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INTERVIEW ARVIND KEJRIWAL

The right to information is a fundamental right

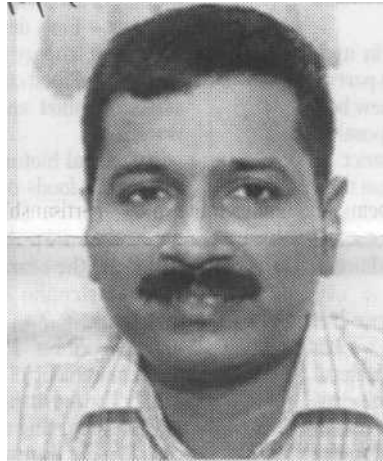
ARVIND KEJRIWAL, winner of the Ramon Magsaysay Emergent Leadership award in 2006, is one of the pioneers of the Right To Information Act. A graduate of IIT Kharagpur, he joined the Indian Revenue Service (1992). Here he soon realized that much of the corruption prevalent in government is owing to lack of transparency in the process. Even while in his official position, he started crusading against the Corrupt practices. After several years of extraordinary Leave from the Government, he resigned his official post and now devotes full time to his work as the founder-head of *Parivartan* - a Delhi based citizens' movement trying to ensure a just, transparent and accountable governance. In July 2006, he spearheaded an awareness campaign for RTI across India. He talked to **Vipin Kumar** of **Sahara Time**. Excerpts:

Q: The media seem to be highlighting only the success stories of the RTI. What do you say?

A: By and large only the success stories are being reported by the media. Reporting such stories is important for motivating people to use the Act. However the bottlenecks in the effective implementation of the RTI mostly go unreported. Media do not seem to be much interested in presenting before the public the numerous obstacles in the path of obtaining information under this Act. In fact the RTI in UP and Maharashtra is virtually dead as the Information Commissions in these states are saddled with three-year pendency.

Q: There is a general perception that in rural areas there is very little or no awareness about the Act

A: This is a completely wrong perception. We have traveled all over the country and found people in rural as well as urban areas equally aware of the



Act. The fact is that general awareness about the act is low. Moreover the cumbersome procedure that has to be followed in seeking information keeps majority of the people away from it.

Q: Do you think the Official Secrets Act is a hindrance in the way of the RTI? Should it be scrapped?

A: Of course the Official Secrets Act should be scrapped. Though the section 22 of the RTI Act supercedes the Act and hence makes redundant, many a times honest officers find it difficult to blow the whistle bring out the wrongdoings to light.

Q: The right to information is at present a statutory right. Should it be made a Fundamental Right?

A: Though there is no express provision in the Constitution the fact is that various judgments of the Supreme Court have pronounced it to be a fundamental right. In 1974, the Supreme Court in the state of UP vs. Raj Narain case, recognized the 'right to know' as a right inherent in Fundamental Right to freedom of speech and expression guaranteed under the Article 19(1)(a) of the Constitution. Following this, in a large

number of cases the right to information was recognized to be implicit in the Article 19(1)(a) and in the Article 21 (fundamental right to life and personal liberty). Similarly in *Peoples Union for Civil Liberties vs Union of India*, the Supreme Court observed that in Right of information is a facet of the freedom of 'speech and expression'.

Q: Do you think bodies like the BCCI should also be brought within the ambit of the Right to Information?

A: All the organizations whether private or public should be brought under the RTI Act. In South Africa all the private organizations if they provide any public service like electricity, public transport, water supply have to provide all the information sought by public.

Q: The bureaucracy objects to opening the file notings to the public as they fear that it will hamper their functioning and jeopardize the decision making process. What do you think about it?

A: Of course it will hamper the functioning of the officials but only of the dishonest ones. But for the honest officials it will only strengthen their hands. Earlier at times the honest officials found the pressure to acquiesce in the dishonest practices too much to bear and occasionally gave in. But now they can safely take protection behind the RTI and tell their bosses that since their decisions are open to public they may both be caught

Q: What is Parivartan doing for spreading awareness about the RTI?

A: From time to time we conduct workshops for the general public. We also interact with various government departments to remove the frequent bottlenecks that affect the workability of the Act. In fact the telephonic registration of application for information in Bihar was started due to the efforts of Parivartan. •