



RIGHT TO KNOW DAY

What is Right to Know Day?

The Right to Know Day is an event which, is celebrated to mark the right of individual access to information held by public bodies and marks the benefits of transparent, accessible Government.

When is the Right to Know Day celebrated?

From 2002, 28th September is observed as Right to Know Day. Organisations involved in freedom of information from various countries around the globe met at Sofia, Bulgaria, and created a network of Freedom of Information Advocates (FOIA Network) and agreed to collaborate to promote the individual right of access to information and open, transparent governance. They proposed that the date be dedicated to the promotion of access to information worldwide. The FOIA network chose the annual commemoration of this event in order to symbolize the global movement for promotion of Right to Information.

However, in the United States of America, freedom of information day is celebrated on 16th March.

Where is Right to Know Day celebrated?

The event was first celebrated in Sofia, Bulgaria. Since then it has extended to more than 80 nations interested in adoption of their own government information access laws. Countries where the Right to Know Day is being celebrated include Argentina, Czech Republic, El Salvador, India, Jamaica, Latvia, Mexico, Sierra Leone, South Africa, Peru, Spain, Turkey and the USA.

Why Celebrate Right to Know Day?

The aim of celebrating Right to Know Day is to raise awareness of every individual's right to access to government held information, the right to know how elected officials are exercising power and how the tax payer's money is being spent. It is also a day on which freedom of information activists from around the world can use further to promote this fundamental human right and to campaign for open, democratic societies in which there is full citizen participation in government.

The Right to Know Day is celebrated to highlight the importance of access to information. Some of the benefits of access to information are:

- Access to information provides individuals with knowledge to address public issues, scrutinize government and become active participants in democratic process
- Access to information has revealed and clarified the basis for government decisions, disclosed environmental and health dangers and shed light on error, mismanagement and illegal activities
- Access to information has required improved records management, prompted routine disclosure to information, promoted the duty to assist the public and resulted in better government service and efficiencies
- Access to information requires vigilance. Beyond simply having access to information legislation there must be a commitment to a culture and spirit of openness.
- There have been many successes as a result of access to information and there are improvements to consider

How to Celebrate Right to Know Day?

There are a number of ways to celebrate the Right to Know Day. Given the fact that access to information is a human right and every individual is impacted by having or not having access to information, every citizen can plan to celebrate the Right to Know Day. Here are some events that could be organized depending on who you are:

For individuals

Read or write an article on access to information

Host or attend a public forum to hear speakers on the subject

Participate in a poster, debate or essay contest

Prepare applications seeking information and file it with Public Authorities

Visit a library or an organization where you can browse through materials on Right to Information

Write to your local councilor or Member of State Assembly, Member of Parliament and ask them what they are doing to promote government transparency in general and right to information in particular

For Civil Society Organisations

Civil society organizations like Right to information activist groups, women's organizations, consumer organizations, chambers of commerce, student unions, trade unions etc. can hold a variety of events on the occasion of Right to Know Day. Some of the events relevant to civil society organizations are:

- Conference on the Right to Information Act and how to use it
- Release of reports of surveys conducted, applications filed, information obtained etc.
- Presentation of awards to individuals and institutions who have done excellent work in promoting right to information among the people and the public authorities
- Identifying the best Public Authority in implementing the Right to Information Act and giving them an award in recognition of their work
- Writing articles in the media
- Distributing pamphlets, stickers and other materials
- Announcing a Negative Award for institutions not fulfilling their obligations under the relevant Right to Information laws
- Negative awards for the 'most ridiculous answer' to an access to information request

Events for others

If you are a teacher arrange a discussion in your school/college about the citizens' right to know and why open government is important.

If you are a media person or a journalist write an article on Right to Know Day or right to information law. If you have never filed a request before using your national access to information law, now is the time to start, and then make a story out of what happens. Visit a few public offices and find out what steps they have taken to implement the Right to Information Act. Make an analysis and publish it. Similarly visit an NGO and see what they have done to promote Right to Information. Lend your support.

If you're an Information Commissioner join in the publicity for the day by holding an event or issuing a press release. Publicize examples of information disclosure that has helped strengthen the relationship between the public and the Government. Send a memo to Government Departments reminding them that 28th September is International Right to Know Day and emphasizing that transparency is nothing to be afraid of because everyone is doing it

If you are a public servant or elected member ask yourself what you are doing to help promote open government. Find out what the department you work in is doing to be more open. Think about how you can manage information better so that it's easier to provide to members of the public. Put some more information on your website so that the public has a better idea about what you are doing. Talk to the people in your department who are responsible for giving out information and find out what you can do help them respond to requests within the timeframes established by the Right to Information Act.

If you are still not sure what to do search the internet for the phrase 'Right to Know Day' or contact us at:

For Further details contact :



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(The material for the above guide has been taken from various sources)



Right to Information Act 2005, What should you know?

The Right to Information (RTI) Act, 2005 has come into effect from 12th October 2005. It is applicable to the whole of India except the state of Jammu & Kashmir. The objective of RTI Act is to promote transparency, contain corruption, facilitate easy access to information for the public and ensure citizens participation in administration. In other words RTI Act seeks to improve the quality of Governance. For a common man RTI Act is another tool to obtain information about the services available, the eligibility conditions and the status of his complaint/grievance.

What is covered?

The RTI Act is applicable to all bodies or institutions of self-government established or set up by or under the Constitution or under other Acts made by Parliament or by a State Legislature or by notification or order issued by the appropriate Government. In other words the RTI Act covers all departments of State and Central Government, Union Territories, local bodies like City Municipal Councils, Corporations, Jilla Panchyat, Taluk Panchyat and Gram Panchyat.

Government Schools, colleges and aided institutions, Government hospitals, police stations, nationalized banks and Non-Governmental Organisations (NGOs) which are substantially financed by the Government also come under the purview of RTI Act. Those bodies covered under the RTI Act are called PUBLIC AUTHORITIES.

What is information?

Information is any material in any form. It includes records, documents, memos, e-mails, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form. It also includes information relating to any private body which can be accessed by the public authority under any law for the time being in force.

Whom to ask for information?

Every Public Authority will have designated Public Information Officers (PIO). You have to apply to the respective PIO for information. As per the Government directives, the names and address of the PIOs in a public authority as well as their contact information should be provided at the authority's website. It shall also be displayed in the notice boards.

Who can seek information?

Every Indian citizen has the right to seek information. However if an application is made by an employee or office bearer of any corporation, association, company, NGO etc. who is also a citizen of India, information shall be supplied to him/her, provided the applicant gives his/her full name. In such cases, it will be presumed that a citizen has sought information at the address of the corporation, NGO etc.

When you can ask?

You can ask if you need information on Government activity, government's reasons for certain decisions, information on suspected corruption and to suggest certain improvements. You can also ask when your complaint or grievance is not resolved within a reasonable time.

What you can ask?

Apart from information you can also ask for inspection of works, documents and records. You can take notes, extracts, certified copies of documents/records. You have the right to take certified samples of materials, information on discs, floppies, tapes, video cassettes or any other electronic mode. You have the right to take computer printouts of information.

However the Public Authority is not supposed to create information or to interpret information or solve the problems raised by the applicant or to furnish replies to hypothetical questions. Only such information can be had under the RTI Act which already exists with the public authority.

How to ask?

You can ask information either in writing to the Public Information Officer (PIO) of a department or through email. Though each of the States may have prescribed a format of the application, it is not compulsory. Application can be made on a plain paper in writing in English or Hindi or in the official language of the area in which the application is made.

What should the application contain?

Your application should be addressed to the concerned PIO and contain your name, address, telephone number and email (if available) and the information you require. The year to which the information pertains should be included. The application should also give the details of the application fee paid. Finally it should have your signature, date and place.

Should you indicate the reason for request?

No. You need not reveal why you require the information.

Does it cost money to obtain information?

Yes. Depending on the rules framed by your State Government you will have to pay the application fee and additional fee for the information. In Karnataka the application fee is Rs. 10 and Rs.2 per page of A3/A4 size for the information. The PIO will decide the amount for larger size papers and for samples and models. Wherever information can be provided on a floppy or a disc the charge will be Rs.50 per disc or floppy. Similarly separate fee is prescribed for inspection of files. However no charge be paid for the 1st hour of inspection.

Is there any exemption from payment of fees?

YES. If you are belonging to Below the Poverty Line (BPL) you need not pay the application fee. If the information you are seeking is up to 100 pages, it will be provided free of cost. In excess of 100 pages will be charged at rates applicable to other category of applicants. In case information is provided beyond the time limits specified in the RTI Act all applicants are eligible to get the information free of cost

When will I get the information?

The information you seek from the PIO has to be provided or refused within 30 days from the date of application, 48 hours for information concerning the life and liberty of a person. Five days shall be added to this time, in case the application for information is given to Assistant Public Information Officer. If the interest of a third party is involved the time limit is 40 days.

Is appeal against PIO allowed?

In case you fail to get information within the prescribed time limit or is not satisfied with the information furnished you may prefer an appeal to the First Appellate Authority who is an officer senior in rank to the PIO. The appeal should be filed within 30 days from the date on which the limit of 30 days of supply of information is expired or from the date on which the information or decision of the PIO is received. No money is required for preferring an appeal. If the First Appellate Authority fails to pass an order or if you are dissatisfied with the order of the first appellate authority you may prefer a Second Appeal with the Central or State Information Commission as the case may be, within 90 days from the date on which the decision should have been made or was actually received.

What should the Appeal Application contain?

The Appeal can be on a plain paper containing your name, address, number given to your earlier application, name and address of the PIO, particulars of the decision against which information was denied, date of application and reasons for appeal. It may also contain the relief sought and a verification statement by the appellant.

When can the PIO refuse information?

You may not be given the information if (a) it affects the sovereignty, integrity, security, scientific or economic interest of a state etc (b) it is expressly forbidden by the law or a tribunal (c) it may cause breach of privilege of Parliament or State legislature (d) includes commercial confidence, trade secrets or intellectual property (e) available to a person in his fiduciary relationship (f) received in confidence from a foreign government (g) it impedes investigation procedures (h) cabinet papers (i) personal information. However, the PIO may provide the above information if public interest in disclosure outweighs the harm to the protected interests.

What are the other reasons for refusal of information?

In addition to the above a PIO may refuse information (a) if it is too general in nature. In such a case the PIO has to assist you in reframing the question (b) if the volume of information required that it is to be retrieved or processed would involve an unreasonable diversion of the resources of a public authority and would adversely interfere with the functioning of such authority (c) relates to information that is contained in published material available to public or is likely to be published within 30 days of the receipt of such an application (d) relates to information which would cause unwarranted invasion of the privacy of any persons, or (f) if it infringes the copyright of any person other than the State.

Will the defaulting PIO penalized?

YES. If a PIO fails to furnish the information or fails to communicate the rejection order within the time specified or does not give the particulars of the appellate authority, 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.25000. The Information Commission may also recommend disciplinary action against the PIO concerned.

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Why Right to Information

When you pay for things you buy at a shop, do you not ask for an account and a receipt?

Then why do you not seek an account from your Government?

The Government spends your money. You have a right to hold it to account.

The right to seek and receive information is Your basic HUMAN RIGHT

Tell your Government you have the RIGHT TO KNOW

Principles of the Right to Information

The three key principles on which the Right to Information is based are:

- The right of every citizen to request access to information from the government about its decisions and activities
- The duty on all government bodies to provide information, unless releasing it would genuinely cause serious harm to public interest
- The additional duty on the government to routinely publish key information even in the absence of a request

SIX reasons why citizens should have the Right to Information

Promotes democratic governance

Democracy only truly works when (1) informed citizens are able to thoughtfully choose their representatives on the basis of the strength of their record and performance, rather than on rumors or ethnic/geographic, religious affiliations; and (2) Citizens can hold their elected representatives and officials to account for their policies, decisions and other actions while in power. The right to information enables citizens to check whether government acts according to democratic values and constitutional norms

Supports participatory development

Often governments design and implement development strategies in a closed environment. However if governments are obliged to provide information, citizens can participate in the planning, implementation, monitoring and evaluation of development program.

Improves quality of service delivery

Proactive publication of information by the government can be used to promote more effective service delivery. Such disclosure supports more informed participation of communities in the operation and oversight of public services. Information should be regularly published at all levels about how much public money is being spent, what the money is being spent on, over what period of time, and by which departments and to what norms of service delivery are citizens entitled. Citizens can use the information to demand more effective service delivery from the various levels of governments.

Promotes national stability

Democracy and national stability are enhanced by policies of openness which promote greater public trust in government. Information seeking and sharing establishes a two-way dialogue between citizens and the state which can combat feelings of alienation and powerlessness. Open government addresses issues of exclusion or unfair advantage of one group over another

Exposes corruption

Access to information or right to information is an effective tool for curbing corruption. When citizens can access information about government activities and decisions, it is much harder for officials to cover up their corrupt practices and hide poor policymaking. The right to information improves public administration by acting as a powerful deterrent to corruption in government

Supports equitable economic development

Access to information presupposes a transparent licensing and regulatory requirements. The benefits of economic development have often not been equitably enjoyed by all citizens. Simple and cheap access to information will empower smaller stakeholders to more effectively participate in the economy, ensuring equitable economic growth.

Basic Principles of Right to Information

To be successful, any law that intends to promote free access to information should have the following principles. These principles have evolved over time, which have been consistently endorsed by the UN. These should be incorporated into all information access law:

Maximum Disclosure:

All arms of government for example, the legislature, the executive, the courts, police and the armed services should be covered by the law. Even the private sector should be covered, at least where it is spending public money and/or performing public functions. All bodies should be required to release as much information as possible

Minimum Exceptions:

Exceptions should be included only to protect and promote the public interest and should be kept to a minimum. The law should not permit non-disclosure to protect government from embarrassment or the exposure of wrongdoing. Exemptions should ALL be subject to a harm test and blanket 'public interest override' whereby a document which could be exempt should still be disclosed if the public interest in the specific case requires it.

Simple Access Procedures:

The law should include clear and uncomplicated access procedures so that people can obtain information quickly and simply. Application processes should be user friendly for the illiterate and the poor. Any fees for access should be kept to an absolute minimum because the tax payer already funds the information creation and maintain process.

Independent Appeals Mechanisms:

A powerful independent, impartial body such as an Information Commission, Ombudsman or Human Rights Commission must be given the power to review refusals to disclose information and compel release. The fear of independent scrutiny ensures that exemption clauses are interpreted responsibly and citizens' requests are not unduly obstructed.

Penalties:

The powers of oversight bodies should include a power to impose penalties for non-compliance with the law. Without sanctions, such as fines for delay or imprisonment for willful destruction of documents, there is little compulsion on government officials to comply with the law

Monitoring Reporting and Training

The law should mandate a body to monitor and support the implementation of the Act by developing codes of practice and submitting annual reports to Parliament. The law should also require training for officials and public education programs to be held.

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HOW TO FILE AN APPLICATION

Submitting an application under the Right to Information (RTI) Act 2005 is not a difficult proposition. All it requires is to identify a subject and the body from which you need the information. For example you may like to know the total amount allocated for various development works for your ward or gram panchyat. Or if you want to know how your MP or MLA is spending his/her MP/MLA Local Area Development Fund you may get such information by using the RTI Act. In case you are interested in knowing the fate of your application for a ration card, electricity supply connection, water connection, building plan sanction or any other grievance with the public authorities, you may know it through the RTI Act.

Here are the steps you need to follow for filing an application under the RTI Act.

Step 1: Identifying the Public Authority

The first step in seeking information under the RTI Act 2005 is to identify the Public Authority who holds the information you want. In case you are not sure of the public authority, you can consider the one most likely to have that information. Even if you submit the application to an office which does not have the information that you want, it doesn't matter. The law requires that the public authority cannot return the application, but has to transfer it to the correct public authority who has the information and inform you about the transfer. You need not pay the application again to this public authority.

Step 2: Identify the Public Information Officer

After identifying the public authority, the next step is to identify the exact person known as the Public Information Officer (PIO) or Assistant Public Information Officer (APIO) who has the information that you require. In some public authorities there may be more than one PIO. In such a case you may have to identify the correct PIO. The public authorities are supposed to display the details of the PIOs in the notice boards. In case you submit the application to an APIO the time limits for a response to your application will increase from 30 to 35 days.

Step 3: Preparing the application

Drafting the application is the most important step in exercising your right to information. Your application should be clear and concise. The RTI Act allows you to write or draft the application in English, Hindi or in the official language of your area. The application can also be sent by email. It is important to draft your application in specific terms so that the PIO cannot return it on the grounds that it was too vague or difficult to understand.

Though some of the State Governments have prescribed a format in which the application is to be made, it is not compulsory. You can draft the application on your own, provided it contains essential information like (a) your name and address (b) name and address of the PIO (c) the information that you need (d) the year to which the information relates to. It should also contain your signature and date.

The application should be accompanied by the application fee. In Karnataka the application fee is Rs.10. This may be remitted in the form of cash, DD, bankers' cheque, Indian Postal Order or in other form as specified in the relevant Rules. Remember that you need not give any reason for requesting information or any other personal details except those that may be necessary for contacting the PIO.

In case you belong to the Below the Poverty Line (BPL) you need not pay the application fee. However you need to prove by way of documentary evidence that you belong to BPL category.

If you are submitting the application via email, you will have to pay the fees within seven days from the date of application. If you fail to do so then your application will be treated as withdrawn.

Step 4: Submission of the application

You can submit the application to the PIO or the APIO as the case may be. If you send the application by post you should send it by registered post or under certificate of posting so that you have proof of postage and the PIO cannot claim that he/she never received the application. If you submit the application in person, always make sure to get an acknowledgment.

Processing the application

After having completed the above exercise, it is the turn of the PIO to process your application and either provide you the information or transfer it or reject it as the case may be. In case the PIO accepts your application, he/she will inform you the number of pages in which the information is contained and the amount to be paid for the information. The PIO will also provide you the name and address of the Appellate Authority in case you want to appeal against the decision of the PIO

In case the required information is not available with the PIO to whom the application is sent, the PIO will identify the person or PIO with whom the information is likely to be available and transfer it to him/her. The applicant will be informed about the transfer. The transfer should be done within 5 days after receipt of the application.

The PIO can reject the application if the information you have requested falls under one of the exemptions in the RTI Act and the PIO additionally decides that there is no overriding public interest in releasing the information. In case of rejection the PIO has to give you written notice within 30 days. The decision to reject must also state the reasons for rejection, the period within which you can appeal and the name and contact details of the Appellate Authority.

If the PIO fails to give you a decision notice, then this is regarded as a 'deemed refusal'. You may then appeal to the departmental Appellate Authority or send a complaint to the Central or State Information Commission of the State concerned.

Step 5: First Appeal

In every public authority, an officer senior in rank to the PIO has been designated to hear appeals. He/she is referred to as the Appellate Authority (AA). You can make an appeal to the AA if (a) you are aggrieved by the decision made (b) no decision was made within the proper time limits (c) you are a third party consulted during the application process and you are unhappy with the decision made by the PIO

The appeal should be sent in writing within 30 days on which you received the decision or you should have received the decision from the PIO. Some State Governments have prescribed a format for the appeal and also the details to be included in the appeal.

The AA should take a decision within 30 days of filing the appeal. However the time limit can be extended to 45 days. Any delay after this has to be recorded. If you are not satisfied with the decision of the AA you have the right to make a Second Appeal

Step 5: Second Appeal

The Second Appeal against the AA can be made to the Central or State Information Commission as the case may be. The appeal should be filed within 90 days from the date on which the decision should have been made or from the date a decision was actually received. However the Information Commission has the discretion to allow appeals after this period has expired.

The procedure for Second Appeal, the information to be provided, fee to be paid, if any, are prescribed by the Central or State Government. The procedure is similar to that of First Appeal.

Making a complaint

Instead of making an appeal to the AA and then to the Information Commission you also have the option of approaching the Information Commission directly and submitting a complaint under Section 18(1) of the Act. You can file a complaint if (a) you have not been able to submit an application to the PIO for various reasons (b) you have been refused access to any information requested (c) you do not get a response to your request within the prescribed time limits (d) you have been asked to pay fees which you think are unreasonable (e) you believe the information you have been given is incomplete, misleading or false (f) you face any other problem related to accessing information under the RTI Act

Step 6: Appeal to the Courts

In case you are not satisfied with the decision of the Central or State Information Commission, as the case may be, you can file an appeal in the State High Court or the Supreme Court.

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