

RECORDS MANAGEMENT AND FREEDOM OF INFORMATION

The Right to Information refers to the right of every citizen of the state to access information under the control of public authorities consistent with public interest. The main objective of providing information is not only to promote openness, transparency and accountability in administration but also to ensure participation of people in all the matters related to governance.

It is during the last decade that a large number of countries have begun enforcing legislations to provide access to government information. The World Bank, the International Monetary Fund and other international funding agencies are also pressing countries to adopt access to information laws to increase government transparency and reduce corruption. Citizen activists in USA and Japan have harnessed the respective right to information laws there to expose corruption in government departments and local bodies and elicit information on hazardous drug manufacture or environmental degradation. There has been a slight setback especially in the USA since the terrorist strike of September 11, 2001 and additional restrictions are being placed on disclosure of certain information.

Article 19 of The International Covenant on Civil and Political Rights (ICCPR), signed among others by India, defines the parameters of people's right to information. It lays down that

every citizen shall have the right to freedom of opinion and expression, which shall include "freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art or through any other media of his choice." The covenant has at the same time placed 'reasonable restrictions' on this right only to the extent of safeguarding 'rights or reputation of others' and protecting national security or of public order, or of public health and morals.

A series of Supreme Court verdicts have recognized that the right to know is inherent in Article 19 (1) (a) of the Constitution of India, which guarantees that 'all citizens shall have the right to freedom of speech and expression'. A citizen has a fundamental right to information so as to formulate and express his or her views. Citizens' fundamental right to know is further strengthened by Article 21 which guarantees the right to life and personal liberty and by Article 14 which guarantees the right to equality, since all stakeholders must have an access to facts affecting their lives. The Apex Court ruled in 1982 : "The concept of an open government is the direct emanation from the right to know which seems implicit in the right of free speech and expression guaranteed under Article 19(1) (a)". Therefore, disclosures of information in regard to the functioning of Government must be the rule, and secrecy an exception.

* Every public authority shall maintain all its records, in such manner and form consistent with its operational requirements duly catalogued and indexed.

* A person desirous of obtaining information shall make a request in writing or through electronic means, to the concerned Public information Officer specifying the particulars of the information sought by him. Provided that where such request cannot be made in writing, the Public Information Officer shall render all reasonable assistance to the person making the request orally to reduce it in writing.

* Where a request for access to information is rejected or the concerned applicant is aggrieved, the citizen has a right to appeal.

Records Management

What are records?

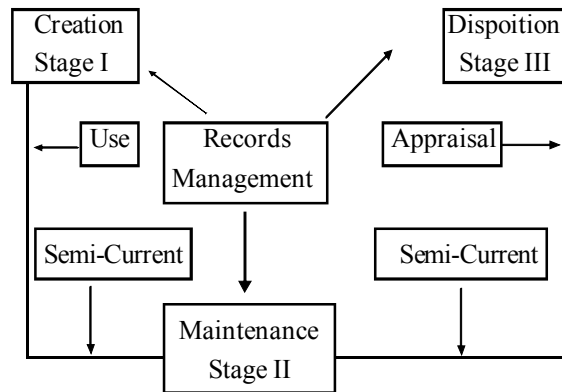
There is sometimes a lack of clarity about what is meant by 'records' in relation to the more general term 'information'. There are many definitions of the term 'record'. However the most convenient and wide ranging definition is "records include all the documents that institutions create or receive in the course of administrative and executive transactions". The records themselves form a part of or provide evidence of such transactions. As evidence, they are subsequently maintained by or on behalf of those responsible for the transactions. While all records convey information, not all sources of information are necessarily records. For example, a published book or an externally provided database (on or offline) will not be a record, although information selected from it and reused in a new context may itself become a record.

Records arise from actual happenings; they are a 'snapshot' of an action or event. They

offer a picture of something that happened. To serve their purpose in providing reliable evidence for greater accountability, records in both paper and electronic form must be accurate, complete, and comprehensive. While most records do not need to be kept permanently, a small but significant portion have enduring value.

What is Records Management?

Records management is "the field of management responsible for the systematic control of the creation, maintenance, use and disposition of records". Records management addresses the life cycle of records, i.e., the period of time that records are in the custody of the Government agencies. The life cycle usually consists of the three stages given below:



The table below describes the various phases shown above in the diagram including the degree of records management activity involved.

Phase	Activity	Comments
Creation/ Receipt		Records are created or received and captured into a record-keeping system.
Maintenance and use	High	Records are being used for the business purpose for which they were created.
Semi-current	Medium	Records are stored and maintained for reference purposes

Appraisal	Low	Survey methods and retention schedules are used to appraise records for their value
Disposal	Very low/ Nil	Records are destroyed or sent to Archives.

(Source : Based on Records Management Manual, DTI, 2000)

Records management is concerned with the effective management of records throughout their life cycle. There are several benefits of having an effective records management programme. These are listed below:

- * Facilitates effective performance of activities throughout an agency
- * Protects the rights of the agency, its employees and its customers
- * Provides continuity in the event of a disaster
- * Meets statutory and regulatory requirements including archival, audit and oversight activities
- * Provides protection and support in litigation
- * Allows quicker retrieval of documents and information from files
- * Improves office efficiency and productivity
- * Supports and documents historical and other research

Records Management and Freedom of Information

In order to make sure that information is available to the citizens as and when it is requested for, every Government office must have proper record management systems in place. The importance of records management with respect to freedom of information can be summarized as follows.

The effectiveness and efficiency of the public service across the range of government

functions depends upon the availability of and access to information held in records. Badly managed records adversely affect the broad scope of public service reforms, and development projects are often difficult to implement and sustain effectively in the absence of good record management practices.

There is a strong relationship between the objectives of the Government and the records required for the delivery of services by its officers. Table below shows the relationship between the objectives and the records required for achieving them.

Governance Objective	Key Records Required
Rule of Law	Legislative records, court records, police records, prison records
Accountability	Accounting records, procurement records, tax records, customs records, electoral registers, policy files, case files.
Management of state resources	Budget papers, policy files accounting records, personnel records, payroll records, procurement records, fixed asset registers, property registers.
Protection entitlements	Pension records, social security records, land legislation records, birth / death records.
Services for citizens	Hospital records, school records, environmental records.
Foreign relations & international relations	Treaties, correspondence with national and international bodies, loan agreements.

To make sure that the Government is documenting its functions, it is very important to have good record management systems in place.

In essence, for the Government to be able to fulfill any of the above governance objectives, it needs to make sure that it has effective records management systems in place by keeping the right records available. There is no point in having Right to Information Bill without there being proper availability of records. Even if the citizen is given access to records he/she might find it difficult to obtain the required information from the plethora of records available with the Government. In order to understand the current reality of the record management systems in Andhra Pradesh, the current state of affairs with respect to records management systems are summarized below.

In most Government offices, record management systems are either non-existent or are not adequate. The record rooms in district collectorates were comparatively better administered than the record rooms in Zilla Parishads and Head of Departments. A lot of work needs to be done in improving record keeping systems in government offices. To be more precise the concept of records management has completely been forgotten in most government offices. The pictures below illustrate the state of record rooms in Andhra Pradesh.

Record Rooms in many Government offices are typical dust bins, seen as garbage outlets by the men in authority, and all and sundry items are dumped in these rooms. Record keeping systems are weak or have actually not been effectively put into use by the departments. Though classification of records and their management in record room in the paper mode form is laid down in District Office Manual, over a period, the system collapsed to the point where they barely function. Informal practices supplanted formal rules, and efficient public administration was of secondary importance to providing employment. While the civil service expanded steadily, bringing with it a corresponding increase

in the flow of paper, more formal ways of working gradually collapsed, often replaced by *ad hoc* work methods, in many cases, the administrators got used to making decisions without referring to records. There was little incentive to maintain effective record keeping systems or to allocate adequate resources for records storage and staff. In some cases, the failure to create and maintain records systems was motivated by the desire to conceal financial and other irregularities. Eventually, the registries stopped acting as the point of entry for able recruits and became dumping ground for staff without career prospects. The staff had limited training or experience with record keeping work, and record keeping was allowed to deteriorate.

File classification and indexing systems originally designed to meet the record keeping requirements of the British administration could not meet the needs of complex needs of development oriented modern governments.

Despite the low usage of records, there was an extreme reluctance to destroy records, even after they ceased to have any value to the institution. In the absence of rules and guidelines for what should be kept and for how long, staff were reluctant to authorize destruction. Over time, registries became severely congested with older records. Ultimately, many records systems collapsed under their own weight. Even as record keeping has declined, there have been important advances in the field of records management in Europe, USA, and Australia.

Record keeping has deteriorated so gradually that it has gone largely unnoticed as a development activity. Administrators did not recognize the need and necessity to establish a good record management system and the connection between the breakdown of record systems and the problem of public administration.

Development planners tend to assume that the problem is so prevalent, ingrained, and thankless that little can be done to improve the system. On the contrary, there is an assumption that computers will resolve record keeping problems, which is a very misplaced assumption.

Government of India enacted an Act to regulate the management, administration and preservation of records. There is no such legislation in AP to monitor, maintain and manage public records. Maintenance of public records in AP is far from satisfactory. In order to streamline the record management practices and keeping in view, the intention of the Government to guarantee the right to information to its citizens the Public Records and Archives Management Bill is a must and every Government office must take steps to revamp their record management systems.

This Bill proposes to establish the records and archives management department to provide for proper administration and better management of public records and archives throughout their life cycle. It is necessary to improve the arrangements for the life-cycle management of public records and archives of the Government of Andhra Pradesh as an essential component of effective administration and accountable Government. It is important to ensure that public offices create adequate records for their actions and transactions and those records are properly maintained for so long as there is a continuing need for them.

At the same time it is important to provide for the disposal of those records for which there is no further need in an authorized and timely manner and to identify and safeguard those records which are of enduring value and which should be preserved as archives and made available for public consultation.

Government of India enacted the, the 'Public Records Act, 1993' and 'Information Act,

2002", both these Acts lay down the principles for managing, maintaining and monitoring records in Government departments.

The "Public Records Act, 1993" assigns a range of responsibilities to the records officer in relation to proper arrangement, maintenance and preservation of public records under his charge. The records officer must undertake:

- * Periodical review of all public records and weeding out public records of ephemeral value;
- * Appraisal of public records which are more than twenty-five years old in consultation with the National Archives of India or, as the case may be, the Archives of the Union territory with a view to retaining public records of permanent value;
- * Destruction of public records in such manner and subject to such conditions as may be prescribed under sub-section (1) of section 8;
- * Compilation of a schedule of retention for public records in consultation with the National Archives of India or, as the case may be, the Archives of the Union Territory;
- * Periodical review for downgrading of classified public records in such manner as may be prescribed;
- * Adoption of such standards, procedures and techniques as may be recommended from time to time by the National Archives of India for improvement of record management system and maintenance of security of public records;
- * Compilation of annual indices of public records;
- * Compilation of organisational history and annual supplement thereto;

- * Assisting the National Archives of India or, as the case may be, the Archives of the Union territory for public records management;
- * Submission of annual report to the Director General or, as the case may be, head of Archives in such manner as may be prescribed;
- * Transferring of records of any defunct body to the National Archives of India or the Archives of the Union Territory, as the case may be, for preservation.

Apart from the above main responsibilities, the Records Act details several other aspects of the role of the records manager.

After the passing of the Information Act and Records Act by Government of India, the need to revise the entire process of records management has arisen. The current systems are not geared to handle the function of records management effectively and efficiently. With the passing of the Information Act, the right to get information from the public authority is ensured by the Statute. This obligation to share information with the citizen adds additional responsibility on the public officers to manage, maintain and monitor records efficiently and effectively.

Courtesy : RTI Cell YASODA

WELSPUN TO SET UP STEEL & PIPE PLANT IN ORISSA

The State Government has signed a memorandum of understanding (MOU) with Gujarat-based Welspun Power and Steel Limited (WPSL) for establishment of a three million tonne steel and pipe plant with an investment of Rs.6103.8 cr.

The MOU was signed between Secretary in the Steel and Mines Department Shri L.N. Gupta on behalf of the State Government and Vice-Chairman-cum-Managing Director Shri B.K. Goenka of WPSL. Hon'ble Chief Minister Shri Naveen Patnaik said that the project would be executed expeditiously. He also underlined environment protection and periphery development.

The State Government expects Orissa will gain substantial benefits not only on direct taxes front but also employment front through establishment of downstream and ancillary industries. Minister for Industries, Shri Biswabhusan Harichandan, Minister for Steel and Mines Shri Padmanabha Behera and Chief Secretary Dr. Subas Pani were present. The State Government also signed an MOU with Welspun Anjar SEZ Limited for establishment of an integrated textile park (ITP) at Choudwar. The company will develop about 400 acres of land and set up, among other facilities, a modern spinning mill of 25,000 spindle capacity and a weaving mill. The company will invest Rs.300 crore over a period of three years up to 2009-10 either by itself or by directly-controlled subsidiaries. The Chief Minister said the ITP would boost industrialisation around Choudwar and provide employment to the local people. The plant will also encourage utilisation of fine cotton grown in KBK region, he expected.