

# RTI AND PUBLIC INTEREST

(By Srishti Dhoundiyal)

(4th semester, Vivekananda Institute of Professional Studies (VIPS, IPU))

## I. ABSTRACT

*The focus of the paper is on the Right to Information Act and its relation with Public Interest. We shall be also dealing with Right to know as there in Article 21 of Indian Constitution. This paper will help in clearing the concept of 'Public Interest' and interpretation of Supreme Court and Central Information Commission of it. Public Interest Test of countries like Jamaica, United Kingdom and Australia has been discussed, for understanding public interest with broader and global perspective.*

## II. INTRODUCTION

Right to information and Public Interest are inextricably bound up and are different sides of a same coin. Right to information act is a tool of a public nature which is exclusively made for the public knowledge and greater transparency. Public interest can arise in field of healthcare, public administration, education, employment etc. With the development of time and law, many instances of Public Interest Litigation has arose where public spirited citizens files case of greater public interest in the court of law on behalf of affected group of people.

The democracy cannot exist unless all citizens have a right to participate in the affairs of the polity of the country. The right to participate in the affairs of the country is meaningless unless the citizens are well informed on all sides of the issues, in respect of which they are called upon to express their views. One-sided information, disinformation, misinformation and non -information, all equally create an uninformed citizenry which makes democracy a farce when medium of information is monopolized either by a partisan central authority or by private individuals or oligarchy organizations. This is particularly so in a country like ours where about 65 per cent of the population is illiterate and hardly 1 1/2 per cent of the population has an access to the print media which is not subject to pre-censorship.

To understand the topic better, following is a brief about Right to Information Act, 2005 and Right to know as a fundamental right in Part III of the Indian Constitution.

### 1. RIGHT TO INFORMATION ACT, 2005

The ideas and operations of the public authority should be known to the public, for whom such authority has been established. Transparency and accountability are two main pillars on which Democracy rests. Free flow of information is essential for growth of a democratic society.

Right to Information Act 2005 was passed by Parliament on 15 June 2005 and came fully into force on 12 October 2005. The first application was given to a Pune police station. Information disclosure in India was restricted by the Official Secrets Act 1923 and various other special laws, which the new RTI Act relaxes.

As defined in the concern act, object is 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.<sup>1</sup>

a. RIGHT TO KNOW AND FUNDAMENTAL RIGHTS

The right to information gained power when UDHR was adopted in 1948 providing everyone the right to seek, receive, information and ideas through any media and regardless of frontiers.<sup>2</sup> Also The International Covenant on Civil and Political rights 1966 says that “Everyone shall have the right to freedom of expression, the freedom to seek and impart information and ideas of all kind, regardless of frontiers<sup>3</sup>

It codifies a fundamental right of citizens. Right to Information is one of the rights embodied in Article 21 of The Indian Constitution. In the expansive interpretation of the article, right to know is considered as a pillar of Indian Democracy. In **Reliance Petrochemicals Ltd vs. Proprietors of Indian Express 1989 AIR 1990**, the SC reads right to know in article 21. The SC held that right to know is a necessary ingredient of participatory democracy. In view of translational development when distance are shrinking international communities are coming together for cooperation in various sphere and they are moving toward the global preparative in various field including human right ,the expression liberty must receive and expanded meaning . The Supreme Court is limited mere absence of bodily restrain. It is wide enough to expand full range of right to hold a particular opinion and right to sustain and nurture that opinion Article 21 confer on all person a right to know which include right to receive information. The ambit and scope of article 21 is much wider as compared to article 19(1) (a).

In **Secretary, Ministry of Information and Broadcasting, Govt. of India and Ors. v. Cricket Association of Bengal and Ors.** MANU/ SC/0246/1995: (1995) 2 SCC 161, this Court also held that right to acquire information and to disseminate it is an intrinsic component of freedom of speech and expression.

In India, the movement for the right to information has been as vibrant in the hearts of marginalized people as it is in the pages of academic journals and in the media. This is not surprising since food security, shelter, environment, employment and other survival needs are inextricably linked to the right to information.

In the early-1990s, in the course of the struggle of the rural poor in Rajasthan, the MazdoorKisaan Shakti Sangathan (MKSS) hit upon a novel way to demonstrate the importance of information in an individual's life -- through public hearings or Jan Sunwais. The MKSS's campaign demanded transparency of official records, a social audit of government spending and a redressal Machinery for people who had not been given their due.

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[1] Right to Information, 2005.

[2] Article 19 Universal Declaration of Human Rights (1948)

[3] Article 19 International Covenant on Civil and Political Rights (1966)

The campaign caught the imagination of a large cross-section of people, including activists, civil servants and lawyers.<sup>4</sup>

The National Campaign for People's Right to Information (NCPRI) formed in the late-1990s became a broad-based platform for action. As the campaign gathered momentum, it became clear that the right to information had to be legally enforceable. As a result of this struggle, not only did Rajasthan pass a law on the right to information, but in a number of panchayats, graft was exposed and officials punished.

The Press Council of India drew up the first major draft legislation on the right to information in 1996. The draft affirmed the right of every citizen to information from any public body. Significantly, the term 'public body' included not only the State, but also all privately-owned undertakings, non-statutory authorities, companies and other bodies whose activities affect the public interest. Information that cannot be denied to Parliament or state legislatures cannot be denied to a citizen either. The draft also provided for penalty clauses for defaulting authorities.

Public interest is a key feature of Right to Information Act.

## **2. PUBLIC INTEREST**

To understand public Interest in tune with Right to Information, we need to discuss:

- a) Meaning of 'public interest'.
- b) Harm and Public Interest Test.
- c) Interpretation by Courts and Central Information Commission (CIC)
- d) Public and Private Interest

### **a) Meaning**

It consists of two words 'Public' and 'Interest'. The word Public, as per merriam-webster dictionary means,

1. Exposed to general view: open
2.
  - i) Of, relating to, or affecting all the people or the whole area of a nation or state public law
  - ii) Of or relating to a government
  - iii) Of, relating to, or being in the service of the community or nation
3.
  - i) Of or relating to people in general: universal
  - ii): general, popular
4. Of or relating to business or community interests as opposed to private affairs: social
5. Devoted to the general or national welfare: humanitarian

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[4] [www.legalserviceindia.com](http://www.legalserviceindia.com)

‘Interest’ is defined as -

- a: feeling that accompanies or causes special attention to an object or class of objects: concern
- b: something that arouses such attention
- c: a quality in a thing arousing interest

The exact and precise meaning of term ‘Public Interest’ is hard to define. ‘Public Interest’ is not defined in Right to Information Act, 2005, nor in any Right/freedom to Information law present in the world. This term is not defined in the Central Act deliberately as it is expected from the public authority to consider merit of each case individually and define it accordingly.

The idea of transforming the interests of many people into some notion of a common good is of course for many people the central task of the whole political process. Aristotle took the idea of the “common interest” (to koinei sympheron) as the foundation for his distinction between “right” constitutions, in the common interest, and “wrong” constitutions that were merely in the interests of the rulers.

## **b) Harm and Public Interest Test**

The so-called harm and public interest tests flow from the requirement that restrictions on the right of access to information be proportionate and necessary.

Pursuant to the **harm test**, a public authority must demonstrate that a disclosure threatens to cause harm to a protected interest to justify withholding. The harm test requires that the state shows a risk of a substantial and demonstrable harm to the legitimate interest. It must demonstrate that the limitation is related to the identified legitimate aim, the disclosure would cause substantial harm to the aim and harm is sufficiently specific, concrete, imminent and direct and not speculative or remote. The proportionality also requires a balancing act, whereby the harm of disclosure is weighed against the public interest.

The **public interest test** requires that a public authority, or oversight body, weigh the harm that disclosure would cause to the protected interest against the public interest served by disclosure of the information. The existence of public interest test in an access to information law is considered as a sign of the strength of the right.

Term ‘public interest’ is mentioned in Right to Information under Section 8(1) (j) and 8(2) in regard with right to privacy and public harm.

The decision has to be based on **objective satisfaction recorded for ensuring that larger public interest outweighs unwarranted invasion of privacy** or any other factors stated in the provision.

### ➤ **The factors to decide the public interest immunity includes following -**

- 1) where the contents of the documents are relied upon, the interests affected by their disclosure;
- 2) where the class of documents is invoked, whether the public interest immunity for the class is said to protect;
- 3) the extent to which the interests referred to have become attenuated by the passage of time or the occurrence of intervening events since the matters contained in the documents themselves came into existence;

- 4) the seriousness of the issues in relation to which production is sought,
- 5) the likelihood that production of the documents will affect the outcome of the case;
- 6) the likelihood of injustice if the documents are not produced

The terms public interest has to be interpreted as “Redressing public injury, enforcing public duty, protecting social, collective, ‘diffused’ rights and interests vindicate public interest... [In the enforcement of which] the public or a class of the community have pecuniary interest or some interest by which their legal rights or liabilities are affected.

## **Public Interest Test in Other countries**

### **i. JAMAICA**

As per Jamaican Access to Information Unit, The public interest has been described as something that is of serious concern or benefit to the public and not being merely of individual interest. It has also been stated that public interest does not mean “of interest to the public” but “in the interest of the public”.

The term is not defined in the Act. Because of this, Public Authorities will need to judge each case on its merit and in light of any emerging guidance or best practice.

Factors however, which may inform a decision about public interest are <sup>5</sup>

- i. Whether disclosure would enhance scrutiny of decision making processes thereby improving accountability and participation;
- ii. Whether disclosure would contribute to the administration of justice and enforcement of law or would prejudice the prevention or detection of crime or the apprehension or prosecution of offenders;
- iii. Whether disclosure would affect the economic interests of the whole or part of Jamaica;
- iv. Whether disclosure would contribute to effective oversight of expenditure of public funds;
- v. Whether disclosure keeps the public adequately informed of any danger to public health or safety or to the environment;
- vi. Whether disclosure would contribute to ensuring that any government entity with regulatory responsibilities is adequately discharging its functions;
- vii. Whether disclosure would prejudice the protection of an individual’s right to privacy

### **ii. UNITED KINGDOM**

The public interest can cover a wide range of values and principles relating to the public good, or what is in the best interests of society. Thus, for example, there is a public interest in transparency and accountability, to promote public understanding and to safeguard democratic processes.

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[5] Jamaican Access to Information Unit (undated) Guidance on Applying the Public Interest Test.

In carrying out the public interest test, the authority should consider the arguments in favour of disclosing the information and those in favour of maintaining the exemption. The authority should try to do this objectively, recognising that there are always arguments to be made on both sides. It may be helpful for the authority to draw up a list showing the arguments it is considering on both sides; this will help when it comes to assessing the relative weight of the arguments. <sup>6</sup>

### iii. AUSTRALIA<sup>7</sup>

Under the Government Information (Public Access) Act 2009 (GIPA Act), all government agencies must disclose or release information unless there is an overriding public interest against disclosure. When deciding whether to release information, staff must apply the public interest test. This means, they must weigh the factors in favour of disclosure against the public interest factors against disclosure.

Unless there is an overriding public interest against disclosure, agencies must provide the information. There are some limited exceptions to this general rule, for example where dealing with an application would constitute a significant and unreasonable diversion of an agency's resources.

Applying the public interest test, the public interest test involves three steps:

- Identify the relevant public interest considerations in favour of disclosure
- Identify the relevant public interest considerations against disclosure
- Determine the weight of the public interest considerations in favour of and against disclosure and where the balance between those interests lies.

#### c) **Interpretation by courts and Central Information Commission (CIC)**

The Supreme Court in **Bihar Public Service Commission v. Saiyed Hussain Abbas Rizwi** (2012) 13 SCC 614<sup>8</sup> held that 'public purpose' needs to be interpreted in the strict sense and public interest has to be construed keeping in mind the balance between right to privacy and right to information. The relevant extract from the said judgment is quoted below:

*“The expression “public interest” has to be understood in its true connotation so as to give complete meaning to the relevant provisions of the Act. The expression “public interest” must be viewed in its strict sense with all its exceptions so as to justify denial of a statutory exemption in terms of the Act. In its common parlance, the expression “public interest”, like “public purpose”, is not capable of any precise definition. It does not have a rigid meaning, is elastic and takes its colour from the statute in which it occurs, the concept varying with time and state of society and its needs. It also means the general welfare of the public that warrants recognition and protection; something in which the public as a whole has a stake [Black's Law Dictionary (8th Edn.)]*

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[6] ico.org.uk

[7] <http://www.ipc.nsw.gov.au>

[8] [jmi.ac.in/upload/menuupload/rti\\_Bihar\\_Public\\_Service\\_Comm.PDF](http://jmi.ac.in/upload/menuupload/rti_Bihar_Public_Service_Comm.PDF)

*In Babu Ram Verma v. State of Uttar Pradesh (1971) IILLJ 235 All<sup>9</sup>, The Supreme Court in its judgement has interpreted the expression 'public interest' to mean an act beneficial to general public and an action taken for public purpose. However, it stated that it is impossible to define what 'public purpose' is as it differs from case to case. In each case, facts and circumstances would have to be examined in order to determine whether the information fulfils public interest or public purpose*

#### **d) Public Interest and Private interest**

There might be conflict between private interest and public interest. Preference should be always given to the public interest, and must endeavour to promote confidence in the integrity of public administration.

### **III. PUBLIC INTEREST IN DIFFERENT SECTORS IN INDIA**

We shall be looking at top sectors of the country and implementation of RTI act by them, which includes –

- i. Agriculture
- ii. Consumer Affair
- iii. Health
- iv. Education
- v. Taxes

#### **(i) AGRICULTURE**

Right to Information applications are filed in Ministry of Agriculture, which are deviated to various departments like Agriculture cooperation and Farmer welfare, Indian Council of agricultural research etc. Annual Report of Central Information Commission states that Ministry of Agriculture received 11,027 total application in 2015-16, out of which 324 were rejected.

Central Public Information Officer is appointed in almost all public organisation/departments. Information is seek on the following issues –

- 1) quality of organic produce in India
- 2) Limit of pesticide allowed in the produce.
- 3) Quality and distribution of seeds
- 4) Matter relating to administrative vigilance.
- 5) Progress of various agriculture related projects.

## (ii) CONSUMER AFFAIRS

2,072 applications were filed with Ministry of Consumer Affairs during 2015-16. Ministry of Consumer Affairs, Food & Public Distribution deals with the RTI application made against the public distribution system and consumer related queries.

Public Distribution System (PDS) is a food distribution system which is of public concern or public interest, especially in rural areas of country and attracts application of RTI in large number.

Issues on which RTI applications are filed –

1. Non-issuance / delay in ration card.
2. Corrupt practices of shopkeepers like selling less quantity than fixed quantity, charging high prices,
3. Diverting the subsidized food supply and petroleum to the black market.

### Case study - Rajasthan villagers use RTI to end woes

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Besides losing dealership, the ration shopkeeper was also forced to pay poor families in the village over Rs Four lakh, the cash equivalent of the grains he had sold illegally. Revat Ram and his friends used the Act to get all records of their ration shop in Himmatsar village and by exposing how grains meant for the poor were being black-marketed at a ration shop in Bikaner district.

After the move the villagers got the dealer removed. "Earlier we used to be afraid that if we speak against the Sarpanch, he will not give us jobs under drought relief. But now we feel bolder and think that through the new law we can put an end to his frauds," said a local resident. And now it seems people across Rajasthan are keen to use their information rights. Bungling have led to 15 sarpanches being removed and a dozen officials' suspended.<sup>10</sup>

## (iii) HEALTH

As per Annual Report of Central Information Commission, 19,336 were total number of request received during the year 2015-16 Ministry of Health and Family Welfare handles the request of information regarding the working of the ministry and other health schemes.

Information pertaining to the following issues have been recorded with Health ministry:

- Details of medical equipment, their working and status of maintenance.<sup>11</sup>
- Staff position and salary details.
- Allocation of resources for government health schemes/programmes.

Confidentiality and privacy are essential to all trusting relationships, such as that between patients and doctors. Moreover, in a healthcare context, patient confidentiality and the protection of privacy is the foundation of the doctor-patient relationship. Patients must feel comfortable sharing private information about their bodily functions, physical and sexual activities, and medical history.<sup>12</sup>

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[10] [www.cic.gov.in](http://www.cic.gov.in)

[11] <http://mohfw.nic.in>

[12] Mishra, N., Parker, L., Nimgaonkar, V., & Deshpande, S. (2008). Privacy and the Right to Information Act, 2005. Indian Journal of Medical Ethics, 5(4), 158-161

It was held in the case of **Mr. Surupsingh Hrya Naik v. State Of maharashtra**,<sup>23</sup> that these would not prevail over the Right to Information Act, 2005 (RTI Act) unless the information sought falls under the exceptions contained in Section 8 of the RTI Act. In this case health records of a convict were sought to be made public under the RTI Act to find out why he's been allowed to stay in hospital instead of jail.

However, there are certain situations where disclosure of personal health information is permitted, for example: 1) during referral, 2) when demanded by the court or by the police on a written requisition, 3) when demanded by insurance companies as provided by the Insurance Act when the patient has relinquished his rights on taking the insurance, and 4) when required for specific provisions of workmen's compensation cases, consumer protection cases, or for income tax authorities, 5) disease registration, 6) communicable disease investigations, 7) vaccination studies, or 8) drug adverse event reporting.

(iv) EDUCATION

With passage of time, scope of a particular legislation has to be modified. Similarly, Right to Information Act, has taken into its purview the private educational institutions as well.

In the case, **Khanapuram Gandaiah vs. Administrative Officer & Ors, Supreme court of India**. 4 Jan. 2010 where the apex court stated that as per Sec.6 of the RTI Act only those information relating to the private entity could be attained which can be accessed by the Public Authority under any other law.

The recent change was brought by the Central Information Commission in **Ms. Sadhana Dixit vs. Directorate of Education**<sup>13</sup> who stated that schools which are covered under the Delhi Education Act, 1973 and Right to Education Act, 2009, will be covered under RTI irrespective of it being a private entity or public entity. This means that any citizen could file an RTI against them to ensure the transparency.

In relation to Delhi Education Act, under the RTI Act Sec.2 (f) which states that every private school under Sec. 4 and Sec. 8 of Delhi Education Act has a duty to follow the regulatory conditions of service and has to keep a record of the same which are covered under the RTI of the employees and hence the Central Information Commission passed an order which was sustained by the Delhi High Court, where public authority as well as private authority is mandated to provide information on service records, salaries, vacant seats total vacancies in classes,. But to some issues like estimated receipt of budget, statement denoting the salary disbursement or payments of the ensuing year. All matter of 'public interest' are subject to application of RTI.

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[13] File No.CIC/AD/A/2013/000658-SA

As regard to university engagement with RTI, Delhi University received 544 applications seeking information, out of which 464 were replied by Central Public Information Officer.

Issues on which RTI's is filed regarding education are- <sup>14</sup>

- Information regarding salary and pay scale of staff of public schools/universities.
- Allocation of budget
- How many teachers are required for a High School as per RTE (Right to Education act).
- How the allotted funds are utilized in the past years.
- How much expense government grants to public education institutions in rural area

(v) TAX DEPARTMENT

Taxes and revenue collected by the government is often made subject to RTI Application.

The commission referred to decisions of Delhi and Bombay high courts in this regard. The Delhi High Court in **Naresh Kumar Trehan vs. Rakesh Kumar Gupta W.P.(C) 85/2010 & CM Nos.156/2010 & 5560/2011**<sup>15</sup> had held that information relating to individual assessee could not be disclosed, unless the same was justified "in the larger public interest."

In **Shailesh Gandhi vs. CIC WRIT PETITION NO. 8753 OF 2013**, the Bombay High Court had observed: "Returns can be no stretch of imagination be said to be a public activity, but is an obligation which a citizen owes to the state viz. to pay his taxes and since the said information is held by the Income Tax Department in a fiduciary capacity, the same cannot be directed to be revealed unless the prerequisites for the same are satisfied."

Information on Income Tax is generally sought on following issues –

- 1) Information regarding a tax evasion by a third party
- 2) Information of IT return of third party
- 3) Information and disclosure of Balance sheet of other party.

As per CIC, information on tax evasion by a third party should not be denied as it is a matter of **public interest**. The Central Information Commission directed Income Tax department to "duly consider the larger public interest" while responding to an RTI request seeking returns filed by 20 MPs during 2004-09.

### EXEMPTIONS AND PUBLIC INTEREST

Exemptions from disclosure of information under RTI act are given in section 8, 9 and 24 of RTI Act, 2005.

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[14] <http://mhrd.gov.in>

[15] [Lobis.nic.in](http://Lobis.nic.in)

Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen,—

- 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;
- ii. 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;
- iii. information, the disclosure of which would cause a breach of privilege of Parliament or the State Legislature;
- iv. 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;
- v. 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;
- vi. information received in confidence from foreign Government;
- vii. 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;
- viii. information which would impede the process of investigation or apprehension or prosecution of offenders;
- ix. cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other officers:

<b>How to apply sections 8(1) and 8(2) of the RTI Act 2005 <sup>16</sup></b>	
<b>Step 1:</b> Consider whether all the requirements of any of the exemptions in s.8(1) are satisfied	
<b>Step 2:</b> Identify all public interest factors for and against disclosure	
<b>For Disclosure</b>	<b>Against Disclosure</b>
<p>For example</p> <ul style="list-style-type: none"> <li>• Government accountability</li> <li>• Public participation</li> <li>• Public awareness</li> <li>• Promoting human rights</li> </ul>	<p>For example</p> <ul style="list-style-type: none"> <li>• Personal privacy</li> <li>• Efficient regulation</li> </ul>
<b>Step 3:</b> Assess weight of each factor and decide whether factors against disclosure outweigh factors for disclosure*	
* Where competing public interests have to be considered and the public interest in disclosing or not disclosing information is judged to be evenly balanced, public authorities should always decide in favour of disclosure.	

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[16] [www.humanrightsinitiative.org](http://www.humanrightsinitiative.org)

#### IV. CONCLUSION

Right to Information Act has proved itself a public safeguard against arbitrary actions of the public authorities. Apart from the above said department/sectors, RTI is widely used for deriving justification and details about the working of the public body, in case there is a possibility of corruption or malpractices by concern body. It is an efficient weapon used for vigilance over the public bodies, and such vigilance can be exercised by the public itself. Therefore, it is a tool in public administration.

Right to Information Act is applicable only to the public authority and to those authorities who are dispensing duties of public nature. Therefore, information which could be derived through RTI act must be of 'larger public interest' and non-disclosure of such information must affect the public in large. Due to this reason, Private authorities are also now being covered under the application of RTI act. This is only when the information requested from the authority involves a question of public concern, example being disclosure of grounds on which admission is being denied by a private school.

The Act, however, carves out some exceptions, including the release of personal information, the disclosure of which has no relationship to any public activity or interest or which would cause unwarranted invasion of the right to privacy

In such cases a discretion has been conferred on the concerned Public Information Officer to make available the information, if satisfied, that the larger public interest justifies the disclosure. This discretion must be exercised, bearing in mind the facts of each case and the larger public interest.

#### (i) SUCCESS STORIES OF RTI

CASE NAME/ YEAR	INFORMATION SOUGHT THROUGH RTI	RESULT
Burning Brain Vs. Union of India	(i) How the 2003 Cigarettes and Other Tobacco Products Act (COTPA) has been implemented. (ii) Are the offices and premises of Chandigarh police and under the Chandigarh police displaying such warning boards	In 2007, 1,800 "warning boards" appeared in all government departments, police stations, hospitals and schools
Fair Price Shops in Kalol Taluka of Gujarat	Information pertaining to the PDS - ranging from the amount of ration to be provided to above poverty line (APL) and below poverty line (BPL) families and at what rates, the procedure for issue of new and duplicate ration cards and the supporting documents required to the responsibilities and Duties of fair price shop (FPS) owners.	This has led to considerable change in the area and the system to some extent at least has started working, people are aware of their entitlements and demanding the same they are getting what is due to them.

Adarsh Society Scam	The Adarsh Housing Society, a 31-storey building, which came up in the prime real estate area of Colaba, Mumbai, was originally supposed to be a six-storey structure to house war widows and heroes of the 1999 Kargil War. But flats were acquired by politicians and high profile people below the market price.	Revealed that the land on which the building was constructed did not belong to the government of Maharashtra, but to the Ministry of the Defence under the central government. It also revealed that while the allottees grew from 31 to 103 from 2003 to 2008, an environmental clearance was never received to construct the high-rise in a Coastal Regulation Zone.
Railway Project work	A resident of Borivili, Mr. Devraj Roy, filed an application under RTI asking for information about various projects announced by the Mumbai Rail Vikas Corporation.	It was found that most of the schemes were either on paper or had progressed marginally. But the officials had spent Rs 36 crore on hotel accommodation and in air-fare to foreign destinations. Actions were taken by the officials.

**(ii) DRAWBACKS AND SUGGESTIONS**

In spite of such success enjoyed by this act, there exists many drawbacks which reduces effectiveness of right to information act. Some problems lies with the Right to Information Act itself, while some which causes difficulty in its implementation. Some of these are mentioned below –

<u>Problem</u>	<u>Explanation</u>	<u>Suggestion to overcome the problem</u>
Lack of literacy and awareness	The awareness level in rural areas is still low on the Act. Because ignorance and lack of knowledge of the rural/slum people who were often deprived of their rights and incurred huge transactional costs for making several visits to access info/services from public offices for issues related to their livelihood security and basic needs.	Awareness and education regarding use of RTI Act as safeguard of public interest should be imparted. Camps and demonstration of process of filling a RTI can be used.
Delays	In March 2009, there were 6917 applications pending with CIC and in 2015, this number rose up to 37878 application. <sup>17</sup> Incompetence of clerks and junior staff is a problem.	Time period for disposal of application should be fixed by commission (say 60 days for an application) Moreover, hearing time can also be increased. Proper training to the staff is required.

[17] [Economicstimes.indiatimes.com/](http://Economicstimes.indiatimes.com/) MAR 14, 2015

<p>Poor quality of information provided</p>	<p>More than 75% of the citizens are dissatisfied with the quality of information being provided. The corresponding figure for OBC/SC/ST category of citizens stood much higher with 86% dissatisfied citizens. The percentage of people who said that incomplete information was provided to them was alarmingly high in Andhra Pradesh – 91% and Uttar Pradesh - 96%. <sup>18</sup>Answer is either wrong, incomplete or irrelevant to the information sought.</p>	<p>Record management and transparency in its process should be given importance. Proper drafting of application and reply must be in a proper and understandable format by concern Public Information Officer.</p>
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Giving crux of the paper, RTI exists where there is public interest, similarly larger public interest attracts application of RTI act. Therefore, public interest and Right to Information are inter-linked. Right to Information Act has potential to be an effective tool in public administration and in protecting Public interest, if its drawbacks and lacunas are dealt with care and importance.

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[18] rti.gov.in