AP Right to Information Draft Bill 2001
Swarajya

• The real Swaraj will come, not by the acquisition of authority by a few, but by the acquisition of the capacity by all to resist authority when abused

- Mahatma Gandhi
Lok Satta’s Advocacy

Lok Satta’s focus is on 3 Central issues

• Electoral Reforms
• Decentralization of Power
• Instruments of Accountability
Accountability Instruments

Right to Information

Citizen’s Charters

Stake Holders’ Groups

Local Governance

Independent Crime Investigation

Independent Constitutional Functionaries
Right to Information

On all matters involving exercise of public authority:

— Public money & utilization

— Laws and enforcement

— Policies and decisions

— Employees

— Delivery of services
What is Right to Information

In the Indian context

• Right to have access to information

• Right to be informed
Why do we need a Right to Information Law

In spite of being a Fundamental Right under Articles 19(1) (a) and 21

• A colonial culture of secrecy

• No clearly set procedures

• Outdated laws and rules denying information
What should an ideal Right to Information Law ensure?

• The R to I Law should be a realizable instrument

• Exemptions should be within the limits prescribed by the Constitution
Right to Information in the Developed Countries

- U.S. enacted a FOI Law as early as 1966
- Many other developed countries like Canada, France, Scandinavia, Australia and New Zealand have this Law.
Indian Experience

Union

• No legislation at the Union level
• Several Drafts from different groups
• GOI draft pending

States

• Goa is the first State - introduced in 1997
• Tamilnadu, Rajasthan and Karnataka have similar legislation in place
• Madhya Pradesh awaiting President’s assent
• Rajasthan - the legislation introduced due to public pressure
• Civic groups in Goa propagating effective use of the law
GoI Bill defects

Time frame too loose

No Independent Appeal

No penalty

No Whistleblowers Protection

Information accessible to legislature

Vague exemptions

Information that is published can be refused
Key Features of Lok Satta’s Draft Bill

• Provision for periodic reporting
• Proactive disclosure provision
• Reasonable time-frame
• Reasonable fee
• Automatic appeal in case of refusal
• Independent appellate process

Continued
Key Features of Lok Satta’s Draft Bill

• Penalties for non-compliance
• Clearly defined minimum exemptions
• Access to information available to the legislature
• Placing all refusals before the legislature and the public
• Protection for public interest disclosures
• Strictly limited to - State subjects (list II of Seventh Schedule)
Strategies for Enactment

Involvement of key players

• Political Parties
• People’s Representatives
• Civil Society Institutions
• Media
• Citizens at large
Possible Steps

• Signature campaigns
• Public meetings
• Demonstrations & rallies
• Surveys of Public expenditure & Public services
• Lobbying
• Media pressure
• Possible PIL