

Why Right to Information?

- Right to Information is near a Fundamental Right
- IT IS a part of the Fundamental Right to Freedom of Speech and Expression recognised in various Supreme Court decisions.
- It is directly linked to the Right to Life – the Supreme Court has widened the definition of Right to Life to include the Right to Food, Health, Education, Liberty etc. denial of information is a denial of these things.
- Good Governance
- Realisation of Human Rights
- Poverty Eradication and Human Development

People face a variety of problems with the government departments, police, educational institutions, passport offices, PWD, municipality, etc.

- ⊗ People have some pending work with a department and that are left undone.
- ⊗ The authorities are expecting or demanding a bribe.
- ⊗ People submitted a grievance but they are simply not acting on it.
- ⊗ People made a complaint against any wrongdoing, but without any result.
- ⊗ A decision was taken that affected people but people were not provided any reason.
- ⊗ People did some government work but they are not releasing the payment.

People can use the Right to Information Act, 2005 to overcome such problems. They file a request for that information or expose their corruption. Usually, RTI forces them to act and do people's work first & then report a positive status so that people may be kept in good humour.

Through RTI, people have started to think:

- Why are the streets and colonies so dirty?
- Why are manhole covers or footpath slabs over sewer lines missing, posing danger to life?
- Why are the roads in the area in such a pathetic condition?
- Why are people dying of starvation in various parts of the country?
- Why are still so many people forced to live in abject poverty?
- Why the local municipality does so little and always claims that they have no funds?
- Why the local ration shop never has any ration?
- Why there is never any doctor or medicines at the government hospital?
- Where have all the teachers in the government schools gone?

Some of the people feel that they need good politicians and good bureaucrats. However, real change can come only when the people of this country have the

power to hold their governments accountable. When that happens, none in public office would dare to be corrupt, inefficient or insensitive.

How do the people hold the government accountable?

To make the government accountable, the people need information regarding government decisions and how exactly it functions.

The Right to Information Act empowers the people to do just that. It gives the people the right to obtain information from the government about matters that affect them in thousands of ways. Used innovatively, such information could lead to exposure of corruption and inaction, and make the government responsive and accountable.

The government spends so much money on various works in the area. People may and should ask for the details of all the works carried out by the municipal body in the area. How much money was spent? On what works was it spent? Similar information was asked by people all over the country since October 2005. When the information was physically verified, it turned out that a number of works existed only on paper. Won't people like to hold the government similarly accountable in the area, city and state?

Under the RTI Act, people can demand the following from any government body:

- ▶ photocopies of most documents, records, file notings, correspondence, tenders, contracts, payments, estimates, measurements of engineering works, etc.
- ▶ inspection of documents - books, registers, files, drawings, records - absolutely anything
- ▶ samples of material used in the construction of roads, drains, buildings, etc.
- ▶ inspection of any under-construction or completed work done by the government
- ▶ the status of the complaints, requests, applications, etc.

Problems in accessing information

- ◆ Laws like the Official Secrets Act, Indian Evidence Act and the Civil Servants Code of Conduct Rules contain provisions that restrict the fundamental right to information
- ◆ Culture of secrecy prevalent in government
- ◆ Lack of accountability in public office
- ◆ People do not know where to go for information
- ◆ Illiteracy
- ◆ Badly maintained records

Why do we need a Law on RTI

- ✦ Law is needed to make access to information a reality for every citizen
- ✦ A law will operationalise the fundamental right to information
- ✦ Legislation will help set up systems and mechanisms that facilitate peoples' easy access to information
- ✦ Law will promote transparency and accountability and enable people's participation in governance
- ✦ Law will help minimise corruption and inefficiency in public offices

Basic Elements of RTI

- ✦ Minimal Exceptions
- ✦ Duty to Inform – Suo motto disclosures
- ✦ Accountability Provisions
- ✦ Provisions for setting up systems to maintain records and store information for easy retrieval
- ✦ Reasonable Fee Structure
- ✦ Time limits for providing information.
- ✦ Be applicable to private bodies too.
- ✦ Protection of Privacy
- ✦ Protection of Whistleblowers
- ✦ Publicity and Training