

# Right to Information Act of 2005

## A Primer



National Campaign For  
People's Right To Information

2005

## Do you wonder .....

- Why the ration shop in your village/town/area never has any ration?
- Why your local panchayat or municipality does so little and always claims that they have no funds?
- Why there is no doctor at the primary health center/hospital and no health worker at the sub-health center/dispensary?
- Why there are no medicines in the health centers/hospitals?
- Where have all the teachers in the government schools gone?
- Why are the streets and colonies in your town/city so dirty?
- Why the roads in your area in such a pathetic condition?
- Why are people dying of starvation in various parts of the country?
- Why, when so much money is supposedly being spent on our welfare, there are still so many people who live in abject poverty?

Some of us feel that this country would be a better place to live in if we had good politicians and bureaucrats. However, real change can come only when the people of this country hold their government and public servants accountable, so that they are forced to respond to the poorest citizen of this land. And when

that happens, no public servant or government would dare to be corrupt, inefficient or insensitive.

"In a government of responsibility like ours where the agents of the public must be responsible for their conduct there can be but a few secrets. The people of this country have a right to know every public act, everything that is done in a public way by their public functionaries. They are entitled to know the particulars of every public transaction in all its bearings." Supreme Court in State of UP vs Raj Narain in 1975

**But how do we hold the government accountable?**

We cannot even begin to make the government accountable if we do not have the basic information regarding government decisions and functioning. The Right to Information Act that was passed by Parliament in May 2005, empowers us to do just that.

It gives us the right to question our government and get information about matters that affect us in thousands of ways. Used innovatively, this information can then be used to hold our government accountable.

We all pay taxes. Even a beggar on the street pays tax. When he buys anything like a soap or a matchbox, he pays taxes in the form of sales tax, excise duty etc. This money belongs to us.

## How does the Right to Information (RTI) Act help us?

RTI Act gives you the right to ask the Government for information that can expose inaction and corruption, and address your grievances.

The government spends so much money on various developmental works in your area. You should ask for the details of all the works carried out by the panchayat/municipal council in your area. How much money was spent? On what was it spent? Similar information was asked by people in different parts of Maharashtra, Rajasthan and Delhi. When the information was physically verified, it turned out that a number of works existed only on paper. Won't you like to hold government accountable in your area?

Under the RTI Act you can:

- Demand from the government information pertaining to any of its departments.
- Demand photocopies of government contracts, payment, estimates, measurements of engineering works etc.
- Demand from the government samples of material used in the construction of roads, drains, buildings etc.
- Demand to inspect any public development work that may be still under construction or completed.
- Demand to inspect government documents- construction drawings, records books and registers etc.
- Demand status of your requests or complaints.

Do you have pending work with any department of the Government. Are they not doing your work and expecting or demanding a bribe? Did you file any grievance petition in a government department but they are simply not acting on it? Did you make any complaint against any official or against any wrongdoing and they are not acting on your complaint? You can use the Right to Information Act to know the status of your application. Sometimes, demanding the status forces them to act.

### **Salient features of Right to Information Act 2005**

- You can seek information from any department of the central or state government, from panchayati raj institutions and from other organizations and institutions (including NGOs) that are established, constituted, owned, controlled or substantially financed, directly or indirectly, by the state or central government (section 2(a) & (h)).
- In each department, one or more officers have been designated as public information officers (PIOs). They accept the request forms and provide information sought by the people (5(1)).
- In addition, in each sub-district level there are assistant public information officers (APIOs) who receive requests for information and appeals against decisions of the public information officers, and then send them to the appropriate authorities (5(2)).
- Any person seeking information should file an application in the prescribed format with the public information officer/assistant public information officers (6(1)).
- Where a request cannot be made in writing, the PIO shall render all reasonable assistance to the person making the request orally to reduce the same in writing (6(1)).
- Where the applicant is sensorily challenged, the public authority shall provide assistance to enable access to the information, including providing such assistance as may be

appropriate for the inspection (7(4)).

- The applicant is not required to either give any reasons for requesting the information or any personal details, except for those required to contact the applicant (6(2)).
- A reasonable application fee, as prescribed, will be charged for each application and for supply of information. However, no fee is chargeable from persons below the poverty line (7(5)), or if the information is provided after the prescribed period (7(6)).
- Information sought from the PIO has ordinarily to be provided or refused within 30 days. Information regarding the life or liberty of an individual has to be provided within 48 hours (7(1)). That sought from an APIO in 35 days (5(2)).
- In case a person fails to get a response from the PIO within the prescribed period or is aggrieved by the response received, he/she may file an appeal within 30 days with an officer superior in rank to the PIO (19(1)).
- In case the appeal is allowed, the information shall be supplied. If it is not, then the applicant has the right to appeal within 30 days to the Central or State Information Commission, for information regarding the central or state government institutions respectively (19(3)).
- If a PIO fails to furnish the information asked for under the Act or fails to communicate the rejection order, within the time specified, the PIO shall be liable to pay a penalty of Rs 250 per day for each day of delay, subject to a maximum of Rs 25,000 (20(1)).
- The Information Commission can also require the public authority which has illegitimately delayed/denied information to compensate the complainant for any loss or other detriment suffered (19(8)(b)).
- In case a PIO:
  - i. without any reasonable cause and persistently, fails to receive an application for information or does not furnish information within the time specified,
  - ii. or malafidely denies a request for information,
  - iii. or knowingly gives incorrect, incomplete or misleading

- information,
- iv. or destroys information which is the subject of a request,
  - v. or obstructs, in any manner, the furnishing of information,

the information commission shall recommend disciplinary action against the concerned public information officer, under the service rules applicable to him/her (20(2)).

# Using The Right To Information

## Having Your Complaints Attended to without Paying a Bribe

Do you have a pending work in any government department? Are they not doing your work and expecting or demanding a bribe? Did you file any grievance petition in a government department but they are simply not acting on it?

Did you make any complaint against any official or against any wrong-doing and are they not acting on your complaint?

Use your Right to Information to know the status of your application. Sometimes, mere asking of the status makes them work. For example.....

### Getting an Electric Connection

Ashok Gupta applied to the Delhi Vidyut Board (DVB) for a new electricity connection, in **February 2001**. Because he refused to pay a bribe, for a year no action was taken on his application. In **February 2002**, he filed an application under the RTI Act. In his application, he asked for the following information:

- the daily progress made on my application till date.
- the names and designations of the officials who were supposed to take action on my application and who have not done so.
- As, according to the Indian Electricity Act, an applicant should get a new connection within 30 days of application, are these officials guilty of violating the Electricity Act?
- As these officials have caused mental tension by not providing the said connection in time, are these officials guilty of harassing the public?
- Does the DVB plan to take any action against these officials?



- If yes, in how much time?
- When will I get my connection?

In March 2002 he was granted a new connection. It was almost miraculous. How did this magic happen? In ordinary circumstances, such an application would have been consigned to the dustbin. But the Delhi Right to Information Act says that the salary of the official who does not provide information in time would be deducted at the rate of Rs 50 per day of default. Hence, they had to reply to this application. Since, it was not easy to reply to these questions, they immediately did the pending work of the applicant.

### **Getting a Ration Card**

Nannu is a daily wage earner. He lives in Welcome Mazdoor Colony, a slum habitation in East Delhi. He lost his ration card and applied for a duplicate one in January 2004. He made several rounds of the local Food & Civil Supplies office for the next three months. But the clerks and officials would not even look at him. Ultimately, he filed an application under the Right to Information Act asking for the daily progress made on his application, names of the officials who were supposed to act on his application and what action would be taken against these officials. Within a week of filing application under Right to Information Act, he was visited by an inspector from the Food Department, who informed him that the card had been made and he could collect it from the office. When Nannu went to collect his card next day, he was given a very warm treatment by the Food & Supply Officer (FSO), who is the head of a Circle. The FSO handed over the card to Nannu, offered him tea and requested him to withdraw his application under Right to Information, since his work had already been done.

## How can you also solve such problems?

Just as an example, let us assume that you applied for a new water connection about a year back, but you have not been granted the connection. Under the Right to Information Act seek information on the following lines:

*I had applied for a new water connection about a year back, but have not received the same. Copy of the receipt of the same is enclosed for your reference. Please provide the following information with respect to the same:*

- 1. Please provide the daily progress report made on my application.*
- 2. Please give the names and designations of the officials with whom my application was lying during this period. Please intimate the periods when it was lying with which officer and what was the action taken by that official during that period.*
- 3. Please give the proof of receipt and dispatch of my application in the office of each of these officials.*
- 4. According to your rules, in how many days should a new water connection be granted. Please provide a copy of these rules.*
- 5. The above officials have not adhered to the time limit mentioned in these rules. Are these officials guilty of violating these rules and hence guilty of misconduct under their conduct rules. Please give a copy of their conduct rule, which they have violated by violating the above mentioned rule.*
- 6. These officials have caused serious mental injury to me by making me run around all this while. Are these officials guilty of causing mental harassment to the public?*
- 7. What action can be taken against these officials for violating all the above rules and the conduct rules? By when this action would be taken?*
- 8. By when would I be granted my water connection?*

Normally, it becomes difficult for the officials to reply to these questions as this would bring their inefficiencies and lapses on record in writing. A reply to these questions also has the effect of fixing of responsibility.

## Ensuring that Your Colony has Effective Sanitation Services

### Ensuring that Your Sweepers in your Locality Come to Work

Does your area remain dirty? The municipal sweepers rarely show up?

#### Asking for Sweepers Attendance Registers

If you also want to achieve this in your colony, fill up Form A prescribed under the Delhi Right to Information Act and seek information on the following lines:

*I live at (give your address). Please provide the following information with respect to the sanitary conditions of the beat in which my house falls:*

- 1. Please provide the list of all the sweepers and sanitation officials with their addresses and contact nos working in this beat.*
- 2. Please provide copy of attendance register for this beat for the month of (mention the last month).*
- 3. Please provide copy of muster roll for this beat for the month of (mention the last month).*
- 4. Please mention against each sweeper, his/her geographical and functional job responsibilities, for instance, which streets is a particular sweeper supposed to be working everyday and what is he supposed to be doing in those streets.*

After you receive the list of sweepers, you can inform the people in your area about the names of the sweepers employed in respective streets. The people may like to keep a watch on whether the sweeper is coming or not. Specific complaints could then be made to the authorities about which sweeper was absent and when.

## Ensuring that Your Garbage Bins are Cleaned Regularly

Do you have a garbage bin in your area, which is not being cleaned regularly? Use the Right to Information Act to seek information on the following lines:

*There is a garbage bin at (give address of the garbage bin). Please provide the following information with respect to this garbage bin:*

- 1. Please give the address of the Depot from where the loader and truck for this garbage bin are sent?*
- 2. Please give the vehicle number of the truck and the loader assigned for picking up garbage from this garbage bin.*
- 3. As per the vehicle beat register maintained at the Depot, please give the time when these vehicles left the Depot and at what time did they return to the Depot on each day from \_\_\_\_\_ to \_\_\_\_\_ (mention the period for which you want this detail).*
- 4. On each of the days during the above period, please mention the addresses of the garbage bins, which were serviced by these vehicles.*
- 5. Please give the numbers of trips made by this truck on each of these days.*
- 6. On each of these trips, please mention the weight of the garbage picked up by this truck, as per the weighment receipts at landfill sites.*
- 7. This garbage bin has not been cleaned for the last \_\_\_\_\_ days. The area SI is supposed to send balance report to the workshop SI everyday giving details of the garbage left unattended. On the basis of this report, the workshop SI is supposed to get such garbage picked up. Please give copies of balance reports sent by the area SI for each day during this period.*
- 8. Does the balance report for each of these days mention that the garbage at this bin is not being picked up? If no, why has the area SI not been mentioning the same?*

## Take *hisaab* from the government in your area

Do you wish to verify whether the money claimed to have been spent by the government in your area was actually spent or not?

If you also want to similarly verify works in your area, fill up Form A and ask for the following details:

*Please provide a list of all the works awarded by the panchayat/municipal body in \_\_\_\_\_ area during the Financial Year \_\_\_\_\_. The list should contain the following details:*

- a. *Name of the work*
- b. *Work Order No*
- c. *Name of contractor*
- d. *Date of start*
- e. *Date of completion*
- f. *Rate at which work awarded*
- g. *Sanctioned amount*
- h. *Amount paid so far*
- i. *Head of account*
- j. *Status of work*
- k. *Basis for decision to undertake this work*
- l. *Copy of sketch of each work.*

Once you get this list, take a preliminary look at each of these works. Make a list of those works that you find in very bad condition or which seem not to have been carried out at all. File another application and seek the following details for each of these works:

*Please provide following details for each of the works mentioned in the enclosed lists:*

1. *Details of estimates*
2. *Sketches*
3. *Measurement Books including record entries and abstract entries*

Now, you should carry out a detailed verification of these works on the basis of the detailed documents obtained. This will give you the exact amount of defalcation. These findings could be made public and submitted to various vigilance agencies or the findings can be presented before a gathering of the local people. This is called a jansunwai.

*(Please understand the following terminologies:*

- *Work Order register: This is the register in which the basic detail of each work is written like the name of work, amount sanctioned, name of contractor, date of start, date of completion, etc. These details are written in this register in a tabular form. This is like a master register, which will contain the list of all the works carried out in any division.*
- *Measurement Book: When a work is in progress, the Junior Engineer is supposed to physically measure the work everyday and enter the progress made in that work in this book. These are called record entries in a Measurement Book. When the work gets completed, the totals of these record entries are taken at one place in the measurement book and added up to prepare the final bill. These entries in this final bill are called abstract entries.)*

## Inspect a government work

It often happens that an inspector from some government department comes to inspect something or the other. But has it ever happened that a common man goes to a government department seeking to inspect government works?

When through Right to Information Act, a citizen inspects government work or takes sample of material of that work, he/she deals a severe blow to corrupt practices by unscrupulous officials. The Right to Information Act empowers any citizen to inspect any government work or to demand sample of material (2(j)(i) & (iii)).

You can inspect an old work (which has already been completed) or a current ongoing work. If you inspect an old work, you can expose corruption that might have taken place. But if you inspect an ongoing work, you will be able to prevent corruption from taking place.

Most of the corruption takes place in records. For instance, only 100 metres of road would be made but the officials would fill up 200 metres and would make payment for 200 metres. This is because the officials know that the corruption will remain in records and no one would come to know about it. Even if there is a vigilance or audit inspection, the officials think that they will be able to bribe their way through. But suppose, you file an application under the Right to Information Act before the start of any work that you would like to inspect that work once it is completed and would also take a sample of material of that work, the officials would know that someone from the public is going to inspect their work. Now, they will not enter wrong measurements in the records. They will also be careful in using inferior material if you have asked for sample of material. Imagine if people all over India start filing such applications under the Right to

Information Act. Wherever anyone sees any government work taking place in any area, just file an application under the Right to Information Act saying that you would like to inspect that work and take sample of material when that work is complete. This will act as a real deterrent to corruption.

If you also want to inspect old or ongoing works, you can ask for the following information:

1. *Section 2(j(i)) of the Right to Information Act gives a right to every citizen to inspect any work. I wish to inspect the following work(s). Please let me know the date, time and venue when I should come to inspect these works.*

*(give list of works that you wish to inspect)*

2. *I would also like to inspect the following documents related to these works at the time of inspection. These records should be made available to me for inspection when I come for inspection of these works:*
  - a. *Measurement Book*
  - b. *Details of Estimates*
  - c. *Sketches*
3. *Section 2(j(iii)) also gives a right to the citizens to take sample of material. I would like to take sample of material for each of the above works. The sample should be collected by the Department in my presence and should be sealed and certified to be a true sample of material of that work.*



## Know how your MLA used the Constituency Development Funds

Every MLA gets Rs 2 crores every year to spend on works for the development of his/her constituency. Often, the money is spent on works which have little utility for the people. But when the people go to the MLA with a request for any work, some MLAs send them back saying that there are no funds available. Now you can use the Right to Information Act to find the fund utilization position for your MLA.

You can also seek to know the details of works on which your MLA spent money and verify the status of these works and whether these works were required at all by the people of that area. Ask for the following details from the concerned department of your state government:

*1. Please provide the following details for all the works awarded during the FY \_\_\_\_\_ for constituency no \_\_\_\_\_ out of the MLA Constituency Development Fund:*

- *Name of work*
- *Brief Description of work*
- *Amount sanctioned*
- *Date of sanction*
- *Status of completion*
- *Name of agency*
- *Date of start*
- *Date of completion*
- *Rate at which work awarded*
- *Amount paid*

*2. How much money was allotted to him during the current year and how much has been carried over from previous years?*

*3. Out of the above, projects worth how much money have already been sanctioned?*

*4. How many projects worth how much money are awaiting sanction?*

*5. How much balance is left in his account?*

## How are corruption cases being handled by the government?

Public complaints of corruption against government officials are often not acted upon, because of pressure. We can put pressure for action to be taken by asking the following questions:

1. *Please give a list of all the officials against whom complaints of corruption were received from any quarter during the Fys \_\_\_\_\_ . Also mention the allegations against each one of them.*
2. *Please give copies of these complaints (If the government wants, it may hide the details of complainant).*
3. *Please intimate, which of these complaints were closed without any investigation. Why?*
4. *Please intimate which of these complaints were closed after investigation. Give copies of enquiry reports on the basis of which the complaints were closed.*
5. *In which cases has penal action been initiated? What penal action has been initiated?*
6. *In which cases, criminal complaints have been filed? What is the status of these cases now?*
7. *Which cases are pending and when is it expected that investigation would be completed in them?*

You may like to file such an application in any department, where you feel that there is a lot of corruption and no action is being taken against the guilty officials.

## How are public grievances being handled by the government?

Where public grievances are not attended to by the concerned government officials, we can hold them accountable by seeking the following information.

1. *Please give a list of all the grievances received from the public during Fys \_\_\_\_\_.*
2. *Please give copies of all these grievances.*
3. *What action has been taken on each one of these so far?*
4. *As per rules and law, in how much time should each one of them be resolved?*
5. *What penalty is prescribed against the officials if they do not adhere to these time limits?*
6. *What are the reasons for delay in each of the grievances?*
7. *What action would be taken against the officials in each case of delay?*

You can ask these questions from any government department.

## Do you have a broken road?

### Discovering that Roads Were Repaired only on Paper

Would you also like to find out about the roads that you use? If so, you can ask the following questions:

*The following is a list of roads:*

*(give the list of roads for which you want information)*

*Please provide me the following information with respect to the above roads:*

1. *During the period \_\_\_\_\_ to \_\_\_\_\_, how many times have repairs (both minor and major) been carried out on each of the above roads?*
2. *If the work was done departmentally, please provide the following information with respect to each such work:*

- a. *Copy of relevant portion of stock register*
  - b. *Copy of relevant portion of labour register*
  - c. *Exact location of spots where the work was carried out*
  - d. *When was the work carried out*
  - e. *What was the method of repair?*
  - f. *What was the composition of material used?*
3. *If the work was done through a contractor, please provide the following information with respect to each such work:*
- a. *Copy of measurement book (both abstract entries & record entries)*
  - b. *Copy of sketch*
  - c. *Copy of details of estimates*
  - d. *If there was any guarantee clause in the contract, copy of that portion of the contract which mentions this guarantee clause and the conditions in which this clause can be invoked.*
  - e. *Names of the Assistant Engineer and the Executive Engineer who inspected each of these works and passed payments.*
  - f. *Has the guarantee clause been invoked till now? If no, why despite the fact that the roads are in such bad condition.*
4. *The roads are totally broken these days. Please give reasons for the bad condition of each of these roads (please mention specific reasons for each road separately).*
5. *I want to take sample of material of each of these roads under section 2(j(iii)) of the Right to Information Act. The sample should be collected from the place of my choice. It should be collected in my presence and should be sealed and certified. Please intimate me the date, time and venue where I should come to collect the samples.*
6. *When will these roads be repaired now?*



## National Campaign for People's Right to Information

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