

The Cost of Right to Information Act, 2005 to the Gujarat Technological University

Rajesh S. Ramani

Asst. Professor

Centre for Business Ethics & Corporate Social Responsibilities

Gujarat Technological University, Ahmedabad

Nr. Vishwakarma Government Engineering College

Sabarmati Koba Highway

Chandkheda

Ahmedabad-382424

Gujarat

India

Abstract

The Right to Information Act, 2005 is considered as the game changer in the public administration of India. It was passed in both the houses of Indian Parliament in 2005 with a view to provide transparency and accountability in the public administration. This paper focuses on the cost aspect of the Right to Information Act, 2005 while implementation in the context of Gujarat Technological University of Gujarat State of India. The paper focuses on the cost per RTI application to the University. The actual cost is much higher than the cost which has been prescribed by the Central and the State authorities. The paper focuses on the variable cost which is directly associated with the number of applications received per year. In the paper the cost declared by various state government have also been analyzed.

Keywords: RTI, Total Cost, Fixed Cost, Variable Cost, Cost per Application, RTI Cost Analysis

1. Introduction

The Right to Information (RTI) Act, 2005 has brought grass root level changes in the administration of the public authorities. It aids in creation of responsible and accountable government. But along with that it also curbs the important time value of the various officers of the public authorities.

Gujarat Technological University (GTU) has been established as per the Gujarat Act No. 20 of 2007. It provides education, research, knowledge in the fields of Management, engineering, pharmacy, computer, architecture, etc. The University has established a RTI Cell which co-ordinates all the activities carried out related to the Right to Information Act, 2005 such as reply of RTI applications, hearing of the First Appeal, Compliance of the Second Appeal to the Gujarat Information Commission.

2. Background of the Act

The Indian Parliament enacted the "Freedom of Information Act, 2002" in order to promote transparency and accountability in the administration. With lots of changes a new "Right to Information Bill, 2004" was passed by both the houses of parliament on May 2005. It was notified in the Gazette of India on 21st June, 2005. This new Act has empowered the citizen to access the information and makes the government more responsible.

3. Important Definitions

I. Information

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

II. Public Authority

It means any authority or body or institution of self-government established or constituted-

- a) By or under the Constitution;
- b) By any other law made by Parliament;
- c) By any other law made by State Legislature;
- d) By notification issued or order made by the appropriate Government, and includes any:
 - i. Body owned, controlled or substantially financed;
 - ii. Non-Government organization substantially financed, directly or indirectly by funds provided by the appropriate Government

III. Record

- a) Any document, manuscript and file;
- b) Any microfilm, microfiche and facsimile copy of a document;
- c) Any reproduction of image or images embodied in such microfilm (whether enlarged or not); and
- d) Any other material produced by a computer or any other device.

IV. Right to Information

It means the right to information accessible under this Act which is held by or under the control of any public authority and includes the right to-

- a) Inspection of work, documents, records;
- b) Taking notes, extracts or certified copies of documents or records;
- c) Taking certified samples of material;
- d) Obtaining information in the form of diskettes, floppies, taps, and video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device.

4. RTI Cell at Gujarat Technological University

To follow the statutory provisions related to the Right to Information Act, 2005, GTU has formed RTI Cell which co-ordinates the RTI matters of the University. At present the RTI Cell has been given two staff members which looks after the routine matters. The Registrar has been declared as the Public Information Officer (PIO) and the Vice-Chancellor has been declared as the First Appellate Authority. In addition two Asst. Public Information Officer have been designated. One is the Controller of Examination and another is the Chief Accounts Officer who also looks after the RTI applications, First Appeal and the Compliance of the Second Appeal work.

5. Activities or Process at RTI Cell

RTI Cell receives applications seeking information under the RTI Act, 2005. All the applications first received at the Registry Section of the University then it goes to the Office of the Registrar, Public Information Officer. Then it reaches to the RTI Cell head and then Office Assistant. The application is registered in the RTI Register maintained in the softcopy and the hardcopy. If the RTI application is related to other public authority then it is transferred to that authority within five days from the receipt of the application under sec 6(3) of the RTI Act. If the application is related to GTU then RTI Cell sends the copy of the application to related section or sections if any.

RTI Cell collects the answer from related section/sections combines the answer or modifies it as per the provisions of the Act. If section does not reply to the Cell; it gives reminders and provides information to the applicant within the time limit prescribed. Many a times it happens that the section heads do not co-operate and because of that the reply may get delayed. The process is Vice versa. All the answers are sent through the Public Information Officer which consumes more procedural time and cost. All the documents received and sent through the Registry section. The detailed procedure can be seen in Figure 1.

6. Types of RTI Applications

RTI Cell receives generally two kinds of applications one is related to the general administration and another is related to view the answer sheets of various disciplines such as Engineering, Pharmacy, Diploma, MBA, MCA, etc.

GTU receives RTI applications related to various sections such as Staff Endorsement, Affiliation, Academic, Establishment, Accounts, Store, Estate, Integrated Training & Placement Cell (ITAP), Conference, Registrar Office, VC Office, Exam Section etc.

The highest number of applications is received of the Exam Section and particularly to view the answer sheet as per the Supreme Court judgment in the case of Central Board of Secondary Education versus Aditya Bandopadhyay, Civil Appeal No. 6454 of 2011. The rush for such application can be seen after the declaration of the exam result.

7. Authorities for RTI Act, 2005

In the University there are four levels of authorities associated with RTI matters. Public Information Officer (PIO) is assisted by two Assistant Public Information Officers (APIOs). If the applicant is not satisfied with the answer given by the PIO. The first appeal may be made to the First Appellate Authority. If the applicant is not still satisfied with the order of the First Appellate Authority, the applicant may file the Second Appeal to the State Information Commission. The four level hierarchical authorities associated with RTI matters can be seen in Figure 2.

8. Cost of RTI Applications & Other Charges of Central & Various State Governments

8.1 Central Government Charges

The Ministry of Personnel, Public Grievances & Pension, Department of Personnel & Training, and Government of India promulgated the Right to Information (Regulation of Fee and Cost Rules) 2005 and the Right to Information Amendment to Fee Rules 2005 ('Central Fees Rules') which set out the fees regime for applications made to the Central Government public authorities. Person belongs to Below Poverty Line (BPL) families are exempted from the application fee. Various state governments have notified their own rules regarding RTI application fee and other charges for providing information.

These charges in the Central Government are as following:

- Application Fees: Rs. 10/- (per application)
- Fees for Access:
 - A4/A3 paper copies: Rs. 2/- per page created or copied
 - Large size paper: Actual cost for copy
 - Samples/models: Actual cost of sample/models
 - Floppies/diskettes: Rs. 50/- per item
 - Information in printed form: Fixed price for such publication or Rs. 2/- per page of photocopy for extracts from publications.
- Inspection Fees: No fees for first hour and a fee of Rs. 5/- for each subsequent hour or fraction thereof.

8.2 Analysis of Charges in the State Government

Various State Governments have promulgated their own rules setting out the fees for application & other charges to obtain information in various forms to the State Government public authorities. The highest charge for application fee has been declared by the state government of Sikkim i.e. Rs. 100/- per RTI application. It has also kept the same fee for the First and the Second Appeal to the State Information Commission. Two states Arunachal Pradesh and Haryana have kept application fees as Rs. 50/-. Most of the other states have kept application fee of Rs. 10/-. The Chhattisgarh government has kept fee for the First Appeal Rs. 50 (by post Rs. 75) and for the Second Appeal to SIC is Rs. 100 (by post Rs. 125). The detailed description for RTI application fee is shown in Table 1 and other charges have been mentioned in Table 2.

9. Total Number of RTI Applications Received at GTU

The total number of RTI Applications received in the financial year commencing from 1st April, 2013 to 31st March, 2014 are **1676**. The average application received per month is **140** approx. The highest number of applications **648** have been received in the month of **March** and the least number of applications were received in the immediate previous month i.e. in February just **25** applications only. The detail of number of applications received in each month have been shown in Table 3, Figure 3 and Figure 4.

10. The Cost of RTI Act, 2005 to GTU

RTI applications consume the highest cost of time of the higher and administrative authorities. At every month the first Appellate Authority has to keep RTI appeal hearing and spend a day. He may spend this time in some other important activities. RTI applications also consume the valuable time of various section officers. The cost of RTI Act is based on the number of application received, labor and instruments, used in the reply.

10.1 Total Cost

The total cost is the sum of fixed cost, variable cost and the semi variable cost. The total cost has been calculated based on the fixed cost, variable cost and the number of applications received in the financial year 2013-14. The total cost is Rs. 10, 67,600/- for the financial year 2013-14. The total number of applications received was **1676**. Therefore, the cost per RTI application is Rs. 637 which is much higher than the prescribed fees by the Central and various state governments. The cost per application is higher mainly because of the high level of fixed cost. The detailed calculation is shown in Table 4, Figure 5 and Figure 6.

10.2 Fixed Cost

The cost which is independent to the number of applications received. Fixed cost is not permanently fixed but changes over period of time such cost includes Land, Building, Furniture, AC, Electric Appliances, Cup boards, Printer, Computers, Photocopy Machine, etc. The total fixed cost is Rs. 6, 58,000/-

Note: 1) The land has been provided by the Road & Building Department (R&B), Government of Gujarat. The office rent is assumed as Rs. 10000/- per month as per the market rate.
2) The Canon photocopy machine is shared with account department.
3) The cost of other fixed appliances has been taken as per the actual rate.

The detail calculation of fixed cost is given in the Table 5 and Figure 7 and 8

10.3 Variable Cost

The cost which varies with the number of applications received over a certain period such cost includes paper & stationery, speed post charges, staff salary, transportation cost in second appeal hearing at Gujarat Information Commission, etc. In this paper Semi Variable cost such as Electric Bill, Internet Bill, Security Bill, are also included in the head of Variable cost for the calculation purpose. Total Variable cost is Rs. 4, 09, 600/-

Note: 1) The variable cost is calculated as per the market rate.
2) The cost of indirect labor is assumed to be Rs. 100000/-
3) The cost of Security guard is shared with Account section
4) The electric bill and internet bill is taken proportionately

- If only Variable cost is counted and fixed cost is not considered then the cost per RTI application is Rs. **244/-** (Variable Cost=4, 09,600 /No. of Applications 1676).
- If indirect labor and Security Bill is not considered because they are shared expenses and only the cost of **Paper & Stationery, Speed Post Charges, Direct Labor, Electric Bill, Internet Bill, Transportation charges of Visit to Gujarat Information Commission (GIC)** are counted in Variable Cost then the cost per RTI application is Rs. **149/-** (Variable Cost=2,49,600 /No. of Applications 1676).
- As per the above discussion it can be summarized that the minimum cost of **Rs. 149/-** occurs per RTI application to the University.

11. Reasons for RTI Application

- Seeking information
- Time bound reply
- Dissatisfaction with the system
- Resolve Complaint
- Conflict with the policy or norms
- Force the officers to work
- Disturb the routine task

12. Conclusion

The Cost of RTI application is at least Rs. 149 if we consider only the variable cost except indirect labor and Security Bill as they are shared variable cost. While the Gujarat government declared the RTI application fee of Rupees Twenty only. The minimum Cost is six times higher than the cost prescribed.

13. Recommendations

The recommendations are based on observation, experience of the officers through interview method and the actual problems faced by the RTI Cell of the University.

- ✚ The Gujarat Government should increase the application fee and charges for providing information to the applicant considering cost of human resources, computer, time, etc.
- ✚ The University should provide all the details, norms, rules, regulation on the website for the public notice.
- ✚ The University should appoint as many as Public Information Officer for fast reply.
- ✚ All the records should be maintained in computerized form. The response should be given through mail attaching in non-rewritable and non-erasable pdf format.
- ✚ SMS alert service should to be started for communication such as date and time for inspection of the record, first appeal hearing date, etc.
- ✚ The university should give e-copy of answer sheet to the applicant.

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13. List of Tables and Figures

The quantum of fee for RTI application and obtaining information fixed by the different **State Governments** can be seen in table 1 and table 2

Table 1: Application Fee for the State Government Authorities

State	Application fee
Arunachal Pradesh	(a) Rs. 500 for tender document/ bids/ quotation/ business contracts (b) Rs 50/- for other than (a)
Andhra Pradesh	(a) In respect of public authorities at the Village Level-no fee; (b) In respect of public authorities at Mandal Level-Rs.5/- per application c) In respect of public authorities other than those covered above-Rs.10/- per application;
Assam, Delhi, Goa, Himachal Pradesh, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Meghalaya, Mizoram, Nagaland, Orissa, Pondicherry, Punjab, Rajasthan, Tamilnadu, Tripura, Uttarakhand, Uttar Pradesh, West Bengal	Rs 10/-
Daman & Diu	Rs. 25/-
Gujarat	Rs. 20/-
Haryana	Rs. 50/-
Sikkim	Rs. 100/-

The cost of providing information (further fee) fixed by the various State Governments is as under

Table 2: The Cost of Providing Information Fixed by Various State Governments

State	Documents			
	A 4/ A3	Large size	CD/ Floppy	Sample or model
Andhra Pradesh	Rs. 2/-	Actual Charges	Rs. 100 for CD Rs 200 for DVD	Actual Cost
Arunachal Pradesh	Rs 5/-			
Assam, Bihar, Delhi, Goa, Gujarat,	Rs 2/-	Actual charges	Rs 50/- for each for CD	Actual charges
Chandigarh	10/-	Do	Rs 100/- for Floppy Rs 200/- for CD or DVD	Do
Daman & Diu,	Rs 2/-	Do	Rs 100/- for Floppy Rs 200/- for CD	Do
Haryana	Rs 10/-	Do	Do	Do
Himachal Pradesh	Rs 10/-	do	Do	Do
Jharkhand	Rs 2/-	Actual Charges	Rs 50/- for floppy; Rs 100/- for CD; Rs 200/- for DVD	Do
Karnataka, Madhya Pradesh, Meghalaya, Maharashtra, Nagaland, Orissa, Punjab, Rajasthan, Tamilnadu, Tripura, Uttaranchal, Uttar Pradesh, West Bengal	Rs 2/-	Actual charges	Rs 50/-	Actual charges
Kerala	Rs 2/-	Do	Rs 50/- for each floppy; Rs 100 for each CD	Do
Mizoram	Rs 2/- (Rs.5/- for computer printout)	Do	Rs 50 per CD/floppy	Do
Pondicherry	Rs 2/-	Do	-	Do
Sikkim	Rs 10/-	Do	Actual cost	Charges as fixed

Source: <http://www.rtifoundationofindia.com/payment-fee-1101>

(Activities or Process at RTI Cell)

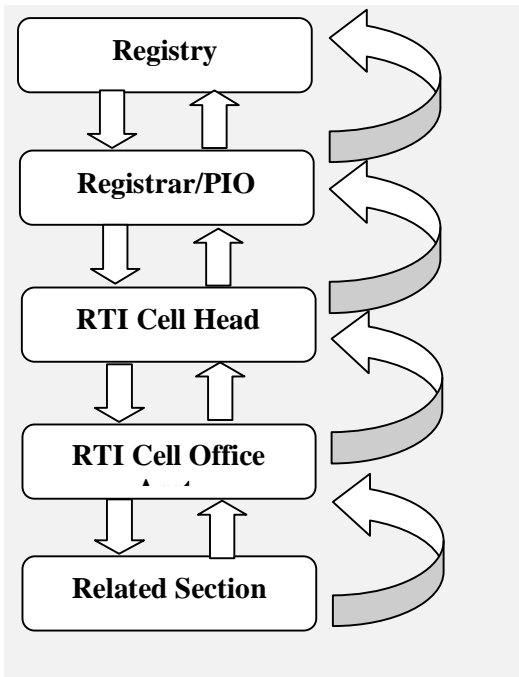


Figure 1

Authorities for RTI Act

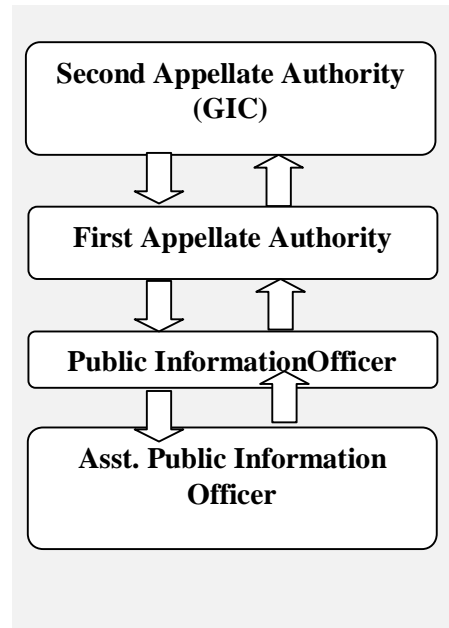


Figure 2

Number of RTI Applications received in the financial year 2013-14 at GTU

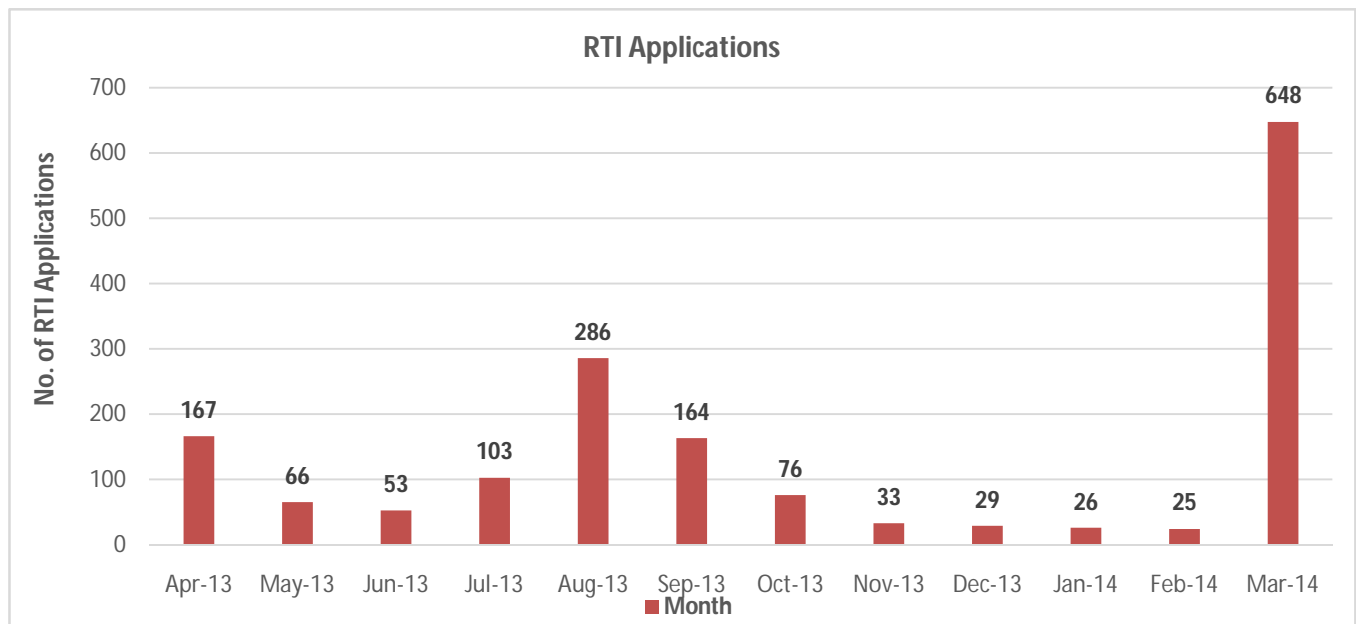


Figure 3

Month	No. of
Apr-13	167
May-13	66
Jun-13	53
Jul-13	103
Aug-13	286
Sep-13	164
Oct-13	76
Nov-13	33
Dec-13	29
Jan-14	26
Feb-14	25
Mar-14	648
TOTAL	1676
Average	140

Table 3

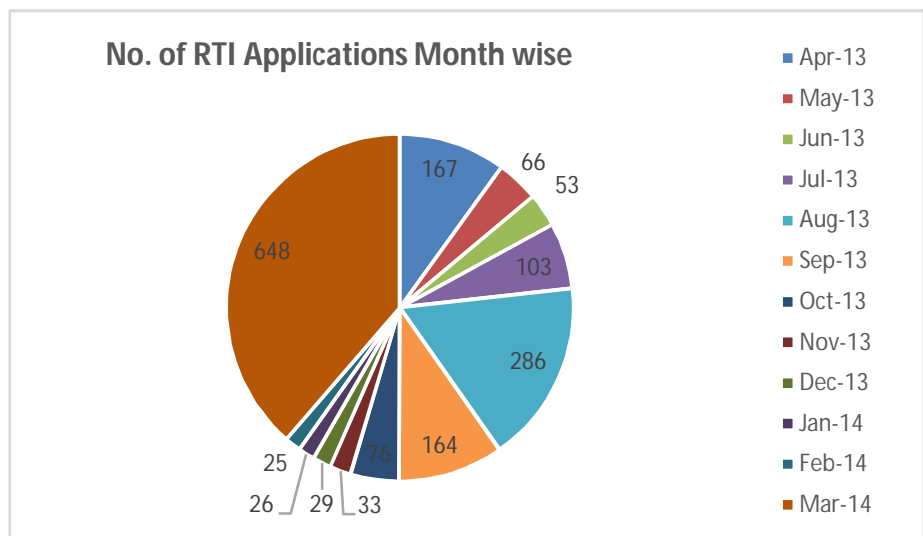


Figure 4

Particulars	Amount (Rs.)	Amount (Rs.)
FIXED COST:		
Office Rent (10000*12)		120000
Furniture:		
Tables & Chairs	28000	
Cupboards	12000	
Curtains	10000	50000
AC		30000
Tube Lights		5000
Fans		3000
Computers		120000
Printer		40000
Canon Photocopy Machine		290000
Total Fixed Cost (a)		658000
VARIABLE COST:		
Paper & Stationery		5000
Speed Post Charges		40000
Direct Labour		148000
Indirect Labour		100000
Elect. Bill		48000
Internet Bill		3600
Security Bill		60000
Transportation charges to visit GIC		5000
Total Variable Cost (b)		409600
Total Cost (a)+(b)		1067600
No. of RTI Applications		1676
COST PER RTI APPLICATION		637

Table 4: Calculation for Total Cost

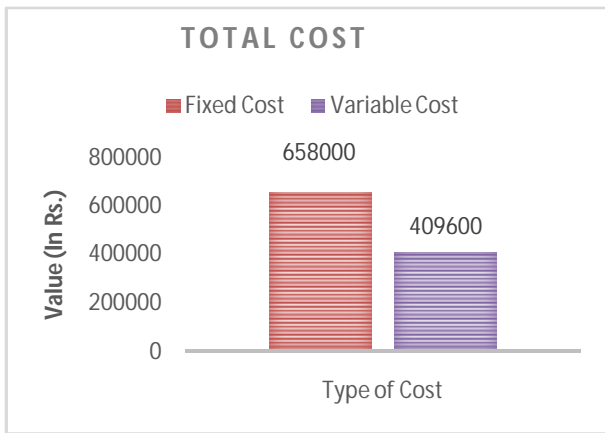


Figure 5

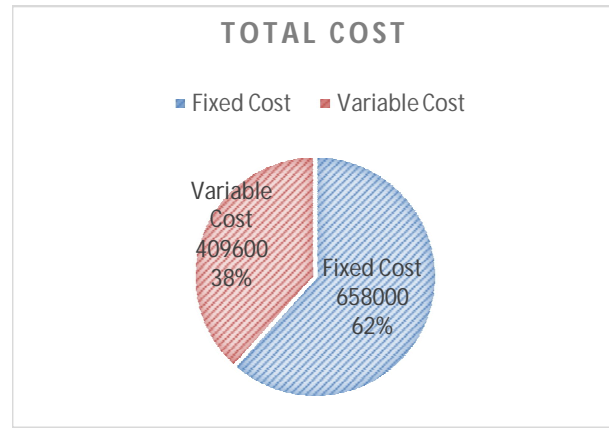


Figure 6

Fixed Cost Calculation

Fixed Cost	Amount (Rs.)
Office Rent	120000
Furniture	50000
AC	30000
Tube Lights	5000
Fans	3000
Computers	120000

Table 5

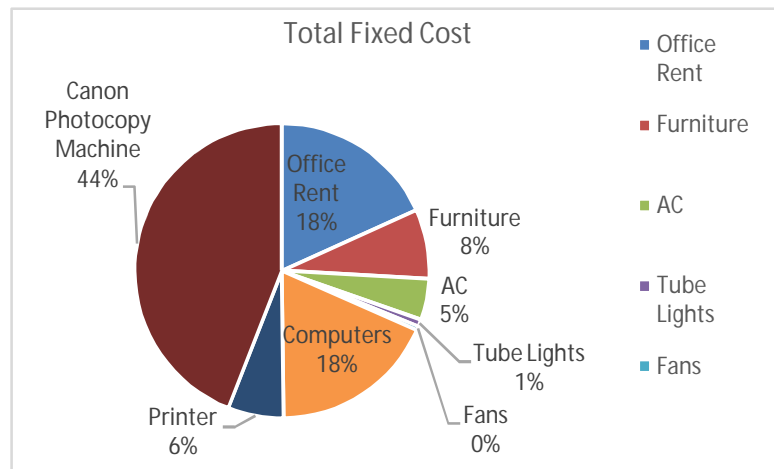


Figure 7

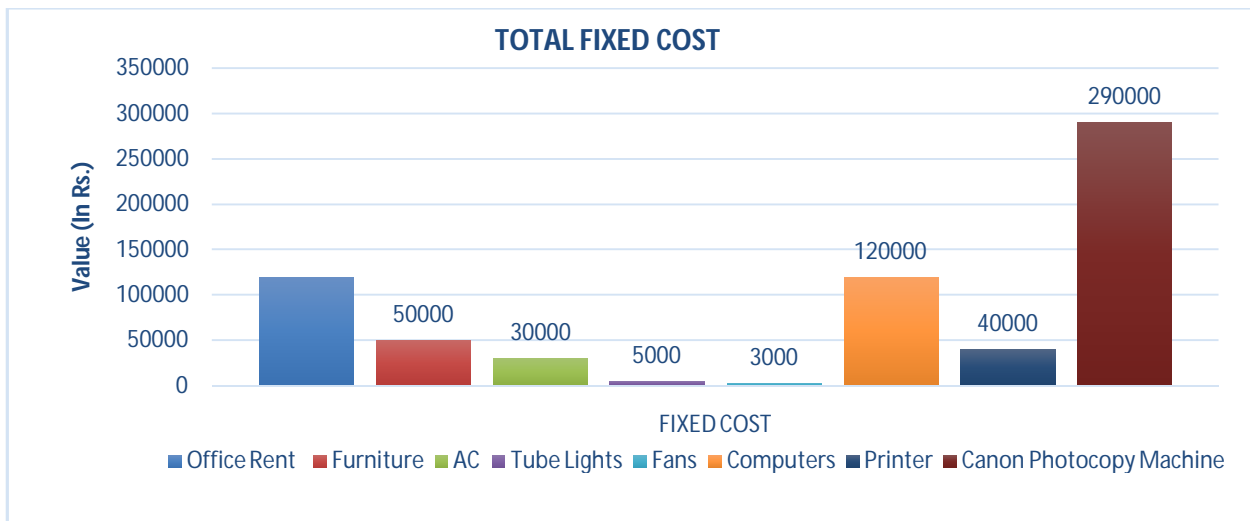


Figure 8

Variable Cost Calculation

Variable Cost	Amount (Rs.)
Paper & Stationery	5000
Speed Post Charges	40000
Direct Labour	148000
Indirect Labour	100000
Elect. Bill	48000
Internet Bill	3600
Security Bill	60000
Visit to GIC	5000
Total Variable Cost	409600

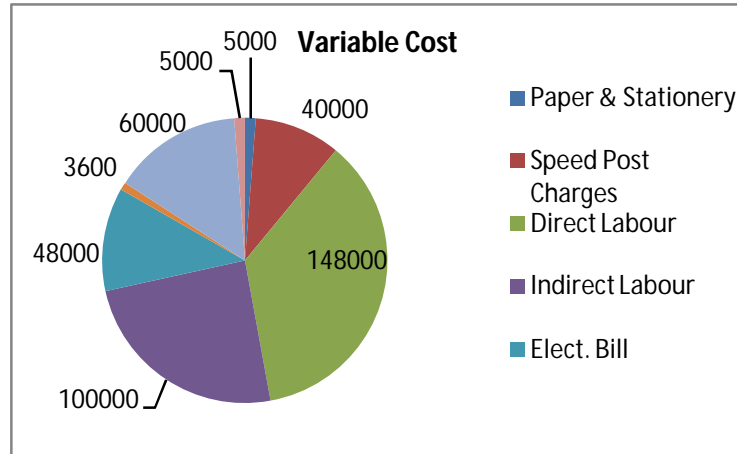


Table 6

Figure 9

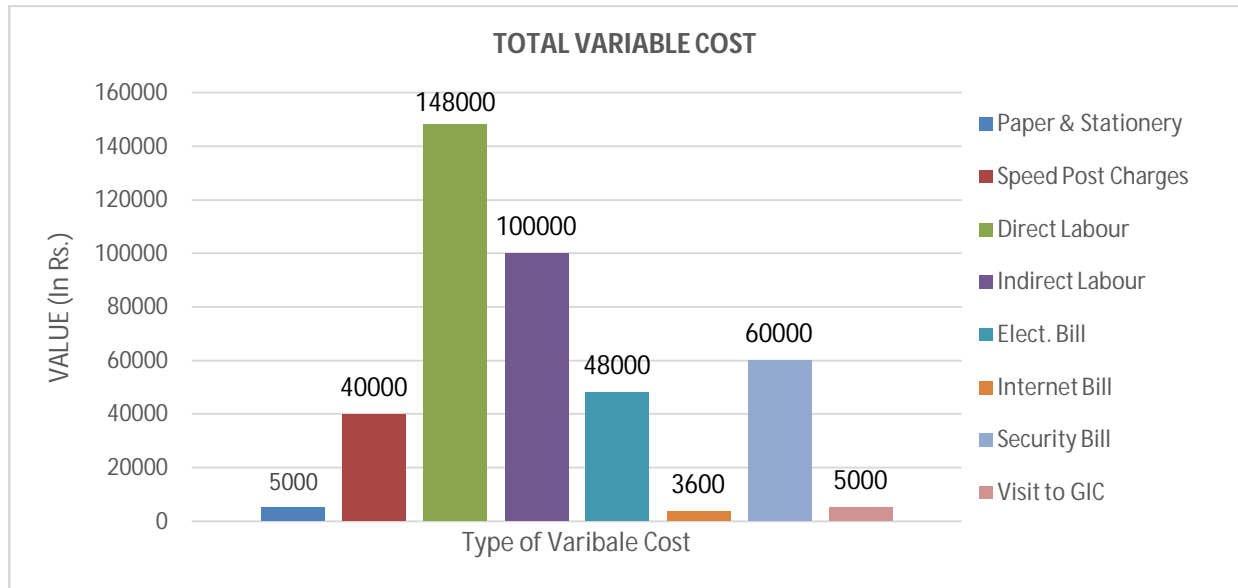


Figure 10