

A

Guide on

How to use

RIGHT TO INFORMATION ACT 2005



Right to Information

India is a democracy. People are the masters. Therefore, the masters have a right to know how the governments, meant to serve them, are functioning. Further, every citizen pays taxes. The citizens therefore, have a right to know how their money was being spent. As early as in 1976, the Supreme Court declared Right to Information as a part of Fundamental Rights under article 19 of the Constitution in the case of Raj Narain vs State of UP. Article 19 (1) says that every citizen has freedom of speech and expression. Supreme Court said that people cannot speak or express themselves unless they know.

Salient Features of the RTI Act, 2005

1. RTI Act 2005 empowers every citizen to:

- Ask any questions from the Government or seek any information
- Take copies of any government documents
- Inspect any government documents.
- Inspect any Government works
- Take samples of materials of any Government work.

2. You can seek information from any department of the central or state government, from panchayati raj institutions, and from any other organization or institution (including NGOs) that is established, constituted, owned, controlled or substantially financed, directly or indirectly, by the state or central government (section 2(a) & (h)).

3. In each department, at least one officer has been designated as a public information officer (PIOs). He/She accepts the request forms and provides information sought by the people (section 5(1)).

4. In addition, in each sub-district/divisional level there are assistant public information officers (APIOs) who receive requests for information and appeals against decisions of the public information officers, and then send them to the appropriate authorities (section 5(2)).

5. Any person seeking information should file an application in writing or through electronic means in English or Hindi (or in the official language of the area) along with the application fees with the PIO/APIO (section 6(1)).

6. Where a request cannot be made in writing, the PIO is supposed to render all reasonable assistance to the person making the request orally to reduce the same in writing (section 6(1)).

7. Where the applicant is deaf, blind, or otherwise impaired, the public authority is supposed to provide assistance to enable access to the information, including providing such assistance as may be appropriate for the inspection (section 7(4)).

8. Besides the applicant's contact details, the applicant is not required to either give any reasons for requesting the information or any other personal details (section 6(2)).

9. A reasonable application fee (Rs 10/- as prescribed by the Central Government, whereas in other states the fee amount may vary. [Refer to Annexure 2(fee rules chart) on page.....] will be charged for each application and supply of information. However, no fee is chargeable from persons below the poverty line (section 7(5)), or if the information is provided after the prescribed period (section 7(6)).

10. A fees will be charged for obtaining a copy of the documents. (The Central Government has prescribed fees of Rs.2/- for each page created and copied. In some states the charges are higher. [Refer to Annexure 2(fee rules chart) on page.....]. If the Information is not provided in the stipulated time limit then the information will be provided for free. (u/s 7(6)).

11. If the PIO feels that the sought information does not pertain to his department then it shall be his responsibility to forward the application to the related/relevant department within 5 days and also inform the applicant about the same. In such instance, the stipulated time limit for provision of information would be 35 days (u/s 6(3)).

12. In case PIO does not furnish information within the prescribed period or unreasonably troubles the applicant, then the applicant can file a complaint against him with the information commission.

13. In case a PIO without any reasonable cause fails to receive an application for information, malafidely denies a request for information, or knowingly gives incorrect, incomplete or misleading information, or asks for high fees for furnishing the information the applicant can file a direct complaint to the Central or the State Information Commission.

14. The PIO can deny information in some cases/matters. The various exemptions from disclosure of information are listed in Section 8 of the RTI Act, 2005.

15. If the sought information is in public interest then the exemptions enumerated in Section 8 of the RTI Act, 2005 can also be disclosed.

16. Any information that cannot be denied to parliament or legislative assembly **cannot** be denied to a common citizen.

17. In case a person fails to get a response from the PIO within the prescribed period or is aggrieved by the response received, or misuses Section 8 of the Act, then he/she canfile an appeal within 30 days with an officer superior in rank to the PIO(first appellate authority) (section 19(1)).

18. If the appellant is not happy with the 1st appeal then he/she can file a 2nd appeal with the State Information Commission or the Central Information Commission within 60 days (u/s 19(3)). [Refer to Annexure 1 for the addresses of the addresses of the information commissions on page.....]

19. If a PIO fails to furnish the information asked for under the Act or fails to communicate the rejection order, within the time specified, the PIO will be liable to pay a penalty of Rs 250 per day for each day of delay, subject to a maximum of Rs 25,000 (section 20(1)). The information commission can also recommend disciplinary action against the concerned PIO, under the service rules applicable to him/her (section 20(2)).

Note: The above mentioned facts/comments are based on the provisions of the RTI Act, 2005. There is a possibility of insufficiency in some facts/comments. Kindly read the various sections mentioned with each explanation for details.

RTI – an antidote to bribery

- ❑ *Nannu is a daily wage earner. He lives in Welcome Mazdoor Colony, another slum habitation in East Delhi. He lost his ration card and applied for a duplicate one in January this year. He made several rounds of the local Food & Civil Supplies office for the next three months. But the clerks and officials would not even look at him, leave alone do his job or bother to tell him the status of his application. Ultimately, he filed an application under the Right to Information Act asking for the daily progress made on his application, names of the officials who were supposed to act on his application and what action would be taken against these officials. Within a week of filing application under Right to Information Act, he was visited by an inspector from the Food Department, who informed him that the card had been made and he could collect it from the office. When Nannu went to collect his card next day, he was given a very warm treatment by the Food & Supply Officer (FSO), who is the head of a Circle. The FSO offered him tea and requested him to withdraw his application under Right to Information, since his work had already been done.*
- ❑ *Mrs Madhu has a house in South Delhi. She rent a part of her house to someone, who was using it for commercial purposes. Therefore, a commercial water connection for that part of the house was taken. When the tenant vacated the house, she applied to Delhi Jal Board (DJB) for converting water connection back to domestic. She kept running around for several months. None listened to her. She was even told by some DJB men that the work would be done in no time if she paid a bribe. She refused. Her Neighbour, Saurav, one day told her about RTI and helped her in filing an application. She filed one and her job was done in the next few days.*
- ❑ *Mr Sharma had to go to Germany. He needed a passport urgently. He applied for one. According to the rules, it should be made in 45 days. For six months he kept running around. But no one listened. Under RTI, when he sought information about the status of his application, his passport was made in a week's time.*
- ❑ *Pabitra is a Chartered Accountant, who refuses to pay bribes. There was a tax refund due to his client. Despite repeated letters and running around for a year, nothing happened. Pabitra suggested to his client that an RTI application be filed. Client agreed. Refund was received within a few days of filing RTI.*

RTI is very effective in addressing issues, where someone has a legitimate pending work in any Government Department, but they are not doing it either due to some bureaucratic delay or an expectation of bribe.

It has been the experience so far that such cases get resolved very fast through the use of RTI. Wherever you have a legitimate work pending, you have filed all the documents, you have completed all formalities, you have a genuine case, which the official ought to do in his normal course of duty but is not doing either for expectation of bribe or merely laziness. We call it extortionist bribery. For instance,

- ❑ **Issue of passport**
- ❑ **Issue of any type of license**
- ❑ **Issue of various certificates (like marriage, death, birth, SC/ST, OBC certificates etc)**
- ❑ **Correction of water, electricity, telephone bills**
- ❑ **Any legitimate problem with a department like change of faulty meter, providing new water or electricity connection, etc**
- ❑ **Filing of FIR**
- ❑ **Claiming various kinds of refunds or payments etc like tax refund, medical reimbursement, Provident Fund etc**
- ❑ **Inclusion of name in voters' list or issue of voter ID card**
- ❑ **Etc**

What did these people ask? How did this magic happen?

Nannu asked the following questions in his RTI application:

1. I filed an application for a duplicate ration card on 27th January 2004. Please tell me the daily progress made on my application so far. i.e. when did my application reach which officer, for how long did it stay with that officer and what did he/she do during that period?
2. According to the rules, my card should have been made in 10 days. However, it is more than three months now. Please give the names and designations of the officials who were supposed to take action on my application and who have not done so?
3. What action would be taken against these officials for not doing their work and for causing harassment to the public? By when would that action be taken?
4. By when would I get my card now?

In normal circumstances, such an application would be thrown in a dustbin. But this law says that the concerned officer has to reply within 30 days. If he does not do that, his salary could be deducted. Now, it is not easy to answer these questions.

The first question is: “Please tell me the daily progress made on my application.”

There is no progress made. But the government officials cannot write in these many words that they have not acted for so many months. Else that would be admission of guilt on paper.

Next question is: “Please tell me the names and designations of officials, who were supposed to take action on my application and who have not done so.”

If the government provides names and designations of the officials, their responsibility gets fixed. Any officer is most scared of fixing of responsibility against him in this manner. So, the moment one files such an application, his/her pending work is done.

What did Pabitra’s client ask? He also asked similar questions:

1. The appellate Commissioner decided an appeal in my favor, which should result in refund of taxes to me. I have made written requests earlier for the same. Please tell me the daily progress made on my requests so far. i.e. when did my application reach which official, for how long did it stay with that official and what did he/she do during that period?
2. According to the rules, the appeal effect should have been given in 30 days. However, it is more than a year now. Please give the names and designations of the officials who were supposed to take action on my application and who have not done so?
3. What action would be taken against these officials for not doing their work and for causing harassment to the public? By when would that action be taken?
4. By when would I get my refund now?

And within a few days of filing this RTI application, Pabitra’s client got his refund.

Mr Sharma & Mrs Madhu also asked similar questions. We can add four more questions to make our application sharper and more effective:

5. Please give me a list of all the applications/returns/petitions/grievances received, after my application/return/petition/grievance was received. The list should contain the following information:
 - a. Name of applicant/taxpayer/petitioner/aggrieved person
 - b. Receipt no
 - c. Date of application/return/petition/grievance
 - d. Date of disposal
6. Please give copy or print out of those portions of records, which contains details of receipt of the above applications/returns/petitions/grievances
7. Please give reasons for out of turn disposal of the applications/ returns/ petitions/ grievances, if any, which were received after me.
8. By when would vigilance enquiries be initiated in the above matter of out of turn disposal of applications/returns/petitions/grievances, if any?

Pre-requisite before you use RTI:

Suppose you apply for your passport today and file your RTI application the next day. Then RTI application will not help. Because they will just get back to you and say that they are still processing it and are well within the time prescribed for that work. Normally, **the Govt has prescribed time limits for most such works either in the form of some rules or in citizens' charters. The RTI application should be filed after the expiry of such stipulated time limits.** For instance, an ordinary passport should be made within 45 days of application. A tatkal passport should be made within 10 days. The Income Tax Department normally takes about a year to send your Income Tax refund. Every department has its own time limits for different kinds of works. So, an RTI application should be filed only after the end of the time limit prescribed for that work

Steps to making an RTI application:

First ascertain whether the concerned Department is a State Government Department or a Central Government Department.

For Central Government Department, the RTI application has to be filed as a simple application on a plain piece of paper. For state government departments, some state governments have prescribed forms, whereas others accept applications on plain paper. If there is a form, fill RTI form. You can download all forms from www.righttoinformation.org

FLOW CHART -----.

How would an RTI application look like?

Suppose you have a faulty electricity meter in your house. But the authorities are not replacing it despite repeated requests. Then application would look like this:

To
The PIO,

_____.

_____.

_____.

Sub: Application under Right to Information Act 2005

I have a faulty electricity meter. I have made several complaints for its replacement but no action has been taken so far. Copies of all complaints are attached. Please provide the following information with respect to the same:

1. Please indicate the daily progress made on my application so far. i.e. when did my application reach which officer, for how long did it stay with that officer and what did he/she do during that period?
2. Please give the names and designations of the officials who were supposed to take action on my application and who have not done so?
3. What action would be taken against these officials for not doing their work and for causing harassment to the public? By when would that action be taken?
4. By when would my work be done now?
5. Please give me a list of all the complaints of faulty meter received, after my application was received. The list should contain the following information:
 - e. Name of applicant
 - f. Receipt no
 - g. Date of application
 - h. Date of disposal
6. Please give copy or print out of those portions of records, which contains details of receipt of the above applications
7. Please give reasons for out of turn disposal of the applications, if any, which were received after me.
8. By when would vigilance enquiries be initiated in the above matter of out of turn disposal of applications, if any?

I am separately depositing Rs 10 as application fee.

Yours sincerely,

Knowing more about RTI(FAQs)

Who will give me information? Whom do I apply to?

One or more existing officers in every Government Department have been designated as Public Information Officers (PIO). These PIOs act like nodal officers. You have to file your applications with them. It is their duty to collect information sought by you from various wings of that Department and provide that information to you. In addition, several officers have been appointed as Assistant Public Information Officers (APIOs). Their job is only to accept applications from the public and forward it to the right PIO.

How do I locate the address of the PIO?

Once you have identified the Department from which you want information, you can get the details of the PIO from that Department. But suppose you cannot visit that Department or they are not telling you the details, you can send your application to “The PIO, c/o Head of that Department, (Address of that Department).” It shall be the duty of the head of that Department to forward it to the right PIO. You could also get a list of PIOs from various Government websites like www.rti.gov.in. Lists of some more websites are available at www.righttoinformation.org

Can a PIO reject my application saying that the application or a part of it does not pertain to him?

No, he cannot do that. He is duty bound under sec 6(3) of the Act to forward the application to the concerned PIO within five days of receipt of the application under intimation to the applicant.

What if a particular state Department has not appointed any PIO?

Please send your application by post to the PIO C/o Head of Department and send it to the concerned public authority with the requisite application fee. You should also make a formal complaint to the respective Information Commission under section 18 of RTI Act. The Information Commissioner has the power to impose a penalty of Rs 25000 on the concerned officer who refused to accept your application. The complaint is nothing but a simple letter addressed to the Information Commission complaining that the Department has not appointed any PIO and that a penalty should be imposed on them.

Can the PIO refuse to give me information?

A PIO can refuse information on 11 subjects that are listed in section 8 of the RTI Act. These include information received in confidence from foreign governments, information prejudicial to security, strategic, scientific or economic interests of the country, breach of privilege of legislatures, etc. There is a list of 18 agencies given in second schedule of the Act to which RTI Act does not apply. However, they also have to give information if it relates to matters pertaining to allegations of corruption or human rights violations.

Is there any fee?

Yes, there is fee required. It is different for different states and for the Centre. The Central Government has prescribed the following fee rules:

Application fee: Rs 10.

Cost of information provided: Rs 2 per page

Fee for inspection of documents: There is no fee for first hour of inspection, but after that, you have to pay Rs. 5 for every subsequent hour or fraction thereof.

This fee structure is different for different states. For each state, see respective state rules. [For further details refer to Annexure 2 (Fee Rules Chart) on Page.....]

How do I deposit the fee?

Every state has a different mode of payment for application fee. Generally, you can deposit your application fee:

- In person by paying cash [**remember to take your receipt**]
- Demand Draft
Indian Postal Order
Money orders (only in some states)
Banker's cheque

The above have to be drawn in favor of respective public authority.

- Some state governments have prescribed some head of account. You are required to deposit fee in that account. For that, you can either go to any branch of SBI and despoist cash in that account and attach deposit receipt with your RTI application. Or you can also send a postal order or a DD drawn in favour of that account alongwith your RTI application.
- In some states, you can also deposit fee by affixing Court fee Stamp of equivalent value on your application.

[For further details refer to Annexure 2 (Fee Rules Chart) on Page.....]

How do I submit my application?

You can do that in person, either yourself or by sending someone to the office of the PIO or APIO. Or you can submit it by post also, by sending it at the address of the PIO or an APIO. In the case of all Central Government Departments, 629 post offices have been designated as APIOs. This means that you can go to any of these post offices and submit your fee and application at the RTI counter in these post offices. They will issue you a receipt and acknowledgement and it is the responsibility of that post office to deliver it to the right PIO. The list of these post offices is given at <http://www.indiapost.gov.in/rtimanual16a.html>

What should I do if the PIO or the concerned Department does not accept my application?

You can send it by post. You should also make a formal complaint to the respective Information Commission under section 18 of RTI Act. The Information Commissioner has the power to impose a penalty of Rs 25000 on the concerned officer who refused to accept your application. The complaint is nothing but a simple letter addressed to the Information Commission explaining the problems you faced in submitting your application and requesting them to impose a penalty on the PIO.

Is there a time limit to receiving information?

Yes. If you file your application with the PIO, you must receive information within 30 days. In case you have filed your application with Assistant PIO then information has to be made available within 35 days. In case the matter to which the information pertains affects the life and liberty of an individual, information has to be made available in 48 hours.

Do I have to give reasons for demanding particular information?

Absolutely not! You are not required to give any reasons or additional information other than your contact details (i.e., Name, Address, and Phone No.). Sec 6(2) clearly says that no information other than contact details of the applicant shall be asked.

There have been many good laws in this country but none of those laws worked. Why do you think this law would work?

This law is already working. This is because for the first time in the history of independent India, there is a law which casts a direct accountability on the officer for non-performance. If concerned officer does not provide information in time, a penalty of Rs 250 per day of delay can be imposed by the Information Commissioner. If the information provided is false, a penalty of a maximum of Rs 25000 can be imposed. A penalty can also be imposed for providing incomplete or for rejecting your application for malafide reasons. This fine is deducted from the officer's personal salary.

Has any penalty been imposed so far?

Yes, some officers have been penalized by the Central as well as State Information Commissioners. Examples: Rs 1.25 lacs, Rs 16000/- etc.

Does the Applicant get the amount fined to the PIO?

No. The amount fined is deposited in the government treasury. However, under sec 19, the applicant can seek compensation.

What can I do if I do not receive information?

If you do not receive information or are dissatisfied with the information received, you can file an appeal with the first appellate authority under section 19 (1) of the right to Information Act.

Who is a First Appellate authority?

Every public authority must designate a First Appellate Authority. This officer designated is the officer senior in rank to your PIO.

Is there a form for the first appeal?

No there is no form for filing a first appeal (but some state governments have prescribed a form). Draft your appeal application on a blank sheet of paper addressed to the First Appellate Authority. Remember to attach a copy of your original application and a copy of the reply in whatever form (if received) from the PIO.

Do I have to pay a fee for the first appeal?

No. You are not required to pay any fee for the first appeal. However, some state governments have prescribed a fee. [For further details refer to Annexure 2 (Fee Rules Chart) on Page.....]

In how many days can I file my first appeal?

You can file your first appeal within 30 days of receipt of information or within 60 days of filing RTI application (if no information received).

What if I do not receive satisfactory information even after the first appeal?

If you do not receive information even after the first appeal then you can take the matter forward to the second appeal stage.

What is a second appeal?

A second appeal is the last option under the RTI Act to get the information requested. You can file second appeal with the Information Commission. For appeals against Central Government Departments, you have Central Information Commission (CIC). For every state Government, there is a State Information Commission.

Is there a form for the second appeal?

No there is no form for filing a second appeal (but some state governments have prescribed a form for second appeal too). Draft your appeal application on a normal sheet of paper addressed to the Central or State Information Commission. Carefully read the appeal rules before drafting your second appeal. Your second appeal application can be rejected if it does not comply with the appeal rules. Please read state rules for making an appeal to state information commission. [For further details refer to Annexure 2 (Fee Rules Chart) on Page.....]

Do I have to pay a fee for the second appeal?

No. You are not required to pay any fee for the second appeal. However, some states have prescribed a fee for that. [For further details refer to Annexure 2 (Fee Rules Chart) on Page.....]

In how many days can I file my second appeal?

You can file your second appeal within 90 days of disposal of first appeal or within 90 days of the date, by when first appeal was to be decided.

When did RTI Act come into force? If you are saying that the Central Government passed the Central Act recently, then how can you say that large number of people have benefited out of it?

The Central Right to Information Act came into force on the 12th October, 2005. However, before that 9 state Governments had passed state Acts. These were J & K, Delhi, Rajasthan, Madhya Pradesh, Maharashtra, Karnataka, Tamil Nadu, Assam & Goa. Some of these state Acts have been in existence for the last 5 years and have been working very well.

Who is covered under RTI?

The Central RTI Act extends to the whole of India except the State of Jammu and Kashmir. All bodies, which are constituted under the Constitution or under any law or under any Government notification or all bodies, including NGOs, which are owned, controlled or substantially financed by the Government are covered.

What is “substantially financed”?

This is neither defined under RTI Act nor under any other Act. So, this issue will evolve with time, maybe through some court orders etc.

Are Private bodies covered under the RTI Act?

All private bodies, which are owned, controlled or substantially financed by the Government are directly covered. Others are indirectly covered. That is, if a government department can access information from any private body under any other Act, the same can be accessed by the citizen under the RTI Act through that government department.

Isn't Official Secrets Act 1923 an obstacle to the implementation of RTI Act?

No. Sec 22 of the RTI Act 2005 clearly says that RTI Act would over ride all existing Acts including Official Secrets Act.

Does the Act provide for partial disclosure?

Yes. Under Section 10 of the RTI Act, access may be provided to that part of the record which does not contain information which is exempt from disclosure under this Act.

Can access be denied to file notings?

No. File notings are an integral part of the government file and are subject to disclosure under the Act. This has been clarified by the Central Information Commission in one of its orders on 31st Jan 2006.

What should I do after getting information?

There cannot be one answer for that. It depends on why you asked for that information and what type of information is it. Often a lot of things start falling in place just by asking for information. For instance, you would get your passport or a ration card just by your asking for the status of your application. In many cases, roads got repaired as soon as the money spent on its repairs in the last few repairs was asked. So, seeking information and questioning the government is an important step, which in itself is complete in many cases.

But suppose you expose some corruption or wrongdoing using RTI. Then, you can complain to vigilance agencies, CBI or even file an FIR. But it is seen that the Government does not take any action against the guilty even after repeated complaints. Though one can keep up the pressure on vigilance agencies by seeking to know the status of complaints under RTI, however, the wrongdoings can also be exposed through media. However, experience has not been very encouraging at getting guilty punished. But one thing is certain. Seeking information like this and exposing wrongdoings does improve the future. The officials get a clear message that the people of that area have become alert and any wrongdoings in future would not remain hidden as they were in the past. So, their risks of getting caught increase.

Have have people been victimized who used RTI and exposed corruption?

Yes, there have been some instances where people were physically harmed when they sought information which exposed large scale corruption. But this does not mean that ever applicant faces such a threat. Filing application to seek status of your grievance or for knowing other similar routine matters does not invite any retaliation. It is only when information is likely to expose bureaucratic-contractor nexus or any kind of mafia that there could be a possibility of retaliation.

Then why should I use RTI?

The entire system has become so rotten that if all of us individually and together do not do our bit, it will never improve. If we don't do it, who will? Therefore, we have to act. But we should do that with a strategy and minimize risks. And with experience, there are some safeguards and strategies available.

What are these strategies?

Please go ahead and file RTI application for any issue in the first instance. Normally, anyone would not target you immediately. They would first try to cajole you or win you over. So, the moment you file any inconvenient application, someone would approach you very politely to request you to withdraw that application. You should gauge the seriousness or the potential of the person approaching you. If you consider it to be serious enough, ask 15 of your friends to immediately apply to the same public authority

asking for same information. It would be better if these 15 friends were from different part of India. Now, it would be most difficult for anyone to target all of your 15 friends all across the country. And if they threaten anyone from amongst the 15, let more people file similar applications. Your friends from other parts of India can file their applications by post. Try and give it wide media publicity. This will ensure that you will get the requisite information, and you would have sufficiently minimized risks.

Can't people blackmail government servants by obtaining information?

Let us ask ourselves – what does RTI do? It just brings truth in public domain. It does not create any information. It just removes curtains and brings truth in public domain. Is that bad? When can it be misused? Only if an officer has done something wrong and if that information comes out in public. Is it bad that wrongdoings within the Government should become public and be exposed rather than keeping it under wraps. Yes, once such information is obtained by someone, he could go and blackmail that officer. But why do we wish to protect wrong officers. If any officer is blackmailed, he/she has options available under Indian Penal Code to go register an FIR against a blackmailer. Let that officer do that. However, we can even avoid the possibility of any individual officer from being blackmailed by any individual complainant by putting all information, sought by any applicant, on the website. An applicant is able to blackmail an officer only when that applicant is the only person who obtained that information and threatens to make that public. But if all information sought by him were to be put on website, the possibility of blackmail would be substantially reduced.

Won't Government get flooded with RTI applications and won't it jam government machinery?

These fears are hypothetical. There are more than 65 countries in the world, which have RTI laws. There are nine states in India, who had RTI laws, before this law was passed by the Parliament. None of these Governments were flooded with applications. Such fear emanates from an assumption that the people do not have anything to do and are totally free. Filing an RTI application and pursuing it takes time, energies and resources. Unless a person really wants any information, he/she does not file it.

Let us consider some statistics. In Delhi, 14000 applications have been filed in 120 departments in more than 60 months. This means less than 2 applications per Department per month. Can we say that Delhi Government got flooded with RTI applications? In sharp contrast, US Government received 3.2 million applications under their RTI Act during 2003-04. This is despite the fact that unlike India, most of the Government information is already available on the net and there should be much less need for the people to file applications. But US Government is not contemplating scrapping the RTI Act. On the contrary they are setting aside more and more resources to implement it. During the same year, they spent \$ 32 million to implement it.

Won't it require huge amount of resources to implement RTI Act?

Any amount of resources required to implement RTI Act would be well spent. Most countries like the US have realized it and are already spending huge resources to make their governments transparent. Firstly, all the cost spent on RTI gets more than recovered the same year by the amounts of money that the Government saves due to reduction in corruption and malpractices. For instance, there is strong evidence to show how leakages in drought relief program in Rajasthan and Public Distribution System in Delhi substantially reduced due to extensive use of RTI.

Secondly, RTI is very essential for democracy. It is a part of our fundamental right. For people to participate in governance, the pre-requisite is that they first know what is going on. So, just the way we treat all expenses made on the running of our Parliament as essential, we have to treat all expenses made in the implementation of RTI as essential.

How to avoid people from filing frivolous applications?

THERE IS NO FRIVOLOUS APPLICATION. What is frivolous? My pending water connection could be the most critical issue for me, but it could be treated as frivolous by a bureaucrat. Some vested interests within the bureaucracy have raised this bogey of frivolous applications. Right now, RTI Act does not permit any application to be rejected on the ground that it was frivolous. But some section of bureaucracy wants the PIO to be empowered to reject any application if he feels that it was frivolous. If that happens, every PIO will declare every other application to be frivolous and reject it. It would mean a death knell to RTI.

File noting should not be made public as that would prevent honest officers from rendering honest advice?

This is wrong. On the contrary, every officer would now know that whatever he writes on the file would be subject to public scrutiny. This would force him to write things which are in best public interest. Some honest bureaucrats have admitted in private that RTI has helped them immensely in warding off political and other undue influences. Now, the officers simply say that if they did the wrong thing, they might get exposed if someone asked for that information. Therefore, officers have started insisting that the seniors gave directions in writing. The Government is learnt to be contemplating removing file notings from the purview of RTI Act. For the above reasons, it is absolutely essential that file notings should be allowed to be covered under RTI Act.

Civil servant has to make decisions under many pressures and the public will not understand this?

As discussed above, on the contrary, possibility of exposures to illegitimate pressures would reduce.

Government records are not in proper shape. How could RTI be implemented?

RTI would force the system to start maintaining records properly now. Else the officials would face a penalty under the Act

Applications seeking voluminous information should be rejected?

If I seek for some information, which runs into a lakh of pages, I would do that only if I need it because I will have to pay Rs 2 lakhs for that. This is an automatic deterrent. If application were rejected only on this account, the applicant could break his application and file 1000 applications seeking 100 pages through each application, which would not benefit anyone. Therefore, applications should not be rejected only on this pretext.

People should be allowed to seek information only about themselves. They should not be allowed to ask questions about other spheres of governance, totally unrelated to the.

Sec 6(2) of RTI Act clearly says an applicant cannot be questioned why he/she were asking for any information. In any case, RTI flows from the fact that people pay taxes, This money belongs to them and therefore, they have a right to know how their money were being spent and how they were being governed. So, people have a right to know everything about every sphere of governance. They may or may not be directly related to the matter. So, even a person living in Delhi can ask for any information from say, Tamilnadu.

RTI does much more than just address bribery

- *Uday is a software engineer. He saw that the Outer Ring Road from IIT flyover to Panchsheel flyover was made last February and it came off within 10 days. He applied for inspection of files, inspection of road and sample of material used in the road. Two days before he was called for inspection, the entire road was relaid.*
- *Triveni is a matriculate. She was shocked to discover that her ration shopkeeper was siphoning off rations meant for her by making false thumb impressions on cash memos in her name. Actually, she didn't receive any grains for the last six months. Whenever she would go to the shop, the shop would either be closed or the shopkeeper would say that there was no stock. Triveni is a poor woman, who lives in a slum colony in East Delhi. She holds an Antyodaya card issued by the government to the poorest of the poor. However, it isn't easy to get ration from a ration shop. In February 2003, Triveni filed an application under the Right to Information Act asking for the quantity of ration issued to her as per records and also copies of cash memos purported to have been issued to her. After a month, she received a reply stating that she had been issued 25kg of wheat @ Rs 2 per Kg and 10 Kgs of rice @ Rs 3 per Kg every month in the last three months. The cash memos showed thumb impressions having been made in her name. She is a literate woman. She never puts thumb but always signs. Naturally, the thumb impressions do not belong to her but are fakes. This shows that the shopkeeper had been drawing her ration by faking thumb impressions in her name for the last so many months. Triveni was shocked. But now she was equipped with evidence to proceed against the shopkeeper. Before she could take any action, the shopkeeper came to her house and pleaded with her not to take any action and that he would mend his ways in future. Since then, Triveni is getting right amount of ration at the right price for the last year and a half.*
- *Vijay Kumbhar's LPG cylinder ran out so he booked a refill. A month later his second LPG cylinder also ran out and the first refill had still not arrived. Each time he checked with his gas agency they told him that there was a shortage. Fed up with listening to the same excuse for over a month, Vijay decided to file a RTI application. He filed his application in the morning and by 2 pm the LPG cylinders arrived. Later that evening he received a phone call from the gas agency owner who asked Vijay to call him personally next time his cylinder needed a refill.*
- ***Public dealing hours ration office, Gujarat:** The ration office in Kalol taluk in Panchmahal Gujarat set aside only two days in a month for public dealing on ration card queries. Aslambhai decided to file an RTI application to find out who set the legal basis for the two day limit for public dealing. He requested for copies of the Government Resolution (GR) according to which this limit was set. Aslambahi faced several difficulties in accessing this information. The government officers pressurized his family to get him to withdraw the application. When nothing worked the government officer was forced to issue a reply that there was no GR on the two Saturday limit for dealing with ration card matters and that it was adopted keeping in mind the convenience of applicants who would have otherwise had to forgo their daily wages in order to visit the office on a working day. Aslambahi was assured that all ration card related applications would be received and entertained on all working days at all working hours.*
- ***Pandav Nagar road:** A road in Pandav Nagar in East Delhi was in very bad condition. It had not been repaired for the last several years. People applied under the Right to Information Act and asked when it was last repaired and when would it be repaired next. The residents filed an application in April 2002 with the Engineering wing of Municipal Corporation of Delhi (MCD). To their horror, they got a reply that the road had been last repaired in the month of March 2002 and had been repaired several times in the last three years. This meant that all the material and labour claimed to have been spent on this road had been siphoned off. Next the people asked, through another application under the Right to Information Act, copies of contracts of all the repairs done in the last few years. MCD replied that there were no contracts as the work was done departmentally. The people then asked, through another application, for the copies of stock registers through which the*

material for the repair was issued. The copy arrived and it showed how bitumen drums and cement bags had been issued several times in the past for the repair of this road, which was never carried out.

- **Sundernagari** is a slum colony in East Delhi. The sewer system in this area was laid in 1983. But it has not been made operational yet. A number of residents of this area approached the politicians and Water Department (Delhi Jal Board) officials requesting them to get the sewers operational. Every time, they were made empty promises. They would be told that action was being taken, papers were moving and the sewers would become operational very soon. However, these were merely empty promises. Nothing happened for twenty years. A resident from the area, filed an application under the Right to Information Act in March 2002. The information received mentioned that the contracts for the work would soon be awarded and the system was expected to start by June 2003. However, the people did not find any activity taking place for the next one year. So, another application was filed in March 2003 to inspect the concerned files of Jal Board. On the day of the inspection of files, the residents were told that there were no files connected with this issue. The Jal Board officials were asked how they said last time that the work was in progress when there were no files at all. After making some excuses for sometime, they admitted that there was no work going on in the area. This meant that they had provided false information under the Right to Information Act about a year back. Under the Delhi Right to Information Act, there is a provision for deduction of salary of concerned officials who provide false information. The concerned Executive Engineer was reminded this provision. At this, he started pleading that he would now get the survey done on an emergency basis. This information strengthened the struggle of the people of this area. The survey was completed within the next week. The estimated amount required to complete the job came to Rs 87 lakhs. The people of this area carried out a signature campaign. Almost 4000 families signed a petition to the Chief Minister requesting her to sanction this amount. She immediately summoned the concerned member of Jal Board and advised him to expedite the matter. Since then, the proposal has been sanctioned by the Jal Board, the expenditure of this amount has been approved and contracts given out. The work on sewers has already started. The sewers will become operational very soon.
- **Delhi Water Campaign:** In November 2004 a few citizens of Delhi learnt that the Delhi Jal Board (DJB) was undertaking a reforms project which was funded by the World Bank (WB). They decided to file Right to Information applications to learn more about the project. The information revealed WB arm-twisting tactics. Only one particular Company was favored by the World Bank even though it did not meet the requirements of the project, the problem with the DJB had not identified and a pre-conceived solution was being proposed. The project was designed to completely override public interests and favour the private players. The RTI helped citizens prevent an ill conceived project being implemented.

You can get many more such examples and uses of RTI at www.righttoinformation.org