

## How to use RTI Act to hold elected representatives accountable

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How to use RTI Act to hold elected representatives accountable to the Citizens of Andhra Pradesh

1. "Information" is defined in section 2(f) of the RTI Act, that enables a citizen to access public records. Issue has been raised by Shri Suresh Ediga (in his original email) on whether he can use RTI Act to demand the following information, to hold the Andhra Pradesh Legislative Assembly accountable to the Citizens of Andhra Pradesh:

- 1) How many days was the assembly session held starting from January 2006 till December 2006?
- 2) How many hours did it constitute?
- 3) How many bills were passed during these sessions? Please provide specific information as to what the bills were and what is their implementation strategy?
- 4) Were any bills withdrawn, if so what were they and why were they withdrawn?
- 5) How many bills were introduced?

2. These are valid questions, which should be carefully considered for introspection on the performance of the MLAs. There is a strong case for urging the Legislative Assembly for suo moto disclosure under section 4(2) of RTI Act, so that citizens have minimum resort to RTI Act to be informed about its activities and performance.

3. However, RTI Act only enables a citizen to access the relevant public records. No one is entitled to ask a public authority to create records. One may have to go through entire records of Legislative Assembly Secretariat, if the information is not available in summarised form, as required above.

4. In my humble opinion, question of "breach of privileges" under section 8(1)(c) does not arise, as the Legislative Assembly is accountable to the citizens, who can demand public records pertaining to their performance. However, this is a debatable issue. This may finally be considered by Appellate Authority, if the access to public records relating to aforesaid issues is denied by the State Public Information Officer of the Andhra Pradesh Legislative Assembly, invoking section 8(1)(c).

5. According to Section 6(2) of RTI Act, applicant is not required to disclose the reasons for requesting information. If citizens want to know whether their elected representatives are fulfilling the assigned tasks, CPIO / SPIO can not ask the RTI Applicant to disclose the reasons. Non-performance by the elected representatives is the major reason for the aberrations in democratic governance. Vigilant citizens should raise probing questions by demanding public documents which expose non-performance by elected representatives.

6. According to Section 8(2), access to information should be allowed, if public interest in disclosure outweighs the harm to protected interest. SPIO may try to deny access to public records, if they prefer to safeguard the "protected interest" of the MLAs, who are wasting public money by not performing their assigned business with due diligence and efficiency. Non-performance by the elected representatives is the major reason for the aberrations in democratic governance .

7. I am happy that an interesting debate has been raised, to hold "the Governments and their instrumentality accountable to the governed." (Please refer to the preamble of RTI Act.) The answer to these issues can be found by a careful study of the provisions of RTI Act, which empowers a citizen to raise issues by demanding public documents.

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Originally posted on the yahoo group hum janenge.