

THE GOVERNMENT'S ATTITUDE TO THE RIGHT TO INFORMATION ACT

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BBC News had carried a feature some weeks ago reporting the prohibitive cost of obtaining information through the Right to Information (RTI) Act in India. A farmer in Chattisgarh who had asked for information on paddy purchases in his area was given a bill of Rs. 1,82,000 for costs that were allegedly incurred for photocopying the official documents relating to the purchases. The documents filled an entire room. In another incident, a resident of Bilaspur district, Chattisgarh was told to pay Rs. 75,000 for information he had requested on the positions available for schoolteachers.

The village council official of Bilaspur said that they do not have the money to provide information to people. In Chattisgarh, a person who demands information has to pay Rs.2 for every photocopied page of official documents. Authorities say that ever since the law was passed, the poor have risen to demand information from the government but the government does not have money to supply it. The Chief Minister of Chattisgarh has stated that well to do people are using the poor to get information free from the government. He stated that the law should be changed to allow the officials to examine whether the requested information is useful for the person asking for it.

These incidents should not have happened. All this is geared to defeat the purpose of the RTI Act, which is essentially to introduce transparency in governance and to check corruption. These actions can be attributed to one of two reasons. The first, a deliberate attempt to intimidate those seeking information so that misdeeds and corruptions are not exposed. The second, which is far more likely; that there is lack of familiarity with the law and no application of mind to the provisions of law in order to enable people to access information.

A huge bill has been handed over to a poor farmer whereas it is clearly provided under proviso to S. 7 (6) of the RTI Act that the fee shall be reasonable and information should be provided for free to persons who are living below the poverty line. Thus the act of State Public Information Officer is in clear contravention of the provisions of the law.

The information officer is required under S. 7(3) of the RTI Act to intimate the applicant how much it will cost to prove the information alongwith the calculations made to arrive at the amount. He is further required to inform the applicant of his/her right to review the decision regarding the amount of fees charged or the form of access provided as well as the particulars of the appellate authority. Instead of applying his mind, the SPIO has handed over an enormous bill running into lakhs of rupees to a poor farmer. This is in clear violation of the legal provision.

The law gives ample discretion to the Central or State Public Information Officer under S. 7(9) to assess whether the form in which the information is

sought would disproportionately divert the resources of the public authority. Accordingly the SPIO should have sought clarification from the applicant as to what particular information he/she wished to have. He should have facilitated the applicant's request for information and intervened if the information sought was unclear and would result in bulk copying of documents. Instead of providing a stack of photocopies without application of mind to its relevance and which resulted in avoidable expenditure of public resources, the applicant should have been guided and informed of the expenditure and be given the alternative to inspect the files and file notings and then take the photocopies of only the most relevant portions.

The claim of the official that the government has no money to provide the information is inadmissible and holds no ground. The cost of photocopying an official document is charged @ Rs2/- page, which is not a reasonable amount. Photocopy machines are already installed in government departments and can be used at nominal cost. Even if the photocopying is done at a commercial establishment, the costs vary from 50- 75 paise per page.

The proposal of the Chattisgarh government to seek changes in the RTI Act that will allow officials to determine whether the information sought is "useful" to the applicant is absurd and could be judged to be malafide. The RTI Act was legislated after a great deal of debate and discussion within civil society and with officials and government departments. The result is a consensus legislation, which has at its core good governance to enable development from the grassroots up in a functional democracy. Instead of trying to derail the Act, the Chattisgarh government would do well to educate itself and train its officials to interpret and implement the law so as to achieve its goal.

Providing a stack of non relevant information and handing over a bill close to two lac rupees is not only a waste of public resources but appears to be a tactic to deny information and deter others from seeking information from the government. If the intention of the government official was infact to provide relevant information, it is not hard to see that the applicant was seeking the status and availability of the positions for schoolteachers. What was the motivation that led to the photocopying of application forms of 9000 applications for the post and billing the applicant for this mindless act?

The objective of the RTI Act is to improve transparency in public working but the incidents mentioned above reveal the resistance of the government officials in question to open up their functioning to scrutiny. They are unwilling to provide information and when they have to; they resort to creating hurdles by way of senseless application of provisions of the Act. These incidents underline the great need for a public information campaign to engender a rights literacy program so that the public can become aware of its rights and have full knowledge of the legal provisions through which it can exercise its rights.