

SEEKING INFORMATION

STREAM : MISSION KARMAYOGI

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**47th ADVANCED PROFESSIONAL PROGRAMME IN PUBLIC ADMINISTRATION
(2021-22)
INDIAN INSTITUTE OF PUBLIC ADMINISTRATION
NEW DELHI**

SEEKING INFORMATION IN THE CONTEXT OF RIGHT TO INFORMATION

“Where a society has chosen to accept democracy as its creedal faith, it is elementary that the citizens ought to know what their government is doing.”-Justice P N Bhagwati

Introduction

1. **Definition.** The type of information which may be obtained is defined under section 2 (f) of the Right to Information Act, 2005 (No 22 of 2005) as any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, log books, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force¹.

2. **Historical Perspective.** The need to communicate information was felt strongly on a global scale, and Sweden passed the first RTI statute in 1766, largely in response to the parliament's desire for access to information kept by the King. This was followed by United States of America and Norway who enacted their RTI Acts in 1966 and 1970 respectively. By 1990, thirteen countries had passed Freedom of Information (FOI) legislation. The European Union Charter of Fundamental Rights, which was adopted in 2000 and covered both freedom of expression and access to documents, was a significant step forward. RTI rules or regulations were in place in more than 85 countries by 2010. There was widespread public resentment over information suppression, press censorship and misuse of authority during the internal emergency of 1975-77. In 1977, the Janata Party, led by Morarji Desai, promised an open government and said that it would not exploit intelligence services or administrative authorities for personal or party advantage in its election programme. Morarji Desai convened a working committee in 1977 as a result of this vow to explore if the Official Secrets Act of 1923 might be changed to allow for a greater flow of information to the public. However, the working group issued a "no change" recommendation, thereby closing the door to transparency and openness. The other significant events which led to embracing this sacred right to information are tabulated below in chronological orderⁱⁱ:-

<u>Srl</u>	<u>Year</u>	<u>Remarks</u>
(a)	1986	In the case of LK Koolwal vs State of Rajasthan, the Supreme Court stated unequivocally that the right to freedom of speech and expression guaranteed by Article 19 of the Constitution clearly entails the right to information, as citizens cannot fully exercise their right to free speech and expression without it.
(b)	1989	National Front Government renewed its commitment to RTI. It was an outcome of people's frustration over the earlier government's reluctance to part with the information relating to Bofors and other deals.
(c)	1994	MKSS (Mazdoor Kisan Shakti Sangathan) launched a grassroots RTI campaign, demanding information on development projects in rural Rajasthan. The movement expanded, and the effort led to the Rajasthan

		government implementing a Right to Information law in 2000.
(d)	1996	The National Campaign for People's Right to Information (NCPRI) was established with the goal of passing RTI legislation. Tamil Nadu was the first state in India to pass a Right to Information law in 1997. In order to carry out the National Democratic Alliance's commitment to fulfil its National Agenda on Governance, the new coalition introduced the Freedom of Information Bill, 2000 in Parliament.
(e)	1997	Tamil Nadu became the first state in India to pass a law on RTI.
(f)	2000	In pursuance with the commitment of National Democratic Alliance, to implement its National Agenda on Governance, introduced the Freedom of Information Bill, in the Parliament.
(g)	1997 - 2001	Instead of waiting for a central legislation, five more states namely Goa, Rajasthan, Maharashtra, Karnataka and Delhi enacted RTI acts.
(h)	2003	The bill was finally enacted by Parliament on December 4, 2002, and the President of India gave his assent on January 6, 2003.
(j)	2004	UPA government appointed National Advisory Council recommended changes to the existing Freedom of Information Act, 2002.
(k)	2004	RTI Bill was tabled in Parliament as applicable only to the Union Government. The civil society protested against the bill as most of the information required by the common man was from state governments.
(l)	2005	The RTI Act of 2005 was approved with 150 modifications after extensive campaigning by NCPRI and other groups. The Indian Parliament enacted the Central Act on May 12, 2005, it obtained Presidential assent on June 15, 2005, and it went into effect on October 12, 2005.

Conceptual Background

3. **Suo Moto Disclosure of Information**. The first aspect of RTI is to provide automatic disclosure of regularly updated information, by all public authorities, at any time through publically accessible forum like internet. Suo moto disclosure was added to the RTI Act in order to publish significant amounts of information in the public domain on a proactive basis, making government operations more open and reducing the need for individual RTI submissions. Suo moto disclosure, as defined in Section 4 of the Right to Information Act of 2005, requires public agencies to voluntarily provide information to the public at regular intervals rather than on demand. Cataloguing, indexing and computerization of records are all important responsibilities of public authorities under this provision, as are publishing certain basic information about each organisation within a specified timeframe. Publishing all relevant facts while making important policy decisions and ensuring that all information is widely disseminated and easily accessible to the public are basic tenets of citizen-centric governance.

4. **Amendment of Right to Information Act**. The Right to Information Act of 2005 was amended in July 2019 by the parliament, reducing its effectiveness. The revision adds to the long list of erosions that the Act has endured under previous administrations. The Lok Sabha passed

the disputed Right to Information (Amendment) Bill, 2019, on 25 July 2019, sparking outrage from the Opposition, who claimed the modifications weakened the essential transparency law. The bill will give the federal and state governments more control over the terms of Chief Information Commissioners (CICs) and Information Commissioners (ICs). The amendment bill sparked a heated debate, with the opposition clamouring for it to be submitted to a select committee. With 117 lawmakers voting against referring the bill to a select committee and 75 voting in favour, the bill was passed by the Rajya Sabha on 25 July 2019. Activists claim that the modified law undermines the RTI Act 2005's main goal of promoting transparency and accountability in the workings of all public authorities, as well as citizens' right to secure access to information. This is an attempt to stifle the free flow of unbiased information by putting filtered information from governmental authorities in front of the general public in order to appease the government. The administration has undermined the sunshine law without offering a convincing reason for doing so, which will obstruct the Information Commissioners' ability to act independently. They no longer have the independence, transparency, position, or authority that they once did, and will instead act as one of the departments reporting to the central government.

5. **Writ Petition No 436 of 2018.** WP No 436 of 2018 was filed by Anjali Bhardwaj of Satark Nagrik Sanghatan (SNS) in the Hon'ble Supreme Court regarding filling vacancies in the various Information Commissions in a transparent and time bound manner. The SC in its judgment of 15 Feb 2019 had passed the following ordersⁱⁱⁱ:-

- (a) All states shall also follow the system of placing all necessary information including advertisement, details of applications received, particulars of the applicants, composition of Selection Committee etc. on their website as is being followed by Center.
- (b) Terms and conditions on which such appointments are to be made are specifically stipulated in the advertisement and put on website as well.
- (c) Search Committee to make the criteria for shortlisting the candidates public, so that it is ensured that shortlisting is done on the basis of objective and rational criteria.
- (d) Information Commissioners are appointed from other streams, as mentioned in the Act and the selection is not limited only to the Government employee/exgovernment employee.
- (e) Fill up vacancies, in future, without any delay. For this purpose, it would be appropriate that the process for filling up of a particular vacancy is initiated 1 to 2 months before the date on which the vacancy is likely to occur so that there is not much time lag between the occurrence of vacancy and filling up of the said vacancy.

6. **Report Card of Information Commissions 2019-20.** The report card for information commissions for 2019-20 was published by SNS and Centre for Equity Studies in October 2020^{iv}. Despite the fact that the RTI Act allows Commissioners to be appointed from a variety of backgrounds and fields and the Supreme Court reiterated this in its February 2019 decision, the assessment found that the vast majority of information commissioners have been appointed from among retired government employees. As per the report 84% of CIC's and 59% of IC's are retired government servants. One explanation could be that these positions are sought after by retired and retiring bureaucrats, who often benefit from political patronage and are considered as more loyal by their political masters. The report also brings out that there is a vacancy of six information commissioners including the CIC in Central Information Commission. The vacancy of Information Commissioners ranges from 01 in Karnataka to 10 in Goa, Himachal Pradesh and Meghalaya. The Information Commissions of 8 states are headless with no CIC appointed at the time of report. This points out that even after 20 months of the SC judgment the state of vacancy on Information Commissions remains dismal.

7. **Centralised Public Grievance Monitoring System.** CPGRAMS is an online platform that individuals can use round the clock to file complaints with the government on any topic relating to service delivery. It is a single site that connects all of the Government of India ministries and departments, as well as state governments. This system has role-based access for every ministry and state. Citizens can also access CPGRAMS through a separate mobile application that can be downloaded from the Google Play store, as well as a mobile application that is integrated with UMANG. The unique registration ID issued at the time of the complainant's registration can be used to trace the status of the grievance lodged in CPGRAMS. If residents are dissatisfied with the Grievance Officer's resolution, they can file an appeal with CPGRAMS. If the complainant is not pleased with the settlement after the grievance has been closed, he or she might submit feedback. The option to file an appeal is enabled if the rating is 'Poor.' The petitioner can also check the status of the appeal using the grievance registration number. The following issues cannot be taken up for resolution through CPGRAMS^v:-

- (a) Cases that are now pending in court or any other subject involving a court's decision.
- (b) Personal and familial conflicts.
- (c) Right to Information matters.
- (d) Anything that has an impact on the country's territorial integrity or cordial relations with other countries.
- (e) Suggestions.

Discussion on Seeking Information in the Context of a Civil Servant

“Moving from seeking information to providing information, the government should, on its own, move towards a culture of absolute transparency. Rather than people asking for information by making applications under the RTI Act, the government should make efforts to provide as much information to the people on its own.”

Arvind Kejriwal, Yojana, January 2006

8. The above quote highlights that “**seeking information**” in the context of government organizations is passé. In case of civil servants the concept of seeking information is still very much relevant and is part of the “**efficiency**” vertical of Competency Framework for the Civil Services. It is a deep desire to learn more about things, people or topics. This includes '**digging**' for precise information and staying current on essential information. The various levels of seeking information within an organization are covered in succeeding paragraphs^{vi}:-

- (a) **Level 1 – Basic Search.** By asking direct questions of those who are directly involved in the situation, the Civil Servant makes use of available information within the organisation. Conducts a basic search in books, journals, and the internet to find further information.
- (b) **Level 2 – Investigation.** Beyond conventional questions, investigates each situation. By asking questions, the Civil Servant double-checks his assumptions against the facts. Identifies people who are connected to the incident and explores it further. Connects all relevant data and, if necessary, conducts field visits to acquire a complete picture of the problem.
- (c) **Level 3 – Digging Deeper.** To get to the bottom of a situation or a prospective opportunity, asks a series of probing inquiries. Consults with experts and practitioners to obtain their unbiased opinion, background knowledge and experience, among other things. Attempts to gain a more in-depth understanding and perspective on the issue.
- (d) **Level 4 – Research.** Makes a systematic effort to acquire needed data or feedback in a short amount of time. Conducts a comprehensive investigation using a variety of sources. Examines best practises from other states, industries, regions, and organisations, among other things. If necessary, conducts or commissions formal research in order to get fresh insight or meaning.
- (e) **Level 5 – Develop Sources.** Conducts field trips (when needed) to get a complete picture of the situation. Identifies people or develops reliable sources to perform regular data collection. Other means and resources are used to verify the accuracy of informal knowledge.

9. The current epoch is known as the "Information era and Information has risen to the top of the priority list for societal advancement. No matter how well-versed one is in a topic or job, one needs a range of information to thrive in this modern era. People require information to operate properly in their professions, and information plays a crucial part in our professional and personal life. Information availability is neither the same as information accessibility, nor is it the same as information use. In some cases, there is a disparity between the availability, accessibility, and consumption of information. Information systems and information provisions that do not satisfy the demands of information consumers are a key source of inequality.

10. **Definition of Information Seeking.** Over the years various definitions of Information Seeking have been propounded by experts in this field. Two definitions are being reproduced in succeeding paragraphs:-

(a) "A conscious effort to acquire information in response to a need or gap in your knowledge" (Case,2002).

(b) "The process of construction within information seeking involves fitting information in within what one already knows and extending this knowledge to create new perspectives" (Kuhlthau,2004).

Takeaway Points

11. **Important Terminologies.** Some of the important terminologies related to information seeking are elaborated in succeeding paragraphs:-

(a) **Information Seeking.** A conscious endeavour to collect information in response to a need or a knowledge gap is known as information seeking.

(b) **Information Need.** An information need, on the other hand, is an understanding that your knowledge is insufficient to meet a goal you've set for yourself.

(c) **Information Behaviour.** Information behaviour include both intentional and unintentional or passive activities as well as purposeful acts that do not involve seeking information, such as purposefully avoiding information.

(d) **Information Searching.** Several studies link information seeking with information searching. In a broader sense, information seeking is a specific type of searching and there is more to searching than we generally believe.

(e) **Information Gathering.** "An attempt to meet a deferred need by seeking for appropriate information", says one definition of information gathering.

(f) **Information Retrieval.** Information retrieval is most commonly used to search electronic databases, but it can also be used to search other organised knowledge systems.

12. **Modes of Information Seeking.** We are a very sociable species, and our interactions with others provide us with a wealth of information and experience. The majority of people's information-related behaviour consists of absorbing and implementing the learning and information they encounter in their daily lives. It is reasonable to suppose that as a species that exists physically, biologically, socially, emotionally, and spiritually, we absorb around 80 percent of our knowledge simply by being aware, conscious, and sentient in our social context and physical surroundings. The various modes of information seeking are elucidated in succeeding paragraphs:-

- (a) **Direct and Indirect.** Indicates that a person is looking for precise knowledge that can be narrowed down to a degree, and that he may acquire it without being steered.
- (b) **Active and Passive.** Whether a person actively seeks information or is passively open to absorb it without actively seeking it out.

13. **Theories on Information Seeking.** The various theories by proponents of information seeking are covered in succeeding paragraphs:-

- (a) **Question Negotiation Framework.** The research of Robert Taylor focuses on the type of formal information seeking that occurs at a library reference desk. His notion has proven to be incredibly effective in reference librarian education.
- (b) **Sense Making.** Brenda Dervin is a leading proponent of information behaviour models that emphasise cognitive elements. Humans move through time and space until they reach a cognitive gap, when an information need is realised, according to Dervin's sense-making metaphor. Such voids must be filled with new knowledge before they may move forward again. A person's information-gathering efforts are intended to help them make sense of their current situation.
- (c) **Information Search Process (ISP).** Carol Kuhlthau's research is based on the work of psychologist George Kelly. Kelly defines learning as the process of putting constructs to the test. Based on Kelly's idea, Kuhlthau created the ISP model. Kuhlthau's ISP model posits uncertainty reduction as the major reason for research, similar to Dervin's, and Kuhlthau, like Taylor, separates the information seeking process into stages. Individuals go through six psychological stages, ranging from worry to relief/disappointment, during these six stages.
- (d) **Anomalous State of Knowledge (ASK).** Nicholas Belkin's ASK concept illustrates how information requirements arise. When a person is confronted with a situation in which they discover a gap in their understanding about the subject at hand, they have an information need. Following the collection of data, the individual will reevaluate if the anomaly still exists. If it does, and the person is still motivated to solve the situation, more information may be sought. According to Belkin, every search begins

with a problem and a desire to solve it; the difference between these two points corresponds to information need, which leads to information searching.

(e) **Information Seeking Model.** According to Dr. Wilson's paper "Uncertainty in Information Seeking," information seeking is based on a series of uncertainty resolutions that lead to a problem solution. In order to resolve the ambiguity of each step of the process, more information must be obtained. Furthermore, the study discovered that providing information seekers with a pattern to follow improved the accuracy and quantity of information obtained.

14. **Difference Between Information Seeking and Retrieval.** In both human and technology contexts, information seeking is the process or activity of striving to gain information. Information retrieval and information seeking are related, but they are not the same. Traditionally, information retrieval solutions have been intended for specialists to help them obtain information from a source quickly and effectively. It is expected that the data exists in the source and can be retrieved using a well-formed query. Information retrieval is a technology-oriented field that focuses on algorithms and challenges like precision and recall. Information seeking, as opposed to information retrieval, is a more human-centered and open-ended activity. Because one does not know whether an answer to one's query exists when seeking information, the process of searching may give the learning required to meet one's information demand^{vii}.

15. **Conclusion.** Information seeking is a well-known concept, a catchall word for a variety of behaviours apparently motivated by the discovery of "missing" data. Despite being the most often used term, information seeking is usually defined in terms of active and conscious behaviour, which limits its applicability to the present study on human information utilisation. Any organisation or system makes an effort to either adapt to changing environmental requirements or to change the environment in which it operates. For any of these endeavours, the organisation or system wants a less time-consuming and cost-effective strategy. In terms of information seeking, the concept of least effort states that the information seeker should adopt a plan of action that involves the most convenient search strategy. To find results, the user will utilise the tools that are most familiar and simple to use.

ⁱ *Right to Information Act, 2005.* (2005, June 15). Central Information Commission of India. Retrieved October 30, 2021, from https://cic.gov.in/sites/default/files/RTI-Act_English.pdf

ⁱⁱ Chief Information Commission. (2019). *Right to Information Act, 2005 : A Revolution.* cic.gov.in. Retrieved October 13, 2021, from <https://cic.gov.in/sites/default/files/Vaibhav%20Mittal.pdf>

ⁱⁱⁱ *Writ Petition (Civil) NO. 436 OF 2018.* (2019, February 15). Supreme Court of India. Retrieved October 30, 2021, from https://main.sci.gov.in/supremecourt/2018/15968/15968_2018_Judgement_15-Feb-2019.pdf

^{iv} Satark Nagrik Samiti and Centre for Equity Studies. (2020, October). *Report Card of Information Commissions 2019–20*. snsindia.org. Retrieved October 30, 2021, from <https://snsindia.org/wp-content/uploads/2020/11/Report-Card-2020.pdf>

^v Gol/Ministry of Personnel, Public Grievances & Pensions/DARPG. (n.d.). *CPGRAMS-Home*. CPGRAMS. Retrieved October 30, 2021, from <https://pgportal.gov.in/>

^{vi} Gol/Ministry of Personnel, Public Grievances & Pensions/DoPT. (2014, February 26). *Civil Services Competency Dictionary*. dopt.gov.in. Retrieved October 30, 2021, from [https://dopt.gov.in/sites/default/files/Competency %20 Dictionary%20 for%20 the%20Civil%20Services.pdf](https://dopt.gov.in/sites/default/files/Competency%20Dictionary%20for%20the%20Civil%20Services.pdf)

^{vii} Wikipedia contributors. (2021, August 25). *Information seeking*. Wikipedia. Retrieved October 31, 2021, from https://en.wikipedia.org/wiki/Information_seeking