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PM for timely, transparent, trouble-free RTIs

Addresses 10th annual Convention of the CIC

PNS NEW DELHI

Maintaining that secrecy has no place in this time and age, Prime Minister Narendra Modi on Friday said the RTI process should follow '3-T' mantra of timely, transparent and trouble-free access to information to people.

Speaking at the 10th annual Convention of Central Information Commission, Modi noted that the Right to Information Act has given the common man the right to question those in power and stressed on bringing transparency 'proactively', saying the faster 'we move towards transparency', the stronger will be the faith of people in democracy.



Prime Minister Narendra Modi speaking at the inauguration of the 10th Annual Convention of Central Information Commission in New Delhi on Friday

PTI

"The process of accessing information should be transparent, timely and trouble-free. Delayed information does not help to solve the problem but increases it. Timely infor-

mation can halt a wrong decision. We will emphasise this," he said.

Highlighting the ambitious Digital India project, the Prime Minister said the scheme is complementary to the spirit of RTI as the more things become online, the more transparency comes in. He also stressed that RTI should be used to bring improvement in governance. "If a question is asked by a citizen there must be some issue in Government that the need for question arose. A small RTI question can force you to change policy," he said.

Modi said the RTI Act is a tool through which the common man has got not just the right to know, but also the right to question those in power. He said there should be trust between the Government and people and it comes through transparency. Talking about introduction of self-attestation of documents, the Prime

Minister said "we have to trust people."

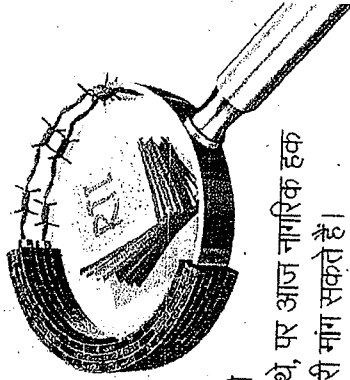
Earlier, speaking on the occasion Finance Minister Arun Jaitley termed the RTI Act as an "exemplary law" which has been "a very successful experience" as far as the Indian society is concerned. "It has transformed us during the last few decades and particularly in the last decade, from a society that relished in secrecy," he said.

The Finance Minister said the administrators of the RTI Act will have to use their discretion whether the Act is being used for empowerment, to avoid harassment, for the benefit of the common man or is it being used by busy bodies for collateral purpose.

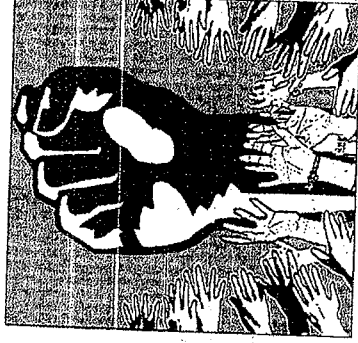
Jaitley said the administrators will have to do a balancing act between "strengthening the exercise of this Right and preventing possible abuse in the implementation of this particular legislation."

RTI के 10 साल पर 10 बातें

आज आरटीआई को लागू हुए पूरे 10 साल हो गए हैं। यह अधिकार भारत के नागरिकों के लिए एक बड़ी राहत लेकर आया था। पहले सरकारी अधिकारी उन्हें एक सामान्य सी जानकारी देने से मना कर देते थे, पर आज नागरिक हक के साथ उनसे कोई भी जानकारी मांग सकते हैं।



1. कौन लाया : अरुणा रॉय और निखिल डे ने 1987 में मजदूर किसान शक्ति संगठन बनाया। इस संगठन ने सबसे पहले आरटीआई जैसे कॉन्सेप्ट के लिए कैम्पेन की। इसी बंदोबस्त 1996 में आरटीआई के लिए एक नेशनल कैम्पेन शुरू हुई। फिर तमिलनाडु और गोवा ने 1997 में आरटीआई एक्ट लागू किया। 2001 में दिल्ली, 2002 में राजस्थान और कर्नाटक में आया। आखिरकार 2005 में यूएन की सरकार के दौरेन आरटीआई पूरे देश में लागू हुआ।
2. क्यों जरूरी था : 1923 में ऑफिशल सीक्रेट एक्ट बनाया गया था। इस एक्ट के अनुसार देश के नागरिक सरकार से जुड़ी कोई भी जानकारी हासिल नहीं कर सकते थे। इसको हटाने के लिए आरटीआई जरूरी था।
3. व्यावहारिकता : देश का कोई भी



- नागरिक किसी भी सरकारी विभाग से जानकारी मांग सकता है। विभाग को 30 दिन के अंदर जवाब देना होगा।
4. अपवाद : राजनीतिक पार्टियों को आरटीआई के तहत लाने का प्रयास हो रहा है। सीबीआई, आईबी, रॉ, इंडी नैसी एजेंसियां इसके तहत नहीं आतीं।
5. पहली एप्लिकेशन : 12 अक्टूबर

- 2015 को शाहिद रजा नाम के शख्स ने पुणे के एक पुलिस स्टेशन में देश का पहला आरटीआई एप्लिकेशन डाला।
6. 33% स्पर्शान्न : ऑटिकल 370 के कारण जम्मू-कश्मीर में आरटीआई कानून नहीं लागू हो पाया।
7. सफलता : भरी सफलता मिली। राष्ट्रीय स्तर पर कई घोटालों को खुलासा हुआ। लोकल लेवल पर सरकारी विभागों के गलत काम उजागर हुए।
8. मौतें : दर्जनों आरटीआई एप्लिकेटिविस्टों को घोटाले उजागर करने के दौरान मार दिया गया।
9. दूसरे देशों में : अमेरिका में 1966 में प्रीडम ऑफ इन्फॉर्मेशन एक्ट पास किया गया था। इसके बाद कई देशों में इस तरह का कानून आया।
10. दस रुपये : आरटीआई एप्लिकेशन की फीस 10 रुपये है।

RTI needs a second revolution

Ten years later, the right to information has achieved much. But it seems to have lost its bite



SATYANANDA MISHRA

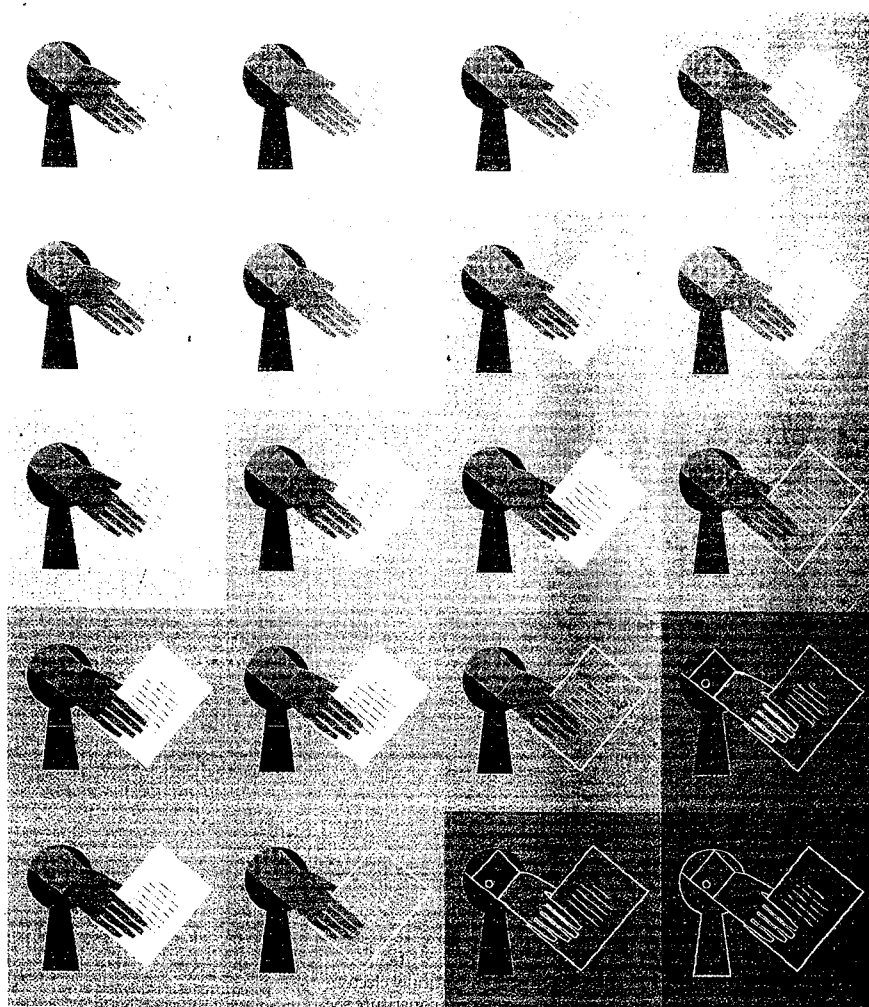
THE RIGHT to Information Act is now 10 years old — long enough to give us a fair idea of how it has performed on the ground. Riding on a huge wave of civil society activism, it started on a positive note and made unexpected impact early on. It promised to herald transparency and accountability in government functioning and thus reduce corruption. A number of significant disclosures were forced by the RTI, including the information regarding 2G and Commonwealth Games and so on. Among the educated and city dwellers, the RTI spread faster. Most importantly, it led to the demand for several other equally important rights like the right to employment guarantee, the right to education and the right to food security.

The RTI has had the effect of slackening the tight hold of the government and its officials on both information and instrumentalities of the state. The decade following 2005 witnessed the slow withering away of the Central government and the RTI surely played a role in that unravelling — by increasing irreverence, scrutiny and through the critiquing of its authority among the general public. However, of late, one witnesses a waning of fervour even though the number of RTI applications has been growing. We examine here the reasons for that.

Understandably, from the beginning, civil society activists and the media have been more enthusiastic about the RTI than civil servants, who have traditionally used information as the source of their power and mystique. The civil service's indifference and hostility towards the RTI has not diminished over the years; if at all, it has only increased although many government servants, no doubt mostly disgruntled, have also been most successful users of RTI, largely seeking information to fix their own cases and fix those they did not like. Ordinary citizens mostly seek personal information regarding various services otherwise denied to them by the system, be it a passport or a ration card or various commonly required certificates. Since disclosure of such information poses little threat to the system, the public authorities share such information relatively easily.

It is the contentious or potentially controversial information that the public authorities have been very wary of disclosing. Thus, as far as personal information goes or information of an innocuous kind, the RTI has been a success. But as a tool to inculcate the value of transparency, the RTI has neither sunk deep into the government nor among most of the citizenry.

The civil society enthusiasm for the RTI has declined; some leading stars of the movement that led to the RTI have moved on to politics or other equally important areas like analytical studies for the World



CR Sasikumar

the judiciary, in any case, was always ambivalent from the very beginning; many high courts had framed very restrictive rules — some even fixing a Rs 500 fee for each piece of information demanded (clearly not intended by the RTI Act), and thus making it very difficult for people to access the information held by courts. Between the Supreme Court and several high courts, a large number of decisions by information commissions have been stayed for years, without much explanation. This has created an impression among the public authorities that the judiciary is not very appreciative of the RTI or the way it is used by citizens.

The contribution of the information commissions, both Central and state, in diluting the public interest in the RTI is no less. Long pendency in most information commissions — some even for a year or more — signals their casual approach. This, in turn, emboldens public authorities to take the

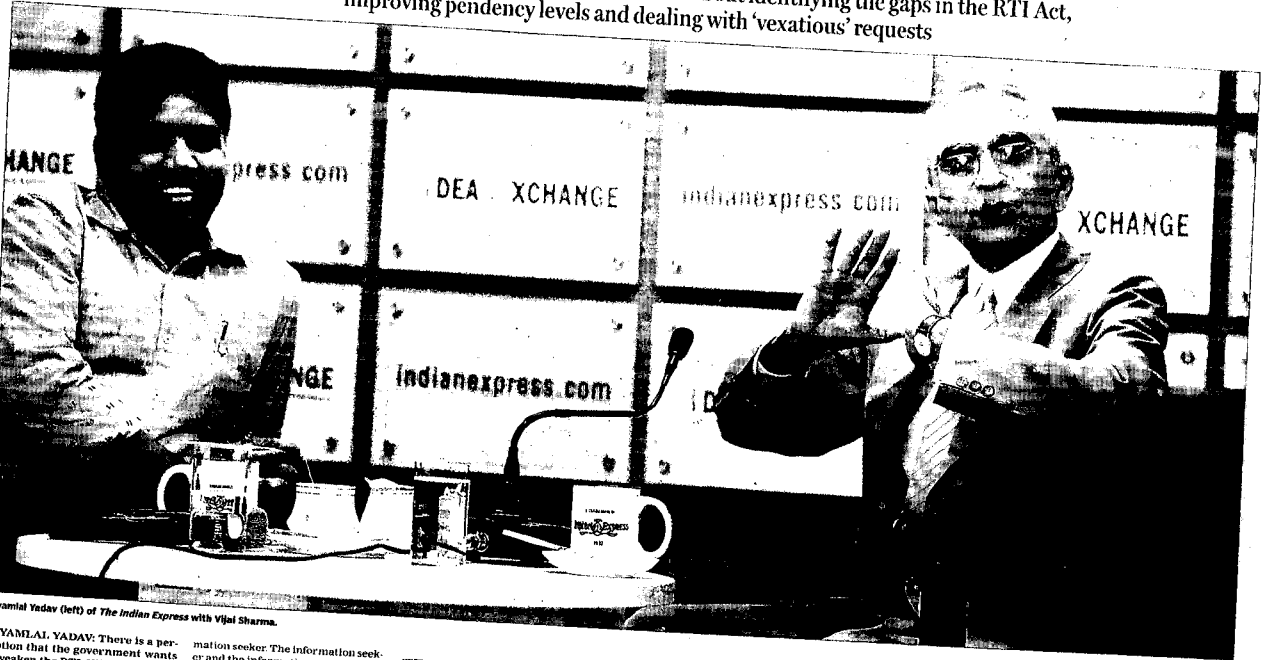
The law is too ambitiously and unrealistically drafted as it defines both 'information' and 'public authority' in the widest possible manner. As a result, the sheer volume and variety of information being sought places a huge burden on the public authorities.

The law is too ambitiously and, some say, unrealistically drafted as it defines both 'information' and 'public authority' in the widest possible manner. As a result, the sheer volume and variety of information being sought places a huge burden on the public authorities. This induces a strong sense of resistance in them. Poor record-keeping makes retrieval of information very cumbersome. In most offices, the public information officer is a reluctant low-level official, without much clue about the information held or sought. Consequently, the response of the public authorities has often been sub-optimal and unsatisfactory for information seekers. Finally, in spite of the mandate of the RTI Act, most public authorities have failed to digitise their records and make proactive disclosure of their information in the public domain.

Looking back, one can say the RTI has achieved much but clearly, it seems to have reached a plateau now. One witnesses the

'You can't use RTI to light up every corner'

Chief information commissioner Vijai Sharma talks about identifying the gaps in the RTI Act, improving pendency levels and dealing with 'vexatious' requests



Shyamalal Yadav (left) of The Indian Express with Vijai Sharma.

TAJESH TRIPATHI

SHYAMLAL YADAV: There is a perception that the government wants to weaken the RTI. What is your experience of working with the previous government and this one? No, there is no change because the RTI Act, the system itself, the methodology and has been given a certain direction. RTI is widely accepted as a lifeline. It is a no-frills, cost-effective and efficient lifeline. The RTI Act itself is very simply enacted and as it completes 10 years, it will bring out issues that are of importance. The tenth year also gives us the opportunity to take stock of our experience and set the stage for the future. There is scope for improving implementation of RTI for which we have to build the infrastructure. We are talking up with the government to construct a building where every commissioner will be able to find it, where there will be library, auditorium. That will help strengthen our autonomy. Right now we are divided into two campuses.

The other important aspect is that we should have the wherewithal to provide immediate relief to somebody if required. We are also trying to be able to build our own institutional grid. On August 20, we invited all state information commissioners for a meeting where we discussed whether implementation is in step with the legislative intent, talked about identifying gaps in the RTI law, apart from building of capacities, setting into the jurisdiction of a few things, etc.

SHYAMLAL YADAV: You say there has been no change in attitude of the government, but how do you explain the delay of four months in your appointment as CIC which has led to a pendency of some 12,000 cases/complaints before you? Before I took over, we were working as usual. When I took charge, I saw many generally charging all the commission meetings. And soon I realised how well we have been able to control the mounting pendency. The statistics will improve very soon.

RITU SARKIN: We've heard this government is very wary of RTI disclosures, file notices and leaks to the media. Are you noticing a trend where bureaucrats are writing less and less detail in file notices and giving stark instructions on file? Is the fear of disclosure changing the art of writing? No, exemptions from disclosure clauses

of the information seeker. The information seeker is sitting in the same office. When the Act came, in 2005, maybe there was hostility or hesitation. When the employees themselves started using the Act for their personal and establishment matters, it became more universal in usage. The question now is not so much whether there is a hesitation, it is more whether the relevant, usable information, and whether the information is timely. And that is what we intend to discuss also how to rationalise the RTI Act further. So we are looking at the gaps.

P VAIDYANATHAN IYER: What are the gaps you hope to improve? In Maharashtra, for example, we hear of RTI activists using the Act as a tool for extortion.

The cause is huge. I'll touch on one aspect — frivolous and vexatious applications. What is vexatious to a certain respondent is not vexatious to another. So it is a little difficult being clinical and pinpointing what is vexatious and what is not. The second aspect is that there should be a legal filter. A legal filter should be there, and then you might say that in a certain department, this would not be the case. The three military wings are within the RTI, so is the Ministry of Environment and Forests and so is Panchayati Raj. These are very open ministries in any case. For instance, the Rural Development Ministry programmes. The third would be how to deal with the boutique, fashionable variety of cases for things that are not into citizens' welfare. PhD research scholars, sending dozens of applications to banks, asking all kinds of questions. Some banks give replies, others say they can't because they just don't have the resources. And then the applicant argues one bank has given him a reply, why can't the other.

There are no ready-made clear solutions. What was being done almost everywhere by the government agencies is to home-bone by the private sector. Some want air-line passenger information, etc. These are not government agencies. Our law and our system works on what has been enacted and how the state has been defined.

WHY VIJAI SHARMA

As chief information commissioner, Sharma is the man in charge of implementing the RTI Act, which completed 10 years this month. Appointed after a delay of over nine months, Sharma's role is significant in the face of concerns that



Tribunal and a secretary with the Ministry of Environment and Forests.

There are windows for the dissemination of information, if you look carefully. So the citizen can access information a regulatory authority has about a private entity, if, under the law enacted, the regulatory authority has that information. How strong is our administrative machinery that regulates bodies which provide public services? Surely there must be some way to get that information. About the Bhopal incident, we thought whether it was a government entity or non-government entity. The day you have an Act. So these are some of the questions we grapple with. These are all jurisprudential questions.

UNNI RAJEN SHANKER: The first reaction to an application is to use a technicality to reject it, like, saying you are not a citizen but part of an institution.

SHYAMLAL YADAV: One of the ITIs wrote to me that since I am employed with The Indian Express, I can't be treated as a citizen of India. We had a lot of these technical things at the beginning. Now the stream of RTI applications coming in is so huge that people do not want to study why they should not be given the information. You provide the information. Don't go into the technicality to give the information. The idea is to give the information. Not giving information on the basis of technicality is now a thing of the past.

It, some say lawyers and people in the corporate sector misuse it. What is your experience? There is a trend of disgruntled employees filing applications driven by grudge or vendetta. This is not what the RTI system was meant for. But the law doesn't disallow them from filing RTI applications. The basic idea was that those who are in need of information should be able to access it. If it is also helping in redressal of grievances, then it's very good. But it was not meant — really speaking, for addressing the problems which should have been resolved by departments.

SHYAMLAL YADAV: Of the 250-300 cases you dispose off in a month, how many are a misuse of RTI? One, the employee who genuinely needs the information, but the department is not giving it to him. He takes the RTI Act, and rightly so, and is very very routine. The other ones you calculated the interest for my house building advance? And they see, accounts, why do you must be having all the accounts, why don't you calculate it for me? But he's insistent and one, if he's not he gets that information from the commission, we say he's not given him the calculation sheet. There are some which you describe the employee who is an unknown contractor and may have filed applications in such large numbers that it might as well be a nuisance on the system and RTI is not on the information provider.

ing it doesn't come under the purview of the RTI Act? All public authorities come under the RTI Act. This is what the law says.

SHYAMLAL YADAV: The Supreme Court is yet to accept that it is a public authority under RTI Act. Cabinet members, political parties — all top offices — are going against RTI. In this situation, what do you think is the future of RTI? All public authorities, which include government agencies, come under the RTI Act. But the law also provides for an exemption from disclosure clauses. If the information provider makes a case that these exemptions from disclosure clauses are, then they have a case. In that instance, there would be the testing of the exemption from disclosure clauses against the public interest, whether that would be paramount over the exemption from disclosure clauses.

AMITABH SINHA: The commission had ordered that all the information that has already been provided should be put out in the public domain on departmental websites. That it drastically reduces the number of fresh applications coming in. What happened to that order? Compliance is a big issue. Compliance, building capacities, low capacities are big issues. You are talking about Section 4 of the Act. It is about non-disclosure of the Act. It is about non-disclosure, so that one does not need to file an RTI application for information which is already being supplied. But many said that such information would not have the nature and scope which the RTI application wants. Let me give you an example, that should be there on the website. A huge number of people ask about career prospects for an MSc in forensic medicine. A university website should have this information. People ask what kind of information is this? Who are the beneficiaries of and so on. That part of the RTI application programme, it should be with the website. It is a very good idea. And I would say that it should not be confined to the 12 aspects mentioned under it. It should be far wider and not mechanical. It should be the person and the situation.

tem. That did not find favour for many reasons, one of them being you don't need another bureaucracy. When I was involved with the National Green Tribunal Act, the original intention was that it would be the national environmental regulator, bringing in forests and wildlife. But you can't bring in everything, you can't make it so huge. Many of the experts on whom we place our reliance about the environment, for example, come from the non-government sector. They had clear views. Like should we have CNG or RTI does not have such dilemmas because everybody is for RTI and it does not have those kind of technicalities. It is run by the citizens on the basis of their disaggregated demand. They ran that kind of a formation from a huge number of departments.

Another important thing is that the RTI Act, while it has given you a channel that has given you an instrument, you can't use it to light up every corner. It is a huge world in which we're talking. We just discussed that these are public authorities and these are government agencies, but what about non-government public but not fully? Let me give you an example. There was this applicant who said that she was working in Delhi and that applicant was being over a bridge. There was a conflict of interest, but she shouldn't have happened. The railways there rushed her to a private hospital and now she wants the details. The railway hospital has the record of one of their projects which has a public right. But she says she needs them for these reasons and these reasons are very good. So you have to take calls and these are all very individual cases. What you do when the public meets the need, you take a call. You don't have to necessarily review every provision the general idea is to do the right thing. So you don't have to do it with that.

SHYAMLAL YADAV: Which departments are most resistant to RTI? This has to be essentially function like a tribunal. It should be simple. The main distinction between a tribunal and the

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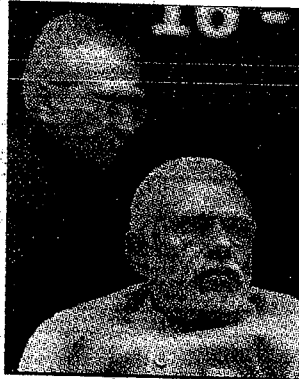
At RTI meet, PM bats for transparency

TRIBUNE NEWS SERVICE

NEW DELHI, OCTOBER 16

Promising to strengthen the Right to Information (RTI) Act, which has completed a decade of existence, Prime Minister Narendra Modi today signalled an era of transparency in governance saying there was no need of secrecy in government functioning anymore and adding that people have the right to question the government.

"There was a time when secrecy was practised perhaps because there were reasons to practise it. But today I don't think there is a need for secrecy of mindsets in gover-



nance. Openness and consultation is better. It brings ease, simplicity and speed to decision making and delivery," PM Modi said inaugurating the two day RTI Convention

Congress' dig at Modi: Answer your wife's query

Congress spokesperson Rita Joshi on Friday asked PM Modi to ensure that his wife Yashoda Ben's RTI query about the nature of her security entitlement is answered. The query is pending.

PM Narendra Modi with CIC Vijai Sharma in New Delhi on Friday. PHOTO: MUKESH AGGARWAL

hosted by the Central Information Commission here.

A set of RTI activists, including Aruna Roy, Nikhil Dey and some others boycotted the inaugural session protesting lesser invites for the larger RTI community this year than in the past.

Prime Minister, while hailing the RTI law as an empowering tool for citizens, said the intent of the law should not be restricted to providing information alone. "A citizen has

the right to know but the purpose of RTI Act should not be limited to seeking information alone. People should have the right to question the government. Moreover, providing information to the petitioner is only a part of the law. That's the process," said the PM.

He asked the CIC to analyze the nature of RTI queries being received by segregating the queries department-wise to fix responsibility of the more questioned departments and officials.

"...if a large number of questions are being asked about a certain department... it means there is some policy loophole in the department concerned. If several RTI queries are directed to one individual, it means there is a problem at that individual's level. We can use the RTI to improve the end product of governance," said PM Modi after Union Minister Arun Jaitley had argued for a strong law.