

RTI : Without Fear or Favour

(This column is aimed at improving transparency and accountability in the public delivery mechanisms, the twin objectives behind enactment of the Right to Information Act, some 18 months back ; as a run-up to its second anniversary in October, 2007. Readers' inputs are going to be included in the forthcoming articles, if received in time electronically : readers are requested to key-in their comments to rs_tolia @ rediffmail.com or send them by fax on (0135) 2666779)

A Practical Guide to the Right to Information Act, a book this author wrote in celebration of the first anniversary of the RTI, as the Act has come to be popularly known as, has been reviewed in the columns of the Garhwal Post. It was entitled RTI: Without Fear or Favour by the reviewer Sanjiva Chopra. So when an offer came to contribute a regular column from the Editor of Garhwal Post I could think of no other and better title for my occasional inputs.

Information Commissioner's right as a citizen

Through these occasional articles the author proposes to contribute random suggestions regarding possible uses of this most potent instrument of good-governance, in specific context of articles and news items which appear in the Post. Of course, these suggestions are going to be strictly in my personal capacity, as a citizen of India, a privilege the author continues to enjoy even while donning another hat as the Chief Information Commissioner of the Uttarakhand Information Commission ! Let me remind you of a much quoted precedent set by an honourable member of the Central Information Commission Mr. OP Kejriwal, when he filed an application desiring to know the fate of his application for allotment of a house, having waited a long time after he joined the Commission ! Needless to point out that he received the house- allotment order, of course with the information, the very next day ! What I intend to suggest is that even a government servant, as a citizen, has every right to seek information, both in public interest and as a means of grievance-redressal. I see this trend on the up-swing and it bodes well in so far as it has started waking up quite a few public offices, known to 'sit on files'. How do you look at it ? Is it a good use or do you consider this as an out-right abuse ? Personally I think here is an issue on which the jury is going to take its own sweet time. Let us wait and see. However, your thoughts are welcome.

An Innovative Use

An extremely innovative use of the RTI was made by the Second Administrative Reforms Commission, Government of India, who have brought out their first Report on Implementation of the RTI Act itself. This Commission filed applications under the RTI Act with each of the central Ministries and Departments, compiled their responses within the time-frame provided by the RTI Act, and analyzed their response-system based on it !

Thus, the central Ministries and Departments were provided a mirror by the Second Administrative Reforms Commission, on implementation of RTI, using the RTI Act itself ! Very innovative indeed, isn't it ? I see this RTI instrumentality gaining popularity and wide usage in near future.

RTI : Its Users and 'Abusers'

I have often been asked as to how I see the RTI being used in particular by, (i) the members of the 'Fourth Estate' (correspondents and the journalists), (ii) members of our Legislatures, both the Parliament and the State Assemblies, (iii) the NGOs who have long been bemoaning lack of transparency and accountability in the public services and public servants, (iv) the Litigants engaged in legal battles in our judicial courts (v) Government Servants, (vi) the Private Sector, (viii) the Panchayati Raj Institutions, and the last but not the least (ix) the most Marginalized Groups, including the BPL and the illiterates etc. Certainly, extending the range of stake-holders, one would like to know how it is being used by the rural folks vis a vis the urbanites, gender-wise, age-wise and so on. If one is looking at the possible uses of an instrument, can the thought of abuses be far behind ? Not surprizingly, the talk is already more on and about the abuses of this most effective instrument, than about its uses. Let us take up each set of the stake-holders, one by one. And, while we cover each of these stake-holders we will also try to discover and discuss possible uses of the RTI and the extent to which the RTI route seems to have been used or 'overlooked', deliberately or otherwise.

A Deafening Silence from the Fourth Estate

One would have thought that the members of our Fourth Estate were going to make a bee-line and file applications by the dozens, under the RTI Act, right from the day one i.e. the 12th of October, 2005, and the government offices were likely to face very difficult times in providing information on highly sensitive public issues, which hogged the headlines of all major dailies and tabloids, ever since the new state was created. It is now nearly 18 months down the line but the expected hasn't happened. All one has experienced is a deafening silence, all these months ! One school of thought feels that the RTI has robbed the media of the 'juicy-elements' from the so-called scandals which in pre-RTI days were a prerogative of our media-persons alone. Now the readers feel cheated and have started questioning the veracity of reports when the story filed does not mention as to why this reporter has not used the official documents, the cabinet papers etc. on a so-called 'scam' or 'bungling', when these could have been easily used though the RTI ?

Let me inform the reader of this column that according to the RTI Act " the decisions of Council of Ministers, the reasons thereof, and the material on the basis of which the decisions were taken, have to be made public (the word used in the Act is shall be made public) after the decision has been taken, and the matter is complete, or over." The readers is advised to read the proviso to section 8(1)(i), to satisfy himself or herself. Now, let us say during the last six years of existence of Uttaranchal, and now Uttarakhand, there may be some hundreds of Cabinet Decisions, which would fall under the category

of this mandatory disclosure. Going by the provision of the Act all Cabinet decisions should be divided into two categories, first, all those which should be digitized and published, just like the State Assembly proceedings. Till such time these are digitized, there should be arrangements for free inspection of this set of Cabinet papers. The second, those which are not yet ripe for public domain disclosure, giving reasons as to why these are being held back from the public.

Publish / Make Public all eligible Cabinet Papers

As I see it publication of Cabinet Papers, as suggested above, would bring about a regime of transparency in public affairs, which would in one stroke achieve many objectives. For strengthening our democratic fiber an informed citizenry is a sine qua non. Notes for the Cabinet, once in public domain, are bound to bring forth facts and grounds which lead to major public policy-decisions, triggering a healthy debate on many a public policy-decisions taken by the government of the day. Citizens of this country have every right to the access provided by the RTI Act.

Why have our Fourth Estate friends not resorted to this access and used material received through this route in their stories on the so-called 'Scams', 'Bunglings' and so on ?. Is there a lurking danger in use of such material in its resulting in undesirable disclosure of facts and issues which might bring out the real truth behind the stories and turn the tables on the so - called conclusions drawn by the filers of stories, filed under the influence of certain 'vested interests' ? These are, according to this school of thought I have alluded to, one of the real reasons behind deliberate non-use of the RTI route by certain members of our Fourth Estate. In the next article the author proposes to illustrate the above example with the help of certain articles which have appeared in the Garhwal Post and involve the readers in hands-on use of the rights which the RTI has brought to their door-steps. We, as conscientious citizens, will use it , without Fear or Favour.

End of the article (to be continued, next week, same day same page: Editor : Garhwal Post)

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