

How to Use RTI to Hold Public Authorities Accountable

Glossary

i. Central Information Commission- Defined under Section 2(b) of the RTI Act. The Central Information Commission is the competent authority to deal with complaints and appeals regarding public authorities under the central government.

ii. Information- According to Section 2 (f) 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.

iii. Public authority- According to Section 2(h), any authority or body or institution of self-government established or constituted –

- (a) by or under the Constitution;
- (b) by any other law made by Parliament;
- (c) by any other law made by State Legislature;
- (d) by notification issued or order made by the appropriate Government, and includes any –
 - (i) body owned, controlled or substantially financed;
 - (ii) non-Government organisation substantially financed, directly or indirectly by funds provided by the appropriate Government;

iv. Right to Information- According to Section 2 (j) 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 –

- (a) inspection of work, documents, records;
- (b) taking notes, extracts or certified copies of documents or records;
- (c) taking certified samples of material;
- (d) 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

v. State Information Commission- Defined under Section 2(k) of the RTI Act. The State Information Commission is the competent authority to deal with complaints and appeals regarding public authorities under the state government.

2. Backdrop

The Right to Information Act, 2005 (hereinafter referred to as RTI) intends to furnish the sought information from public authorities. Information is defined under Section 2(f) of the RTI Act and a public authority under Section 2(h) of the Act. The relevant sections are reproduced below-

Section 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.

Section 2(h) - "*public authority*" means any authority or body or institution of self-government established or constituted –

(a) by or under the Constitution;

(b) by any other law made by Parliament;

(c) by any other law made by State Legislature;

(d) by notification issued or order made by the appropriate Government, and includes any –

(i) body owned, controlled or substantially financed;

(ii) non-Government organisation substantially financed, directly or indirectly by funds provided by the appropriate Government.

2. How to hold public authorities responsible?

There have been many instances in the past where the RTI act has been effectively and efficiently used by the applicants in order to hold public authorities responsible. Few such [instances](#) are mentioned below which give out an impression of how public authorities can be made responsible and accountable-

- a) The efforts of a secondary school student named TK Sreejeeth Vijay who was a resident of Port Blair in the Andaman Islands Led to the road repair work in his locality. He also became the youngest RTI user in the union territory of Andaman and Nicobar Islands.

This instance showed us how the RTI Act can be used to hold public authorities responsible for maintenance of roads, toilets, parks etc.

- b) In the year 2011 an undergraduate student was disheartened by the performance of fair price shops in his locality. He filed an RTI application to the *Tehsildar* seeking information on supplies that his village's fair price shop has been receiving every month for the last six months. The inspection by the tehsildar revealed how the shop owner was deviating food grains meant for people below poverty line and making profits out of it.

This is an incident that shows how public authorities can be held accountable regarding their funds and procurement of food grains. This also propelled the SIC of Gujarat to order the relevant government departments for proactive disclosure of ration supplies across fair price shops.

- c) In Lucknow, Uttar Pradesh it was by the efforts of a school going girl that the garbage dump near her locality was cleared after filing an RTI application. Upon receiving her application, the Lucknow Municipal Corporation replied that the site should be cleared soon and it was later converted into a library as well.

This is another example of how RTI can be used to hold local bodies such as municipal corporations, municipal councils etc. accountable.

- d) RTI has also been effectively used in the criminal justice mechanism by the wife of an under trial. The lady's husband was under trial and had suffered injuries on his head and was rushed to the hospital. He was declared dead upon reaching the hospital. The lady filed an RTI application to get a copy of medical reports, the post-mortem report and the FIR which consequently helped her in getting compensation from the court of law.

This sets an important precedence on how the RTI act can be used in criminal justice mechanism.

3. RTI act can be used to ensure transparency, accountability, responsibility by public authorities:

- a) Through exposing fraudulent activities of non-governmental organisation;
- b) By getting information on discussions held at local bodies like gram Sabha and gram Panchayat;
- c) By obtaining the status of various identity documents such as passports, Aadhaar card, driving license, PAN card etc;
- d) By getting the list of beneficiaries under Central government and state Government schemes;
- e) By knowing information about funds appropriated to relevant public authorities by state and central government;
- f) The RTI act has also been used to expose [major scams](#) which are listed below:
 - i. Adarsh housing Scam
 - ii. 2G Scam
 - iii. Commonwealth game Scam
 - iv. Coal block allocation Scam
 - v. Indian Red Cross Society Scam

4. How can RTI be effectively used?

- a)* Information from public authorities under the RTI act can be sought either by filing an online application to the concerned public authority or by sending an application by post.
- b)* While doing so, the RTI applicant must be aware of the relevant provisions of information law.
- c)* The information sought must not come under the exceptions given under the RTI act. It is only then that an RTI applicant will be able to seek the required information.