

# Information as a right

N. Bhaskara Rao

**M**arking the completion of five years, in September 2010, of the enactment of the Right to Information Act, the Central Information Commission (CIC) held the fifth annual convention on "RTI: Challenges and Opportunities," in New Delhi on September 13 and 14. It was largely a gathering of Information Commissioners from the States and the Centre.

The five technical sessions had presentations by Commissioners and other experts. I had actively taken part in the earlier four annual conventions organised by the CIC more or less on similar lines. Six things stood out at this latest meeting.

First, the key leadership role played by Wajahat Habibullah, as the Chief Information Commissioner, in ushering in the RTI regime was acknowledged and he was credited for ensuring the independent standing of the Commissions.

A second outcome was that the fact that Section 4 of the RTI Act has not received the kind of attention it deserves in order to sustain the right to information regime — Mr. Habibullah himself has highlighted this aspect more than once — was echoed on both the days, but no specific suggestions emerged. Governments at the Centre and in the States need to do more in this regard than what the Information Commissions themselves could do.

Third, most participants reiterated that awareness about the Act, its provisions and potential was very low, and that more serious efforts are required. Also, efforts to sensitise the functionaries concerned were not good enough.

A fourth and more sensitive question that became evident during the deliberations was who, between the Commissions and civil society, has taken the Act to the people and are responsible for prompting the imagination of the people. Surprisingly, the divide in this

Five years after the enactment of the Right to Information Act, awareness of the law, its provisions and potential appears to be very low.

regard was open. The Commissioners ought to have acknowledged the active role played by civil society and reiterated the need to work together even more in the future. The keynote speaker and other speakers expressed their concern about certain "belligerent tendencies" on the part of individual activists. Such isolated instances should not weaken the critical role played by civil society groups on this front.

## Threats to activists

Fifth, the convention expressed concern over threats that some activists faced in the course of their work and condemned the killing of certain RTI activists that have occurred. In this context, Union Minister for Law and Justice M. Veerappa Moily, who inaugurated the convention, confirmed that the Union Cabinet was determined to bring forward the whistleblowers bill [The Public Interest Disclosure and Protection to Persons making the Disclosure Bill, 2010] in the coming session of Parliament.

Sixth, the delay in disposing of applications and the backlog in the process that the Commissions are confronted with was yet another issue that was deliberated upon. But no options or alternatives came up. It was agreed that the RTI Act had kept the bureaucracy on its toes. But a general view was that the pile-up of applications was caused by the fact that the government and its agencies were not forthcoming in providing information promptly. One of the sessions dwelt on how the judiciary, the subordinate judiciary in particular, was largely apathetic and non-cooperative in responding to RTI petitions.

According to a PTI news report, the Minister who inaugurated the event said "RTI should not be a casualty of corrupt bureaucrats." Shailesh Gandhi, a proactive Central Information Commissioner with the distinction of having been an RTI activist himself in Maharashtra before becoming Commissioner, said later in his presentation that the RTI Act need to be guarded from three potential threats — from the government, the judicial processes and the Commissions themselves.

Mr. Gandhi wanted Information Commissions to take an initiative on issues with wide-ranging and long-term implications: it would be too late to do anything if the Commissions have to wait. He himself had asked the Delhi government to put all its contract agreements concerning consultancy arrangements for the Commonwealth Games in the public domain within a week.

Gajendra Haldea of the Planning Commission, in a presentation on the Public-Private Partnership model, theorised that 20 years from now a third of the land in India would be in the hands of a few private corporates, going by the manner in which Special Economic Zone agreements were being entered into (with public scrutiny).

Mrinal Pande, chairperson of the Prasar Bharati Board, wanted the media to be brought under the preview of the RTI Act. (This was a suggestion that this writer had made at the second annual convention in 2007 and has been advocating since then, without success.)

The session should have deliberated on the media's role and acknowledged the sustained interest taken by some media outlets

such as the Telugu newspaper *Eenadu* and NDTV, and the difference they have made to the situation.

The convention failed to note that women in sufficient numbers are not taking advantage of the provisions of the RTI Act, or what steps could be taken to correct the situation. It also failed to look at why the academic community has not been taking a real interest in studying the impact of the RTI Act and in promoting it.

There was no evidence of annual reports of Information Commissions in these four years ever having been discussed in Parliament or in State Assemblies. How is it so? It should be examined how many Commissions could not come up with their annual reports and why even the annual reports that were available did not make any difference.

In his valedictory address, Minister of State in the Ministry of Communications and Information Technology Sachin Pilot talked about the shift in the balance of power and the equitable growth that the RTI Act should strive for. He wanted the RTI movement to take advantage of communication technologies.

## Conventions and sessions

The CIC has been holding annual conventions in Delhi as an "official programme," attended mostly by Information Commissioners, their staff, one or two Ministers and bureaucrats. The participation of civil society representatives has been marginal: those who did come were mostly from the National Capital Region. There has not been any acknowledgement of the role of civil society organisations in taking the RTI movement forward. At all the five conventions in Delhi, access was controlled. The CIC, nevertheless, deserves praise for holding the conventions.

This writer had the opportunity to take part in all the five official CIC conventions held in New Delhi as well as in organising five Open House sessions on the RTI in Hyderabad. The Social Audit Council of Andhra Pradesh, comprising a group of civil society organisations and backed by CMS, has been holding annual Open House meetings over the last five years on the implementation of the RTI Act. These were open to anyone but were attended mostly by RTI activists from the districts. The deliberations were based

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The Fifth Open House session in Hyderabad on August 23, 2010, came up with some specific suggestions on the threats against and the killing of activists. It decided to prepare a directory of activists district-wise, form a network of activists, create a website, start counselling centres in districts and launch a helpline.

The sixth convention in 2011 in New Delhi should be an Open House. The participants should be predominantly from civil society, and include academics and women's groups in particular.

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