

## The Right to Information: The Task Ahead

*Satya Mohapatra*

Official Secrets Act was formulated in 1923, during the colonial rule, and continued to be in vogue in Independent India. Right to Information is a fundamental right and an integral component of a democratic country. Almost all democracies have similar Acts. However, governments form rules so that they do not allow its citizens to exercise their rights to the fullest.

During the tenure of late Prime Minister Rajiv Gandhi there was an attempt to amend the Act to suit the needs of the largest democratic country like India. However, in 1999 the then Union Urban Minister and legal luminary Ram Jethmalani took the first step towards implementing the changes in the Official Secrets Act. Jethmalani ordered public access to the Government files in his ministry without any hindrances. This was followed by formation of a Parliamentary Committee, which ultimately went on to formulate a bill on right to information.

In spite of criticism on various aspects of the Act, it was a bold step towards strengthening democracy in India. The Bill also helped to reduce corruption to some extent. After the formation of the Commission at the centre various state governments also took steps to form their own Information Commissions.

Orissa has formed the Commission and appointed an experienced bureaucrat as its chairman and a well known personality with a social standing as its member.

The state government has also formulated the rules which is necessary.

The Right to Information Act has provision for right to information and enables the citizens right to obtain data from the government or government owned organisations by paying a certain amount of fee. If the applicant is not given the information about life and security of a person within 48 hours, he can go to the Commission. However, the Act has clauses that protects important information that affects the sovereignty and security of the country. It says that under special circumstances the government may not provide the information asked for. It is, however, not clear that how the information can be kept under the secret category in the name of national security and can ever be obtained or not ? Although some of the provisions under the Act existed since India became independent. But the people were not taken into confidence under the pretext of public interest.

However, there are apprehensions that bytaking shelter under the Official Secrets Act many deals and contracts are being hidden from the public knowledge. Many irregularities regarding deals and contracts with private or international firms, amounting to hundreds and thousand of cores of rupees were kept from public knowledge as classified information. The main responsibility to make this Act effective was entrusted to bureaucracy, which gave rise to a possible nexus between bureaucrats and politicians. Though all members of bureaucracy are not responsible for this but they are comfortable within its fold.

As a reporter I have often observed that

majority of the questions asked by the members in the legislative assembly got one answer, "Information are being collected". The implementation of Right to Information Act might suffer from similar system failure and give rise to unnecessary delays. During Parliamentary and Assembly sessions the bureaucracy is usually busy collecting and compiling information. This exercise affects the official work of the government. On one hand the government is trying to reduce the number of staff and on the other hand assigning them more responsibilities. This is giving rise to apprehension regarding the implementation of the Right to Information Act, 2005. The petition to obtain certain information may give rise to friction and may result in clashes at certain places, labeling it as politically motivated.

It is found that both at national as well as state levels the chairman of the Information Commission are former bureaucrats. As the first step, eminent jurists, media personalities and educationists should be co-opted as the members of the Commission. It is the responsibility of the Information Commission to take path breaking steps and amend rules for effective implementation of this Act because the future of our democracy depends on this to a great extent.

There is no denying that modern governments use information as a means of propaganda. The tendency is to keep inconvenient information under wrap. Therefore, governments across the globe pass laws to keep their citizens in the dark about facts which provide the basis of decision making. These facts may relate to trade, commerce, cost of living index, nuclear pollution and environment.

But one must realise that information is the valuable asset of the society. In market economy it becomes a commodity with a price. Millions of people in developing countries do not play any part in this market where information is exchanged. This is because they are illiterate,

removed from the sources of information or too poor to pay for the access to the information.

In societies where state-run electronic media are co-existing with private television, radio and print-media compete with each other for information and ideas to attract readers, officially inspired leaks and engineered flows of information will become difficult, if availability of information becomes easy. The truth will be out and someone will surely point out that the emperor has not worn clothes.

Our own Atomic Energy Act restricts citizens access to information and right to communicate. That is how in many countries there is a divide and absence of communication between scientists working in government establishments and in independent organisations like universities. Such lack of openness is marked more between nations. But accidents in nuclear plants such as Chernovil in Ukraine (formerly of Soviet Union) is giving rise to public pressure in favour of free and balanced flow of information, which undermine Official Secrets Act and the flattering news coverage of multinationals. All these are now persuading Authorities to establish its legitimacy and credibility. This makes the right to information crucial for plural societies. A responsive, publicly accountable exercise of political, social and economic power should welcome this act.

In one such example of public pressure, when Taslima Nasreen's book '*Dwikhandita*' was banned by West Bengal government, one citizen filed a Public Interest Litigation in Calcutta High Court stating that the ban was illegal and violates his Constitutional rights, mentioned under Article 19, to know what is written in the book. The court upheld the petitioner's contention and declared that the decision of West Bengal government is not legal. The book is now openly available in bookshops. Article 19 of the Indian Constitution has this potential.

Satya Mohapatra lives at 47, Ekamra Vihar, Nayapalli, IRC Village, VIP Area, Bhubaneswar - 751015.