

The RTI regime failed India during Covid-19

Responses have been elusive on critical issues, including health care infra, PM Cares fund, schemes, and migrants

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In the lethal jaws of a pandemic, when lives and livelihoods are at stake, the information law of a democracy is expected to live up to its responsibilities — to empower the citizens and to ensure transparency and accountability. Free flow of information is an essential component of crisis management. And this is a crisis like no other.

However, during these trying times, instead of proving its rigour and tenacity, the Right to Information (RTI) regime failed to deliver. People merely turned into passive consumers of media reports, TV debates, advertisements, and press releases churned out by various departments which cannot replace the regime of transparency upheld by the RTI Act. The need of the hour in such adversity is to share data nationwide and reply to RTI queries to clarify doubts, dissipate insecurity, and bolster people's faith in the information system.

After the lockdown was imposed on March 25, the Central Information Commission (CIC) was perhaps the only one out of the total 29 commissions in the country to

start work on April 20. As per a telephonic survey conducted by the Commonwealth Human Rights Initiative (CHRI), during the first and second phase of the lockdown, the State Information Commissions (SICs) just remained dormant.

Information on critical issues eluded the public. A query, under the RTI, seeking details of PM Cares fund was denied by the Prime Minister's Office, stating it is not a public authority and the State Bank of India refused to give these details on the ground that it was third party information held under fiduciary capacity. This violates the basic axiom that the public must have access to the details of a public fund. The CIC, in two separate decisions, had directed that information to queries on PM and CM Relief Funds must be given. The matter is pending in the high court since 2018 but no stay was given on CIC's decision.



Some other queries have fared no better. A query filed with the department of financial services (DFS) seeking details of *suo motu* disclosure of details of actual access to PM Garib Kalyan Yojna by beneficiaries has taken a rollercoaster ride from DFS to the ministry of rural development to the department of economic affairs, back to DFS and again to rural development. While RTI queries regarding the list of district-wise coronavirus disease (Covid-19) treatment facilities were

being transferred from one department to another, the health minister issued a press release on the nationwide health care facilities.

Tens of thousands of migrant labours, rendered jobless and homeless, walked on the highways and railway tracks towards their homes in the blazing summer heat with their children and humble belongings. Many perished, unsung and unlamented, on their way. However, in reply to a query under the RTI Act, the office of the Chief Labour Commissioner (CLC), under the Union ministry of labour and employment, claimed that it does not have state-wise and district-wise data with respect to the migrant labourers. This, despite the CLC directing the regional heads based in 20 centres across the country to enumerate every migrant worker stranded due to the lockdown within three days during the second week of April. The CIC has directed CLC on May 27 to post the information on the website.

A few videos showing police brutality in enforcing restrictions on people's movement had gone viral. The citizens need to know the truth and action taken against those policemen. Such information can be available only if a robust regime of RTI prevails and the relevant portals are updated with *suo motu* disclosures.

During the Covid-19 scare, bewildered citizens deserve to be taken into confidence. They have the right to know more about the country's health care system. For instance, who is being held accountable for approving the purchase of faulty testing kits by the government that jeopardised the testing of Covid-19 for days, and for providing poor quality Personal Protective Equipment (PPE) to frontline health care workers who are contracting the infection?

Those in lockdown need to access the outer world. State-wise data about the movement of food grains and other essentials was given in press releases. But people need to check out the distribution data at the district and fair price shop level. They need to know whether there has indeed been any diversion of food grains, as alleged. The SICs could have done yeoman's service at this time hearing such matters on priority.

Each of these queries relating to health care, PM Cares fund, welfare programmes and migrants ought to have been on the website portals. A broken RTI system during Covid-19 times could not respond to correct the malaise. SICs remained dormant and the CIC did not bring to book those responsible for the lapse.

The current health hazard is fast transforming into a socioeconomic crisis of an immense proportion and government-public interaction as well as information sharing need to increase befittingly. Ministers and government spokespersons cannot remain the sole disseminators of information. There has to be an institutional response through the RTI regime already in place.

RTI queries increased by 83.83%, from 8,86,681 in 2012-13 to 16,30,048 in 2018-19, indicating the rising faith of our people in the RTI system. But it is in times of such a crisis that the regime is really tested. The political executive and information commissioners, therefore, need to reflect deeply and bolster the RTI machinery in the interest of the people and the nation at large.

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