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**Governance and Right To Information**  
**(How RTI-Related Awareness is Key to Improved Governance)**

The Right to Information Act (RTI Act) of India, which came into force on 12<sup>th</sup> October, 2005, is acknowledged as a landmark legislation and a high watermark in the evolution of Indian democracy. This Act was the final outcome of a series of judgements of Supreme Court of India, actions by civil society institutions and a growing discomfort within the government about excessive control over information by public authorities.

It was felt that a tight-fisted approach to information was directly related to growing corruption and was contrary to accountable governance. Transparency was thought to be the sun-rays which would not only light up the dimly lit nooks and corners of the State establishments but also would sanitize a putrefying system.

This awareness had earlier led to the enactment of Freedom of Information Act, 2002, which could not be implemented for over 3 years as the infrastructure required to be set up to give effect to the provisions of the bill could not be established. Thereafter, in the year 2005, the present RTI Act was introduced in Parliament and passed.

The RTI Act, in many ways, is a unique piece of legislation. This is possibly the only Act that gives to the common people the right to interrogate the government and its several instrumentalities, directly. Forcing public authorities to accept disclosure of

information obligation is also an accountability-enforcing-mechanism. Parliamentary democracies define accountability rather narrowly in an institutional sense. The Minister is responsible to the Legislature and a certain measure of confidentiality in the functioning of Government was thought to be an aid to making the Ministerial responsibility to the Legislature effective. Civil service anonymity was a necessary concomitant to Ministerial responsibility. Advice which the Minister received from his officers had to be kept outside the pale of scrutiny — except in clearly defined circumstances such as an official or a judicial enquiry. Most Secretariat office procedures, therefore, made file-notings by officials in Government departments, confidential — something not liable to be disclosed.

All this is now changing. The Indian RTI Act does not mandate that file-notings should be allowed to remain undisclosed, except under clearly defined circumstances.

This has potentiality to cause radical and far reaching changes in the accountability-matrix of parliamentary governance, which, like most other RTI-led changes, have been insufficiently appreciated as yet.

It is important, therefore, that the awareness campaign about RTI is started where it is needed the most — in the government.

The discourse about RTI is generally fixated on its importance for the citizen / individual and his rights. Improvement in governance is not just a spin-off from implementation of the RTI legislation, it is one of its principal goals. The Indian RTI Act recognizes this in its preamble, which, among others, states “*to promote transparency and accountability in the working of every public authority*”. It further expatiates on the proposition in its Section 4(1) and Section 4(2), which enjoins public authorities to voluntarily disclose large swathes of information held, computerize and digitize information such that citizen is not required to resort to the provisions of RTI Act to access information.

There is only dim awareness about pro-active action by Government and public authorities, and about making the entire system RTI-compliant. Governments, both at the Centre and the States, have longstanding and, even elaborate programmes of administrative reforms and process-computerization, which though heavily focussed on

improvement of delivery of goods and services by public authorities, frequently overlook the disclosure / transparency aspects of the resultant changes.

Public authorities tend to treat the citizen as a consumer of the goods and services provided to him by the State. The RTI Act entitles the citizen to access information about the functioning of the State machinery engaged in delivery of these goods and services. The citizen can and must be apprised about how efficiently and effectively the machinery worked in performing its delivery functions. Several States in India have now, through the use of Information Technology, enabled the citizen to get information regarding a vast array of concerns such as birth and death certificates, tax payments, information regarding land records and changes in land holdings and so on. The public authorities consider this as a measure of their success that such mundane, but important information from the point of view of the citizen — obtaining which was earlier a laborious process — was now available to the citizen through the click of a button. While these achievements are doubtless creditable, these public authorities will also need to appreciate that the citizen is not content only with receiving information; he likes to know the processes that go into making this information available to him.

There seems to be inadequate sensitivity among the public authorities about the rights of the citizen to know not only the end result of the decision-making process but also about the accounts that go into making decisions.

Employees of public authorities have long got used to considering confidentiality as an integral part of governance. Rules / procedures of several State Governments provided that confidentiality of all government information was the norm and its disclosure the exception. A barrier was thus created between the rulers and the citizens, which over time, led to erosion of trust between the public authorities and the citizens.

Now that the Right to Information Act has made transparency an essential part of the system of governance, there is every likelihood that the regime of confidentiality shall slowly wither away, thereby increasing the level of confidence which citizens will place in their rulers. The Central Information Commission (CIC) of India has noticed that in the last two years that the RTI Act has been in operation there has been a progressive and discernible change in the approaches and the attitudes of the employees of the public authorities to the confidentiality of information.

Initially there was resistance to disclosing every single information that the citizen might ask for. Over time that resistance has evidently weakened and has given way to a studied indifference to the disclosure requirement. It is important that awareness is created among Government employees that transparency, not confidentiality, helps improve governance. The Commission had also noticed that employees of public authorities became willing adherents of a regime based on tight control over all information not because such adherence was good for the system, but because it insulated the public servants from public scrutiny of their actions. Information in the hands of private citizens assumes the characteristics of a powerful tool with which to make government accountable for its actions. It is this accountability which the public servants feared. An awareness is now dawning that there is greater safety to be had by voluntarily disclosing information than by withholding it. Employees of public authorities can use the threat of the information being disclosed as a shield to ward off pressures from seniors and from political leaders to do things civil servants would not ordinarily wish to do. The presence of the RTI Act, therefore, acts as an instrument to sober the political class and to encourage honest civil servants to discharge their functions with a sense of freedom and responsibility.

The public authorities are to be made aware that the RTI Act and the regime of transparency that it promotes is not a necessary evil but the very condition for transforming governance from a closed system to an open, transparent and accountable system.

The openly stated purpose in all matters related to governance is to perform a task efficiently, economically, responsibly and accountably. More often than not these objectives are overlooked — with unhappy consequences for governance — by public servants who are often insufficiently cognizant about the value of these objectives for democratic governance. With the RTI Act creating the right atmosphere for increasing transparency in all matters government, the civil servant now has an unprecedented opportunity to come into his own and to do his bit for democratic public administration. The Act has undoubtedly opened a new vista, but its success will critically depend upon the public authorities imbibing its spirit and vigorously carrying out the structural and technological changes essential for creating a heightened sense of awareness among its employees that confidentiality in governance is no more the norm, but only an exception.

Corruption and profligacy with public money has been the bane of public administration in many countries including India. Leaders, both in politics and civil services, have been attempting to address this question ever since India became free in 1947. Institutions dedicated to constant vigilance on the affairs of the public authorities, such as Vigilance Commissions, have been created at the Centre and in all States. Ombudsman is also in place in several States of India. The higher judiciary of India also oversees the functioning of the public authorities as well as the institutions dedicated to combat corruption. But it cannot be said that corruption has been eradicated. Some believe that with growing prosperity and ever increasing public expenditure, corruption has only increased.

The RTI Act is the latest instrument to combat corruption in public office. The Preamble makes a pointed mention of this objective of the RTI Act. It is only through transparency and more transparency that corruption can be combated. The changes which RTI compels the public authorities to accept create conditions for transparency and accountable functioning of the public authority and thereby limits, if not eliminates, the scope for corruption. An awareness will need to be engendered within public authorities that while the corrupt must be identified and punished, it is also necessary to fight corruption at a systemic level. The RTI is perhaps the most powerful tool to wage this battle. Nothing deters the corrupt more than the awareness that the citizen is maintaining a watch over him. The RTI Act is the citizen's watchdog.

In India, the coming into force of the RTI Act led to an unprecedentedly large number of requests for information from citizens pouring into all levels of public authorities at the Centre as well as the States. The **Appendix** to this paper contains the figures about the size of the RTI regime in the country and the response of the citizens. This was a signal from the people of India that they endorsed and approved those changes. It was for the political clan to read the sign of the times.

Some of the salient features of the Indian Right to Information Act, 2005 contained distinct pointers towards the intended changes in governance. Some of those are featured below:-

## The Preamble

*“An Act to provide for setting out the practical regime of right to information for citizens to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority, the constitution of a Central Information Commission and State Information Commissions and for matters connected therewith or incidental thereto.*

*Whereas the Constitution of India has established democratic Republic;*

*And whereas democracy requires an informed citizenry and transparency of information which are vital to its functioning and also to contain corruption and to hold Governments and their instrumentalities accountable to the governed;*

*And whereas revelation of information in actual practice is likely to conflict with other public interests including efficient operations of the Governments, optimum use of limited fiscal resources and the preservation of confidentiality of sensitive information;*

*And whereas it is necessary to harmonise these conflicting interests while preserving the paramountcy of the democratic ideal;*

*Now, therefore, it is expedient to provide for furnishing certain information to citizens who desire to have it.”*

Note: The Preamble to the RTI Act sets out not a theoretical but a practical regime for disclosure of information to promote the imperatives of an informed citizenry, transparency of information, containment of corruption and ensuring accountability of the instrumentalities of the government. It frankly recognizes, that in actual practice, the inherent conflict between public interest in disclosure of information and, the need for preservation of confidentiality in certain cases, may surface. It emphasizes the necessity of harmonizing these conflicting interests.

An awareness among the employees of public authorities about the value and the benefits of a transparent regime creates the conditions for harmonizing these various interests which are not necessarily compatible.

**The Definitions of “information”, “record” and “right to information”:**

*“2(f) “information” means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force;”*

*“2(i) “record” includes—*

- (a) any document, manuscript and file;*
- (b) any microfilm, microfiche and facsimile copy of a document;*
- (c) any reproduction of image or images embodied in such microfilm (whether enlarged or not); and*
- (d) any other material produced by a computer or any other device;”*

*“2(j)“right to information” means the right to information accessible under this Act which is held by or under the control of any public authority and includes the right to —*

- (i) inspection of work, documents, records;*
- (ii) taking notes, extracts or certified copies of documents or records;*
- (iii) taking certified samples of material;*
- (iv) obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device;”*

Note: The CIC, in its decisions, has held that the right to seek information from public authorities by citizens extends only to information held in material form and thus, by implication, does not extend to questioning the public authorities about the nature of that information and the process of decision-making. In other words, the public authorities are not obliged to manufacture information for the information-seekers but are obliged to provide only that information which is held by them, or which is under their control. However, the citizen has the right to inspect the records and documents to glean for himself whatever information he wishes to have.

**Obligations of Public Authorities:**

Section 4 states as follows:-

“4	(1)		<i>Every public authority shall—</i>
		(a)	<i>maintain all its records duly catalogued and indexed in a manner and the form which facilitates the right to information under this Act and ensure that all records that are appropriate to be computerised are, within a reasonable time and subject to availability of resources, computerised and connected through a network all over the country on different systems so that access to such records is facilitated;</i>
		(b)	<i>publish within one hundred and twenty days from the enactment of this Act,—</i>
		(i)	<i>the particulars of its organisation, functions and duties;</i>
		(ii)	<i>the powers and duties of its officers and employees;</i>
		(iii)	<i>the procedure followed in the decision making process, including channels of supervision and accountability;</i>
		(iv)	<i>the norms set by it for the discharge of its functions;</i>

			(v)	<i>the rules, regulations, instructions, manuals and records, held by it or under its control or used by its employees for discharging its functions;</i>
			(vi)	<i>a statement of the categories of documents that are held by it or under its control;</i>
			(vii)	<i>the particulars of any arrangement that exists for consultation with, or representation by, the members of the public in relation to the formulation of its policy or implementation thereof;</i>
			(viii)	<i>a statement of the boards, councils, committees and other bodies consisting of two or more persons constituted as its part or for the purpose of its advice, and as to whether meetings of those boards, councils, committees and other bodies are open to the public, or the minutes of such meetings are accessible for public;</i>
			(ix)	<i>a directory of its officers and employees;</i>
			(x)	<i>the monthly remuneration received by each of its officers and employees, including the system of compensation as provided in its regulations;</i>
			(xi)	<i>the budget allocated to each of its agency, indicating the particulars of all plans, proposed expenditures and reports on disbursements made;</i>
			(xii)	<i>the manner of execution of subsidy programmes, including the amounts allocated and the details of beneficiaries of such programmes;</i>
			(xiii)	<i>particulars of recipients of concessions, permits or authorisations granted by it;</i>
			(xiv)	<i>details in respect of the information, available to or held by it, reduced in an electronic form;</i>

		(xv)	<i>the particulars of facilities available to citizens for obtaining information, including the working hours of a library or reading room, if maintained for public use;</i>
		(xvi)	<i>the names, designations and other particulars of the Public Information Officers;</i>
		(xvii)	<i>such other information as may be prescribed and thereafter update these publications every year;</i>
		(c)	<i>publish all relevant facts while formulating important policies or announcing the decisions which affect public;</i>
		(d)	<i>provide reasons for its administrative or quasi-judicial decisions to affected persons.</i>
	(2)		<i>It shall be a constant endeavour of every public authority to take steps in accordance with the requirements of clause (b) of sub-section (1) to provide as much information <u>suo motu</u> to the public at regular intervals through various means of communications, including internet, so that the public have minimum resort to the use of this Act to obtain information.</i>
	(3)		<i>For the purposes of sub-section (1), every information shall <u>be disseminated widely</u> and in such form and manner which is easily accessible to the public.</i>
	(4)		<i>All materials shall be disseminated taking into consideration the <u>cost effectiveness</u>, local language and the most effective method of communication in that local area and the information should be easily accessible, to the extent possible in electronic format with the Central Public Information Officer or State Public Information Officer, as the case may be, available free or at such cost of the medium or the print cost price as may be prescribed.”</i>

Note: This Section is the heart of the RTI Act. It sets out in clear terms that public authorities are required to take all actions necessary for improving governance. These may sound mundane but are crucial for giving to the public authorities an RTI-friendly profile.

Section 5 states as follows:-

“5	(1)	<p><i>Every public authority shall, <u>within one hundred days of the enactment of this Act</u>, designate as many officers as the Central Public Information Officers or State Public Information Officers, as the case may be, in all administrative units or offices under it as may be necessary to provide information to persons requesting for the information under this Act.</i></p>
	(2)	<p><i>Without prejudice to the provisions of sub-section (1), every public authority shall designate an officer, within one hundred days of the enactment of this Act, at each sub-divisional level or other sub-district level as a Central Assistant Public Information Officer or a State Assistant Public Information Officer, as the case may be, to receive the applications for information or appeals under this Act for forwarding the same forthwith to the Central Public Information Officer or the State Public Information Officer or senior officer specified under sub-section (1) of section 19 or the Central Information Commission or the State Information Commission, as the case may be:</i></p> <p><i>Provided that where an application for information or appeal is given to a Central Assistant Public Information Officer or a State Assistant Public Information Officer, as the case may be, a period of <u>five days</u> shall be added in computing the period for response specified under sub-section (1) of section 7.</i></p>

	(3)	<i>Every Central Public Information Officer or State Public Information Officer, as the case may be, shall deal with requests from persons seeking information and <u>render reasonable assistance</u> to the persons seeking such information.</i>
	(4)	<i>The Central Public Information Officer or State Public Information Officer, as the case may be, <u>may seek the assistance of any other officer</u> as he or she considers it necessary for the proper discharge of his or her duties.</i>
	(5)	<i>Any officer, whose assistance has been sought under subsection (4), shall render all assistance to the Central Public Information Officer or State Public Information Officer, as the case may be, seeking his or her assistance and for the purposes of any contravention of the provisions of this Act, such other officer shall be treated as a Central Public Information Officer or State Public Information Officer, as the case may be;”</i>

Note: The Public Information Officer (PIO) is the kingpin of the RTI-regime. This Section states the position about the appointment of the PIO and, his role.

Section 6 states as follows:-

“6	(1)	<i>A person, who desires to obtain any information under this Act, shall make a request in writing or through electronic means in English or Hindi or in the official language of the area in which the application is being made, accompanying such fee as may be prescribed, to—</i>
	(a)	<i>the Central Public Information Officer or State Public Information Officer, as the case may be, of the concerned public authority;</i>

		<p>(b) <i>the Central Assistant Public Information Officer or State Assistant Public Information Officer, as the case may be, specifying the particulars of the information sought by him or her:</i></p> <p><i>Provided that where such request cannot be made in writing, the Central Public Information Officer or State Public Information Officer, as the case may be, shall render all reasonable assistance to the person making the request orally to reduce the same in writing.</i></p>
	(2)	<p><i>An applicant making request for information shall not be required to give any reason for requesting the information or any other personal details except those that may be necessary for contacting him.</i></p>
	(3)	<p><i>Where an application is made to a public authority requesting for an information,—</i></p>
	(i)	<p><i>which is held by another public authority; or</i></p>
	(ii)	<p><i>the subject matter of which is more closely connected with the functions of another public authority, the public authority, to which such application is made, shall transfer the application or such part of it as may be appropriate to that other public authority and inform the applicant immediately about such transfer:</i></p> <p><i>Provided that the transfer of an application pursuant to this sub-section shall be made as soon as practicable but in no case later than five days from the date of receipt of the application.”</i></p>

**Time Limit for Response by the PIO:**

Section 7 reads as follows:-

“7	(1)	<p><i>Subject to the proviso to sub-section (2) of section 5 or the proviso to sub-section (3) of section 6, the Central Public Information Officer or State Public Information Officer, as the case may be, on receipt of a request under section 6 shall, as expeditiously as possible, and in any case <u>within thirty days</u> of the receipt of the request, either provide the information on payment of such fee as may be prescribed or reject the request for any of the reasons specified in sections 8 and 9:</i></p> <p><i>Provided that where the information sought for concerns the life or liberty of a person, the same shall be provided <u>within forty-eight hours</u> of the receipt of the request.</i></p>
	(2)	<p><i>If the Central Public Information Officer or State Public Information Officer, as the case may be, fails to give decision on the request for information within the period specified under sub-section (1), the Central Public Information Officer or State Public Information Officer, as the case may be, shall be <u>deemed to have refused</u> the request.”</i></p>
“7	(8)	<p><i>Where a request has been rejected under sub-section (1), the Central Public Information Officer or State Public Information Officer, as the case may be, shall communicate to the person making the request,—</i></p>
	(i)	<p><i>the reasons for such rejection;</i></p>
	(ii)	<p><i>the period within which an appeal against such rejection may be preferred; and</i></p>
	(iii)	<p><i>the particulars of the appellate authority.</i></p>

	(9)	<i>An information shall ordinarily be provided in the form in which it is sought unless it would disproportionately divert the resources of the public authority or would be detrimental to the safety or preservation of the record in question.”</i>
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Note: This Section entitles the applicant for information to receive a reply from the CPIO “as expeditiously as possible and in any case within 30 days of the receipt of the request”. Should the CPIO fail to provide the information within the stipulated period, it shall be treated as “deemed refusal”.

**Penalties:**

Section 20 provides for penalty for delayed response to the RTI-application, for fraudulently withholding information, or giving false and incorrect information. The Section reads as follows:-

“20	(1)	<i>Where the Central Information Commission or the State Information Commission, as the case may be, at the time of deciding any complaint or appeal is of the opinion that the Central Public Information Officer or the State Public Information Officer, as the case may be, has, <u>without any reasonable cause, refused to receive an application for information or has not furnished information within the time specified under sub-section (1) of section 7 or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall impose a penalty of two hundred and fifty rupees each day till application is received or information is furnished, so however, the total amount of such penalty shall not exceed twenty-five thousand rupees:</u></i>
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		<p><i>Provided that the Central Public Information Officer or the State Public Information Officer, as the case may be, shall be given a reasonable opportunity of being heard before any penalty is imposed on him:</i></p>
		<p><i>Provided further that the burden of proving that he acted reasonably and diligently shall be on the Central Public Information Officer or the State Public Information Officer, as the case may be.</i></p>
	(2)	<p><i>Where the Central Information Commission or the State Information Commission, as the case may be, at the time of deciding any complaint or appeal is of the opinion that the Central Public Information Officer or the State Public Information Officer, as the case may be, has, <u>without any reasonable cause and persistently</u>, failed to receive an application for information or has not furnished information within the time specified under sub-section (1) of section 7 or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall recommend for disciplinary action against the Central Public Information Officer or the State Public Information Officer, as the case may be, under the service rules applicable to him.”</i></p>

**Exemptions from Disclosure Obligation:**

Section 8 lays down the grounds which exempt an information from the requirement of disclosure. These are listed below:-

“8	(1)	<p><i>Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen,—</i></p>
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		(a) <i>information, disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interests of the State, relation with foreign State or lead to incitement of an offence;</i>
		(b) <i>information which has been expressly forbidden to be published by any court of law or tribunal or the disclosure of which may constitute contempt of court;</i>
		(c) <i>information, the disclosure of which would cause a breach of privilege of Parliament or the State Legislature;</i>
		(d) <i>information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, unless the competent authority is satisfied that larger public interest warrants the disclosure of such information;</i>
		(e) <i>information available to a person in his fiduciary relationship, unless the competent authority is satisfied that the larger public interest warrants the disclosure of such information;</i>
		(f) <i>information received in confidence from foreign Government;</i>
		(g) <i>information, the disclosure of which would endanger the life or physical safety of any person or identify the source of information or assistance given in confidence for law enforcement or security purposes;</i>
		(h) <i>information which would impede the process of investigation or apprehension or prosecution of offenders;</i>
		(i) <i>cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other officers:</i>

		<p><i>Provided that the decisions of Council of Ministers, the reasons thereof, and the material on the basis of which the decisions were taken shall be made public after the decision has been taken, and the matter is complete, or over:</i></p> <p><i>Provided further that those matters which come under the exemptions specified in this section shall not be disclosed;</i></p>
	(j)	<p><i>information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information:</i></p>
		<p><i>Provided that the information which cannot be denied to the Parliament or a State Legislature shall not be denied to any person.</i></p>
	(2)	<p><i>Notwithstanding anything in the Official Secrets Act, 1923 nor any of the exemptions permissible in accordance with sub-section (1), a public authority may allow access to information, if public interest in disclosure outweighs the harm to the protected interests.</i></p>
	(3)	<p><i>Subject to the provisions of clauses (a), (c) and (i) of sub-section (1), any information relating to any occurrence, event or matter which has taken place, occurred or happened twenty years before the date on which any request is made under section 6 shall be provided to any person making a request under that section:</i></p>
		<p><i>Provided that where any question arises as to the date from which the said period of twenty years has to be computed, the decision of the Central Government shall be final, subject to the usual appeals provided for in this Act.”</i></p>

Note: Two aspects of this Section merit comment. First, it provides for disclosure of all documents related with decisions of Council of Ministers once a decision has been made. This implies that a citizen shall have the right to scrutinize all documents and records relevant to a decision made by the Council of Ministers. This entitlement to the citizen is no doubt special, because all matters connected with cabinet papers were hitherto classified as ‘Top Secret’ or ‘Secret’ under the Official Secrets Act of the Government of India.

Second, this Act, quite uniquely, uses “public interest” as the reason to supercede an exemption and to disclose information. Ordinarily, the term “public interest” is the euphemism used by public authorities to deny information not only to the general public, but also to the Legislature.

**First Appeal and Second Appeal:**

An applicant is entitled to file a first appeal before a designated officer within the public authority, against an order of the PIO, and receive a decision within 30 days. He can file a second appeal before CIC within 30 days of receiving the decision from the First Appellate Authority (AA).

**Monitoring and Reporting:**

Section 25(5) states as follows:-

“25	(1)		<i>The Central Information Commission or State Information Commission, as the case may be, shall, as soon as practicable after the end of each year, <u>prepare a report</u> on the implementation of the provisions of this Act during that year and forward a copy thereof to the appropriate Government.</i>
	(2)		<i>Each Ministry or Department shall, in relation to the public authorities within their jurisdiction, collect and provide such information to the Central Information Commission or State Information Commission, as the case may be, as is required to prepare the report under this</i>

			<i>section and comply with the requirements concerning the furnishing of that information and keeping of records for the purposes of this section.</i>
	(3)		<i>Each report shall state in respect of the year to which the report relates,—</i>
		(a)	<i>the <u>number of requests</u> made to each public authority;</i>
		(b)	<i>the <u>number of decisions</u> where applicants were not entitled to access to the documents pursuant to the requests, the provisions of this Act under which these decisions were made and the number of times such provisions were invoked;</i>
		(c)	<i>the number of <u>appeals</u> referred to the Central Information Commission or State Information Commission, as the case may be, for review, the nature of the appeals and the outcome of the appeals;</i>
		(d)	<i>particulars of <u>any disciplinary action</u> taken against any officer in respect of the administration of this Act;</i>
		(e)	<i>the <u>amount of charges collected</u> by each public authority under this Act;</i>
		(f)	<i>any facts which indicate an <u>effort by the public authorities to administer and implement the spirit and intention</u> of this Act;</i>
		(g)	<i>recommendations for reform, including recommendations in respect of the particular public authorities, for the development, improvement, modernisation, reform or amendment to this Act or other legislation or common law or any other matter relevant for operationalising the right to access information.</i>
	(4)		<i>The Central Government or the State Government, as the case may be, may, as soon as practicable after the end of each year, cause a copy of the report of the Central Information Commission or the State Information</i>

			<i>Commission, as the case may be, referred to in sub-section (1) to be laid before each House of Parliament or, as the case may be, before each House of the State Legislature, where there are two Houses, and where there is one House of the State Legislature before that House.</i>
	(5)		<i>If it appears to the Central Information Commission or State Information Commission, as the case may be, that the practice of a public authority in relation to the exercise of its functions under this Act does not conform with the provisions or spirit of this Act, <u>it may give to the authority a recommendation specifying the steps which ought in its opinion to be taken for promoting such conformity.</u></i>

Note: The CIC has been authorized by the RTI Act to recommend to the government and to other public authorities to initiate steps to promote conformity of their rules, procedures and system of governance with the RTI Act. The Act thereby acknowledges the importance of systemic changes within the government framework to make the system progressively RTI-compliant. The CIC receives vast and diverse information regarding response of public authorities to different types of RTI-related queries. This enables the CIC to understand the strengths and the weaknesses of the various public authorities and to think out and suggest remedial solutions.

**Preparing Awareness Programmes:**

Section 26(1) reads as follows:-

"26	(1)		<i>The appropriate Government may, to the extent of availability of financial and other resources,—</i>
		(a)	<i>develop and organise <u>educational programmes</u> to advance the understanding of the public, in particular of <u>disadvantaged communities</u> as to how to exercise the rights contemplated under this Act;</i>

		(b) encourage public authorities to participate in the development and organisation of programmes referred to in clause (a) and to undertake such programmes themselves;
		(c) promote <u>timely and effective dissemination of accurate information by public authorities</u> about their activities; and
		(d) <u>train Central Public Information Officers or State Public Information Officers, as the case may be, of public authorities and produce relevant training materials for use by the public authorities themselves.</u>
	(2)	The appropriate Government shall, <u>within eighteen months from the commencement of this Act, compile in its official language a guide containing such information, in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right specified in this Act.</u>
	(3)	The appropriate Government shall, if necessary, <u>update and publish the guidelines</u> referred to in sub-section (2) at regular intervals which shall, in particular and without prejudice to the generality of sub-section (2), include—
		(a) the objects of this Act;
		(b) the postal and street address, the phone and fax number and, if available, electronic mail address of the Central Public Information Officer or State Public Information Officer, as the case may be, of every public authority appointed under sub-section (1) of section 5;
		(c) the manner and the form in which request for access to an information shall be made to a Central Public Information Officer or State Public Information Officer, as the case may be;

		(d)	<i>the assistance available from and the duties of the Central Public Information Officer or State Public Information Officer, as the case may be, of a public authority under this Act;</i>
		(e)	<i>the assistance available from the Central Information Commission or State Information Commission, as the case may be;</i>
		(f)	<i>all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by this Act including the manner of filing an appeal to the Commission;</i>
		(g)	<i>the provisions providing for the voluntary disclosure of categories of records in accordance with section 4;</i>
		(h)	<i>the notices regarding fees to be paid in relation to requests for access to an information; and</i>
		(i)	<i>any additional regulations or circulars made or issued in relation to obtaining access to an information in accordance with this Act.</i>
	(4)		<i>The appropriate Government must, if necessary, update and publish the guidelines at regular intervals.</i>

Note: The RTI Act places the responsibility of creating awareness about the Act and, training those engaged in discharging duties under the RTI regime, with the Central and the State Governments. It insists that Central / State Governments regularly publicize certain essential information about the functioning of the public authorities for the general information of the public.

It can thus be seen that the RTI Act of India places great emphasis on systemic improvement within the government and links it to the larger aspiration, that as governance becomes transparent, the need for the citizen to take recourse to RTI Act shall be progressively reduced. Section 4 makes an explicit mention of this objective.

As soon as the RTI Act came into effect in October 2005, the Government of India, through its training establishments as well as of the State Governments, set out an elaborate programme of training the Central / State PIOs and the Assistant PIOs. This was the first-level training programme of a critical element of the RTI-regime, viz. the PIO and the APIO. By now, all PIOs and APIOs have undergone some training or the other.

A number of training institutes within the country have brought out manuals spelling out the responsibilities of PIOs, AAs and other functionaries in connection with the RTI Act.

With increasing pressure on public authorities by civil society organizations and private citizens for incremental disclosure of ever widening categories of information, there is a gradual, yet distinct, change in the attitude of these public authorities. Several of them have organized seminars and workshops to train their personnel and to sensitize them about the nuances of the Act. Simultaneously, efforts are being made to organize the functioning of such public authorities such that repeatedly requisitioned information is routinely disseminated through electronic means as well as manually.

A few cases have come to the notice of the CIC where public authorities have introduced changes in their own Acts and the Rules / procedures in order to make information available on payment of a certain cost which is different from the fee structure laid down by the RTI Act. The CIC has approved such practices as it is commensurate with the objectives of the RTI Act.

It is no truism that there are distinct and measurable efficiency gains to be had for the government if the RTI Act is effectively implemented. The CIC and the Government of India are currently engaged in discussions about how to create an institutional mechanism which will not only monitor RTI-related changes within public authorities, but also to assist the public authorities effect these changes as well as to encourage them to do so. More importantly, CIC has proposed to the Government of India to set up an “Institute for Transparency and Accountability Studies” (ITAS) within the aegis of the CIC, as a dedicated institution to study the functioning of the various public authorities and to actively assist them in making their systems transparent and accountable — in other words, RTI-compatible. The ITAS will function like a think-tank and build up a database for the use of all stake-holders.

The true index of the success of the RTI Act will no doubt be how the common citizen is able to use the provisions of the Act to receive quality information from the government, but equally important will be the measure in which the governments restructure their systems in order to make information routinely available to the citizen. Crucial to both will be an attitudinal change among employees of public authorities about their roles in the system and their approach to transparency in that system. To take liberty with a famous saying of *Aldous Huxley*: confidentiality resides in the minds of public employees and it is in the minds that the battle for transparency will be won. Critical to this battle will be increased awareness as well as cooperation among all stake-holders — the government and its various public authorities; the Information Commission; civil society institutions and the common citizen. I hope we are all headed in that direction.

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**RTI-Regime in India : 2006-2007**

**Number of Public authorities, CPIOs and Appellate Authorities**

Public authorities	1237
Central Public Information Officers appointed by public authorities	4272
Appellate Authorities appointed by public authorities	1558

**Receipt and Disposal of RTI-requests**

Entities	Received	Disposal and its percentage			
		Accepted		Rejected	
		Nos.	Percentage	Nos.	Percentage
Public authorities	82252	71281	86.7	10971	13.3
C.I.C.	6849	3507	86.1	566	13.8

**Penalties imposed by CIC under Section 20(1)**

Number of CPIOs	89
Total Penalty Amount	Rs.1.13 million

<b>Compensation awarded by CIC under Section 19(8)(b)</b>	
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Total number of cases in which compensation has been awarded to appellants by CIC under Section 19(8)(b)	15
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