

# FC for MES

## Session-1: “RTI: A Boon or a Bane?”

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# Context

- RTI Act came in to effect from 2005 i.e 17 years ago.
- Has it made the MES administratively more efficient?
- Exercise: What have been you experiences RTI-Positive & Negative?

# Objectives of the Session

- At the end of the session you would be able to
  - Explain the human perspective to the historical background to enactment of RTI Act
  - Describe the Progress made in RTI Compliance



# Human perspective to the historical background to enactment of RTI Act

- How many of you have a direct experience of visiting a government office for a service?
- What has been your experience?



# Rights Perspective

- Rights- enshrined in the Constitution of India
  - Fundamental Rights- cannot be alienated
  - Legal Rights- Not absolute



# RTI Scope

# Rights Perspective

- **Right to Information has been judicially recognized as part of Article 19(1)(a) of Indian Constitution**

**“All Citizens shall have the right to freedom of Speech and Expression”**

- **For proper enjoyment of freedom of Speech and Expression, it is imperative that **correct information** is available to the Citizens.**



# Rights Perspective

- “Lack of **Transparency** was one of the main causes for all pervading **corruption** and Right to Information would lead to **openness, accountability and integrity**”-*Soli Sorabji*
- “Free flow of information from the **Government to the people** will not only create an enlightened and informed public opinion but also render those in authority accountable”
- *Mr. V.P. Singh, Prime Minister of India (1989)*







THE  
**RTI**  
STORY

POWER TO THE  
PEOPLE

**ARUNA ROY** with the MKSS Collective

Foreword by **GOPALKRISHNA GANDHI**

ROLI BOOKS

# What is NCPRI ?

- National Campaign for Peoples' Rights to Information- Aruna Roy & Nikhil Dey



# Plight of Rights

- **Excerpted from the book – *Right to Information***
- ***My **dreams** have the right to know***  
*Why for centuries they keep getting shattered, never get fulfilled!*
- ***My **hands** have the right to know***  
*Why for years they have remained unemployed – have no work even today!*
- ***My **feet** have the right to know***  
*Why they have to walk from village to village – why no sign of a bus!*
- ***My **hunger** has the right to know***  
*Why grains rot in godowns and not a fistful for me!*



# Plight of Rights

- *My **old mother** has the right to know  
Why no pills, no needle, no clinic – nothing for bandages, for stitches!*
- *My **children** have the right to know  
Why they have to toil day and night, why no school in the village!*
- *My **fields** have the right to know  
Why the huge dams are built and yet my crops are lifeless!*
- *My **rivers** have the right to know  
Why factories pour poisons, as if rivers have no life!*
- *My **forests** have the right to know  
Where are the branches, leaves, stem and soil gone, why not a spring in sight!*
- *My **village** has the right to know  
Why no power, no roads, no water, why no ration shop open!*



# Plight of Rights

- *My **settlement** has the right to know  
Why our homes are razed and ruined without a trace!*
- *My **votes** have the right to know  
Why big promises one fine day, no work for five years!*
- *My **Ram** has the right to know,  
Rahman has the right to know  
Why the blood flows in the streets, are we all not  
humans!*
- *My **life** has the right to live  
What is life without rights – it's no life!*

# Obligations to protect rights

- Signatory to UN Convention on Human Rights
- Suitable Amendments to Official Secrets Act
- Democracy-of, by, for People



# Learning Objective-1: Summary

- Right to Information is Fundamental Right
- Adopt the attitude to “information is for sharing”
- Develop Empathy (you may be on the other side)



# Learning Objective-2: Progress on RTI

- Exercise
  - What steps were taken by MES to become RTI Compliant?





# Learning Objective-2: Progress on RTI

- Jung se jyaadaa log us ki tayaari mein mare



# Paradigm of Sequential Adoption, YP Singh & Uday Pareek



# Learning Objective-2: RTI compliance

- Denial stage- stretching to 15 years
- **Goa governor reverses decade-old stand on RTI, says will honor info requests**
- Goa governor PS Sreedharan Pilli, who brought his office under RTI Act, said: “People are supreme rather than the governor, chief minister, or opposition leader... They are not the boss of the people”.
- Case of o/o CJI of SC under RTI



# Learning Objective-2: RTI compliance

- RTI Fee drawn on "Accounts Officer IAF" was rejected
- CPIO- AF Naval Housing Board not PA (AoA is Ex-Officio chair)
- CPIO-AF School Sarsawa not a PA
- Non Public Fund Ventures- AFWWA, Canteen, AF Schools, etc not PA
- Pradip Solanki (Guj) land allotment case-don't ask information in question format?



# Learning Objective-2: RTI Compliance

- Organisation and Activity- Which is to be exempted?
  - Suicide cases in DRDO
  - Civil works in Defence establishment-BRO
  - Personnel matters- case of I&CAD Dept in Telangana
  - Procurement process



# Learning Objective-2: RTI compliance

- Organisation and Activity- Which is to be exempted?
  - Vijay- Air accidents, causes, remedies-denied under 8 (1) (a) & (j)
  - Ronald Levis- Copy of notification of 116 DOC Course-denied-ordered
  - Dalvir Singh-Court of inquiry, charges- denied 8 (1)(e)-ordered
  - Kunal Kumra-PR copy-denied 8 (1)(e) & (j)-ordered
  - Kirata Ram-Pension cases-denied-ordered



# Learning Objective-2: RTI compliance

- Organisation and Activity- 3<sup>rd</sup> party
  - Air Force School-Run by Society (Info not held- can get from RCS)
  - Court martial records of Hindon Air Base-denied-ordered
  - Employee ID, Service book, etc-denied (father-in-law)
  -



# Learning Objective-2: RTI compliance

- We are still only learning about RTI
- Who used it so far?
- **In 15 years, RTI has gone from Indian citizens' most powerful tool to an Act on life support**
- Chief Information Commission and its state counterparts have an unwritten rule about not penalising erring public information officers who discourage RTI applicants.

[MANEESH CHHIBBER](#) 24 June, 2020 10:34 am IST

- U.O Note of CS Telangana State





# Learning Objective-2: RTI compliance

- Attitude types
- Want to give information
- Want to deny information
- Want to give information
- Section-4 (1)(b)
- Systems review
- Want to deny information
- Many ways (including Section-8)



# Learning Objective-2: RTI compliance

- Lets read Section-4 (1)(b)
- Lets read Section-8



# Learning Objective-2: RTI compliance

- Vexatious nature
  - Sanjeev Sharma filed >3,500 applications (over all >6000) with CIC.
  - 1,282 Appeals
  - CIC Gave stern warning



# Questions?



# **Session-2: Linkage between Information & Accountability**

# Objectives of the Session

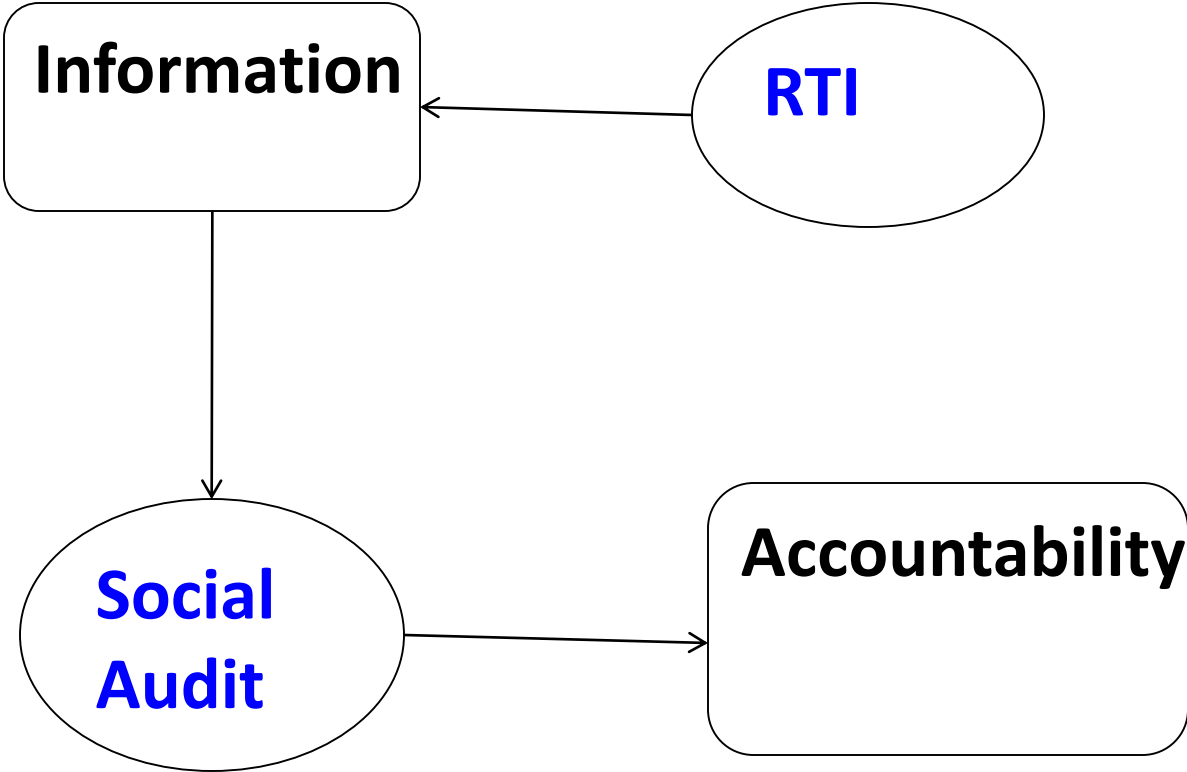
- At the end of the session you would be able to
  - Narrate the Process of linking Information obtained through RTI to accountability of Public Authorities
  - List out steps that could be taken to make RTI non-relevant



# Learning Objective-3: Steps for Linking RTI Information to Accountability



# RTI – THE FULL SCOPE





# Social Audit Process

- Apply under RTI
- Obtain Information
- Visit Locations of information
- Joint verification
- Jan Sunvai (Public Hearing)
- Follow-up Action (recovery/disc . action)
- Ombudsman-mobile courts



[https://www.youtube.com/watch?v=s-  
uHoq9ge4E](https://www.youtube.com/watch?v=s-uHoq9ge4E)

[Social Audit Film](#)

# Learning Objective-4: Make RTI Non-Relevant

- Comply with Sec. 4(1)(b)
- Understand correct interpretation of Sec-8
- Review and revise all internal work processes-  
make them less discretionary
- Digitise all documents and keep them safe as  
per Dept codes
- Renew Internal inspection processes



# Learning Objective-4: Make RTI Non-Relevant

- Indicators to monitor
  - Number of cases coming to 1<sup>st</sup> appellate
  - Number of cases going to 2<sup>nd</sup> appellate
  - Number of cases going to courts



# Learning Objective-4: Make RTI Non-Relevant

- Drive away misnomers
  - RTI does not ask for information not held
  - RTI does not ask for interpretation of act/rule
  - RTI does not set rules for holding records



# Transformation required

**Government Employee is no longer a Government  
Servant.**

**He/She has to transform to a *Public Servant*  
*in Letter and Spirit.***



# Questions?



# Further Readings on RTI

- RTI by R.S. Tolia
- Important Television Debates, Articles, Interviews, Books & Lectures[[edit](#)]
- 15 Years of RTI, Nikhil Dey in Frontline Magazine, December 2020<sup>[16]</sup>
- [Pustak Lokarpan Lecture](#) by Aruna Roy, November 2020
- Bhaskar Prabhu on [Brihanmumbai Municipal Corporation](#)
- [Six Years On, Lokpal is a Non-Starter, The Hindu](#)<sup>[17]</sup>
- Moneylife Foundation Annual RTI Lectures: "[Is Good Governance the Right of a Citizen in Democracy?](#)", Sept 2019
- 5 November 2001, Noam Chomsky on '[Militarism, Democracy and People's Right to Information](#)' at the Delhi School of Economics
- Capturing Institutional Change: The Case of the Right to Information Act in India, 2021, by Himanshu Jha <sup>[18]</sup>



# Further Readings on RTI

- Priya Rathi, RTI Act 2005 (As intern with CIC, 2018)
- Astha Khare, Exempted Organizations, Sec-24 of RTI Act (As intern with CIC, 2018)

**Thank You  
for your Attention**

