

## Changing Contours of RTI



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In last month's column we focused on progress of RTI in Bangladesh in the last one year. Due to space limits we could not provide examples to show the changing contours of the applications and the subjects on which they were being made. We intend to do so in this month's column. However, to contextualise the examples, it may be useful to recall the key objectives of RTI first.

The Right to Information (RTI) or Freedom of Information (FOI) regimes evolved globally following the end of World War II premised upon people's sovereignty over all state affairs. Under this concept, all powers of the state belong to the people, therefore, all activities of state organs must be open to them. People, or more specifically citizens, have the right to monitor, query and oversee their work. RTI/FOI laws simply provide a legal basis for citizens to demand and obtain information from public authorities on their work, except for a few exceptions related to state security, foreign affairs and individual privacy. By asking for relevant information in the non-excepted fields, citizens promote adherence by public officials to laws and rules of the land. This contributes to transparent and accountable governance.

In short, the ultimate goal of RTI is to change the way government relates to citizens. It seeks to change the secretive, close-door practices of the past and replace it with a more open and citizen-friendly official culture. The hope is to achieve systemic change whereby public authorities become ever sensitive to peoples' concerns and responsive to their demands.

It is too early to say if RTI is contributing to such systemic change in Bangladesh. Readers may form their own views from the trends the examples below portend.

However, to understand what to expect, consider the following examples of India's experience after a decade under RTI.

A survey by an Indian RTI observer, Shyamlal Yadav, published in The Indian Express in its October 28, 2015 edition, has identified “10 ways in which RTI has changed the functioning of the (Indian) government and officials.” They include the following:

**Restrictions on Ministers' foreign trips:** An RTI-based investigation conducted in 2008 revealed that union ministers had made overseas trips equivalent to 256 rounds of the globe. Irked by it, Prime Minister Manmohan Singh wrote to all ministers asking them to cut expenses on foreign travels. A subsequent RTI intervention showed significant fall in government spending on ministers' foreign travels.

**Restrictions on Bureaucrats' foreign trips:** Several reports based on RTI interventions exposed huge amounts of public money spent by bureaucrats for their foreign trips. As a result, government circulars were issued asking departments to put details of their foreign trips on official websites.

**Disclosure of Ministers' and Bureaucrats' assets:** Based on RTI questions put to Prime Minister's office and the Cabinet Secretariat in 2009 and a CIC directive to the authorities to respond to the queries, all ministers began submitting details of their assets and liabilities to the government. This has now become a norm. Similarly, the assets and liabilities of every civil servant are now available in the public domain and updated annually.

**Judges' assets:** An RTI application in 2010 to the Supreme Court seeking implementation of a 1997 resolution requiring judges to declare their assets to the Chief justice, led the Chief Justice of India to take the position that his office was not a “public authority” under RTI. The legal battle which ensued is still ongoing. But the office nevertheless posted details of assets and liabilities of all judges on its website. This practice is being followed by several state High Courts.

**Exam results:** As a result of RTI interventions asking for mark sheets, answer keys, etc. related to government jobs, the selection processes of UPSC, IITs, UGC, etc. have become more transparent.

**Personal staff of MPs, Ministers:** An RTI based investigation by The Indian Express in 2013 revealed that 146 MPs had employed close relatives like fathers, children, spouses, etc. as “Personal Assistants” to keep the sanctioned Rs 30,000 within the family. This prompted the Rajya Sabha Ethics Committee to intervene and the NDA government issued specific directions to put an end to such practice.

**Accessible file notings:** After several interventions by the CIC, in 2012 the government made file notings available under the RTI Act. This has put pressure on bureaucrats to write file notes more carefully.

**Scams exposed:** The RTI Act was used to expose several scams including a housing scam that resulted in the fall of the Maharashtra Chief Minister. RTI was also used in 2G, coal blocs and Commonwealth Games scandals.

**Income tax returns of political parties:** An order of the CIC in 2008 for disclosure of IT returns of political parties triggered a legal battle to bring political parties within RTI fold. Another CIC order of June 2013 declaring political parties to be “public authorities” under the RTI Act has been challenged by the government.

*[This is Part I of the column. Part II of this column which will focus on the Bangladesh experience will be published tomorrow, on November 16.]*

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