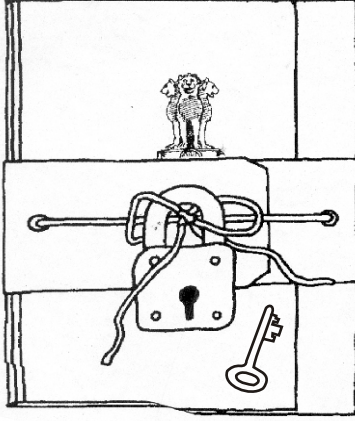


RIGHT TO INFORMATION GUIDE-1



WHY RIGHT TO INFORMATION



Since :1993

Right to Information Advocacy & Research Centre

CONSUMER RIGHTS EDUCATION & AWARENESS TRUST (CREAT)

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*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*

Basics 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.