

News on Right to Information

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1st October, 2010

Promoting institutional transparency big challenge'

The Times India

NEW DELHI: The biggest challenge is to promote 'institutional transparency', newly-appointed chief information commissioner (CIC) A N Tiwari said on Thursday.

Tiwari, who will be sworn in as head of the Central Information Commission by President Pratibha Patil on Friday, said that the Right to Information (RTI) should not be the only recourse for transparency and that public authorities should proactively disclose information.

"Section 19 and 25 of the RTI, which empower the Commission to advise institutions on transparency-related functions, have been used sparingly so far. I hope that in the short time that I am CIC we will be able to bring a mindset change," he said.

Tiwari also expressed concern on the issue of pendency adding the Commission was looking for "specific ways" to tackle those appeals that had been pending before it for six months to a year.

Tiwari, who will be succeeding Wajahat Habibullah, is expected to retire in December 2010.

Read more: '[Promoting institutional transparency big challenge'](http://timesofindia.indiatimes.com/india/Promoting-institutional-transparency-big-challenge/articleshow/6661943.cms#ixzz115Gnm2bj) - The Times of India
<http://timesofindia.indiatimes.com/india/Promoting-institutional-transparency-big-challenge/articleshow/6661943.cms#ixzz115Gnm2bj>

12th Oct, 2010

Government bodies duck RTI queries

The Deccan Chronicle

Hyderabad, Oct. 11: Custodians of the Constitution like the Raj Bhavan, the Chief Minister's Office and the State Legislative Assembly are guilty of withholding information even as the country celebrates one year of receiving applications under the Right to Information Act.

There have been instances when these institutions have not followed the basic rule of responding to a query within the stipulated 30 days. In some cases, the public information officers have been directed to keep the files in cold.

The Chief Minister, Mr K. Rosaiah, himself ordered for the "lie over" of a file relating to an application seeking copies of the concession agreements on the Kakinada Port, changes made to them and the note filings of YSR.

13th Oct, 2010

CIC orders ED to lift veil on black money

The Times of India

New Delhi: Overruling government's objections, the Central Information Commission (CIC) has directed the Enforcement Directorate to make public an estimate of the amount of black money stashed away in Swiss banks.

Rejecting the contention of ED that it was exempt from disclosures under the RTI Act, the commission held that all such matters being investigated by it came within the definition of allegations of corruption and should be disclosed.

"The Enforcement Directorate can let the country know as to how much is the total sum of such money they are dealing with in their current investigations. This figure can be arrived at through the simple contrivance of aggregating the sums of money in all such investigations currently underway," the commission said.

In response to an RTI application filed by V Chandran, ED had argued that it could not confirm or deny media reports about the likely amount of black money abroad.

13th Oct, 2010

NTU dodges RTI queries from students

The Times of India

Hyderabad: The Right to Information Act (RTI) is celebrating its five years of existence in the country on Wednesday, but for Jawaharlal Nehru Technological University (JNTU-Hyderabad), the largest technical university in the country, sharing information under the Act seems to be just an optional service.

While several students of the university have been filing RTI petitions to know details of their semester examination, the valuation of which is done by the university, the authorities have been denying them specific replies by referring to an order (note-file order) issued three years ago by the then vice-chancellor, stating that no information about examinations would be revealed to the students under RTI act.

Interestingly, the note-file dated January 23, 2006, states that since the university has over 250 affiliated colleges under its purview, sharing information about examination and even marking pattern can be quite cumbersome work and hence the information cannot be shared. While RTI activists claim that this argument goes against the tenets of the Act, university authorities are not ready to answer their queries.

According to RTI activists, since there is no way to obtain a copy of the answer script valued at spot-evaluation centres of the university under any other existing rule, denying information under RTI should be taken seriously. "There are several complaints against the valuation system in the university. Under these circumstances, the university should reveal information to the students," said Abdul Aziz Sheik, an RTI activist who has applied for an answer script copy under the act. Sheik has also filed an RTI petition asking for a complete list of students who have asked for their answer scripts from the university.

Meanwhile, activists said that over a dozen applications under the RTI regarding examinations must have been denied by the university so far.

Rakesh Reddy Dubuddu, an RTI activist, said that denying information under the RTI act by citing an internal order is illegal. Activists said that in a reply to a similar case filed against CBSE, Central Information Commission (CIC) had ruled on March 23, 2007, that copy of answer scripts should be given to the students when asked under RTI act.

Meanwhile, G K Viswanath, director of evaluation, JNTU said that “confidential information like that in an answer script cannot be revealed under RTI”.

Despite a CIC order on such issue, the varsity is rejecting queries for copies of answer scripts



SEEKING INFO: Special chief secretary Minnie Mathew, chief information commissioner Jannat Hussain and secretary, AP Information Commission, A V Dharma Reddy, interact at a seminar on the Right to Information Act at Jubilee Hall on Tuesday

13th Oct, 2010

RTI Act: poor response to applications

The Hindu

Staff Reporter

Many government departments fail to comply with mandate of displaying information about PIO

'Till date, over 300 applications filed under RTI Act but hardly 100 were replied to'
'About 15 applications were rejected without any valid reasons despite it being mandatory'

HYDERABAD: Many government departments have failed to comply with the mandate of displaying information about Public Information Officers (PIO) in the city even after five years of the RTI Act coming into effect. Forget about appointing PIO, many departments do not respond to RTI applications within the stipulated time of 30 days, while some do not even bother to reply, said Y. Panasa Ramakrishna, president of It's Time to Make a Difference (ITMD), a voluntary organisation here on Tuesday.

The beginning

ITMD was set up in 2008 by a group of software engineers to solve problems of individuals, society issues, etc under RTI Act.

Till date, over 300 applications were filed under RTI Act in different government departments but hardly 100 were replied to. This apart, about 15 applications were rejected informing without any valid reasons despite it being mandatory, said Mr. Ramakrishna.

"Of all the departments, the GHMC Serilingampally office is the worst. Over 30 applications, including project details of Hussainnagar nala desilting, were filed and not even one application was replied to till date," said Ramakishna.

Authorities in Revenue, Municipality, Education, Panchayat Raj departments are poor at responding to RTI applications and upgrading information on respective department websites. Still many authorities are unaware of rules, particularly Section 4(1)(b) of the RTI Act, which discloses details pertaining to particular project details, including fund allocation, money spent etc, pointed out ITMD Secretary Abdul Azeez Shaik.

While there is a deadline of 30 days for PIO for responding, 45 days for appellate authorities, there is no deadline for the Information Commission to disclose details.

17th October, 2010

Successful RTI brings transparency

The Hindustan Times

After five years of the watershed Right To Information Act, which allowed common citizens to question a government body, the new Chief Information Commissioner **AN Tiwari** talks about the act's journey so far and its future. Excerpts:

What do you think about RTI's journey so far?

The RTI has been a unique experience; because, for the first time, citizens got a right to question public authorities. We as the highest appellate authority had the task to interpret the law. The task, we did best to our abilities. I will be happy to say that it has been one of the most successful laws in India.

There have been complaints of misuse of the RTI. Do you think it is a serious problem?

No law in the world can prevent misuse. Same is the problem with RTI, as the law does not define misuse. Therefore, technically, there is no misuse. The law says whatever question is asked has to be replied in yes or not.

It has lead to frivolous and vexatious RTIs. I will give you an example. A person, whose services were terminated, filed 400 RTI applications consisting of 5,000 questions.

When answers to all questions were given, he asked his friend to file a similar RTI. We, in the CIC, can only reprimand the application but the laws say that the information has to be provided.

There is a school of thought that says there is no category as frivolous and vexatious RTI applications.

What is the solution?

Under the present law, I plead guilty and will say there is no solution. Those who file such applications are a strong group, which use all measures to harass public authorities and also oppose any changes.

Do you suggest that the law should be changed? Have your views been sought?

Change in law is the prerogative of the legislative, but I haven't been asked yet.

What are your priorities as the CIC?

The RTI is much about transparency. So, the individual government department should look at voluntary declaration. Each department should have a positive list, where information should be provided without an RTI and a negative list, where information can be sought by using RTI.

This can bring a big change in transparency. I am already talking to a small group of nine public authorities to adopt the new transparency module. For that, the authorities need more efficient information handling system and trained personnel.

19th October, 2010

RTI has not brought about reduction in corruption'

The Times of India

PUNE: Retired justice of Supreme Court and activist P B Sawant on Tuesday said that the exercise of Right to Information (RTI) Act, 2005 in the last five years has not shown any appreciable reduction in corruption. The governing system inherently encourages corruption, hence, there is need for participation of citizens in the government, he added.

Sawant was speaking at the five-year celebration of enactment of right to information at the country level, organised by Public Concern for Governance Trust (PCGT). The Act has completed five years.

Sawant further stated, "Enactment of RTI Act is not the solution, but the first step to achieve something. We need to go for Right to Participate in the government functioning, which will bring more parity and make the entire procedure transparent. The common people should know everything about any project -- from its policy to implementation."

For transparent governance, there is a need to bring the private sector projects that have impact on the major section of the population living in a particular area, he said.

Sawant elaborated, "Many big private companies start their projects in India, but are reluctant to share the information about their activities. It has been revealed in some cases that these multinational companies have been prohibited to start the production of critical chemicals, gases in developed countries, hence such companies land in India. Such projects should be brought under the RTI cover, which will keep a close watch on the companies and their functionality."

Sawant's demand was in connection with the year-long strong agitation against a US-based chemical company, which has finally withdrawn its proposed research and development centre near Pune.

Former union cabinet secretary and chairman of the PCGT, B G Deshmukh said, "In the last few years, RTI activists have been attacked in various parts of the country. At least four activists have been murdered. Most of the incidents have taken place in semi-urban and rural areas. This is a serious issue and all the activists must fight against it."

22nd October, 2010

'The RTI Act has potential unknowns'

Business Standard

Q&A: Anugraha Narayan Tiwari, CIC

Akshat Kaushal / New Delhi

After a lifetime as a professional bureaucrat, Chief Information Commissioner (CIC) **Anugraha Narayan Tiwari** spent five years trying to make the Right to Information (RTI) Act effective. In an interview with **Akshat Kaushal**, he describes the struggle to make RTI acceptable, its liberating effects and the dangers in its working. Excerpts:

You were appointed the information commissioner in December 2005 and now you are the chief information commissioner. You were a bureaucrat for more than 40 years. What has this experience been like?

It has been a truly uplifting experience. The RTI Act is brimming with potential unknowns even for the people who were associated with its making. At that time, the Act was only seen as a response to international pressure and a way by which the government could tweak something.

What kind of international pressures?

Whenever our representatives went to international conferences like United Nations conferences, the first question they were asked was, what was India doing about the Freedom of Information Act? So, in 2003 the government of India came out with the Freedom of Information Act. The Right to Information Act was just an amended version of that Act. But we found that there were so many amendments so we decided to group them together. That's how RTI came into being.

But frankly, nobody anticipated the groundswell it would create among people about: (a) their own rights, and (b) assaulting the citadels of government that they considered foreign to them. So, I would like to believe that this Act is reducing the foreignness of the rulers vis-a-vis their own people.

Was the bureaucracy sceptical about this Act?

Yes, and with good reason. There were certain people who believed that the bureaucracy would not be able to function under a searchlight. They demanded privacy in their functioning. Also, they believed that if the system became transparent, it would have repercussions on ministerial responsibility in Parliament. After all, the anonymity of the civil service was a factor that contributed to ministerial responsibility. A minister was responsible for every answer in Parliament because no bureaucrat ever told the world what he was proposing to the minister. That is no longer valid. Now, a civil servant is made to feel laterally responsible to the people because of the RTI Act. It is an accountability-enforcing Act.

As a bureaucrat you were taught to deny information. How does this change as CIC?

The assumption that a civil servant habitually holds on to information and doesn't reveal it is only partly true. It was true in 2006 when this Act was a year old and the civil servants tried all the tools to not let information get out.

But all that is changing dramatically. I am using the word "dramatically" with full responsibility. Today, senior officers are worried that their juniors might part with the information they aren't even authorised to part with. That is both good and bad. The good part is that information is getting out. The bad part is that there is a certain amount of loyalty within each department and that loyalty is now getting impacted.

We are trying to make officers understand that disclosure obligations must be responsibly exercised. I am not saying that you must defend confidentiality. All I am saying is, when you have to decide whether information should or should not be disclosed or can be disclosed or not, favour transparency over confidentiality.

It is so difficult to understand that in places where disclosure is so imperative there is no CIC. There is no information commissioner in Kashmir. Why?

That is because of the structure of federalism. It is for the Jammu and Kashmir government to establish it.

But the idea of the information commissioner is to give information. That's what the people need: information about themselves and their government.

The government has now appointed interlocutors and one of them is M M Ansari (Information Commissioner) and they'll probably ask the government to bring in the RTI. The state government doesn't realise the type of trust dividend one derives when an RTI Act is in place. This aspect of RTI hasn't been fully understood at the grassroots.

But your own ruling in the case of the Enforcement Directorate (ED) over how much money was lying in Swiss Bank accounts was quite a qualified ruling.

It was indeed a qualified ruling because the question was framed like that. The applicant quoted a figure and asked the ED to verify whether the figure was right or wrong. How can the ED validate the figure when it doesn't even know? So, we said, rather than saying it didn't know anything, the ED should tell the people of India what it does know. That's the rationale of the ruling. Though the ED falls under the exempted category, we told it to reveal whatever it knew because citizens were entitled to know how much money it was investigating.

So how much is being investigated? We still don't know that.

That's because we didn't ask them to give the information to us. The information would be given to the applicant.

Is non-compliance of orders an area of concern for the CIC?

It would be much better to ask the people who are telling you this to cite an example of an order that hasn't been complied with and of someone approaching the commission to say so. Wherever an order hasn't been complied with, there is a petition filed for non-compliance. We've found that when someone complains about non-compliance, it is usually a fake complaint.

RTI activists have not just been threatened, some have been killed. You have said security must be given to such activists whose lives are in danger. How do you propose to go about it?

I have also said our ability to provide security is limited. We can put our weight behind the state government to do so. But, in the majority of the cases in which a

man comes to us saying he is under threat, we don't know the credibility of the man, but we still ask the police, regardless of what they think of that man, to provide him security.

Your appointment as CIC was shrouded in controversy. Many asked why a bureaucrat should be made CIC.

I can ask a counter-question: why not?

The objection is not towards the bureaucracy because Habibullah, too, was a bureaucrat. The issue is that certain rules and procedures were not followed in your appointment.

I tried finding out about this from the activists who have been saying this and I haven't received any direct answer. They went on saying bad things about me and because of that I couldn't become CIC the last time around. My question is: what is the basis of saying this? You may hate the bureaucrats but that doesn't make bureaucrats hateful. Just because civil society intuitively hates bureaucrats, is it logical that a bureaucrat should not become CIC?

You have a tenure of just three months. Do you think anything substantial can be done in three months?

I don't wish to answer this question. It is below my dignity.

30th October, 2010

RTI should not curb principles of other acts, says former CJI Balakrishnan

Sify news

Former Chief Justice of India K G Balakrishnan on Friday said the Right to Information (RTI) should not curb the principles of other acts.

"Right to Privacy, just like Right to Information, Right to Privacy is also an important right, and independence of judiciary is an important thing. These are all basic constitutional principles; it should be protected. Just as Right to Information Act, any other constitutional valued principle should be protected," said Balakrishnan, while giving a mixed review to the Right to Information Act at a seminar held here today.

"Any information which even in regarding appointment of Chief Justices, the reputation of the Chief Justices, we get written opinion and we cannot divulge this to the public, I strongly objected to these but going strictly by the provisions of the Act, it is the provision we have to divulge some of the information. It could be misused," he added.

Balakrishnan, who is currently the Chairman of the National Human Rights Commission (NHRC), appreciated the right nonetheless stating that the right is a boon to the citizens of the country, as it allows participation from them and makes the administration accountable.

"Mainly it is intended to give the citizens the information regarding the spending of the public money. That is more crucial, public should be aware that each pie spent by the government, in what manner and how it is used, whether it is for the good of the people or is it for other strenuous reason. That is the purpose of the Act and to that extent it has worked well," he added.

Balakrishnan, however, stressed that the right needs improvisation.

"Some cosmetic changes are required in the Act, which probably in every legislation it is being hurriedly done and there is no intellectual discussion about any of the enactment in the parliament," he added.

The Right to Information Act was enacted in 2005 in the Parliament of India to provide for setting out the practical regime of right to information for citizens. (ANI)