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Lawyers use RTI to build cases

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INFORMATION VIA IS CONSIDERED ATTESTED BY THE STATE & THE GOVERNMENT CAN'T BACKTRACK ON IT

Mumbai, May 8: Public Interest Litigations (PILs) filed on the basis of the much-used Right to Information Act (RTI) are old hat. A new trend among the legal fraternity in the city, is to bolster their cases by applying for relevant information on their cases under the RTI Act.

The reason, lawyers say, is very simple. Since information given under the RTI Act is considered to be true and attested by the government, they cannot back away from it when presented before a court of law even for argument's sake.

"The whole affidavit which was filed in the Supreme Court in the 1992-93 riots case was based on the information we got from RTI," said advocate Yusuf Muchala. "The main reason why we are relying upon the RTI is that it is not only concrete but as it is given by government officials in writing, they cannot back track it," added Mr Muchala.

Another example has been the case of Manish Thakur, a navy officer who is accused of killing his estranged girlfriend.

"I first got the information, and then prepared the application for my client," said Mr Raja Thakur, Manish Thakur's lawyer. "It was through the RTI that I came to know that the

Mumbai police had not sought the Navy's permission before charging Manish Thakur," said Mr

Thakur. "On the basis of this information I filed an application for a stay of trial saying that the Navy should be asked whether they would want to court martial Manish or if he should be tried under civilian laws," said Mr Thakur,

adding "The police was unable to say anything in court and the court stayed the trial till the Navy gave its nod."

RIGHT TO INFORMATION ACT

RTI empowers every citizen to ask any questions from the Government or seek any information, take copies of any government documents, inspect any government documents, inspect any government projects, take samples of materials of any government work.

In yet another case, the lawyer while arguing the discharge application of his client, a CBI officer who was charged for taking a bribe, presented a vital bit of information that he had got through RTI.

The information that the lawyer got was that the investigating agency (Anti-Corruption Wing of the CBI) failed to take the opinion of the forensic expert to find out whether the voice in the tape was that of the accused.

"Had we not taken out the information through RTI, then we would have never known that the police were misguiding the court," said lawyer Yogesh Israni.

"In many cases the police manipulate the witnesses, so the right of information helps us in that situation," said Mr Rizwan Merchant, a noted criminal lawyer.