

## Strengthening the Right to Information

**I**t has been more than ten years since the Right to Information Act (RTI) came into force in October 2005. Immediately after its enforcement, a concern was expressed in certain quarters about adequate efforts not being made by all those concerned to implement the Act in its true spirit. It was felt that vested interests were making an all-out effort to sabotage the Act.

But in this all, people failed to realise that the Act was in its infancy and would take its time before it starts working to its potential. And it was not very late before people actually started realising the import and power of the right emanating from this particular Act. Now they seem intent on using the right enshrined in the Act for anything and everything pertaining to their civil right in democratic India.

While there were very few petitions seeking information under the RTI to begin with, today there seems to be a deluge of such requests in almost all government departments and agencies. It has not only resulted in increased confidence among the general public about the utility of the RTI in ferreting out information from the government on a subject of their interest, the same has also made the different government departments more transparent and responsible than they had ever been.

The many path-breaking decisions and judgements consequent to sundry appeals for information under the RTI by the Central Information Commission and various State Information Commissions, the veil of secrecy hanging over the official records has slowly been lifting, resulting in substantive dilution of the draconian Official Secrets Act, 1923 which had been used for denying even innocuous information to the members of common public on one or the other pretext.

Now, several landmark decisions and judgements of the Central and State Information Commissions later, it is reinterpretation of the same 'larger public interest', which is being proffered as a ground on which various wings of central and state governments should be sharing the information with the common public of this country. Even though today the right to seek information under the RTI has come into its own and has become a powerful tool

for exercising one's democratic rights, one feels that still a lot needs to be done to further strengthen and reinforce this right before it can really become a genuine weapon of popular control exercising benign influence over the different government bodies.

Various adverse judgements of information commissions resulting in imposition of pecuniary and disciplinary action against many government servants are also creating enough awareness by way of demonstration effect. Today, the price to seek and obtain information has been made prohibitive by many agencies defeating the very intents and purposes wherefrom the RTI was conceived. Since it has been left to various state governments and autonomous governments bodies to frame such rules relating to the various charges for information sharing, they have found an excuse in the same by way of making the same ridiculously high.

While these prohibitive costs to seek information do discourage non-serious information seekers, they also repel the many genuine ones who are not well-off enough to be able to foot the bill for the purpose. However, there are specific provisions in the Act about the inadvisability of charging anything from people below the poverty line. But one has to understand that there are many millions others in the country who, even though above the poverty line, are no better. These people are, at least, definitely not so better as to be able to spend a princely sum for seeking and obtaining information under the RTI.

Then, there is a practical problem relating to the shortage of staff and officers for attending such requests. It is because of this that there has been an overload of pending requests with different information commissions and government bodies. Since penalties have to be footed from one's own pockets, government staff and officers are found to be on toes now to attend to such requests and provide the requested information within the statutory 30 days' period as per the Act. As non-compliance under the Act results in personal financial loss including the fear of departmental proceedings, a government staff or officer is more than keen to attend to RTI requests before anything else.

Some of these problems have arisen also because of the fact that many government departments and bodies have still not put the requisite in-house information into the public domain as they are supposed to do under the RTI. This also results in delay or outright refusal in furnishing of the desired information to the petitioners. Further, many authorities have still not publicised the Assistant Public Information Officer (APIO), Public Information Officer (PIO) and the Appellate Authority (AA) as warranted by the Act which greatly inconveniences people seeking information. Quite often, the information is denied because the same is not readily available in sharable form frustrating the purpose of the Act further.

There is no denying that in order to exercise the freedom of speech and expression effectively, you need an informed public opinion and it is here that the right to information comes into play. The right to information, thus, flows out of freedom of speech and expression. The Right to Information Act is merely an instrument that lays down the statutory procedure in the exercise of this right. It is, therefore, necessary that all exceptions and denials of the right to information must necessarily conform to the restrictions mentioned in Article 19 (2) and to none others.

So, there is an urgent need to ensure that all the government authorities should not only put all the permissible information in readily sharable form, they should also immediately notify and properly publicise the APIO, PIO and AA for accessing information relating their offices. In fact, it is proposed that as far as possible, a self-contained office should have APIO, PIO and AA in the same premises. It makes the system more efficient and also makes it easier for the common public. For example, if the District Magistrate starts entertaining all RTI petitions pertaining to every office under his/her control and supervision, then he/she would be left with no time to attend to his/her normal work.

So, it is advisable that various authorities to be notified remain within the same premises. Moreover, the central and state governments should make further clarifications to ensure that the cost of seeking and obtaining information under the RTI does in no case become prohibitive. Also, the entire process of moving an RTI application has to be further simplified. Use of various E-governance tools should further help in realising the purposes of the RTI.

Moreover, there shall also be a need for dedicated staff and officers to attend to RTI requests and also to pre-empt the hampering of the normal functioning of the office by engaging regular staff and officers. There is also a need for grant of specific financial grant to a government office for meeting various expenses required to be incurred for provisioning of information (e.g., Xeroxing, etc.) and for further strengthening and reinforcing the service delivery system under the RTI for being able to serve the people better.

If we are able to modify and further refine the Act, one is sure that the powers granted to a common citizen here shall go a long way in strengthening and reinforcing our democratic foundations.

## **Salient points**

- Initially there were very few petitions under the RTI. But today there is a deluge of such requests in almost all government departments.
- RTI has made government more transparent and responsible.
- The veil of secrecy hanging over the official records has slowly been lifting, resulting in substantive dilution of the draconian Official Secrets Act, 1923.
- Still a lot needs to be done to further strengthen and reinforce the RTI.
- Today, the price to seek and obtain information has been made prohibitive by many agencies defeating the very intents and purposes wherefrom the RTI was conceived.
- There are specific provisions in the Act about the inadvisability of charging anything from people below the poverty line.
- There is a practical problem relating to the shortage of staff and officers for attending such requests.
- The non-compliance under the Act results in personal financial loss including the fear of departmental proceedings.
- Use of various E-governance tools should further help in realising the purposes of the RTI.