

# ● QUEST FOR INFORMATION - A CONVERGENCE OF RIGHT TO INFORMATION WITH OTHER CITIZEN FRIENDLY ACTS



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## **Abstract**

*The information and disclosure of genuine information for public purposes is a base for a strong democratic set up. In the field of Indian judiciary the introduction of the Right to Information Act, 2005 is work as a revolution in the whole country. Under the provisions of this Act an effort has been made to social justice for a common people. Through the provisions of this Act, a common man can ask the information from any authority in a prescribed manner from the authorities who covered under this Act. The amalgamation of Right to Information Act 2005 especially with the elucidations made in section 4(1) b a mandatory provision for the Public Authority can create wonders if converged with other citizen friendly Acts. The need of the hour is to make suitable researches in this arena by stakeholders, law students as well as the sincere efforts to be made by public authorities themselves.*

The Right to Information Act, 2005 since its enactment has unravelled innumerable closets of mystery hitherto unknown to us. The course of implementation of RTI has depicted various aspects of problems, grievances and pathos of the people who generally give a wide acceptance to Right to Information as an instrument to bring redressal to everything with the help of Right to Information Act 2005. The length and breadth of the country alongwith the ever rising populace has no dearth of problems, some so colossal that they have not seen the sunshine till date. Nevertheless, the general public, with the advent of RTI has been so enthusiastic with outcome and results, that they are seeing Right to Information as a messiah for every problem that come into their way. But the magnanimous question is 'Does Right to Information Act 2005 encompasses in itself all the necessary prowess to slash out all the problems confronted by the country's populace in all its totality?'

All those who have been using the various appendages of the Act will give an affirmative answer. The reason being the exact objective of the Act is to impart information to the seeker or more precisely the applicant. The ramifications of various clauses hover around the nitty-gritties of modus operandi for implementation of the Act which has an unidirectional approach of time bound aim of imparting information. Nonetheless, the mere texture of the Act has been interwoven through a perfect wiremesh of do's and don'ts in a manner which suffice the basic process of implementation of the act and the target of imparting exact available information therein.

To be more precise, the Right to Information Act renders ample space to the government institutions, public authority first to adopt the basic cardinal of self

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disclosure as prescribed in the clause 4 of the Act and take every plausible step in the arena of suo moto disclosure of information, both by preparing manuals as well as displaying them electronically through their websites. As eight years have passed away since the enactment of Right to Information, most of the Public Authorities have completed the mandatory compliance of Section 4(1)(b) of the Right to Information Act.

The sincere and honest approach of the Central and Public Authorities have exhibited praiseworthy piece of work through presentation of manuals. Nonetheless, certain lacunas remain in this arena where public authorities have not come up to the aspirations of the Act in showing their capability pertaining to compliance of section 4(1)(b) of the Right to Information Act. The pertinent question is that how is the compliance of section 4(1)(b) i.e. preparation of manuals so important and the answer lies in the spectrum of subjects which are elucidated in the 17 points of the above section.

The manuals prepared according to the spirit of these 17 points depict the structure, function and duties and responsibilities of the public authority and thus imparts a holistic disposition of the public authority as such. More explicit the disposition, less room for any information to be sought or for that matter minimum questions or information would be asked.

With the ever growing number of applications preferred under Right to Information throughout the nation, in the last eight years, it will be quite appropriate to state that the efforts made by public authorities in Preparing of Manuals u/s 4(1)(b) have not fulfilled the requisite expectation of the public mind and the blanks and gaps remain to be filled.

In brief the obligations u/s 4(1) (b) for a public authority is as follows:

1. Introduction (of the public authority)
2. Particulars of Organization, Functions and Duties
3. Powers and Duties of the Officers and Employees
4. The rules, regulations, instructions, manuals and records, held by it or under its control or used by its employees for discharging its functions
5. The particulars of any arrangement that exists for consultation with, or representation by, the members of the public in relation to the formulation of its policy or administration thereof
6. A statement of the categories of documents that are held by it or under its control
7. A statement of Boards, Council, Committee and other Bodies constituted as its part
8. The names, designations and other particulars of the Public Information Officers
9. Procedures followed in Decision Making Process
10. Directory of Officers and Employee
11. The Monthly Remuneration received By Each of its Officers and Employees, Including Systems of Compensation as Provided in Regulations
12. The Budget Allocated to Each Agency (Particulars of all plans, proposed expenditures and reports on disbursements made)





13. The Manner of Execution of Subsidy
14. Particulars of Recipients of Concessions, Permits or Authorization Granted by it
15. The norms set by it for the discharge of its functions
16. Information available in an electronic form
17. Particulars of the facilities available to citizens for obtaining information

The elucidations made in the previous paragraphs are a brief testimony to what the above basic cardinals have to elucidate. Any manual prepared by a public authority indicates the level of inclination for suo-moto disclosure which is an absolute necessity for implementing Right to Information in right earnest.

Given this scenario one would always hope that every public authority - be it a Chief Medical Officer's office, be it a Director of Education's office or be it a Collector's office, the manuals prepared u/s 4(1)(b) are sufficient enough to provide information from cover to cover, as far as the information pertaining to logistics and infrastructure is concerned.

At the outset of this write - up, it was elucidated that the applications seeking information has seen a augmenting trend over the last eight years throughout the nation clearly denoting the fact that although best of manuals could impart several information, they did not quench the thirst of the hydra - headed seekers of information with their million tentacles.

In this context, all the right thinking stake - holders should put their heads together in carving out a niche wherein Right to Information Act, 2005, alongwith several other citizen - friendly Acts can be taken to a point of convergence from where a ray of hope can arise for the betterment of society at large.

Let us start with the Consumer Protection Act, 1986. This Act mainly imparts 8 rights to the consumers, which are as follows -

- 1. The right to satisfaction of basic needs**
- 2. The right to safety**
- 3. The right to be informed**
- 4. The right to choose**
- 5. The right to be heard**
- 6. The right to redress**
- 7. The right to consumer education**
- 8. The right to a healthy and sustainable environment**

With reference to point number 3 i.e The right to be informed. It is imperative for a service provider, manufacturer or a seller to impart maximum information to his consumers pertaining to the services or good that he is providing or selling. The consumer as such has full rights to be informed about the product or the services for which he is paying an amount for the same.

But in reality, the scenario is altogether reverse. The Indian consumer's untold miseries are endless. The food and food - products, the medicines, the pesticides, the fertilizers, the seeds, the building materials and hundred other consumer goods are

marketed and sold to the public without proper and complete information. For example -

- (i) The preserved food items viz. sauces, jams, pickles and several other food items generally display 'Class II Preservatives Added', 'no artificial flavours', 'no natural colours used' etc. We have become so used to with these labels that we tend to overlook the matter not very much pondering over the contents. The question hereby is that the half baked and incomplete information leaves room for questions like what are the natural additives, what are the class II preservatives? and what are the other classes of preservatives eg. class I & class II (if not others)? Why the class II preservatives are the ones allowed as edible. Now the point is without going into litigation with the private manufacturers under Consumer Protection Act, the correct information can be sought from a Public Authority - in this case it may be the Food Protection Organization (FPO) or the designate officer under the newly implemented Food Security Act, under the Right to Information Act.
- (ii) The food material which is generally served by the open eateries now a days are also playing havoc with the life and health of the consumers generally the younger generation of the society. Nevertheless, the ingredients used by these eateries should as a mandatory process, exhibit information of the constituents, their expiry dates and other health related information, thus, leading to hazardous results. The public authority in charge of examination and scrutiny of purity of food materials catered to the public, should exhibit the standard, measurements, statements pertaining to purity of food, dates of tests etc in through a fixed process and this can very well be materialized through a process of self disclosure u/s 4(1) b.
- (iii) The health sector is one such arena where umpteen number of information are sought by thousands of stakeholders. The spectrum of requisite information is infinite and as magnanimous as the domain of Public Health itself. The general public's inquisitiveness to avail information pertaining to availability of low cost generic medicines, subsidized disposable paraphernalia, which hitherto meant for poor patients are screamingly absent from their desired space, and other information pertaining to various schemes for the welfare of the poor patients. But the pertinent question is that has the medical Health Department given out its explicit information pertaining to availability of say anti rabies / anti venom injections in the far flung areas? Or are the maternity and neo - natal care information are articulately exhibited in the remotest villages. Is it not a complacent approach on the part of Public Authority to post certain slogans on family planning on the walls of the hospitals, and thus put a full stop on their duties. Nowhere have we strived to exhibit the full and complete information about cautious usage of oral feminine contraceptives pertaining to their side affects. Perhaps the need of the hour is to take out the priceless information to the nook and corner of the villages and blocks, and further. In the process of doing so we can always converge the Right to Health and Right to Information at one point.

Some other Rights enacted by the government viz. Right to Education, Right to Food, Right to Safety etc. have been widely acclaimed by the masses as their daily needs have also been supplemented with but in these arenas too a long path has to be covered in arena of imparting information.





Keeping these in mind, let us ponder over a few questions and keep the loose ends open for appropriate public authorities to answer and react as well -

- (a) The chemical fertilizers available in the market generally do not impart a exact ratio of NPK (Nitrogen, Phosphorous and Potassium). On one hand it is the violation of Right to be informed under Consumer Protection Act 1986, and on the other it clearly shows the apathy of the Public Authority to provide ample information to the public and the farming community at large.
- (b) A packet of salt available in the market proudly depicts that it has been Iodized, but then it is again an incomplete information as the state of iodization is to be exhibited in parts per million (ppm) which can then be calculated for its exact level of value that can prevent Thyroidism. Also, the level of Iodine decreases if the food is overcooked, making it imperative for the salt to be added in the last phase of cooking so as to prevent Iodine loss. The general public should possess a sound knowledge that such grievances should be communicated to a particular cell in the Health department and a speedy redressal should be sought for. Here again the question arises that dissemination of information should initiate from the appropriate authority who can take suo - moto steps in informing the public about the salty something through whatever means is justified.
- (c) The statutory warning printed on the packets of cigarettes says 'Cigarette Smoking is Injurious for Health', the question is how much injurious? Is the message articulate enough to inform the public that such an amount of tobacco can cause oral cancer? Is it not imperative for the Public Authority of concerning department to impart information on the product itself? To be more precise, the public authority in this case may be as well as in this case of self disclosure should published a concise brochure stating the outcome of cigarette smoking and tobacco intake and distribute them freely at public places viz schools, hospitals, parks, railway stations bus stops etc.
- (d) The Road Safety measure are taken time to time by Public Authority existing in Domain of Transport. In this arena, one is at awe to see that a two wheeler driver is only checked for wearing of helmet or not. To be very precise, the Public Authority of Transport department should have seriously informed the citizens that a helmet with ISI mark is only valid and nothing else. On the pretext of complying with provisions of section 4 (1) b of RTI Act the Public Authority of the transport Dept should publish and publicize the road safety rules Standard of Motor vehicles and Accessories and other related issues.
- (e) The Operation Flood warrants for immediate examination of the sample of milk which are marketed, but in reality the examination for their state of adulteration is not amply published. The Public Authority is yet-to impart information to milk buyers regarding availability of free test - kiosks in every village and block.
- (f) The public authority existing in the domain of fuel sector plays a significant role in public life. The petrol pumps and LPG gas stations have lately become instrumental for rise and fall of the governments. Given this scenario, the self disclosure by the public authority regarding rates of fuel everyday, functions of dispensing units of the purpose as to when they have been checked when the standard of units have been examined, the process of examination of purity of fuel, weight of the LPG cylinders as to when they

have been examined in gross, who has been the examining authority. All these should be exhibited on the fuel station itself and this can very well be done through compliance of section 4(1) b of the RTI Act.

- (g) The public authority existing in the Legal Metrology Dept also plays a very significant role in public life but the irony is the people at large know very little about the impact of laws that exist as well as the measures of redressal given to them. The matter of the fact is that the laws pertaining to legal metrology Dept ranges from sweetmeat boxes to gold jewelry, to the meter reading of taxis to the balances of fruits and vegetable vendors. The lesser known facts of the exact rules and regulations compel the general public to confront the wrath of the dishonest seller coming heavily on the consumer's pocket. Therefore, the public Authority of Legal Metrology Dept should publish and publicize details of the Weight & Measurement Act in a very simple and understandable language so as to make the consumer understand that the weight of the sweetmeat box is differently priced than that of the sweet itself, that the gold jeweler he or she is purchasing from his / Her handsome salary is rightly weighed and the motors rotating in petrol pumps are standardized and for that matter the potato vender does not weigh the vegetable with pebbles or stones.

The amalgamation of Right to Information Act 2005 especially with the elucidations made in section 4(1) b a mandatory provision for the Public Authority can create wonders if converged with other citizen friendly Acts. The need of the hour is to make suitable researches in this arena by stakeholders, law students as well as the sincere efforts to be made by public authorities themselves.