing was

that most of the beneficiaries didn't get the entitlement being displayed online.

The team wrote details of transactions on a piece of paper and asked beneficiaries to ask for siphoned off entitlements when the shop opens up next time. When the shop opened, people asked for their entitlements. For the initial few people, the dealer gave



the siphoned off ration but after a while he became reluctant and refused the same. That's when beneficiaries decided to write a complaint and about 20 of them went to the District Collector Office to give the complaint. In a follow-up, the dealer was suspended and a public hearing was conducted where all this information was displayed. Displayed information included a list of NFSA beneficiaries, list of ration cards who are eligible but never received wheat after PoS was introduced and list of people eligible for NFSA by virtue of being BPL/SB/AN category but were not in NFSA.

As an aftermath, more than 5300kg of siphoned off wheat was distributed in the panchayat. In a similar manner, in Katar panchayat of Bhilwara, when people were told about this, they got the print-outs of online transactions, took it to ration dealer and the dealer agreed to give siphoned off ration. As a result, more than three trucks of siphoned wheat were distributed. There are numerous examples like this.

In 2016, Rajasthan shifted to biometric authentication for ration distribution. This means a list of eligible beneficiaries has to be available in electronic form. The Digital Dialogue Team requested the government to put this out in public domain. After some initial hesitation, NFSA beneficiary list and corresponding entitlements received were made available in public domain in May, 2017.



(**B**) Ujaala Campaign is a village level solidarity group of women in Sabla, Dungarpur. It has been working with the labour and tribal women to help them access their entitled ration regularly under the public distribution system (PDS) set up for the implementation of Right to Food act. Their persistent efforts have actually helped women not only from Sabla but also from far off areas around Sabla to get their entitlements. Moreover, the group has also helped these women to fight wrong-doings of the ration shop dealers collectively and effectively.

Amba Bai and Ramba Bai, in their mid twenties, are residents of Mataji Kheda village of Gamdi gram panchayat in Dungarpur. They belong to a family of Meena tribe with small land holding that reaps minimal returns on farming activities. Most of the male from their household as well as from the community migrate to Ahmedabad (Gujarat) to earn their livelihood and support the families back in the villages. Monthly income of Amba Bai and Ramba Bai would be between 5000 to 7000 rs from construction related activities in Sabla and NREGA. It is this, their social and economic vulnerability, which makes them very heavily rely on the ration that they get every month from the Fair Price Shop (FPS) in their village.

In November 2020, Amba and Ramba participated in the PDS workshop cum enrolment camp in Panchayat Bhawan organized by the Ujaala Campaign. They along with 40-45 other participants were educated about their entitlements and showed the Jan Soochna Portal. Each participant was also informed about the ration they were receiving every month from the information available Jan Soochna Portal. It was during the workshop when Amba and Ramba realized that the records showed that they were receiving a packet of sugar every month while they were not in reality, despite being eligible for it.

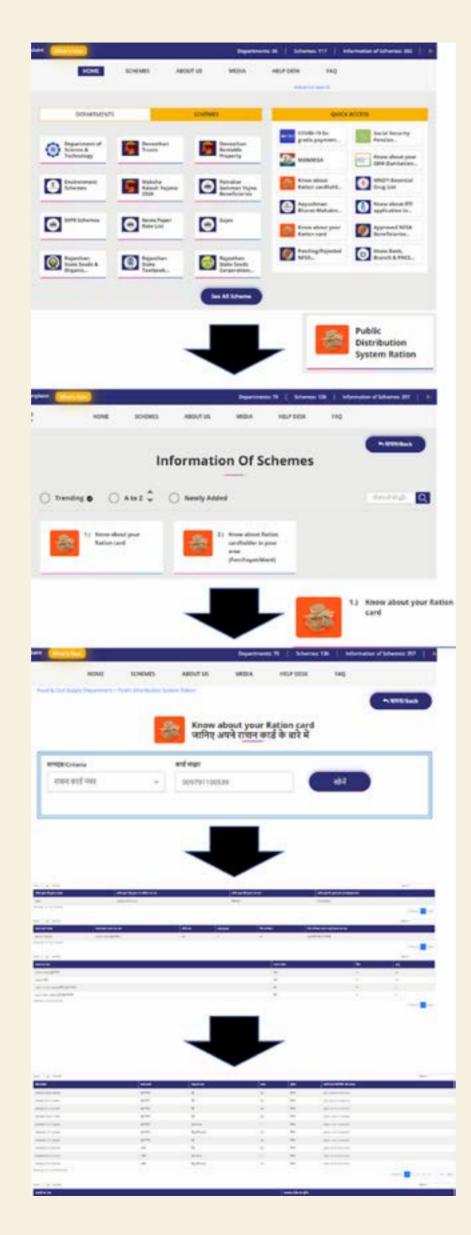
Use of Jan Soochna Portal:

Amba Bai and Ramba Bai were advised by others in the workshop to go to the nearest e-Mitra to get a copy of the information available on the Jan Soochna Portal and approach the PDS shop dealer. Both women went to the PDS shop dealer after getting a copy of their online ration card the next day. When the dealer asked for a proof of their claim, they produced the copy of Jan Soochna Portal information that showed how the sugar was being disbursed under their name while it was never given to them by the dealer. The dealer also realized that the information was accurate after an initial hesitation and denial.





However, he succumbed to the social pressure as well as to the Jan Soochna Portal evidence that was produced by Amba and Ramba and agreed to give them the sugar packets of all the past 7-8 months as well. He also surprisingly asked the women how they acquired the digital copy of their ration card as he had never seen it earlier. Both the women laughingly responded that they may not look educated and smart but they have information.Amba Bai and Ramba Bai both are now receiving 5 kg sugar in their ration regularly.



CASE STUDY 03 Swachh Bharat Mission(SBM)

Jaswant Kumar Khada lives in Dedli village of Asiyavav panchayat in Bichhiwada block of Dungarpur district. He is one of the first generation literate, in his twenties, from the local tribe who lives with his illiterate wife, three year old daughter, and elderly parents. They have a small ancestral land where they farm but reap little economic gains. They also do

labour work under NREGA and are applicants for land rights under Forest Rights Act (FRA). Jaswant was introduced to SR Abhiyan through one of his friends and he also volunteered with SR Abhiyan during COVID for a survey around the efficacy of Rajasthan Sampark, the grievance redress system of the Government of Rajasthan, in Dungarpur.

Jaswant built a toilet at his home under the Swachh Bharat Mission and he had been trying to avail reimbursements for his expenses as per the policy guidelines.

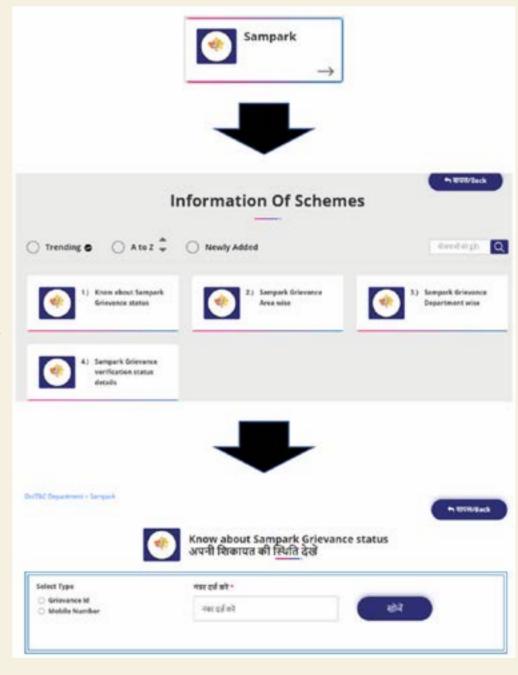


However, after not being able to access his share of reimbursements for a long time, he asked the village secretary repeatedly but couldn't get relevant information.

He participated in the Jan Soochna Portal workshop in November 2020. This was one of the regular workshops, which focused on educating communities on Jan Soochna Portal as well as Rajasthan Sampark. He was not only made familiar with both the systems but also gave him a hands on experience of using them. During the workshop, he used the portal to check records of SBM beneficiaries of his village and found out only three beneficiaries. He, however, knew more people from his community who had received money under the scheme. He was then told in the workshop that the information was incomplete and will be updated soon on the portal.

Jaswant, during the workshop, had also filed and later pursued his grievance on Rajasthan Sampark regarding not receiving his reimbursement under SBM. He was informed by the department official that according to a baseline survey that was undertaken by the state earlier, which the state was considering as a benchmark to identify beneficiaries, he was not qualified to receive the entitlements under SBM. However, a few days after receiving this correspondence on his grievance, Jaswant, to his surprise, received a phone call from his panchayat office to come and fill the application form to receive reimbursement under SBM.

Jaswant is still in the process of getting the reimbursement money but he feels more informed and aware now, and has been rigorously following up on it. In addition to his own benefits, he has also used the information available on Jan Soochna Portal to file another grievance on Rajasthan Sampark regarding delay of payment in a financial assistance scheme for the parents of a girl child in his community.

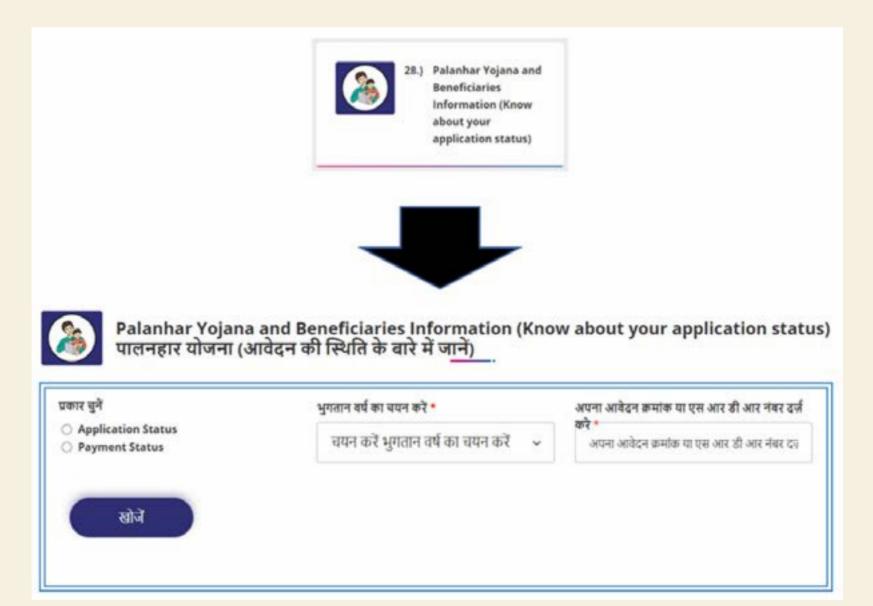


Jaswant's suggestions after undergoing the whole process of using the Jan Soochna Portal to seek information and avail benefits under a scheme are two-fold. First, it is very important that the information is updated as regularly as it can be, preferably realtime, on Jan Soochna Portal so that it can be used most effectively. Second, the grievance redress system of Rajasthan – Rajasthan Sampark – should be integrated with the Jan Soochna Portal in such a way where all the information about a grievance can be seen and tracked on Jan Soochna Portal and not just the final status.



CASE STUDY 04 Palanhaar

Rekha Devi is a young widow in her mid-thirties, who is a resident of Dakha village of Shidhari Block in Barmer district. She is mother to a 12 year old boy and also the lone caretaker of two elderly in-laws - one 70 year old father-in-law who is too old to work and a 60 year old mother-in-law who has a disability of the hand. Rekha and her family belong to the Sant community who try to meet their food needs by begging for alms while doing labour related jobs to earn income. They make around 3000 rupees every month, which includes old-age pension to both the elderly members of the house. Their social and economic vulnerabilities have pushed them into the margins and rely heavily on various social security support offered by the State.



Rekha's son goes to school and is eligible for Palanhaar, which is a scholarship policy from the Government of Rajasthan for school going children who themselves are either orphans or are raised by a guardian that belongs to categories like widow, disabled, HIV positive, or are serving a life/death sentence etc. Rekha's son was eligible to receive entitlements under Palanhar scheme as he was being raised by a widow.

In 2019, Rekha got to know about the policy through Anita Sharma, a local SR Abhiyan member. Rekha organized her application quickly and applied for the scheme. However, she did not receive the scholarship amount for her son even after a considerable amount of time was passed. In the meanwhile, she was constantly asked to keep patience by the local e-mitra kendra (Citizen Service Center). She again approached Anita for help and both of them went on Jan Soochna Portal to seek the information on Rekha's application status. They could see that the amount was disbursed but the money never reflected in the bank account she provided at the time of application. Upon checking further information on Jan Soochna Portal, she could see the complete trail of her application and she found that biometric authentication in her application form was pending.

Rekha quickly finished the formality of biometric authentication at a nearby e-mitra kendra and finally got the scholarship amount in her bank account.

CASE STUDY 05 Social Security Pension Pushpa

Bismillah lives in Jaipur and is an old widow. SOCIO - ECONOMIC BACKGROUND. Kacchi basti, Bhatta basti, Sanjay Nagar, Grand child who is married, 2 bete 2 bahue.

She applied for Social Security pension on 16th Feb, 2018 in Municipal Corporation. Filled offline form, Vidhyadhar Nagar MC office -> Checked Pension Status on EMitra, July 2018 filed grievance on Sampark, Dharmendra ji 24 Sept MC, Form was filed earlier, 9-10-2018, Collectorate SDM Office pension department, biometric authentication issue, aadhar mai update karvaaye, again talked to Dharmendra ji.

Met 16 July, 2018

She looked up Jan Soochna Portal which showed that the pension didn't start by July, 2018. She lodged a complaint and called the office. When the pension didn't start by Sep 2018, she again lodged a complaint and went to the SDM office. She was told to complete biometric authentication but she wasn't able to as fingerprints didn't match. She got her biometrics and phone number updated in Aadhaar and finally got authenticated in 16 July, 2019. JSP-> New form 22 October 2019 new form because previous form invalid.

When the pension still didn't start (WHY), a new application was filed in Oct, 2019 which finally got approved in Dec, 2019. Jan Soochna Portal was helpful in tracking the status of her application.

CASE STUDY 06 Training and Capacity Building

Civil Society Organizations have been acting as information facilitators to train and help beneficiaries get all the information. This role becomes even more important since many of these beneficiaries don't have smart phones and even those who have it, don't know how to access this information. Once a person learns how to use it, it has a spiral effect and this goes to many more in the community.

While the government plays a big role in socializing this information, civil society facilitation is also important. There are many organizations who have conducted such training and have taught people how to use information to view and verify the entitlements either already received by them or the ones they are eligible for. E.g. Jagruk Nagrik Manch based in Nokha, Bikaner has been part of this process. People come to them with their

complaints and they work as information facilitation center and file complaints on Rajasthan Sampark as needed. They have filed more than 500 grievances and the information on Jan Soochna Portal comes handy to view the information available in government records.

Similarly, Aajeevika Bureau - a grassroots organisation in Udaipur steered training around the Jan Soochna portal. Aajeevika is also the supporting organisation for Ujala Sangathan and the Aravali Union (A trade union of construction workers in South Rajasthan) and have been working towards building workers' agency.



It was as part of initiating an understanding of digital literacy among people, that a training on using Jan Soochna portal was organised.

A group of around 30 people from Gogunda, Barwada and Kherwada which are predominantly tribal areas. The training proved very effective as it enabled trainees not only to look out entitlement information for themselves but also for the community which they work with. Jan Soochna portal soon proved to be a powerful tool in the hands of the citizens and was taken to other citizens groups. After a training in Barwada more such trainings were organised in six different blocks of South Rajasthan. These training not only helped in educating people about their rights but also gave them means to exercise their voice as a citizen and hold their representatives accountable. The trainings were followed by social security camps in the villages where queries related to public schemes are rectified, complaints get registered and people are linked to the government run complaint mechanisms like the state run helpline number 181. This created a domino effect which helped Aajeevika reach over 9000 people across six blocks of South Rajasthan.

The realisation that a portal like Jan Soochna can help citizens exercise their citizenship but also turn around their disempowering experience of using technology into an empowering one.

CASE STUDY 07 Janta Soochna Kendra

In Rajasthan, there is an ongoing demand for a Public Accountability Bill which would define citizen charters, job charts and services provided by each department with a timeline to provide them. It also envisions the creation of an independent Grievance

Redress Authority and creation of Information Facilitation Centers. A person who needs any information or wants to lodge any grievance can approach these Facilitation Centers. An information facilitator will be responsible to provide any information that a citizen may need at no cost, to ensure that the center is up and running during working hours, and to facilitate filing of grievances if any. Even if an individual needs information related to Social Audit or wants to conduct the same, the standard Social Audit formats can also be provided to a citizen or a group of citizens.



One futuristic idea is to also use Emitra Plus machines, a modern, computerized, onestop service delivery touchscreen kiosk designed to facilitate the delivery of 300+ schemes and services in Rajasthan, as part of Information Facilitation Centers. One such center was opened in Bicchiwada block in Dungarpur in November 2020 from the efforts of Vagad Mazdoor Kisan Sangathan (VMKS). The center is set up as a response to local demand for information as well as support required to access relevant information on forest rights, land and revenue related information, ration, pension, and NREGA related information. A group of young girls were training on using the e-Mitra portal to be information facilitators at the center. One of them, Leela, who also had the disability of the leg, agreed to be an information facilitator by the end of the training.

She transitioned from her job of tailoring to investing her own funds and buying a laptop to become an information facilitator at the center. Another young activist involved with the Sangathan used to visit the center frequently to provide mentorship to Leela as well as monitor the operations to make it more efficient. The purpose of the center is to operate both as an E-Mitra as well as as a Jan Soochna Portal facilitation center, where citizens can walk in to get assistance in finding their or their community related information from the portal.

Such experiences underscore the importance of developing a means of facilitation to support citizens, especially those who do not have access to digital technology, in accessing the Jan Soochna Portal as well as accessing the grievance redress mechanism of the government in cases of denial or rejection of rightful entitlement. SR Abhiyan is working with the Department of Women and Child Development, Government of Rajasthan to plan such a mechanism through Saathins, who are community resource persons in villages tasked to increase the awareness of schemes related to women and children.

CASE STUDY 08 Access to drinking water

Noori, Jamala, Itiya, Ramda and Shambhu live in one of the far-flung villages named Choti Kadeen in Malala Gram Panchayat in Barmer District with 250 other families. Most of the male members from their community, including their households, migrate to Jodhpur and to Gujarat to earn their livelihoods and support the families living in the village. Family members living in Choti Kadeen are mostly women, children, and elderly, who are engaged in animal husbandry related activities. One of the biggest challenges the community here faces is the chronic crisis of access to clean drinking water as the groundwater in this part of Barmer is highly salty and practically non-drinkable.

One of the ways through which the community accesses water for daily use is via water tankers who deliver water to this community at a price. One other way, much less preferred and feasible, the community accesses drinking water is by making multiple commutes to a freshwater source that is 15 km away.

It was during the COVID lockdown from March to May. when the crisis took its worst shape and the community faced a lot of hardships in accessing clean drinking water. First, the water tanker stopped coming to the village due to a complete ban on movement of persons and vehicles during lockdown in March and April. Women from the families would wake up at 2am and leave to fetch water from a place 15 kms away on foot. They used to travel 30 kms daily to bring drinking water to their homes. The water brought with so much difficulty would not even be enough for the family, because the women could only carry one vessel with them. Some of the women would also make two to three trips to bring back enough water to meet the needs of the family as well as of animals. The male members of the families, in the meanwhile, were also stuck at their workplaces and were not able to send remittance back home as well due to absence of work. Once the lockdown was lifted and migrant workers were allowed to travel back to their hometowns, male members of the families in Choti Kadeen also returned. The water tanker suppliers also began their operations but now with a steep hike in its fees and the villagers were asked to pay upto Rs 800 per day depending on the demand. The demand pressure for water increased overall in the region suddenly due to the return of migrant workers, which made visits of water tankers to Choti Kadeen increasingly infrequent. On the top of it, severe lack of money started troubling these families to meet their food needs too. The absence of a community water recharging source in the village became severely apparent!

They filed a complaint on Rajasthan Sampark to register their grievance and demanded that the Government take adequate steps to provide a dedicated water supply to their village. Once the complaint got filed, they got follow up calls from local officers, and in a couple of days one water tanker was sent to the area. They were happy that one water tanker reached their village to meet their immediate needs but they were also hoping for the situation permanently redressed by some long term measure.

After waiting for a couple of weeks and not seeing evidence of any long term solution in their village, they used the Jan Soochna Portal to check about the status of their grievance. To their shock they realized that the grievance was shown as redressed and closed for further action. They took a print out of that and filed another complaint on the Rajasthan Sampark stating that their complaint has not been redressed yet as no long term solution was found to their issue. They even wrote a letter to the District Collector using this information. After this issue was highlighted, the District Collector ensured that water tankers shall reach the village every day until a long term solution was arrived at through construction of assets in the area. The hope for a long term solution, in the form of a community-based source of fresh drinking water, is still being pursued by Noori, Jamala, Itiya, Ramda and Shambhu.

CASE STUDY 09 Building and Other Construction Workers (BoCW)

The Building and Other Construction Workers Welfare Board, Rajasthan (BoCW) was formed under the Building and Other Construction Workers Welfare Act, 1996 for the welfare of building and other construction workers in the unorganized sector. Under this, the building and other construction workers are registered and they get benefits from various types of social security, education, health etc. schemes on the basis of eligibility. If seen, this is one of the largest and one of the most ambitious schemes to expand social security for informal sector workers in India.

Under this act, lakhs of construction workers have been registered and they also get benefits of various entitlements on the basis of eligibility but no information of any kind has been shared in public domain for beneficiaries and common public. This led to people getting in touch with middlemen to get information about who is registered, who is registered on the basis of which eligibility, who gets benefits, how much of it is received, how much time is taken, who is selected among the applicants and who is rejected for what reason, whose application is pending, who is the employer, which agency has given the employment certificate, etc., which led to large scale irregularities. As a result, the eligible laborers started being deprived of their entitlements instead ineligible people started taking advantage of the act. Due to lack of information, people could not even make complaints.

In 2018, the Supreme Court of India, while pronouncing the judgement in a Public Interest Litigation filed by the National Construction Committee on Construction Labours (NCCCL) vs Union of India, issued instructions to conduct social audit to bring transparency and accountability in BoCW. In order to implement the order, the Ministry of Labour decided to conduct a pilot in one rural and urban area. The social audit was carried out in Salumbar block in Rajasthan and Shalimar Bagh Constituency, North West District, New Delhi. The basis of social audit is information; the more accurate, qualified, and authentic information is, the more effective the audit is. For the social audit in Salumbar, the nature of information required to be in the public domain were identified. This set of information was indeed provided at the time of social audit but it was not provided universally to everyone. Meaning that each beneficiary only got information regarding their own entitlements, that too not comprehensive, but not of all beneficiaries. Hence, it was impossible to compare how the entitlements are being received by the larger community of construction workers in the district.

Learnings from Salumbar pilot was instrumental in designing the BoCW disclosure at the time of developing the Jan Soochna Portal with collective participation of civil society and the Information Technology and Labour Department of the Government of Rajasthan. In the initial days, the information was limited about the registration of the beneficiary on the portal and the benefits of the scheme. The complete audit trail of the beneficiary was not there. After a lot of efforts and deliberations with the Labour Department, they made API available to the IT department. Hence, the data of all the beneficiaries started coming up on the portal, in which any person could see all kinds of information via a registration number or via selecting a geographic region. In an audit trail, the name, address, age, application date, application status (accepted, pending, rejection), reason for rejection, date of acceptance, sanctioning officer , release date , account details, etc. started to appear on the Jan Soochna Portal.

When social audit took place in Beawar city in 2019, the auditors used the information available on the Jan Soochna Portal fiercely. The auditors were verifying the records directly from their mobile phone via Jan Soochna Portal while going door to door to cover all the beneficiaries. This also made people curious and seeing their entire information online, they were also verifying the authenticity of Jan Soochna Portal. During that time people understood the importance of a public information portal and also learnt how to use it. How does beneficiary's audit trail makes social audit more effective can be understood from an example of Beawar: Ganga Devi wife of Jayanarayan got married 15 years ago and she used to live with her family in Jaipur. She was registered as a construction worker under the registration no. B31/2017/0017217. Ganga Devi suffered from severe illness in 2017 and passed away on 19.12.2017. When the audit team spoke to her husband on the phone, during the verification process, he said that Ganga Devi was a homemaker and Jayanarayan himself operated a tea cart in Jaipur. Ganga Devi had never been a construction worker!

Upon further investigation of the process trail, the team found that Narendra Dagadi, one of the E-Mitra operators, in collaboration with the Department and had applied for a Shramik Card under the name Ganga Devi on 11.10.2017 and on 22.11.2017, the Labor Department issued the Shramik Card. On 29.8.2018, Narendra received the insurance amount, entitled under the BoCW act, of Rs. 2 lakhs against a normal death. If we look at these dates, there is a lot of contradiction and within a very short span of time, the card was issued and the benefit was also received. When the employer certificate of Ganga Devi was checked from the process trail, a construction contractor named Ismail had certified her employment. When this issue arose in the public hearing and the entire audit trail was heard, Ismail himself said that he is a tailor himself and has never been a construction worker and a contractor in his life. All these facts were obtained only from the information available on the Jan Soochna Portal, which made such kind of audit possible.

Today, the Jan Soochna Portal, in addition to the information about registration of a beneficiary, renewal of registration, and benefits of the scheme, also provides complete information about the employer (employer certificate) and details of cess recovery. All this information is in the public domain and all it is accessible to the general public including the beneficiaries, which is also used widely. The Jan Soochna Portal has truly established transparency and accountability in the implementation of BoCW Act.

CASE STUDY 10 Silicosis

Rajasthan is ranked second in the implementation of Silicosis Policy and the first to bring transparency in the policy. The state is also a unique example in the country by its adoption of digital technology in the implementation of the policy as they have digitized all its processes and have also used disclosure on Jan Soochna Portal as an effective way to maximize the delivery of entitlements. Currently, the policy is helpful in bringing justice to the patients or probable cases of silicosis on both measures of accountability and transparency.

Offline Investigation Process	Online Investigation Process
In this process a potential beneficiary has to go to the hospital to get an appointment for the investigation for Silicosis and in some cases the hospital management has provided a time period of a year for investigation thus making it impossible to fix an accountability on either side. Many such examples have come to fore during Silicosis discussions where thousands of cases have been delayed in many districts.	 In this system any person from the state of Rajasthan can now apply online for an investigation from an E-Mitra or Citizen Service Centre through the Janadhar Card. This has helped in establishing accountability in the government system and its monitoring is being done at various officer's levels. Following is an illustration of how monitoring of applications being processed are done - Administrative Secretary → District Collector → District Mining Officer or Sub-Divisional Magistrate → District Health Department → Concerned Medical Board → Potential Beneficiary/Patient Monitoring at all levels has become easy through the Department MIS as well as more broadly, by citizens themselves, through the Jan Soochna Portal and the potential beneficiaries/applicants are getting information on mobile through SMS.
Compensation Process (Offline)	Compensation Process (Online)
The compensation given by the Government of Rajasthan to the people affected by Silicosis through the offline process was taking longer, to an extent that sometimes the patients had already died by the time the compensation amount was processed . During this process, verification of applicant was also a big challenge. The citizen had to run from office to office multiple times for the documentation to prove that they are the rightful beneficiary. It had been a challenge to fix accountability and monitoring at the government level.	In the digital system, the person has to provide information only once - at the time of application for medical investigation. At all other stages of beneficiary verification, the department portal picks all the relevant information about the applicant through the Jan Adhar card. Thus the affected person doesn't have to go to various offices. They can check their application status through mobile phone or E-mitra. Such a digital system automatically fixes the accountability of the concerned officer while making it easier and more convenient for the applicants to check the status of their application. This process has also simplified the verification process. During Covid, the government has done a commendable job of providing pensions to the Silicosis applicants who had applied through this portal.

Jan Soochna Portal fetches regular information from the department portal and puts it all in the public domain. Anyone with an application number or through a geographic selection of an area can view the latest status of silicosis applications. Such a system has been a blessing for individuals in a sense that not only has it made the tracking of silicosis applications easier, it has also provided an evidence to a citizen to file a grievance in case their rightful entitlements are denied or delayed. No information in the public domain.

Spread of JSP to other States

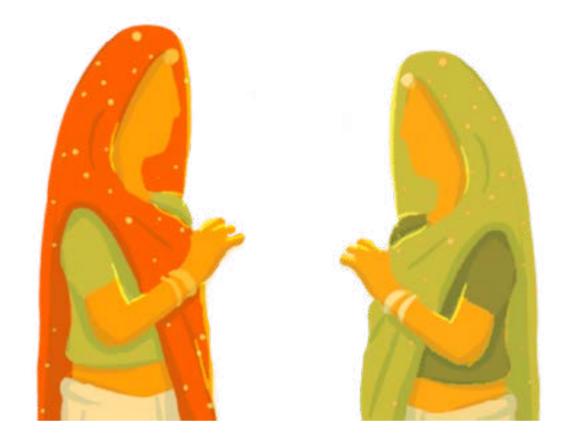
Based on the initiative taken by the Government of Rajasthan, other State Governments also took steps to build similar portals. The Government of Karnataka built and launched the Mahiti Kanaja, a single portal for disclosure of information in the public domain in 2019. The Mahiti Kanaja has been accessed by 20057 citizens since its launch and discloses information related to 16 departments. <u>Link</u>

Similarly, the Tribal Development Department of Maharashtra Government took steps to start developing a single portal for disclosure expenditure taking place for tribal development under different schemes across the State. This portal is still in the initial stages of planning, and is still a work in progress.

Need for facilitation and the role of Saathins

The JIS group was clear from the very beginning that information should be disclosed on web platforms like the Jan Soochna Portal at a minimum level. It should not be the only platform where this information can be accessed. It was also clearly understood that large sections of society who need access to this information, will not be able to use the internet and smartphones to access the portal. It is not enough for the Government to provide relevant information in the public domain through a website. The Government also has to take steps to ensure that information disclosed on the web is pro-actively made available to citizens off the web through physical facilitation. Facilitation would also encourage and help people in knowing how to use the information available on the portal to get their entitlements. Once the Jan Soochna Portal got properly established, the JIS group and the Digital Dialogue process began to focus more on how information disclosed on the portal can be shared with people who are not able to use phones or websites on their own. Through the Digital Dialogues, the idea of working with Saathins as Jan Soochna Portal Facilitators emerged.

Saathins are Gram Panchayat level community resource persons deployed by the Department of Women and Child Development. Saathins are present in all States. In Rajasthan, Saathins are nominated by women gram sabhas.



They are paid an honorarium of Rs 3500 per month and are given the responsibility of increasing the awareness of women living in the Gram Panchayat about their rights and supporting them in accessing justice and redress. As of today, there are 8000 saathins in Rajasthan. Saathins stood out as a natural option for playing the role of Jan Soochna Portal Facilitators. Saathins could spend 2-3 hours daily at the Panchayat Office and help residents of the Gram Panchayat, particularly women, view the Jan Soochna Portal, look at information and access the relevant information they need. Efforts are underway to identify and train the Saathins on the Portal and help them in carrying out this critical role of facilitation. Through this drive, nearly 8000 women across 11500 panchayats of the State would get familiar with the use of this portal and inspire and support other women living in the Gram Panchayat to also do so.

DEVELOPING **DIGITAL SYSTEMS** FOR GOVERNANCE FROM THE POINT **OF VIEW OF** CITIZENS

Initiatives from the government and constant feedback from the Civil Society also helped in improving existing processes of imlementation. One of the prime examples for that is the application process for Social Security Pension. Earlier this used to be a paper filing wherein you have to get signs of government officials and public representatives. All the documents pertaining to were supposed to be attached and multiple photos and signs were needed in the application. There was no system to issue a receipt of the application resulting in applicants not knowing what happened to their applications and them filing multiple applications.

This was changed to online filling resulting in lesser paperwork, lesser documents and online tracking of the application. Though this process helped to a great extent, there were instances where applications kept lying with officials without any action. This was also resulting in breach of prescribed timelines defined for the processing of applications. Gradually, all the paper filings were replaced by self-declaration by beneficiary in many instances and automated approval was introduced in case the application is not being processed in prescribed time-limit. Responsibility in case of automated approvals lies with the official where application was stuck beyond the prescribed time. This has helped in streamlining the process and clear the pendencies.

Digital Dialogue helped in automated enrolling of the eligible beneficiaries so that they get their entitlements without them submitting any form or go anywhere. It all happens with a click of a button. E.g. in November, 2017 more than 2 lakh, 40 thousand eligible beneficiaries who were not part of NFSA but were eligible for NFSA as they held BPL, State BPL or Antodaya ration cards. After some deliberation, these were added to NFSA list through an automated process without them going anywhere.

Another example is of widow pension, which is again the most vulnerable group. In June, 2017, the state government declared that from July there would be an increase in widow pension for widows above the age of 60 years. It was found that many such pensioners were registered as Old Age pensioners and hence they didn't get the increment. The process to convert this pension to widow pension was tedious as the beneficiary had to submit an application at Block level along with husband's death certificate. Finally using an automated process and using Bhamashah (family profile) database, more than 9 lakh pensioners got this benefit at a single click in July, 2018. Another process which has been partially facilitated with this automation is related to a scheme called Palanhaar run by Social Justice and Empowerment Department (SJED), which provides scholarships to school going children of certain categories like widow, orphan, children of disabled parents, etc. With the earlier process, the beneficiary was supposed to apply every year and provide a study certificate from school every year. Due to lack of awareness and tedious process, many such children were getting excluded. The Education Department takes Aadhaar details at the start of the session. An automation was initiated wherein if a child is authenticated in the Education database, SJED would read that information and automatically renew Palanhaar application eliminating the need of a study certificate from school in such instances. Though it doesn't cover all the beneficiaries, it's a leap forward in how most vulnerable can get their entitlements with the use of technology without applying.

Another issue that was repeatedly raised by activists was the delays in payment of compensation for those affected by silicosis. Silicosis is a disease that workers who work in the construction industry, stone carving industry, mining, idol making industry suffer from. It emerges due to long term inhalation of silica dust. It is a terminal illness, and there is no cure for it. Recognizing the disastrous impact of this occupational illness, the Supreme Court has ordered that all those suffering from silicosis be awarded a compensation of Rs 3 lakh when they are diagnosed with the disease, and Rs 2 lakh on death of the patient. Activists working in those regions of Rajasthan where the disease is prevalent brought forward many instances of workers facing difficulties in getting applications to the administration to claim compensation due to them and disbursal of payments. These issues were raised in the Digital Dialogue since 2017.

A decision was taken by the IT Department to develop an MIS from scratch to digitize the process of silicosis compensation and relief payment, with the help of those participating in the Digital Dialogue. This MIS would digitize all processes related to the payment including - testing, certification, applications and payments. The JIS group worked closely with the IT Department and its vendors to develop an information system that would be beneficial for the workers. Suggestions and inputs given by the JIS group regarding process flows and information that should be disclosed such as options for workers to track the status of applications, pendency at different levels of administration, automatic routing of test requests to closest health centres and boards were all accepted. Based on this joint effort, the State Government launched "Raj Silicosis" in 2019, which was an end to end IT system designed to alleviate the difficulties faced by silicosis patients in claiming their entitlements. Digital Dialogues continue to stress on further improvements that need to be made to the MIS and how more relevant information should be made public through the Jan Soochna Portal. One significant impact of this MIS being put in place is that the Govenrment could not use its databases to automatically and pro-actively identify those registered as silicosis patients in their system and initiate their pension payments without them having to apply for it.

Talks are on to follow the same footsteps for some other schemes and departments as well.

9 The pandemic and the portal

The Digital Dialogues continued to take place during the pandemic. Physical meetings could not take place because of the lockdown and social distancing norms. The Digital Dialogues continued to take place during the pandemic. Physical meetings could not take place because of the lockdown and social distancing norms. But the level of distress being faced by people during the lockdown in accessing medical care (for COVID and non-COVID reasons), rations, work under MGNREGA, pensions, financial assistance due to loss of jobs, locating family members who were working in other cities and were trying to return home made it clear that there was an urgent need to resume the digital dialogue in whatever form possible. From July 2020 onwards, the Digital Dialogues turned virtual. The JIS group interacted with the IT Department through webinars and returned to following up issues as before. However, the lockdown brought its own set of issues forward which the Abhiyan highlighted through the dialogues.

Information relating to distribution of take home ration through the anganwadis, dry ration kit distribution, distribution of enhanced entitlements under NFSA, financial assistance provided to BoCW registered workers and status of grievances filed by people in accessing emergency benefits promised by the State Government for those affected during the lockdown- now became critical pieces of information that had to start getting displayed on the Jan Soochna Portal. Formats were developed by SR Abhiyan members through virtual consultations to define exactly what information needed to be shared and how.

10 CHALLENGES

The Jan Soochna Portal is an initiative which apart from other things has also been an important step for change; changes in habits, culture and processes to present information in the public domain. Change in status quo is also accompanied with multiple challenges. The journey of the Jan Soochna Portal to bring changes in how information is presented and made accessible for every common person, has also faced quite a few challenges.

The first and foremost challenge which we have faced while interacting with officials of government departments is to make them understand why it is important to disclose a particular piece of information. This is followed by more discussions to make them let go of their inhibitions and control to share the particular information in public domain. We have often faced situations where government officials would show us their department's website and tell us that whatever information we need is already available on their department's website. However, having already gone through the Department websites before reaching the digital dialogue meeting we already knew that only very limited information is accessible on their websites. Only after the MIS nodal officer would present the information on the official database under restricted access in the digital dialogue meetings, did it become clear to us that there was so much information that only government officials could see which would be useful for the public. In the beginning of our discussions with a department, it takes a lot of deep diving to understand the database of the Department and identify relevant pieces of information from the point of view of a citizen.

Once this is done we need to convince the officials that the information which is present in the database with the official's admin access needs to be disclosed proactively and presented on the Jan Soochna Portal. This would be followed by the IT officials saying that a decision to make identified pieces of information public can only be made by the Line Department. This would then involve digital dialogues being tripartite in nature i.e. where representatives of IT Department, Line Department and the JIS group would sit together and discuss which pieces of information need to be made public and why. The discussion included lots of disagreements along with agreements. Whenever Departments would disagree about making certain kinds of information public, they were requested to explain under what clause of Section 8 of the RTI Act was this information not being made public. Slowly, it became a norm that for Departments to disagree incorporating recommendations that were made in the Digital Dialogue process, it would have to provide a written justification on how implementing the recommendation would result in violating Section 8 of the RTI Act. The prevalent system of keeping information stored in registers, files, hard copies, etc has also limited the information being disclosed on the portal to only those pieces that are digitized.

Although the departments have adopted the pathway for digital reform, in certain places the process has been very slow due to administrative and financial limitations. In our meetings with senior officials of various departments, apart from the regular discussions, the Digital Dialogue Team has also been pushing the agenda to digitise their content as soon as possible and present it digitally on Jan Soochna Portal. Some of the departments have not been digitised fully and their information is collated and stored in the database as PDF or scanned documents. This arrangement of keeping information in PDF or scanned copies has also limited the possibility to present it digitally on the Jan Soochna Portal. In some departments the process of digitisation of the information is under process, for example; Department of Water Resources and therefore as of now it is impossible to present all the required information in Jan Soochna Portal.

We have been struggling to bring in certain information on the Jan Soochna Portal which is stored in the database of the central government. Information related to certain central sponsored programme for example MGNREGS, PMAY, PM KISAN are stored in the database of the central government. Even though the Department of Information Technology, Government of Rajasthan is the nodal department for Jan Soochna Portal, they themselves have not been able to get access to the information which is in the database of the departments of the Central Government. Despite several follow ups with departments of both governments, there has been no success as of now.

The other challenge faced by the JIS group was regarding the digitization of the Forest Rights Act process. Throughout the claim process of the FRA, the biggest hurdle is that the submitted applications get lost in the system. People have no clue where their applications are, if they are approved/rejected, what is the cause of the rejection etc. So, they could never exercise their right to appeal. This lead to multiple claims being filed by people again and again hoping they will get processed in the system. Jungle Jameen Jan Andolon in S.Rajasthan was involved in the nation wide struggle for forest rights act and then the implementation of the same. Because of the issue of untraced applications and unavailable right appeal, it was felt that an online system could address these issues. People could get receipts for their applications and could track the status. When it is rejected, they might be able to even appeal if they want to. As part of Digital Dialogue, we worked with the IT department closely on developing a process software for forest rights applications. It took about 1.5 years for the software development. The volunteers worked with IT department, Jaipur on the application process and co-ordinated with the Tribal Area Development Commissioner Office in Udaipur for approval and acceptance of the same.

The training of the panchayat and block level staff was done by the department. But the system was not put into use much. In June 2019, when the Supreme Court ordered review of previously rejected applications, SR Abhiyan and Jungle Jameen Jan Andolan took this opportunity to promote the usage of the system. It was noted that more than 50% of rejected applications were not found and hence had to be made again. There were also several pending applications lying at panchayat and block level. Several volunteers from social work colleges participated in this review, helped people fill in applications and also filed them online. After review camps there were more than 4000 applications filed online and people got their receipts as messages on the phone numbers entered. Once the usage of the system started, several issues came up.

We tried to continuously report the issues to the IT department. Some of them were even resolved. But the financial issues between TAD and the IT department, beyond the control of Abhiyan cropped up, and the maintenance of the software was stopped. We still pressed for the process to continue, volunteered at block level to help with the online process. This continued for more than ayear and eventually, there were severe issues with the system which were not getting fixed. The officers at the block level started saying they would only consider the online applications in their meetings. The gram sabhas refused to pass resolutions on offline applications. So, we had to request the TAD office to give directions to not use the online system anymore and process the applications offline. Today, the online system so painstakingly developed is no longer in use. But for the time it was used, it was able to assure people that their applications will be processed. Even now, those that are logged in the system, we are sure that they will be processed offline as they will have to be accounted for. The process brought attention to the problems involved and hopefully they will be addressed in the offline process too.

11 ACTION FOR THE FUTURE

The Digital Dialogues and the further improvement of the Jan Soochna Portal is a work in progress. It is nowhere near a finished agenda. In the post COVID world, social and economic inequality has risen to disturbing levels, while digital technology continues to spread in our social and personal lives. In this scenario, processes like the Digital Dialogue and platforms like the Jan Soochna Portal become even more valuable than before. Efforts to inform and engage with the Government on how digital technology should and should not be deployed to protect the interests of citizens continues to be relevant. Therefore, Digital Dialogues will continue and efforts will be directed at making them more rich, more participatory and more inclusive as we go along. The challenge ahead for the Jan Soochna Portal is to build disclosures for issues relating to law and order, tax and excise, functioning of the judiciary, functioning of statutory authorities, working of the legislative assembly amongst other things. The JIS group will also work with activists, campaigns and civil society organizations working on these issues on the same.

There are many ways citizens and activists inspired by this effort can help. They can volunteer to be part of the Digital Dialogue Team which meets Government Departments regularly. Any suggestions on voluntary disclosures and usability improvement are always welcome. They can act as facilitators to share this information with the public. They can organize training and workshops so that the public can view/ seek information themselves.

It should also be kept in mind that Digital Dialogue and Jan Soochna Portal, and technology in general, are just the means and not the end. The end goal remains to reach out to the most marginalized and needy as mentioned in Gandhi's Talisman and see how they can get benefit from these steps.

FORMATS

Format for Health on Jan Soochna Portal

Managem

ent

On clicking the "Health" Button, the citizen should be directed to a page to select District, Rural/Urban, Block, Gram Panchayat, and category of institution (Sub Centre/CHC/PHC/Medical College/DWH/Dispensary/Sat. Hospital/Dist. Hospital/SDH/UPHC)

On selecting the institution, the following report should emerge

Date of

establish

Information needs to be disclosed at the level of the institution for it to be helpful for people. Citizens need to know detailed information about the hospital, instead of aggregate information at the District/State level.

Name of

Addre

SS

 ment
 ations conducted in past FY
 ries (From OJAS Portal)
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 expendit ure

 (2)
 (3)
 (5)
 (6)

Number of

services/examin

JSY

Beneficia

Staff

deploym

Budget

and

Upon clicking (1), the following reports should emerge:

Number of beds	
Number of toilets	
Status of water connection	
Status of electricity connection*	
Equipment and instrument stock	(AB) (From e-upkaran portal)
Medicine stock	(CD) (From e-aushadhi portal)

* PCTS and HMIS – have this info

Upon clicking (AB) the following table should emerge:

This information is needed to know the general health of the institution. If the Government records claim that many procedures are conducted, whereas the local reality is that the hospital denies most people an opportunity to be treated, citizens can use this information to hold local functionaries accountable. In addition, it would be helpful to know which institutions hardly conduct any procedures and which conduct many procedures and see whether the institution has the appropriate resources.

Name of equipment / instrument	Number of units in stock	Status (Functional/Not Functional)	Date of issue/purchase

This information is needed to know the list of Janani Suraksha Yojana beneficiaries from the hospital. In case these names did not actually get the benefit, whereas on Government records they got the benefits they can file a complaint. In case there are persons who have got benefits , whereas they were not eligible, this information being public can help report wrongful inclusions.

This will disclose infrastructure stock as per Government records. Once this is publicly available, if there are any differences between the actual reality and what is recorded in Government records people can report it. Upon clicking (CD) the following table should emerge:

List of medicines that should be available in the facility as per Mukhyamantri Nishulk Dava Yojana	Availability in stock (Y orN)	Number of units in stock	Expiry Status

Upon clicking (2), the following table should emerge:

Name of service/investigation	Number conducted in this FY

Upon clicking (3), the following table should emerge: (only for JSY)

Name of beneficiary	Name of Gram Panchayat where beneficiary is a resident	Date of delivery	First instalment (Date and Amount)
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Upon clicking (5) the following table should emerge:

Staff description (Post)	Category (Permanent/Contractual)	Sanctioned	Positioned	Vacant

On clicking (6), the following table should emerge:

Budget head	Sanctioned amount	Expenditure incurred

Information regarding sanctioned number of doctors, actual number of doctors and vacant positions disclosed at the level of the institution will help build public pressure

Model Format for Agriculture on Jan Soochna Portal

On clicking the "Agriculture" Button, the citizen should be prompted to a screen which shall have the following three buttons:

A. Know about your application status submitted through E-Mitra or Portal B. Know about Schemes in your Panchayat/Ward

On clicking A, the citizen should get a box to input their registration ID Number that they receive on submitting a request through an E-Mitra or Portal. On inputting the number, the following should open:

(Table 1)	
Name of applicant	
Name of father/husband	
Service applied for	
Documents submitted with application	
Date on which application submitted online	
Other Information related to Application	
Status of application	This should be either: • Accepted • Rejected • Pending If rejected, the following details should be listed: • Designation of official who rejected • Cause of rejection • Date of rejection If pending the following details should be listed • Designation of official at which level it is pending • Date since pending

On clicking B, the , the citizen should be directed to a page to select District, Rural/Urban, Block, Gram Panchayat

On selecting the Gram Panchayat/Ward, the following should appear

(Table 2)

Application ID	Name of Applicant	Address	 · · · · · · · · · · · · · · · · · · ·	Other Information

Application ID should be hyperlinked such that the following list opens up upon clicking it:

(Table 3)

		 Designation of 	
		official who rejected - Cause of rejection - Date of rejection If pending the following details should be listed - Designation of official at which level it is pending - Date since pending	

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Model Format for E-Mitra on Jan Soochna Portal

On clicking the "E-Mitra" Button, the citizen should be prompted to a screen which shall have the following three buttons:

A. Know about your application submitted through E-Mitra

B. Know about E-Mitras in your Panchayat/Ward

C. Know about your E-Mitra

On clicking A, the citizen should get a box to input their registration ID Number that they receive on submitting a request through an E-Mitra. On inputting the number, the following should open:

	(Table 1)		
	Name of applicant		
	Name of father/husband		
	Service applied for		
	Documents submitted with application		
	Date on which application submitted by E-Mit	ra	Citizens complain that they are
	Amount charged by E-Mitra for submission of application for service		charged rates by the E-Mitra that are higher than the mandated rates. Most often citizens do not
	Name, address and contact details of E-Mitra Service Provider from where the application w submitted	as	even know what the Government rates of E-Mitra are. This information should be disclosed so that citizens can see what is
	Commission earned by E-Mitra for application		so that citizens can see what is the amount that the E-Mitra
	Status of application	This should be either:	has stated in its record as being
Once citizer	ns submit an application	 Accepted Rejected Pending 	charged, and see if is different from what was actually paid.
through an ability to kr	E-Mitra, they should have the now about its status anytime- d, rejected or pending by	If rejected, the following details should listed:	be
behind it. S pay bribes t	ment and what is the reason o that they do not re-apply, to middlemen to get their	 Designation of official who reje Cause of rejection Date of rejection 	cted
status of the help them c	s processed or find out the eir applications. This will also hallenge the rejection if it was that are not true.	If pending the following details should be - Designation of official at which	
101 10430115		is pending - Date since pending	

On clicking B, the , the citizen should be directed to a page to select District, Rural/Urban, Block, Gram Panchayat On selecting the Gram Panchayat/Ward, the following should appear

(Table 2)

Name of E_Mitra Holder	Address	Phone Number	Total Transactions

Total transactions should be hyperlinked such that the following list opens up upon clicking it:

	(Table 3) Name of applican t	Name of father/husban d	Service applied for	Date of submissio n of applicatio n	Status of application (This should be either: • Accepted	Amount charged for applicatio n	Commissio n earned for application
Ground experience has a sometimes a nexus devel E-Mitra Operators and I officials. Officials tend to applications only from t that they have a setting v disclosure on which E-M applications get routinel rejected can indicate suc practices, if any.	ops betweer Department o process hose E-Mitr with. Theref Iitra's y accepted o	as Tore,			 Rejected Pending If rejected, the following details should be listed: Designatio n of official who rejected Cause of rejection Date of rejection If pending the following details should be listed Designatio n of official at which level it is pending Date since pending 		
					their E Mitter Vieck I		

On clicking C, the citizen should get a box to input their E-Mitra Kiosk Holder Name. On inputting the Name, the following should open up:

- Name

- Address

Phone Number

 <u>Transaction details</u>. – This button should be hyperlinked such that on clicking Table 3 of this document opens up for the selected E-Mitra

Format for disclosure of distribution of dry ration during lockdown

Under COVID 19, there should be a tab which states "Dry Ration Distribution".

After selecting the tab, and after selecting District, Block and Gram Panchayat/Ward the following information should be visible

Name of beneficiary who received the dry ration	When he/she received the dry ration	the iciary ved dry	reco	at was eived in the n of dry on	Source (MLA Fund Private donor Any other source please mention)

To understand whether the Government gave ration multiple times to the same sets of people, or tried reaching out to more and more citizens in need.

During the lockdown, the State Government used existing funds (BoCW, DMF etc) and private donations to distribute cooked meals and dry ration. This format was developed to bring transparency to this distribution.

To understand whether there was a difference between what was claimed to be distributed by the Government, and what was actually distributed.

Format for Building and other Construction Workers

BoCW

	BoCW
See information about yourself	See information about registered BoCW workers
See information about cess deposits	
See information about schemes	

Formats for Financial assistance/ Collateral free small loans/ Interest subvention schemes

Click 1: Financial assistance/ Collateral free small loans/ Interest subvention schemes

- Click 2. : Following schemes will be displayed
- (A) DAY-National Rural livelihoods Mission
- (B) DAY- National Urban Livelihoods Mission
- (C) Prime Minister's Rural Employment Guarantee Program (PMEGP)
- (D) Pradhan Mantri MUDRA Yojna

On clicking A- DAY-National Rural livelihoods Mission, following options will be displayed

- A.1. Description of the scheme
- A.2. District wise Details of beneficiaries
- A.3. Application Status

On clicking A.1 Description of the scheme: following will be displayed

Scheme	DAY-National Rural Livelihood Mission(NRLM)
Description	DAY-NRLM is the flagship program of Govt. of India for promoting poverty reduction through building strong institutions of the poor, particularly women, and enabling these institutions to access a range of financial services and livelihood services.
	This scheme provides SHG's which are registered with NRLM/SRLM, collateral-free loans up to Rs.20 lakh.
	Interest Subvention: DAY-NRLM has a provision for interest subvention, to cover the difference between the Lending Rate of the banks and 7%, on all credit from the banks/ financial institutions availed by women SHGs, for a maximum of ₹ 3,00,000 per SHG. This will be available across the country in two ways:
	1.In <u>250 identified districts</u> , banks will lend to the women SHGs @7% up to an aggregated loan amount of Rs 3,00,000/The SHGs will also get additional interest subvention of 3% on prompt payment, reducing the effective rate of interest to 4%.
Nature of assistance	 In the remaining districts also, all women SHGs under DAY-NRLM will be SHGs are eligible for interest subvention to the extent of difference between the lending rates and

	7% for the loan up to Rs. 3,00,000, subjected to the norms prescribed by the respective SRLMs. This part of the scheme will be operationalized by SRLMs.
Who can apply?	All SHGs registered with SRLM. The groups can avail the loans through public sector banks based on the seniority of the group and savings accumulated till now
How to apply?	The groups can avail the loans through public sector banks based on the seniority of the group and savings accumulated till now
Whom to contact	District Program Manager, Block Program Manager - NRLM

On clicking A.2 – Year wise Details of the beneficiaries: the citizen should be directed to a page to select District, Block, Gram Panchayat. On selecting the Gram Panchayat/Ward, the following should appear

Year	Total Application Received	Total Application Sanctioned	Total loan amount sanctioned	Total Pending Application	Reason for pendency
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A.2.3: Application status

o Know by Application ID(Or Individual ID like Aadhar Card)

Application ID should be hyperlinked such that the following list opens up upon clicking it:

Name of applicant/ Group	Date of submission of application	Status of application (This should be either: • Accepted	Amount of Ioan Applied	Amount sanctioned 1. If Sanctioned amount is same as applied - Yes
It is important to know the status of each application, and not just the final list of beneficiaries. Information on whether the application got rejected, causes of rejection, pending, cause of pendency should also be disclosed so people can hold local administrative officials		 Rejected Pending If rejected, the following details should be listed: Designation of official who rejected Reason of rejection Date of rejection 		 No If No Reason for reduction in the loan amount Interest Subvention Received
accountable.to more and citizens in need.		If pending the following details should be listed Designation of official at which level it is pending Date since pending 	an an the	is important to know the nount applied for and the nount sanctioned, to know e difference between the tw nounts.

On clicking B- DAY-National Urban Livelihoods Mission, following options will be displayed

- B.1. Description of the scheme
- B.2. Year wise details of beneficiaries
- **B.3. Application Status**

On clicking B.1 Description of the scheme: following will be displayed:

Scheme	National Urban Livelihood Mission(NULM)-Self Employment Program
Description	The Self Employment Programme of urban poor is a component of the National Urban Livelihoods Mission (NULM). It provides financial assistance to individuals/groups of urban poor for setting up gainful self-employment ventures/ micro-enterprises, suited to their skills, training, aptitude and local conditions.
Nature of assistance	 The financial assistance available to urban poor in setting up individual and group enterprises will be in the form of Interest subsidy on the bank loans. Interest subsidy, over and above 7% rate of interest will be available on a bank loan for setting up of individual or group enterprises. The difference between 7% p.a. and the prevailing rate of interest will be provided to banks under NULM. Interest subsidy will be given only in case of timely repayment of loan. Suitable certification from banks will be obtained in this regard. 1. The Maximum unit Project Cost for individual micro-enterprises cases is Rs 200,000 (Rs Two Lakhs). The Maximum unit Project Cost for a group enterprise is Rs10,00,000(Rs Ten Lakhs). 2. Repayment schedule ranges from 5 to 7 Years after initial moratorium of 6-18 months as per norms of the banks.
Who can apply?	Individuals : Age : 18 Years and above No minimum educational qualification is required for prospective beneficiaries under this component. However, where the identified activity for micro-enterprise development requires some special skills, appropriate training must be provided to the beneficiaries before extending financial support. Group : The group enterprise should have minimum 3 members with a minimum of 70% members from urban poor families. More than one person from the same family should not be included the same group.

	The percentage of women beneficiaries under SEP is to be not less than 30 percent. SCs and STs must be benefited at least to the extent of the proportion of their strength in the city/town population of poor. A special provision of 3 percent reservation is being made for the differently-abled and atleast 15 percent is earmarked for the minority communities.
How to apply?	The Community Organisers (COs) and professionals from Urban Local Body (ULB) will identify the prospective beneficiaries from among the urban poor. The community structures formed under Social Mobilisation & Institutional Development (SM&ID) component of NULM viz: Self Help Groups (SHGs) and Area Level Federations (ALFs) may also refer prospective individual and group entrepreneurs for purpose of financial assistance under SEP to ULB.
Whom to contact	The beneficiaries may directly approach ULB or its representatives for assistance. Banks may also identify prospective beneficiaries at their end and send such cases directly to ULB.

On clicking B.2 - Year wise Details of the beneficiaries: Following will be displyed

Year	Total Application Received	Total Application Sanctioned	Total loan amount sanctioned	Total Pending Application	Reason for pendency
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B.2.3: Application status

o Know by Application ID(Or Individual ID like Aadhar Card)

Application ID should be hyperlinked such that the following list opens up upon clicking it:

Name of applicant/	Date of submission	Status of application	Amount of loan	Amount sanctioned
Group	of application	 (This should be either: Accepted Rejected Pending If rejected, the following details should be listed: Designation of official who rejected Reason of rejection Date of rejection 	Applied	 If Sanctioned amount is same as applied Yes -No If No Reason for reduction in the loan amount Interest Subvention Received

If pending the following details should be listed	
 Designation of official at which level it is pending Date since pending 	

On clicking C- Prime Minister Employment Generation Programme (PMEGP) following options will be displayed :

C.1. Description of the scheme

C.2. Details of beneficiaries

C.3. Application Status

On clicking C.1 Description of the scheme: following will be displayed:

Scheme	Prime Minister Employment Generation Programme (PMEGP)				
Description	The scheme is implemented by Khadi and Village Industries Commission (KVIC) functioning as the nodal agency at the national level. At the state level, the scheme is implemented through State KVIC Directorates, State Khadi and Village Industries Boards (KVIBs), District Industries Centres (DICs) and banks. In such cases KVIC routes government subsidy through designated banks for eventual disbursal to the beneficiaries / entrepreneurs directly into their bank accounts.				
Nature of assistance	The maximum cost of the project/unit admissible in manufacturing sector is ₹ 25 lakhs and in the business/service sector, it is ₹ 10 lakhs. Categories of Beneficiary's Rate of subsidy under PMEGP (of project cost) Area (location of project/unit) General category 15%(Urban), 25%(Rural), Special 25%(Urban),35%(Rural)(including SC/ ST/ OBC/ Minorities/Women, Ex-servicemen, Physically handicapped, NER, Hill and Border areas, etc.) The balance amount of the total project cost will be provided by the banks in the form of term loan and working capital.				
Who can apply?	Any individual, above 18 years of age. At least VIII standard pass for projects costing above Rs.10 lakh in the manufacturing sector and above Rs. 5 lakh in the business / service sector. Only new projects are considered for sanction under PMEGP. Self Help Groups (including those belonging to BPL provided that they have not availed benefits under any other Scheme), Institutions registered under Societies Registration Act, 1860; Production Co-operative Societies, and Charitable Trusts are also eligible. Existing Units (under PMRY, REGP or any other scheme of Government of India or State Government) and the units that have already availed Government are NOT eligible.				

	The State/Divisional Directors of KVIC in consultation with KVIB and Director of Industries of respective states (for DICs) will give advertisements locally through print & electronic media inviting applications along with project proposals from prospective beneficiaries desirous of establishing the enterprise/ starting of service units under PMEGP. The beneficiaries can also submit their application online at https://www.kviconline.gov.in/pmegpeportal/pmegphome/index.jsp and take			
How to apply?	the printout of the application and submit the same to respective offices along with Detailed Project Report and other required documents.			
Whom to contact	District Nodal officer KVIC			

On clicking C.2 - Year wise details of the beneficiaries: Following will be displayed

Year		Allocation/ Target for the district	Application	Total Application Sanctioned		Total Pending Application	Reason for pendency
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C.3: Application status

o Know by Application ID(Or Individual ID like Aadhar Card)

Application ID should be hyperlinked such that the following list opens up upon clicking it:

Name of applicant/	Date of submission	Status of application	Amount of loan	Amount sanctioned
Group	of application	 (This should be either: Accepted Rejected Pending If rejected, the following details should be listed: Designation of official who rejected Reason of rejection Date of rejection If pending the following details should be listed	Applied	 If Sanctioned amount is same as applied Yes -No If No Reason for reduction in the loan amount Interest Subvention Received

20	Designation of official at which level it is pending	
•	Date since pending	

On clicking D- Pradhan Mantri Mudra Yojana (PMMY), following two options will be displayed

- D.1. Description of the scheme
- D.2. Details of beneficiaries
- **D.3.** Application Status

On clicking D.1 Description of the scheme: following will be displayed :

Scheme	Pradhan Mantri Mudra Yojana (PMMY) Pradhan Mantri Mudra Yojana (PMMY) enables a small borrower to borrow from all Public Sector Banks such as PSU Banks, Regional Rural Banks and Cooperative Banks, Private Sector Banks, Foreign Banks, Micro Finance Institutions (MFI) and Non Banking Finance Companies (NBFC) for loans upto Rs 10 lakhs for non-farm income generating activities.				
Description					
	 Types of loans- Shishu : covering loans upto 50,000/- Kishor : covering loans above 50,000/- and upto 5 lakh Tarun : covering loans above 5 lakh and upto 10 lakh There is no subsidy for the loan given under PMMY. Permitted activities/Sectors: Land Transport Sector / Activity - Which will inter alia support units for purchase of transport vehicles for goods and personal transport such as auto rickshaw, small goods transport vehicle, 				
Nature of assistance	 Three-wheelers, e-rickshaw, passenger cars, taxis, etc. Community, Social & Personal Service Activities - Such as saloons, beauty parlours, gymnasium, boutiques, tailoring shops, dry cleaning, cycle and motorcycle repair shop, DTP and Photocopying Facilities, Medicine Shops, Courier Agents, etc. Food Products Sector - Support would be available for undertaking activities such as papad making, achaar making, jam / jelly making, agricultural produce preservation at rural level, sweet shops, small service food stalls and day to day catering / canteen services, cold chain vehicles, cold storages, ice making units, ice cream making units, biscuit, bread and burgers. 				

	 Textile Products Sector / Activity - To provide support for undertaking activities such as handloom, powerloom, chikan work, zari and zardozi work, traditional embroidery and hand work, traditional dyeing and printing, apparel design, knitting, cotton ginning, computerized embroidery, stitching and other textile non garment products such as bags, vehicle accessories, furnishing accessories, etc.
Who can apply?	 Any Indian Citizen who has a business plan for a non-farm sector income generating activity such as manufacturing, processing, trading or service sector and whose credit need is less than Rs 10 lakh can approach either a Bank, MFI, or NBFC for availing of Micro Units Development & Refinance Agency Ltd. (MUDRA) loans under Pradhan Mantri Mudra Yojana (PMMY). No processing fee No collateral Repayment period of Ioan is extended up to 5 years Applicant should not be defaulter of any Bank / Financial Institution Interest subvention of 2 % for Shishu category Loans(outstanding on March 2020 for a period of 12 months)
	Borrowers, who wish to avail assistance under Pradhan Mantri MUDRA Yojana (PMMY), can approach the local branch of any of the financial institutions in their region - PSU Banks, Regional Rural Banks and Cooperative Banks, Private Sector Banks, Foreign Banks, Micro Finance Institutions (MFI) and Non Banking Finance Companies (NBFC). Sanction of assistance shall be as per the eligibility norms of respective lending institution. Check List: (Documents to be submitted along with the application)
	 Proof of identity – Self attested copy of Voter's ID Card / Driving Licence / PAN Card / Aaadhaar Card / Passport / Photo Ids issued by Govt. authority etc. Proof of Residence : Recent telephone bill / electricity bill / property tax receipt (not older than 2 months) / Voter's ID Card / Aaadhar Card / Passport of Individual / Proprietor / Partners Bank passbook or latest account statement duly attested by Bank Officials / Domicile Certificate / Certificate issued by Govt. Authority / Local Panchayat / Municipality etc. Applicant's recent Photograph (2 copies) not older than 6 months. Quotation of Machinery / other items to be purchased.
How to apply?	 Name of Supplier / details of machinery / price of machinery and / or items to be purchased.

	 Proof of Identity / Address of the Business Enterprise – Copies of relevant Licences / Registration Certificates / Other Documents pertaining to the ownership, identity of address of business unit, if any Proof of category like SC / ST / OBC / Minority etc.
Whom to contact	Borrowers, who wish to avail assistance under Pradhan Mantri MUDRA Yojana (PMMY), can approach the local branch of any of the financial institutions in their region - PSU Banks, Regional Rural Banks and Cooperative Banks, Private Sector Banks, Foreign Banks, Micro Finance Institutions (MFI) and Non Banking Finance Companies (NBFC). Sanction of assistance shall be as per the eligibility norms of respective lending institution.

On Clicking D.2 - Year wise details of the beneficiaries: Following will be displayed

Year		Allocation/ Target for the district	Application	Total Application Sanctioned	amount	Total Pending Application	Reason for pendency
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On clicking D.3: Application status: Following should be displayed

o Know by Application ID(Or Individual ID like Aadhar Card)

Application ID should be hyperlinked such that the following list opens up upon clicking it:

Name of applicant/ Group	Date of submission of application	Status of application (This should be either:	Amount of loan Applied	Amount sanctioned 1. If Sanctioned amount is same as applied
		 Accepted Rejected Pending If rejected, the following details should be listed: Designation of official who rejected Reason of rejection Date of rejection If pending the following details should be listed Designation of official at which level it is pending Date since pending 		 Yes Yes -No If No Reason for reduction in the loan amount Interest Subvention Received

The following information should be disclosed about loan waivers

Date of loan waiver

Select District, Block, Gram Panchayat/Municipality Ward and get the following information regarding eligibility of farmers for loan waiver:

Farmer's name	ID	Loan Account Number	Type of loan	 Amount outstanding as on 31.12.2017	Manager approved (Y/N with date)	 Land Survey completed (Y/N with date)	Govt/PSU employee (Y/N)	IT Payee (Y/N)	Eligible for loan waiver (Y/N)

For eligible farmers, the following information should be disclosed

Name of village	Total number of loanees	Total amount eligible for loan waiver	Total number of farmers eligible for loan waiver	Total amount for which loan waiver approved	Total number of farmers for which loan waiver complete
					X

Upon clicking X, the following information should be disclosed

The final list of farmers whose loans have been waived should be disclosed. This will help farmers verify whether the loans have indeed been waived off, and if there are other eligible farmers whose loans should be waived.

Name of farmer

Loan waivers are eligible for those loaned amounts that are outstanding as of a particular date. That is why this information being accessible is critical. These are verification checks that have to be completed before a loan waiver application can be approved. This information therefore should be disclosed along with the date on which this verification was completed. So that citizens can verify it with reality. Distinction between the total number of farmers who are eligible for a loan waiver and the numbers who have received the loan waiverindicates pendency per village.

Amount for which loan waived

1. Mining Lease Deed and its information in the following format

All details regarding the life cycle of a mining lease should be provided at one place.

Submission No	To empower citize	ns and communities		
Submission Date		living in mining areas to know and demand		
Mining Lease Deed File		accountability, it is essential that information is provided at the level of a mining lease. Only		
Mining Lease Agreement File	· · · · · · · · · · · · · · · · · · ·			
Surface Rights Agreemennt File		is presented per lease, can		
Mining Plan Approved Date		ormation to verify the the lease area. Information		
Mining Plan Duration		lative figures at the District/		
Mining Plan		with analysing broad		
Reconnaissance Period		help citizens in seeking		
Excavation Period		he level most needed.		
Mine Closure Period				
Valid Till				
Bank Name				
Closure Amount				
Environment Clearance of Mining Lease				
Consent to operate of Mining Lease				
DGMS Permissions for Blasting and Heavy				
Blasting				
Composite Map of lease with 500 mtr radius				
Lease Transfer Details with transfer copy				
Panchnama and Penalty details with copy of				
panchnama , notice , reply and demand				
notice.				

2. Yearly approved and mined quantity (MT per Annum)

	Mineral Name	Proven Reserve	Year	 Actual mined quantity per annum
[

To know how much the mining leaseholder is reporting as dispatching on a daily basis is critical for citizens to know. Daily dispatch records can help citizens verify with dispatch on ground.

3. Assessment Details of Minerals.

ſ	ASSESMENT YEAR	BALANCE OF LAST YEAR(IN	PRODUCTION (IN TONES)	DISPATCH		BALANCE	TOTAL ROYALTY	DEAD RENT
L		TONES)		PAID (IN TONES)	UNPAID (IN TONES)			
C								
C								
C								

4. Current Financial Year Mineral Dispatch details (Search option by date and minerals)

13. Copy of Annual return filed by mine owner

14. Emergency preparedness plan submitted by mining leasee

- 15. Environment management plan submitted by mining leasee
- 16. Mine closure plan both progressive and final mine closure submitted by mining leasee
- 17. Copy of Letter of intimation to open the mine as sent to Labour department
- 18. Bi Annual Environment Clearance Report submitted to Government
- 19. Extent of Area of Mining Lease

T	fotal Lease	Forest Area	Non Forest Area	Government Land	Private Land
A	Area	(List of Khasra	(List of Khasra	(List of Khasra	
L		Titles)	Titles)	Titles)	Khasra Titles)

All categories of land holdings should be available with details of previous holders

20. For Forest Clearance

Forest Clearance Order	
Contact details of official to whom	
irregularity must be reported	
Application form submitted by mine leasee	
Date of form submission by mine lease	
Complaints received by Department regarding the Mine	
Notices issued by Department about this	
Mine	
Inspection Reports of the Department wrt	
the Mine	

21. For State Pollution Control Clearances:

All Pollution clearance letters (Consent to	
establish and consent to operate)	
Contact details of official to whom	
irregularity must be reported	
Application form submitted by mine leasee	
Date of form submission by mine lease	
Complaints received with PCB regarding	
the Mine	
Notices issued by PCB about this Mine	
Inspection Reports by the PCB wrt the Mine	

22. For Environment Clearance:

Environement Clearance Order	
Contact details of official to whom	
irregularity must be reported	
Application form submitted by mine leasee	
Date of form submission by mine lease	
Complaints received by Department	
regarding the Mine	
Notices issued by Department about this	
Mine	
Inspection Reports of the Department wrt	
the Mine	
Environment Impact Assessment Report	
Minutes of Public Hearing for Environment	
Clearance	

23. Number and list of workers who are employed in the mine - contractual and permanent with following details about each worker: Name, place of residence, age, sex

24. Contractor employed by the Leasee

Name of Contractor	Date of agreement	Agreement Copy	Purpose	Amount

25. Details of Mine Developer and Operator

Name of MDO	Date of agreement	Agreement Copy	Remarks	Amount

26. Number and list of cases of deaths reported from the mine

Name of deceased	Age	Cause of death	Date of incident

27. Number and list of accidents reported from the mine

Name of victim	Age	Cause of accident	Date of accident		

28. Inspection Reports of the Mine

- Designation of inspector

- Date of inspection

- Inspection Report / Remarks

31. Payment Report

S.No	Date payment	of	Nature of payment (DMFT/Royalty/Others)	Amount payment	Name mineral	Quantum of mineral

32. There should be option to search for mines type of lease wise for example all the stone mines in Rajasthan or All mica mines in Rajasthan. This information can further be distributed district wise

34. The Coordinates of the mining lease should be shown on a map

35. Information on previous leases on that same land should also be available. Currently it shows the current lease details but if the lease was renewed / transferred those details are not available

36. Currently the list of mines does not reflect the status of the mine – Working / Not working. This should be displayed on the result screen. In case mine is not working, the reason for not working (Suspended, Temp discontinued, lapsed, surrendered etc) should be displayed

37. All measurements should include units of measurements

Department of Steel and Mines, Government of Odisha has developed a portal which provides a lot of this information already and provides link to documents like Surface rights, PCB clearances, Environment and forest clearance, mining plan, approved quantity of mining, lease details and more. For reference please visit link below - <u>https://www.odishaminerals.gov.in/MIS/LesseeReport/LesseeReport?OtllieWUOmK8BsnDIO</u> GI0A==

Regarding DMFT

The following are the parameters of information (in addition to what is already made available on the Jan Soochna Portal) requested be disclosed:

 Rajasthan already has a separate DMF portal (referred further as main portal) at http://mines.rajasthan.gov.in/DMFT/index.jsp. Both the portals can either be linked or information duplicated.

- 2. Annual Plan prepared by the DMFT
- 3. List of Members of the DMFT
- Minutes of Meetings of DMFT and date of meeting
- 5. List of affected persons/habitations per District
- 6. DMFT collection lease wise

For project following information to be additionally provided:

- Technical Sanction Copy
- Financial Sanction Copy
- Work Order/Sanction Order
- Utilization Certificate

1 Annexure



GOVERNMENT OF RAJASTHAN Department of Information Technology & Communication



No.-F5(1241)/DoIT/Tech/2019 01187/2020

Date- 19.02.2020

Subject: Jan-Soochna Portal.

The Hon'ble Chief Minister of Rajasthan launched the "Jan Soochna Portal-2019" on 13-09-2019. It is the first of its kind web-based initiative in the country for proactive disclosure of information by departments through an electronic mode. The guidelines for the Jan Soochna Portal are as follows.

I. Background:

Section 4(2) of the Right to Information (RTI) Act, 2005 states that-

"It shall be a constant endeavour 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 intervals through various means of communication, including internet, so that the public have minimum resort to the use of this Act to obtain information".

The Government of Rajasthan intends to operationalize this mandate and make an Information System that will facilitate universal and unhindered access to information, through web-based (online) modes and platform. This will result in transparent and accountable governance.

In the above context, the Government of Rajasthan launched **the Jan Soochna Portal** (JSP). The JSP draws on digitized information available with line departments and makes the same available in a citizen friendly and usable format. It is the first initiative of its kind anywhere in the country. Information on the portal is arranged according to geography so that ordinary citizens residing in a particular Panchayat or Municipal Ward can access information about themselves and public institutions in their geographical area.

The following guidelines are being issued to put in place the development and maintenance of the JSP.

II. Role of Line Departments:

Departments are requested to ensure the following activities, set forth in this guideline:

1. Section 4(1) of the RTI Act states that "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 computerised are, within a reasonable time and subject to availability of resources, computerised and connected through a network all over the country on different systems so that access to such records is facilitated.."

In pursuance of the above, departments are required to provide a statement of its records and processes that:

- i. have been digitized / computerized
- ii. are currently in the process of being digitized / computerized along with a timeline within which the same will be completed
- iii. are not yet digitized / computerized
- 2. The statement of records as stated above shall be uploaded on the JSP so that the public is aware of the records available with each department, and the means through which it can be accessed online. The same shall be updated annually and approved by the Head of Department.
- 3. Departments will be encouraged to develop a real time, transaction based information system to guide the implementation of programme under its jurisdiction. Information generated and stored through the information system must be proactively disclosed in the public domain suo-motu, except for disclosures exempt under Section 8 of the RTI Act.
- Departments will be required to issue instructions to its implementation machinery at the State, District, Block, Gram Panchayat, Corporation and Ward level for schemes and programmes implemented by the Department.
- 5. Departments are requested to reduce password based administrative logins that prevent information disclosure stored in the digital applications in the public domain to the general public.
- 6. Departments will be requested to enlist citizens who meet the eligibility criteria as per Programme/Scheme Guidelines within the Department as per the individual parameters recorded in the Jan-Aadhaar Resident Data Repository. It will be the responsibility of concerned Line Departments to revise the lists on a monthly basis.

III. Nodal Department and its Role:

The Department of Information Technology and Communication (DoIT & C) will serve as the nodal department for the development, operationalization and maintenance of the JSP, and will have the following responsibilities:

- 1. The following information is required to be hosted on the Jan Soochna Portal:
 - i. Real time, transaction level information of delivery of services, entitlements and functioning of public institutions
 - ii. Citizen Charters of Departments
 - iii. Annual Reports of Departments
 - iv. Any other information, as recommended by the Jan Soochna Advisory Group
- Endeavour that data entry being undertaken by the line departments takes place in the local language.
- Deploy, maintain and oversee the functioning of Jan Soochna Kiosks in Gram Panchayat and Ward of the State which will provide open, universal and free access to citizens.

- In order to ensure that the Jan Soochna Kiosks are used and maintained properly, the Kiosk will be under the responsibility of an e-Mistri.
- The Department of IT and Communication will appoint a Grievance Redressal Officer at the State, District and Block Level to receive, acknowledge and act on complaints related to:
 - i. Difficulties in accessing information hosted on the JSP.
 - ii. Functioning of the Jan Soochna Kiosks.
 - iii. Functioning of the e-Mistri.

IV. Monitoring:

- The functioning of the Jan Soochna Portal and the compliance of the provisions set forth in the guidelines will be monitored by a Jan Soochna Advisory Group which will have the following responsibilities:
 - i. Identify information available with line departments in digitized form, and develop appropriate formats in which the former will be required to share information to be hosted on the JSP
 - ii. Advise line departments on norms and standards of digitization of records and processes.
 - iii. Advise and provide assistance to the State Government in planning and conducting trainings on the JSP for elected representatives, CSO representatives, SHG members, students, youth volunteers and others.
- 2. The Jan Soochna Advisory Group will consist of the following members:
 - i. The Special Secretary & Commissioner, DoIT & C shall be the Chairperson of the Jan Soochna Advisory Group.
 - ii Director/Secretary, Administrative Reform shall be the Deputy Chairperson of the Jan Soochna Advisory Group.
 - iii Representative of Department of Information Technology and Communication will serve as the Member Secretary of the Advisory Group.
 - iv Representatives of Civil Society Organizations/NGO working on issues of transparency and accountability.
 - iii Representatives of line Departments, not below the rank of the Joint Secretary shall be the member/special invitee as and when required.
 - iv. An elected representative of the Gram Panchayat/Ward and elected representative of the Panchayat Samiti / Municipality Corporation, as recommended by Panchayati Raj Department/Local Self Government Department and approved by the state Government.
 - v. Elected Representative of Media (Print/Electronic), as recommended by DIPR and approved by state government.
- The Jan Soochna Advisory Group will meet at least once in two months. The meetings can take place in Jaipur or any other location in Rajasthan. The Advisory

Group will be encouraged to keep the meetings as open and participatory as possible, such that those interested to attend and contribute, may do so.

- 4. The members of the Jan Soochna Advisory Group may invite subject matter specialists for its meetings in the capacity of special invitees, as and when needed. Departments should nominate their IT representatives as well as officials with domain knowledge to attend the meetings of the Advisory Group, have follow up discussions in the department and ensure that points of action are carried out in time.
- 5. The Jan Soochna Advisory Group will be supported by the Department of IT and C. under the overall supervision of the Member Secretary of the Group.

The concerned departments are directed for the compliance of these guidelines.

(D. B. Gupta) Chief Secretary

Copy forwarded to the following for information/compliance please-

- 1. Principal Secretary to Hon'ble Chief Minister, Rajasthan.
- 2. Sr. Deputy Secretary to the Chief Secretary, Rajasthan.
- 3. PS, Additional Chief Secretary, Finance Department, Rajasthan.
- 4. All the Additional Chief Secretary/ Principal Secretary/Secretary, Rajasthan.
- 5. All the Divisional Commissioners, Rajasthan.
- 6. All the Collectors, Rajasthan.
- 7. All the CEO, ZPs, Rajasthan.
- 8. All the Commissioners, Municipal Corporations.
- 9. All the Commissioners, Development Authorities (ADA/JDA/JoDA).
- 10. All the Secretaries, UITs.
- 11. All the Executive Officers of Nagar Palikas/Parishads.
- 12. Guard File.

Principal Secretary

2 Annexure

Justice Madan B. Lokur

Former Judge Supreme Court of India

27 September, 2021

Querist: Soochna Evam Rozgaar Abhiyan and Social Accountability Forum for Action and Research

Ex-parte

Opinion

Two queries have been raised by Soochna Evam Rozgaar Abhiyan and Social Accountability Forum for Action and Research:

1) What would be the legal regime governing the *suo motu* publication of information by the government through online information portals such as *Jan Soochna Portal* and *Mahiti Kanaja Portal* in the context of the Right to Information Act, 2005?

2) Can online information portals such as *Jan Soochna Portal* and *Mahiti Kanaja Portal* disclose information that is specifically embargoed under the Right to Information Act, 2005 from being shared?

Appreciating the right to information

 The Right to Information Act ("the Act") is a statutory recognition of the fundamental right to know¹ and provides an enforcement mechanism for that right.

¹ Section 3. Right to information. - Subject to the provisions of this Act, all citizens shall have the right to information.

- 2. The long title to the Act highlights its underlying broad principle: it is intended to set out a "practical regime" to realise the right of citizens to information about public authorities in order to promote transparency and accountability in the working of such public authorities.
- 3. The Preamble elaborates the need for a "practical regime": firstly, that India has a democratic republic form of government; secondly, that "democracy requires an informed citizenry and transparency of information" to function, to contain corruption, and to hold government accountable; thirdly, that there may be certain problems - of efficiency, optimising use of resources, or preserving confidentiality - if information were to be released "in actual practice"; this necessitates a regime which takes these factors into consideration while "preserving the paramountcy of the democratic ideal"; and therefore it is "expedient to provide for furnishing" information to the citizens who want it.
- 4. The right to know or freedom of information stems from the fundamental right to freedom of speech and expression under Article 19(1)(a) of the Constitution of India.
- 5. In Central Public Information Officer, Supreme Court of India v. Subhash Chandra Agarwal² a five-judge Bench of the Supreme Court held that the Supreme Court was a public authority within the meaning of the Act. In a concurring opinion, D.Y. Chandrachud, J. observed:

"218. Parliament enacted the RTI Act in pursuance of the State's positive obligation to provide citizens with information about the functioning of government. It is a statute to operationalise the right of citizens to access information, otherwise only held by the government, under the 'right to know' or 'right to information' as protected by Article 19(1)(a). In requesting for information under the provisions of the RTI Act, a citizen engages certain statutory rights and duties under its provisions, but simultaneously also engages the 'right to know' is

² (2020) 5 SCC 481: MANU/SC/1561/2019

not absolute. The RTI Act envisages certain restrictions on the 'right to know' in the form of exemptions enumerated in Clause (1) to Section 8. Crucially, restrictions on the disclosure of information under the RTI Act also constitute restrictions on the information applicant's 'right to know' which is protected under Article 19(1)(a) of the Constitution. The constitutional permissibility of the statutory restrictions on disclosure contained within the RTI Act is not in challenge before this Court. But it is trite to state that any restrictions on the disclosure of information would necessarily need to comport with the existing law on the protection of the 'right to know' as a facet of the freedom of expression. In the decision in *Thalappalam Service Cooperative Bank Limited v. State of Kerala*³ Justice Radhakrishnan, speaking for a two judge Bench of this Court, noted:

> 56. The Right to Information Act, 2005 is an Act which provides for setting up the practical regime of right to information for citizens to secure access to information under the control of public authorities in order to promote transparency and accountability in the working of every public authority. The Preamble of the Act also states that the democracy requires an informed citizenry and transparency of information which are vital to its functioning and also to contain corruption and to hold Governments and their instrumentalities accountable to the governed. Citizens have, however, the right to secure access to information of only those matters which are "under the control of public authorities", the purpose is to hold "the Government and its instrumentalities" accountable to the governed. Consequently, though right to get information is a fundamental right guaranteed under Article 19(1)(a) of the Constitution, limits are being prescribed under the Act itself, which are reasonable restrictions within the meaning of Article 19(2) of the Constitution of India.

The court expressly acknowledged that the RTI Act was enacted to fulfil the positive content of the right to know that existed under Article 19(1)(a). Further, restrictions on the disclosure of information under the RTI Act constitute restrictions on the 'right to know' as a facet of Article 19(1)(a)."

6. In Indian Express Newspapers (Bombay) Private Ltd. and Ors. v. Union

of India (UOI) and Ors.⁴ a three judge Bench of the Supreme Court held

³ (2013) 16 SCC 82

⁴ (1985) 1 SCC 641

that freedom of speech and expression includes the right to know, in the context of petitions challenging levies on newspaper publishers:

"66. ... The public interest in freedom of discussion (of which the freedom of the press is one aspect) stems from the requirement that members of a democratic society should be sufficiently informed that they may influence intelligently the decisions which may affect themselves'. (Per Lord Simon of Glaisdale in Attorney General v. Times Newspapers, (1973) 3 All ER 54). Freedom of expression as learned writers have observed, has four broad social purposes to serve:(i) it helps an individual to attain self fulfillment (ii) it assists in the discovery of truth (iii) it strengthens the capacity of an individual in participating in decision-making and (iv) it provides a mechanism by which it would be possible to establish a reasonable balance between stability and social change. All members of society should be able to form their own beliefs and communicate them freely to others. In sum, the fundamental principle involved here is the people's right to know. Freedom of speech and expression should, therefore, receive a generous support from all those who believe in the participation of people in the administration. ..."

7. In Secretary, Ministry of Information & Broadcasting v. Cricket Association of Bengal⁵ the Supreme Court held that:

"43. The freedom of speech and expression includes right to acquire information and to disseminate it. Freedom of speech and expression is necessary, for self-fulfilment. It enables people to contribute to debate on social and moral issues. It is the best way to find a truest model of anything, since it is only through it that the widest possible range of ideas can circulate. It is the only vehicle of political discourse so essential to democracy. ...

82. ... True democracy cannot exist unless all citizens have a right to participate in the affairs of the polity of the country. The right to participate in the affairs of the country is meaningless unless the citizens are well informed on all sides of the issues, in respect of which they are called upon to express their views. One-sided information, disinformation, misinformation and non-information all equally create an uninformed citizenry which makes democracy a farce when medium of information is monopolised either by a partisan central authority or by private individuals or oligarchic organisation. This is particularly so in a country like ours where about 65 per cent of the

⁵ (1995) 2 SCC 161

population is illiterate and hardly 1 ¹/₂ per cent of the population has an access to the print media which is not subject to pre-censorship."

- 8. In *State of U.P. v. Raj Narain*⁶ the Supreme Court held that Article 19(1)(a) includes the right of citizens to know every public act and everything that is done in a public way, by their functionaries.
- 9. A three-judge Bench of the Supreme Court in *People's Union for Civil Liberties & Anr. v. Union of India & Anr.*⁷ observed that: "So, the foundation of a healthy democracy is to have well-informed citizens-voters." The Court further held that "there can be little doubt that exposure to public gaze and scrutiny is one of the surest means to cleanse our democratic governing system and to have competent legislatures".
- 10. Since the right to information can be located in the Constitution (as an essential element of the Constitutional democratic set-up), the state is under an obligation to provide this information to the people and has not bestowed it upon them through a statute. The Act crystallizes these principles into the "practical regime" for achieving transparency in the working of public authorities, and through it, empowers citizens to hold the government accountable for its actions. It imposes a mandate on authorities to practice "open government" and visualizes a devolution of information from exclusive ownership by public authorities to the grassroots. The right to information is, therefore, an essential ingredient of democracy and in fact its life-blood.

What information is being shared?

11. Information is an inclusive definition under section 2(f) of the Act. It includes any material in any form that is within the domain of government, held by any public authority, including "information relating to any private body which can be accessed by a public authority under any other law for

⁶ (1975) 4 SCC 428

⁷ (2003) 4 SCC 399

the time being in force". Exceptions to the information which may be published are in sections 8 and 9 and, like all exceptions, must be narrowly construed. In a concurring opinion in *Central Public Information Officer, Supreme Court of India v. Subhash Chandra Agarwal* (supra), N.V. Ramana, J. (as he then was) observed:

"113. The exemptions to right to information as noted above are contained under Section 8 of the RTI Act. Before we analyse the aforesaid provision, we need to observe basic principles, concerning interpretation of exemption clauses. There is no doubt it is now well settled that exemption clauses need to be construed strictly. They need to be given appropriate meaning in terms of the intention of the legislature [see *Commissioner of Customs (Import) v. Dilip Kumar and Ors.*⁸; *Rechnungshof v. Österreichischer Rundfunk and Ors.*, C-465/00]."

12. In *Commissioner of Central Excise, New Delhi v. Hari Chand Shri Gopal and Ors.*⁹ a five-judge Bench of the Supreme Court had summed up the rule of interpretation of exemption clauses as follows:

"Exemption Clause - Strict Construction

22. The law is well settled that a person who claims exemption or concession has to establish that he is entitled to that exemption or concession. A provision providing for an exemption, concession or exception, as the case may be, has to be construed strictly with certain exceptions depending upon the settings on which the provision has been placed in the Statute and the object and purpose to be achieved. \dots "

This principle would equally apply to public authorities under the Act in the context of the right to information available to citizens.

The "practical regime" under the Act

13. The Act envisions two methods of accessing information. Firstly, by an individual seeking information making a specific request for such information under Section 6. Public authorities must nominate officials

⁸ (2018) 9 SCC 40

⁹ (2011) 1 SCC 236: MANU/SC/0955/2010

who will be responsible for responding to these requests under Section 7. This mechanism is triggered by the citizen.

- 14. The second method obliges the public authority to disclose certain information on its own without any request or other external trigger, under Section 4. This provision is extremely significant and it statutorily mandates public authorities to *inter alia* publish certain information about itself and its working. The importance and significance of this provision cannot be over-emphasised.
- 15. The categories of information mandated for publication are broadly classified and categorised in Section 4(1)(b), (c), and (d). Section 4(1)(b) deals with multiple categories of information about the public authority's working which must be updated annually. This includes: "(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 authorisations granted by it; (xiv) details in respect of the information, available to or held by it, reduced in an electronic form;". This is in addition to information about the constitution of the authority, its budget, and meetings.
- 16. Section 4(1)(c) mandates publication of "all relevant facts while formulating important policies or announcing the decisions which affect public" and section 4(1)(d) mandates publication of "reasons for its administration or quasi-judicial decisions to affected persons".
- 17. Section 4(1) creates a regime under which information is published for two broad reasons: one, for transparency in the working of public bodies so that those bodies may be held accountable; two, for individuals to know the status of their rights or obligations under the state, whether relating to welfare schemes, necessary permits for their livelihood, or public records which affect their lives. In this sense, the disclosure of information aids the

redressal of grievances which citizens may have in relation to a particular situation without a bearing on the larger issue of open government.

Emphasis on *suo motu* disclosure: Section 4(2) and Section 26

- 18. Section 4(2) requires that public authorities must constantly endeavour to "take steps in accordance with 4(1)(b) to provide as much information *suo motu* to the public at regular intervals through various means of communications, including internet" so that recourse to the request method under Section 6 is minimized.
- 19. Section 26 provides that governments may go beyond making mandatory disclosures under Section 4 to improve public awareness about the right to information and its enforcement under the Act. 26(1)(c) specifically notes that the Government may "promote timely and effective dissemination of accurate information by public authorities about their activities".
- 20. The scheme of the Act therefore aims to increase the availability of information and ease of access. It envisions a regime where information is pre-emptively disclosed and citizens can easily find and understand the information important for their lives. Because an informed and active citizenry is an essential component of a healthy democracy, without which it would not survive, the citizen must not bear the burden of seeking out this information and publicising it. This burden must be borne by the state itself.

Emphasis on ease of access

21. Section 4(2) specifies the internet as a medium for providing regular information to the public. The ease of access and understanding information is elaborated in sections 4(3) and 4(4) which require that:

1) the information must be disseminated widely;

2) the information must be disseminated in a form and manner easily accessible to the public;

3) the information should be disseminated in the local language;

4) the effective means of communication in the local area should be considered while disseminating the information;

5) the information should be easily accessible particularly in an electronic format.

22. The section explains that "dissemination" means efficiently communicating the information through multiple modes, including the internet.

Queries

1. What would be the legal regime governing the *suo motu* publication of information by the government through online information portals such as *Jan Soochna Portal* and *Mahiti Kanaja Portal* in the context of the Right to Information Act, 2005?

- 23. The *Jan Soochna Portal* of the Government of Rajasthan and the *Mahiti Kanaja Portal* of the Government of Karnataka ("the Portals") fall within the contemplated *suo motu* dissemination of information contemplated in Section 4(2) and 26(1)(c) and are a significant step towards realising the goals of the Right to Information Act.
- 24. Under Section 4(1)(a), public authorities are mandated to organize their records such that the record/ information is in a form which can be shared with the public from the moment of creation of such record. Increasingly, public authorities create original digital records/ information, through online systems. Subsequently the information is maintained and held online/ digitally. Such information which is already online and/ or in a digital format and falls within the categories of information in Sections 4(1)(b) can be made publicly available through the internet in real time or very soon after their creation and updation.

- 25. The Portals have been created to take large parts of such digital information and make it easily available to the public through a user-friendly, one-stop website (rather than tracing individual pieces of data across websites with different and confusing interfaces and formats). For example, the *Jan Soochna Portal* gives users access to information pertaining to 85 Departments and 228 Schemes (with 522 types of information thereunder). The user interface is uniform across the website and an individual can access not only the general information about schemes but also specific eligibility by entering the required details. Information is available in the local language as well as Hindi. Contact information of the ideals of Section 4 and Section 26 of the Act.
- 26. The *Mahiti Kanaja Portal* is also a one-stop portal for access to information under 40 broad heads ranging from PDS benefits and scholarship schemes to the sports department and pollution control board. Efforts are being made to ensure access in other heads of information.
- 27. The creation of these online information portals is a welcome step towards improving the working of the access regime under the Act. They implement the spirit of the Act, that is disclosure for the sake of transparency in functioning of government bodies. In addition, they provide a crucial public service by enabling people to identify and claim the benefits to which they are entitled under the state. Their execution and upkeep should be guided by a zealous intent and rigorous practice. It is heartening to see that state governments have taken steps in line with Section 26(1)(c) to bring the laudatory expectations stated in the preamble of the Act to fruition.
- 28. **Clarifications as to exempted information**: A public authority is obliged under Section 4(4) read with Sections 5, 8 and 10 of the Act to catalogue, index, and digitise under 4(1)(a) all information, and proactively organise

all information falling within the expansive remit of 4(1)(b) to be made available on the said online information portals. The public authority may nominate an appropriate public information officer (PIO) in the department to determine the categories of information that may be withheld as per the RTI Act. The Public Information Officer may withhold information only if the publication of such information attracts an exemption under Section 8. The PIO may pass a reasoned order to justify the exemption and withholding of information. Such an exemption must be applied narrowly, and where possible, the exempted portion of information should be severed from the rest of the information under Section 10(1) so that some disclosure is still possible. The order where the information is being exempted may be placed in the public domain so that it is placed within the regime of the RTI Act, including appellate processes.

2. Can online information portals such as *Jan Soochna Portal* and *Mahiti Kanaja Portal* disclose information that is specifically embargoed under the Right to Information Act, 2005 from being shared?

- 29. The Act has put in place a wide ranging, across the board, access to information regime. Section 22 of the Act indicates the intended expansive sweep of the law. The non-obstante clause in Section 22 gives the Act overriding effect over "the Official Secrets Act, 1923 and any other law for the time being in force". The intention of Parliament is express in treating the standard of disclosure under the Act as sacrosanct and applicable to all domains including those dealt with in other statutes. The right to information as laid down in Section 3 only knows limitations and exemptions arising from within the statute and not from outside.
- 30. As *Jan Soochna Portal* and *Mahiti Kanaja Portal* are empowered under Section 4 of the Act, the Public Information Officer of the concerned public authority would be obliged to disclose all information under Section

4(1)(b), subject to the exemptions under section 8, regardless of the limitation arising against the publication of such information mentioned in any other statute. The Portals may not disclose any information which is specifically exempted under Section 8(1). Section 8(2) provides that "Notwithstanding anything in the Official Secrets Act, 1923 nor any of the exemptions permissible in accordance with sub-section (1), a public authority may allow access to information, if public interest in disclosure outweighs the harm to the protected interests." The Public Information Officer of the concerned authority is empowered to decide as and when section 8(2) would apply to disclose certain exempted information. This would be permissible under the regime of the Act.

- 31. However, it must also be stated that the exemptions must be narrowly construed. The law on interpreting statutes is quite clear in this regard. Moreover, the interpretation of the exemption clauses must be reasonably applied and not with an intent to defeat a fundamental right to know and a statutory right to access information.
- 32. The Queries are answered accordingly.
- 33. This opinion cannot be treated as evidence before any Court, Tribunal or quasi-judicial authority and has been given on the basis of facts and circumstances disclosed by the Querist.

pradan Lokur

New Delhi

(Justice (Retd) Madan B. Lokur)

Page 12 of 12

3 Annexure

ABRIDGED NOTE

I. Legal Mandate for Public Disclosure of Beneficiary Data

- 1. Proactive Disclosures under the Right to Information Act, 2005
 - a. Section 4(1)(b) casts an obligation on public authorities to disclose certain records relating to administration, budget, execution, and implementation of social welfare programmes.
 - b. Section 4(2) casts an obligation on public authorities to publish the disclosures under Section 4(1)(b) suo motu and at regular intervals **on the internet**.
 - c. Section 4(3) casts a duty on public authorities to disseminate the records "widely and in such form and manner which is easily accessible to the public."
- 2. Adoption of Open Standards under the National Data Sharing and Accessibility Policy, 2012
 - a. In line with the mandate under Section 4(2) of the RTI Act, the Department of Science and Technology under the Ministry of Science and Technology, has formulated the National Data Sharing and Accessibility Policy, 2012. The policy lays down principles and standards for better sharing and accessibility of data "generated using public funds."
 - b. The policy adds: "all data and information created, generated, collected, archived, using public funds" be made available for public use.
- 3. Disclosures under Special Legislations
 - a. The Mahatma Gandhi National Rural Employment Guarantee Act, 2005 ('NREGA') stipulates that "**all accounts and records relating to the scheme shall be made available for public scrutiny**." [See Clause 16 & 17 of Schedule - I]
 - b. The National Food Security Act, 2013 ('NFSA') stipulates that "All Targeted Public Distribution System related records shall be placed in the public domain and kept open for inspection to the public, in such manner as may be prescribed by the State Government." [Section 27]

II. Framework for Disclosure of Beneficiary Data through Unified Public Access Portal

- 4. The recently enacted Digital Personal Data Protection Act, 2023 ('DPDP Act') has introduced a new legal paradigm for processing 'personal data' of individuals in India, which includes data relating to beneficiaries under various social welfare schemes. The Act imposes certain obligations and limits on 'Data Fiduciary' or 'Data Processor' that includes state governments and their departments which handle personal data of residents. However, **the Act has not yet been brought into force**.
- 5. <u>Option 1</u>: Ignore the obligations under the DPDP Act until such time the provisions are notified by the Central Government. The State Government can immediately proceed to build a unified public access portal such as Rajasthan's Jan Soochna.
- 6. Option 2: The State Government may frame a special legislation to exclude the operation of the DPDP Act in its entirety. Section 3(c)(ii)(B) of the DPDP Act excludes the rigours of data protection in respect of personal data that is publicly shared or made available by virtue of obligation cast under any law in force. In other words, the provisions of the DPDP Act do not apply in respect of personal data that is required by law to be made publicly accessible. To this extent, the disclosures that are mandated under Section 4 of RTI Act, Schedule I of NREGA and Section 27 of NFSA can be made available to the public through a unified portal without being constrained by DPDP Act.

<u>Note</u>:

- (i) For enabling disclosures other than RTI Act, NREGA and NFSA, the State Government is required to frame a special law which casts an obligation on public authorities to publish the beneficiary data.
- (ii) The DPDP Act has amended Section 8(1)(j) of the RTI Act to authorise public authorities to exempt disclosure of "personal information."

7. <u>Option 3</u>: **The State Government may exclude the 'consent' obligation under DPDP Act (or provide deemed consent) for processing personal data through a special legislation.** The DPDP Act excludes the requirement to obtain 'consent' for Data Principal (or the beneficiary) if the processing is necessary for any of the 'legitimate uses' specified under Section 7.

<u>Note</u>:

- (i) For our current purpose, the State Government may seek benefit of sub-clause (c) of Section 7 which stipulates: "for the performance by the State or any of its instrumentalities of any function under any law for the time being in force in India or in the interest of sovereignty and integrity of India or security of the State."
- (ii) The State Government is required to enact a law to authorise publication of beneficiary data to avail the benefit of deemed consent under Section 7(c).
- 8. Option 4: The State Government may seek the benefit of exemption enabled for the purpose of "research, archiving or statistical purposes." Section 17(2) of the DPDP Act exempts the application of the data protection norms if the processing is "necessary for research, archiving or statistical purposes if the personal data is not to be used to take any decision specific to a Data Principal and such processing is carried on in accordance with such standards as may be prescribed."

<u>Note</u>:

- (i) The application of this exemption is subject to 'standards' to be prescribed by the Central Government;
- (ii) The standards that may be prescribed may not permit or prohibit public dissemination of personal data;
- (iii) The beneficiary data disseminated under this provision cannot be relied (or directly used) as evidence to deny any benefit or exclude any beneficiary from the existing scheme.
- 9. <u>Proposed Legislation</u>: It is advisable for the State Government to frame a legislation that mandates all their departments and authorities to *voluntarily* publish the details of beneficiary data. The stated objectives of the law ought to include:
 - A. For the benefit of citizens, to access information relating to schemes they are eligible for and also track the status in real time;
 - B. For social workers and other third parties who can assist underprivileged persons to avail their lawful entitlements and benefits;
 - C. For securing the rights of citizens to scrutinise accounts relating to utilisation of public funds;
 - D. For enabling accountability through social audits and otherwise to ensure that the benefits reach the intended beneficiaries and prevent corruption and dissipation of social welfare benefits.