

UNIT 12

INTERFACE AND ISSUES WITH THE DEMAND SIDE

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12.1 INTRODUCTION

In the previous units you have read that The Right to Information Act, 2005 was enacted by the Parliament of India and several provisions have been made therein to facilitate the citizens of India in obtaining any information from any Public Authority. Duties and responsibilities have been imposed on the Public Information Officers to provide desired information to the applicant within time. There are obligations of Public Authorities which are to be fulfilled by their instrumentalities. Public Information Officers (PIOs) are designated by the public authorities in all administrative units or offices under it to provide information to the citizens on their request. Failure on providing information under the act may cause imposition of penalty on the PIO.

This Act directs public authorities to disclose all information held by them subject to the conditions and it is a right of every citizen to avail this right. A decade has passed after the commencement of the Right to Information Act, 2005 but there are certain anomalies due to which proper implementation of the Act is still not achieved, or the object of the Act has not been fulfilled. The object of the Act was to provide desired information to every citizen of India but due to insufficient planning at Public Authority level to identify the constraints and to ensure that citizens are provided the required information creates hurdles in fulfilling the basic object of the Act. There are certain reasons that are to be identified and solutions to those may be traced accordingly.

Proactive and suo motu disclosure of the information by the Public Authorities works as an interface in between the Public Authorities and demand side as it can become friendly by promotion of information Literacy. Different studies show that there is lack of awareness and other certain reasons because of which citizens are facing problems in obtaining information from the Public Authorities. Detail study of constraints on demand side is to be studied in this chapter and solutions for the same are tried to be given for the same. For example many times the applicant does not receive information within time and faces many problems due to this. The cause behind delay is the working capacity of the Public Authorities; therefore there is a need for capacity enhancement in Public Authorities for handling RTI queries. For e.g. there should be proper staff, infrastructure and monitoring for handling RTI queries. In this chapter interface between PIO and demand side as well as constrains faced by the applicants is discussed.

12.2 OBJECTIVES

After reading this unit you will be able to:

- Know about the interface between Public Authorities and the demand side (the information seeker).
- Know about the issues faced on the demand side.
- Learn about the constraints faced by the demand side.
- Know about the issues faced at the appellate stage by the applicant/appellant.
- Understand the practical problems that are faced due to several reasons by the demand side.

- Understand the solutions that may be recommended to solve problems in implementations of the Act.
- Learn about the various programmes that may be prepared by the government for the awareness of citizens.

12.3.1 Interface between the Public Authorities and the Information seekers

In a democratic society every citizen has right to know how they are governed along with the functioning of the government that may be performed in a transparent manner. Right to Information Act provides a forum for government and also a government and citizen's interface by ensuring accountability and responsibility by adopting open procedure through transparency by the Public Authorities. Pro active disclosure is an interface in between the Public Authorities and the information seekers under the Right to Information Act, 2005. Right to Information laws not only require Governments to provide information upon request, they also impose a duty on public bodies to actively disclose, disseminate and publish, as widely as possible, information of general public interest even before it has been requested. This has following positive effects:

- It minimises the time, money and effort required by the public to access important but routine information;
- It helps people to better understand what information they can access and how and where to seek it;
- It reduces the overall number of individual requests that bureaucrats have to process, thereby reducing the administrative burden on government of implementing access to information laws.

12.3.1.1 Pro Active Disclosure

The RTI Act has a very comprehensive proactive disclosure provision at section 4. Specifically, S.4(1)(b) of the Act sets out a list of 17 categories of information which have to be proactively disclosed by all public authorities. At a basic level, S.4 requires every public authority to routinely disclose information about its functions, decision-making norms, documents held, employee contacts, and budgets. It goes further though, and even requires regular disclosure of information about subsidy schemes (including details of beneficiaries) and the recipients of licenses, concessions and permits. Considering the amount of corruption in these areas, it is hoped that greater transparency will result in greater accountability. Section 4(3) of the Central Act specifically requires that all information "shall be disseminated widely and in such a form and manner which is easily accessible to the public". This is an important provision because it establishes that it is not enough to merely collect information and store it in a cupboard at the head office! Instead, it is essential that all members of the public can access the information easily and through several cheap options, no matter where they live, and that it is in a language and style that can be understood.

12.3.1.2 Obligations of public authorities.-

Section 4 of the Right to Information Act, 2005 puts an obligation on the public authority to maintain all its records for providing information. The information detailed in this section has to be compulsorily published by the public authority on its own without any request from anybody and information mentioned in this section need be supplied to citizens on request. Section 4 of the Act is divided in 4 sub section and each sub section makes it obligatory for the public authorities to provide information to the citizens suo motu. Detailed study of this section has been provided in the previous unit 5 of block 4.

Suo motu disclosure information is not sufficient in itself, promotion of information literacy is necessary to achieve the goals for which the Right to Information Act, 2005 has been enacted. Multimedia programmes may be designed for the promotion of information literacy by all the public authorities. Training with the help of educational institutions, in collaboration with media agencies may be arranged by the Public Authorities so as to ensure greater interface between the information seekers.

12.3.2 Constraints with the demand side

There are certain issues that are faced by the information seekers during the process of receiving any information, some of the constraints are as following-

- ❖ No assistance is given by the PIOs as it is provided under Section 6 of the RTI Act that PIOs are required to provide reasonable assistance to the applicant in drafting and submission of the application.;
- ❖ Sometimes it is not known to the applicant that from where he can obtain the desired information;
- ❖ Locating the concerned PIO in a Public Authority as in some places no notice boards or incomplete and old list of PIOs are provided in the State Websites.
- ❖ Sometimes there is negative attitude of the PIO while receiving the RTI Application.
- ❖ Non-availability of User Guides for RTI implementation for information seekers.

12.3.2.1 Reasons of the issues that are faced by the demand side

The issues faced by the demand side are due to some of the reasons and they can be solved by taking some measures to ensure the smooth functioning of the system. Some of the reasons along with the solutions are sated as following-

12.3.2.2 Low public awareness

There is low level of Public awareness among the citizens about the Right to information and the reason for low awareness is because of many reasons.

- ❖ It has been noticed that the awareness among the women is comparatively low than the men.
- ❖ Due to illiteracy also people are not aware of their rights
- ❖ It has been observed that the awareness level among the rural population is very low as compared to the urban population.
- ❖ The quality of the awareness in common public is significantly low.
- ❖ Citizens are not aware of how to use the information to solve their problems.

12.3.2.3 Steps to Awareness

- ❖ By various campaigns increase public knowledge and awareness;
- ❖ By way of encouraging citizens involvement in various awareness programmes;
- ❖ Various programmes may be conducted in rural areas for the awareness of the peoples.

12.3.2.4 Strengthening implementation

Section 26 of the Act contemplates that the appropriate Government may develop and organize educational programmes to advance the understanding of the public, especially disadvantaged communities, regarding how to exercise the rights contemplated under the Act. The Governments have duty to take steps in this regard to ensure that awareness may spread among the common people and by way of organizing different awareness programmes through different mediums it can be achieved. Another major challenge is to develop capacities or efficiency of the public authorities for access to information. The efficiency and capacity of the public authority is to be enhanced so that the spirit of the Right to Information Act may be protected. For this purpose public authorities need to be trained and equipped with facilities to meet out the demand of the information. For e.g. there should be proper staff, infrastructure, monitoring and training mechanism etc for handling RTI queries. Some of the steps that may be taken by the public authorities for the proper implementation of the RTI are as follows-

- ❖ By keeping and ensure good standards of records management;
- ❖ To identify areas for proactive disclosure and to ensure the proactive disclosure is updated ;
- ❖ To establish proper infrastructure and systems for implementation of RTI;

12. 4.Issues during the appellate stage

If any applicant did not get the information within time or is not satisfied with the received information, first departmental appeal may be preferred by him and if he is not satisfied thereto he may prefer second appeal before the Information Commission or the Central Information Commission under section 19 of the Act, as the case may be. There are certain problems faced by the appellants at the appellate stage as follows-

- ❖ Sometimes the applicant is not aware with the provisions of filing first appeal or second appeal.
- ❖ Due to unawareness of proper forum of filing the appeal the applicant is unable to prefer any appeal before the authority.
- ❖ Due to unawareness applicant hesitate to prefer appeal before information commission, in some cases it has been observed that applicants think that the information commission is lenient toward PIOs so it is wastage of time and money to prefer appeal before information commission.
- ❖ Due to Illiteracy, or people from the rural areas think that they have to hire any professional for their representation before the information commission , and do not want to involve in any unnecessary litigation.

These issues may be resolved by taking some steps by the appropriate government. The government has to spread awareness regarding second appeal before the information commission so that the Right to Information Act may be implemented in its spirit. There are websites of the Information Commissions but access of every citizen has not been made easy so far because of various reasons.

12.5 SUMMARY

Right to Information is very important right in democratic system, it is a fundamental right of every citizen. The Right to Information Act, 2005 since its enactment has revealed many mysteries unknown to us. Despite several hurdles this impacted a lot. Certain provisions are there in the Act to facilitate the information seekers which works as an interface between the demand side and the supply side. Proactive disclosure of the information is the information that has to be provided by the Public authority suo motu. The provided information helps the demand side as well as the supply side. There are certain anomalies which crept in the proactive disclosure as the information is not properly updated in time. Besides the pro active disclosure the demand side has remedy to obtain the information through filing proper application but it has been seen that many constraints are faced by them and they can be solved by the awareness programmes and enhancing the efficiency and capacity of the public authorities. Likely there are issues in preferring the second appeal before the Information Commission as well and they may be resolved by taking necessary steps.

12.6 GLOSSARY

Instrumentalities- agency;

Constraints- A limitation or restriction;

Interface- A point where two systems, subjects, organizations, etc. meet and interact.

Appropriate Government- It is defined under section 2(a) of the Act.

Public Authority- It is defined under section 2(h) of the Act.

Pro Active- creating a situation.

Suo motu- initiating in its own.

12.7 SAQS

1. Short Answer Questions-

- a) What do you mean by the pro active disclosure under the Right to Information Act, 2005.
- b) State some reasons for low public awareness about the Act.

2. Fill in the blanks-

- a) Obligations of public authorities are provided in Section ...of the Act.
- b) The appeal may be preferred under section..... of the Act.

3. True and False type questions

- a) Pro active disclosure by the public authority is necessary.
(i) True, (ii) False.
 - b) There is provision for preparing programmes of the awareness under the Act.
(i) True, (ii) False.
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12.8 REFERENCES

- a) https://en.wikipedia.org/wiki/Right_to_Information_Act,_2005.
 - b) The Right to Information Act, 2005.
 - c) www.humanrightsinitiative.org/programs/ai/rti/india/officials_guide/proactive_disclosure.htm
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2.9 SUGGESTED READINGS

1. Dr. Neelam Kant, 2014, published by Orient Publishing Company.
 2. [https:// books.google.co.in/books?isbn=8184501684](https://books.google.co.in/books?isbn=8184501684) (E-Governance and Right to Information written by P.K.Saini &R.K.Gupta)
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12.10 TERMINAL QUESTIONS AND MODEL QUESTIONS

- a) State some of the constraints faced by the demand side.
 - b) State some of the issues during the appellate stage.
 - c) What steps can be taken to strengthen the implementation of the Act?
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12.11 ANSWERS

SAQS

- 1. (a) Refer 12.3.1.1, (b) 12.3.2.2
- 2. (a) Section 4, (b) Section 19.
- 3. (a) True, (b) True

Terminal Questions and Answers

- (a) Refer 12.3.2, (b) 12.4 (c) 12.3.2.4