

IMPLEMENTATION OF THE RIGHT TO INFORMATION ACT, 2005

CHAPTER NINE

The Right To Information Bill was introduced in the Lok Sabha in December 2004. It was passed by both Houses of Parliament in May 2005. The assent of the President was received on 15th June and the Act was notified in the Gazette of India on 21st June 2005. The Right To Information Act became operational by 12th October 2005 after the completion of 120 days from the date of the Presidential assent. The Freedom of Information Act passed by Parliament in 2002 has been repealed. The Right To Information Act covers all levels of Government – centre, state, district and local self-governing bodies like Panchayats and Municipal bodies. It also covers non-governmental organisations (NGOs), voluntary organisations (VOs) and other private bodies that are financed substantially with public funds provided by the government. The Act provides

that every citizen has the right to put in an application requesting information or copies of records held by aforesaid bodies, and the concerned authorities are legally mandated to provide the information sought to the applicant. The citizens right to information is not explicitly in the fundamental rights chapter of the Constitution. But in more than ten cases, the Supreme Court of India has declared that the fundamental right to life and liberty (Article 21) and the fundamental right to freedom of speech and expression {Article 19(1)} include every citizen's fundamental right to access information. The Parliament passed the Right To Information (RTI) Act to enable all citizens to use their fundamental right to access information from public bodies.

Main objectives

- To promote transparency and accountability in the working of every public authority; and
- To set up a practical regime for giving citizens access to information that is under the control of public authorities.

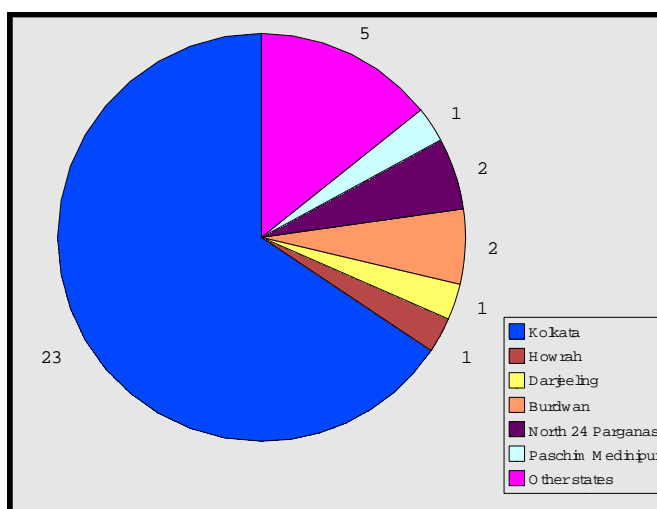
Application Procedure

- According to Section 3 of this Act, all citizens have the right to information. As per section 6 of this Act, any person who desires to obtain any information under this Act can apply specifying the particulars of the information sought by him or her in writing or electronically

in English or local official language.

- As per the Right To Information Act 2005, the West Bengal Pollution Control Board is providing available information as and when sought through proper application. Shri Arup Guchait, Public Relation Officer of the Board is State Public Information Officer under the provisions of the Act.
- An applicant making request for information shall not be required to give any reason for requesting information. However, the applicant is required to provide necessary information required for contacting the applicant.
- An application containing a request in writing to the State Public Information Officer made under rule 3 of West Bengal Right to Information Rules 2006 of sub-section (1) of Section 6 of the Right to Information Act 2005 for obtaining information, shall be accompanied with a court-fee of rupees ten (if not belonging to the below the poverty line category).
- Under the provisions of Rule 4 of West Bengal Right to Information Rules 2006 of sub-section (5) of section 7, the State Public Information Officer shall provide information under sub-section (1), and sub-section (5) of Section 7 upon receipt of a request under Section 6, on payment of the prescribed fess.

FIGURE 2.9.1
DISTRICTWISE APPLICATION RECEIVED DURING 2006-2007



Implementation of RTI Act during 2006-2007

During 2006-2007, a total of 35 applications were received from six districts of the state, namely Kolkata, Howrah, Darjeeling, Burdwan, North 24 Parganas and Paschim Medinipore as well as from other states. The disposal time required for disposal of the applications ranged from one to 330 days. Out of the 35 applications received, 28 applications were from the urban sector and seven were from the rural sector. The nature of the applications

received by the Board were various and included consent, recruitment, waste management, housing project and other similar issues. Out of the 35 applications, 33 of them underwent general disposal procedure and the remaining two applications were forwarded to the West Bengal Information Commission (WBIC). In other words, two applications were disposed of with 'third party interference'. The status of implementation of the RTI Act by the Board is represented in the Figures 2.9.1, 2.9.2 and 2.9.3.

FIGURE 2.9.2
NATURE OF RECEIVED QUERIES 2006-2007

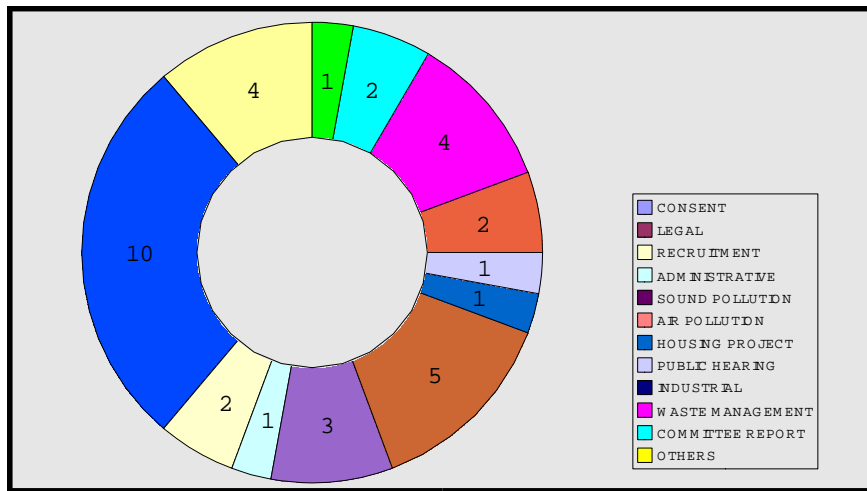
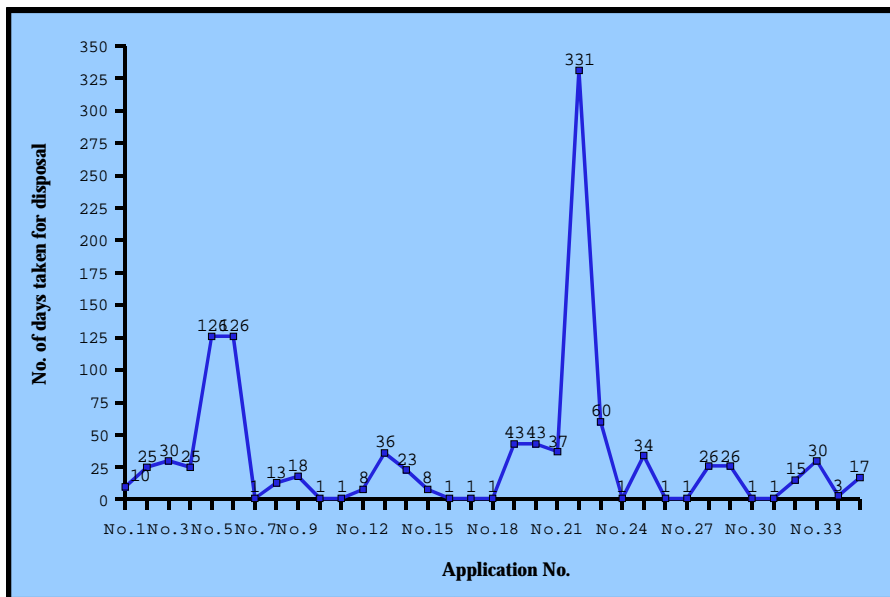


FIGURE 2.9.3
DISPOSAL RATE OF APPLICATIONS



Numbers in the above figures denote the number of applications/queries