

View Single Post**Thread:** A question of asking the question-I

02-06-2007, 10:28 PM

#2

**ganpat1956**

RTI India Team



Join Date: Nov 2006

Posts: 2,224

Rep Power: 36

**A question of asking the question -II**[permalink](#)

Here is the second part of the Special article written by Aditi Roy Ghatak and published in "The Statesman" dated 06 Feb.2007:

There are two communications issues here: one for the general public that the government must part with non-classified information and there are laws to ensure that it does; two: the administration must be told that in the overall perspective, the Right to Information is a pro-government act, not an anti-government one. By answering questions it establishes its accountability to the people; brings people close to the government and this stands governments in good stead at the hustings.

The government of Bihar seems to have realised this as it has in place plans to start a state-run call centre to collect and process all questions sought under the RTI Act and actually forward them to the persons concerned for a small fee.

Bihar has actually identified the problems of information and seekers and had devised a system that addressed them. The person asking the question will be spared the trouble of getting the format and the names of the addressees right ~ which can be a very frustrating affair ~ and be allowed to interact with the call centre in Hindi, English, Maithili or Bhojpuri, with suitable software having been developed to enable this interaction.

No response

A public grievance cell is in place in the state where people can register complaints and seek redress. This is a clever government at work and there is certainly nothing like the one at work in West Bengal. For want of a suitable explanation, one has to assume that the information commissioner in the state is not adequately motivated nor adequately needed for, certainly, people in Bengal have been asking questions from development plans around the East Calcutta wetlands to Singur and Nandigram without any satisfactory responses. It is then for the citizenry to ensure that demand for information is tenaciously pursued to its logical end and those made responsible for making information available are activated in the manner that the office of the information commissioner of Bangalore, for instance, has been.

Two stories from Bangalore are instructive: On August 27, V. Bhaskar of Nivarana Seva Trust, who was not given information on unauthorised constructions in the three zones of the Bangalore Mahanagara Palike and on what action had been initiated against the violators within the mandated 30 days, got the BMP to impose fines on the guilty officers.

In another case, on August 31, 2006, the KIC fined the Commissioner of Byatarayanpura City Municipal Council Rs 5,000 for providing wrong information to a B H Veeresh, who had asked for information on a Civic Amenity site in the Canara Bank Layout. One needs to hear such reports from Kolkata if the RTI is to be an effective instrument and it is for the people of the city to make it happen by demanding transparency and accountability of the government.

Towards that end Utsav Datta, who has demanded that he be shown his Bachelor in Commerce Part II Accountancy Honours answer script (because he was not satisfied with his marks) secured the High Court's direction to the Calcutta University to show the scripts and when it refused to do so pursued the matter with the information commissioner and got him to rule that the University was bound to show the answer scripts. While Datta has not yet been shown the script even though the university syndicate has apparently decided to accept the commissioner's directive, the ongoing battle

deserves public commendation. The story goes that the university wants to protect the identity of the examiner and the scrutiniser who had gone into Datta's complaint and it is the West Bengal RTI Manch that is taking the case forward.

As Kejriwal says: "It is up to us to make full and imaginative use of the act, which is easier said than done because not everyone has Arvind Kejriwal's tenacity."

It needs to be reiterated that there are inherent difficulties in making the act work. Even Canada, which has given leadership to the right to information movement and has had legislation in place for more than two decades, suffers from the "culture of secrecy" in public life. The Justice John Gomery Commission in Canada that went into the "veil of secrecy surrounding the administration of the Sponsorship Program" found an "absence of transparency in the contracting process; There was an atmosphere of secrecy and only the inner circle was informed of decisions".

Even in a system like Canada's, Justice Gomery found it necessary to remind the government and the public that "an appropriate access to information regime is a key part of the transparency that is an essential element of modern public administration".

Playing truant

It is fairly simple to put the public off: the government can make the question seeker sift through a maze of many ministries and departments with their multiple public information officers to get to the right person. Elsewhere, the Principal Information Officer may simply be away from his seat, which means that the visitor cannot meet him. Nor is there anyone else who can collect his request.

Or else, the department can insist on such complex form that the ordinary citizen is foxed and gives up because the central information authorities are not adequately available all over the country making complaints difficult. Amidst such frustrations comes hope in the shape of the success that Dhananjay Tripathi had when he asked the registrar of the Banaras Hindu University about details of the inquiry report into the events that led to the death of Yogesh Roy.

This was the much talked about case of 2005 and the university was bent on stonewalling. The successful perusal of the RTI Act led to the Central Information Commission fining the Banaras Hindu University registrar, N Sundaram, Rs 25,000. Yogesh Roy must be smiling somewhere.

(Concluded)

