

The reality of right to information

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A revelatory session with the officers who are supposed to implement the Right to Information Act.

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The need to know: The “Information board” at a Panchayat office.

“Madam, yeh jo Nagrik hein na woh sabse bada nuisance hein kyunki woh sarkar ko apna kaam nahin karne deta hein.” This is the considered opinion of my trainee public information officer at the village level. He’s had to sit through a whole day listening to me going on about the importance of the new Right to Information Act, open government, fullest disclosure, reducing corruption, helping the poor and he is sure the heat’s gone to my head. But now enough is enough. He thinks I am naïve and wants to set me straight. Damn the citizen. He doesn’t care just as long as they don’t come asking things.

Nothing has changed

It’s been more than 20 months since the “legendary” law was passed. Governance is supposed to change. But the oxygen of democracy hasn’t woken up the lower officialdom. *Mai baap* is still comatose. Government swears they have all been to training. I am just giving them a bit more — it’s all in the name of the people’s government. But the 50-odd — and believe me they are odd — officials are not about to give up their so long held ignorance without a strong fight.

The first hour tells me they know nothing about the Act. They don’t know what information can be given; they don’t know what should be withheld; they have little

ideas about fees, rules, applications, formats, timelines or penalties. The second hour tells me that all they want to know is how not to give information, what information cannot be given and can information be denied to some people. They are not even willing to consider providing the information that is supposed to be published by government departments all over the country by law.

Government property

They honestly believe that all information belongs to the government and should be held closely by its guardians. They can't imagine how citizens are entitled to it. I explain: They are public servants. They collect information only for public purposes — not for their own purposes. Information is collected, organised, collated, and stored with public money, which also pays for their salaries. I repeat, you are public servants. The public is the owner of the information. The idea is radical. But it sinks like a stone. They stare back at me. I may have logic. They have power. They are unconvinced.

They try another tack — the well-trodden path of all public servants from judge to police to collector to mamlatdar. "We are overburdened. We have a hundred things to do. Now this additional burden of providing information. Government is busy making laws — implementation falls upon us. Our service conditions are bad, we have no infrastructure, no facilities, one order from our senior and leave all other work and attend to him. And now an information request comes in and we have to start fulfilling the request."

They viewed the Act with deep suspicion and requesters of information with even more fear and loathing. Villagers, they explained to me patiently, are not all that innocent. Twenty years' experience convinces that in fact they were downright wicked. It's the baddies who come around asking awkward questions. The good ones beg humbly and get it from them anyways. The others only ask so they can sell the information and they were damned if they were going to be trained into helping *aam nagriks* (ordinary people) make money at their expense. Of course the fact that they made money on nearly every small transaction like providing a villager a free below-poverty-line application form was passed off lightly as a perk of a dull job and tedious existence. I point out that I myself, madam from the city, have asked for information: about birth certificates, about ration cards, about public works in my neighbourhood. I tell them about one incident.

It took me a dozen visits to the office before I could actually give in my application. Either the officer was not there, or his clerk was away or there was no electricity. Finally when I got the power in the chair, his duty was clear: "Madam," he said, "a successful officer is one who never says no and never does anything". That way he never gets into trouble. Madam *duniya aasha pe jeeti hein*. You also keep the faith. You may just get the information one day." With a little bribe of course I could always get the information. But if it was the kind of information that would show up malpractices then it was never going to be given. At my story's end there was no comment. Perhaps my audience was pondering the wisdom of the Successful Officer or filing him away as a model for future use.

Duty-bound to disclose

The afternoon was wearing on. I was getting impatient with the stone-walling and excuses. Did they know they had a duty to disclose, I asked. Did they know about Section IV and proactive disclosure: that is information which departments must make available even without any request? Information about a department's organisation, functions and duties, the power and duties of its officers with their remunerations, the procedure followed in the decision making process, channels of supervision and accountability, the norms set by it for the discharge of its functions, the rules, regulations, instructions, manuals and records, held by it or under its control or used by its employees for discharging its functions and a statement of the categories of documents that are held by it or under its control was to be prepared and made available and accessible to all by October 12, 2005. Every department was given 120 days to get this information ready.

Did they know I asked? Clearly they did not. Well, I said slowly. Did they know that they could be hauled up before the state information commissioner and may personally have to pay a fine that can go from Rs. 250 to Rs. 25,000. There was a slow stirring. This was information to be absorbed. The sudden angst in those sluggish eyes, I have to say, gave me a moment's pleasure. But then I thought, how could it be different.

Old habits

Here, sitting before me was 4,000 years of certainty that power belongs to rulers. Their entire training only reinforced their position as legitimate power holders. It taught them to differentiate between "us" and "them" and carry that mindset through

decades in service. Even now no one in authority was telling them any different and here I was asserting my right to question their behaviour. It was pure effrontery. But, like it or not, the law is the law. It is here to stay. Disobey at your peril. I thought I had made a difference. But then on second thoughts I was quite sure that I had not.

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