

Interview with Mr Ravin Narayan Das, Chief Information Commissioner, Gujarat State Commission.

Mr Das was appointed Chief Information Commissioner (CIC) for Gujarat in July 2006. Prior to this he was Secretary to the Government of India in the Ministry of Food. During our interview he spoke of some of the challenges he has faced as CIC, including the demand to deal with a high volume of complaints and appeals. On average, the CIC rules on 10-15 hearings per day, 15-20 days each month. Prior to the hearing there is a call for written remarks relating to the case from government officials; a copy must be provided to the Commission as well as to the appellant. One of the great achievements of the commission is that citizens from anywhere in the State are able to come to the commission and represent themselves in a hearing. Even people from rural areas with low levels of literacy come to the commission and feel comfortable representing their case in a hearing. Information Commission Court hearings can take any time from 10-15 minutes to 30-45 minutes depending on the complexity of a case. The practice of the hearing is for the judgment to be made in the local language at the end of the hearing in the court in the presence of both parties. However, in more complicated cases, it can take longer and the CIC will ask for some time to contemplate his judgment.

RTI gives no powers to the CIC to ensure that their judgment is implemented. However Information Commissioners throughout India have found creative ways to overcome this limitation. Whilst

effort is made to make public officials aware of the benefits of the Act it is not always reliable to depend on such officials implementing the action ordered by the CIC. Information Commissioners have opted for a pre-emptive method of tackling the problem of ignoring their judgments: arranging for follow up hearings to occur at the end of a given deadline to ensure their ruling has been enacted. For example, if the CIC rules that the records must be provided to the applicant within 15 days s/he will organize for a hearing to be held again after 15 days to check that this action has been implemented. This technique is not used for each case: CICs will develop an awareness of each PIO and arrange for a follow up hearing only in cases where they believe it necessary.

In his experience of the law over the past three years Mr Das believes RTI has made an impact on public authorities on the issue of governance, it has made an impact on citizens; even illiterate people have become aware of their right to access information. This impact



Figure 1 Mr Ravin Narayan Das, Chief Information Commissioner, Gujarat State Commission, is interviewed by Charlotte Young of SAHA.



itself has made public authorities cooperative to ensure that the basic objectives of the Act are fulfilled. It is Mr Das's general perception that government officials are taking the Act and their job in relation to the Act seriously. Mr Das believes it is important to give the Act a fair trial: to allow powers to be fully employed prior to considering amendments. An independent survey and review may then offer suggestions for amendments to the Act.

Nonetheless a very real challenge that persists is the inability of Information Commissioners to ensure fines they impose on public officials are paid. There are however provisions for fines to be deducted from officials' monthly salary: there is a seemingly legitimate accusation from civil society that IC's are not imposing fines as they should be. ICs are viewed in many cases to be too lenient on public officials in view of their former role as bureaucrats within public bodies. When this issue was presented to Mr Das

Structurally the CIC has no superior authority to report to as the commission is an independent body. The government gives the commission a budget with which to carry out its mandate annually. However, there is a requirement for each commission to provide an



Figure 2 Mr Ravin Narayan Das, Chief Information Commissioner, Gujarat State Commission.

annual report detailing the number of cases they have dealt with etcetera. The Report is then given to the assembly and is then made public. Gujarat's CIC however has not produced an Annual Report due to the fact that he is the only information commissioner for the entire state and has not had time to produce one. His priority has been to deal with the backlog of cases rather than produce an Annual Report.

Organized civil society has an essential role to play in terms of effective implementation of RTI. The high volume of cases with which he must deal with as CIC are reflective of much of the successful

All hearings are held centrally in Ahmadabad. As there is only one Information Commissioner it would be impractical for him to take all his staff, and spend time and money travelling throughout the State. It is far more practical for all hearings to be held centrally and for applicants and respondents to travel to the court. Should more information commissioners be appointed travel of the commission throughout the region will become a possibility.

One of the strengths of having the commission is empowering citizens and allowing them to feel a sense of fulfilment: that they are being listened to.



When asked what difference it would make to the effective implementation of RTI not to have an Information Commission Mr Das commented that enforcement would be impossible. "It is impossible for the public authority...because there has to be someone outside, independent of the public authority to enforce and offer impartial judgment".

There is no finality to openness and accountability: there are no limits. No society can claim today that it has achieved a final level of transparency.

The citizen with the greatest chance of successful use of RTI is one who is focused, specific, and clear in his mind about what information he wants. He writes an application that is simple and concise.

