

Right to Information : Principles, Practice and Prospects

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Information is power. Withholding of information by the Government authorities weakens the position of public, whereas its disclosure empowers them. Various civil society organizations, experts and individuals have been demanding before the Government to pass legislations effectuating the right to information of people. Owing to the demand the Parliament passed the Right to Information Bill-2005 and the President gave his assent very recently; thus it becomes a law now. The law came to effect on 12th October 2005. It is applicable to both the Centre and the States.

The Right to Information (RTI) of citizens has democratic, logical and constitutional basis. (a) In a democracy the government's power and authority flows from the people of the nation and all public servants exercise power only on behalf of the people. Therefore it would be an anathema if what they did were hidden from the people. Moreover the freedom of speech enables people to contribute to debate on different issues socio-cultural, political, economic and moral. It is the only vehicle of political discourse so essential for strengthening the democracy. (b) Everybody pays tax. The money spent in welfare and developmental work and for paying the salaries and allowance to the officials and the public representatives is people's money. Even a beggar on the street pays tax, when he buys anything like

soap or a match box in form of sales tax, excise duties etc. Therefore the people of a nation has the fundamental right to know the details of how, when, where and by whom public money is spent. (c) The right to information of citizens is guaranteed under Article-19(1)(a) of Indian Constitution. The Supreme Court in *State of UP vs. Raj Narain Case* in 1975 observed the people of this country have a right to know every public act, everything that is done in a public way by their public functionaries. They are entitled to know the particulars of every public transaction in all its bearings. On many other occasions also the highest judiciary has reiterated the constitutional sanction behind the concept.

The RTI campaign started in Rajasthan by Ms. Aruna Roy and others of MKSS (Mazdoor Kisan Shakti Sangathan) with the demand for minimum wages of the 'daily majdoors' and their right to see the muster rolls from the authorities. Eventually the movement spread to other places of India and various governments were exhorted to pass the RTI legislations. Broadly four principles should guide the RTI laws. They are (a) Access to information should be the rule, and denial to it be the exception. (b) The grounds of denial to information be clearly and specifically mentioned. (c) Penalty provision for non-compliance to the demand of information or for furnishing false information by the officials

(d) Provision for an independent mechanism to address to the complaints of public, denied information or provided with false information. Once these principles are adhered upon the law would serve the following purposes. It will help (a) to bring about openness and transparency in the functioning of government, (b) to curb corruption and ensure accountability of the authorities to public, (c) to make the governance more meaningful and democratic by facilitating involvement and participation of people in the formulation and implementation of policies and programmes of government. The RTI Act-2005 seems to have fairly adhered to the above discussed principles and therefore is expected to usher a new era of democracy by achieving the aforesaid goals.

The news has started pouring in about how the use of RTI Act in different states has borne fruit. For instance, in Delhi a daily wage earner-Nannu, got his new ration card against the old one in just three days by making use of the RTI Act, which otherwise would have taken months together. In as many as 250 cases the people got their works done from the Delhi Vidyut Board (DVB), before it was privatized, without paying any bribe or using any contact, but using the RTI Act, Shri Anna Hazare-the Maharastra based social worker and RTI activist, claims on the basis of feedback given by people in 26 districts that transparency in governance is seeping into the grass root level due to the use of RTI Act. Similarly in Rajasthan the use of RTI campaign has a salutary effect on the functioning of the Panchayats and rural development, and in checking corruption in different levels. Some modest success stories on the use of RTI are reported from Goa and Madhya Pradesh also. After the central RTI Act came into effect in Orissa more than 56 applications have been filed by citizens for information in less than a month.

The exercise of the right to information has the potential to kill the seed of corruption from the society by infusing openness and transparency into the system and change the very face of the nation by making it more democratic. It depends on the imagination and innovativeness of the people as to how and in what fields they can use the RTI Acts. It can be used to remove poverty and unemployment from the country by ensuring the effective utilization of government funds allocated for the purpose. Mr. Jean Dreze, the NAC (National Advisory Council) member and the architect of the Employment Guarantee Bill while discussing the succesful implementation of the same underscored the importance of having effective RTI law and its wide use.

As much as 26000 crores of rupees per annum are spent as food subsidy in order to make available to the poor people their monthly rations. Due to the existence of unholy nexus between the licencees of the fair price shops (FPS) and the officers of food supply department substantial portion of the money is siphoned off; as a result the whole PDS system is in shambles. Due to the wide use of the RTI Act by the people of Sunder Nagri area of Delhi, the ration distribution has been streamlined to a large extent. This movement compelled the Delhi Govt. to accept some systematic changes infusing transparency and thereby facilitating accountability to the public. Now, under the rules, the records of ration shop owners will be thrown open for public verification everyday, and for any discrepancy found during the exercise the concerned FPS owner's license would be cancelled right on the spot and criminal proceedings would be initiated against him. So it may be safely assumed now that if the public in Delhi make use of this provision of seeing the records regularly, it would be impossible for the middlemen to black market the food stuffs. If similar exercise can be conducted all over the

country, then the starvation death and widespread malnutrition would be matters of past.

The Act can also be used to know how the fund under the MP/MLA LAD scheme has been utilized; to seek reports on what action has been taken on different grievances of public, if no action is taken, then why; to get the list of officers against whom complaints of corruption has been received and the nature of allegation in each case; to inspect the developmental works done by any government body in order to ascertain the authenticity of those etc.

During the process of ascertaining the information from various departments, the members of public are likely to suggest remedial measures and alternative policy proposals on different issues. For instance, in Rajasthan the suggestions of MKKS removed the serious anomalies existing in policies of rural development. Under the RTI law the authorities are supposed to make some *suo moto* disclosures. Once this

is properly done, it would provide ample opportunities to the intellectuals, civil societies and to a common man to contribute their rich inputs to the process of decision making and their execution.

After having a strong law now, what is needed is to bring about a change in the mindset of bureaucracy. They should be trained to abjure their propensity for secrecy and adapt to the concepts of good governance. The major onus to constantly maintain pressure on the government and to popularise the use and benefits of the Act lies on the civil society, the media and intellectuals. "It will take the form of a mass movement", hopes Arvind Kejriwal of *Parivartan*. Anna Hazare opines "once RTI becomes a part of the culture, the poor will get the real taste of freedom."

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The Government have decided to increase the monthly entitlement of APL wheat from 9.455 kg. per card to 15 kg. per card. The enhanced quota of the APL wheat will be supplied to all APL card holders through fair price shops as before. The APL wheat is sold by FPS's at the prescribed price of Rs.7/- per kg.