

V S Das: Towards making right to information act more meaningful

Speech by Mr V S Das, Executive Director of the Reserve Bank of India, at a seminar on Right to Information by Moneylife Foundation, Mumbai, 3 September 2011.

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Hon'ble Information Commissioner, Shri Shailesh Gandhi, Executive Director, Union Bank of India, Shri S. S. Mundra, Secretary, Bank Depositors' Association, Shri Ashok Rawat, Managing Editor of Moneylife Magazine, Ms. Sucheta Dalal, Ladies & Gentlemen:

It gives me great pleasure to participate in this seminar which is graced by the presence of our Central Information Commissioner, Shri Shailesh Gandhi. Shri Gandhi, as we all know, is one of the pioneers who worked relentlessly towards placing the transparency issue in governance right on top of the public agenda in our country. It is thanks to the earnest and passionate efforts of people like him that the Right to Information movement in India has become part of the overall public policy debate for increased transparency in public life. I extend warm congratulations to the organizers on the timely initiative of organising this seminar and providing an appropriate platform to discuss and deliberate the best plausible approach on making effective use of the Right to Information (RTI) Act to the best advantage of society, without needless friction between information seekers and information providers.

As you are all aware, the RTI Act provides a practical regime of right to information for citizens to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority. It rests on the fundamental premise of how citizens can meaningfully express their voice and articulate their concerns on the acts of omission and commission of public agencies. It has been said that "information is Oxygen for a democratic society". Democracy requires an informed citizenry and transparency of information which are vital to its functioning and also to contain corruption and to hold Governments and their instrumentalities accountable to the governed. This truly conforms to the growing recognition of the importance of transparency for effective democratic processes. As the old saying goes, "Sunshine is the strongest antiseptic".

The RTI has empowered Indian citizens who have found a powerful tool to bring measurability and accountability at all levels of governance. This is also being facilitated by large-scale use of the Act by the media and civil right activists to bring transparency and objectivity in the functioning of various public offices. However, the reach of civil society organizations and social activists is limited owing to the geographical size and population and, perhaps, it is due to this that the impact of the Act has yet to attain its envisioned level. Our data reveals that the number of applications we received from the underdeveloped and backward regions of the country was far less in relation to the developed regions. Thus applications from the North-East (Assam: 4 and Tripura: 2) constituted barely 0.1 percent of the 5,087 applications received during 2010–11. If this is generally the case, there is need for educating people in these regions on RTI.

I have been closely associated with the implementation of the RTI Act in my organization right from its inception, first as the CPIO and then as the Appellate Authority and have derived great satisfaction from the assignment. I wish to narrate briefly our own experience in this regard and the challenges that we faced.

- At the outset, the tone was set by our Governor who declared that Reserve Bank of India should welcome RTI Act as an opportunity to improve our corporate governance through greater transparency and accountability. The personal interest taken by the Governor in the implementation of the Act played an important role in sensitizing our staff towards the spirit of the new law.

- We studied systems prevalent in certain other central banks with a view to adopting best practices in systems and procedures. The law was new and its proper implementation was important for the Bank's reputation. Further, it was necessary to maintain consistency in our responses and ensure that the exemptions available in the Act were applied correctly. We, therefore, began with a centralized model with one CPIO who was an Executive Director and the senior most Deputy Governor as Appellate Authority. Later, after about four years, on gaining sufficient experience on what our stance should be on various types of requests, coupled with the fact that increased awareness of the Act had resulted in a significant rise in the number of applications, a partially decentralised approach in the implementation of RTI was put in place with effect from November, 2009.
- Accordingly, dissemination of information under RTI is now being done in a decentralized manner by the Central Office Departments with the Heads of various Central Office Departments and the Banking Ombudsmen designated as Central Public Information Officers and an Executive Director as the Appellate Authority. Further, senior officers have been designated as Central Assistant Public Information Officers at each of our 27 Regional Offices and Central Office departments.
- The RBI website is a storehouse of information on a plethora of topics. We have proactively placed a large amount of information on our website, such as circulars, master circulars, publications and press releases, as also a data base on Indian economy. The Bank has started the process of digitization of records with suitable software solution with scanning, storing indexing and retrieval features.
- At the instance of the Central Information Commission, Reserve Bank of India has formulated a Disclosure Policy under the Right to Information Act, 2005, in respect of the information held by it. The policy, which contains an indicative negative list/classes of information which the Reserve Bank considers as exempt from disclosure under the provisions of the Right to Information Act, 2005, has been hosted on the Reserve Bank of India website. We are probably the first public authority to declare upfront as to what information can be disclosed and what is exempt from disclosure. We believe that such clear enunciation would clear all doubts from the minds of information seekers, and help to bring down the number of requests and also minimize the use of the appellate mechanism.
- Apart from placing the information, as required under Section 4(1)(b) of the Act on our website, we are also placing information disclosed under the Act, if it is of general interest, on our website in a Disclosure Log.
- The number of applications received by us has risen progressively year on year, from 796 in 2005–06 (October–June) to 5,087 in (2010–11). Our disclosure record has been good, with 78 percent of the requests being met in full and 5 percent in part. Only 6 percent requests were declined fully and remaining 11 percent were disposed of in other manner. During the six years of implementation of the RTI Act in RBI, we received over 18,000 requests. Only about 16 % of the requestors went in for first appeal.
- The RBI Top Management and the Central Board of Directors monitor the progress made by us in the implementation of the RTI Act through monthly, quarterly and annual reports submitted by the concerned Division.

Having said this, it would be pertinent to stress that being the country's central bank, RBI is the banker to Government and banks, regulator and supervisor of the financial system, manager of currency operations, custodian of forex reserves etc., and is, therefore, privy to vital and sensitive information, which cannot be placed in the public domain due to its sensitivity and impact on financial stability. The disclosure of such information can hurt the

economic interest and security of the state. Other categories could be information related to exchange rate management, interest rates, information collected in a fiduciary capacity and information which could jeopardize the commercial interest of a third party. Similarly, we also receive and hold a lot of personal information pertaining to our employees as well as other stake holders, such as whistleblowers, complainants, etc., and disclosure of such personal information would not only compromise the privacy of the concerned individuals, but , in some extreme cases, may also endanger their security / life.

All the same, in respect of each and every application, a view is taken after a careful study of the nature of information being sought and the provisions of the RTI Act. The RBI has a positive bias for disclosure in all cases and this has been the guiding principle all along. We have been fortunate in receiving the understanding and support of the Information Commission in this respect through various rulings.

Let me now invite the attention of the Learned Information Commissioner to certain issues.

(i) As the first Appellate Authority, I often refer to the decisions given by Central Information Commissioners on appeals. This gives considerable comfort. However, sometimes we do come across conflicting rulings on the same issue. If this matter could be addressed suitably by the Commission and resolved, it would be a great help to the public authorities and the information seekers alike, as both would know what to expect.

(ii) Central Information Commission can consider bringing Guidance Notes on particular issues or disclosure principles, where there is unanimity among the Information Commissioners. This can be of immense help to the public in assessing the likely approach of the Central Information Commission, in the event of a second appeal.

(iii) I appreciate the convenience provided by CIC, which hears appeals and arguments through video conferencing. Technology is capable of extending this convenience further. I suggest that the video conferencing facility of CIC be linked with those of public authorities directly, wherever the necessary infrastructure is available.

Finally, I would like to flag some concerns observed in some of the RTI applications we receive.

- Very often we receive applications with a multitude of queries relating to different areas/organisations. The number of queries crossed a century in a few cases, but it is quite common to get applications having over 20 queries. Responding to such applications is a herculean, time-consuming task, a strain on limited resources and detracts the office from carrying out its assigned tasks.
- There are quite a few individuals who routinely forward applications, very often repeating the same queries in different forms, which have already been answered. In one of our departments we had to have a dedicated desk to process applications pouring in from a certain applicant. Quite often aggrieved staff members use them more to settle scores than for genuinely obtaining information.

In a recent judgment, the Supreme Court has cautioned: Indiscriminate and impractical demands or directions under the RTI Act for disclosure of all and sundry information (unrelated to transparency and accountability in the functioning of public authorities and eradication of corruption) would be counter-productive as it will adversely affect the efficiency of the administration and result in the executive (government) getting bogged down with the non-productive work of collecting and furnishing information.

The (Right to Information) Act should not be allowed to be misused or abused, to become a tool to obstruct the national development and integration, or to destroy the peace, tranquility and harmony among its citizens. Nor should it be converted into a tool of oppression or intimidation of honest officials striving to do their duty.

Ms. Sucheta Dalal's brief to me said that I should set the tone for the Workshop and that is what I have attempted. This is an excellent forum for users of RTI and the providers of information to interact with each other without acrimony and try to understand and appreciate each other's points of view. I wish the deliberations all success.

Thank you very much for your patient hearing.