

CHAPTER-5

AN IMPACT ASSESSMENT OF THE RIGHT TO INFORMATION ACT, 2005 THROUGH EMPIRICAL STUDY FROM INDIA

5.1. An Overview

The Right to Information Act, 2005 is one of the most innovatory legislations of recent times that has brought in a fresh hope in the minds of the people. The Act has imposed significant obligations on the public authorities to be accountable for all the decisions they take on behalf of the public. This change was long overdue taking into consideration the judgements given by the Supreme Court since the late eighties where Right to Know and Right to Information were elevated and given the status of Fundamental Right. The Right to Information Act gave a formal recognition to this right of citizens and has played a key role in promoting good governance. In the last decade, the right to information has emerged as a powerful tool for the citizens unearthing scams worth crores, bringing in transparency in the social welfare policies seeking individual rights of the citizens.

As discussed in the preceding chapters, it has been more than a decade now but its effective implementation still remains a major challenge. A large section of people of the society irrespective of their social and economic position are still not conscious about the benefits of the Act and its efficacy in their day to day lives. Moreover, with the advent of e-governance, people prefer to dodge visits to public offices and for those who are not digitally literate, take refuge under the services of the touts who in exchange of nominal charges get things done for them. It is also true that people in India, prefer to pay bribe than to hover around in the public offices seeking information under the RTI Act. Majority of the citizens are unaware of the potential the Act carries in strengthening public administration.

It is evident from the foregoing chapters, that besides other factors it is the approach of the citizens and the public authorities that has contributed to the poor

implementation of the Act. A vigilant citizen conscious of his rights can ensure participation in governance by demanding information and the public authorities have mandatory obligation to comply with the demands put across to him under the Act. The absence of inquisitiveness of citizens and the disinclination of public authorities towards disclosure defeats the objective of the Act.

The Act became a reality after a long battle was fought by the citizens against the opaque system existing in the government offices. After going through extensive deliberations and adopting the international standards, the Act was carefully drafted to serve the best interest of the citizens. In order to effectively implement the Act across the different states of India, certain amount of discretion has been given to the state governments in the form of Rules that may be framed by the Central and the State governments to determine the fees and other costs involved in seeking information and deciding appeals and other ancillary matters.¹

Today all the 29 states of India have framed their own rules and have established their State Information Commissions in their respective states fulfilling the objective of the Act. However, it has come to light that these rules vary from state to state and lack uniformity.

Also, a closer look at the Annual Reports of the Information Commissions of the Centre and the various State Information Commissions reflect, that there lies ample disparity in the implementation of the Act. While many of the states have updated and published their Annual Reports,² a good number of them did not make it a regular practice. However, only the Central Information Commission complies with the provisions of the Act and regularly publishes and updates its records.³

Since the inception of the Act, the most significant provision involved in the exercise of this right is the definition of 'public authority' that has led to ample ambiguities for the citizens in determining whether an institution is a public authority or not. The Act excludes private entities like private schools, colleges, banks, multinational companies, NGOs funded by foreign countries etc. However, such information

¹ The Right to Information Act, 2005 s.27

² *Id.* s.25(1)

³ Available at: <https://cic.gov.in> (last visited April 14 2019)

can be made available from the public authorities that hold such information if it is public interest⁴. Due to lack of awareness and ambiguities in the law, the citizens are often unaware of this provision. Moreover, the Information Commissions of different states have interpreted the definitions differently causing further inconvenience to the citizens and depriving them of their legitimate rights.

Taking into consideration these disparities existing in the various states and the lack of cooperation and coordination between the citizens and the public authorities in making information available, there lies a need to check the authenticity of the facts and to further explore the reasons for such oddities. Ergo, a study has been undertaken to test the variables derived from the perception of the Information Seekers and the Information Providers to determine the inconsistencies in the legislation.

5.2. Impact Assessment of the Right to Information Act, 2005 in the Four Cities from Four Corners/Zones of India (New Delhi from the North Zone, Kolkata, West Bengal from the East Zone, Bengaluru, Karnataka from the South Zone and Ahmedabad, Gujarat from the West Zone)

5.2.1. Approach of the Survey

The study has been carried out with the help of primary survey on the basis of both personal and telephonic interview. The target groups for the survey include:

- (i) The Information Seekers or the common people from various backgrounds, namely, students, teachers, businessmen, and employees from the organised and unorganised sectors.
- (ii) The Information Providers i.e. the Public Information Officers designated in various offices including schools, colleges, universities, hospitals, courts, police stations, NGOs and various offices of the Local Municipalities functioning in the respective cities of each state.

⁴ The Right to Information Act, 2005 s.11

5.2.2. Methodology and Sample Size

The Methodology adopted for the survey is stratified random sampling. The universe selected for the purpose of study are Information Seekers i.e. the citizens and Information Providers i.e. the Public Information Officers (PIOs). The sample size for the present research is 100 respondents from each city. A total number of 50 Information Seekers and 50 Information Providers from each city representing an overall number of 200 (50*4) Seekers and 200 (50*4) Providers from India was randomly and purposively selected for the purpose of the survey.

In consonance with the statement of problem of the present research, the following states located in the four corners of India are selected for the study namely- Delhi from the North, West Bengal from the East, Karnataka from the South and Gujarat from the West. From the first three states mentioned herein, the capital cities were selected for drawing the sample i.e. from the State of West Bengal – Kolkata; Bengaluru from Karnataka; New Delhi from the Union Territory of Delhi. The city of Ahmedabad has been purposively chosen from Gujarat over Gandhinagar, taking into consideration its significance as an industrial hub of India. Out of the four states chosen for the purpose of this research, two states already had their own legislations before the Central Act came into force i.e. The Karnataka Right to Information Act, 2000 and Delhi Right to Information Act, 2000 operational in the States of Karnataka and Delhi respectively.

Although the Karnataka government repealed the State Act, the Delhi Right to Information Act, 2000 has not been formally repealed and is occasionally in operation. The states of West Bengal and Gujarat had no statutes mandating access to information before the Act came into force in 2005.

The data has been collected by distribution of two separate sets of structured questionnaire to the respondents (For the Information Seekers and the Information Providers) with close ended questions. The responses given by each category from each city, either positive or negative, were recorded in the questionnaire and analysed in the present study. The data so collected are represented in the form of Tables and Graphs as provided herein below in this Chapter.

5.3. Implementation of Right to Information Act, 2005 in four cities of selected states of India

As already stated in the earlier chapters, before the central legislation came into force, eight states and the Union Territory of Delhi had their own legislations on the Right to Information between 1997 and 2004. As stated in the first chapter, these state Acts failed to bring in the expected reforms and a need was felt for a central legislation to make this right into a reality. Thereafter, the Right to Information Act, 2005 came into force and was made applicable to all the States and Union Territories except the state of Jammu and Kashmir.

Thereafter, the three states West Bengal, Karnataka and Gujarat framed their own Rules viz. the West Bengal Right to Information Rules, 2006; Karnataka Right to Information Rules, 2005; Gujarat Right to Information Rules, 2010 respectively for the effective implementation of the Act. Delhi, being a Union Territory follows the Right to Information Rules, 2012 framed by the Central Government.

The present research focuses on the performance of these four cities from the respective states and seeks to analyse the approach of the citizens and public authorities towards the Act and the reasons hindering its effective implementation. The study purposively does not deal with the role played by the adjudicating authorities i.e. the FAA and the Information Commissions that may be dealt with in future for further research.

5.3.1. Performance of New Delhi

Delhi was a Union Territory until it was declared the national capital of India under the National Capital Territory Act, 1991. The administrative powers of the state is shared by the Centre and the State government where the local administration of Delhi is looked after by the Delhi State Legislature and matters concerning law and order in the state is maintained by the Centre. Also the fact that majority of the civil society organisations and activists being located in Delhi, the citizens are more vigilant and aware about the Act. It is interesting that Delhi due to its special position does not have a State Information Commission but functions directly under the jurisdiction of Central Information Commission like the other Union Territories.

The Delhi Right to Information Act was passed in 2001 and is not formally repealed. It is concurrently made applicable in Delhi with the Right to Information Act, 2005. The RTI Act covers all Central, State and local governmental bodies and applies to the government of Delhi. The Right to Information Regulation of Fee and Cost Rules 2005 and Right to Information Appeal Rules 2005 were passed in the state of Delhi that prescribes the fees and other costs involved in filing applications and also the rules relating to the procedure of appeal.

Since 2015, the e-RTI portal of Delhi has been launched that has various features such as filing of applications, tracking their status, mode of payment through net banking and also online replies, helpline numbers etc. in its 172 departments including the office of the chief minister and his ministers. It also has an anti-corruption branch managed by the Administrative Reforms Department.

The researcher has reached out to the respondents of New Delhi city to find out about the general perception of the citizens and the public authorities towards the Act and to understand the role of the Central government and the local government in ensuring transparency in governance.

The following Table provide for the Questionnaire for the survey in the City of New Delhi.

Table 5.1
Responses of the Information Seekers from the city of New Delhi

Srl. No.	Questions	Responses	
		Yes	No
1	Are you aware of the Right to Information Act, 2005?	96%	4%
2	What is the source of such Information?		
2(a)	Voluntary Display of information in the Departments	2%	98%
2(b)	Websites	38%	62%
2(c)	Awareness Programmes	14%	86%
2(d)	Media	36%	64%
2(e)	Friends and Family	10%	90%
3	Are you aware about the procedure involved in filing a	44%	56%

	request for disclosure of information?		
4	Do the public authorities provide reasonable assistance and cooperation when you enquire about the Act?	4%	96%
5	Have you anytime filed an application under the Right to Information Act, 2005 to seek information from a Public Authority?	26%	84%
6	If Yes, then did you receive the information within 30 days?	20%	80%
7	If No, then were you informed about the reason for such refusal?	16%	84%
8	Are you aware of the provision of exemptions from disclosure under the Act?	44%	56%
9	Are you aware of the procedure of accessing “third party information” (confidential information of individuals /public authorities) under the Act?	18%	82%
10	Are you aware of the penalty provisions against the Public Information Officer for non-compliance of the provisions of the Act?	28%	72%
11	Are you aware of the provision and procedure of Appeal on refusal of information by public authorities?	24%	76%
12	Do you think that information from the following institutions/organisations is available under the Act?		
12(a)	Judiciary	12%	98%
12(b)	Media	10%	90%
12(c)	NGOs	16%	84%
12(d)	Political Parties	10%	90%
12(e)	Intelligence and Security Organisations	4%	96%
12(f)	Banks	8%	92%
12(g)	Private Sector	40%	60%
13	Do you fear being victimised for seeking sensitive information and exposing corruption?	66%	34%

14	Do you think that the RTI Act has been a powerful tool in combating corruption and changing the attitude of the government towards the citizens?	88%	12%
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Table 5.2

Responses of the Information Providers from the city of New Delhi

Srl. No.	Questions	Responses	
		Yes	No
1	Do you display the name and designation of the PIOs and FAA in your department?	22%	78%
2	Do you comply with the provisions mandated under Sec-4 of the Act?	52%	48%
3	Do you have adequate infrastructure and resources to ensure compliance with the provisions of the Act?	66%	34%
4	Do you think thirty days time frame for furnishing information is adequate?	4%	96%
5	Do you communicate the reasons for denying the information to the applicant seeking information under the Act?	78%	22%
6	Do you apply the rule of severability while disclosing exempted information?	88%	12%
7	Do you transfer the application if the information is held by another public authority?	76%	24%
8	Do you comply with the procedure involved in disclosing “third party information” (confidential information of individuals /public authorities) prescribed under Act?	46%	54%
9	Have you ever been penalised for not releasing information under the Act?	14%	86%
10	Do you think that it is an additional burden on the public officials to carry out the duties as Public Information Officers without any remuneration?	82%	18%
11	Do you think that the Right to Information Act is misused	68%	32%

	by the citizens?		
12	Have you attended any orientation programme and training sessions organised by the government on the effective implementation of the RTI Act?	74%	26%

The study reveals the following aspects:

(I) Opinion of the Information Seekers

1. In Delhi, 96% of the respondents were aware of the Act and only 4% of the population were not conscious of the existence of the Act. These 4% were respondents from the unorganised sector who had little knowledge of the Act.
2. The study reflects that websites and media both electronic and print are the major sources that have spread awareness about the Act among the masses in Delhi. The procedure involved in filing the application is known to 44% of the respondents. 56% of the people who answered in negative stated that they never used RTI Act till date and would gather the information online if they applied for information in future.
3. On asked whether public authorities provided reasonable assistance, 86% answered in negative which clearly shows that the attitude of the public authorities have not changed even after thirteen years since its enactment.
4. Only 26% of the respondents have filed RTI applications and out of them 20% of these respondents got their reply in thirty days. Surprisingly, only 16% of them were communicated the reasons for refusal which fell under the exemptions of Sec 8(1) of the Act. When asked about knowledge about the provisions of exemption, 44% of the respondents answered in positive.
5. The provision relating to access of information of third parties is among the finest features of the Act where information from a private entity can be demanded if it is in the custody of public authority. Only 18% of the respondents were aware of this provision.

6. 28% of the respondents were unaware of the fact that the officers could be penalised for not furnishing the required documents. On the contrary 66% of the respondents feared victimisation for approaching the authorities with an application and considered paying a bribe a better alternative.
7. Provision of appeal is an important feature of the Act. In Delhi, 24% of the respondents knew about the appellate procedure. However, while interacting with the respondents the researcher found out that out of these people, limited number of people knew about the First Appellate authority although they were all aware of the powers of the Information Commissions.
8. With regard to the information from the various institutions or organisations that could be made available by the public authorities under the Act, 12% thought that judiciary is included, 10% media 16% NGOs. Although Delhi being dominated by politicians and political parties 10% of the respondents believed that they are accountable to public followed by banks 4%. About 40% of the respondents thought that the private sector was included under the purview of the Act but did not know the procedure involved to approach them.
9. Surprisingly, 88 % of the respondents think that RTI is indeed a powerful tool to curb corruption and opined that there is inadequate knowledge about the Act among the masses.

(II) Opinion of the Information Providers in Delhi City

1. The study reveals that only 22% offices in Delhi displayed information relating to the PIOs and FAA in their departments. Moreover, only 52% of the offices proactively disclose information complying with Sec-4 of the Act. It indicated that people who are not well versed are subjected to inconvenience.
2. The Act mandates disclosure of information with a time frame of thirty days. Since it is an additional duty on the PIOs, 96% of them think that such time frame is inadequate.
3. With regards to the compliance of the provisions relating to communication of reasons for denying information, 78% of the officers communicate the reasons

for refusal. 88% of them apply the rule of severability and 76% of the information requested is transferred to the concerned offices but the time frame of thirty five days (five days in addition to 30 days) is not followed. Regarding third party information, 46% of the PIOs comply with the procedure of informing the concerned person whose information has been requested by the applicant.

4. Only 14% of the officers have been penalised for non-compliance and 82% of the respondents are of the view that it is an additional burden upon them as PIOs with no additional remuneration. When asked them whether the Act is misused, 68% of affirmed this as the citizens often receive repetitive and vexatious applications meant to harass the officials. Although orientation programmes are not held regularly, 74% of the respondents have attended training sessions organised by the government.

5.3.2. Implementation of Right to Information Act in Kolkata

Kolkata is the capital city of West Bengal and it is also known as the cultural capital of India. Its civic administration is managed by Kolkata Municipal Corporation. With the advent of e-governance, service delivery has improved considerably in the city. According to the findings released in March 2018 by Janaagrah Annual Survey of India's City Systems (ASICS)⁵, Kolkata has been ranked 2nd for its improvement as a city leaving Bengaluru behind. It reflects improvement in the administration of the city. However, during the study, it came to light that the implementation of RTI Act in Kolkata has not been significant in comparison to other cities.

The Kolkata Municipal Corporation website, specimen form for application seeking information is provided. Also proactive disclosure of all the departments are mentioned in the website.

⁵ Kolkata Evaluation Report *available* at http://www.janaagraha.org/asics/ASICS_2017.html (last visited on May 5, 2019)

Table 5.3**Responses of the Information Seekers from the city of Kolkata**

Srl. No.	Questions	Responses	
		Yes	No
1	Are you aware of the Right to Information Act, 2005?	72%	28%
2	What is the source of such Information?		
2(a)	Voluntary Display of information in the Departments	0%	100%
2(b)	Websites	14%	86%
2(c)	Awareness Programmes	4%	98%
2(d)	Media	62%	38%
2(e)	Friends and Family	20%	80%
3	Are you aware about the procedure involved in filing a request for disclosure of information?	30%	70%
4	Do the public authorities provide reasonable assistance and cooperation when you enquire about the Act?	6%	94%
5	Have you anytime filed an application under the Right to Information Act, 2005 to seek information from a Public Authority?	4%	96%
6	If Yes, then did you receive the information within 30 days?	2%	98%
7	If No, then were you informed about the reason for such refusal?	2%	98%
8	Are you aware of the provision of exemptions from disclosure under the Act?	10%	90%
9	Are you aware of the procedure of accessing “third party information” (confidential information of individuals /public authorities) under the Act?	0%	100%
10	Are you aware of the penalty provisions against the Public Information Officer for non-compliance of the provisions of the Act?	6%	94%
11	Are you aware of the provision and procedure of Appeal on refusal of information by public authorities?	6%	94%

12	Do you think that information from the following institutions/organisations is available under the Act?		
12(a)	Judiciary	4%	96%
12(b)	Media	8%	92%
12(c)	NGOs	28%	72%
12(d)	Political Parties	10%	90%
12(e)	Intelligence and Security Organisations	0%	100%
12(f)	Banks	4%	96%
12(g)	Private Sector	46	54%
13	Do you fear being victimised for seeking sensitive information and exposing corruption?	72%	28%
14	Do you think that the RTI Act has been a powerful tool in combating corruption and changing the attitude of the government towards the citizens?	58%	42%

Table 5.4

Responses of the Information Providers from the city of Kolkata

(Questionnaire on the Right to Information Act, 2005 for the Information Providers)

Srl. No.	Questions	Responses	
		Yes	No
1	Do you display the name and designation of the PIOs and FAA in your department?	8%	92%
2	Do you comply with the provisions mandated under Sec-4 of the Act?	24%	76%
3	Do you have adequate infrastructure and resources to ensure compliance with the provisions of the Act?	32%	68%
4	Do you think thirty days time frame for furnishing information is adequate?	0%	100%
5	Do you communicate the reasons for denying the information to the applicant seeking information under the Act?	36%	64%

6	Do you apply the rule of severability while disclosing exempted information?	35%	65%
7	Do you transfer the application if the information is held by another public authority?	38%	62%
8	Do you comply with the procedure involved in disclosing “third party information” (confidential information of individuals/public authorities) prescribed under Act?	20%	80%
9	Have you ever been penalised for not releasing information under the Act?	2%	98%
10	Do you think that it is an additional burden on the public officials to carry out the duties as Public Information Officers without any remuneration?	96%	4%
11	Do you think that the Right to Information Act is misused by the citizens?	82%	18%
12	Have you attended any orientation programme and training sessions organised by the government on the effective implementation of the RTI Act?	24%	76%

(I) Opinion of the Information Seekers

1. In Kolkata where the literacy level is higher than the national average, only 72% of the respondents were conversant with the Act out of which only 30% respondents were aware about the procedure involved in filing the application.
2. With regards to the source, 62% of the respondents gathered knowledge about the Act from the print and electronic media, 14% through websites, 20% from friends and families and 4% from awareness programmes. Unfortunately, none of the offices displayed such information.
3. Participation of the citizens is one of the important aspect for the effective implementation of the Act. However, only 4% of the respondents were found to have exercised their right to information. On being asked whether the public

authorities provided them reasonable assistance, they answered in negative. It reflects that the attitude of the public authorities have not changed much over the years.

4. Among the 4% of the respondents who have filed RTI applications, only 2% of the respondents got their reply after 45-50 days time frame. Surprisingly, only 2% of them were communicated the reasons for refusal for information which fell under Sec 8(1). When asked about knowledge about the provisions of exemption, 90 % of the respondents answered in negative.
5. Not a single respondent knew about the provisions relating to access to third party information and only 6% of them knew that these officials could be penalised for non compliance. Also, only 6% were aware of the provision of appeal.
6. When asked whether information could be sought from certain institutions and agencies under the Act, the respondents had vague knowledge about the applicability of the Act. None of them knew that Intelligence and Security Organisations came under the purview of the Act if the information pertained to violation of human rights and corruption.
7. From the survey conducted, only 58% of the respondents believed that the RTI Act can reduce corruption if used effectively whereas 72% of the respondents feared being victimised not only from the public officials but also from the local goons.

(II) Opinion of the Public Information Officers

1. The study reflects that only 8% of the offices in Kolkata display information assisting people in filing applications and spreading awareness about the Act. Further only 24% of the offices comply with the provisions mandated under Sec -4 of the Act. The Kolkata Municipal Corporation Website makes proactive disclosure about all departments but getting access to such information is almost impossible for people who are not conversant with the e-governance.

Most of the department websites have a window to “RTI” but only has the names of the PIOs and FAA and no other information.

2. Despite being adequately funded, 32% of the officials blamed their incapacity in updating and maintaining records to inadequate infrastructural facilities.
3. According to the respondents, thirty (30) days time frame is a major roadblock in providing information. Not a single respondent was satisfied with the time frame prescribed in the Act and opined that it should be extended to ninety (90) days.
4. Reasons of information communicated for refusal is as low as 36%. Other knowledge such as rule of severability, transfer of application to other offices requiring five days extra and procedure involving third party information is 35% and 38% and 20% respectively.
5. Penalty provision is seldom complied with by the Information Commissions where only 2% of the respondents have been penalised. Moreover 96% of the officials consider their appointment as PIO burdensome and 82% of them argued that the Act is misused to a considerable extent. Lack of orientation programmes is a major issue in the poor implementation of the Act. Surprisingly only 24% of the public officials have attended orientation programmes in the city of joy.

5.3.3. Enforcement of Right to Information Act in Bengaluru

Bengaluru is the capital of Karnataka and is often considered as the silicon valley of India for being the IT hub of India, housing all the leading IT companies and employing a large number of software engineers. It also has good number of hospitals – private and public, best of schools, universities and colleges. There are also good numbers of workers who work in the unorganised sector in this city and have been settled here for better employment opportunities. It is one of the fastest growing and populous cities of India with a large number of migrant communities settling in every year impacting its environment and governance.

The Bruhat Bengaluru Mahanagar Palike, the Municipal Corporation of the Bengaluru city has an RTI window that makes proactive disclosure of information of all departments. There is also Public Disclosure

In compliance with Sec 27 of the Central Act, the state government of Karnataka framed its rules under the Karnataka Right to Information Rules, 2005 to give effect to the Right to Information Act,2005. The Municipal corporation and town councils of Bengaluru permit two languages - Kannada and English for filing applications either hand written or typed with a nominal fee of Rs.10 that can be paid through DD, IPO, or Bankers Cheque or Pay Order or also in person to the offices. A mobile app has been recently introduced by the Karnataka Information Commission through which the citizens can track the status of the cases and cause list.

Table 5.5

Responses of the Information Seekers from the city of Bengaluru

Srl. No.	Questions	Responses	
		Yes	No
1	Are you aware of the Right to Information Act, 2005?	90%	10%
2	What is the source of such Information?		
2(a)	Voluntary Display of information in the Departments	4%	96%
2(b)	Websites	34%	68%
2(c)	Awareness Programmes	10%	90%
2(d)	Media	44%	54%
2(e)	Friends and Family	10%	90%
3	Are you aware about the procedure involved in filing a request for disclosure of information ?	36%	64%
4	Do the public authorities provide reasonable assistance and cooperation when you enquire about the Act?	6%	94%
5	Have you anytime filed an application under the Right to Information Act, 2005 to seek information from a Public Authority?	18%	82%
6	If Yes, then did you receive the information within 30	8%	92%

	days?		
7	If No, then were you informed about the reason for such refusal?	4%	96%
8	Are you aware of the provision of exemptions from disclosure under the Act?	24%	76%
9	Are you aware of the procedure of accessing “third party information” (confidential information of individuals /public authorities) under the Act?	14%	86%
10	Are you aware of the penalty provisions against the Public Information Officer for non-compliance of the provisions of the Act?	14%	86%
11	Are you aware of the provision and procedure of Appeal on refusal of information by public authorities?	16%	84%
12	Do you think that information from the following institutions/organisations is available under the Act?		
12(a)	Judiciary	12%	88%
12(b)	Media	20%	80%
12(c)	NGOs	10%	90%
12(d)	Political Parties	12%	98%
12(e)	Intelligence and Security Organisations	2%	98%
12(f)	Banks	8%	92%
12(g)	Private Sector	40%	60%
13	Do you fear being victimised for seeking sensitive information and exposing corruption?	60%	40%
14	Do you think that the RTI Act has been a powerful tool in combating corruption and changing the attitude of the government towards the citizens?	90%	10%

Table 5.6**Responses of the Information Providers from the city of Bengaluru**

Srl. No.	Questions	Responses	
		Yes	No
1	Do you display the name and designation of the PIOs and FAA in your department?	18%	82%
2	Do you comply with the provisions mandated under Sec-4 of the Act?	40%	60%
3	Do you have adequate infrastructure and resources to ensure compliance with the provisions of the Act?	25%	75%
4	Do you think thirty days time frame for furnishing information is adequate?	0%	100%
5	Do you communicate the reasons for denying the information to the applicant seeking information under the Act?	54%	46%
6	Do you apply the rule of severability while disclosing exempted information?	80%	20%
7	Do you transfer the application if the information is held by another public authority?	68%	32%
8	Do you comply with the procedure involved in disclosing “third party information” (confidential information of individuals /public authorities) prescribed under Act?	32%	68%
9	Have you ever been penalised for not releasing information under the Act?	8%	92%
10	Do you think that it is an additional burden on the public officials to carry out the duties as Public Information Officers without any remuneration?	90%	10%
11	Do you think that the Right to Information Act is misused by the citizens?	74%	26%
12	Have you attended any orientation programme and training sessions organised by the government on the effective implementation of the RTI Act?	56%	44%

(I) Opinion of the Information Seekers

1. In Bengaluru city, 90% of the respondents were aware of the Act and among them only 36% were aware about the procedure involved in filing the application.
2. The major source of such information was media with 44% and close to that was 34% through websites. Only 6% of the respondents got assistance from the public officials.
3. Number of people who have sought information is arguably high in Bengaluru with 18% respondents out of which only 8% of the respondents got their reply in thirty days.
4. Regarding provisions relating to exemptions, third party information, penalty procedure of appeals the response was 24%; 14%; 14%; 16% respectively.
5. The respondents of Bengaluru like the other cities were not conversant with the applicability of the Act on the various institutions and agencies functioning in India. However, 2% of the respondents knew that The Act applies to the Intelligence and Security Organisations.
6. A total of 90% of the respondents agree that the Act has been a boon for the citizens to tackle corruption whereas 60% feel that it can cause threat to their lives if such information is sensitive.

(II) Opinion of the Public Information Officers

1. The study reflects 18 % of the government offices display information assisting people in filing applications and spreading awareness about the Act. However, only 40% of the departments proactively disclose details of its functioning. websites have all the required information. 25% of the officials blamed their incapacity in updating and maintaining records to inadequate infrastructural facilities.

2. When asked about the thirty days time frame, 100% of the respondents agreed that it is inadequate. Other knowledge such as rule of severability, transfer of application to other offices requiring five days extra and procedure involving third party information is 80 % and 68% and 32% respectively.
3. Regarding the penalty provisions, it was interesting to note that 8% of the respondents were imposed penalty by the State Information Commissions.
4. Moreover 90% of the officials consider their appointment as PIO burdensome and 74% of them agreed that the Act is misused more than it is used.
5. Since the Karnataka Information Commission conducts regular orientation programmes, 56% of the public officials were found to be trained.

5.3.4. Performance of Ahmedabad

Ahmedabad city that is an industrial hub and one of the largest cities of India. important business centre. Its importance has not diminished even after Gandhinagar became the capital of Gujarat. The people here are more business oriented and post the earthquake in Bhuj accountability has become a major issue in the governance of Gujarat.

Table 5.7

Responses of the Information Seekers from the city of Ahmedabad

Srl. No.	Questions	Responses	
		Yes	No
1	Are you aware of the Right to Information Act, 2005?	78%	22%
2	What is the source of such Information?		
2(a)	Voluntary Display of information in the Departments	2%	98%
2(b)	Websites	30%	70%
2(c)	Awareness Programmes	8%	92%
2(d)	Media	40%	60%
2(e)	Friends and Family	20%	80%
3	Are you aware about the procedure involved in filing a request for disclosure of information ?	22%	78%

4	Do the public authorities provide reasonable assistance and cooperation when you enquire about the Act?	6%	94%
5	Have you anytime filed an application under the Right to Information Act, 2005 to seek information from a Public Authority?	10%	90%
6	If Yes, then did you receive the information within 30 days?	4%	96%
7	If No, then were you informed about the reason for such refusal?	2%	98%
8	Are you aware of the provision of exemptions from disclosure under the Act?	20%	80%
9	Are you aware of the procedure of accessing “third party information” (confidential information of individuals /public authorities) under the Act?	4%	96%
10	Are you aware of the penalty provisions against the Public Information Officer for non-compliance of the provisions of the Act?	4%	96%
11	Are you aware of the provision and procedure of Appeal on refusal of information by public authorities?	8%	92%
12	Do you think that information from the following institutions/organisations is available under the Act?		
12(a)	Judiciary	8%	92%
12(b)	Media	8%	92%
12(c)	NGOs	32%	68%
12(d)	Political Parties	10%	90%
12(e)	Intelligence and Security Organisations	0%	100%
12(f)	Banks	10%	90%
12(g)	Private Sector	32%	68%
13	Do you fear being victimised for seeking sensitive information and exposing corruption?	54%	46%
14	Do you think that the RTI Act has been a powerful tool	72%	24%

	in combating corruption and changing the attitude of the government towards the citizens?		
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Table 5.8

Responses of the Information Providers from the city of Ahmedabad

Srl. No.	Questions	Responses	
		Yes	No
1	Do you display the name and designation of the PIOs and FAA in your department?	12%	88%
2	Do you comply with the provisions mandated under Sec-4 of the Act?	36%	64%
3	Do you have adequate infrastructure and resources to ensure compliance with the provisions of the Act?	52%	48%
4	Do you think thirty days time frame for furnishing information is adequate?	0%	100%
5	Do you communicate the reasons for denying the information to the applicant seeking information under the Act?	50%	50%
6	Do you apply the rule of severability while disclosing exempted information?	76%	24%
7	Do you transfer the application if the information is held by another public authority?	54%	46%
8	Do you comply with the procedure involved in disclosing “third party information” (confidential information of individuals /public authorities) prescribed under Act?	24%	76%
9	Have you ever been penalised for not releasing information under the Act?	6%	94%
10	Do you think that it is an additional burden on the public officials to carry out the duties as Public Information Officers without any remuneration?	96%	4%
11	Do you think that the Right to Information Act is misused by the citizens?	80%	20%

12	Have you attended any orientation programme and training sessions organised by the government on the effective implementation of the RTI Act?	26%	74%
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(I) Opinion of the Information Seekers

1. In Ahmadabad, people are more business oriented and rarely approach the public offices for getting things done. Like the other cities although the Act was known to 78% of the respondents, merely 22% seemed aware of the procedural formalities to get information. The public officials rarely render assistance with only 6%. The major source of information from the media remains 40%.
2. Although the time frame prescribed under the Act is “within” thirty days, the information takes more than 50 days to reach the applicants. Of the 10% applied for information, 4% received information in 30 days, 2% were refused information and reasons for such refusal was not communicated.
3. The knowledge of the provisions relating to exemption, third party information, penalty and appeal was inadequate with below 20%. Regarding the applicability of the Act on the various institutions, like the other three cities, the respondents had little knowledge about the procedural formalities.
4. 72% of the respondents agreed that the RTI Act is of a powerful tool for curbing corruption. However, 54% of them fear victimisation and have little faith in the administration.

(II) Opinion of the Public Information Officers

1. In Ahmedabad, only 12% of the respondents displayed information in the departments whereas only 36 % made *suo motu* disclosure specified under the Act.
2. 52% of the officials blamed their incapacity in updating and maintaining records to inadequate infrastructural facilities and insufficient time.

3. Same as the other cities 30 days time frame is found inadequate for the public officials as it an additional burden.
4. Reasons of information communicated for refusal is as low as 50%. Other knowledge such as rule of severability, transfer of application to other offices requiring five days extra and procedure involving third party information is as low as 76% and 54% and 24% respectively.
5. The public authorities are junior offices and not adequately trained. They have to often seek permission from their officials before making information available to them. Only 6% officers have been penalised. This is because penalty provision is often waived due to which the PIOs take little interest in making information available. Among them 96% think that it is an additional burden.
6. According to 80% PIOs, the Act has served very little to the society as it is misused by Ministers, politicians, media, NGOs and the advocates. From this city, only 26% of the public officials have attended orientation programmes as there is no uniformity in educating all the office bearers.

5.4. A Comparative Study of the Responses given by the Information Seekers and Information Providers in the Four Cities of India

Before moving ahead with the analysis of the responses, the compliance of Sec-25 of the RTI Act needs to be taken into consideration. It expressly states that at the end of every year, the Central and the State Information Commissions shall prepare Annual Reports consisting of the details of requests made to the public authorities within their respective jurisdiction, the number of refusal, number of appeals referred to the Information Commissions, disciplinary action taken against the erring officers and necessary details and forward a copy to the appropriate government. This report is extremely crucial to oversee the implementation of the Act.

Table.5.9 indicates the display of the Annual Reports published in the websites of the Information Commissions of the four cities of India in the last three years i.e.2015-16; 2016-17 and 2017-2018 available in the official websites. The table reflects that only the Central Information Commission has published and updated the Annual

Report for all the three years. The three states West Bengal, Karnataka and Gujarat have not complied with the mandatory obligation of the Act. The performance of the State of Karnataka in this regard is the worst in comparison to the other two as it has not published its report since 2015. This clearly reflects the approach of the government towards the Act.

Table 5.9

Status of Publication of Annual Reports in the Websites of Four Information Commissions

Srl. No.	Names of States	Annual Reports (2015-16)	Annual Reports (2016-17)	Annual Reports (2017-18)
1	Delhi	✓	✓	✓
2	West Bengal	✓	✓	NIL
3	Karnataka	NIL	NIL	NIL
4	Gujarat	✓	✓	NIL

On the perusal of the overall response of the questions and on analyzing the data of the four cities selected for the purpose of the present research, the approach of the citizens and the public officials can be summed up and the following observation may be deemed.

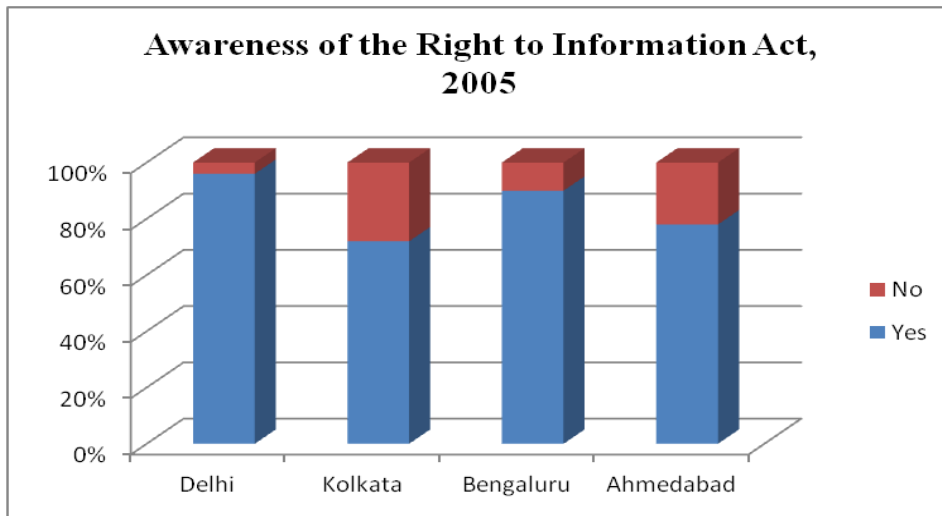
5.4.1. Responses of the Information Seekers

(1) Awareness Level of Citizens

The Act has completed more than thirteen years and Fig.5.1 indicates the awareness level of all the states that has not been equal with Delhi being the highest followed by Bengaluru, Ahmedabad and Kolkata. The reason can be attributed to the compliance of the provisions of the Act by the Central government which is comparatively more proactive than the other cities.

It is true that the awareness programmes conducted by the government both at the Centre and State post the enactment of the Act, has made RTI Act a household name but the respondents are of the view for the last few years there has been negligible efforts on the part of the government to educate the masses about the Act.

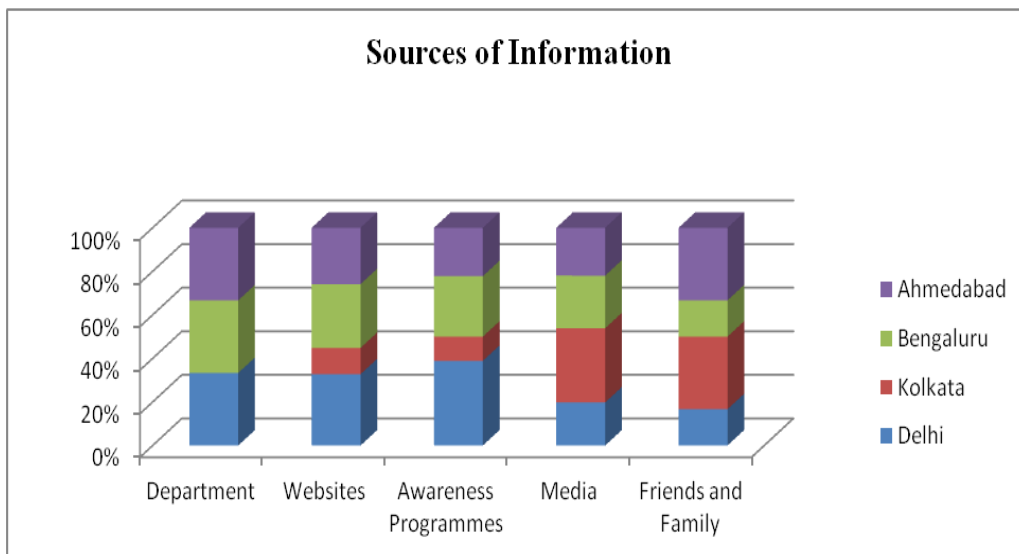
Figure 5.1



(2) Sources of Information

Although the literal interpretation of the Act provides for *suo motu* disclosure in the departments, it reflects from the four cities that voluntary display of information is the most neglected source for disseminating information with Kolkata performing the worse. Information is available widely in the websites of the departments across all cities accessible to only the digitally literate citizens. However, the contribution of media has been tremendous in reporting RTI cases and also the revelations made from RTI applications.

Figure 5.2



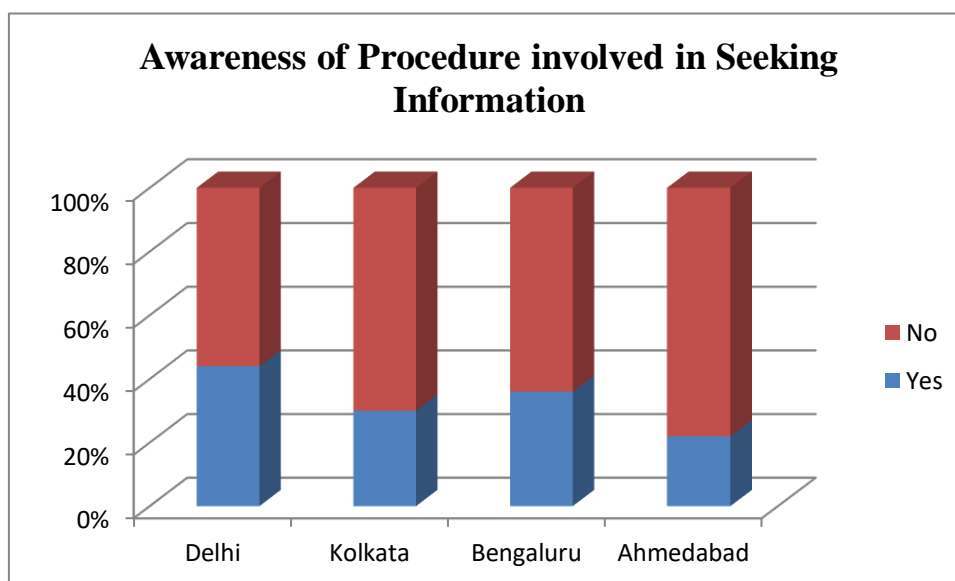
(3) Procedure for obtaining Information

There is significant dearth of knowledge with regards to the procedure of the Act which is apparent from Fig.5.3. There is negligible difference between the cities of Bengaluru and Ahmedabad in this regard. The study reveals the perception of the people from the four cities towards the Act. The people of Ahmedabad have a moderate approach towards the Act and expect more from the government. In Kolkata people are less enthusiastic about the Act and the level of awareness and knowledge about the Act is comparatively poor which can be attributed to lack of initiative by the government. People of Karnataka and Delhi seemed to be more conscious of their rights. Because many citizens are not digitally literate to access information, failure to display information in the respective department keeps people aloof from the Act.

Language also has a larger role to play in disseminating information to the people. Unlike Karnataka and Gujarat, the official website of Kolkata Information Commission displays information only in English language. Due to the absence of availability of information in Bengali only a restricted number of population can avail such information from the website.

At the time where mobile phone companies are promoting local languages in the keypads, translation of information in Bengali in the state of West Bengal becomes imperative.

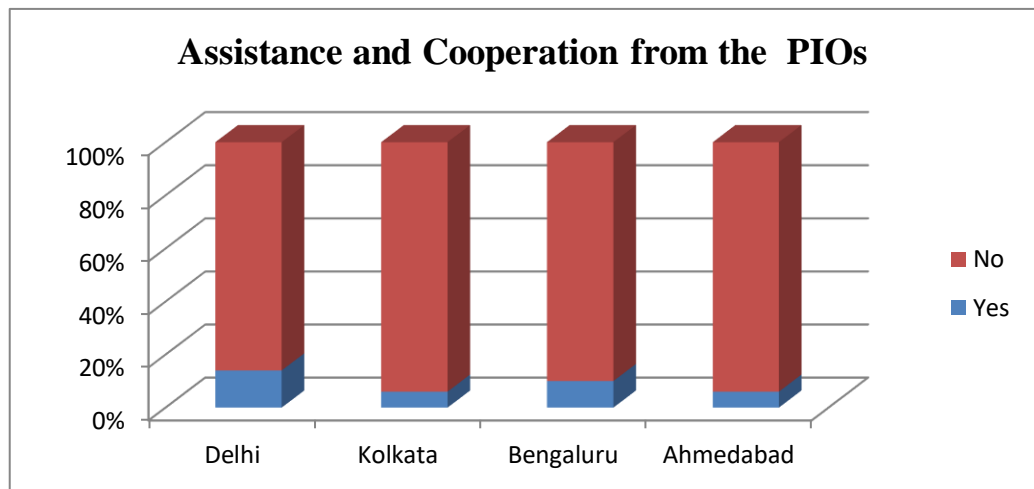
Figure-5.3



(4) Assistance and Cooperation from the PIOs

Sec. 5(3) of the Act mandates that the CPIO or the SPIO should render reasonable assistance to the citizens for filing applications. Fig.5.4 indicates the low level of assistance extended by the public officials to the applicants seeking information. On the contrary, in the course of the survey, the researcher came across incidents shared by the respondents of being intimidated by the officials for exercising their legitimate right.

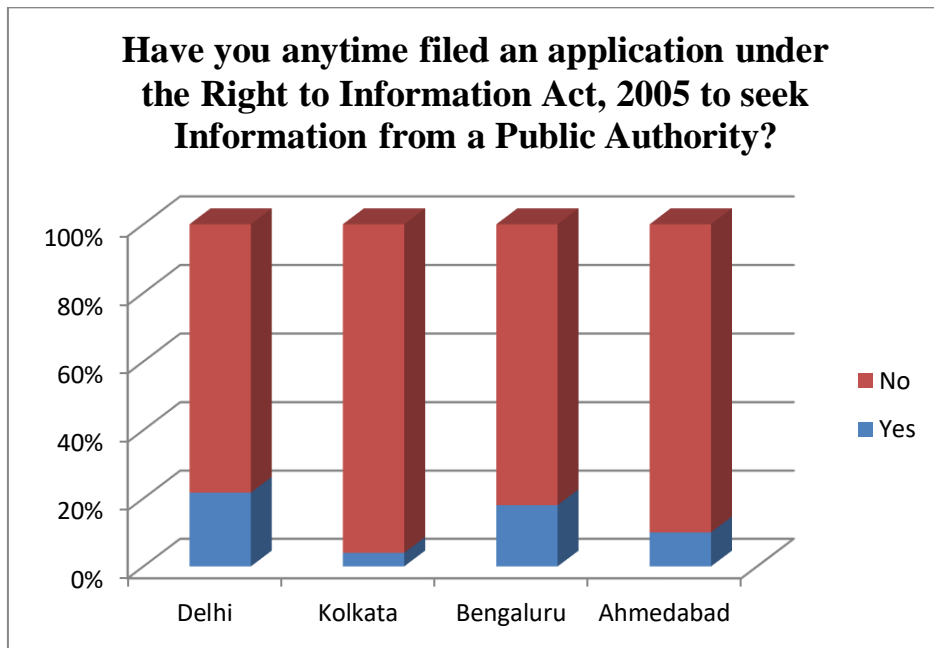
Figure-5.4



(5) Obstacles in filing application

As discussed in Chapter 4, the Right to Information Act, 2005, is accessed rarely by common people. Fig.5.5 reflects that less than 20% of the respondents have approached the public offices for seeking information. The study indicates that people prefer to pay bribe ranging between Rs.20 to Rs.100 for getting information from the public offices. According to some respondents, filing application would amount to offending the public servants which they would avoid. For the other respondents, paying a bribe was a better alternative over RTI application owing to the procedure involved in seeking information..

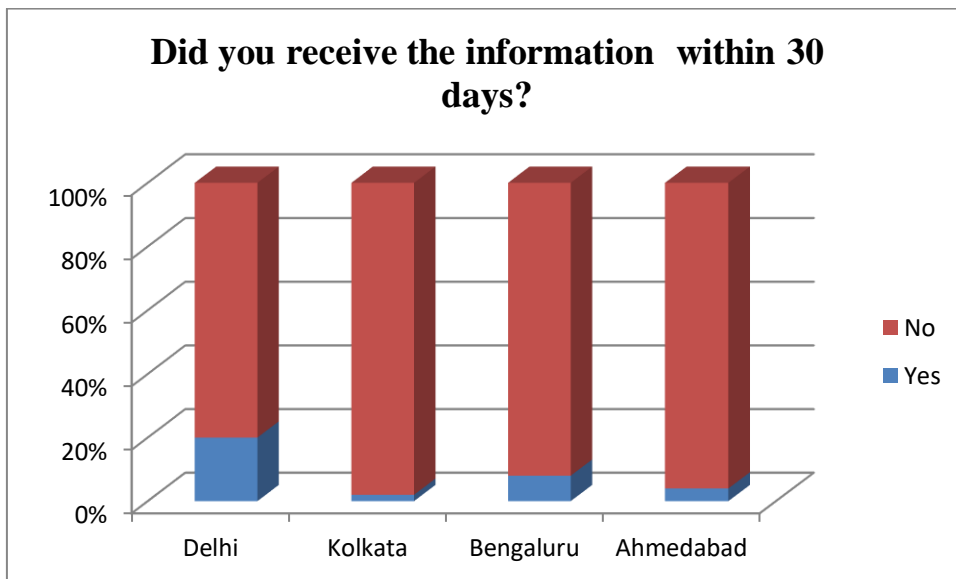
Figure 5.5



(6) Receipt of Information within the Time Frame

Although thirty days time frame is mandated under the Act, very few offices comply with this provision. Fig.5.6 reflects less than 20% applications are answered within the stipulated time frame. Since it is an additional responsibility, the PIOs rarely make information available in thirty days. As a result, the citizens have to wait for several months with uncertainty.

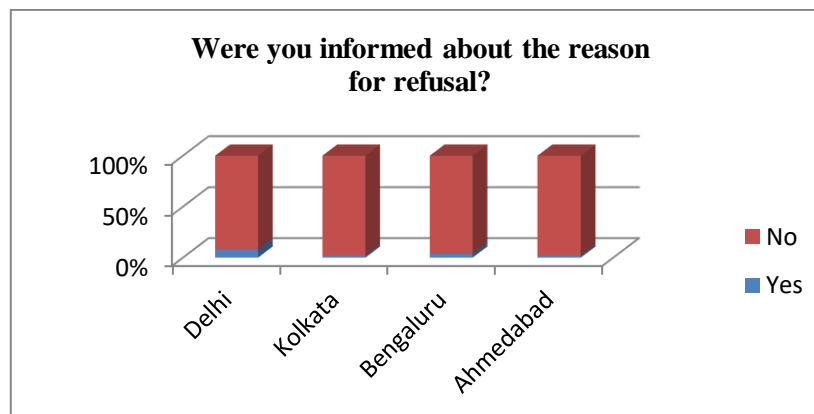
Figure 5.6



(7) Denial of Information without reason

Denial of information without furnishing any reason amounts to violation of the provisions of Act. In the course of the survey, many of the respondents pointed out that sensitive issues relating to environmental pollution, land encroachment, or corruption cases are often not answered and no reasons are furnished in this regard. Fig. No.5. 7 shows the poor performance of the public authorities and their ways to escape accountability.

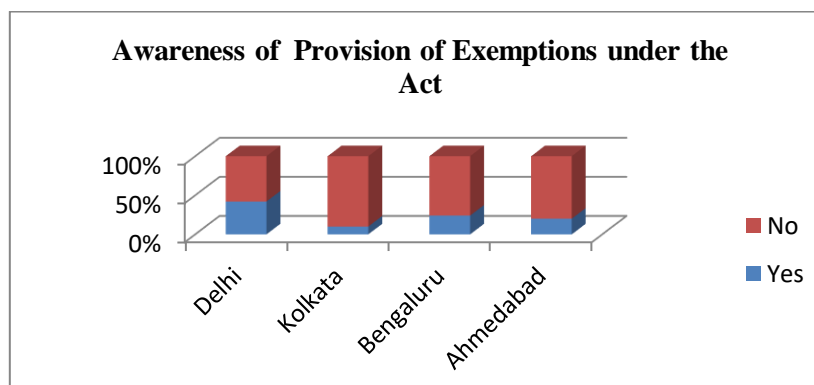
Figure 5.7



(8) Awareness of the Provision of Exemption

As discussed in the preceding chapter, the exemption clause is very often misused by the public officials due to the ignorance of the citizens. It is true that every public information cannot be shared and there are certain categories of information that should be kept confidential in public interest. Fig.5.8 indicates the inadequate knowledge of the citizens in this regard.

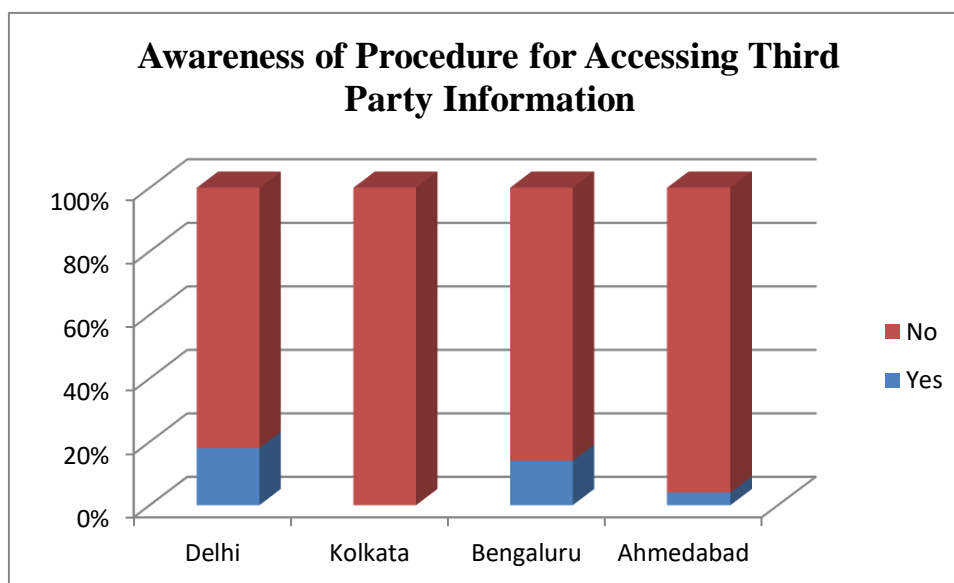
Figure 5.8



(9) Access to Third Party Information

The RTI Act excludes the private sector from the application of the Act. However, the citizens can obtain all information indirectly from the government offices that are authorised to control or monitor them, or connected in anyway under any other laws for the time being in force. In practice, Fig.5.9 shows that this provision is seldom complied with by the public officials as the citizens are often oblivious to this remarkable provision.

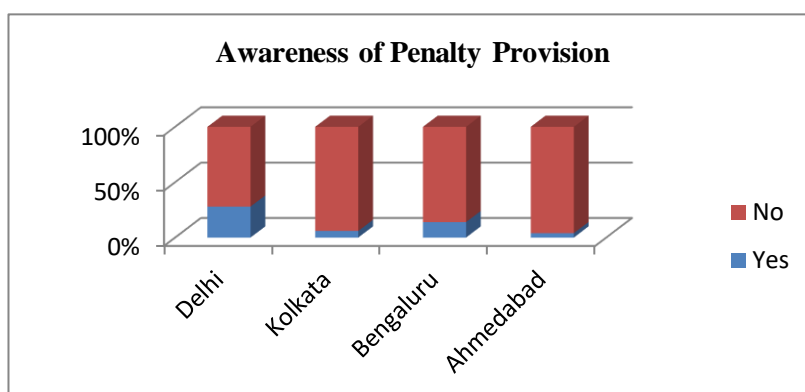
Figure 5.9



(10) Provision of Penalty

Where the Central Information Commission or the State Information Commissions finds that the Information officer had refused or not furnished the information, without any reasonable cause or malafidely denied request, a penalty of Rs 250 each day may be imposed on him till he receives the application or furnishes the information which shall not exceed Rs.25000. The awareness level relating to the penalty clause is not known to majority of the respondents. The cities of Delhi and Bengaluru are comparatively more aware than the other two cities.

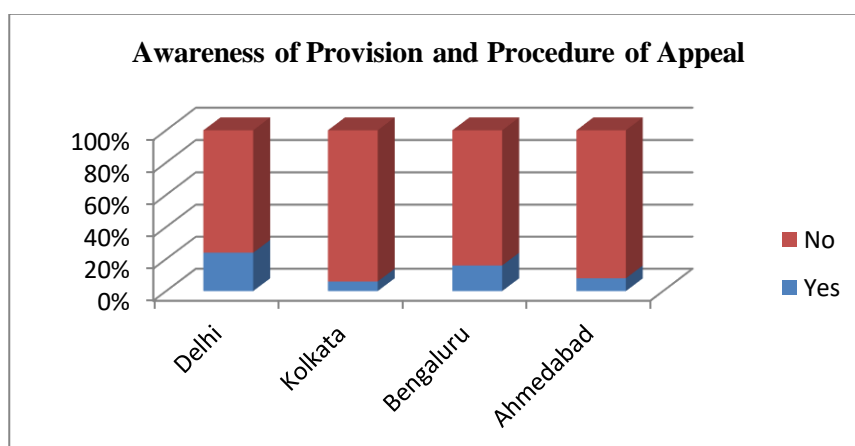
Figure 5.10



(11) Awareness about the provision and procedure of Appeal

As discussed in Chapter-2, the Act prescribes two stages of appeal for the aggrieved person who has not received information within the fixed time frame or have been denied information. The first appeal lies before the FAA who is a senior officer of the concerned Department whereas the second appeal can be filed with the Central Information Commission or the State Information Commission established under the Act. Due to ignorance and lack of awareness, many respondents get deprived of their right to appeal which is free of cost. (See Fig.5.11) With the advent of video conferencing, appellate procedure has been easier and faster but has not been popular among all sections of the society. During the survey, it was found that the many of the respondents who knew about the provision of appeal had limited knowledge and were unaware of the First Appellate Authorities. Poor awareness and absence of display boards in offices keep people away from seeking such relief.

Figure 5.11

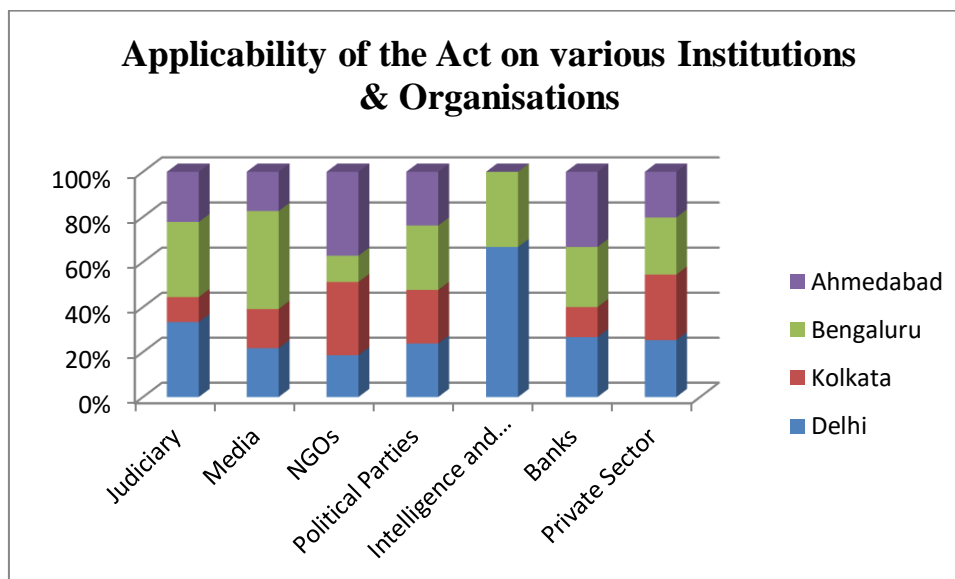


(12) Applicability of the Act on Various Institutions and Organisations

In Chapter 4, the researcher throws light on the impediments and challenges of the Act and how the institutions and agencies have impacted the smooth functioning of the Act. Accountability and transparency from every institution that are involved in public activities should be made accountable to public. Therefore to know about the perception of the citizens these questions were asked to the common people.

The survey has revealed that people have very little knowledge about the applicability of the Act on the various institutions and organisations. Fig. 5.12 indicates the little knowledge of the Information Seekers about the applicability and extent of the Act on the judiciary, media, NGOs, political parties, banks and private sector. Surprisingly, the respondents from all the four cities answered in positive when asked whether private entities came under the purview of the Act. However, very few of them knew about the procedure involved in accessing such information. Many of the respondents equated the Act with Consumer Protection Act, 1986 which includes private entities as well.

Figure 5.12

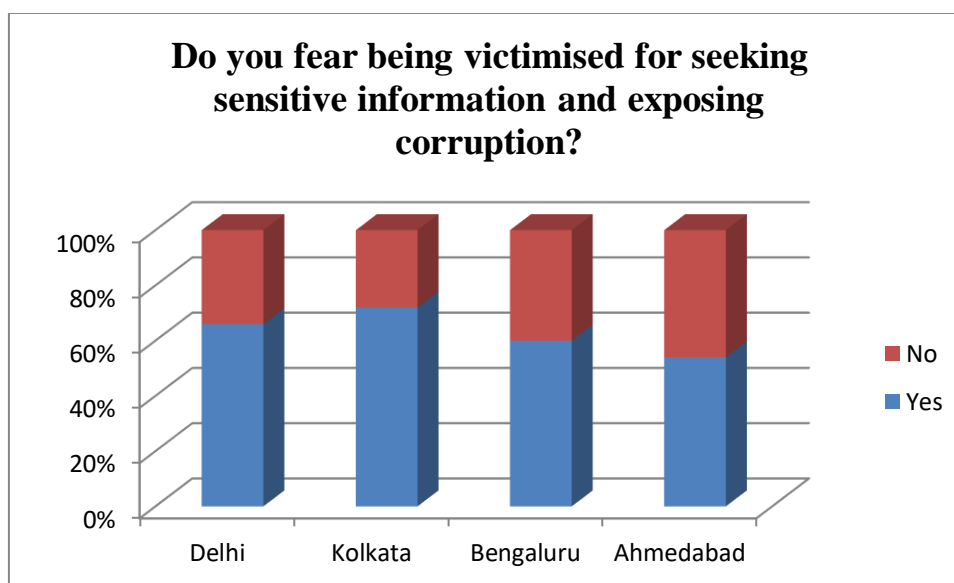


(13) Victimization of Information Seekers

Victimization is a big hurdle especially in the present context when the citizens have very less faith on the government officials. People hesitate in exercising their rights demanding samples of construction materials, inspection of records, certifying copies of government documents, details about the subsidies and other benefits extended to the beneficiaries etc., allocated to the citizens. These rights are mostly in use by a certain category of citizens including members of NGOs, journalists and advocates .

Fig .13 reflects that almost 60% of the respondents fear victimisation in dealing with sensitive information like corruption cases or environmental issues. Increasing number of attacks on the RTI activists and whistleblowers have been the reason for such a dismal response. When asked about the knowledge about the Whistle Blowers Protection Act, 2011, majority of the respondents answered in negative.

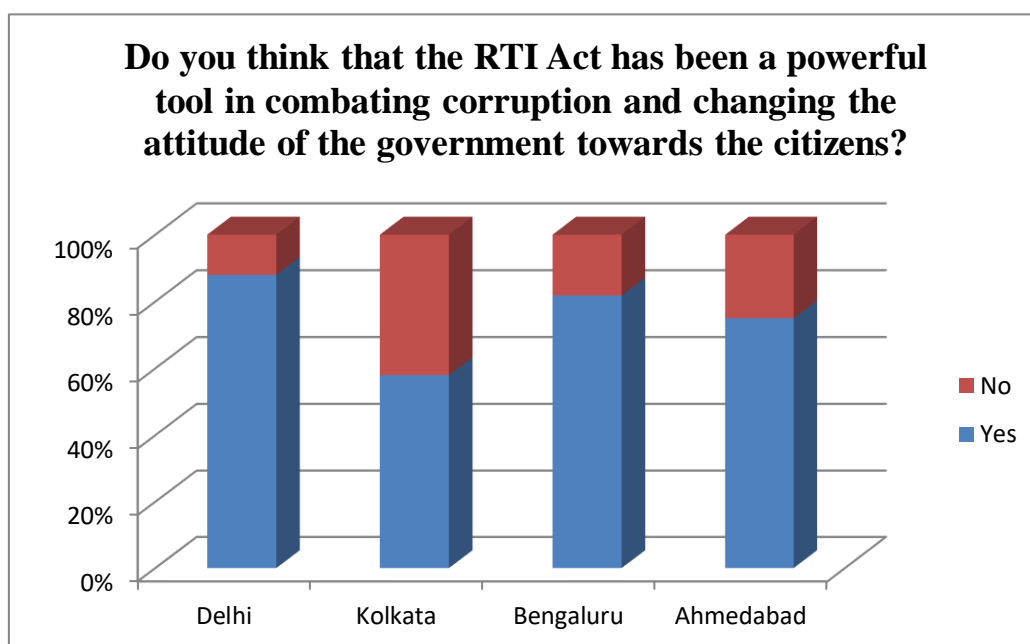
Figure 5.13



(14) RTI as an anti-corruption Tool

One of the primary objectives of the RTI Right Act is to combat corruption. All The legislature, executive and the judiciary have strongly resisted the transparency policies ensured by the Act since inception. However, the Act has emerged as a powerful tool in the hands of the citizens over the years. In Fig.5.14, almost 80% of the respondents agreed that it is indeed a powerful tool to curb corruption. They also acknowledged the role of media and the NGOs in unearthing corruption cases.

Figure 5.14



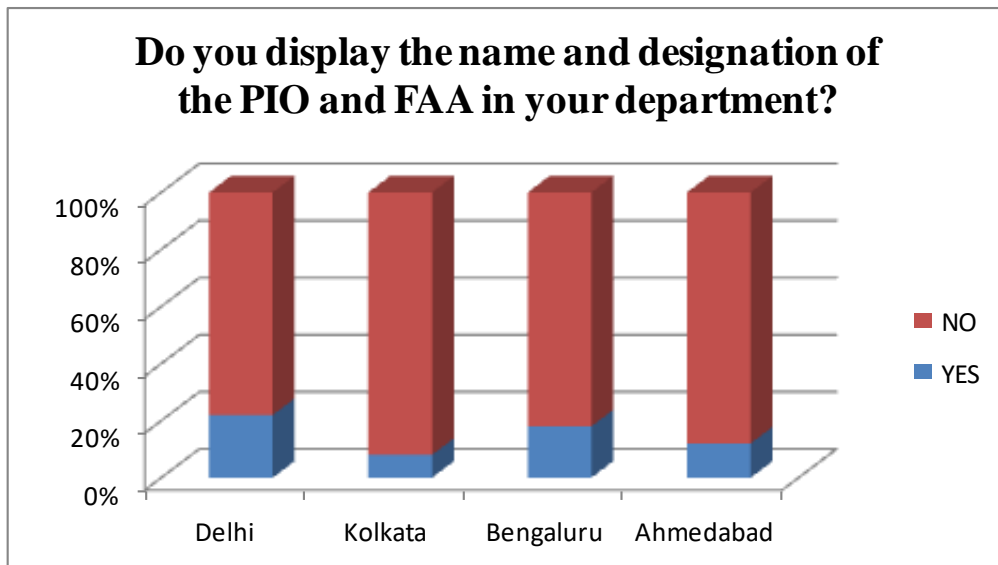
Therefore, it is understood from the response of the Information Seekers of the four cities that willingness to exercise the right is significantly low among citizens. However, it is also true that *suo motu* disclosure can avoid such procedural formalities and save both time and money. The upkeep of information and records in government offices is deplorable. It is true that websites have been uploaded with information but reaching out to the people at the grassroots level and spreading awareness is extremely important for meeting the objective of the Act.

5.4.2. Responses of the Information Providers

(1) Non-compliance of Disclosure Policy

Fig 5.15 shows that the public offices do not display the names of the PIOs and FAA in the Department leading to inconvenience to the citizens. The respondents have rarely come across a notice board in offices where names of the PIOs and FAA could be found. The study reflects that it is common in all public offices. Absence of regular monitoring and vigilance by the government machinery and tendency to keep people oblivious to this right has been the reason for such non-compliance. Also absence of any imposition of penalty for violating the provisions of *suo motu* disclosure has also aggravated the poor maintenance of records.

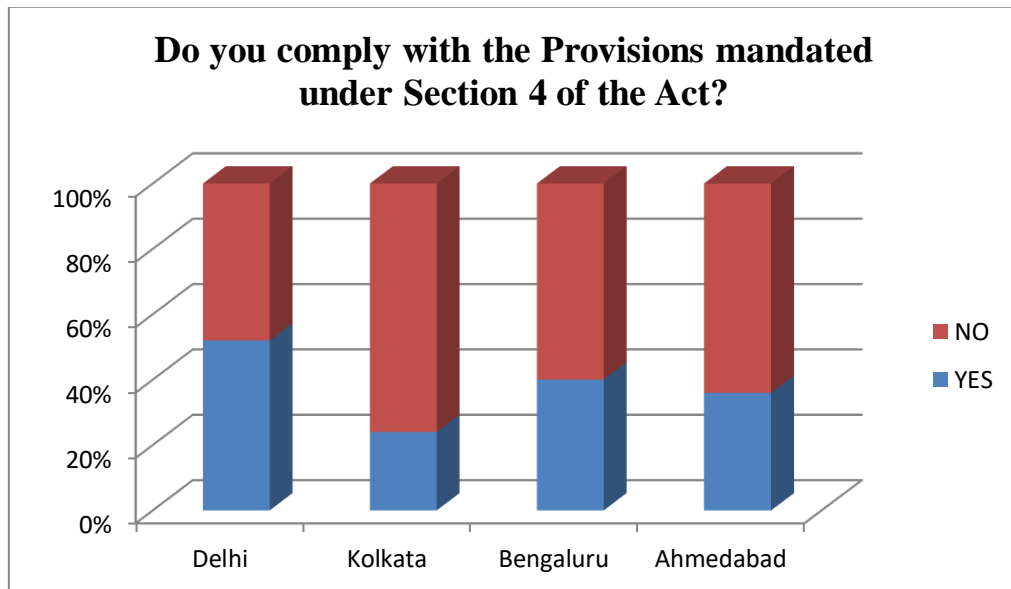
Figure 5.15



(2) Compliance with the Provisions of Voluntary Disclosure

The Act prescribes proactive disclosure of information relating to the names and designation of the PIOs and FAA and all other information relevant information as a mandatory obligation in all public offices. Fig.5.16 indicates that less than 50% of the public offices comply with this provision.

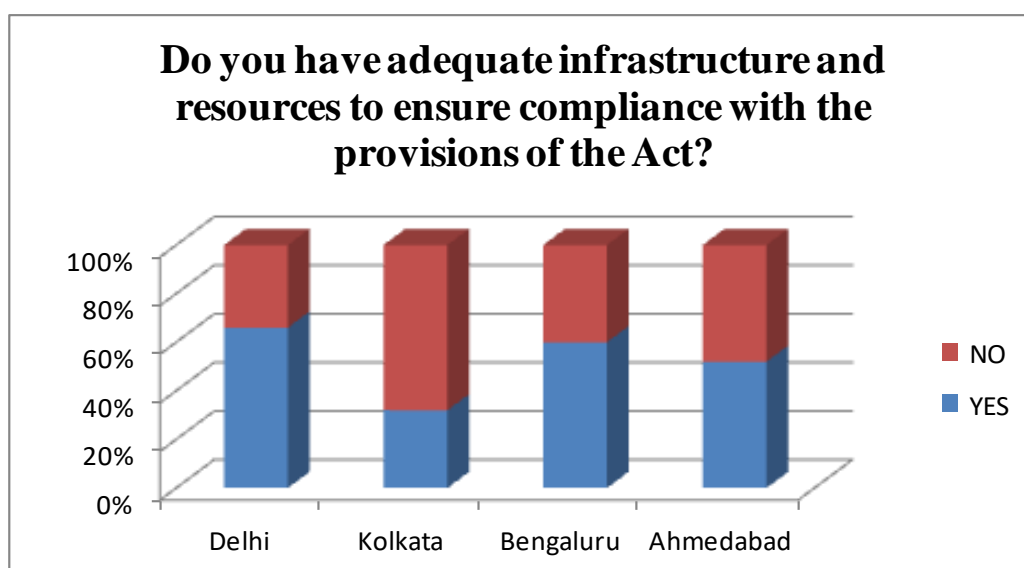
Figure 5.16



(3) Lack of adequate Infrastructure

Poor infrastructure and absence of dedicated officers carrying out the functions of PIOs is one of the primary reasons for failure to maintain and update the records. Absence of additional remuneration and the existence of the penalty provision often discourage the officials from making suo motu disclosure in the departments. Fig. 5.17 reflects that Delhi has better infrastructure followed by Karnataka, Bengaluru and Kolkata.

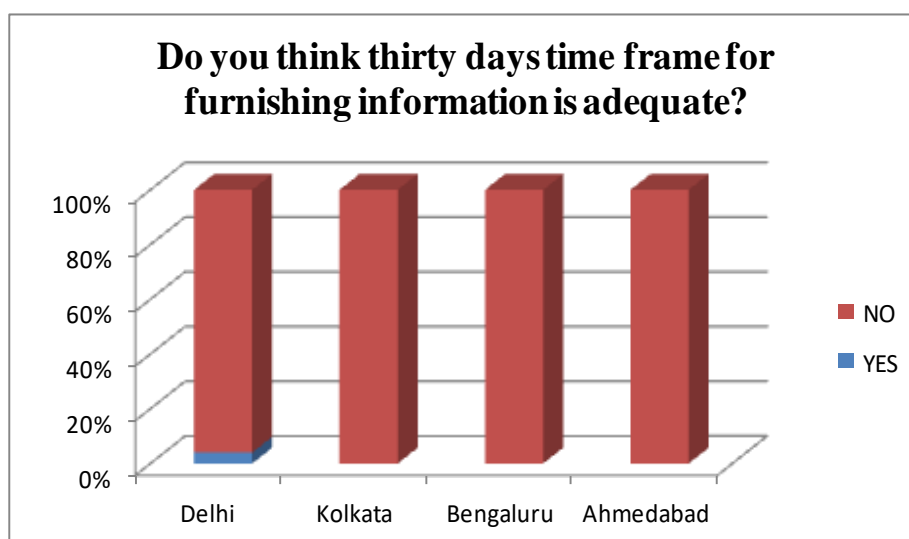
Figure 5.17



(4) Inadequate Time-Frame

99% of the PIOs argued that thirty days time frame is inadequate for providing information. (Fig.5.18) Most of the PIOs believed that the time frame should be extended to 90 days. According to majority of the PIOs, thirty days time frame for disclosing information is inadequate as it is a time consuming and tedious process to provide information. Also in many cases, same piece information has to be replied to different applicants by the same PIO which makes the job monotonous.

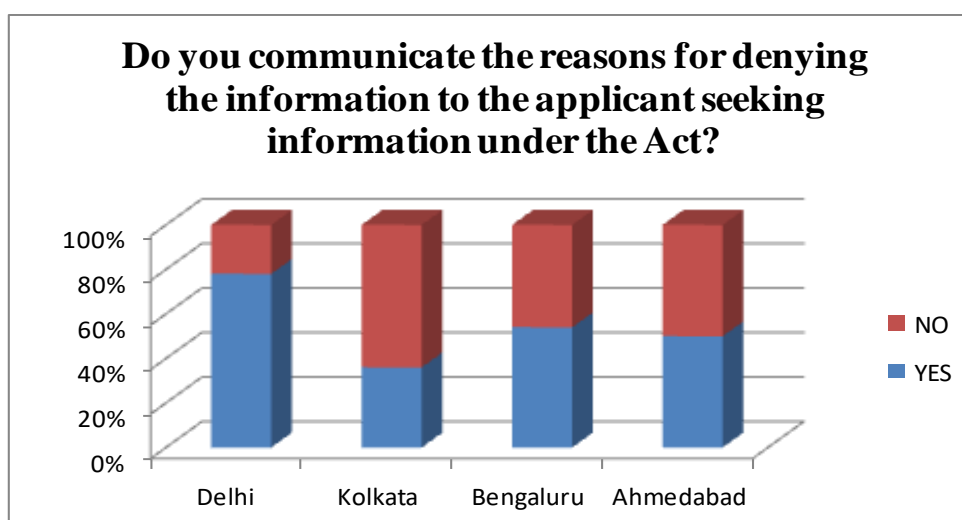
Figure 5.18



(5) Reasons for Refusal

Depriving the citizens from the reasons for refusal of request is violation of the provisions of the Act. From the Fig.5.19 it is clear that the performance of Delhi is far better than the states. Kolkata with as low as 36% reflects the apathy of the public officials towards the Act. The citizens have every right to know the reasons for refusal. Moreover, very few respondents were aware of the fact that refusal of information without communicating the reasons to the applicants amounted to denial of information for which the PIO could be penalised.

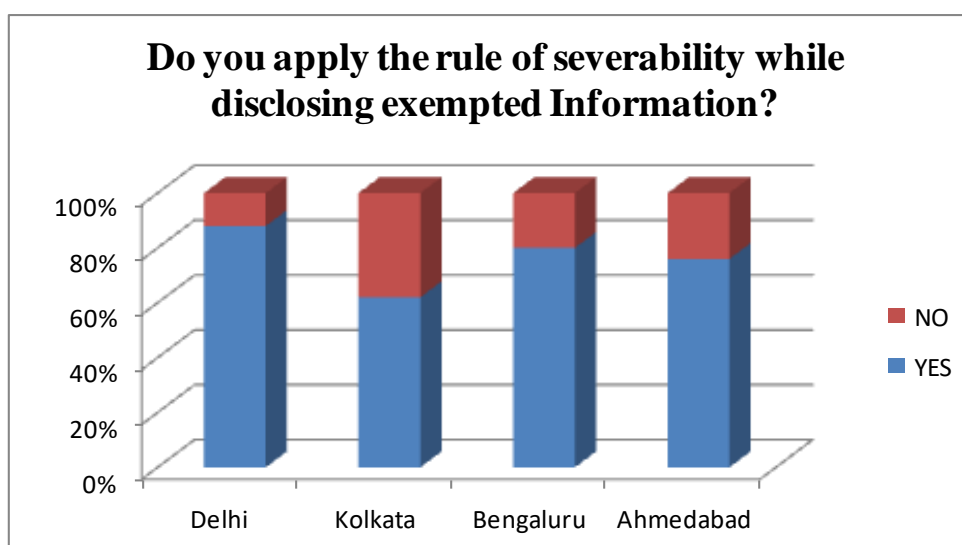
Figure 5.19



(6) Application of Rule of Severability

Rule of severability seldom applied and the applications are rejected in most cases if it pertains to question falling under the exemption clause. (See Fig. 5.20 below) The primary reason for such an approach is the tendency of these officials to deny the information when it pertains to sensitive information. Some of the respondents did not hesitate to share their views that they did not want to offend their senior officers and would encourage the applicants to opt for appeals before the Information Commission. Ignorance of citizens encourage the officials to resort to such measures.

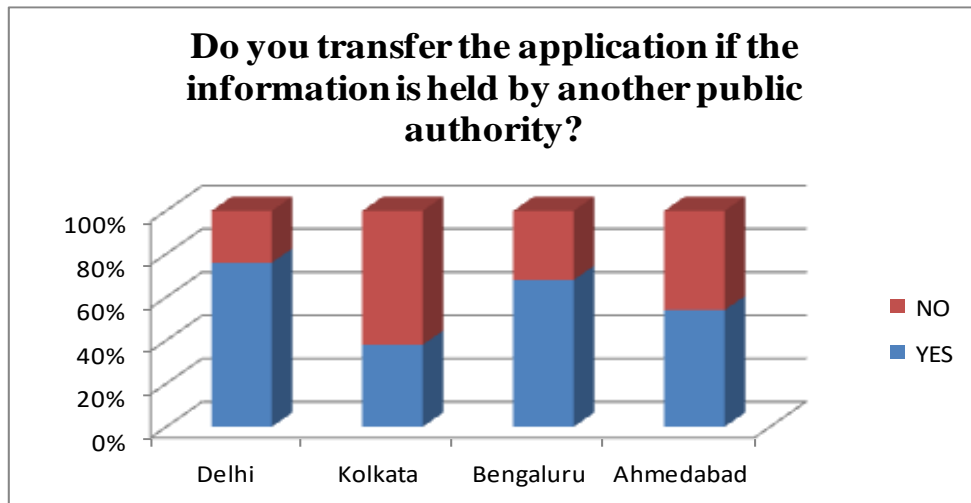
Figure 5.20



(7) Transfer of Appeal

The provision of transfer of application is the misused the most. To avoid disclosing information, the PIOs usually send the application back to the information seeker when the matter is beyond their jurisdiction. In other circumstances, the application travels from one office to another and the applicant is intimated each time the transfer takes place. This has often resulted in delay in receipt of information. Many websites are poorly managed and do not indicate the right person to approach for the required information. (See Fig 5.21)

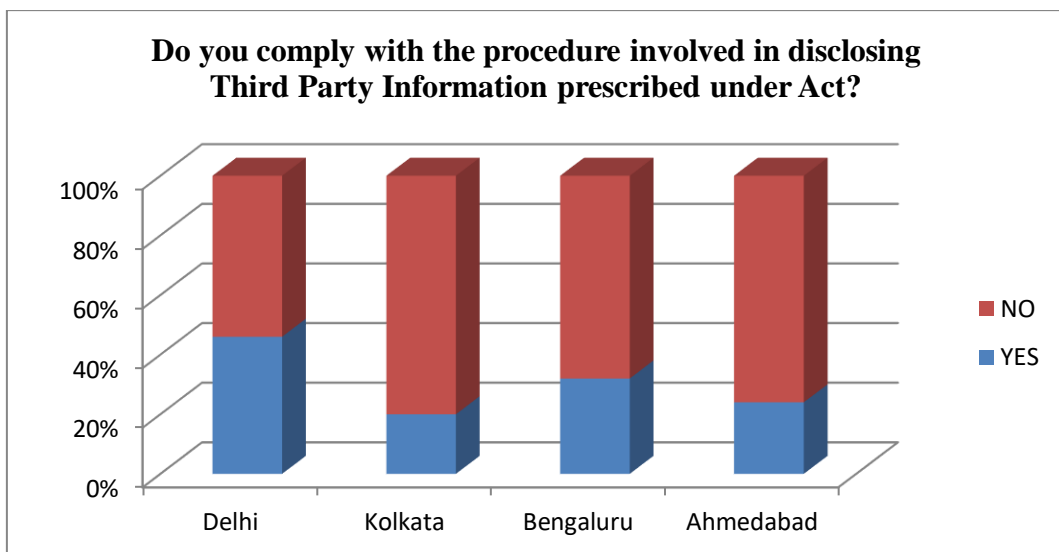
Figure 5.21



(8) Third Party information

Third party information is a significant provision of the Act that enables a citizen to access information of any private entity, public authority or individual if that information is available to public authorities. It also casts an obligation on the PIO to seek permission from the third party before disclosing such information. The burden of proof lies on the third party to establish that the information should not be disclosed. This provision is rarely followed in practice. Fig.5.22 indicates that the low level of compliance deprives citizens of the vital information.

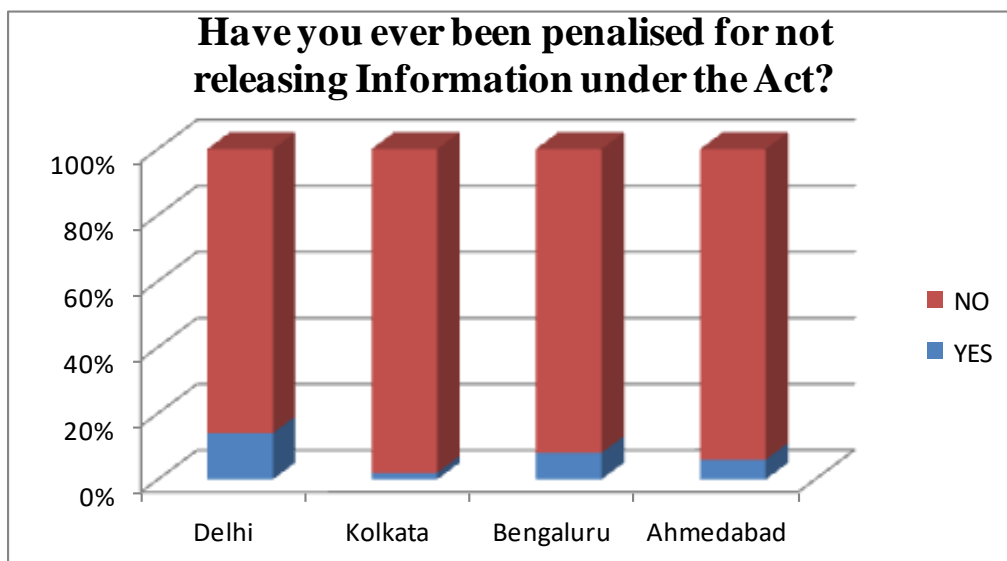
Figure 5.22



(9) Imposition of Penalty

According to the Act, the erring official who refuses information can be imposed penalty Rs.250 per day which can extend to Rs.25000 deducted from his salary and also be subjected to disciplinary proceedings. Fig. 5.23 indicates that the penalty provision is rarely imposed by the appellate authorities and is over sympathetic towards these officials

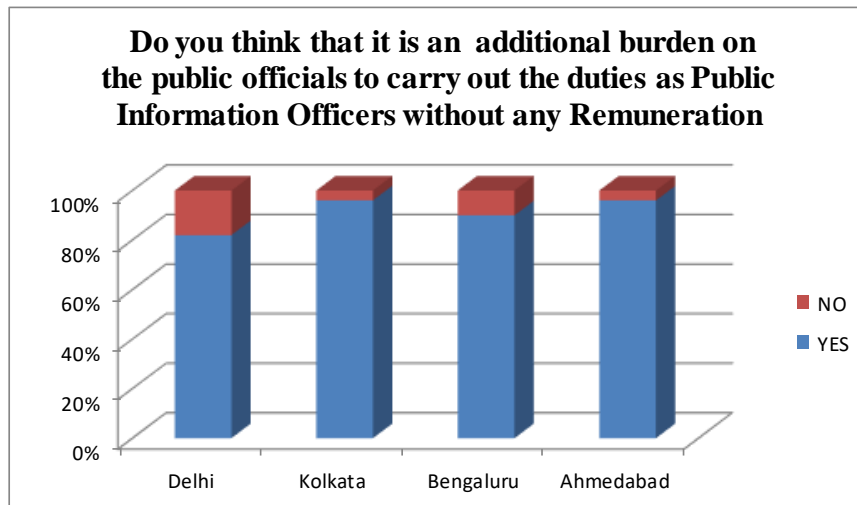
Figure 5.23



(10) Additional Burden on Officials

In all the four cities, the Public Information Officers have shared their displeasure in carrying out their additional responsibilities without any remuneration. The respondents also feared penalty for genuinely denying information and also disciplinary action against them. Fig.5.24 reflects the uniformity of such a response among the officials of all the four cities. Additional burden on the PIOs without any additional remuneration has forced the public authorities to appoint junior officers who have inadequate knowledge about the Act as PIOs defeating the objectives of the Act.

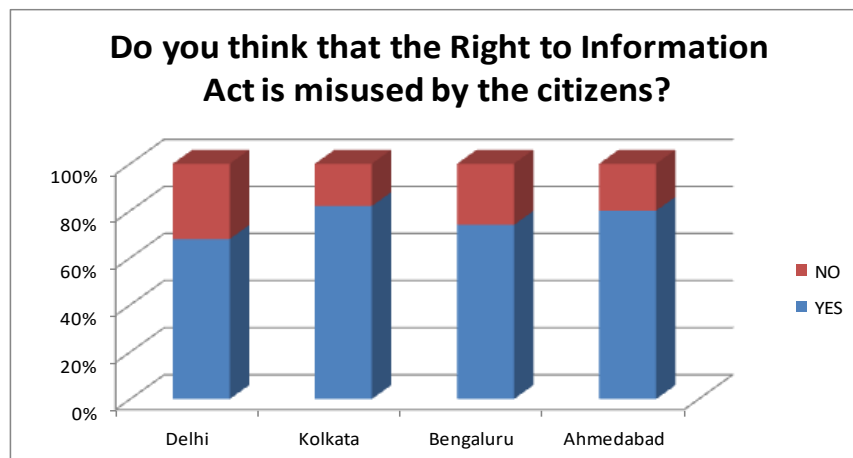
Figure 5.24



(11) Misuse of the Act

According to Fig.5.25, the public officials across all the four cities have perceived that the RTI Act is misused by the citizens. Frivolous and vexatious applications are a loss to nation’s wealth and time. Many of the PIOs are of the opinion that the Act is misused by the citizens to harass the officials and to settle personal scores. The Act is mostly used by media persons, RTI activists and NGOs and rarely used by the common man. According to one of the respondents who happens to be an RTI activist revealed that presently, there are also researchers who frequently file RTI applications to extract information from the government offices to complete their research work.

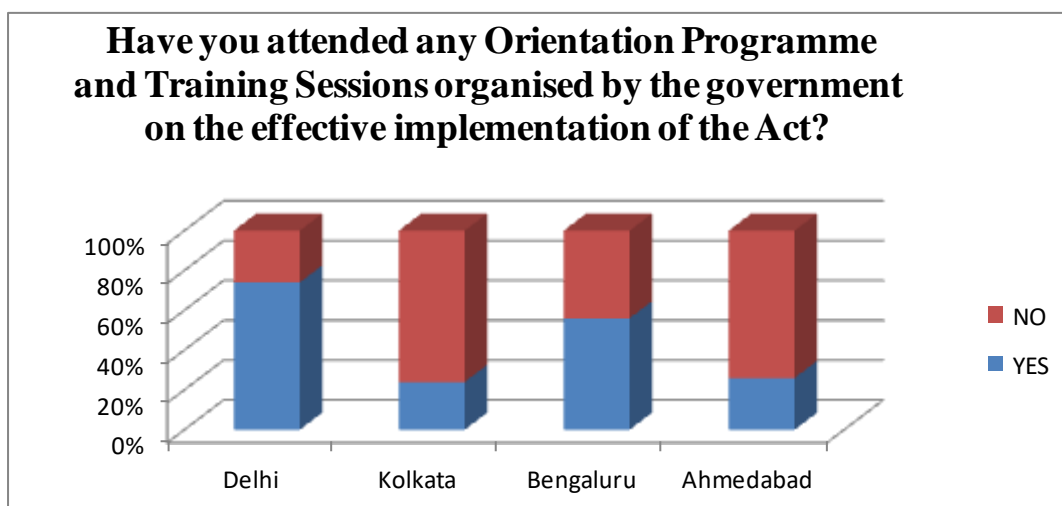
Figure 5.25



(12) Training and Orientation Programmes

During the survey, the researcher noticed that a good number of PIOs had lack of knowledge of many of the provisions of the Act and pretended to know them all. Only limited numbers of officers have attended the orientation programmes organised by the state and possessed adequate knowledge about the Act. In comparison to other cities, PIOs of Delhi are better trained followed by Bengaluru, Ahmedabad and Kolkata. Failure to conduct regular audits, monitoring and review mechanism in government departments multiplies such problems. Non-compliance of Sec-25 by the State Information Commissions by not submitting Annual Report at the end of each year before the state legislature and failure to publish further in the websites is a big impediment to the implementation of the Act.

Figure 5.26



5.5. A Sum Up

The cities of New Delhi, West Bengal, Bengaluru and Ahmedabad belonging to the four different zones of India have been selected for the purpose of deciphering the approach of the Information Seekers and Providers towards the Right to Information Act, 2005. The Tables provided in the Chapter consist of the questions and the answers posed to the various groups in the cities. From each of the selected cities, 50 Information Seekers and 50 Information Providers were randomly selected to answer some closed ended questions.

The evaluation and assessment of the study can be summarised as under:

1. The study reflects that New Delhi being under the jurisdiction of the Central Information Commission has done comparatively better than the other three cities with regards to compliance of the provision of the Act followed by Bengaluru, Ahmedabad and Kolkata. The Central government fulfils major obligations of the Act barring a few. But the tendency to refuse information is dominant in the minds of PIOs which is visible in their approach. However, inadequate number of Information Commissioners have led to huge pendency of cases which is a major setback for the Act.
2. Awareness level among the citizens regarding the Act was overwhelming with more than 80% in all the states. However, the knowledge about the procedure involved in approaching the public authorities was abysmal. Voluntary disclosure of information in the departments was almost absent. Non-compliance of provisions relating to pro active disclosure is a big failure in the successful implementation of the Act. Therefore, for the procedure involved in seeking information, the information seekers depend heavily on the websites. The plight of the disadvantaged sections who are not digitally literate is tragic as they have to pay multiple visits to the offices to track the officers and fulfil the formalities. Moreover the procedure involving submission of application and mode of payment is also a major constraint for the citizens.
3. Poor Record Maintenance and inadequate *suo motu* disclosure is one of the major problems in successful implementation of the Act. Although the Central government offices comply with the Act, many of the state government offices blame the infrastructural inadequacies for its poor record management.
4. Due to poor record management; absence of guidelines and standardised format for filing information and lack of assistance by the PIOs, the citizens are encountering obstacles to file applications and resorting to alternative remedies like approaching the advocates and private organisations to assist them in filing RTI applications in exchange of higher fees.

5. There is a difference in opinion among the Information Seekers and Information Providers with regards to the time frame of 30 days for disclosing information. From the citizen's point of view, majority of the applications are not answered within thirty days time frame and take an average span of 40 to 60 days. They are of the view that there should be a provision for seeking urgent information in exchange of enhanced fees like other western countries whereas according to the PIOs this time frame should be extended to 90 days.
6. The study reflects that there is considerable doubt in the minds of the citizens regarding the applicability of the Act. In addition to the basic provisions of the Act, the Information Seekers are oblivious to the applicability of the Act on the institutions and agencies like the judiciary, media, NGOs, political parties, Intelligence and Security Organisations, banks and also the private entities. This ambiguity can be attributed to the failure of the government in spreading awareness about the Act.
7. There is immense apprehension in the minds of the Information Seekers who fear victimisation in seeking information from the public authorities. Frequent reports from the media bringing into light the plight of the RTI activists and whistleblowers have indeed discouraged the citizens from seeking sensitive information. Since the Whistleblowers Protection Act have not been operationalised, the people deter from filing applications seeking sensitive information.
8. Untrained Public Information Officers with inadequate knowledge is a common phenomenon. The junior officers of each department is appointed as the PIO who lack the required knowledge and experience of the Act. The study revealed that there were many officers who were not conversant with all the provisions of the Act.
9. Failure in imposing penalty to the erring official remain one of the major setbacks in the Act. The Information Commissioners seldom punish the officials for non-compliance which is amply clear from the present study.

10. Absence of effective monitoring, review and auditing has resulted in poor implementation of the Act. The Act mandates the Central and the State Information Commissions to submit Annual Reports to the Union and the State Legislatures respectively at the end of each year. Except the Central Information Commission, none of the states of the three cities have updated their Annual Report published in their websites. While Gujarat had published the report of 2016 -17, Kolkata till 2016 with “new” labelled next to it and Bengaluru was lagging behind with the report of 2014-15.

Therefore, it can be summed up beyond reasonable doubt that the Act is not performing at its best. The study proves that the approach of the citizens and the Public Information Officers is the determinative factor for such a gap. The present study also indicates that there is growing dissatisfaction from both the Seekers and the Providers that has hindered the effective implementation of the Act.

Furthermore, spreading awareness and an overhauling of the executive machinery needs to be done to ensure proper implementation. With the current situation where the government is taking us back to the secrecy regime and denying every possible information that requires accountability, the effective implementation of the Act becomes a significant link for all other legislations to ensure good governance.