

WIN WIN DEMOCRACY AND GOOD GOVERNANCE

BY

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INTRODUCTION

RTI Act, 2005 ushers a new wave of democracy in the country. But indications from the first year of implementation of the Act are not so optimistic in many states in respect of transformation of governance. This Act being a unique opportunity and a breakthrough for our democracy, we should do everything possible to make it work and succeed. This is possible only when the following nine steps in this regard are seriously taken up.

NINE WIN WIN GOVERNANCE

First and foremost is the appointment of PIOs and making them acquainted with the provisions of the Act, with their responsibilities and prepare them to be truly responsible at that level. Simultaneously, in the proposed comprehensive amendment, the Department head should be made responsible for penalization instead of a PIO as at present.

Second point is that maintenance of records, their updating, retrieval and access at district level in particular should be addressed as a national task in a mission mode. With such breakthroughs in information technologies and brilliant initiatives of Indians for online access, it should be possible to implement the RTI.

Third pertains to *suo-motto* obligatory disclosures by departments, authorities, services at various levels should become norm rather than the exception. Access to such disclosures should be for larger public so that concerned citizens need not apply for everything every time they need information.

* Fourth, the Information Commissions, created specially for ensuring RTI implementation should be made to operate more proactively, transparently and demonstrate fair use of power. The penal provision under section 20 should be extended to non appointment of PIO, submission of annual report, etc.

Fifth point relates to the civil society groups who need to keep their vigil in the field on the working of the Act and should continue to sensitize their fellow citizens as well as other stakeholders and keep pressure on the Commission and state governments. The fortnight long camp has amply proved that the civil society groups could make all the difference. Therefore these groups need to be involved in the working of the Information Commission. Active citizenry is a prerequisite for the success of the RTI Act, 2005.

Sixth, the news media should be more concerned. It should devote more space and time on the working of the Act and its implications. In fact, for the news media this right to information movement is yet another opportunity to rise above petty interests and reiterate their larger role as they did during the freedom movement. Media has everything to gain from this Act, both as an institution and the journalists individually.

Seventh, independent researchers and academicians should objectively monitor, appraise and evaluate the RTI from time to time. They should examine the role and impact of the Act on corruption levels, equity and other governance issues. It must be found out who is taking advantage of the provisions of the Act. We should also know, through research, as to what correctives measures for the speedy implementation of the RTI could be taken.

Eighth, there is a need for tightening up of certain ambiguities in the Act itself as it exists today. The proposed amendment should be an opportunity for 'comprehensive' correctives to make Information Commissions more dynamic, proactive and beyond mere recommendatory in nature.

Ninth point is that expenditure on account of State Information Commissions and promotion should be met by the central government (as they are doing now in the case of training) so that state governments take prompt initiatives and provide basic support to the Commission.

Thus the RTI has something for everyone to gain including the PIOs, Government functionaries and the democracy in India. As PIOs' role is almost critical, we need to address the following issues urgently:

Public Information Officers and Assistant Public Information Officers

Public Information Officer or PIO and Assistant PIO or APIO, under the RTI Act, are the public interface as all applications are to be filed with them and their functioning determines the extent of success or failure of implementation of the Act. Not only they take applications from citizens, but it is also a PIO's duty to collect information asked from within the organization and supply it to the applicant within 30 days. As such it is most urgent that PIO system is strengthened.

The fate of the Act in respect of its implementation, for example, could be better understood from the level of involvement of PIOs in a given state. I have had the opportunity of meeting a cross section of PIOs from various states of different departments. Of some 125 PIOs I met, small things like nameplates of the PIOs could be found only in less than 10 percent cases. In the case of those who actually read the RTI Act, 2005, even among 60 law faculty and students of a prominent university, only five had read the Act. Most PIOs said that they were neither given any orientation about the Act nor about their responsibilities as PIO. All of them were assigned PIO designation as if it was an additional responsibility and a temporary duty. They were not offered any incentives or facilities like photocopier, etc. to carry out RTI responsibilities. Nearly

80 to 85 percent of the 125 PIOs had neither received any application from citizens under the Act until mid July 2006 nor did they do anything on account of RTI Act, 2005. Two PIOs even refused to give information saying that the information asked for was 'none of the concern' of the applicants. Another PIO asked the applicant to pay a fee of Rs.35 when the official fee was only Rs.10. None had ever helped any citizen in drafting an application under the Act. Hardly any of them ever received any reference materials from any source about RTI Act, which could help them in their work including rules being made by state governments for implementing the RTI Act. The impression and tendency was to wait for 30 days to reply even when the information sought could be given within few days.

TEN SPECIAL EFFORTS TO MAKE PIOs MORE EFFECTIVE

- Appointment of PIOs at public offices and at all levels should be made. Governments should orient them towards the Act. A Directory of PIOs and APIOs and appellate authorities with their names, addresses, and phone numbers in local language at district level should be made available. Display of nameplates of PIOs in the offices is as an essential first step.
- Rules and guidelines of state governments for the implementation of the Act in local language, amount of application fees at various levels, mode of payment, per page photocopy charges when required, *suo motto* obligations, etc. should be with PIOs in the district. Without this there can not be seriousness on the part of PIOs.
- There should be some incentives for PIOs and APIOs, particularly since it is they who are likely to be personally liable for penalties.
- Some orientation of functional heads in the district is extremely important. Mindset of officers, particularly the Mandal Revenue Officers, RDOs and senior police officers and their apprehensions about the Act need to be addressed. Only then PIOs could perform their responsibilities better.
- Performance of PIOs depends on how well records could be maintained and how soon computerization takes place. This activity too needs to be attended to on a priority basis with an overall department or service specific approach at the state level.
- State governments and district collectors should send unambiguous instructions to PIOs that they need to receive applications under the RTI Acts and also accept cash as fees and give receipts to the applicants.
- State governments should advise heads of departments to disclose all information about their policies, operations, performance, and update such information as often as possible. This is a *suo motto* requirement under the Act. Only when this provision is taken up, PIOs' workload will come down and their efficiency will improve.

- State government should periodically, at least once in a year, reiterate publicly through news media, its resolve to implement the RTI Act. Otherwise, public confidence in the implementing the Act is likely to decline and also the efficiency of PIOs.
- PIOs' public standing and credibility will improve eventually if they work more sincerely and seriously in the first few years.

Something tangible could be expected out of the RTI Act, 2005 in few years, only if the above mentioned aspects are addressed immediately.