

RTI HELPDESK'S ANNUAL REVIEW
BY
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AND
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The aim of this review is to share RTI HELPDESK'S experience vis-à-vis Right to Information Act, 2005 (RTIA-05) and its implementation and enforcement in India. I owe my special and sincere thanks to Mr. B.S.Dalal, my father, who helped me and RTI HELPDESK in every sense whether it is financial, physical or emotional. All the merits and positive achievement are a result of his contribution whereas all mistakes and shortcomings are attributable to me alone. I also wish to convey my sincere respect to my mother Mrs. Rati Dalal for her love, care and affection and her continued efforts to motivate me so that I can contribute towards public cause. I would also like to convey my thanks to my sister, Mrs. Neelam Dalal Rai and my brother Mr. Naveen Dalal for their affectionate support. Finally, I wish to thank Ms. Geeta Narula for her support to this noble cause.

The RTIA-05 was enacted on 21-06-05 and it finally and fully came into force on 12-10-05.¹ After its enactment it has seen many ups and downs of a democratic and transparent society. This review is intended to discuss those functional aspects of RTIA-05 which took place from that date till now. As usual every effort has positive and negative results. No effort can be absolutely positive or absolutely negative. The same also holds true about RTIA-05. Thus, the present review will highlight those positive and negative shades of RTIA-05.

(1) The negative aspects

Let us first evaluate the negative aspects of the events concerning RTIA-05. The following events or actions are negative and detrimental to a just and fair applicability of RTIA-05:

(a) The Public Authorities (PAs) are blatantly violating the provisions regarding effective use of e-governance for effectively making RTI applications. Till now, RTI HELPDESK has not come across a single Public Authority which can solve the problem of making an online RTI application as its payment is still a problem. The application can be made through e-mail but it is practically useless till we have methods for its online payment.

(b) The Public Authorities are also behaving negligently and in clear violation of the letter and spirit of the RTIA-05. The refusal rate is too high and if not checked earlier, it may frustrate the whole purpose of the RTIA-05.

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¹ It received the assent of the president on 15-06-05.

(c) The provisions regarding making payment for RTI applications are cumbersome and unpractical. The Government must introduce the use of postal stamps and services of local post offices must be utilised for making applications. These post offices must act as APIO at all places so that applicants need not to go through cumbersome procedures.

(d) In many Public Authorities PIOs have not been appointed and notified. It also includes various courts that have so far remained out of the purview of RTIA-05 due to that adamant attitude. The Judiciary must at once notify their PIOs at their respective sites along with their e-mail addresses and other details. Further, the “law making” by the Judiciary must be avoided as the same is not only unwanted but also unconstitutional.²

(e) The Government has not done enough to spread the benign effect of RTIA-05 through various forums. It must be noted that arranging a few seminars in five star hotels will not serve the purpose. The Government has to learn to spread the message of RTIA-05 to grass root level.

(f) There is no stress of amalgamating RTIA-05 with e-governance. This is the most fatal mistake that has been ignored to the most. A good combination of e-governance and RTIA-05 can solve many problems associated with corruption and lack of transparency.³

(g) The Corporations and Companies have not come forward and shown interest in Corporate Social Responsibility (CSR). Till now RTI HELPDESK has not come across a single Company that has stressed on its CSR.⁴

(h) No interest has been shown to reconcile the IPRs and Public Interest. This is more so regarding Copyright and Data Protection requirements.⁵

(i) An e-mail base is drastically missing. If we have a sound e-mail base, most of the problems relating to distance can be taken care of.⁶

(j) The liability of PIOs is not sufficient to take care of their negligent and adamant behaviour. It needs to be enhanced. Further, the excuses taken by them to refuse information must be dealt with sternly.⁷

(k) The punitive sting is missing in the Central Information Commission’s (CIC) decisions while dealing with negligent PIOs. The CIC must shed its soft attitude towards PIOs of various Public Authorities.⁸ The same assumes significance since citizens of India consider it as the protector of their Fundamental Rights of “right to know” and “right to information”.

² <http://legalsolutionsindia.blogspot.com/2006/05/rti-helpdesks-evaluation-rti-and.html>

³ <http://legalsolutionsindia.blogspot.com/2005/11/e-governance-and-informational-rights.html>

⁴ <http://legalsolutionsindia.blogspot.com/2005/11/right-to-information-and-corporate.html>

⁵ <http://legalsolutionsindia.blogspot.com/2005/11/rti-and-data-protection-requirements.html>

⁶ <http://legalsolutionsindia.blogspot.com/2006/05/rti-helpdesk-initiatives-need-of-base.html>

⁷ <http://legalsolutionsindia.blogspot.com/2006/05/liability-of-pio-under-rtia-05.html>

⁸ <http://legalsolutionsindia.blogspot.com/2006/06/rti-helpdesks-view-need-of-punitive.html>

(2) The positive aspects

Let us now evaluate the positive aspects of the events that happened till now.

(a) To offset the negative impact of the negligent acts and omissions of various PIOs certain redressal forums have also been constituted. These forums are providing help to public at large to fight against corruption.⁹

(b) An effective base of e-mail can facilitate effective enforcement and applicability of the RTIA-05. The RTI HELPDESK has suggested certain measures to achieve that task.¹⁰

(c) The Central Information Commission (CIC), through Mr. Wajahat Habibullah, has shown positive signs of adopting Information technology for effective implementation of RTIA-05. The suggestions like use of E-mails, video conferencing, etc have been by and large accepted by it.¹¹

(d) The web site of CIC has become more interactive than the Government portal and more and more information has been provided on it site. This includes articles, details of meetings, orders of CIC, etc.¹²

(e) The scope of section 22, which provides overriding powers to the provisions of RTIA-05, have been further strengthened by collective efforts of public¹³ and the Second Administrative Reforms Commission.¹⁴

(f) The interaction between public and CIC is very good and Mr. Wajahat is very particular in accommodating the requests and demands of various segments of the public. The same holds true about Mr. P.K.Gera as well.

(g) The attitude of many Public Authorities and their PIOs is changing and we may have a reasonably good system in place after few years.

(h) The Government has finally decided to spread the message of the RTIA-05 to the grass root level and if implemented in a scientific and planned manner, the same may prove to be successful as well. We must avoid seminars in five star hotels and must use direct interaction techniques between the RTI activists and the people of India. We have to take some pain and reach people if they cannot reach us. The media has to play a sensible and sensitive role in this regard. We have to arrange regular public activities so that public awareness may increase. The Government must also monitor the progress and attitude of various PIOs and Public Authorities and it must take suo motu action where a regular defiance of RTIA-05 is happening.

⁹ <http://legalsolutionsindia.blogspot.com/2006/04/rti-helpdesk-constituted.html>

¹⁰ <http://legalsolutionsindia.blogspot.com/2006/05/rti-helpdesk-initiatives-need-of-base.html>

¹¹ <http://legalsolutionsindia.blogspot.com/2006/05/rti-helpdesk-initiatives-request-to.html>

¹² Kindly see <http://cic.gov.in/> for details.

¹³ <http://legalsolutionsindia.blogspot.com/2006/05/scope-of-section-22-of-rtia-05.html>

¹⁴ <http://legalsolutionsindia.blogspot.com/2006/06/rti-helpdesks-view-repeal-of-official.html>

(3) The roads ahead

The future of RTIA-05 is very bright in India provided we work in a coherent and holistic manner.¹⁵ The implementation of RTIA-05 is not the sole responsibility of a single person or institution.¹⁶ It is a collective responsibility. The bottom line is that we cannot take an “extreme view” in any circumstances. Every situation has positive and negative aspect. If we mention about the positive aspects only ignoring the negative one, then we would be failing our duty. Similarly, if we mention the negative aspects only bypassing the positive one, then we would be demolishing the very institution against which we are leveling the allegations. What I am trying to bring home is that we must be ‘holistic’ in our comments. We must concentrate on both the merits and demerits of RTIA-05. If we choose the extreme view regarding either, we will be the loser. The RTIA-05 is passing through a crucial stage. We have to help in its growth and development. On the one hand a non-implementation of RTIA-05 must be agitated as vigorously as is possible. Similarly, on the other hand, we must be very supportive so that RTIA-05 can grow and mature.

THANKS AND REGARDS

TRULY YOURS

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¹⁵ <http://legalsolutionsindia.blogspot.com/2006/05/holistic-and-balance-approach-is.html>

¹⁶ <http://legalsolutionsindia.blogspot.com/2006/04/commitment-of-rti-helpdesk.html>