

Orissa Information Commission, itself a roadblock to implementation of Section-4 of RTI Act

As a matter of fact, the Section 4, which enjoins upon each public authority to make a proactive disclosure of 17 categories of information about themselves can be conceived as the soul of the RTI Act, and this truth has also been made loudly explicit by the Section-4(2) which says, “It shall be a constant endeavour of every public authority to take steps in accordance with the requirements of clause (b) of sub-section (1) to provide as much information suo motu to the public at regular intervals through various means of communications, including internet, so that the public have minimum resort to the use of this Act to obtain information.” Again, Section-4(4) says, “all materials shall be disseminated taking into consideration the cost effectiveness, local language and the most effective method of communication in that local area and the information should be easily accessible in electronic format with the Central Public Information Officer or State Public Information Officer, as the case may, be available free or at such cost of the medium or the print cost price as may be prescribed.” It means that the public authority is supposed to provide to the citizens instantly all those information, which they must have kept ready out of their obligation for proactive disclosure. And all such information shall be provided not at the cost of fees chargeable against applicants under Section 6 of the Act, but only at the cost of print or medium. The spirit of the provision is that the citizens will not have to make a formal application or wait for 30 days to get the information as required under Sections 6 and 7 of the Act, but they can straightaway walk into any public office, get their names entered into the concerned register and ask for inspecting any file (vide Rule 2-2 of Orissa RTI Amended Rules 2006) or taking a copy thereof, instantly and at the market rate.

Next, as for the timing that each public authority should observe in respect of making proactive disclosures, the opening words of Section 4(1b) make it clear that it should have been in place within 120th day of the commencement of the RTI Act i.e. by 12th October 05. It means that on any day after this date any citizen can access any information of suo motu kind from any public office without having to undergo the hassles involved in application-writing, payment of scheduled fees or a month-long waiting period. Judged in the specific

context of Orissa, Section-4 seems to be a much befitting and portent means for the poor and uninformed citizens to get the information related to their bread and butter compared to the too complex, expensive and time-consuming procedure demanded by the application mode under Section 6. Who knows not that the format for application i.e. Form-A as prescribed by Orissa RTI Rules 2005 is so complicated and frightening and the mode of payment so prohibitive, nay absurd that even a well-educated person feels damn inhibited to apply for any information, let alone a poor and illiterate person.

It is strange but true that the State Information Commission is hands in glove with a coterie of bureaucrats to give a silent burial to the quintessential Section 4 in Orissa. A few months back, the Information Commission has distributed a grant @ Rs.35,000/- to the NGOs, one each in every district for organizing so-called awareness campaign on RTI Act. In the concerned letter issued by the Commission, they have been instructed to centre their Soochana Shibirs round the Section-6 only. This fact clearly indicates that the Commission has deliberately tried to hush up any discussion about the accountability of public authorities including the Commission itself for making suo motu disclosure about them. And a glaring proof of betrayal by the Commission towards the Section 4 of the Act is the fact that they themselves have calculatedly abstained from making any suo motu disclosure of 17 categories of information about themselves on their website (www.orissasoochanacommission.nic.in) till date. And it shouldn't appear strange that the various public authorities in the State just by following the footsteps of the Commission supposed to be their watchdog have paid only a lip service to Section 4, as would be evident from the miserly manner in which they have put some scant information on their respective websites. To our knowledge no office in Orissa has so far readied the number of manuals covering 17 categories of information as required under Section 4 for sharing with the members of public as and when the latter desire to inspect and take an extract thereof.

Last but not the least, the unholy nexus between the corrupt bureaucrats and pliant Commission has become so much entrenched that the Commission in several of its dismissal decisions has resorted to a white lie that the citizen-complainants shouldn't bother about whether a public authority implemented Section 4 of the Act or not. And more

shocking is the fact that the Orissa Information Commission has installed such a foolproof screening device in their office that hundreds of past complaints addressed to them centring round non-compliance of Section 4 by the public authorities were simply thrown into the dustbin. Does this behaviour of Orissa Information Commission not run directly counter to the injunction given under Section 18 of RTI Act which says that it is the duty of the Commission to receive and dispose of the complaints from any aggrieved person who might have experienced obstruction of any kind from any quarter while trying to exercise one's right to information?

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