

# Implementation of Right to Information in Letter and Spirit

---- Suresh Chowdhary, SCIC Rajasthan

The Right to Information is an implied right that follows from Article 19(1)(a) of the Constitution, i.e. the fundamental right of freedom of speech and expression

The Government is a large storehouse of important and useful information which is essentially a national resource owned by the citizens of the country but held and maintained by various administrative instrumentalities of State called Public Authorities

The RTI Act's major impact has been a shift of power from public functionaries to the actual citizen in the matter of access to public information

# There has been -

- 1.- steady increase in the use of RTI over the years which testifies to its utility and worth, and
- 2.- steady growth in the case law on the subject that has reduced grey areas and laid down bounds on the use and practice of RTI, thereby putting it on sound operational footing

# There are two different systems for providing information to the public under RTI Act –

- 1.- proactive disclosure of information by government itself relating to promotion of transparency and accountability in the working of every Public Authority; and
- 2.-disclosure of information on request by individual citizens who desire to have some information

# Information under this Act falls into two categories –

- 1.-information which promotes transparency and accountability in the working of every public authority, as enumerated in clauses (b) (c) of section 4 (1); and
- 2.- other information held by public authority not falling under section 4(1) (b) (c)

# **Section 4 of the RTI Act casts multifarious duties/obligations on Public Authorities -**

- 1.-Every public Authority must maintain all its records duly catalogued and indexed (section 4(1) (a))
- 2.-It must publish all relevant facts while formulating important policies which affect public (section 4(1) (c))
- 3.-It must also provide reasons for its administrative or quasi-judicial decisions to the affected persons (section 4(1) (d))



## Section 4 of the RTI Act casts multifarious duties/obligations on Public Authorities – (contd.)

4.-Further, the public authority must -

- ***Suo moto*** act to provide such information (section 4(2));
  - Ensure wide dissemination and easy access of information (section 4(3)); and
  - Disseminate information cost effectively, in local language and through the most effective method of communication (section 4(4))

**The RTI Act ultimately requires  
that everything or every  
information or complete record  
of the public Authority must be  
converted into electronic form**

To Strengthen, implementation of Section 4(1)(b) of RTI Act. it is suggested that -

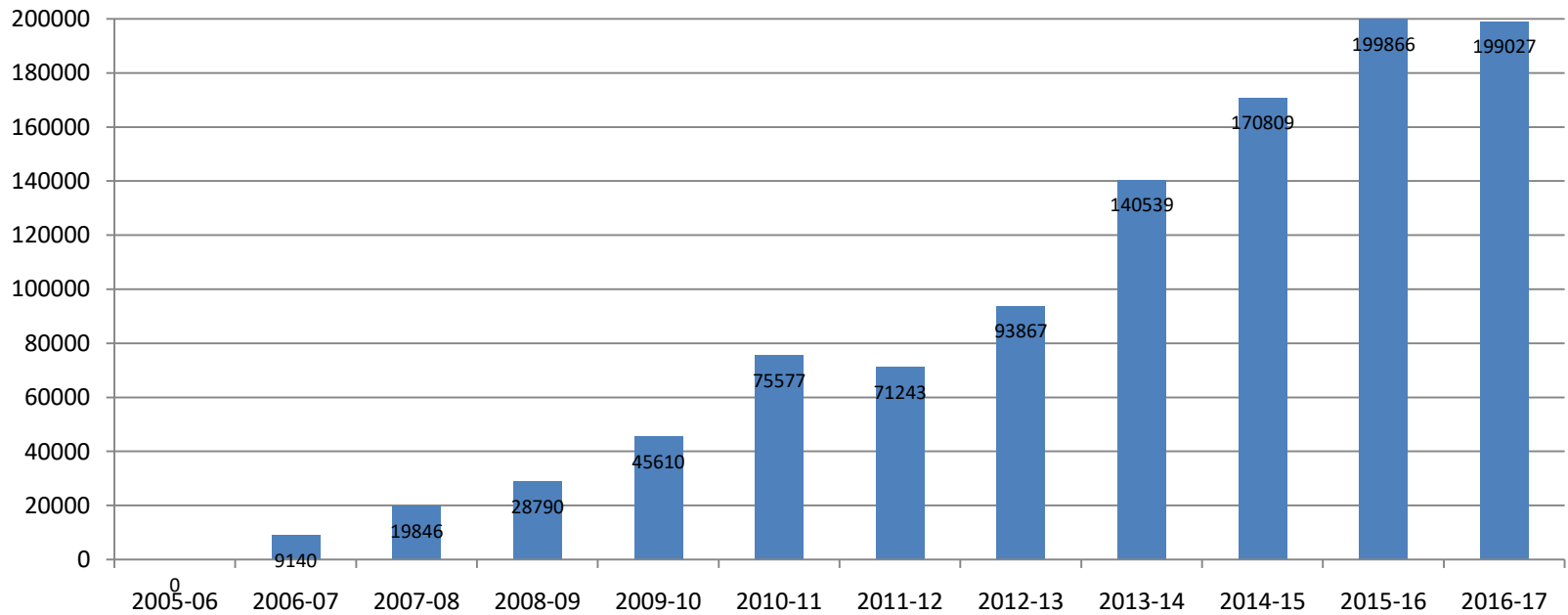
- 1.- Annual audit of proactive information disclosure must be made mandatory and every public authority must display such audit reports on its website
- 2.- State Governments should ensure comprehensive monitoring of proactive information disclosure
- 3.-Furthermore, State Information Commissions must lay stress on strict compliance of RTI Act Section 4(1)(a) (b) and 4(2) in their decisions and advisories

# Information seekers are provided information through a three-tier system—

- 1.- filing of application before the Public Information Officer;
- 2.- filing appeal before the First Appellate Authority on inadequate response by PIO; and
- 3.- further filing second appeal before the State Information Commission, if aggrieved by the decision of the FAA

# RTI applications data of Rajasthan

## RTI applications recieved



PIOs and FAAs, the main pivots for RTI, implementation , look at this responsibility as a burden

Shortcomings in their work include

- 1.- Non-friendly attitude
- 2.- Lack of motivation
- 3.- Inadequate training
- 4.- Lack of clarity on jurisdiction
- 5.- Resort to stone-walling
- 6.- Abdication of role by FAA

# Suggestions for Implementation

- 1.- Rigorous RTI training to government officials with need to pass departmental exams in the subject
- 2.- Behavioral and attitudinal training for government officials, so that the mindset can be changed
- 3.- Provision for adequate infrastructure to the public authorities
- 4.- Proper record keeping by experts so that information can be retrieved as per the requirement of the information seekers

# Suggestions (contd.)

- 5.- Digitalization of government records, so that the bogey of missing files is eradicated
- 6.- Availability of adequate staff in the public authorities for proper functioning of RTI
- 7.- Facilitative role by State Governments through issuance of supporting rules/circulars/orders to the public authorities
- 8.- Initiation of incentives for Public Information Officers and First Appellate Authorities who dispose RTI applications and first appeals in due time with due diligence



**T H A N K S**