

For October, 2015
BCAJ

RIGHT TO INFORMATION (r2i)

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EXCERPT:

The article for this month is not of 4 parts as normally, it is made up of my friend, Dr. Bhaskara Rao publishes quarterly a journal titled “Transparency Review”, issue of June 2015 is on the theme of RTI. Hence, this article contains excerpt from the same:

Ω Dinesh Sharma writes:

“Constant attempts have been made to dilute the reach and effectiveness of RTI, be it delays in appointment of commissioners or cutting down budgets of commissions. We need to be constantly on vigil to protect this right and further strengthen it, and also push for second-generation reforms. The battle for transparency has just begun with RTI”.

Ω Aruna Roy, Mazdoor Kisan Shakti Sangathan writes:

The Modi’s government’s attitude to the RTI has, from the very start, been one of malignant neglect and deliberate destruction. Event management and gimmicks

have taken over while established systems for sharing information lie neglected. The PM promises to tweet but does face citizens to answer obligatory queries under a law created for this purpose.

An RTI was filed to inquire about the appointment of the CIC and the minutes of the meeting convened. The answer received in writing said that no minutes had been kept. For the right to information and good governance, record maintenance is a critical link to accountability.

Disclosing information is a fundamental requirement of a transparency regime. The free flow of information from government to citizen has promoted engagement in local and national issues. In the past year, we have seen an ominous lack of transparency. This government too fights shy of implementing Section 4 of the RTI dealing with the proactive disclosure of information: “It shall be a constant endeavour of every public authority to take steps in accordance with the requirements of clause (b) of sub-section (1) to provide as much information *sou motu* to the public at regular intervals through various means of communications, including internet, so that the public have minimum resort to the use of this Act to obtain information.”

Ω Subhash Chandra Agrawal, veteran RTI activist writes under the title: ‘Government making RTI dysfunctional’:

“The replies you get nowadays are vague and the information which used to be provided easily earlier is now being denied.

The worrying aspect is that petitions filed before key offices like Rashtrapati Bhawan, the Prime Minister’s Office, Supreme Court and High Courts are getting dumped there as the CIC used to himself address them. The work of the registry he handled before becoming CIC and the one he handled as a commissioner have both been impacted.

“Most appeals to CIC should have been disposed at government level” writes Vijai Sharma, Chief Information Commissioner: “Clearing pending cases is a challenging task. In May 2014 the pendency was 29,000, but now it is close to 40,000. Some experimentation will have to be done. Some new ground will have to be broken. But the commission’s biggest worry is that most applications and

appeals coming to CIC could have been disposed at the government department's or first appellate authority's levels.

Ω Dr. N. Bhaskara Rao under the title “Saving RTI from Becoming Archaic” writes:

As RTI Act enters tenth year, it is but natural to expect that its implementation has taken roots and the stakeholders are holding to their enthusiasm. In the initial years of the Act, it acquired a momentum and raised hopes of corruption coming down.

On an overview of the nine tumultuous years, I feel that the Act has kept up despite repeated attempts by the Government to water down its potential. In fact, there is no other example where an Act remained a scare for political parties and the bureaucracy and yet retained its teeth. It is mostly because of vigilant civil society activists and vigilant news media. However without renewed initiatives and efforts chances of the Act gaining further ground are bleak.

Slowly but steadily the Act has been losing its punch and grit over the last couple of years. And yet there is no evidence of serious effort to rejuvenate its implementation at any level. On the contrary some stakeholders seem to be happy. Particularly because no sooner the new Government came in, BJP reversed its stand about political parties coming under the preview of RTI.

RTI: The Journey

- ~ 1975 – Supreme Court declared the citizens right to know flows from the fundamental right to freedom of speech and expression in Art 19 (1) (a) of the constitution
- ~ 1990 – Prime Minister V. P. Singh stressed the importance of Right to Information as a legislated right
- ~ 1994 – MKSS started a grassroots campaign for right to information which resulted in the enactment of a law in 2000
- ~ 1996 – Press Council of India under guidance of its Chairman Justice P. B. Sawant drafted a law “Freedom of Information Act, 1997”

- ~ 1997 – The Working group appointed by the United Front Government under the Chairmanship of Mr. H. D. Shourie drafted a law called the Freedom of Information Bill, 1997
- ~ 1997 – Tamilnadu became the first state in India to pass a law
- ~ 1997 – The MP Govt. issues executive orders to 36 departments to implement Right to Information later issued in more than 50 departments
- ~ 1997 – Goa legislature enacted a law on RTI
- ~ 1998 – The Government of Madhya Pradesh passed a Bill on Right to Information
- ~ 1998 – P. M. Vajpayee announces that a Law on right to information shall be enacted soon
- ~ 2000 – Karnataka, Rajasthan, Maharashtra pass legislations and UP issued Code of Access to some departments
- ~ 2000 – Freedom of Information Bill, 2000 tabled in Parliament and referred to the Parliamentary Standing Committee on Home Affairs.
- ~ 2002 – Maharashtra government passed on RTI Ordinance override the Maharashtra RTI Act 2000
- ~ 2003 – Parliament passed FOI Act and notified in 2003
- ~ 2003 – On Jan 31, Madhya Pradesh government passes MP RTI Act
- ~ 2003 – In August, Maharashtra converted its Ordinance into new RTI Act
- ~ 2005 – The Right to Information Act was passed by the Parliament in June 2005 and it came into on October 12, 2005

RTI Clinic in October 2015: 2nd, 3rd, 4th Saturday, i.e. 10th, 17th, and 24th,

11.00 to 13.00 at BCAS premises