

The pressure for accountability

Right to Information can help even citizens to keep tabs on government expenditure and behaviour

BY SUBRAMANIAM VINCENT

Walk into a government department in the United States, or EU nations and ask to see some public records, and chances are high that you'll get a timely response. Access to government information in those nations is usually a hassle-free affair, with the Right to Information laws (RTI) seeing regular use. In itself this isn't so surprising. A better climate of public integrity has developed in these nations, and citizens and government are an equal part of it. The 'systems' are in place. In India, on the other hand, access to government information is poor, particularly for the tiers of government closer to home — local and state. There is a Central Freedom of Information law, but its rules have not yet been announced. Nine states have their own Right to Information laws, including Karnataka. But it is one thing for these laws themselves to be passed, and another for government accountability to be advanced in practice. The largely adversarial as well as collusive attitudes that exist between the government and taxpayers does not make things any easier.

Not in place?

But recent developments in the country indicate that public access to information may have already begun improving. In 2002, when Delhi-based right-to-information pioneer Parivartan attempted to make that state's RTI law work, municipal officials rejected applications saying that their 'systems were not in place'. But Parivartan — an informal network of citizen activists — has led residents of several localities in Delhi with RTI applications, appeals and public meetings over public records. Directly as a result of this, in many localities, ration supplies for the poor, hitherto siphoned off, have improved and road works are following schedules and specifications.

The designation of the Delhi Public Grievance Commission (PGC) as the independent appellate authority has helped. The PGC has been proactive and the procedure for filing an appeal with the PGC is a non-cumbersome affair. The PGC's appeals process also determines salary deduction penalties on errant officials. The law itself has been strategically helping citizens by improving services in their own areas. And despite allegations levelled at Parivartan, the network has been able to demonstrate its non-partisan nature.

Karnataka's RTI law, however, has been crippled by a partial implementation. The state government has not notified designated officers per department to handle information requests. In one case, the state's Pollution Control Board has said that the state's RTI law did not apply to it! Another RTI application from Bangalore was rejected at the state's final appellate authority, the Karnataka Administrative Tribunal (KAT) because the KAT wanted the government department's response in writing, the precise absence of which had caused the appeal in the first place. Despite this and other difficulties, Karnataka's citizens have not lagged behind in pressing for access to information. Amongst the simplest and yet most instructive uses of the RTI law in Bangalore has been the experience of S N Subramanya of Benson Town. This 73-year old retired PSU official used the RTI law to obtain a list of

spillover works for two of the city's wards for 2003-4, compared this using the previous year's list of works and found around 20 cases of works worth Rs 43 lakh that were completed and paid in 2002-03, but were also paid again in 03-04 with the money going to different contractors. (Pulikeshinagar ward, popl: 42000, area: 2 sq.km).

There are two noteworthy points here. First, that the senior citizen was even able to get a works list in response to an RTI request. Second, the ability of citizens to zoom into the specifics of how and where their tax rupees have been pilfered away is better than the alternative — armchair discussions about corruption without detail.

State initiative

But Karnataka is also seeing successful citizen organising on access to information that does not rely on the RTI law, and yet has made it incumbent on local governments to release information. Janaagraha has been coordinating a regular works review process between residents associations of several Bangalore wards and officials. The PROOF campaign has turned Bangalore's municipality into a pioneer by making it publish its quarterly financial results and engaging with city administrators on the larger issues of the city's financial management.

There can be no backing away from the need for an effective RTI system in India. But it must be noted that in most advanced nations with higher public integrity, RTI may not have by itself led to consistently good governance. RTI laws are a systemic check on an otherwise responsive system from deteriorating. If anything, the spread of experiences in Karnataka and Delhi are pointers to the multiple gaps that need plugging. In the meantime, citizens and government have already begun thinking differently about each other, especially on access to information.