

**Right to Information and Good Governance.**  
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**Lecture-25.**

**Salient Features of the RTI Act -VII.**

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## Challenges

- CIC conducted Transparency Audit in 2018.
- Non implementation of Citizen's charter.
- No express sanction for violation of Sec. 4 in sec. 20 RTI Act.
- Lack of monitoring and supervision by ICs.



Finally, to conclude this chapter on The Duties and Responsibilities of Public Authorities, one will have to look at the challenges of implementing section 4 of the Right to Information Act, after which probably we will go to the conclusions on the salient features of the Right to Information Act. The important challenges that can be identified are that, in 2008, the CIC, conducted a transparency audit of certain public authorities, and they wanted to check to what extent there has been the implementation of the RTI act in these organizations.

That audit report is available in public domain and it is definitely something that should be read by public authorities so that they can scale up their responsibilities to implement the Section 4 mandate. And hence, you will notice that there is a huge gap between how some of the central government public authorities are implementing Section 4 to that of state government agencies that are implementing the mandate of the Section 4.

And you will notice that the state public authorities are lagging far more behind the central government public authorities in terms of implementation of Section 4. However, the

transparency audit was about only central because it was by the CIC. They did it only about the central public authorities and even there, I think there is a huge gap between what is implemented by certain public authorities and what others are doing.

So there is a lot of catching up to be done, there is a lot of proactive suo motu disclosure that public authorities have to do and that is an important challenge that we can analyze. I think it is the duty of the information commission to increase monitoring and supervision of Section 4. And they have to continuously probably be on the job. I think Section 4 can be related to the implementation of the citizen's charter as well.

I think public authorities must continue with their duties under the citizen charter, which is all about disclosure of the kind of services a public authority gives to the citizen. What are the steps, processes and documentation that are required? I think that should continue and I am sure though the word citizen's charter is not mentioned in Section 4, every other aspect that it had, has already been covered. So I think the citizen's charter must be a continuous process that public authorities must be there.

Finally, I think the information commissions are crippled by the fact that they cannot impose penalties on the public authorities or on the Public Information Officer for violation of section 4 because section 20 of the RTI Act which involves the information Commission to impose penalties only on the Public Information Officer for the violation of Section 7. And the violations of Section 4 will not find any express fine, penalty that the information commissions are empowered to put.

And hence, I think that is a lacuna, it is a loophole and probably it cripples the functioning of the information commission as a supervisory monitoring body for the implementation of section 4. So section 4 implementation is largely left to the consciousness of the public authority, left to their attitude and what they wish to achieve in the transparency age in the information age. And I think the best way is to educate, promote, cajole, and take them on board and bring about a greater degree of implementation of Section 4 norms.

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## Conclusion

- Who can seek information. Demand
- Who should provide for information. Supply
- Duties of Public Authorities
- Important definitions



Let us conclude this chapter on the salient features of the Right to Information Act by saying something like this, what we discussed in this chapter is that we started off with the definitions under section 2. If you recollect some of the important definitions that we spoke about are of appropriate government, competent authorities, about what is information, what is record, I think these are some of the important definitions that we covered.

Second, we did this answer this question that under the Right to Information Act, who can seek information and section 3 squarely deals with that and section 3 also looks at the demand side as we want to call it the Right to Information Act. Obviously, once there is a demand, there is a supply side and who has the duty to provide this information?

You will notice it to the public authorities that have the duty to provide this information and they have certain obligations apart from supplying this information, or disclosing the information proactively and suo moto is also something that is definitely prescribed for. So these are some of the salient features, it is not covering all the salient features because I think the rest of the salient features will be discussed in the chapters coming forward.

So, these were the preliminary salient features of the Right to Information Act, up to Section 4 of the RTI Act 2005.

