

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.

Karnataka

On September 6, the High Court of Karnataka ordered the Bangalore Mahanagara Palike (city municipality) to respond to a long ignored RTI application under the Karnataka Right to Information Act (KRIA), giving municipal officials 24 hours to respond. The petitioner Wilson Paes, a Bangalore resident, had applied in December 2003 for detailed budgetary allocations on a storm water drain desilting project in a city locality. Both the competent officer -- the municipal Deputy Commissioner -- and the first appellate authority, the Special Commissioner, ignored Paes' request.

While issuing his directive after the preliminary hearing, Justice K L Manjunath left open the question of a penalty of Rs.2000 on the Deputy Commissioner as required by KRIA, indicating that more developments are likely in this case. Also, other petitions on ignored citizen applications are likely to come up at the apex state Court in the near future. RTI expert and advocate Sadashiva Reddy is pioneering this process at the Courts. The Court's ruling sent a clear warning to officials of local bodies as well as state government departments that it would not tolerate the 'business as usual' attitude of public servants.

Reports of increasing usage of the RTI system have emerged from many districts in Karnataka. In Shimoga, a consumer forum had penalties imposed on a Block Education Officer who had tried to deny them information related to the Sarva Shiksha Abhiyan scheme. In Udupi, citizens group conducted training programmes for government officials of local bodies and workshops for school & college students and teachers. Using the RTI law, they were able to get information from engineering and public works departments, as well as from a government hospital. In Davangere, a citizen uncovered using RTI that a road claimed to be 30 feet wide on paper was actually 20 ft wide. In Harapanahalli, an NGO conducted a social audit with information procured using the RTI law.

These and several other experiences were highlighted at a consultation meeting held on August 28 at Bangalore on the status of Karnataka's RTI law and the

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inadequacies in its implementation by the government. The meeting was organized by the 'KRIA Katte', a network of individuals and NGOs pursuing effective implementation of KRIA in the state.

Significantly, in addition to legal experts and civil society organizations, the meeting drew participation from top officials at the Department of Administrative Reforms (DPAR) and the Department of Parliamentary Affairs and Legislation (DPAL) of the state government. The DPAR is the point organization in the state for making the RTI law work. As part of a healthy interaction on various legal and practical matters, the DPAR under-secretary Poonacha reiterated his department's commitment to make the KRIA law work and committed to citizens that he would look into complaints about lack of response very seriously.

One of the reasons the KRIA Katte organized the consultation was the worrisome government position that it would repeal KRIA if the Central Freedom of Information legislation was brought into force. While the DPAL secretary Dakshina Moorthy took a softer stand at the meeting and indicated that the state law could coexist with the imminent Central law to extent parallel operation was feasible, legal opinions did not converge. The general conclusion was that until it was clear whether and when a Central law may come into force, and until the separate coexistence matter was clearly sorted out by the governments, citizens are better off continuing to use the state RTI laws and indeed, push for more reforms to the law.

Karnataka's small but growing group of RTI users is aware that the KRIA system has a major bottleneck that has made it easy for government departments to ignore RTI applications. Citizens are unable to have their petition heard at the Karnataka Appellate Tribunal (KAT), the state final appellate authority for RTI petitions. This is because as per KAT rules, the state government or local government office concerned must have disposed off the original RTI request in writing -- something most public officials don't do, especially when they do not want to respond to a citizens application. In fact, it is this blockade that prompted Wilson Paes and Sadashiva Reddy to go to the High Court in the first place. That the Court responded in favour of relief to the citizen, and speedily, has been widely seen a positive sign for the future of RTI in the state.

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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