

NATIONAL CAMPAIGN FOR PEOPLES RIGHT TO INFORMATION
SOME PROBLEMS WITH THE IMPLEMENTATION OF THE RTI ACT 2005

The note, given below, relating to various problems in the implementation of the RTI, was sent to the RTI sub-group of the NAC in early January. This was reportedly discussed among members of the sub-group and it was decided that the issues raised would be taken up with the DoPT.

SOME PROBLEMS WITH THE IMPLEMENTATION OF THE RTI ACT 2005

1. Many ministries and departments of the Government of India seem to have appointed **multiple public information officers** (PIOs). This results in citizens having to run from office to office seeking out the correct PIO – sometimes in vain. Clearly there should be a single window approach in each department/ministry so that harassment to the citizen is avoided. Perhaps the Department of Personnel and Training (DoPT)- which, incidentally, itself has over 40 PIOs – could be requested to send out a circular to all central/state government public authorities asking them to ensure that there is a single window approach in receiving applications and appeals under the RTI, in order to prevent harassment to the people.

2. There are also problems regarding **people's access to PIOs**. In many departments the PIO can only be met after a security pass has been obtained. However, in case the PIO is not in his/her seat, the security desk does not issue a pass. Therefore, people have to sometimes wait for hours till the PIO returns to his/her seat. Considering the PIOs are also performing other functions that could keep them away for long periods of time, each office could authorize the cashier or the person designated to collect the fee to also accept the RTI form and issue the acknowledgement along with the receipt. This could also be taken up with the DoPT.

3. There appears to be a lot of confusion about the **appointment of Assistant Public Information Officers (APIOs)**, both at the central and state levels. The RTI Act says: "...every public authority shall designate an officer...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..."(5)2)). However, in many states and in some central departments, APIOs are being appointed in the same offices where the PIOs are already located. Though there has been a welcome initiative from the DoPT to designate postal officers as central APIOs, the confusion still seems to prevail. The DoPT could be requested to issue the necessary instructions to the various public authorities.

4. It has also been reported that various ministries and departments of the government are **insisting that they will only accept the specific forms** that they have designed. The law, however, does not provide for a form and does not authorize the public authorities to prescribe forms. Therefore, whereas they can have recommendatory formats, they must accept all requests even if they are on plain paper. Perhaps the DoPT should be asked to send a circular accordingly.

5. Some Public Authorities are not only making their own forms but also **laying down conditions that are contrary to the law**. For example, the Ministry of Home Affairs

demands proof of residence with applications, while the Ministry of Environment and Forests states that information only for three years will be given at a time! The DoPT should be requested to send out a circular clarifying that the RTI Act does not require any form and that people are free to apply on plain paper, as long as all the required information is included. The DoPT could also caution the various public authorities not to seek information that is at variance with section 6(2) or any other provision of the Act.

6. The DoPT, despite earlier assurances, seems to have **sent out no guidelines**. The NCPRI had drafted a detailed set of rules and sent them to the NAC, which had forwarded them, after some discussion, to the DoPT. When some of us met the Minister Personnel, he had promised that most of these draft rules would be converted into guidelines and widely circulated by the DoPT, well before the act became operational. However, nothing has happened and the DoPT could be requested to urgently circulate the required guidelines, especially in light of some of the problems listed above.

7. There are central public authorities all over the country. Also, people living in the states would also sometime seek information from the Central Government and its agencies. It would, therefore, seem **impractical to locate all the central information commissioners in Delhi**. Instead, it would be a good idea to have them located in different regions to facilitate filing of appeals and complaints by people in that region. This could be taken up with the DoPT.