



The role of Proactive Disclosure of information under section 4 of RTI Act: A road to substantial democracy

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Abstract:

Suo Moto disclosure is the heart of any information act in any part of the world. Right to Information Act, 2005 of India, provides suo moto disclosure under section 4 (1) (b). When public authorities disseminate as much as information to the public through websites or any other channels which helps individuals to access the information as easy as conceivable, the possibility of a reduction in a number of RTI applications would be much higher. The truth is that it helps not only a reduction in a number of applications but it strengthens the very idea of open government with good governance as a principle, which in turn help the government to achieve the real senses of democracy. People in power always complain about the rise in a number of RTI application year by year. What perhaps they miss to understand is or unwilling to admit the fact that they have been sloppy in providing relevant information in time bound manner under section 4 of the information act. Under suo moto disclosure (section 4), it is the Obligation of Public Authority to publish and maintain records and relevant facts. It is also an obligation that they should disseminate the information as widely as possible while focusing on cost-effectiveness and local language, and so on.

Keywords: Open government, Proactive Disclosure, Right to Information, Substantial Democracy, and Transparency.

INTRODUCTION

As Aruna Roy rightly said, "As a citizen in a democracy, it is our responsibility to be involved with politics. If we abdicate our responsibility, we will be victims of a peculiar perversion". (Aruna Roy, 2000). The real question is how powerful or resourceful the citizen is in order to engage with day-to-day affairs of the government to make the idea of democracy as a best practice. In India, many laws have been made, amended and amended over and over again in case of some of those laws. However, the right to information is a different kind of law with a new flavour in the sense that it helps the common citizen as no other law

does. Information is power. Access to relevant information always makes the citizen participate better. Lack of awareness, lack of access to information may not be two different worlds. Across the globe, most of the countries believed to achieve true democracy by being proactive governments. Most people in the world believe that the information world needs not merely giving access to information but proactively dissemination of information so that citizens need to request for ever few basic details public organizations. What is the difference between access to information and proactive disclosure? The difference between active disclosure and the right to



access is the position of public authorities in relation to providing data to the public. With "Proactive Disclosure", the government does everything possible to make the data available to the public through web portals and websites, without waiting for citizens to ask for information. The "right to access" is more reactive as the government responds to requests for documents submitted by the public. Both are part of what is known as the "open data" policy: more active disclosure, fewer requests for documents, less active disclosure, more requests and disputes. Active disclosure with reusable data and meaningful interoperability is the most appropriate way to create transparency in the early 21st century. Active disclosure is not the sum and end of all open data with the right of access to be part of this process; However, these days it is almost synonymous with opening documents, which means it is freely available and recyclable. Open data can be found in the scientific context and in the private and state sectors. In the state sector, it contains a variety of information and documents: first, information about the organization, such as health or disease trends or criminal statistics; There are also data aimed at facilitating economic activities related to transportation or transportation; Finally, there are data designed to provide transparency and accountability to the government, such as government procurement data. Each type of data has a different purpose.

Public authorities are obliged to make available the information, which concerns the public interest or affects the life of the public, within a certain period through public information officers appointed for this purpose. In India, Article 4 (1) (b) of the law provides for

voluntary disclosure by a public authority of seventeen points on the functioning of this authority. It is also mandatory and necessary to update information periodically.

What, under RTI Act, Section-4 (1) (b) Say?

Every Public authority should issue and upload the information about the concerned department and from the passage of this act, the information, in total 17 categories given below is published among 120 days.

- (i) The particulars of its organization and functions duties,
- (ii) The duties and power of its employees and officers.
- (iii) The process adopted in the managerial development.
- (iv) The emancipation of its purposes can be circled by the above rules.
- (v) The records, manuals, regulations and rules utilized by its workers for emancipating its purposes.
- (vi) Declared classes of the papers are apprehended and controlled.
- (vii) A Declaration of the committees, councils, boards and others comprising two or more people established as its division or for the reason of its suggestion and as to whether conference of those committees, councils, boards and others are unlocked to the municipal or the proceedings of this meeting are available for the people.
- (viii) The index of its employees and officers.
- (ix) The monthly compensation acknowledged by every employees and officer.



(x) The financial plan owed to any of its organization expenditure and reports on disbursement.

(xi) The manner of enforcement of subsidy programs and details of beneficiaries of such programs.

(xii) Some of the persons will get dispensations.

(xiii) Details of records condensed in the form of electronic mode.

(xiv) The particular of amenities obtainable to the citizen for getting the data.

(xv) It has the designation, names and other details of the Information Officer of public.

this act. It was found that only near about 50 % Public Authorities maintained the official record according to official record law. 30% of Public Authorities are not aware of this law. 20% aware but they have not correctly maintained the official record as per the official Record Law" (Sharma & Saxena, 2013). In a similar perspective, Sudhir Naib proposes, "It is generally believed that as the number of documents directly accessible to the public increases, the number of requests for information decreases. This suo moto disclosure can also improve the efficiency of public bodies" (Naib Sudhir, 2013)

Why is it important?

The simple principle of the RTI Act is the idea that the individual citizen is sovereign of his right and is the owner of the government. The famous definition of democracy, in textbooks illustrates Abraham Lincolns, is the government of, by and for the people". In fact, the information provided to the public is the power that is bestowed on citizens. The most important thing to consider is transparency, corruption and arbitrariness in government within an institution. The government has written certain instructions to ensure that the departments/ministries disclose Suo Motu's information. These directions are grounded on the recommendations of the working group set up by the Government to reinforce Suo Motu's disclosure provisions, as provided for in Article 4 of the 2005 Human Rights Act.

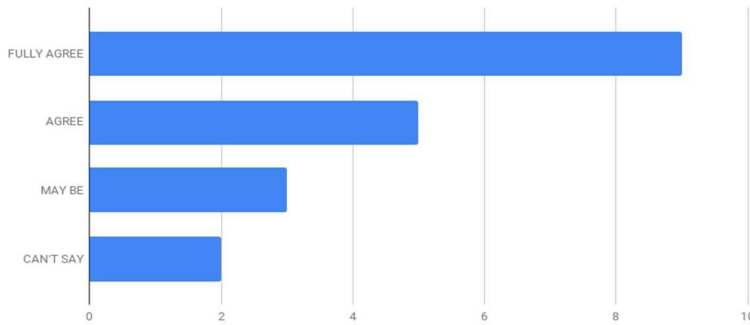
"According to the provision of section 4(1)(a) of the Right to Information Act, the duty of all Public Authorities is to maintain official records as prescribed by

I conducted field research and online research through google forms. The study consists of various people like RTI activists, administrator and common people. However, I developed a long questionnaire on various aspects of RTI and its implementation; I stick to one particular question relevant to this paper. As shown in figure A1 & A2, it is found out that most people believe that dissemination of information proactively would lead to two important things. One, it will reduce the number of RTI applications. In figure two, 47.4% of respondents fully agreed and 26.3% of people agreed which tells that the total of both comes near about 73.3 %. A large number of people want suo moto disclosure of information to disseminate effectively from to time. It is a fact that the study found some of the RTI application of concerned with the general public interest. Central Information Commission also mentioned it in its report. Public Authorities can easily reverse this trend of more application by widely circulated the information to the public. Two, it helps all citizen to engage with governments actively. A well-



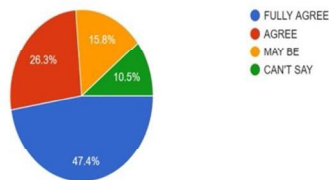
informed citizen always helps of a democratic process in a practical governments to strengthen the very idea sense.

Do you think that the dissemination of information would lead to reduction of number of requests under RTI?



A1: Percentage of people who support Suo Moto disclosure of Information

Do you think that the dissemination of information would lead to reduction of number of requests under RTI?



A2: Percentage of people who support Suo Moto disclosure of Information

Transparency International has carried another very interesting study on RTI and its putting into practice. It released a report in 2018. They also concluded two new trends. One, as shown in figure 3, a drastic decrease in a number of RTI applications in the year 2016-17. Two, there is also a drastic change in the

rejection of applications as well. In 2015-16, a total number of application received was 976679 whereas, in 2016-17, the number has been reduced to 917009 only. Similarly, the rejection of applications in 2015-16 were 64666 while it reduced to 60428 in 2016-17.

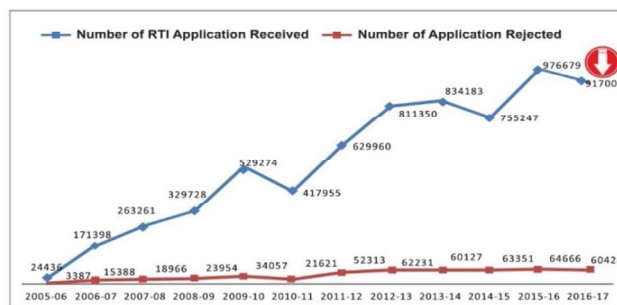


Right to Information Act at Union Level

Year 2005-06 to 2016-17



Trends in total number of RTI applications received and rejected by all Public Authorities under Section 25 (2) of RTI Act



Total No. of RTI Applications before various Public Authorities declined in Year 2016-17 w. r. t. 2015-16

Year	Number of RTI Application Received	Number of Application Rejected
2005-06	24436	3387
2006-07	171398	15388
2007-08	263261	18966
2008-09	329728	23954
2009-10	529274	34057
2010-11	417955	21621
2011-12	629960	52313
2012-13	811350	62231
2013-14	834183	60127
2014-15	755247	63351
2015-16	976679	64666
2016-17	917009	60428
Total	6660480	480489

A3. Source: Transparency International India

Figure A4, which published both in central information commission's annual report and in transparency international report, shows very clearly that the trend

of decline of a number of application in most Indian states. However, still, the number is high both in terms of applications filed and rejected.

Total RTI Applications Received by PIO of different Departments of the State/Union under Section 25(2) of the RTI Act (Financial Year)

S.N.	State Information Commission	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	Total	Remarks
1	Central Govt.	24436	171398	263261	329728	529274	417955	629960	811350	834183	755247	976679	917009	6660480	
2	Assam	3250	3784	4021	4902	1485	15497	15577	17073	19284	16926	25989	18260	146048	
3	Bihar	-	3448	50190	97001	109321	99527	129807	133718	126271	114939	-	-	864222	
4	Gujarat	8433	76957	94218	70759	70256	72804	55074	101521	172981	161405	152097	-	103650	
5	Himachal Pradesh	106	2654	10105	17869	43835	55463	72191	61202	63722	50675	46430	60104	484356	
6	Jammu & Kashmir	-	-	-	-	741	3110	12136	27619	29846	-	-	-	73452	
7	Karnataka	10014	40092	57804	93112	172847	221716	293405	418863	425475	544754	-	-	2278082	
8	Kerala	590	26890	109675	120946	158185	177546	227088	250846	373078	373756	373971	-	2192571	
9	Mizoram	-	476	371	177	695	741	1045	1316	1750	1593	2144	1642	11950	
10	Nagaland	-	46	187	399	590	1105	2206	3042	4217	4234	-	4344	20370	
11	Odisha	447	4618	9772	37997	42036	35649	52305	43011	60126	-	-	-	285961	
12	Rajasthan	N/M	9140	19846	28790	45610	75577	71243	94257	140539	170809	199866	196447	1052124	
13	Tripura	47	235	1088	2012	3940	5123	3801	2302	2757	-	-	-	21305	
14	Uttar Pradesh	-	-	-	-	-	-	-	-	-	-	-	-	-	
15	Uttarakhand	1385	9691	15640	23832	27311	37976	69088	87691	114790	122056	104258	-	613718	
	Total													14808289	

(Source: Annual Reports & RTI reply sent to TII)

Conclusion: It is very clear that the demand for suo moto disclosure of the information is much high in the public. Public Authorities must consider the point that they should actively engage in the process of publishing and maintaining the records and fact to the public as much as possible. Not publishing relevant information is both undemocratic and a threat to the survival of the Information Act itself. As Shailesh Gandhi said, "RTI Act needs to be guarded against three potential threats — from the government, the judicial processes and the Commissions themselves." (5th annual convention which held in Delhi on 24th September 2010).

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