



सूचना के जन अधिकार का राष्ट्रीय अभियान

NATIONAL CAMPAIGN FOR PEOPLES' RIGHT TO INFORMATION

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No “fear and paralysis”, just ordinary Indians keeping democracy alive: January 2020 update from the Use RTI Demand Accountability campaign

We are in an extended crisis of democracy but with peoples' resistance to exclusionary and divisive legislative decisions building across the country there is renewed vigour in the questions we ask, the information we seek and the action we demand. The Use RTI, Demand Accountability campaign is in its fifth month and we are building a nationally coordinated effort towards pursuing transparency and accountability across a range of issues where the government is acting without any public scrutiny and with questionable claims to serving public interest. For more details on the campaign and previous press releases, please visit: <https://rtilagaocampaign.home.blog/>

At a time when the Chief Justice of India is making unsubstantiated comments about the RTI causing “fear and paralysis” in the government machinery and offering dangerous suggestions to curtail its use, this campaign aims to demonstrate how the rigour of demanding transparency through RTI builds the very foundations of our democracy. In this update, we share the details of seven cases where the Use RTI, Demand Accountability campaign has filed questions.

- 1. NRC and CAA:** The Citizenship Amendment Act and National Register of Citizens is being passionately debated across the country today. Fueling some of this debate is also a huge amount of confusion on the authenticity of official statements and their chronology. At a time like this it is crucial to know who the Government of India consulted before finalizing the text of the Bill and what the nature of discussions that emerged in the consultations were. RTIs can give us answers to these questions and also become critical to constructing a credible timeline of statements. The Pre-Legislative Policy of the Government of India itself mandates that Government undergo a transparent consultative process with citizens and other organizations, and record the suggestions received, before bringing any Bill to Cabinet. RTIs have been filed by Aruna Roy of Mazdoor Kisan Shakti Sangathan demanding copies of all the minutes of inter-ministerial, intra-ministerial meetings, public consultations held by the Minister of Home Affairs, Govt. of India, and recommendations relating to the Citizenship (Amendment) Bill, 2019 that it received and hence recorded. Details about the the department/authority responsible for preparing and maintaining the National Population Register (NPR) and the National Register of Citizens; file notings, minutes, discussions, correspondences regarding the link between the NPR and Census have also been sought.
- 2. Delhi University syllabi revision:** On July 16 2019, while a meeting of the University's Council to revise the syllabi of some departments including english was underway, ABVP protesters stormed the building of the VC. A letter signed by various

Members of the Rajya Sabha raised this issue with the Prime Minister and stated that this forced entry was aimed at intimidating professors of certain departments and “coerce them into making certain changes in their syllabus”. This incident came after a series of back and forths between the departmental Committee of Courses and Faculty of Arts Committee (both committees constituted by academics) and the academic council on syllabus revisions. The english syllabus was sent back with the most number of revisions including removing texts that were too “controversial”. After the incident, in a rare move, the academic council constituted an “oversight committee” (with no statutory authority) for reviewing the english syllabus in particular, which sent back the syllabus with a further list of suggestions. As things stand today, the english syllabus has only been approved for the first semester of the 2019-20 academic year. RTIs have been filed with Delhi University asking for details of procedures on modification of syllabi, minutes of meetings of the academic council, minutes of meetings of the oversight committee and reasons for delay in approval of english syllabus for the second semester with classes set to resume in a matter of days.

3. **Agriculture:** There have been [news reports](#) about the government’s plan to transfer fertiliser subsidies directly to farmers’ accounts as opposed to the current system of giving subsidies to fertiliser companies. In fact, as recently as 4th December 2019 the Fertiliser Minister Sadananda Gowda speaking at an event organised by the industry body Fertiliser Association of India (FAI) [said](#), *“As far as change in the urea policy is concerned, we are open to suggestions. It can be NBS for urea or direct subsidy to the farmers account with decontrol of fertilizer sector. These are some of the alternatives which are under discussion”*. However, in response to an RTI query requesting information on DBT of fertiliser subsidy, the Department of Fertilisers failed to provide a meaningful response and the first appeal has been filed. This shows the two-faced nature of the ‘*suit-boot ki sarkaar*’ where, on the one hand, the minister goes to the industry to take suggestions and, on the other hand, the ministry does not give information to ordinary individuals even when they are entitled to it.
4. **Mining:** Considering the public outcry against pollution, particularly in the national capital, RTIs were filed by Environics Trust to the Central Pollution Control Board to know about steps taken by the Board to measure and regulate air, water and sound pollution caused by mining. Coal generation capacity is set to increase by nearly 300% by 2030; going by the proposed list of power plant projects. The adverse impact this increase will have on CO₂ emissions, and air and water pollution is undeniable. In such a context the role of the CPCB in enforcing standards of pollution control on coal mining leases is critical. Questions have been asked to understand how many mining lease holders have been hauled up for non compliance with pollution regulation norms.
5. **Committee on Data Governance Framework:** The Ministry of Electronics and Information Technology (MeitY) constituted a Committee of Experts to deliberate on a Data Governance Framework for India. Two separate RTIs, one by a member of NCPRI and another by the Executive Trustee of Internet Freedom Foundation, were filed requesting for information on:
 - Formation of this committee - like minutes of the meetings where the formation of this committee was discussed and the criteria to select the members of the committee. In response to one RTI, MeitY has given a very vague response saying, *“Diverse set of people with relevant backgrounds who can add to the*

area of discussion". In response to the other RTI it has blatantly held that no such information is available and even disposed off the first appeal.

- Operation of this committee - like the number of meetings the committee has conducted, minutes of these meetings, external persons who have participated in the meetings and stakeholders who have been consulted. To this, MietY's brazen response has been to claim that it does not maintain such information. This is a violation of simple administrative procedures that any government process must follow. Ironically, the Minister who presides over MietY, Ravi Shankar Prasad, is also the Minister of Law and Justice, which is expected to administer justice in India. What justice can be expected from such a government is out in the open for all to see.

6. **Stressed assets:** Indian banks' Gross Non-Performing Assets (GNPA) ratio is likely to rise, the RBI said in its half-yearly Financial Stability Report (FSR) released on Dec 27, 2019. This is despite the GNPA falling for the first time in seven years in March 2019 "primarily due to changes in the macroeconomic scenario, a marginal increase in slippages, and the denominator effect of declining credit growth". In June 2019, RBI issued Prudential Framework for Resolution of Stressed Assets. Under this framework, before any bank asset (loan account) becomes an NPA, the incipient stress in such an account needs to be recognized as Special Mention Account and related prudential framework needs to be followed by banks. However, mechanisms in place to ensure compliance by banks is unclear. The RTIs seek to understand the processes in place to ensure fidelity of data obtained by RBI from banks, processes in place to ensure fidelity of compliance of prudential framework, and strength of supervisory function of RBI to address the challenges with compliance of its regulations.
7. **Appointment of Information Commissioners:** On 15th February 2019, the Supreme Court of India delivered a judgement in the PIL regarding non-appointment of information commissioners by the central and state governments and the lack of transparency in the appointment process. In the judgement, the Supreme Court observed that the right to information is a constitutional right and directed the central and state governments to fill vacancies in the information commissions in a transparent and time bound manner. As part of the campaign, RTI applications have been filed with various state governments, seeking details of steps taken to fill vacancies in information commissions, in compliance with the judgement of the Supreme Court.

Even as the RTI law enters its fifteenth year, the attacks on RTI users seeking transparency has not abated. Last month, Abhimanyu Panda, well known RTI activist and leader of the anti-liquor movement was fatally shot outside his house in Kandhamal district, Odisha. Abhimanyu had previously used the RTI Act on multiple occasions to successfully exposed cases of corruption and misappropriation of funds in Kandhamal and surrounding districts. More recently, Abhimanyu has filed over 50 RTI applications to 50 gram panchayats in 4 blocks in Kandhamal district to unearth corruption in the PDS of rice and was attacked fatally as a result of the information sought. Abhimanyu's death is yet another urgent reminder for the need for a strong whistleblower protection law. In the absence of any government response, The Odisha Soochna Adhikar Abhiyan, a group of activists working on Right to Information and government accountability and transparency, filed multiple RTI applications last month seeking the same information as Abhimanyu. Once the RTIs are answered, all the information Abhimanyu was originally seeking will be widely publicized and his pursuit for transparency will not go in vain.

Two more networks- Lokmanch and the National Federation for Indian Women (NFIW) have also joined the Use RTI, Demand Accountability Campaign and will be filing RTIs every month. We will continue to file and track responses to these RTIs and appeals through this campaign over the next several months and will periodically publish the status of key RTIs through such press releases. We will also post a tracker and the actual RTIs and responses on a website in the coming month so that citizens and groups can collectively monitor and share the details of their RTIs with us.

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