

**LOK SATTA**



*People Power*

# 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- Outdated laws and rules denying information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

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## **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