

RTI - Implementation Scenario



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We have been talking about the benefits of RTI Act with all its positive sides which has made people to ask for information for the questions which were not answered by the public authorities, may be for the cause of death of Netaji Subash Chandra Bose or poor state of public utility services. It has been quite a long time since this Act is in existence but still the awareness level is quite low. Lot of fear is generated among the bureaucrats because action can be taken against them for their biased acts.

As a matter of fact, right to information not only forces public authorities to reveal what was considered knowledge as an intellectual property but also ensure a lot many changes in governance. Now most of the public authorities are encouraged to adopt the single window system for public services. They are going for computerization as a step towards e-governance.

When we talk about the government officials, there is a sea change in the working pattern while writing notings on the file because they have the fear of getting embarrassed if the contents of their notings are revealed by way of right to information. Some of the bureaucrats are afraid of receiving applications. Recently, some malpractices have come to notice where the officials refused to accept the applications, demand hefty amount for providing information or ask for proof

of identification so as to demoralize the applicants-though there are penalty clauses for denying information.

If we go on records for last years, the Chief Information Commissioner so far imposed penalty in less than hundred out of nearly 9000 cases of denial. Besides, in some cases penalties were withdrawn even when the information was denied. There are some worst cases which can be highlighted where the public authorities allegedly tormented frequent information seekers by putting them behind bars or beating them up. One such case published in newspapers when Majibur Rehman who exposed irregularity in Prime Minister Relief Fund was sent to jail in Chhattisgarh. Another applicant, Ravi Sharma in Uttar Pradesh was thrashed by police officials because he wanted to know the status of cases registered in the police station.

There are always positive and negative aspects of any legislation and the same is the case of Right to Information Act. Still the number of applications are increasing year by year. It is a reality that public authorities are shaken up by right to information because there is a lot of pressure. The Non Government Organizations are happy because they have got a new issue to raise protests. Some NGOs have been formed exclusively for right to information and their network is increasing

day by day. It will be interesting to know about the status in all its correctness as reported in various newspapers. There were over one lakh applications filed under RTI Act to the Central Ministries out of which 16% were rejected and 68% applications were satisfied. It has been revealed that 30 days dead line for providing information is not being adhered to in all the cases. Whereas 86% of the government departments in ten States did not make any self-disclosures as provided under RTI Act.

Restrictions in Violation

It has been observed that some of the States have formulated restrictions while implementing the provisions of RTI Act though still it is a question as to whether these restrictions are in accordance with the law or not. For example in Karnataka, the application with more than 150 words is not entertained for the information sought on one subject. In Punjab, the applications are rejected on the ground of unsatisfactory identity and information already available on the website. New Okhla Industrial Development Authority of Uttar Pradesh and public authorities in Orissa are insisting for submission of proof of identity of applicant along with applications.

Landmark Orders made the Difference

Newspapers in different languages and TV channels are highlighting the cases which have given the benefit to the public at large. The information sought under RTI Act has helped the media in strengthening their view points. For the first time, the contributions received by political parties were revealed after the orders

passed by Chief Information Commissioner. The government officials can now seek the details of proceedings of departmental promotion committees and also the reasons for denial for their promotions. Even the Annual Confidential Reports are no more secret when it comes to the question of denying promotions on the basis of poor ratings. It is not only for the government officials, but the Act is to be used by all concerned even the students appearing in the examinations can have the hope that the authorities will be bound to disclose the marks obtained by him. Well some safeguards are there in the interest of the public authorities also. Now the students are allowed to seek information with regard to the criteria for admission on the basis of public examinations like Joint Entrance Examinations (JEE) for Indian Institutes of Technology (IIT) and Combined Aptitude Test (CAT) prescribed for Indian Institutes of Management (IIM). A student appearing in these examinations can know the marks secured by him after clearing the examinations but cannot seek the copy of answer sheet. Recently one applicant under RTI Act forced Guru Tej Bahadur Hospital in Delhi to provide free treatment to 73 year old poor women who could not afford her hip replacement surgery.

Implementation at State Level

It will be interesting to know as to how the right to information has made the difference on its implementation in different States of India. We rely on the information provided by print media and we have every reason to believe that the same is true. Let us talk about the happenings in some of the

States by way of real stories.

Chhattisgarh

Chhattisgarh Public Service Commission had been conducting various examinations for employment to the State Services. So far no one has dared to highlight the irregularities in the conduct of the examinations and evaluations. Recently some aspirants filed the application under Right to Information and Public Service Commission was forced to reveal the facts, which ultimately resulted in change in the examination pattern and the Commission admitted its mistakes before the Hon'ble High Court. The Commission was compelled to accept the blunders that were committed in allotting marks. The Chairman of the Commission was suspended and Examination Controller and Secretary were removed, whereas one Member of the Commission preferred to resign. In accordance with the Court Orders, the Commission offered to conduct another examination after nullifying the results of 2006. The matter is still before the Court waiting final orders.

Maharashtra

The Crawford Market in the old city of Mumbai made in 1869 is a historical landmark which is quite congested and in bad shape. The welfare bodies made relentless efforts to force the Civic Bodies for its development. But they were not getting the required information with regard to the plans of public authorities for private participation in augmenting the developmental activities of the area. One businessman who later became the Central Information Commissioner used Right to Information to access documents. He analysed the figures

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and came to the conclusion that Brihanmumbai Municipal Corporation's proposal to hand over the market complex and protected heritage site to a builder for redevelopment will result in a Rs.1,000 crore loss for the civic body because in exchange of giving such contract, the Corporation will be getting free construction worth of Rs.40 crore only.

This is one of the examples from Maharashtra. There may be number of other non-reported cases where the public authorities must be forced to reveal the information facilitating welfare bodies for ensuring corrective measures.

Uttar Pradesh

The Public Distribution System is one of the organ in the country which ensures supply of food and other items to the people everywhere at a reasonable price fixed by the Government. Number of measures are taken to ensure that supplies reach to the right persons. There is provision of ration cards based on income proof. The Government's intention is to supply essential commodities at most reasonable rates for the people living below the poverty line. Even an average middle class person is entitled for enjoying the Public Distribution System. Let us talk about the story of a small village Almapur of Uttar Pradesh which

was getting its share of ration every year but only on paper and the villagers were deprived of having the ration. There was a change in situation when the application under right to information was filed. The information under RTI Act revealed about the supplies made by the Government to the village every year at subsidized rates. The details were shocking and the public joined hands for agitating over the issue by way of demonstrations. The public authorities got alerted and the guilty officials were brought to books. It was only on revelation of information with public outrage that the poor villagers started getting ration. It is surprising to note that it was for the first time since Independence when they got the ration at subsidized rates. Public authorities cancelled the licenses of 30 ration shops. The people realized the importance of power in their hands which came by virtue of RTI Act.

Gujarat

The misuse of power by the officials having position in public authorities is not a new phenomenon. The people harassed at times just for the sake of whims and fancies of government officials. Kashiram, a landless labourer of a small village, Keshavpura of Ahmedabad district of Gujarat

was surprised when he received a notice from Social Welfare Department asking him to refund Rs. 10,000 for the housing loan assistance granted to him. As the story goes Kashiram as a Dalit of the village, was granted Rs.40,000 under Ambedkar Awas Yojana to construct the house in the year 1997-98 but the amount never reached him. Six years later in May, 2004 he received a notice asking him to refund Rs.10,000 as he had not built the house. Helpless Kashiram approached the local bodies like Gram Panchayat for knowing correct position of the matter and was happy to know that as per their records there were no pending dues against him. It was quite shocking when in February, 2007 he received another notice asking him to refund additional amount of Rs.6,350. Some of the social workers advised him to approach the public authorities under RTI Act but it was not easy for Kashiram to file the application under RTI Act because the officials of the district Social Welfare Department threatened him and asked him to withdraw his application in exchange of giving a partial reply but Kashiram after filing the application under RTI Act and on receiving the partial reply was brave enough to file a second appeal and he was granted Rs. 40,000 of which he was paid Rs.20,000 as first installment. Now we can see the fruits of RTI Act being enjoyed by the poor persons in small villages of the country. The above examples are only from four States of the country which have been reported but we are sure that there must be large number of similar cases in different parts of the country and it will go on in times to come. ■