

14th September, 2010

The first technical session on **RTI and Judiciary** was chaired by Retd. Justice A P Shah, High Court of Delhi. The other panelists of the session were Sri K C Mittal, Advocate, High Court of Delhi and Sri Vilas Patil, SIC, Maharashtra.

Justice Shah presented a paper on “Achieving Accountability through Greater Transparency in the Indian Judiciary. His presentation had six parts. In his first part of the speech he explained as to what is accountability and why is it important? He observed that the lifeblood of accountability may be found in the principle of transparency. He further observed that the principles of openness and freedom of information are the mark of a democracy; secrecy is only the preserve of a dictatorship.

Justice Shah further stated perhaps the biggest contribution of our legislature towards promoting greater accountability in independent India is the enactment of the RTI Act. If, as they say, information is power, then the RTI Act has been a veritable *Brahmastra* in the hands of the Indian Public. Transparency is however not always incompatible with judicial independence. He concluded that the guiding principle should always be this: Accountability there is and must be, but left it always be commensurate with judicial independence and impartiality.

Sri K C Mittal began with an observation that the RTI Act has acceptability all over and across. The citizens have started feeling differently post enactment of this Act. RTI has indeed helped the people to expose the actions of a department including that of judiciary. Sri Mittal observed that there is no conduct rule for the judges. Initially, since people expected that the conscience will prevail but now this is not defensive at all. He concluded however that merely getting the informations will not be sufficient to correct the system unless the same is used at the right place at the right time and in right manner.

Sri Patil observed that the Commissions have not been given sufficient power to implement various provisions of the RTI Act. He explicated by giving an example that under section 20 (1) of the RTI Act penalty can only be imposed on the CPIO and not on any other authorities of the department. He stated that section 4 of the RTI Act is not the responsibility of the CPIO but is of the Public Authority but penalty cannot be imposed on the head of the department.

The second technical session on the **Challenges and Opportunities in RTI—Role and Responsibility of Media/CSO** was chaired by Ms Mrinal Pande, Chairperson, Prasar Bharti. The other panelists of the session were Ms Ravi Singh, Information Commissioner, SIC, Punjab, Sri Jannat Hussain, Chief IC, SIC, AP and Sri Shailesh Gandhi, Central Information Commissioner.

Ms Mrinal Pande shared her experience wherein she filed 70 RTI applications to analyze the problem pattern in one of the states. She urged the media to do an RTI on itself. She was of the opinion that the RTI be used for correcting the system by getting the information, analyzing them and plan for the future.

Ms Ravi Singh stated that the Right to Information is as important a right as the right to food and right to education. Since constant vigilance is the price for freedom, the role of NGOs, the Media, the courts and the civil society is important.

Sri Shailesh Gandhi observed that all the stakeholders of the RTI has to work together to create a supportive environment for the Act to flourish. He however, listed three important challenges before the gathering and urged that they need to work together to address these problems.

Sri Jannat Hussain stated that though the RTI has reached far however the media and civil society has to take this movement to the educational institution as well.

The last and fifth technical session on **RTI and Unique Identification Project--Possibilities** was moderated by Sri Wajahat Habibullah, the Chief Information Commissioner. Sri Nandan Nilekani, Chairman, UIDIA was the only speaker of the session.

In his speech Sri Nilekani observed that the RTI and Aadhaar are most fundamentally, about empowering the individual, and enabling such access for the poor. They do this by building a stronger, clearly acknowledged and accountable relationship between the state and the citizen. They give people the opportunity to form a direct relationship with their governments: through which they can request information necessary for them, demand individual recognition, get access to the services they need, and confirm to governments when they received an entitlement, and when they did not.

Sri Nilekani stated that in the last few years, we have received a clear message in the recent policy efforts and reforms: that the path to development must be an inclusive, pro-poor one. The RTI and Aadhaar are potent, indispensable parts of this effort. Together, they can have a powerful impact on our broader reform movement: one that aims for a developmental agenda that is fairer, more equitable, and acknowledges and enables access for even its weakest citizens.

While welcoming the Honourable Minister of State for Communication and IT, GOI Sri Wajahat Habibullah summarized two days deliberations.

Sri Sachin Pilot in his valedictory address congratulated the Chief Information Commissioner for his outstanding contribution to the RTI Act. Sri Pilot further enlisted the challenges of the RTI Act. He stated that the political desire and the demand side are two very important aspects of the RTI Act. He recognised the efforts of some of the RTI officials for their individual passion in strengthening the Act. He congratulated the Central Information Commission for organizing the convention.