

Information availability

Parth J Shah, Financial Express, 11 July 2006

The basic premise of the Right to Information Act is that citizens must ask and directly pay for every piece of information they want from the government. The citizens of India have a right to all the information about the governments of India—local, state and the Union. This right is circumscribed only by the limitations required for official secrets, on what are actually matters of state and security. All information not restricted by those requirements must be available to the citizens as a matter of course, without having to plead, pray or pay.

A legitimate right of one party imposes a corresponding duty on the other party. In other words, a right cannot be considered to be fully recognised if it entails no duty on the other side. My right to the security of my nose, for example, implies a corresponding obligation on others to stop their hand before it reaches my nose. They must stop where my nose begins, or else, suffer legal consequences. Similarly, a citizen's right to information, to be fully recognised, imposes a duty on the government to actually provide that information.

The RTI law suggests the government's duty is to stand ready to accept an exactly worded request for specific information. Then, evaluate the request and furnish the information, or ask for clarifications and then furnish the information, or raise objections and furnish partial information, or refuse altogether.

Let's go back to the example of my nose and your hand. My right to my body means your hand must stop where my nose begins. Not try to stop, intend to stop or commit to stop. It must actually do so. I don't even have to ask you to stop; you must stop, period. That makes it a real right.

Apply this commonsense understanding to the right to information. Then, it is obvious that the government's corresponding duty is not to just stand ready to receive requests for information on a proper format, but to actually provide information. Provide it without my asking.

True, in the real world, there are many constraints in fulfilling real rights. Even when my right to life and body is clearly articulated, it does not mean that my nose never gets punched or touched! But just because it may happen, we do not dilute the real right. We do not say that my right to life means that others should just try to stop their hand.

In sum, the government's duty under the citizen's right to information is the duty to publish all information not allowed to be kept secret by law. We need, in sum, a rewording of the law to enjoin a constant endeavour of every public authority to put all information in the public domain that an affected citizen would expect to have ready access.