



THE RIGHT TO INFORMATION ACT : AN INSTRUMENT FOR GOOD GOVERNANCE

**National Academy for Training and Research
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Introduction to RTI Act

The Charter of RTI Act, 2005 : Preamble

***“Effectuating right to information recognized under Article 19 of the Constitution of India”.
Implicit in the guaranteed Right to Freedom of Expression is right to information.***

- Information freedom a democratic norm under U.N. protocol 1946
- India 55th country in the world to bring legislation on information freedom.
- RTI supersedes many provisions of Official Secrets Act, 1923.
- RTI Act redefines relationship between the common man and official authority.

Goals of RTI in India

- Transparency
- Accountability
- Empowerment of the public
- Checking corruption
- All political parties swear by RTI

The Nature and extent of Empowerment

- Common man can demand time bound information, 30 days or 48 hrs (*section 8*).
- W.E. Gladstone, “Your business is not to govern the country, but it is, if you think fit, to call in account those who govern it.”
- Forms of information defined (*section 2*)
- No justification for demand needed

The Stake Holders

- The bureaucracy.
- The political executive.
- The media
- The corporate sector
- The common man
- The Information Commissions

- The competent authorities
 - The executive
 - The legislature
 - The judiciary

The RTI Act as a democratic device: Some basic questions.

1. To what extent has it succeeded?
2. Are the provisions of the Act susceptible to misuse?
3. Has it helped to reduce corruption?
4. Is information being divulged?
5. Is the common man using his power
6. Are all organs- Executive, Judiciary, Legislature- responding as envisaged?

The Bite: Why be afraid of RTI Act?

- a) Role of Public Information Officer in a public institution
- b) Problem of maintenance of record (*Section 4*)
- c) Exemptions (*Section 8*)
 - Considerations of Security
 - Considerations of national interest
 - Fiduciary relationship
 - Protection of intellectual property
- d) Penalties only in certain cases: (*Section 20*)
 - For deliberate denial: Costs to be recovered from PIO
 - For systemic inability to deliver information: compensation by the government.

RTI: The current debate: Is information freedom too much or too little?

1. Government of India proposes to dilute on two grounds
 - Frivolous and vexatious demands for information.
 - Unfettered rights to obtain information can delay decision making.
2. Legislature and judiciary wish to protect their turf

ADVENT OF RTI IN PUNJAB

ACTION

BY MEDIA

- Seminars for awareness in Districts
- Wide coverage

BY NON-GOVT. ORGANISATIONS

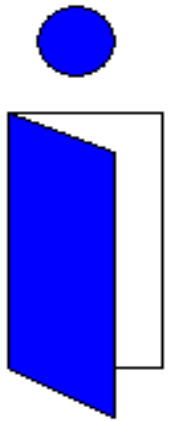
- Cases of public interest taken up
- Information demand placed before P.I.Os
- Appeals/Complaints filed before State Information Commission

By INDIVIDUALS

- Appeals/Complaints in Personal matters filed

A Transparent Office

SMALL IS BEAUTIFUL



Features:

- Modern office systems for modern needs
- Computer based MIS
- Minimum Staff: All on contract
- Need based professionals
 - **Legal**
 - **Information Technology**
 - **Media & Communications**

“The problems that exist in the world today cannot be solved by the level of thinking that created them”

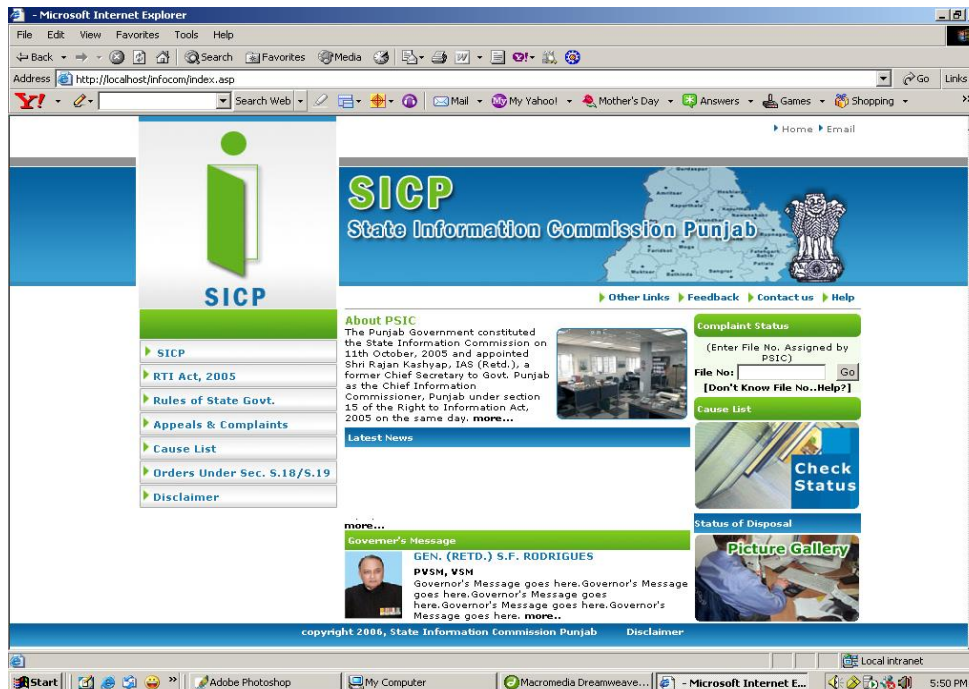
ALBERT EINSTEIN



STATE INFORMATION COMMISSION PUNJAB

INFORMATION TECHNOLOGY FOR MANAGEMENT

- Modern instruments for new tasks (**MIS**)
- For public interface : www.infocommpunjab.com



For paper free office : **INCOMS Information System,**
(Developed in-house)

Features of redressal mechanism

- Computerized Registry
- Formal hearings in open court
- Summary disposal 2 – 3 hearings
- No closure until compliance confirmed
- Feed back invited from litigants
 - about RTI
 - about Public Authorities
 - about PIOs, APIOs
 - about SIC

Linkages of Commission

- **With State Government** - periodical review
- **With Media** - free exchange
- **With Public/NGOs** - receptive to responses



TRAINING AND PUBLIC AWARENESS

Collaboration with specialized institutions

- CHRI, New Delhi
- Centre for Good Governance, Hyderabad
- YASHADA, Pune
- Inst. of Sectt. Training and Mgmt., New Delhi
- Universities, Media, Institutes, Rotary Club etc.

Response regarding RTI

Received from public through feedback system

- RTI Act has potential of empowering the common man.
- Knowledge lacking at APIO/PIO level.
- RTI Act is an important tool to curb corruption.
- Government must educate people about their rights.
- RTI must be enforced, to become a genuine right.
- Method of filing request for information should be common to all departments.
- Not enough public awareness so far.



TYPES OF INFORMATION SOUGHT

- **PERSONAL MATTERS** : Dues, seniority, selection
- **PROCEDURES AND RULES**
- **LAND RELATED ISSUES** : Urban & Rural Areas
- **POLITICAL ADMINISTRATION** : Elections,
Anatomy of decisions
- **MUNICIPAL ADMINISTRATION**
- **STATUS OF POLICE CASES**



AREAS OF CONCERN

- Too many personal matters
- Frivolous complaints
- Vexatious demands
- RTI as medium for vendetta
- Apathy of Government



AREAS NEGLECTED BY COMPLAINANTS

- Systems of Governance
- Discretion in use of Powers
- Policies
- Regulation
- Govt. Spending
- Environment



STATE GOVT'S UNFULFILLED OBLIGATIONS

Sections 4,5 regarding information

- Posting and Publication
- Codification
- Dissemination

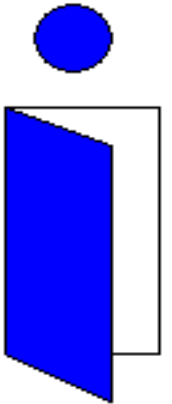


STATE GOV'T'S UNFULFILLED OBLIGATIONS

- Education of those who seek
- Training of those who deliver

CONCLUSION:

**RTI
IS ATTENDANT UPON
PARADOXES**





PARADOX ONE

INDIAN GROWN I.T. HAS HELPED UPGRADE SYSTEMS ABROAD

BUT

e-GOVERNANCE AT HOME HAS YET TO TAKE ROOT

HENCE

“PHYSICIAN HEAL THYSELF”

PARADOX TWO

ON PAPER RTI HAS ALREADY EMPOWERED THE COMMON MAN

BUT

THE COMMON MAN IS STILL NOT INFORMED ABOUT HIS POWER

HENCE

EDUCATION OF THE PUBLIC IS IMPERATIVE FOR SUCCESS

PARADOX THREE

“BUREAUCRACY WILL DEFEND THE
STATUS QUO LONG AFTER THE **QUO**
HAS LOST ITS **STATUS**”

HENCE

THE ESTABLISHMENT MUST BE
PROVIDED A STAKE IN THE CHANGE
PROCESS

PARADOX FOUR

RTI IS A PRODUCT OF THE REFORM PROCESS

BUT

RTI IS ITSELF AN INSTRUMENT FOR ACCELERATING REFORM

HENCE

RTI CAN CREATE A VIRTUOUS CIRCLE FOR REFORM