

‘The Right to Information Act – 2005’ – Is it really revolutionary?

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Although the Constitution of India is regarded as one of the best of its kind in any democratic set up in the world, it took fifty-eight years for our Parliament to enact ‘Right to Information Act’, which is often described as the ‘most revolutionary enactment’ in the post independent era.

It is for the first time in our country, a citizen has been empowered to get an access to any kind of information held, withheld, kept, recorded, or stored by any government ministry, department, agency, or undertaking at the cost of only Rs. 10 in the form of court fee stamp.

A common man, who, was until this Act was passed was heavily dependent on the people’s representatives in the form of local councilor of a municipality, or a corporation of a municipal corporation or member of legislative assembly or council or even a member of Parliament to get an access to the happenings in the government, which is voted in power for five year rule. A common man, howsoever educated he or she might be, was not having a sufficient knowledge, and even a courage to approach his or her elected representatives to obtain any such information, as many a times these representatives are not easily accessible and even if they are available they often do the lip service rather than doing any dutiful job. Most of our elected representatives forget their voters for five years, once they are elected, no matter, whether they are in the ruling party or in opposition.

Common man now at par with MLA or MP:

With the passing this enactment, a citizen of this country is no longer required to be at the mercy of their elected representatives. In a way, it ends the monopoly of the peoples elected representatives, as the common man is conferred with a right to contact the government, without any intermediary. A citizen can straight away approach any government office; establishment by dashing off a form duly filled of the information, which he or she desires to seek. The cost would be just Rs. 10 and all that postal expenses which he might be required to actually incur, if the letter is to be sent at place far away from his or place or residence. It is often desirable that such outstation queries under the RTIA are dispatched by registered post with acknowledgement due, A person who is below poverty line has been exempted from paying any such court fee on the application form. However, such person will have to annex some proof in the form of certificate issued by a competent authority like Tahsildar, etc. of being a ‘Below Poverty Line’ category.

Indian bureaucracy, is it the most thick skinned in the world?

Because of lack of citizen's participation in the affairs of the country, the rulers had virtually taken them for granted over the years. It is also the lack of inertia or an initiative on the part of the people, which has been primarily responsible for the establishment and also the consolidation of the 'License Raj' which is has been nurtured by corruption of unimaginable magnitude.

Until a decade ago, when the concept of 'single window clearance' had just conceived in our country for the first time, anyone who intended to set up an industry, be it small, medium or a heavy one, was required to obtain as many as thirty-three licenses from the various government departments and / or agencies, before he could begin his factory operations. One can imagine the not only the amount which he was required to spend across while greasing the palms of at the various levels in the government establishments, but also the time which was getting consumed in the process. All this had made India as 'not so favorable country' for the foreign investors, until the drastic liberalization reforms which were introduced in our country in 1991, when the incumbent Prime Minister, Dr. Manmohan Singh, was the finance minister of late Shri. P. V. Narsimha Rao's government.

India's neighbor, in down south, Sri Lanka introduced economic reforms way back in 1978, when the then President Julius Jayawardhane was in power. These reforms compelled India's neighbour to introduce lot of schemes for the literacy drive and health care development. Therefore, a tiny nation like Sri Lanka having an area of just 13,000 sq. kms has a literacy rate over 90 % and very significant health care growth, in contrast to us, where the literacy rate is barely 61 % even fifty-eight years after independence.

Absence of transparency & accountability:

Successive governments which were in power at New Delhi, had hardly taken any initiative to infuse the concept of 'accountability & transparency' in the public administration at various strata all over the country. The bureaucrats in our country, who often perceives themselves as 'above the law' and hold an attitude of 'no one can do us wrong', has become a stumbling block between those who are in power, i.e. politicians and those who are ruled by them, i.e. by citizens. Due to this there could not have been an effective communication between the politicians who represent the government and the citizens who are ruled by them.

Due to this anomaly, the bureaucracy acquired a demonic dimension, which is corroborated by the fact that as per the Germany based NGO, Transparency International's 2005 report, in India, an astronomical figure of Rs. 2,10,68,00,00,000 (US \$ 4.68 Bn.) crores is paid to the bureaucrats at various levels in the government establishment, as a 'bribe' per annum, which shows the enormity of the corruption in our country. Both the police and revenue departments tops the list being the most corrupt, which are followed by the lower level judiciary and thereafter by the government hospitals.

The states like Uttar Pradesh, Jammu & Kashmir, Bihar, tops the list as the most corrupt states in the country. Whereas, Tamil Nadu and Gujarat have been regarded as the states which are on the forefront in eradicating the corruption at the various levels, with the stringent accountability measures introduced by the chief ministers of these two states, viz. Jaya Jayalalithaa and Narendra Modi governments, albeit they are always in the news for the various wrong reasons.

Corruption, the real enemy of the country:

The impact of corruption on the country's growth is quite alarming. The cancer of corruption retards the growth of the national at every level of the society. It also creates a social hiatus between the 'rich' and the 'poor'. Moreover, it alienates the citizenry against the government, which results in the creation of agitation causing internal security problems.

It is often said that the primary reason of dreadful growth of corruption is the complete absence of political reforms after independence. One really wonders, whether a concept of 'rule of law' is still conceived in the country like India, which often trumpeted as the 'largest democratic country' in the world.

On the other hand, countries like Norway, Sweden, Singapore, Australia, New Zealand, etc., which are regarded, as the 'least corrupt countries' have witnessed phenomenal growth in all spheres of life. In Singapore, the government banned 'chewing gum' within five hours, after a local television flashed an incident of used chewing gum, having been stuck or pasted on the door of the SMRT underground rail couple of years ago. This particular incidence shows how the government is not just serious, but equally conscious and sensitive about the well being of the people. On the very night, the tons of stocks of chewing gum were burnt in the Singapore through a government order. Today, if any one is found in possession with chewing gum, then he is destined to land in jail or pay heavy fine to the government.

One would wonder, what could be the reasons for all this fuss in our country, which has not been able to address the core issues like meteoric population growth, unemployment, poverty, absence of basic civic amenities, security scenario, etc. Little wonder, the answer of all these ills lies in the corruption. It is primarily the complete apathy on the part of the citizenry, which is responsible for bureaucracy getting non-accountable. On the top of that the '*Chalta hai*' attitude of even educated citizens in our country, which has turned out to be detrimental to our country's interest, because, it is the only class, which is at least capable of voicing its anger at various levels of the administration and also in the media. Sadly, many educated people in our country do not exercise their franchise in the state assembly or Parliament election. In fact, many of them go out for excursion if the voting day is coinciding with 2nd or 4th Saturday or it is close by to any public holiday. This is the primary reason of Indian democracy of not becoming ripe or rich in its tradition and substance.

The bureaucrats on their part too are unwilling to change for the fear of loosing their authority or power. They are not only insensitive to the people's problems, but there is complete absence of 'sense of duty' on their part. Moreover, their 'aristocratic behaviour' or 'style of functioning' and '*Mera kaun bigad sakta hai*', have compounded the problems. Gautam Goswami, who was showered with a praise by *Time* magazine an year ago, over the (so called ?) thankless job done by him in the flood relief operations in 2004, turned out to be the prime accused in the scam, which broke out an year later. This is precisely the tragedy of the Indian administration.

But it is also a high time for our citizens to ponder over, as to how far they themselves are honest while discharging their duties or obligations to the government. How many of us pay our income tax, sales tax, octroi and municipal property taxes regularly and that too with honesty? How many of us make honest declarations to the income tax authorities, of our annual gains? Unfortunately, an evasive or dishonest tendency has crept in our people's mind, which is resulting in loss of exchequer. Majority of our film actors and actress are in the news for the wrong reasons of income tax defaulters whose tax amounts are of several crores of rupees.

When one hears the news about the increasing atrocities on the poor, underprivileged people in the Hindi heartland of our country, or the upsurge of incidents of rape on women, irrespective of their age and social status or standing in the society in many metropolis of our country, many a times one wonders whether a government exists in our state or the country. How many of us have heard any positive news or development oriented news in our country, which should make one proud of. Sadly, one hardly receives any encouraging news about the significant achievement made by the government.

Significance of the RTI

On this back drop, the introduction of 'Right to Information Act', which is capable of doing wonders in the public administration, is only small but heartening news. The credit for right to information movement should undoubtedly be given to the social activists like L. K. Kulwal, Aruna Roy in Rajasthan and stalwart like Anna Hazare from Maharashtra. These are the people, who have virtually forced their respective state governments to promulgate 'Right to Information' enactment, through their painstaking efforts. Government of Maharashtra would not have enacted its state law in 2002, had Anna Hazare not began his 'fast unto death' in August, 2002. Therefore, full credit should go to Anna Hazare for all that has happened in India's most progressive state like Maharashtra in the last three and half years on this front.

What kind of information?

Now with the promulgation of union law, which came into force on the auspicious day of *Dushhera*, i.e. on 12th October, 2005, all the state laws have become defunct and the entire country is now governed under the uniform law. All kinds of government information or record, that is to say, a document, manuscript, file, microfilm,

microfiche, facsimile copy (i.e. fax transmission) of any document, any data or material stored on the computer or on any other device, etc. have become accessible to a common man.

The right to information is not just confined for obtaining the information, but even to take an inspection of the work, any government project, like bridges, dams, railways, roadways, etc., apart from the inspection of documents and government records. It also enables a citizen to take the notes, extracts or certified copies of those documents and records. A citizen can also get now the copy of the government information or record stored on any computer device on the floppies or CD. One can also get the samples of the material that is used by the government in any road, bridge, or any such civil project, apart from the samples of goods which are confiscated by the Food & Drug Administration department. A copy of post-mortem report prepared by a doctor at the Primary Health Center or at Civil Hospital is also made accessible to common man with this enactment, should any one think that there is any foul play in the report.

Public Information Officer:

Under this law, a duty is cast on each and every government office and/ or establishment or an undertaking to appoint a 'Public Information Officer' whose primary job is to process the applications which would be received by his office, sent by a common man seeking information from such government establishment and impart such information. It is obligatory on the part of the PIO to furnish the information within thirty days from the date of receipt of application, to the inquirer. If such officer fails to provide the information, or if purposely imparts with misleading or incorrect information then he would be liable for penal consequences thereof. The PIO would be fined at the rate of Rs. 250 (US \$ 5.5) per day, from the 31st day till he actually imparts the information to the applicant and there is a ceiling of maximum Rs.25, 000 (US \$ 555), on such erring PIO.

Any person, who is aggrieved by the information supplied by the PIO, if he finds it to be false, or misleading, or any such applicant who has received a reply or answer to his query in thirty days stipulated period, then he can approach the State Information Commissioner as an appellate forum.

The only information which government establish can withhold or refuse to part with the applicant is the one which can directly or indirectly affect with the sovereignty and integrity of India. Also the information which pertains to the security, strategic, scientific and economic interest of the State with a foreign state can be withheld by the government. Also any such information which has been expressly forbidden by the court of law can not be parted under this Act. Also the commercial information / intelligence exchanged by our government with a foreign country can not be given to a common man under this Act. These are the just and understandable exemptions taking into account the wider interest of our nation.

Will it achieve the results?

It would be bit premature to say, whether the RTIA is an historic enactment or not, given in what manner our citizens use it to the best of their ability. The only laudable feature is that this Act enables to establish any contact and raise any query with any government or semi-government office or an establishment by dashing off the form under this law, which earlier happened to be the prerogative of the people's representatives like councilors, MLAs, MLCs, MPs, etc. For instance, a man in Kerala can question or dispute the awarding of tender by the J&K government to any particular bidder, if he smells any foul play it. From this angle, it is a historic achievement.

However, unless there is a massive awareness in the society and amongst the people about the efficacy or usefulness of this Act, there would not be any change in the attitude of the bureaucracy. Therefore, the role played by the various NGOs assumes greater significance and so also by media. It is a laudable that our media has given substantial coverage to this newly introduced law and it would continue to do so in future as well.

It would not out of place, if some one gives a five years period as a 'gestation period' for this Act to bear the fruits. One must understand that the Indian bureaucracy, which has been nurtured for the last fifty-eight years, can not be changed over night. Therefore, it also demands peoples' strong initiative coupled with desire to make things happen. If this is not done, then this would be one more enactment on papers, just like some seven hundred and fifty laws we have in our land.

Imagine, even if half or even a quarter of the corruption in our country can be eliminated in our country of Rs. 2,10,68,00,00,000 (US \$ 4.68 Bn.), which is the annual generation of corruption amount, how many development project would take up the shape and how our countrymen would be benefited with that. !

Our country can not achieve the progress, unless both the bureaucracy and the citizens are disciplined and both are made to observe the laws of the land!

Time has really come for the awakening!

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