

Citizens and the Governments

Improve your learning

Q. 1. Using the following case study, explain the role of different Departments of the Government and citizens in the context of RTI. Also, write how can the RTI make the functioning of the governments more transparent.

Answer : Following incident occurred in Chinnashankarampet of Medak district. Members of the Self Help Groups joined in AbhayaHastham, AamAadmi schemes of the Rural Welfare Ministry of the State Government. Under this scheme, their children who were students of classes 9 to 12 were eligible for a scholarship of Rs 1200. However, for 3 years, students have not been receiving the amount for the years during 2008-11. The students went to the (Indira Kranti Patham) IKP office and enquired about it, but the officers ignored their requests.

This came to the notice of the local newspapers. Now they applied to the officers concerned for the information with regard to the scholarships sanctioned. They asked about the number of beneficiaries and the amount sanctioned during 2008-09, 09-10 and 10-11. They got a reply in one week. The amount was seven lakh rupees. It became clear from the RTI records that even though the amount was sanctioned, it was not distributed. When it was published in the newspapers, the amount was distributed to 1167 children within 15 days.

Ans: Every governmental department, be it state or central, has Public Information Officers who are accountable to state public information office and central information office respectively. If Public information officers refuse to provide information or to reply to the application, then the role and importance of state and central information offices come into the picture. They have the authority to penalize them. Thus, the state and central information offices enjoy autonomy. They look after the working of public information officers by ensuring that correct information is flowing to the public and all the applications are answered within a specified time.

Right to Information Act was passed in 2005 by the central government. It provides right to citizens to seek information from the government departments and thus make them more accountable to the people. Any malpractices in these departments can be challenged by the citizens through RTI. It made the system more accountable and transparent. And gave people the power to scrutinize public actions. It makes government more efficient and responsible.

Q. 2. How do you think RTI would help in improving and monitoring the work of the governments.

Answer : Right to Information Act was passed in 2005 by the central government. It provides right to citizens to seek information from the government departments and thus make them more accountable to the people. Any malpractices in these departments can be challenged by the citizens through RTI. Earlier, there was no such privilege to the people to seek information about the policies and expenditures of the government. Thus, the act empowered citizens to question, review and examine the acts and decisions of the government. It made the system more accountable and transparent. And gave people the power to scrutinize public actions. It makes government more efficient and responsible.

Q. 3. What is identified as information? How is this generated in Government Departments? Would it include oral communication between senior and junior officers?

Answer : Information in Right to Information is identified as any material in any form. It includes records, documents, memos, emails, advice, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form. It also includes information relating to any private body, which can be accessed by a public authority under any law for the time being in force.

Different governmental departments generate such information by following certain rules and regulations, keeping records and description of decisions taken and activities performed. Maintaining records is the key to accurate information.

Only written material is counted as the source of information. It does not include any oral communication between senior and junior officers.

Q. 4. Why is the State and Central Information Offices are given autonomy?

Answer : Every governmental department, be it state or central, has Public Information Officers who are accountable to state public information office and central information office respectively. If Public information officers refuse to provide information or to reply to the application, then the role and importance of state and central information offices come into the picture. They have the authority to penalize them. Thus, the state and central information offices enjoy autonomy. They look after the working of public information officers by ensuring that correct information is flowing to the public and all the applications are answered within a specified time.

Q. 5. This Act resembles the true spirit of democracy. How do you justify?

Answer : The Right to Information Act is a powerful tool that strengthens democracy and enhances people's participation. In any democratic system, accountability is one of its main pillars. The act, thus, empower citizens to seek information from government departments and hold them accountable.

Public information officers and appellate authorities are entrusted with the responsibility of implementing the RTI act. They are supervised and kept under check by the state and central information office, in case they failed to implement their duties. Thus, there is a complete procedure to make the system more transparent, responsive and accountable.

Democracy requires informed citizenry and transparency of information. The citizen of India can ask for any information from any department. Thus, the act makes access to information easily approachable by the common people. This strengthens people and helps to contain corruption and hold government accountable to individual citizens also.

However, the law is not ambiguous. This means that not all aspects of government are under public scrutiny. There are certain limits on the extent of information that is disclosed. Armed forces and security agencies are outside the purview of information offices. Thus, any information that could harm the sovereignty and integrity of Indian are kept outside this act.

Thus, the law permits openness and at the same time withhold itself from giving out certain information. In this way, it resembles the true spirit of democracy.

Q. 6. What steps have been taken to ensure that any citizen can access information from the different government departments in the country?

Answer : The law has created many provisions to ensure that any citizen could easily access information from different governmental departments in the country.

- Any citizen can ask for any information to any governmental department through a handwritten letter or electronic email.
- Information will be provided in the official language of the state or in English or Hindi.
- If the person is illiterate, then there is a provision for him to access the information by orally dictating it at the state public information office or with public information office.
- The person filing the information has the option of remaining anonymous. But he has to provide a postal address so that records could be sent to him/her.
- People below the poverty line are exempted to pay the fees for filing RTI.

Q. 7. How do you think the Legal Services Authority would help the people in seeking legal aid?

Answer : Legal services authority act was amended in 2002. It seeks to help people in the following ways:

- The act promises to provide free and legal services to the weaker and backward section of society.
- It envisions a network for providing legal aid and assistance.
- It ensures that all people get equal opportunities for securing justice and are not discriminated on the ground of economic, social and other disabilities.
- In order to ensure the judicial working of the legal system Lok Adalats is organized. They settle disputes outside courts without any fees and expenses. Thus, poor people can easily seek the help of legal services.
- Legal service authority also undertakes preventive and strategic legal aid programmes.
- Thus, legal service authority aims to develop an effective, alternative, innovative dispute resolution mechanism outside the courts.

Q. 8. What is the purpose of Lok Adalat?

Answer : Lok Adalats are conducted and organized under the legal service authority act.

- It is a conflict resolution mechanism to settle long-standing disputes outside courts, in an atmosphere that is friendly by mutual consent in the presence of legal experts, officials and non-official dignitaries.
- It settles disputes on range of issues concerning matrimonial disputes, cases on domestic violence, civil cases, criminal cases etc.
- It is a mechanism which settles disputes in an efficient manner and without any expenses. Thus it provides inexpensive justice to all and especially to the poor.
- It ensures speedy trial of disputes and thus resolves them in short duration.
- Thus Lok Adalats are economically affordable as it provided services free of cost and mutually interactive as it gives the opportunity to interact with the judge.

Q. 9. What do you think on the eligibility criteria for free legal services and nature of cases under this Act?

Answer : Free legal support is provided to a certain group of people. They include a member of the backward caste, i.e., SC or ST, a victim of human trafficking, women and children, one who is not mentally sound, victims of natural as well as a man-made disaster(ethnic violence), etc. Thus, the eligibility criteria for free legal services is entitled to an only a certain section of society. These people are not economically

independent and strong enough to fight for legal services. They are the most vulnerable section of society which has experienced atrocities and has suffered since ages. They are the one who is denied equal opportunities and government services. Thus, the eligibility criteria are fair and progressive in the sense that it lifts up the conditions of the people.

The act deals with a variety of issues such as family disputes, civil cases, criminal cases, land disputes, etc. Thus it addresses the grievance of every area and does not typically exclude itself from the societal issues and problems. It broadly recognizes every aspect of society while dealing with any such dispute.

Q. 10. Compare and contrast the procedures of conflict/cases resolution by the Village community elders and by courts. Which do you prefer and why?

Answer : Traditionally, the disputes or cases in villages were resolved by the village community elders in a peaceful and harmonious way. The elders usually gathered to discuss the issues and concerns of the parties in conflict by providing a solution that is most appropriate and transparent. The details of the conflict and its origin were known to the local people and village elders. Thus the dispute remained within the premises of the village and was solved with the assistance of village elders, and the matter was not taken up to courts. It is the cheapest and inexpensive method of providing justice.

Whereas, in the courts, a proper legal procedure is followed to resolve cases. These procedures cannot be molded, and a set structure is followed. There is no scope of mutual interaction with the judge in courts. The defense and prosecutor present the case of their respective parties. Judicial decisions are binding and are mostly long drawn. They are expensive, both economically and in terms of the time taken to resolve the disputes.

I think both conflict resolution strategies are important in resolving cases. Some cases such as domestic violence, criminal cases are to be handled and managed in courts as they are glaring issues of the society. And thus needs judicial intervention to secure justice. Whereas, civil issues or issues of theft, etc, can be resolved through the traditional method. As it gives an opportunity to reach a conclusion through mutual consent. Thus both the strategies are equally important in resolving disputes.