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## A CRITICAL ANALYSIS OF HOW THE RIGHT TO INFORMATION ACT EMPOWERS CITIZENS AND HOLDS PUBLIC AUTHORITIES ACCOUNTABLE

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### ABSTRACT

The Right to Information (RTI) Act of 2005 is a landmark piece of legislation in India that fundamentally reshaped the relationship between the government and its citizens. This abstract analyzes how the RTI Act empowers ordinary citizens and holds public authorities accountable. At its core, the Act establishes a legal right for any Indian citizen to request information from a 'public authority'—which includes all levels of government and even non-governmental organizations substantially funded by the government. This right to know is a powerful tool against corruption and maladministration, as it compels public officials to be more transparent about their decisions, spending, and operations.

The RTI Act enhances accountability by creating a practical, time-bound framework for information disclosure. Public authorities are required to appoint Public Information Officers (PIOs) to process applications and respond within a specified period, typically 30 days. The fear of public scrutiny and the statutory penalty for non-compliance act as a deterrent to arbitrary actions and negligence.

Furthermore, the Act promotes **proactive disclosure** of information, mandating that government departments regularly publish certain records, such as budgets, policies, and details of their functioning, on their websites. This reduces the need for individual requests and makes information more accessible to everyone. While the RTI Act has empowered citizens to expose scams, question policy decisions, and ensure the delivery of public services like pensions and ration cards, it faces challenges, including administrative delays, threats to activists, and attempts to dilute its provisions. Nonetheless, it remains a cornerstone of India's democratic governance, fostering an informed citizenry and a culture of transparency.

**Key Words:** RTI, empower citizens, public authority, accountable

### 1. Introduction: The Foundational Pillar of Democratic Governance

#### 1.1. Background: The Global Movement for Transparency

The Right to Information (RTI) Act, 2005, is a seminal piece of legislation that did not emerge in a vacuum but as part of a long-standing, global movement advocating for public access to government-held information. This movement, rooted in the principle that transparency is a prerequisite for a healthy democracy, has historical precedents dating back centuries. The world's first freedom of

information law, Sweden's Freedom of the Press Act, was enacted in 1766, a testament to the enduring recognition of the public's right to know. This was followed by the

U.S. Freedom of Information Act (FOIA) in 1966, a law that set a modern standard for governmental transparency by providing any person with the right to access non-exempt federal records. The proliferation of these "sunshine laws" reflects a global paradigm shift from a culture of state secrecy, often perpetuated by colonial-era legislation, to one of public access and accountability.

## 1.2. Genesis of India's RTI Act, 2005: A Citizen-Led Movement

In India, the journey towards a national RTI law was uniquely driven by a powerful and sustained grassroots movement. This movement, which began in the early 1990s, was spearheaded by civil society organizations and activists who recognized that information was the essential "currency" for citizen participation in governance. The Mazdoor Kisan Shakti Sangathan (MKSS) in Rajasthan initiated the first grassroots campaign in 1994, demanding transparency in public works and exposing corruption through social audits. This citizen-led pressure culminated in several Indian states enacting their own right to information laws, with Tamil Nadu passing the first such legislation in 1997, laying the crucial groundwork for a national framework.

The national movement gained momentum, leading to the enactment of the Freedom of Information Act, 2002. However, this legislation was widely criticized for its limited scope and ineffective implementation mechanisms, failing to meet the public's demands for genuine transparency. The deficiencies of the 2002 Act paved the way for the more robust and citizen-centric Right to Information Act, 2005. This new law, which came into force on October 12, 2005, represented a significant shift, empowering citizens to access information directly and holding public authorities accountable.

## 1.3. Philosophical and Constitutional Underpinnings

The philosophical foundation of the RTI Act is a rejection of the notion that government information is a state secret to be guarded. Instead, it is based on the principle that all information held by the government ultimately belongs to the people. The Act's stated objective

is "to promote transparency and accountability in the working of every public authority" by providing a "practical regime of right to

information for citizens to secure access to information under the control of public authorities".

This objective is not merely statutory but is deeply rooted in the Indian Constitution. The Supreme Court has consistently held that the right to information is an implicit fundamental right. It flows from Article 19(1)(a), which guarantees the right to freedom of speech and expression, as an informed citizenry is a prerequisite for meaningful expression and debate. The judiciary has also linked the right to information to Article 21, which protects the right to life and personal liberty, arguing that access to information is vital for citizens to live a life of dignity and to hold the government accountable for the welfare of the people. This judicial grounding elevates the Act from a mere statute to a constitutional imperative, reinforcing its role as a cornerstone of participatory democracy.

## 2. Aim and Objectives of the Research

### 2.1. Research Aim

The primary aim of this research is to provide a comprehensive, critical analysis of the Right to Information Act, 2005, evaluating its effectiveness as a cornerstone of democratic governance and its transformative impact on the relationship between citizens and public authorities in India. The study will explore the Act's successes and its persistent challenges, culminating in a set of actionable recommendations to ensure its long-term viability and optimal impact.

### 2.2. Research Objectives

- To systematically analyze the key legal provisions, procedural mechanisms, and the institutional framework of the RTI Act, 2005.
- To empirically evaluate the Act's success in promoting transparency, combating corruption, and empowering citizens through detailed case studies and success stories.
- To identify and categorize the primary

systemic, administrative, and political challenges hindering the Act's full implementation and optimal impact.

- To propose a set of actionable, evidence-based recommendations and solutions to address the identified problems and strengthen the RTI regime for the future.

### 3. Research Gaps and Hypothesis

#### 3.1. Identified Research Gaps

While a significant body of literature exists on the legal framework and a collection of anecdotal successes of the RTI Act, a notable gap remains in scholarly work that holistically integrates the Act's multifaceted realities. A comprehensive analysis is lacking in several critical areas:

- **Integration of Challenges:** The existing research often treats bureaucratic resistance, political will, and infrastructural challenges as isolated issues. There is a need for a unified analysis that explores how these deeply ingrained problems intersect and amplify each other, creating a systemic barrier to the Act's effectiveness.
- **The Role of Information Commissions:** The central role and subsequent decline in the autonomy of the Central and State Information Commissions have not been sufficiently explored as a primary cause for the erosion of the Act's enforceability. The causal relationship between the weakening of these appellate bodies and the overall decline in public accountability requires deeper investigation.
- **Accessibility and Social Equity:** While the digital divide is acknowledged as a challenge, there is limited discussion on how this, combined with a lack of awareness, creates a structural disadvantage that disproportionately affects the accessibility and utility of the RTI mechanism for rural and marginalized communities, thereby limiting the Act's promise of universal empowerment.

#### 3.2. Research Hypothesis

The effectiveness of the RTI Act in fostering true transparency and accountability is directly proportional to the institutional independence of the Central and State Information Commissions, the successful digitization of government records, and the level of proactive, systemic compliance by public authorities, which is, in turn, critically influenced by the political will to enforce the Act's provisions without dilution.

### 4. Literature Review: The RTI Act's Framework and Impact

#### 4.1. The Operational Framework: Provisions and Mechanisms

The RTI Act, 2005, establishes a robust and practical regime for citizens to access information from public authorities. The term "information" is broadly defined, encompassing any "material in any form". This includes an extensive list of documents and data, from records and memos to e-mails, contracts, reports, and data in any electronic form. The Act applies to all "Public Authorities," a term defined to include not only government departments but also any body owned, controlled, or "substantially financed" by the government, including non-governmental organizations. A key limitation of the Act is that it only grants the right to information to citizens of India, excluding corporations, associations, and other legal entities.

The operational machinery of the Act is centered on the Public Information Officer (PIO). Every public authority is mandated to designate a PIO to receive and process requests. The PIO is the "front end of Public interface," and the Act places the entire onus on them to provide the requested information within a strict timeframe. The standard response time is 30 days from the receipt of the application, but a critical exception exists for information concerning "the life or liberty of a person," which must be provided within 48 hours. If the PIO fails to respond within the stipulated period, the

request is "deemed to have been refused," and the information must be provided free of charge.

For citizens whose requests are denied, the Act provides a two-tier appellate mechanism. The first appeal is made to a departmental officer senior to the PIO, while the second and final appeal is directed to the Central Information

Commission (CIC) or the State Information Commissions (SICs). These commissions are independent, non-judicial bodies with the authority to hear and decide upon appeals, serving as the highest decision-making authority under the Act.

**Table 1: RTI Act 2005: Key Provisions & Mechanisms**

Feature	Provision/Mechanism
<b>Definition of "Information"</b>	Any material in any form, including records, documents, memos, e-mails, opinions, contracts, reports, and data in electronic form.
<b>Application to</b>	Public authorities, including NGOs substantially financed by the government.
<b>Eligibility</b>	Indian citizens only; not for corporations or associations.
<b>Response Time Limit</b>	30 days; 48 hours for cases concerning "life or liberty".
<b>Key Functionaries</b>	Public Information Officer (PIO) and Assistant PIO.
<b>Appeal Mechanism</b>	Two tiers: a first appeal to a senior departmental officer and a second appeal to the Central or State Information Commissions.

**4.2. The Act as an Anti-Corruption and Accountability Tool: Case Studies**

The RTI Act's true power lies in its practical application. It has been instrumental in exposing high-level corruption and has also been an effective tool for improving local governance and daily public service delivery.

**Exposing High-Level Corruption**

One of the most significant examples of the Act's power is the exposure of the Adarsh Housing Society scam. In 2008, RTI applications filed by activists like Yogacharya Anandji and Simpreet Singh uncovered a corrupt nexus

between politicians, military officers, and bureaucrats who had conspired to illegally obtain apartments in a building originally meant for war widows and defence personnel. The information obtained through RTI applications was instrumental in bringing the scam to light, leading to the resignation of the then-Chief Minister of Maharashtra and a wide-ranging investigation by the Central Bureau of Investigation (CBI). This case demonstrates the Act's capacity to pierce the veil of secrecy and expose systemic fraud at the highest levels of government.

**Enhancing Public Service Delivery and Local Accountability**

The Act's impact extends far beyond high-profile scams. It has become a crucial instrument for ordinary citizens to address everyday grievances and compel public officials to act. A village in Maharashtra used an RTI application to compel a corrupt official to issue a death certificate to a woman who had been denied it for two years, enabling her grandmother to receive a widow's pension. In another case, a student used the Act to secure scholarships for 10 children of beedi

workers after a department failed to disburse the funds.

The Act has also been a powerful tool for social audits. In rural areas, citizens have used RTI to obtain records related to the Mahatma Gandhi National Rural Employment Guarantee Act

(NREGA) and expose fraud, such as officials creating false muster rolls and siphoning off funds meant for the poor. In one instance, an RTI application filed in the village of Elengabalsa led to the immediate issuance of 40 pending job cards and a promise to deliver the rest within days. This and other similar successes indicate a direct link between the Act's use and a palpable shift in administrative conduct. When officials are aware that their actions are subject to public scrutiny and that they can be held personally accountable for delays and denials, their behavior changes. A study found that this "fear of public questioning" has led to "better documentation, more responsible actions, and ethical practices in administration," replacing a culture of apathy with a sense of responsibility and alertness.

**Table 2: Success Stories & Their Impact**

Case Study	Objective of RTI Application	Information Obtained	Tangible Outcome
<b>Adarsh Society Scam</b>	Expose illegal allotment of flats in a high-rise building	Details of land ownership, zoning, and allotment list	Forced resignation of a Chief Minister; criminal investigation into politicians and officials.
<b>NREGA Job Cards</b>	Know why job cards were not issued to all eligible households	Number of job cards issued, names of guilty officers	Immediate issuance of 40 job cards; officials became more responsive.
<b>Kerosene Distribution</b>	Access records of food grain and kerosene supply to a village shop	Monthly supply data for a fair price shop	Exposed a public distribution scam; several government officials were arrested.
<b>Death Certificate</b>	Obtain a death certificate for a grandparent for pension application	Details of the official's delay and non-compliance	Certificate was delivered within eight days; officials became more receptive to citizens' problems.

**4.3. Comparative Analysis: India RTI vs. U.S. FOIA**

Comparing India's RTI Act with the U.S. Freedom of Information Act (FOIA) provides a valuable international context for evaluating the Indian legislation. Both laws share a fundamental

purpose: to promote transparency and accountability by giving the public a right to access government-held information. However, they have been shaped by very different political

and social environments, leading to notable

differences in their scope, exemptions, and enforcement mechanisms.

One of the most significant distinctions is the scope of the right. India's RTI Act is explicitly restricted to citizens of India, whereas the U.S. FOIA grants access to "any person," including foreign nationals and corporations. The Indian Act is also unique in its provision for "stringent penalties" on PIOs for unreasonable delays or denials, a mechanism that has helped to set the Act in motion more quickly than its counterparts.

A critical feature that sets India's RTI Act apart is its "corruption/human rights override". Under

Section 24, even a select group of security and intelligence agencies that are normally exempt from the Act must disclose information if it pertains to allegations of corruption or human rights violations. This explicit override, rooted in a Supreme Court directive, ensures that accountability for misconduct is upheld even in sensitive areas. In contrast, the U.S. FOIA lacks such a blanket anti-corruption override. While records of an investigation can be requested, they are subject to standard law enforcement and privacy exemptions, with no blanket duty to disclose corruption claims.

**Table 3: Comparative Framework: India RTI vs. U.S. FOIA**

Parameter	India's RTI Act, 2005	U.S. Freedom of Information Act (FOIA), 1966
<b>Scope of Right</b>	Limited to citizens of India.	Available to "any person".
<b>Core Purpose</b>	A practical regime for citizens to secure access to information to promote transparency and accountability.	To ensure that citizens are informed on the inner workings of the federal government.
<b>Enforcement</b>	Stringent penalties for PIOs; enforced by independent Information Commissions.	Agency must pay attorney fees and litigation costs if ordered by a judge.
<b>Exemptions</b>	10 broad categories of information, subject to a "public interest override".	9 specific exemptions (e.g., classified defense, personal privacy, law enforcement records).
<b>Anti-Corruption Override</b>	Explicit "corruption/human rights override".	No explicit anti-corruption override; treated as a standard law enforcement matter.

**5.1. Addressing Bureaucratic Resistance and Inertia**

A core challenge to the RTI Act's implementation is the deep-seated "culture of secrecy" and "bureaucratic hostility" that permeated government institutions long before the Act's passage. Many government departments struggle with a lack of trained personnel, poor record management, and a general reluctance to embrace transparency.

A fundamental solution to this problem is a cultural and behavioral change. The Second Administrative Reforms Commission (ARC) recommended that the "Oath of Secrecy" taken by ministers be replaced with an "Oath of Transparency". This symbolic but powerful shift would signal a new paradigm in governance, where openness is the rule and secrecy is the rare exception. Furthermore, a significant investment in capacity building is required.

Research has consistently found that many Public Information Officers (PIOs) lack the necessary training and awareness of the Act's provisions. Comprehensive and regular training programs are essential to equip PIOs not only with the legal knowledge but also with the understanding that transparency is an enabler of good governance, not a burden to be avoided.

### 5.2. Strengthening Institutional Capacity and Infrastructure

The successful implementation of the RTI Act is hindered by pervasive infrastructural inadequacies. Many government offices still rely on "manual, paper-based systems" for record-keeping, leading to slow processing times, errors, and denials of information on the grounds that records cannot be found.

A national mission for the complete digitization of government records is a critical solution to this problem. A time-bound plan should be implemented to digitize all government records and create a centralized, searchable database. This would not only streamline the RTI process but also reduce the grounds for denial due to poor record management. In conjunction with this, a centralized, real-time monitoring system should be established to track the performance of RTI requests across all departments. This system would enhance accountability by identifying bottlenecks and non-compliant authorities, providing a clear roadmap for targeted interventions.

### 5.3. Bridging the Digital and Awareness Divide

Despite the availability of online portals for filing RTI applications, a significant "digital divide" and a lack of public awareness continue to hinder the Act's reach, especially in rural and marginalized communities. The inability to access the internet or computers marginalizes vast sections of the population, limiting their ability to exercise their right to information.

To address this, the government must launch targeted awareness campaigns that go beyond urban-centric media. The use of local

languages, community radio, and public announcements would be vital to spread awareness about the Act's procedures and benefits. Furthermore, civil society organizations (CSOs) should be empowered to act as a "bridge between the community and public agencies" by helping citizens file applications and monitor public schemes. The Second ARC's recommendation to include RTI education in school and college curricula is a proactive measure that would foster a culture of transparency from a young age, ensuring that future generations are equipped to be informed and engaged citizens.

### 6.1. Restoring the Autonomy of Information Commissions

The most significant threat to the RTI Act's effectiveness is the erosion of the independence of the Central Information Commission (CIC) and State Information Commissions (SICs). The high number of vacancies (e.g., eight in the CIC and thousands of pending appeals) and the political appointment of retired civil servants have compromised their credibility and effectiveness. The RTI Amendment Act, 2019, which gave the Central Government the power to determine the tenure and salary of commissioners, is a major legislative loophole that undermines their autonomy and makes them susceptible to executive interference.

To address this, a comprehensive plan must be implemented to restore the Commissions' independence and capacity. First, all vacant posts in both the Central and State Commissions must be filled with strict adherence to the timelines set by the Supreme Court. Second, the RTI Amendment Act of 2019 must be repealed to restore the statutory five-year term and a fixed salary for commissioners, protecting them from political influence. Finally, the Commissions must be provided with adequate funding and staff to reduce the "huge pendency" of appeals, which currently takes years to resolve. These measures would ensure that the Commissions can function as truly

independent appellate bodies, restoring public trust and the Act's enforceability.

### 6.2. Mandating Proactive Disclosure: The True Path to Transparency

A critical, but often overlooked, provision of the RTI Act is Section 4, which mandates that every public authority proactively disclose a wide range of information to the public. The failure to comply with this provision forces citizens to file applications for information that should already be in the public domain, overwhelming the entire system and contributing to the backlog of requests.

A solution to this systemic problem is a robust enforcement strategy for Section 4. Public authorities should be required to publish a comprehensive handbook of information as mandated by the Act. They must also be required to digitize and proactively publish all relevant information on their websites, including organizational structure, budget allocations, and decision-making processes, as a matter of routine practice. To ensure compliance, a system of mandatory annual transparency audits should be introduced. These audits would assess a department's adherence to Section 4, with the results being publicly available and linked to departmental evaluations and performance reviews. This would create a powerful incentive for public authorities to embrace proactive disclosure, thereby reducing the burden on the RTI mechanism and fostering a culture of genuine transparency.

### 6.3. Whistleblower Protection and Legislative Harmonization

A significant barrier to the effective use of the RTI Act is the lack of adequate protection for activists and whistleblowers who expose corruption and face threats and violence. The Whistleblower Protection Act, 2014, has yet to be fully operationalized and has been criticized for being ineffective. To address this, a comprehensive reform of whistleblower protection laws

is required. The 2014 Act must be fully operationalized with clear, time-bound mechanisms for protecting activists, and its provisions must be strengthened to guarantee anonymity and provide adequate penalties for retaliation.

Furthermore, the Act's effectiveness is undermined by its conflict with colonial-era legislation and recent amendments. The Official Secrets Act, 1923, for instance, is often used to deny information by classifying it as "secret". Similarly, the Digital Personal Data Protection Act, 2023, has raised concerns that its provisions may be misused to deny access to information on government schemes by citing the protection of personal data. A crucial solution is legislative harmonization. The Second ARC's recommendation to repeal the Official Secrets Act, 1923, in favor of a modern national security law with minimal exemptions is a vital step. A review of recent data protection amendments is also necessary to ensure that the "public interest override" of the RTI Act is maintained and that privacy laws are not exploited to shield corruption and misconduct.

## 7. Research Report Based on the Solutions of Research Problem and Solution of Research Hypothesis

### 7.1. Integrated Findings: A Holistic View of RTI's State

The analysis of the RTI Act's implementation reveals a complex and interconnected web of successes and challenges. The Act's transformative power is evident in the millions of applications filed and the myriad of success stories, from exposing high-level corruption to ensuring the delivery of local services. However, the very popularity and utility of the Act have become a symptom of a deeper, systemic failure. The high volume of applications is a direct consequence of the government's failure to comply with its own mandate of proactive disclosure under Section 4. This non-compliance forces citizens to resort to formal requests, thereby overwhelming an already under-resourced system of PIOs and

Information Commissions.

This creates a vicious cycle of failure and reform. The government's lack of proactive transparency fuels a surge in RTI applications, which in turn strains the system and leads to delays and high pendency. The resulting public frustration and the perception of the RTI mechanism as a burden are then used as a political justification to weaken the Act through legislative amendments, such as the one in 2019 that undermined the independence of the

Information Commissions. This erosion of institutional autonomy is the most significant threat to the entire framework, as it compromises the very bodies responsible for enforcing the Act and holding officials accountable. The Act's promise of transparency is directly linked to the independence and effectiveness of its enforcement machinery.

**Table 4: The RTI Act's Causal Loop: Challenges and Solutions**

Cause/Challenge	Consequence/Problem	Proposed Solution
Low proactive disclosure (Section 4 failure)	High volume of citizen applications; system overload.	Enforce Section 4 through mandatory annual transparency audits.
Bureaucratic Resistance and inertia	Delays in response; poor record management.	Replace the "Oath of Secrecy" with an "Oath of Transparency"; mandate PIO training.
Weak institutional independence	Vacancies in Commissions; high pendency of appeals; low enforcement.	Repeal the 2019 Amendment; fill all vacancies in Information Commissions.
Lack of whistleblower protection	Threats and violence against activists; fear of using the Act.	Operationalize and strengthen the Whistleblower Protection Act, 2014.
Conflicting colonial-era laws and new amendments	Denial of information on grounds of "secrecy" or "privacy".	Harmonize legislation; repeal the Official Secrets Act, 1923; review the Digital Personal Data Protection Act, 2023.

**7.2. An Implementation Roadmap: From Law to Practice**

To reverse this downward spiral and ensure the RTI Act's long-term viability, a concerted, multi-stakeholder effort is required. This report proposes the following roadmap for implementation:

- 1. Immediate Action on Information Commissions:** The government should, within a

strict timeframe, fill all vacant posts in the CIC and SICs, as directed by the Supreme Court. This must be followed by legislative action to repeal the 2019 amendment, restoring the independence of the commissions and providing them with adequate resources to reduce the backlog of appeals.

- 2. Digitization and Proactive Disclosure Mission:** A national, time-bound mission should be launched to digitize all government records and publish them online. This mission must be

accompanied by a public information campaign to enforce Section 4 compliance. An online, real-time monitoring dashboard should be created to track departmental performance and compliance with proactive disclosure norms.

3. **Comprehensive Capacity Building:** The Department of Personnel and Training (DoPT) should collaborate with state governments to design and implement mandatory, annual training programs for all PIOs and APIOs. These programs should focus on procedural efficiency, legal interpretation, and the ethical importance of transparency.

4 **Strengthening Protection for Activists:** The government must take immediate steps to operationalize the Whistleblower Protection Act, 2014, and introduce robust measures to ensure the safety and anonymity of RTI activists.

5 **Legislative Review and Harmonization:** A parliamentary committee should be constituted to review all conflicting laws, particularly the Official Secrets Act, 1923, and the Digital Personal Data Protection Act, 2023, to ensure their provisions are aligned with the RTI Act's core objectives.

6 **Mass Awareness Campaigns:** A multi-pronged awareness campaign using local languages, community media, and digital platforms should be launched to educate citizens, especially in rural areas, about their rights and the procedural simplicity of the RTI mechanism.

### 5. Conclusion: The Unfinished Journey of a Transformative Act

In conclusion, the Right to Information Act, 2005, remains a powerful and transformative piece of legislation that has fundamentally reshaped the relationship between the state and its citizens. It has provided an unprecedented avenue for holding public authorities accountable, exposing corruption, and ensuring the delivery of essential public services. The Act is a testament to the power of an informed citizenry and stands as a modern cornerstone of India's

democratic framework. However, the analysis in this report makes it clear that the RTI Act is currently at a critical juncture. Its effectiveness is being challenged by a complex interplay of deep-seated bureaucratic resistance, a lack of political will, and institutional inadequacies. The erosion of the independence of the Information Commissions, in particular, poses the most significant threat to the Act's future. The journey from a culture of state secrecy to one of genuine transparency is far from complete. The RTI Act, while a "master key to good governance", is not a self-sustaining mechanism. Its continued success requires a renewed commitment from all stakeholders—policymakers, bureaucrats, civil society, and the judiciary—to implement the necessary reforms. The Act's future as a tool for a more open, responsive, and inclusive administrative ecosystem depends on a concerted effort to bridge the gap between its legal promise and its operational reality.

### Footnote

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