



सूचना के जन अधिकार का राष्ट्रीय अभियान

NATIONAL CAMPAIGN FOR PEOPLE'S RIGHT TO INFORMATION

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PRESS STATEMENT

The National Campaign for People's Right to Information (NCPRI) is disturbed by the controversy surrounding the appointment of the State Chief Information Commissioner for Karnataka. Apart from expressing solidarity with the concerns raised about the said appointment, the NCPRI would also like to express its discomfort with the method by which the appointment was made and the tendency to appoint retired civil servants as information commissioners.

The Right to Information (RTI) Act specifies that "The Chief Information Commissioner and Information Commissioners shall be persons of eminence in public life with wide knowledge and experience in law, science and technology, social service, management, journalism, mass media or administration and governance." Therefore, it is obvious that the Act does not restrict these posts to former or serving civil servants. Besides, it cannot be assumed that a civil servant, just because he or she heads a state administration or a central government department is, *ipso facto*, a person of eminence in public life.

The Information Commission is the appellate authority under the RTI Act. Therefore, it would be called upon to objectively adjudicate on disputes between the citizen and the government. If the Commission is to be manned by retired chief secretaries or secretaries to the government of India, often the information sought to be accessed would deal with matters that were directly or indirectly under their charge when they were in service. Consequently, it would be difficult for them to be objective, and even more difficult to appear to be objective. Perhaps that is why there is a judicial convention where judges recuse themselves if there is the remotest possibility of a conflict of interest. In fact, there is now a healthy tradition of judges not becoming chief justices of their home states.

In order for the RTI Act to succeed, there has to be a change in the mindset of the bureaucracy. The law will only work if the bureaucracy accepts that they have a constitutional obligation to be transparent, and realises that it is no longer acceptable for them to block whatever information they can, subverting the spirit of the Act while abiding with the letter. However, this change in mindset will not happen if the information commissions are manned by other bureaucrats who not only share the existing mindset, but encourage it.

Most important, the process of identifying information commissioners must itself be a transparent one. Though the final selection is made by a distinguished panel, the government must be willing to publicly justify how these panellists meet with the prescribed qualifications and why they are among the best so qualified.

While expressing our preference for commissioners who are not from the government, the NCPRI is not against the appointment of all serving or retired government servants. However, care has to be taken to ensure that those selected are truly eminent, suited to the job in hand and are not made to adjudicate matters relating to their own erstwhile departments or charges.

Aruna Roy

Shekhar Singh

On behalf of the Working Committee of the NCPRI

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