Date:

To,

Respected sir,

Sub: noncompliance of mandatory provision of law by PIO/ FAA/ Information commissioners / public servants of any other departments

1. rude and harsh behavior of PIO/ FAA/ SIC / public servants with applicants / appellants / citizens.
2. Passing of incorrect orders in RTI appeal
3. Passing order in 2nd appeals, Complaints and show cause notices without following due process guidelines as directed by Justice Daga para 17, 18.
4. Complaints and show cause notices not being heard and disposed of even after lapses of 5 to 6 years.
5. Conducting of 2nd appeals without compliance of **section 7(8)(i) RTI act**
6. Conducting 2nd appeals without compliance of **section 19(5) RTI act**.
7. Large number of 2nd appeals pending
8. Forwarding of 2nd appeals to 1st appellate authority without having any legal authority and in violation of RTI act.
9. Noncompliance of **Section 25 RTI act**.
10. Non-compliance of **circular 10.8.2009**
11. Violation of section **4 (1)(b)(vii) RTI** act
12. **Violation of section 4(1) (d)** : not providing reasons for its administrative or Quazi Judicial decisions to affected persons.
13. **Violation of section 8J**: no order mentions that the PIO has mentioned in reply that the information denied to applicant will also be denied to Parliament / legislature.
14. **Violation of section 20(1) (2) RTI act**: by First Appellate Authority and Information Commissioners

Reg:

1. Implement the provision of section 16(6) RTI act for video recording and holding of open door hearings.
2. there are many RTI appellants complaining against harsh behavior and shouting of PIO/ FAA/Information Commissioners / public servants which causes hurt, injury and harassment to the appellants and citizens.
3. that all the hearing of 2nd appeals, complaints, show-cause notices shall be conducted in open hall / court with doors open so that every citizen shall be able to watch the proceedings
4. that all the hearing of 2nd appeals, complaints, show-cause notices shall be video recorded and / or the appellants shall be allowed for video recording the proceedings. ( all citations and materials relied upon are attached)
5. **Purpose of RTI act**
6. **An Act to provide for setting out the practical regime of right to information for citizens to secure access to information under control of Public authorities, I order to promote transparency and accountability in working of every public authority, the Constitution of a Central Information Commissions and State Information Commissions and for matters connected therewith or incidental thereto.**
7. **And whereas the Constitution of India has established democratic Republic.**
8. **And whereas the 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.**
9. I humbly submit that it is right of the citizens to get the proceedings
10. being heard in open hall, or
11. doors of cabin kept open for public viewing
12. video recorded

on the ground mentioned herein below

1. The office of any PIO/FAA/ Information Commissioners/ other public servants is a public space and not prohibitory area to deny video recording of the proceedings. (unless legally declared as sensitive / prohibited zone for public for purpose of national security)
2. That video recording of the meeting with public servant and of hearing shall not cause any prejudice to any parties. The Hon. Court are now promoting video recording and transcript to be made available to citizens.
3. Shall enhance the confidence of citizens in transparency and accountability
4. Even the Courts have been having live telecast of all proceedings as per directs of Hon. Chief Justice of India.
5. The Bombay High Court has punished the police officers by levying Rs. 25000 penalties for wrongfully registering FIR against citizen who have video recorded the meeting in police station.
6. In above circumstances, to avoid confrontation between the citizens / public servants and INFORMATION COMMISIONERS office as well as OFFICE OF FIRST APPELLATE AUTHORITY and deter happening of any untoward experiences, I as an alert citizen, request your office to conduct all the proceedings/ hearings under RTI act
7. In the open hall like the court
8. The doors of the cabin shall also be kept open (where hall facility is not available)
9. All the proceedings shall be video recorded by the office and / or by the appellant himself or his associates as per the demand of the situation.
10. **Kindly refer to RTI act section 4 Sec 2 (j) (iv) , Sec 4(1) c & d**
11. **Sec 16(6):** The State Government shall provide the State Chief Information Commissioner and the State Information Commissioners with such officers and employees as may be necessary for the efficient performance of their functions under this Act, and the salaries and allowances payable to and the terms and conditions of service of the officers and other employees appointed for the purpose of this Act shall be such as may be prescribed.
12. **Section 2(J) (iv)**: obtaining information in the form of diskettes, tapes, video cassettes or in any other electronic mode or through print outs where such information is stored in computer or in any other device. So we can ask for video recording and transcript of the meeting and hearing.
13. **Section 4 (1) (c ):** publish all relevant facts while formulating important policies or affected persons.
14. **Section 4(1)(d**) provide reasons for its administrative or quazi judicial decisions to affected persons.
15. **Section 4(1) (vii)** : the particulars of any arrangement that exists for consultation with, or representation by, the members of the public in relation to the formulation of its policy or implementation thereof.

In the above circumstances, your office can easily implement direct for consequential steps to start video recording. Till then the Appellant shall be allowed to video record the proceedings.

1. **Alert citizens shall start with written demand / request / submission in their appeal memo / applications before public servants**
2. **For compliance of section 7(8)(i) RTI act before the hearing of 2nd appeal, Complaint, show cause notice.**
3. **For compliance of section 19(5) RTI act before the hearing of 2nd appeal, Complaint, show cause notice.**
4. **For compliance of section 8J RTI act that submission to be made by PIO/ FAA and SIC in reply and final order while denying information that the said information shall not be provided to Legislature and Parliament too**
5. **for video recording the proceedings, which cannot be denied as no prejudice shall be caused to anyone.**
6. **To conduct the RTI proceedings / hearings in open hall or keep the doors of the cabin open so that all outsiders can watch the proceedings.**
7. **Compliance of circular dt. 31.3.2008, 10.8.2009, 26.6.2019.**

These above five documents are vital evidence for the citizens to prosecute the concerned authority who have wrongfully denied information and disobeyed the direction of law and framed incorrect records and writing.

**Benefits of open Court and video recording of proceedings and meeting with public (section 4(1)(vii) RTI act.**

1. I humbly submit that the implementation of open court and video recording shall
2. Enhance the responsibility of citizens and public servants to behave maturely.
3. Purpose and basic spirit of RTI act shall be fulfilled.
4. Expedite the results and Purpose of the Hon. Supreme Court directives to implement live recording and transcriptions of the proceedings to Create atmosphere of transparency and accountability.
5. Shall bring discipline within all parties
6. Avoid rudeness and conflicts between the authority and appellant.
7. Shall be of evidence if any one behaves in un-parliamentary way
8. Shall be evidence if there is conflict of the arguments submitted and the evidence recorded / order passed by the authority.
9. Shall not cause prejudice to any persons in proceedings.
10. There are absolutely no reasons for not allowing the proceedings to be held in open, or with doors open and for video recording the proceedings.
11. The offices of FAA and Information Commissioners are not prohibited places or places of national security.
12. Your office is duty bound to protect and enhance the use of RTI. I hope implementation of the above suggestions in your order shall protect RTI from being misused and destroyed by some anti-national elements