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RTI to complete three years in October, review underway

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An 85-year-old lady was having problems getting her passport. She needed it to go and live with her children abroad. The status, the website showed, was delivered. Visits to the passport office yielded little results. "We helped her draft a right to information (RTI) application. When the department concerned was informed of the application, she got the passport immediately," says Shekhar Singh of National Campaign for People's Right to Information (NCPRI), Delhi. But not all RTI applications are as smooth and appeals against disclosures are common. The RTI Act, which came into existence three years ago, is now undergoing a review of its performance. Here too, the issue has triggered a debate on the agency conducting the appraisal.

The department of personnel and training (DOPT) under the Union Ministry of Personnel, Public Grievances and Pensions has commissioned international accounting firm

PriceWaterhouse Coopers the responsibility to review the RTI Act 2005. Activists say the study may end up protecting government officials. They are conducting a parallel study on how far the RTI has been able to keep up its mandate of providing timely response to "citizens requests for government information".

Review studies

The accounting firm will review RTI implementation in Assam, Andhra Pradesh, Uttar Pradesh, Maharashtra and Orissa. "It will study whether the act has reached the grassroots or is just being used in urban areas. It will look into problems that information officers and seekers face and how the act can be streamlined better," said K G Verma, director RTI, DOPT.

Among the criteria for selection of the consultant was that the agency should have carried out such studies elsewhere. Although the firm has no such record, it qualified the financial and technical bids, indicating it has the

means to conduct such a study. NGOs had also competed for the tender, says a DOPT official. "But their concept paper was very weak and they did not seem to have enough manpower to conduct the study," said another DOPT official.

NGOs are conducting their independent study under the banner RTI Accountability and Assessment Group, which comprises organizations such as the Mazdoor Kisan Shakti Sangathan (MKSS), NCPRI, Devdungri, Rajasthan, National Campaign for People's Right to Information, Delhi, Nehru Memorial Museum and Library, Delhi, Tata Institute of Social Sciences, Mumbai and Centre for Studies of Developing Societies, Delhi. MKSS was among the organizations that spearheaded the RTI movement in the mid 1990s.

Right to know

- Information sought can be addressed to public information officer (PIO) of the department concerned along with the prescribed fees (charges under central RTI Act is Rs 10 per application. The law, however, allows states to chart out their own fee structure as long as it is "reasonable"). In case a person is not literate, the PIO can draft information for the person
- List of PIOs is available at www.rti.gov.in. A person can also send the application to the head of the department with a request to forward the same to the PIO
- The PIO is required to get back with information within 30 days of application and 48 hours in case

it affects the life and liberty of an individual

- PIO usually asks the seeker to pay for the photocopy of documents requested or the number of pages printed to give him the information or Rs 50 in case of a CD, etc
- If one wants to inspect documents, there is no fee for the first one hour and it is Rs 5 for every subsequent hour thereafter
- If there is no response within 30 days or the response is unsatisfactory, the seeker can file an appeal with the first appellate authority who is a senior officer in the same department. This has to be done within 30 days of getting the response
- If the seeker is still not satisfied, s/he can appeal to the central information commissioner, the second appellate authority



ILLUSTRATIONS: SURYA SEN

"Our study is not in response to the government's study but it just happened to have the same timing. The objectives of both studies are similar but methodologies are different. Given the government's track record, our suspicion is they will subtly try to weaken the act. Besides, the agency involved is an accounting firm, so we can't be sure of how much they will be able to find out at the village level," Singh told *Down To Earth*.

Their study will cover 10 states and finish by October. A national survey of 20,000 people will be conducted where villagers will be asked to frame RTI applications on a subject and responses of

public authorities concerned will be noted. Similar methodology will be followed in urban areas as well. Specific sectors such as media and institutions including high courts and the supreme court will be studied on how they have internalized RTI. Public Information officers (PIOs) and chief information commissioners of states will also be interviewed.

"Systemic changes in governance are happening gradually. For instance, officials are scared if they do something under political pressure, they know they are answerable to the public. The enthusiasm for the act is there and it will go up. But there are certain issues of imple-

Cases of RTI applications take long to get resolved because proactive disclosure is rare

mentation that need to be addressed," said Singh. Appeals top the list and are among the major deterrents for people to use RTI Act. Besides, these take time.

Only one case (of appeal) is cleared in a day in Andhra Pradesh and in Kerala, just 50 cases were disposed of in 2007, says Arvind Kejriwal of Parivartan, the NGO that used RTI to expose public distribution system scam in Delhi. "Waiting time for appeals in Maharashtra and Uttar Pradesh is more than three years and in Delhi, it is up to a year. Information commissioners are killing the act.

They refuse to impose penalty on PIOs for delaying or giving out incomplete information," Kejriwal said. Information officers justify the backlog saying they don't have enough manpower or cite plain lack of incentive as one of the reasons (see box: *Our complaints*).

Proactive disclosure

Harinesh Pandya, who runs Janpath, an NGO in Ahmedabad that spreads awareness on RTI, says there is a fundamental problem. "Half the load of RTI applications will go down if proactive disclosure is made properly," he says. Proactive disclosure under section 4 of the act lays down that public authorities have to *suo motu* declare information pertaining to their functioning under various factors, which include budget allocations, welfare and subsidy

Our complaints

Public Information Officers (PIOs) at their level consider proactive disclosure double trouble. "In many cases, there are orders from higher-ups not to reveal specific information. If a PIO goes against seniors' orders, he will be penalized under the conduct rule, if not, under the Right To Information (RTI) Act," said an official of the Department of Personnel and Training (DoPT). The official, on condition of anonymity, says: "Staff cuts happen at the level of section officers who keep records and are the quickest to locate files. But now without them, it is difficult to provide information within a given period. There is also no training or incentive to the 'extra' job," she adds. Officers also complain that many applications are frivolous. "There was a 10-page application which had 226 questions. After a few days the same person filed the application after changing just two words," an official said. Activists say there aren't enough trained professionals to handle applications, which often results in its misinterpretation and hence delays.

schemes, inter-departmental transfers, details of committees, grants, permits and concessions.

Ideally, a person need not file an RTI application for such information. "While announcing the act in the Lok Sabha, the prime minister had said that proactive information should be provided readily so that a person needs to use RTI as less as possible. But this has not been taken in spirit by PIOs and hence offices are flooded with applications and appeals," says Pandya.

The following example is a case in point. In Jamnagar district in Gujarat, a person filed an RTI application with the labour department in 2007 asking how many inspections on local manual labour employed by Reliance Petroleum factory was carried out in the past five years. The company is supposed to employ 80 per cent local manual labour as a part of conditions for getting tax benefits. But information was denied



