

THE TIMES OF INDIA, BOMBAY, 18 JUL 2007

## For your information

O P Kejariwal

There have been some disconcerting developments on the right to information front. In February and March, leading RTI activists set up a kiosk outside the office of the Central Information Commission (CIC), inviting RTI applicants to file complaints if they were aggrieved with CIC verdicts.

With banners asking 'Have you got justice from CIC?', one could sense the latent hostility between CIC and RTI applicants. CIC should have welcomed complaints against it for a possible review of the cases. Activists later claimed that during the 40 days of their campaign they received as many as 200 complaints, of which they had taken 36 to high court and were exploring possibilities of challenging more.

Both sides have squandered opportunities to learn from each other. Neither side has been able to appreciate that CIC and activists are fellow travellers. Whereas the activists work at the ground level, CIC is the delivery system at the apex. Only by synergising the two can the full potential of RTI Act be realised.

Amidst this tension, some respondents and applicants have moved courts in an effort to frustrate the RTI Act. According to one estimate, at the present rate of disposal of pending cases, it would take courts more than 300 years to clear the backlog. Why should they take on the additional burden of RTI cases when CIC is a quasi-judicial body? As for those who argue that courts can provide a corrective to faulty CIC judgments, are we to assume that courts do not make mistakes? Members of the judiciary are also human. Today, high courts are only too ready to entertain writs against CIC decisions.

CIC, however, lacks the infrastructure to effectively fight its cases in courts. It does not have a strong legal team to contest its cases, many of them posted outside Delhi in high courts. There is no case where CIC has registered its presence at the time of admission.

With long dates being given for hearings, the only ones to benefit are

officials of public authorities running for cover against penalties imposed on them under the RTI Act. Public authorities continue with their pre-RTI mindset. This situation only undermines the common man's faith in the new Act.

Instead of involving courts, CIC should review its own cases. While courts would seem to provide cover to public authorities, CIC members are under pressure not only from courts and public authorities, but also from unreasonable appellants. A CIC member was nearly assaulted by a lady appellant when his order did not seem to go in her favour.

Another applicant blamed a member for caste bias, even as the member insisted that he was not aware of the caste of the applicant. In yet another case, a lady PIO blamed a commissioner for communal and gender bias.

In these instances, the media played up the charges even without taking the commissioner's point of view. While the media has covered important CIC decisions, it has not woken up to the potential of the Act to introduce elements of transparency and accountability in administration and contain corruption.

It has refrained from bringing widespread corruption to light. Properly utilised, the RTI Act can perhaps work as effectively as sting operations.

The media has failed to take up social issues which could result in bringing about systemic changes, one of the major objectives of the RTI Act. The law is arguably the single most powerful piece of legislation enacted in independent India.

RTI has raised the hopes and aspirations of people. Applications under RTI law have increased in almost geometrical proportions. If CIC continues to be under siege from activists, courts and the media, it will only serve the bureaucracy's purpose of crippling CIC by creating a jungle of hurdles.

In the absence of proper support from the government, CIC may well tread on a path that would render the RTI movement ineffectual.

*The writer is member, Central Information Commission.*

