

“RTI: Challenges and Opportunities”. Inaugurated by Dr. M Veerappa Moily, Minister for Law & Justice, Government of India.

Seven sessions including five technical sessions. Technical sessions:

“RTI and Public private Partnership (PPP) Projects”

“Responsibility of Political Leadership in Promoting RTI”

In his welcome address summarized achievements and difficulties Highlighted shortcoming in full implementation of section 4 of the RTI

Act: concern on threat to activists

presented 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.

Urged DoPT to strengthen grievance redressal system in the Government. Expressed

Dr Veerappa Moily agreed RTI has caught imagination.

Right to Information has key to strengthening participatory democracy and ushering in people centred governance.

For creation of 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.

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) to 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.

Key note address: **Sh. Gopal Krishna Gandhi,**

most important act since 1947- accountability to a common man, not prerogative of citizen 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. 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.

Illustrated many couplets from Urdu, Hindi. Sanskrit.

Should welcome requests for information as is the case at CIC.

Confidentialities have been protected by the RTI Act but the confidentiality does not mean that the information which is not confidential is lost, he said. Quoted Mahatma "Those who seek justice must come with clean hands"

Governments have been facing the parliamentarians but the same is now visible even outside the parliament. Sh. Gandhi urged citizens to treat the bureaucracy as a partner in the whole process. He concluded by saying that RTI Act is a social contract which, even though a piece of paper must become like the currency note, also a piece of paper but very powerful.

1st technical session "**RTI and Public Private Partnership Projects**"

Chaired by Sh. A.N. Tiwari, Central Information Commissioner

Panelists: Sh. Gajendra Haldea, Adviser to Deputy Chairman, Planning Commission; Ms. Rahela Hashim Sidiqi, Senior Adviser to Chairman IARCSC (Adm Reforms), Afghanistan.

Haldea defined the concept of PPP-a device for getting private investment into public projects with the objective enhancing public welfare. PPP 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. BOT .

Ms. Rahela Sidiqi: No step to implement in Afghanistan. But present ministry trying to regulate procedures to provide information to the citizens, civil servants and employees. 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 and use PPP since government implements all projects, the procedures will take time and output delayed. It is the role of the citizen and NGO's to make the

government accountable and responsible in their conduct.

Recommended full implementation of RTI in Afghanistan

Sh. A. N. Tiwari: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 session was followed by a lively discussion centring around the definition of “public authority” [Sec 2(h)]

2nd technical session: **Responsibility of Political Leadership in Promoting RTI**

Chair Sri V Narayanasamy, Hon’ble Minister of State, Planning & Parliamentary Affairs.

Panelists: Sri Vinod Mehta, Editor in Chief, Outlook

Mr. Iftekharuz Zaman, Exec. Director, Transparency International, Bangladesh.

Sri Narayanasamy: Right to Information tool in the hands of citizens which keeps bureaucracy on 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 information 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 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 the law makers does not stop with the enactment, includes efforts in ensuring implementation. 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 observed that the title of the session was an oxymoron. Politicians and 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. But acknowledged that there had been dramatic progress giving credit to this only to activists for promotion of the RTI Act.

Mr. Iftexharuz Zaman made a power point presentation on the status of Bangladesh's 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 concluded by stating that RTI is not in isolation from Politics.

3rd Session: **RTI & Judiciary**

Chair: Wajahat Habibullah

Panelists: Justice AP Shah, Shri KC Mittal, Advocate, Shri Vilas`Patil,

SIC Maharashtra

**JUSTICE SHAH: ACHIEVING ACCOUNTABILITY THROUGH GREATER
TRANSPARENCY IN THE INDIAN JUDICIARY.**

OUR DEMOCRACY IS UNDER SIEGE – BOTH FROM INSIDE AND OUTSIDE.

Part I - Democratic rationale for accountability and also the principle of transparency as a method for promoting greater accountability.

Part II – Analysing judicial accountability and its nuances

Part III – Right to Information Act, 2005 and the case of *Subhash*

Chandra Agarwal

Part IV – Judicial appointments

Part V: Judicial complaints – proposed Judges (Enquiry) Bill, 2006

Conclusion: Demands for change to existing systems in the judiciary must be met rationally, bearing in mind the objectives sought to be achieved: will the proposed changes promote public respect for the judiciary and the rule of law? Will they strengthen democratic principles? How do they relate to the constitutional requirement of judicial independence? The guiding principle should always be this: Accountability there is and must be, but let it always be commensurate with judicial independence and impartiality. The challenge is to develop mechanisms of accountability that do not undermine judicial independence.

KC Mittal

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

Shri Patil

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.

4th Technical Session:

Challenges and Opportunities in RTI—Role and Responsibility of Media/CSO

Chair: Ms Mrinal Pande, Chairperson, Prasar Bharti

Panelists: Ms Ravi Singh, Information Commissioner, SIC, Punjab, Sri Jannat Hussain, Chief IC, SIC, AP and Sri Shailesh Gandhi, Central Information Commissioner.

Ms Mrinal Pande-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-referred to paid news. RTI be used for correcting the system by getting the information, analyzing plan.

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 institutions as well.