

RTI Interview with Social and RTI Activist, Mr. Ranga Rao¹

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Mode: Online



Introduction for Mr. Ranga Rao:

Mr. Ranga Rao is a social and Right to Information (RTI) activist. He has been working for over 10 years with the Public Concern for Governance Trust (PCGT), a Mumbai-based NGO working towards promoting honesty, transparency and accountability in governance. He is a retired civil servant. Mr. Rao has worked as an officer of the Intelligence Bureau of the Ministry of Home Affairs.

Mr. Rao has extensive experience filing RTIs and is passionate about teaching others how to do so. To this end, he volunteers at PCGT helping citizens file RTI applications, and conducts training programs for law and high school students to teach them about the Act and how to use it. He graciously agreed to this interview to share his views on the evolution and drawbacks of the RTI Act, drawing on his vast experience in the area.

¹ As transcribed from the audio link; lightly edited

1. What inspired you to become an RTI activist?

Elements of e-governance were introduced and successfully implemented by Mr. NT Rama Rao, the then CM of Andhra Pradesh in the mid '80s. My professional background was for objective reporting, and I had a passion for accountability and transparency. The Public Concern for Governance Trust (PCGT), headed by Shri Julio Ribeiro, has provided me the necessary platform through the RTI Act, 2005. After retiring, I joined PCGT, and was charged with filing RTI applications of the poor and needy, because of interactions with Mr. Shailesh Gandhi - his talks gave information about drafting the RTI applications.

2. What part of the Act works well? Do you have an example you are proud of where somebody benefited from it?

All RTI applications are generally accepted by public authorities. All those matters, in which the authorities or their political masters do not have any vested interests, are usually replied as per the prescribed norms and within the stipulated time frame.

3. What challenges have you observed in the implementation of the RTI Act? Do you have any specific examples?

- On 12 Oct 2005 it was announced that within 120 days RTI act will come into force - 4 months given to make all data available online. 18 years later - many departments not made online, or not ready for pro bono disclosures.
- 2015 - annual meeting of all information commissioners all over India - conference and exchange of implementation. PM presided over. And said “my government will... such that no citizen will need to file an RTI to seek information”. Will get information without having to ask for it. Hardly put into practice - except in few cases.
- Stopped writing names of first appellate authorities also in offices. Try to intimidate applicants if they ask.
- Have done away with the practice of putting past RTIs filed and replies from PAOs publicly displayed so that people can have their doubts solved just by reading those if they have similar doubts.
- Anand Occupation Certificate (OC) issue - building in Worli - banker wanted to bring OC of flat. No OC found - not possible since building existed since 1970s. Filed RTI. Reply: “file relating to your building is missing” from their office. Appealed for reconstruction of the file - as per Public Records Act - who is the custodian, how did it go missing, since when, Sumit Mullick was the Information Commissioner - 6-7 rounds of appeals with authorities - finally file was traced in CM headquarters - told Mullick - let the appellant go and get document from there. 4 years after 2019 - came up with the answer. Then Mullick retired.

- RTS - right to services act - doesn't include OC - such a pertinent thing needed in metros like Mumbai. Extra money lost by architect, builder etc. 1000 services left out of RTS act since 2015.
- Mr. Ratan Gaikwad's orders were very effective - shows power of the RTI act. Widow who was denied her family pension for 7 years got it in a matter of 3 months.
- The issue of non-sanction/grant of pensions/family pensions of BMC workers immediately after their retirement/death unless the bottom to top officialdom is bribed heftily or pursued through lengthy and laborious process of RTI till the 2nd Appeal with the help of PCGT;

4. If a certain Government department doesn't cooperate, by trying to obfuscate issues or delay in providing information, what recourse is available to the applicant?

1st and 2nd appeals. further, if necessary, to go to High Court, if the 2nd Appellate Authority also fails to provide the necessary and satisfactory information required.

5. Is there any issue of reprisal when taking on powerful officials? What is the recourse to that?

Section 3 of the Act says all Indian citizens are entitled to seek information under the Act; all citizens including government employees in service and retired too; employees in service can act as whistleblowers against any malpractices, fraudulent procedures, irregularities in the delivery of services by the authorities contrary to the laid down rules and regulations; but many public authorities do not like the whistleblowers exposing the same; Eg. the MHADA, BMC, etc., came to notice harassing their applicants and employees for whistleblowing the inordinate and wanton delays in the timely disposal of the cases as the parties refused to pay bribes to the officials; or, say for standing in favour of the victims;

There is no recourse or remedy for the whistleblowers except to suffer and suffer more. There were instances galore of murders of RTI activists throughout the country for whistleblowing the connivance of the authorities with the unscrupulous builders/developers/contractors/architects, etc., for illegal constructions or for some other irregularities.

- in the case of RTI for PM CARES fund – government denied that it is a public authority - newspapers said official was thrown out for speaking in favor of citizens
- In the case of a BMC employee who took up case with colleague - appeared in hearing - he was the assistant. Both skipped work to file RTI, harassed - reported to boss.

- In another instance a person was victimised by his boss. He filed an RTI complaint to understand what is the provision under which he was being penalized. During Hearing the public authority threw him out by force. Physical force.
- In another instance, a person was using prefix Dr. Wanted to know what kind of doctor he is - MBBS, vet, or PhD. they said no info available with them about the qualifications. First appeal - dsp went wild - “how dare you, is it a question to be asked?” no but it is a matter to be disclosed. No need to hide.
- Judges in Tamil Nadu became judges without law degree - pension was stopped, jailed for false documents,

6. What improvements do you believe could enhance the Act’s accessibility and efficiency?

- Strict implementation of RTI Act, 2005 as a whole in general, or at least, Section 4 of the Act in particular in letter and spirit
- Effective monitoring mechanism by the State and Central Information Commissioners in tandem with the respective Heads of various Departments/Offices/Commissionerates, etc., making public their observations of the compliance reports of various public authorities; that apart,
- all government establishments under the purview of the RTI Act, 2005 must be made available online for filing RTI applications, appeals, complaints;
- the timeframe for disposal of 2nd appeals by the SICs must be prescribed;
- the ICs must have the mechanism to have feedback of compliance of their orders against the public authorities;
- Digital Personal Data Protection bill has weakened the RTI act, its pre-eminence should be restored.

7. What role does public awareness and advocacy play in the success of the RTI Act, and how can they be further strengthened?

A very important role, it plays, if the citizens take interest in checking the compliance of the public authorities. One of the obligations of the public authorities is to allow inspection of the files, records of the office concerning the matters of public interest by citizens/RTI applicants. And also, an audit of the designated work done by the PAs to be conducted by the citizens. This is all a part of the checks and counter checks and balances system prevalent in any developed democracy. This is based on the principle that an official is a servant of the people, not vice versa and every public servant, however high he/she may be, is accountable to the taxpayers. This way, the Act can be strengthened and reinforced.

8. To what extent do you believe the RTI Act has contributed to strengthening democracy and empowering citizens in India?

Despite its ups and downs in the implementation, the RTI Act, 2005 has contributed to strengthening democracy because the citizens started feeling that they are empowered and entitled to question the authorities and get their legitimate benefits as per the laid down law. The awareness that the Act is binding on the PAs with regard to the timelines and procedures has instilled a fear in the officialdom that they can't afford to be complacent about the public delivery systems. But it's still a long way for a common man to effectively and frequently hold the PAs accountable by filing RTI applications to keep them under check. For, eternal vigilance is the price of liberty.