

Assertive citizenship taking root

September 28 is being observed as the Right to Know day by the Freedom of Information Advocates Network, a global group of NGOs working for better transparency in governments. An **India Together** report on the recent strides citizen activity has made in India on the right to information.



September 28, 2004 - Recent developments in Delhi, Maharashtra and Karnataka indicate that both awareness and usage of right to information (RTI) laws are gaining ground and examples of tenacious use are springing up. The promise of greater and sustained transparency gains is becoming brighter.

Maharashtra

The Mumbai Police Commissioner has recently admitted to past mistakes of allowing unbridled and illegal interference by politicians in Police Transfers for many years. Besides warning all officials submitting themselves to political interference, he has initiated a process to prevent interference in future. Significantly, this outcome is the result of several RTI applications by Shailesh Gandhi, a Mumbaikar.

According to section 413 of Maharashtra's Police manual, the law does not permit anyone outside the police force to recommend or order transfers. Gandhi's initial applications for information regarding suspension of Rule 413 met with much obfuscation and denial. However, a tumultuous year later, it has led to some real soul-searching in the Police Commissioner's office. This is attributed to the deterrence value of RTI applications.

As per the Maharashtra Right To Information (MRTI) Act, a citizen has the right to ask most government organisations for information through the Public Information Officer – PIO. The PIO must be appointed in all state government organizations and must give the citizen the information within 15 working days, or in some cases 30 working days; if there is a delay in giving information, a penalty of Rs 250 per day is leviable on the PIO personally; if there is a delay in giving information by the PIO, or the reply is unsatisfactory, an appeal can be made to the Appellate Authority – AA – appointed by the head of the organization; the AA must dispose of the appeal within 30 days, or in some cases 60 days; if the AA's decision is not satisfactory, a citizen can file a second appeal to the state's Lokayukta, the final appellate authority.

On the sensitive police transfers matter, Shailesh Gandhi began by seeking information about the number of recommendations received for transfers and the details of the disciplinary action taken (as required by Rule 413 of the Police Manual) or notices issued to the police personnel to whom the recommendations were made. After a series of (unjustified) rejections by the PIO and the AA and interventions by the Lokayukta, the citizens' Right to Information triumphed. Although starting with complete denial, the Police Commissioner not only accepted the tradition of unlawful recommendations for transfers, but also took action against 71 officers and 64 policemen. Moreover, note has been taken of this in the service books of the people concerned and a strict warning has

been issued to everyone discouraging them from resorting to this illegal practice in future.

Gandhi believes that while neither the violations under the MRTI he faced along the way nor the years of wrong practices vis-à-vis political interference in Police transfers can be undone, persistent use of the RTI can certainly reduce this type of corruption and misgovernance. Gandhi also found it very encouraging that the Police Commissioner effectively acknowledged past mistakes and sent out a strong signal to prevent the same in the future. Satisfied by this response, Gandhi withdrew all his appeals asking for penal provisions in this matter, even though he could have insisted that officers be penalized.

As is being observed in other parts of the country, the mere questioning of (illegal) actions using the RTI process is becoming responsible for some change; in this Gandhi's applications precipitated a major change in position against corrupt interference within the police department itself. In the hope that many more such efforts by citizens can change the nature of governance, Gandhi plans to seek information from the state's Police department every six months. He expects that this will ensure political influence does not revive.

On another front, Pune based Shahid Burney using the RTI law to expose malpractices in construction and extension work undertaken by Pune Rural Police. The police denied having undertaken any construction work and passed on the buck to the Grampanchayat, but the state's Block Development Officer unmasked the misdeeds of the police stating that it is the Police who're the real culprits.

Round up

For the last two years, September 28 has been observed as the Right to Know Day in many nations after the Freedom of Information Advocates Network decided this at the global network's formation in Sofia, Bulgaria (2002). But this September 28 is a special one for many states in India. With Delhi and Rajasthan taking the lead in the north, Karnataka in the south and Maharashtra in centre-west, citizen pressure for open governments is growing stronger. ?

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