



ANNUAL REPORT

2007-2008

STATE INFORMATION COMMISSION, KERALA
PUNNEN ROAD, THIRUVANANTHAPURAM

ANNUAL REPORT FOR THE YEAR 2007-08

“...Democracy requires an informed citizenry and transparency of information which are vital to its functioning and also to contain corruption and to hold Governments and their instrumentalities accountable to the governed”

(Preamble to RTI Act, 2005)

Introduction

The Right to Information Act, 2005 (Act No.22 Central Act 2005) was notified in the Official Gazette of India on 21st of June, 2005. Sections 4(1), 5(1), 5(2), 12, 13, 15, 16, 24, 27 and 28 of this Act came into force with effect from the date of notification and the remaining provisions came into force on the 12th of October, 2005. The Act extends to the whole of India except Jammu and Kashmir. It is applicable to all Constitutional Authorities, bodies established or constituted by an Act of the Parliament or the State Legislature, or by order or notification of the Central/State Governments. It also applies to bodies owned, controlled or substantially financed by the Government directly or indirectly.

The main objective of the Right to Information Act, 2005 is to ensure transparency and accountability in the working of every Public Authority in the country and to eliminate the scourge of corruption. The Act mandates a legal-institutional framework for setting out a practical regime of right to information for every citizen to secure access to information held by or under the control of Public Authorities. This is a path-breaking legislation that enables the country to break away from the colonial legacy of secrecy, which is anathema to a democratic system. Setting up of Information Commissions at the Central and State levels to ensure the effective implementation of the right to information regime in the country is one of the key provisions of the Act.

Constitution and composition of the Kerala State Information Commission

The Kerala State Information Commission was constituted under section 15(1) of the Right to Information Act 2005, consisting of the State Chief Information Commissioner and four State Information Commissioners. Under section 15(3) of the Act, the Government of Kerala appointed Shri Palat Mohandas, IAS (Rtd.) as the State Chief Information Commissioner and S/Shri V.V. Giry, P. Faziluddin and P.N. Vijayakumar as State Information Commissioners and, they assumed charge of office on the dates given below:

- i) Sri. Palat Mohandas, IAS (Retd.),

State Chief Information Commissioner

: 21-12-2005

- ii) Shi V.V. Giry, State Information Commissioner : 21-12-2005
- iii) Shri P. Faziluddin, State Information Commissioner : 24-05-2006
- iv) Shri P.N. Vijayakumar, State Information Commissioner : 24-05-2006

Official telephone numbers of the State Chief Information Commissioner and State Information Commissioners and other officers of the Commission are at **Annexure-I**.

Functioning of the Commission

The Head Quarters of the Commission is situated in building No.XXVI/298, Punnen Road, Thiruvananthapuram-695039. An amount of Rs.171.12 lakh was provided in the State budget (Non-Plan) to meet the expenses of the State Information Commission during the year 2007-08, and the expenditure incurred was Rs.116.18 lakh.

Government had sanctioned only a skeleton staff in the beginning for initiating functioning of the Commission, details of which are at **Annexure-II**. There was a steep increase in the number of complaints/appeals and general papers received by the Commission. The skeleton staff provided was found inadequate to process the receipts by the Commission, resulting in heavy backlog in their disposal. The Commission had proposed to the Government to provide additional staff for the effective functioning of the Commission. But no fruitful steps have been taken by the Government so far to provide the additional staff, in spite of several requests made by the Commission.

ADMINISTRATION OF THE ACT

1. Pro-active disclosure of information

Section 4 of the Right to Information Act, 2005 provides for mandatory/pro-active disclosure of information by the public authorities. The information required to be disclosed under this section includes particulars of the organization including, functions and duties, rules, regulations, instructions, manuals and records followed for the discharge of functions, directory of officers and employees, including their monthly remuneration, its annual budget, details of subsidy programmes and concessions, and its beneficiaries, particulars of State Public Information Officer/s etc. The time limit for publishing the information under section 4(1) (b) was one hundred and twenty days from 15 June 2005 - the date of enactment of the Act. Most of the public authorities are yet to take effective action as contemplated under the section 4 of the RTI Act.

2. Disclosure of information against requests

A person, who desires to obtain an information under the Act, is required to make an application before the Public Information Officer as provided in Section 6 of the Act.

Where the request is for an information which is held by another public authority or the subject matter of the application is more closely connected with the functioning of another public authority, the application shall be transferred to the other public authority within 5 days of the date of receipt of the application, under intimation to the applicant. In many cases, the applications were not seen transferred to the public authority concerned within 5 days or intimation given to the applicant as provided in Section 6(3) of the Act. Section 7 of the Act provides for disclosure of information against requests made under section 6. When the request was rejected for any of the reasons u/s 8(1) or 9, it was mandatory to provide the reason/s for rejection, the period within which an appeal could be preferred and the particulars of the appellate authority etc. to the applicant. Here also, in a number of cases, where the requests were rejected, the above details were not communicated to the applicants. Another area where the provisions of the Act were not strictly followed by the PIOs was in making a demand for the cost of providing the information. The cost should be demanded in accordance with the provisions of Section 7(3)(a) giving the calculation made to arrive at the amount, and the particulars of the appellate authority. Very often, the PIOs sent notices to the applicants calling them to his/her office to remit the cost, without intimating the exact amount. In respect of cases wherein information had to be provided by post, the postage charge also had to be realized along with the cost for providing the information. It had not been followed in almost all the cases. The above are a few areas where the PIOs require adequate training on how to deal with applications for information.

The right to information was often seen employed by the citizens as a means to redress their grievances. The information seeker after the successful completion of the proceedings before the Commission was still insisting on issuance of specific orders for redressal by the Commission on his/her grievance, which had led to his/her seeking information in the first instance. The Commission had been at pains to explain to the appellants / complainants during the hearings that this was not the role envisaged for the Commission under the Act and they had to seek redressal elsewhere, before an appropriate forum based on among other things, the information furnished to them. In many cases, citizens had difficulty in understanding the position and, were seen dissatisfied with the proceedings, even though the necessary information required by them had been furnished to them. However, it had been noticed in many cases that the act of the Commission to ensure supply of information, had indirectly effected redressal of the grievances at the hands of the public authorities. In many cases, the

desired relief was extended to the citizens, even before the completion of the proceedings before the Commission.

3. Monitoring and reporting

Section 25(2) of the Act provides that each Ministry or Department shall in relation to the public authorities within their jurisdiction collect and provide to the Information Commission such information as is required, to prepare the Annual Report by the Commission. Accordingly, the Commission had, in the second week of March 2008, written to the secretaries of all the administrative departments of the Government secretariat to collect the required details from the public authorities under them and forward the same to the Commission for preparation of the Annual Report for the year 2007-08. All autonomous bodies and heads of departments were also similarly addressed by the Commission to furnish materials for inclusion in the Annual Report. Statistical analysis of the administration of the Act based on the data received by the Commission from the Government and the public authorities is given in **Annexure III(a) to III(e)**.

As per available information, the public authorities in the State had designated 17431 State Public Information Officers, 12201 Assistant Public Information Officers and 2605 Appellate Authorities, for implementation of the Act. The public authorities had received a total number of 113187 requests, out of which 105126 were disposed of. It was also reported that 2065 requests were rejected under various provisions of the Act. The fee and cost collected by the public authorities under various provisions of the Act was Rs.16,78,984.

4. Notification of Intelligence and Security Organisations

Section 24(4) provides for notification, by the State Government, of intelligence and security organisations to which the provisions of the Act shall not apply. Accordingly, the Government of Kerala had vide SRO No.127/06 dated 07.02.2006 notified a list of 8 intelligence and security organisations to which the provisions of the Act shall not apply. The list of the eight State organisations so excluded is appended as **Annexure-IV-A**. The list of 22 Central intelligence and security organizations to which the provisions of the Act shall not apply as per sections 24(1) and 24(2) is appended as **Annexure-IV-B**.

5. Complaints and appeals to the Commission

The Information Commission has the original jurisdiction to receive and inquire into complaints under section 18 and second appellate jurisdiction under section 19 (3) to receive appeals against the decisions of public authorities. During the year under report, the Commission had received 12118 currents/references out of which 1240 were registered as complaints, 1082 as second appeals and the remaining as miscellaneous papers. When complaints on non-disposal of requests for information by the State Public Information Officers (SPIOs) were received, the procedure adopted by the Commission was to instruct the concerned SPIO to dispose of the request for information in accordance with Section 7 of the Right to Information Act at once and to report compliance to the Commission. The public information officer/appellate authority concerned was summoned for a hearing when satisfactory action was not taken on the request. In the case of complaints of other nature and appeals u/s 19(3), copies of the complaint/appeal were sent to the public authorities for their reports. Prompt action had been taken on all the complaints and appeals received by the Commission. The Commission held hearings on almost all days of the week with a view to dispose off the complaints/appeals received. During the period of report, 1053 complaints and 795 appeals were finally disposed off. 9509 miscellaneous papers were also disposed off.

6. Lapses on the part of Public Information Officers

Section 20 of the RTI Act empowers the Central and State Information Commissions to impose penalty and for recommending disciplinary action against the PIO for the following lapses:

- (i) for refusing to receive an application or not furnishing information within the prescribed time limit, without reasonable cause;
- (ii) for malafidely denying the information;
- (iii) for knowingly giving incorrect, incomplete or misleading information;
- (iv) for destroying the information, which was the subject of the request;
- (v) for obstructing in any manner in furnishing the information.

During the year of report, the Commission had initiated and completed action u/s 20 of the RTI Act, 2005 and had imposed penalty amounting to Rs.4,21,500/- in 31 cases.. Statement showing details of cases in which the Commission had imposed penalty from its inception till 31-3-2008 is at **Annexure-V**.

7. Cost and Fee rules under the RTI Act.

Section 27 and 28 read with sections 6(1), 7(1) and 7(5) of the RTI Act provide for prescribing fee for submission of application and the cost for providing the information. Accordingly, Government had notified the Kerala Right to Information (Regulation of Fee and Cost Rules) 2006 vide S.R.O. No.385/2006 dated 9-5-2006. Copy of the rules is appended at **Annexure VIA**. These rules had made payment of application fee payable under the Act simple and convenient by providing for acceptance of court fee stamp, demand draft, bankers cheque, pay order, remittance in Government Treasury and cash payment against proper receipt. The Government had amended these rules vide S.R.O. No.1074/2007 dated 18-12-2007 as per which, the fee for providing the information u/s 7(1) and 7(5) in the case of public authorities other than Government departments could be remitted by cash or by DD/Bankers Cheque/Pay Order payable to the SPIO/ASPIO only. Copy is at **Annexure-VIB**.

In exercise of the powers conferred by Sub-section (1) of Section 28 of the Right to Information Act, 2005 the High Court of Kerala had notified the Kerala High Court (Right to Information) Rules, 2006 and the Right to Information (Subordinate Courts and .Tribunals) Rules, 2006. Copies are at **Annexure-VIIA & VIIB**.

Proviso to Sub-section (5) of Section 7 of the RTI Act provides that, no fee shall be charged from the persons who are of below poverty line as may be determined by the appropriate Government. Accordingly, Government have issued G.O.(MS) No.198/2007/LSGD dated 16-8-2007 by which the Block Development Officers in the respective areas have been authorized to issue certificates to BPL category citizens for seeking exemption from payment of fee and cost under the RTI Act, 2005. Copy of the order is at **Annexure-VIIIA**. The Government had subsequently issued G.O.(MS) No.41/2008/LSGD dated 14-2-2008 whereby the Secretary of the Municipality/Corporation have been authorized to issue certificates to BPL category citizens residing in the respective Municipality/Corporation area, for seeking exemption from payment of fee and cost under the RTI Act, 2005. Copy of order is at **Annexure-VIIIB**.

8. Appeal Procedure Rules

In exercise of powers conferred under section 27 read with sub-section (10) of section 19 of the RTI Act, the Government had notified the Kerala State Information Commission (Procedure for Appeal) Rules, 2006 vide S.R.O. No.412/2006 dated 31-5-2006, copy of which is appended at **Annexure-IX**.

9. Guidelines for handling of applications under the RTI Act

The Government had issued 2 circulars No.77000/CDN.5/06/GAD dated 30-10-2006 (**Annexure-XA & XB**) containing detailed guidelines on the appointment of Assistant Public Information Officer (APIO), Public Information Officer (PIO) and Appellate Authorities in the offices of the Public Authorities, and the procedure for disposing of applications and 1st appeals received by the public authorities under the Act. These circulars were reported to be very useful by the public authorities for receiving and disposing of applications and 1st appeals under the Act.

10. Commission's sittings at District headquarters

As a people friendly measure, the Commission had conducted public hearings at all District headquarters. During the year of report, public hearings were conducted in the following district headquarters:

| | | | |
|------|------------|---|------------|
| i. | Kollam | - | 16-08-2007 |
| ii. | Ernakulam | - | 10-09-2007 |
| iii. | Alappuzha | - | 28-09-2007 |
| iv. | Malappuram | - | 26-10-2007 |
| v. | Idukki | - | 30-11-2007 |

11. Training Programme

Section 26(1) of the Right to Information Act provides that the Government may develop and organize educational programmes to improve the understanding of the public and also train public information officers of public authorities and produce relevant training materials. The Institute of Management in Government (IMG) had been identified by the State Government as the nodal institution to train officers in the Government, PSUs and other autonomous organisations. The IMG, as reported, had conducted 41 programmes to train 1150 officials during the year under report. Over and above, two sessions were earmarked for RTI Act on all other training programmes conducted by the IMG. The Commission from its side had entrusted the Kerala State Literacy Mission Authority to conduct awareness programmes for the general public in all the districts of the State. The Authority had so far conducted 4070 contact classes and attended by 2,68,645 persons. In addition to the above, the Authority had conducted seminars, corner meetings and 'padayathra' in which about 1,56,000 people were reported to have participated.

The Commission had tied up with the Nehru Yuvak Kendra for dissemination of information on the RTI Act, as a part of the Kendra's activities. Two district level seminars were accordingly conducted at Thiruvananthapuram and Palakkad. The State

Chief Information Commissioner and State Information Commissioners attended various programmes conducted by the Kendra on the RTI Act.

The Commission had taken active participation in the training and educational programmes. The Chief Information Commissioner and the Information Commissioners had associated themselves with a number of educational and awareness programmes on RTI Act conducted by various Government Departments, IMG, Grama Panchayats and non Government organisations like Residents Associations, Consumer Organisations, Employees Organisations etc. The Commission had also lent services of resource persons to various organisations to conduct classes on the implementation of the RTI Act.

As a proactive measure, the Commission encourages students to do internship in the Commission on the implementation of the RTI Act. Thirteen students of Law had done internship in the Commission during the period of report.

12. Participation in the Annual Conference organised by the Central Information Commission

Shri V.V. Giry, Shri P. Faziluddin and Shri P.N. Vijayakumar, State Information Commissioners and Shri G. Sreekumaran, Secretary to Commission had participated in the Annual Conference of Central and State Information Commissioners organised by the Central Information Commission at India International Centre, New Delhi on 17th October, 2007. Shri V.V. Giry, State Information Commissioner made a power point presentation on “enforcement of decisions and penal clauses of the RTI Act” during the 3rd session of the Conference.

13. Malayalam translation of the Right to Information Act

In order that people are properly educated on the provisions of the Act, it was found necessary to have a Malayalam translation of the Act. The matter was taken up with the Government, and the Malayalam translation of the Right to Information Act, 2005 was published in the Extra Ordinary Gazette of India on 8-2-2007.

14. Computerisation of the Commission

The Commission had changed its old website www.infokerala.org.in and had created a new website www.keralasic.gov.in with the assistance of the National Informatics Centre (NIC). The process of computerizing the file management system known as FACTS – Files, Appeals, Complaints Tracking System, with the assistance of the National Informatics Centre (NIC) is in the final stages. The system, when fully operationalised will help the citizens to know the status of their cases, online.

15. Kerala State Information Reporter

Among the orders issued by the State Information Commission, Kerala during the period under report, some noteworthy ones pertain to disclosure of (i) copies of valued answer scripts of examinations, the results of which were published by the Public Service Commission; (ii) property statements of personnel of public authorities; and (iii) Reports of Public Enquiry Commissions available with the Government. In order to bring all orders issued by the Commission to the knowledge of the public at large, the Commission have been publishing a Quarterly Journal titled "Kerala State Information Reporter". The journal contained important orders of the Commission, during the three months covering the quarter. Four issues of the journal have been brought out.

16. Decisions of general importance by the State Information Commission

- i. The Commission has decided that domestic inquiries connected with departmental disciplinary proceedings could not be considered as 'investigation' and hence information related to domestic inquiries connected with disciplinary proceedings could not be rejected u/s 8(1)(h) of the RTI Act.
- ii. The Commission considered the question of rejecting the personal information of the requestor u/s 8(1)(j), on the ground that the disclosure of the information had no relationship with any public activity or interest. The Commission held that, in order that the disclosure of the information would cause unwarranted invasion on the privacy of the individual, it should be an information related to an individual other than the requestor. What was exempted from disclosure u/s 8(1)(j) was the personal information of an individual other than the requestor and the personal information of the requestor was not covered u/s 8(1)(j).
- iii. The Commission also clarified that Postal charges and fee prescribed by other laws, rules and regulations could be demanded under section 7(3)(a) towards further fee, and included in the cost of providing the information.
- iv. An impression was held by some that applications/appeals addressed to the PIO/AA of a particular office of a public authority in the State could be submitted to the PIO of any public authority and, that PIO was under the obligation to transfer the request to the public authority concerned with the request/appeal concerned. The Commission had clarified that the application addressed to a PIO shall either be submitted before the PIO or the designated

APIO of the public authority concerned and not to the PIO/APIO of any public authority. The position was the same with regard to submitting appeals also.

RECOMMENDATIONS

(i) Pro-active Disclosure by Public Authorities

Even though pro-active disclosure was mandatory under section 4(1), it was noticed that the pro-active disclosure was not done in a satisfactory manner by many public authorities. The public authorities should realize the importance of pro-active disclosure as, in the long run, such disclosure would reduce the number of requests for information. Hence it is recommended that Government may suitably instruct the public authorities to disclose as much information as possible under section 4(1) of the Right to Information Act. Keeping in view of the cost and time elements involved in publishing and updating the information as per section 4 of the Act, by print media, it is advisable to immediately publish the information by internet through the official website/s of the Government of Kerala and the organizations concerned. Organisations may be encouraged to develop their own websites and provide the information through them. Funds available under e-governance may be utilized for the purpose. Services of NIC can also be utilised. A definite time frame may be set for this.

It is suggested that strict directions be issued by the Government, that all the public authorities should fulfill their obligations laid down under Section 4 of the RTI Act, 2005, and instance/s of failure to comply with the directions should be viewed seriously and departmental disciplinary proceedings initiated against such delinquents.

(ii) Identification of Public Authorities

As defined in Section 2(4) of the RTI Act, public authorities include institutions and non-governmental organisations, which are controlled or substantially financed by the Government. But some institutions like cooperative banks, aided schools and colleges, managements of religious institutions and places of worship, libraries etc., which are either controlled or substantially financed by the Government are under the impression that provisions of the Right to Information Act are not applicable to them. Hence, in order to avoid any ambiguity in the matter, it is recommended that each administrative department of the Government may be requested to examine the issue, publish the list of public authorities under them and also instruct such public authorities to comply with the provisions of the Right to Information Act, 2005.

(iii) Appointment of Public Information Officers

Government had issued instructions and guidelines to all public authorities on the designation of Assistant Public Information Officers, Public Information Officers and the Appellate Authorities in all administrative units/offices. These instructions have been complied with to a great extent by most of the public authorities. But there are still some public authorities who have not yet designated the Assistant Public Information Officers, Public Information Officers and the Appellate Authorities. This is especially so in the case of non-governmental organizations, financed by the Government like the private aided colleges and schools, cooperative societies etc. Hence it is recommended that all administrative departments of the Government may be directed to review the progress of implementation of the RTI Act starting from the designation of APIO/PIO/AAs at different levels in the administrative units/ offices. It is also suggested that in the case of major offices like corporations/municipal offices, Directorate of Health Services, Directorate of Higher Secondary Education, Directorate of Collegiate Education, Directorate of Public Instruction, Police Department etc., there should be more than one Public Information Officer as contemplated under Section 5(1) of the Act to receive and dispose of requests under section 6(1) of the RTI Act. Hence, it is recommended that in major offices, adequate number of Public Information Officers may be designated.

It is also found necessary that the Assistant Public Information Officers/ Public Information Officers/Appellate Authorities should display appropriate name boards for easy identification by the citizens. It is recommended that all public authorities may be given instructions to exhibit name boards of APIOs, PIOs and AAs at conspicuous places of the office/s.

(iv) Inadequacy of office Contingency Fund and Office Equipments

Public Information Officers of some government offices have reported that they were finding it difficult to meet the expenditure for providing the information for want of sufficient allocation of funds. There are many offices which are not provided with photocopiers to take photo copies of documents. Hence, it is suggested that all government offices may be provided with adequate funds to meet the cost of providing information under the RTI Act. It is also recommended that action may be taken to provide computers and photocopiers in all government offices in a phased and time bound manner.

(v) Dissemination of Information

It is the statutory duty of the Public Information Officers to provide the information or reject the requests for information, as provided in Section 7(1). If the applicant is not satisfied with the reply given by the public information officer, the applicant has the right to appeal before the appellate authority of the public authority under section 19(1) of the Right to Information Act, 2005. It is necessary that the reasons for not providing the information, the period within which the appeal may be preferred and the particulars of appellate authority are clearly indicated while responding to the requests for information. It is recommended that all officers of public authorities may be given adequate training on the dissemination of information as envisaged under the Act.

(vi) Disposal of First appeals

Section 19(1) of the Act provides for taking up a matter on first appeal before the first Appeal Officer in the public authority, when the requester is not satisfied with the information provided by the SPIO of the public authority. The first appeal officer is to dispose off the appeal within a maximum period of 45 days. In many cases, it is seen that the first appeal officer either deal with the appeal late or does not dispose it off at all. This inevitably results in the delayed receipt of information and/or the requester is compelled to take up the matter on 2nd appeal before the State Information Commission, with its con commitant delay, additional expenditure and avoidable agony. Here again, the Commission would stress on providing training to the concerned officials to improve their perception of and performance under the Act.

(vii) Harassment of Applicants

There have been instances where the applicants faced harassment and oral threats from officers/employees of certain public authorities. This might have probably happened due to the ignorance of the officers/employees of the public authorities about the provisions of the Right to Information Act. The Act provides for imposing severe punishment, including penalty for such deviant behaviour. Not only the appellate authorities, public information officers and assistant public information officers but other employees of the public authorities also may be given adequate training on the provisions of the Right to Information Act.

(viii) Strengthening of the Nodal Department

The Commission had proposed to strengthen the General Administration (Coordination) Department, which is the nodal department of the Government for implementing the Right to Information Act with adequate number of staff and facilities ear-marked for

dealing with the Right to Information Act. It is recommended that the above proposals may be considered with due importance.

(ix) Publication of guide for the benefit of citizens

Section 26(2) of the Right to Information Act provides that Government shall within 18 months from the commencement of the Act, compile a guide in the official language which shall contain such information as may be reasonably required by the citizen. Of the many information to be included in the guide, Postal address, phone numbers, fax numbers and e-mail address of Public Information Officers are to be collected from the public authorities. Some explanatory notes on important provisions of the Act may be provided in the guide for better understanding on the part of the citizens. Further, instructions/guidelines as to how the Act would be advantageously used by the citizens may also find a place in the guide.

It is recommended that government may appoint a special officer with the right background to draft the guide and help the government in its publication. Immediate action may be taken in view of the fact that the time limit prescribed under the Act for publication of the guide has already expired in December 2006.

(x) Ambiguities/inconsistencies in the implementation of certain provisions of the RTI Act.

During the discharge of its functions, it had come to the notice of the Commission that certain ambiguities/inconsistencies have crept in some of the provisions of the Act like definition of 'Public Authority'; competent authority in the case of Subordinate Courts; section 8(1)(d) & (e); section 8(1)(g); section 8(1)(j); section 8(2); section 8(3); section 11(3); section 13(2) & 16(2); section 18 and section 19(9). These were brought to the notice of the State Government from time to time for taking up the matter with the Department of Personnel & Training (DoPT), Government of India, which is the nodal Department in respect of the RTI Act. It is recommended that the matter may be followed up with the DoPT, Government of India.

(xi) Maintenance and retrieval of records

In many cases of disposal of requests asking for copies of documents, it was noted that the Public Information Officers fail to retrieve the documents requested because of absence of a proper system of record keeping. Section 4(1)(a) of the RTI Act requires that the public authorities shall maintain all its records duly cataloged and indexed in a manner and form which facilitates the right to information. Record keeping is an area neglected in most of the offices of Government and Public Sector Undertakings.

Government may make a special drive in this direction so that the records available in the offices of the public authorities are properly cataloged, indexed and stored in a manner that facilitate easy retrieval of information.

(xii) Inclusion of RTI Act in the School Syllabi

Information is indispensable for the functioning of true democracy. People have to be kept informed of the functioning of the public authorities in the government at large. Right to Information Act, 2005 is a cardinal legislation having its base in the democratic principles, especially the freedom of speech and expression guaranteed under the Constitution to each and every citizen of India. Hence, it is recommended that a chapter on the Right to Information Act, 2005 is incorporated in the school syllabi at high school level.

(xiii) Payment of application fee

The Government of Kerala had brought about certain amendments to the Fee and Cost rules under the RTI Act through the Kerala Right to Information (Regulation of Fee and Cost) Amendment Rules, 2007 (S.R.O. No.1074/2007 dated 18-12-2007). The Commission observes that the amendment brought to sub-rule (2) of rule 3 is incomplete. Since this rule affects the common man, the Commission has requested the Government that the said amendment may be withdrawn. It is recommended that the amendment made to sub rule (2) of rule 3 may be withdrawn. Action on it may be taken most expeditiously.

CONCLUSION

With the enactment of the Right to Information Act, 2005 the fact that the right to information is a fundamental right flowing from Articles 19(i)(a) and 21 of the Constitution of India has now been well settled. The ultimate aim of the Right to Information Act is to have a well informed citizenry, which is aware of its rights, and well trained officers of public authorities, who are aware of their duties and functions under the Act. A Government committed to effective implementation of the Act together with active participation of non-government organizations and other activists and, with an active Information Commission would be able to achieve the desired results.
