

Right to Information

NEWS AND VIEWS FROM WEST BENGAL

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a drcsc initiative

Editorial

The promulgation of the Right to Information Act, 2005 was meant to make the administration and government transparent, accountable and corruption free.

Apart from the role of the appropriate government as assigned in the RTI Act, 2005 itself, there should be a pro-active part of the government to play in the matters of execution of the Act.

Without a definitive role played by the government the Act will remain as a show piece. This definitive role as envisaged in Section 26(1)(a) of the RTI Act, 2005 states, "Develop and organise educational programs to advance the understanding of the public, in particular of disadvantaged communities as to how to execute the rights contemplated under this Act". This very role of the government is meant to make democracy really meaningful by empowering the marginalised sections of the people to crush the culture of secrecy and play an assertive role to cleanse the administration.

State engineered assertion of citizens' right in a democracy has a dual characteristic. This duality is manifest in the theoretical intent of assertion of right and the imbroglis in the execution mechanism by setting aside that intent in reality.

This contradiction is clearly apparent in West Bengal from the condition of the State RTI Nodal Agency, ATI that has only organised seven programs in these four years and that also for information providers. No real intent has been shown to disseminate RTI knowledge to people except a vernacular translation of the Act.

Though, presently, ATI is organising threadbare discussion on various aspects of the RTI Act, 2005 but those also are meant for supply side of the governance delivery system. The content and spirit of Section 26(1)(a) is exclusively meant for demand side of the governance procedure which has been neglected hitherto by the West Bengal government. This is a blatant disregard of the content and spirit of the RTI Act, 2005 and breach of the interest of the marginalised.

The appropriate government in West Bengal should seriously think over such lacunae and proactively engage in the delivery of democracy.

WBIC clears PSC Debris

Sri Arindam Bandyopadhyay of Kadamtala, Howrah made a RTI application to Public Service Commission, West Bengal (PSC) to know his marks in individual subjects and total marks in the West Bengal Judicial Service Examination, 2007 along with his rank in the select list as published by the PSC in March, 2008. Moreover, he sought the total score of written examination and the score of personality test of all the candidates from serial Nos. 1 to 152 appearing in the select list of all the candidates qualified on the basis of West Bengal Judicial Service Examination, 2007. The SPIO, PSC, informed him his individual marks, total marks and the rank but declined to furnish the total score of other candidates seeking exemption under clause 8(1) (j) of the Act. His first appeal was also rejected by the Appellate Authority, PSC.

Sri Bandyopadhyay also pointed out in his supplementary appeal that one Shri Padmanabha Chakraborty was intimidated by the Public Service Commission vide their letter No. 1308/P.S.C. dated 29.5.2008 that he had obtained 482 marks in aggregate. Similarly, vide letter No. 291/PSC dated 22.9.2008 Shri Biplab Ranjan Bose was also intimidated about his individual and the total marks. Though Biplab Ranjan Bose scored more marks than Shri Padmanabha Chakraborty he was, according to Shri Bandyopadhyay, not called for the personality test. This revelation gave more reasons to suspect that many other discrepancies might have occurred in the marks obtained by the candidates. He urged that the Public Service Commission should come forward to disclose the information he has sought to maintain transparency in its public action.

The PSC took the plea of Section 8(1)(j) of the RTI Act, 2005 for non-disclosure of personal information to others. After the hearing both the parties in details the Commission observes that "Transparency should be maintained specially in recruitment examinations to keep the image of instrumentalities of the Government beyond any cloud of secrecy. Since conduct of the examination for recruitment to Government posts is a public activity there should not be any hesitation on the part of Public Service Commission to disclose the marks obtained by all the individuals as argued by Shri Bandyopadhyay. Taking shelter under Section 8(1) (j) on the ground that the information seeker has requested for personal information the disclosure of which has no relationship to any public activity or interest does not hold water".

The Commission therefore ordered that the SPIO, PSC should furnish all information to Sri Bandyopadhyay within a fortnight from the date of receipt of the order.

This is one of the most outstanding orders of the West Bengal State Information Commission which opened up avenues for scores and scores of aggrieved examinees to satisfy their grievance though it may also seem to a few that a Pandora's Box has been opened.

Source: *wbic website*

WBIC imposes Penalty on three erring Govt. Officials

On three different occasions WBIC imposes penal actions against erring govt. officials. The SPIO, Bidhannagar Municipality, Sri Amal Kr. Sengupta has been imposed a penalty of Rupees 7500/- for not providing information to the applicant Sri Shankar Chowdhury and for his persistent ambiguity and evasiveness in dealing with the directions of WBIC vide order dated 07.09.2009.

A maximum penalty of Rs. 25,000/- (Rupees twenty five thousand) has

been imposed on the D.I. of Schools (Primary), South 24 Parganas and S.P.I.O. Shri Debajyoti Boral by WBIC on the basis of RTI applications and consequent appeals made by Smt. Tarulata Giri Mahapatra and Shri Ranjit Mahapatra vide order dated 26.08.2009. The concerned SPIO showed complete disregard to RTI matters and to the law of the land and did not furnish any information to the above information seekers even after expiry of more than one year.



Orientation Program of Govt. officials at Malda Collectorate

In another case the State Chief Information Commissioner has levied maximum penalty of Rupees 25000/- on the Sub-Divisional Controller, Food & Supplies, Purulia on 05.08.2009 based on the application of Sri Jitendra Nath Panda of Balarampur, Purulia. The SCFS, Purulia flouted the orders of WBIC on successive occasions and penalty was imposed after giving him ample opportunity to prove his point.

The Appropriate Government has a role to play in such matters taking into consideration the flouting of the provisions of the RTI Act, 2005 by government officials.

Source: wbic website

District Magistrate, 24 Parganas(North) Show caused

On 05.08.2009 the WBIC passed an order saying "Being extremity aggrieved of the state of functioning of the office of the D.M., North 24 Parganas in dealing with RTI cases the Commission hereby issues a further notice to the D.M. to show cause as to why the Commission should not take penal measures against him to secure compliance with the provision of RTI Act, 2005 and invoke the provision of Section 20(2) of the Act. His reply shall reach the

Commission within 7 (seven) days from the date of receipt of this order". In the same order the WBIC expressed amazement at the state of functioning of the office of the rank of a D.M.

Notes of warning for all officials involved of the district of Hooghly and Paschim Medinipur was also issued vide the same order.

Source: wbic website

Save RTI Campaign

Though no formal coalition has been formed on Right to Information in West Bengal, but many organisations are carrying out RTI related activities and exchanging and disseminating information in the framework of a working relationship. But all the organisations have a monolithic view that there should be no change/amendment in the Right to Information Act, 2005 in any form and we all express our solidarity with nationwide Save RTI Campaign.

RTI Meet at Kolkata Press Club

West Bengal RTI Manch and Calcutta Samaritans have jointly organised a Meet of RTI activists, representatives of civil society organisations and students from different places of the state on 29th October'09 to commemorate the Fourth Anniversary of the Right to Information Act, 2005. Sri Arun Bhattacharjee graced the occasion. "I must admit that throughout the country West Bengal is the only state where there is only one RTI commissioner. Beyond which if I say anything, it would be criticising the government," said CIC of West Bengal Arun Bhattacharjee on the sidelines of a function in Kolkata.

Source: Express News Service



Rural RTI Campaign Program

Meeting of the WB Special Committee on RTI

A meeting of the WB RTI Special Committee for Recommendation to the Governor was convened in the first week of November'09. The three member Committee comprises of Sri Buddhadev Bhattacharjee, Sri Partha Chatterjee and Sri Asim Dasgupta. The Opposition Leader Sri Partha Chatterjee complained that he was intimidated through letter about the meeting only two days back and at that time he was out of Kolkata. As a result he was unable to attend the meeting. He also commented that he would be writing a letter of protest to the Committee for late intimation and his resulting absence in meeting. The Special Committee recommends the name/names of State Chief Information Commissioner/ State Information Commissioners to the Governor for appointment as per Section 15(3) of the Right to Information Act, 2005. Though no decision of the meeting has been disclosed officially, we can assume that the meeting was conducted to appoint one or more State Information Commissioner, which is long overdue. In an open meeting the Secretary, West Bengal State Information Commission declared two months ago that WBIC has 1100 pendent cases and accruing more day by day.

The casual and dilly-dally attitude of the government is apparent and even the normal intimation process about a meeting has been flouted. The RTI Act, 2005 does not specify any process of convening a meeting. In such a case the normal process adhered to by government should be followed and the Opposition Leader was right in accusing the Special Committee in this regard. The contention of Mr. Chatterjee is that the government in power will take decision on their own and without any interference from any quarter.

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