

**13<sup>th</sup> September, 2010**

The fifth Annual Convention of the Central Information Commission began on 13<sup>th</sup> September, 2010 at the DRDO Bhawan, New Delhi. This year's theme of the convention is "The RTI: Challenges and Opportunities". The two days convention is being attended by almost all the stakeholders of the RTI Act, including the State Information Commissions, media and civil society organizations. The two days convention has seven sessions including five technical sessions on various aspects governance and its implications on RTI. Technical sessions on "RTI and Public private Partnership (PPP) Projects" and "Responsibility of Political Leadership in Promoting RTI" are discussed on 12<sup>th</sup> September, 2010, the first day of the convention. The Convention is inaugurated by Dr. M Veerappa Moily, Minister for Law & Justice, Government of India.

Sri Wajaht Habibullah, the Chief Information Commissioner in his welcome address stated that five years of implementation of RTI Act has well set the road to success. He however observed that the full implementation of section 4 of the RTI Act is yet to take place in the country. He also urged the Government of India to take all necessary steps so as to ensure pro active disclosure being disseminated as mandated by the RTI Act. He observed that RTI has captured the unprecedented imagination of the Indian people. Sri Habibullah presented the facts and figures in respect of arrivals of appeal/complaint before the CIC, the penalty imposed by it, recoveries made and the applications received by the PIOs in the central government departments in all. The increasing trend of the appeal/complaints in the Central Information Commission at increasing rate makes it logical to argue that the citizens have sufficient confidence in the Central Information Commission, he stated. Finally, the Chief information Commissioner urged the DoPT to strengthen the grievance redressal system in the Government.

Dr Veerappa Moily in his inaugural speech stated that he agrees with the Chief Information Commissioner that the RTI has caught imagination of the people of the country. He stated further that the Right to Information has been seen as the key to strengthening participatory democracy and ushering in people centred governance. He observed that for creation of the global information society, it is essential to safeguard plurality of opinions, and to promote "open access to networks for service and information suppliers" and "free expression of ideas". Dr Moily stated that it is quite disturbing to hear the threat administered to information activists. There are instances when there were attacks on the activists. Championing the cause of right to information, it is also necessary to prevent the abuse of this right for holding the genuine persons (political, executive and judiciary) into ransom. In the process the environment of free, fair and fearless discharge of duties should not be jeopardised. We have a tendency to exaggerate or act in excess and create hype for our own personal glorification at the cost of the nation's pride, credibility and reputation, he stated.

In his key not address Sh. Gopal Krishna Gandhi, stated that this act is very important act since it gives a feeling to a common man that now the government officials are answerable to them which was not prerogative of the citizens prior to this act. Sh. Gandhi, observed that the decision making process is now available to the citizens for their scrutiny and the credit goes to RTI Act. However he cautioned the civil society organizations to be careful while using the RTI since the RTI merely brings the facts out

which is the bare fact neither right nor wrong. He cited many couplets from Hindi and Sanskrit to illustrate his beliefs in regard to the spirit of the RTI Act. He stated that one need not be afraid of requested informations rather should welcome it as is the case at CIC. Confidentialities have been protected by the RTI Act but the confidentiality does not mean that those informations which are not confidential are lost, he said. Sh Gandhi observed that the Governments have been facing the parliamentarians but the same is now visible even outside the parliament. In his address he quoted Mahatma "Those who seek justice must come with clean hands". Sh. Gandhi urged the citizens of this country to treat the bureaucracy as a learner of the whole process of RTI. He concluded by saying that RTI Act is an agreement- an important agreement which, if remains of a piece of paper it never gets implemented. He however felt that the currency note is also a piece of paper but is very powerful thus if this piece of paper can make its impact so can the RTI Act.

The first technical session on RTI and Public Private Partnership Projects, was chaired by Sh. A.N. Tiwari, Central Information Commissioner, the other penalists were Sh. Gajendra Haldea, Adviser to Deputy Chairman, Planning Commission & Ms. Rahela Hashim Sidiqi, Senior Adviser to the Chairman IARCSC, Afghanistan. In his opening remarks Sh. Haldea, introduced the concept of PPP. He stated that the PPP modality is only a device for getting private investment into public projects with the objective enhancing public welfare. Further, PPP is an arrangement in which the private sector participates in the supply of assets and services traditionally provided by the Government. It is usually characterized by an agreement between the Governments, a private partner which undertakes to deliver an agreed service rendered. A whole life approach where the private partner is responsible for both construction and operation and some degree of risk sharing based on allocation of risks to the party best suited to manage it, he observed.

Ms. Rahela Sidiqi, of Afghanistan, in her opening remarks observed that the Government has not taken any step to implement the legislation in Afghanistan in terms of Right to Information. However the new ministry is trying to regulate all procedures to provide information to the citizens, civil servants and employees of Afghanistan. She was of the opinion that the government should mainly confine itself to policy making, monitoring and supervision, while the NGO's and the civil society should guide the government by giving inputs about the areas for improvement like of PPP initiatives. If the government itself implements all the projects, then it will be through a procedural method, but at the same time the procedures will take more time and the resultant output may not be desirable to the citizens since it may cause significant delays. Therefore the government should use more and more PPP models to take the developmental activities and should guarantee the effective implementation of RTI to the citizens without any delays. It is the role of the citizen and NGO's to make the government accountable and responsible in their conducts. She opined that the Afghanistan Government should implement this act in full-swing and provide its citizens with information, which in turn will kick start the transparency and accountability machinery there.

Sh. A. N. Tiwari, the chairman of the session summarized the discussion and concluded that many infrastructure projects on PPP mode satisfies the basic tenets of a Public Authority as defined under the RTI Act. He also observed that in the years to come the

RTI may go a long way in operationalising the PPP more objectively. He was of the opinion that the governments themselves should declare as to whether a particular PPP project is a public authority under RTI Act or not.

The second technical session on **Responsibility of Political Leadership in promoting RTI** was chaired by Sri V Narayanasamy, Hon'ble Minister of State, Planning & Parliamentary Affairs. The other panelists of the session were Sri Vinod Mehta, Editor in Chief, Outlook and Sri Iftekharuz Zaman, Director, Transparency International, Bangladesh.

In his opening remarks Sri Narayanasamy observed that the Right to Information is a tool in the hands of the citizens which is making the bureaucracy work on their toes. However he stated that the citizens are suffering for getting the information, even though they fulfill all their obligations as required under the Act. They are given misleading, truncated and irrelevant informations and some people misuse it as well. He commended the role of the commissions and cited two decisions of CIC. In one of the cases the Commission directed the PMO to disclose the assets of the Ministers, which they complied and while in another case Commission directed the DoPT to disclose the file notings. Honourable Minister expressed his grief over the killings/threats of RTI activists. He said that the Government is sensitive to the situation and is bringing about special legislation for whistle blowers protection and privacy Act. The role of the politicians in effective implementation of the Act is very important. The role of the politicians, the law makers does not stop with the enactment, it also however includes all the efforts in ensuring implementation of the Act. Sri Narayanasamy concluded that the Judiciary should be made accountable. All three wings of the government have to function under the provisions of the RTI Act.

Sri Vinod Mehta shared his experience and observed that bureaucrats nurture in secrecy. He felt that the political class do not cooperate in the matters of transparency. He stated that the only citizens have to initiate all processes of transparency. Sri Mehta felt that all the relevant informations whether relating to defense or foreign policy should be made available in the public domain. He said that the RTI Act has changed the face of India. At the end he observed that he has faith in Civil Society, NGOs, Citizens and some people in the government who he was sure will work continuously for promotion of the RTI Act.

Sri Iftekharuz Zaman made a power point presentation on the status of their RTI Act and the responses of the political leadership to such an Act. He observed in his presentation that so far there no clear strategies of the political class are visible in Bangladesh. He further stated that the political leadership has not done anything so far to transform the Information Management system facilitating the citizens of dependable and retrievable informations. Their country is yet to see the deviation from the culture of secrecy to the culture of openness. Sri Zaman in his presentation affirmed that there seems to have deficit in democratic practice. As a result thus the politics becomes an example of Zero Sum Game. Enlisting some of the challenges Sri Zaman said that RTI will be resisted from within. He concluded by stating that RTI is not in isolation from Politics.