

ONE WEEK WORKSHOP ON RIGHT TO INFORMATION

(6th October - 12th October)

Centre for Advanced Studies in Labour Welfare (CASLW), Rajiv Gandhi National University of Law (RGNUL) organised a week-long workshop on Right to Information. The workshop lasted from 6th to 12th October, 2021. More than 200 participants attended the workshop. Students, faculty members, as well government officials were a part of the workshop. Each day of the week, a distinguished speaker took the workshop. The attendees also actively participated by sharing their views and asking questions, which were efficiently answered by the speakers. This workshop was organised under the guidance of the Vice Chancellor, Prof. (Dr.) G. S. Bajpai, the Registrar Prof. (Dr.) Naresh Vats, Faculty Coordinators Dr. Geetika Walia, Dr. Shruti Goyal, and Ms. Sonika. The workshop was a two-hour event daily, from 2 to 4pm, for seven days. The Attendees greatly benefitted from the workshop and learned a lot about the Right to Information. The workshop started on 6th October, with a welcome address by Prof. (Dr.) G. S. Bajpai, the Vice Chancellor, Prof. (Dr.) Naresh Vats, the Registrar, Mr. Suresh Arora, the Chief Information Commissioner of Punjab, and Mr. Madabhushi Sridhar Acharyulu, Information Commissioner.

Day 1 | 6th October, 2021

Topic: Freedom of Speech and RTI

Speaker: Prof. (Dr.) Madabhushanam Sridhar Acharyulu

The guest speaker for the Dr. Acharyulu spoke on the topic 'Freedom of Speech and RTI'. He started with the Right to petition and its importance and how RTI also emerges from the same right. He also highlighted the importance of Right to Speech and used the example of John Stuart Mill's letter to focus on the same. Moving ahead, he clarified the difference between wrong and right information, the offence of perjury and the need to provide right information to the information seeker. Then, the meaning of 'Public Servant' was discussed where Dr. Acharyulu mentioned that a public servant is not an officer, nor a government servant. He also gave his insights on the Prevention of Corruption Act and how it does not actually prevent corruption, and the title of the Act is flawed. It instead talks about the punishment for corruption. The Act that really prevents corruption is RTI, he pointed.

Moving forward, he discussed the case law of *ADR v. UOI, 2002*, where an ordinary teacher won a substantial victory and we got information about charge sheets, FIRs pending. He also discussed Section 33A of Representation of People Act, and pointed out how the Right to

privacy does not have a definition. Concludingly, he emphasised the importance of information and said that without getting info, you cannot have liberty of thought (which is given under Preamble). He quoted the words of Mahatma Gandhi “If you don’t ask, you’ll not get, if you want to get, ask”. Afterwards, the attendees asked a few questions like— RTI and the inclusion of political parties, Information from a former MP, RTI and PM Care fund, Inclusion of Private bodies under RTI, If Public Authority replies that public record is missing (and how RTI does not fulfil this gap), RTI 2019 Amendment- made the law stronger or weaker and more. All in all, it was a very interactive and fruitful session.

Day 2 | 7th October,2021

Topic: Right to Information- A Revolutionary Law

Speaker: Prof. (Dr.) Veer Singh

Our guest speaker of the day- Prof. (Dr.) Veer Singh, Professor Emeritus of Department of Law, Punjab University and former Vice- Chancellor of NALSAR University - gave detailed insights on “RTI – In Context”, wherein he elaborated on the genesis, objectives and challenges to the implementation of this revolutionary legislation.

Dr. Veer Singh, then took over the session, acquainting the participants with his topic. For better clarity, he divided his lecture into smaller fragments. He went over the law in a chronological order, starting with the historical origin of this law and why did the necessity for such a law arise. He elaborated on the need for the codification of this law and its infrangible nexus with the Right to Freedom of Speech and Expression guaranteed to the citizens of India. He corroborated his stance with myriad judgments delivered by the Apex Court. He went on to conclude the monologue after giving an in-depth literary analysis of this law, laid down by various eminent jurists and lawyers.

Then, it was the time for the Q&A session and now the participants put forward their queries. The questions were presented to our speaker one after the other, which were deftly answered by Prof. (Dr.) Veer Singh. This part of the session highlighted its interactive attribute, indicating the active involvement by the participants present. After the conclusion of the Q&A session, the event was formally brought to a close.

Day 3 | 8th October,2021

Topic: RTI and privacy Issues

Speaker: Mr. Sanjay Vashishtha

On the third day of the RTI Workshop, i.e., on 8th Oct, the speaker was Mr. Sanjay Vashishtha, a practising attorney at the Supreme Court. He is also a faculty of law at various top institutes. He spoke on the topic of 'RTI and privacy Issues'. The SC in its series of judgments have considered Right to Information as a fundamental right under Article 19(1) (a) of the Constitution of India. After a series of pronouncements, there was a need of the hour to have legislation with the objective of promoting transparency and accountability. He focused on the debate between rights and duties with regards to RTI and how it is the duty of the Government to protect Official Secrets, but simultaneously, it is also the right of the citizens to seek information from the Government, if the information is concerned with public good. The objective, as highlighted by him, is balancing the right and the duty. He also discussed the ongoing issues surrounding RTI including the issues of PM CARES Fund, the BCCI and the RTI issue, etc. He highlighted the factors that show complimenting between RTI and privacy— obtaining personal information held by Government Bodies, using RTI to promote privacy, applying privacy laws to obtain information from the Private Sector, and, using privacy laws to obtain policy information. Afterwards, questions about the safety of the private information of the information seeker who seeks information under RTI, the right to protest and its interplay with right to privacy, the definition of 'substantially financed' for NGOs coming under the ambit of RTI were discussed and answered.

Day 4 | 9th October, 2021

Topic: Working on the RTI Act with special focus on judgements

Speaker: Dr. Manoj Sharma

The speaker for 9th October was Dr. Manoj Sharma, Assistant Professor of Law, RGNUL. He spoke on the topic of 'Working on the RTI Act with special focus on judgements'. He started with focusing on the need to have RTI as a legislation, when the Right to Information has been declared a fundamental right under Article 19(1)(a). He focused on the judgement given in the case of Central Public Information Officer, Supreme Court of India v. Subhash Chandra Agarwal, 2020. This is a landmark judgement, by a constitutional bench. Subhash Chandra had filed various RTI with the CPIO of the SC regarding the assets of the judges, and information about file recordings, and such information was denied. Then he also discussed the case of the Secretary General, Supreme Court of India v. Subhash Chandra Agarwal, 2010. The meaning of 'disseminated', as given in the RTI Act was pointed out. Moving forward, he discussed the case of CBSE v. Aditya Bandhopadhyay, 2011. He then highlighted the judgement given in case of UPSC v. Angesh Kumar, 2018. In this case, it was said that information about the marks in the Civil Services Exam cannot be directed to be furnished mechanically. Then, one of the most important parts of the RTI Act, Section 8(1)(j) was discussed in detail with the help of some case

laws like Bihar Public Service Commission. Saiyed Hussain Rizavi, 2012 and Iqbal Hussain v. Registrar Gauhati High Court, 2019. Some Questions were asked by the participants, which were given comprehensive answers by the speaker. The questions include— PM-CARES is a body under the notification or order issued by the government. The people associated with the trust, like the PM and other cabinet ministers are constitutional functionaries and hence it gives an impression of public office. Between these two, the viable ground to bring PM-CARES under the ambit of public authority should be which. The session concluded after all the questions had been discussed.

Day 5 | 10th October, 2021

Topic: RTI: A Gateway to Transparency

Speaker: Dr. Ajay Ranga

The speaker for the fifth day, 10th October was Dr. Ajay Ranga, Professor of Law, HPNLU, Shimla. He spoke on the topic of 'RTI: A Gateway to Transparency'. For better understanding RTI in India, he had divided his discussion into three categories, namely—the historical development of the law of RTI and how RTI emerged and developed in India, the object behind introducing such a legislation, the need for it, what RTI law in India is exactly, the practical problems being faced in implementing the RTI law. He then also focused on the Transparency International, and its Annual Corruption Perception Index, which shows that Denmark is the least corrupt country of the world. The speaker also shared a self-made chart to explain better the functioning and structure of getting information under RTI. He explained different terms and posts like the 'First Appellate Authority (FAA)', 'central Public Information Officer (CPIO)', 'Central Assistant Public Information Officers (CAPIO)', 'State Information Commissioners (SIC)', 'First Appellate Authority (FAA)', 'State Public Information Officer (SPIO)', and 'State Assistant Public Information Officer (SAPIO)'. Also, intellectual property cannot be supplied to an information seeker, similarly information received in confidence from some foreign country and information given in a fiduciary relationship (relationships based on trust), can also not be supplied to the citizens, as is also given in the RTI Act. Then he also answered the questions of the participants, such as— the time limit for filing RTI when the applicant mistakenly files RTI under a wrong PIO, especially in the matter of life and liberty of some person. The session concluded successfully, with all questions answered and feedback of the participants was very good.

Day 6 | 11th October,2021

Topic: Power of Information: illustrated through RTI and RTS.

Speaker: Ms. Menaxee Raj

The 6th day of the one-week RTI workshop was successfully conducted on 11th October 2021 from 2pm to 3:30 pm. The guest speaker for the day was Ms. Menaxee Raj. The topic for the day was- Power of Information: illustrated through RTI and RTS. She shed light on public servants and their duties and obligations towards the citizens.

She talked about her real-life experiences on field, the problems that ordinary people face in government offices and how the youth can bring a change. She also gave information regarding various schemes and government funded initiatives that are being run by the government of which people are usually not aware of. One such scheme was “*apki beti, humari beti*” wherein the government provides Rs 75,000 for the marriage of a daughter in SC-ST families in villages. At the same time, she also shed light on the loopholes which are present in the system with the help of her poetries which makes these schemes ineffective in implementation. At the end the participants had the opportunity to ask doubts and questions which made the session more interactive. Overall, the session was insightful.

Day 7 | 12th October,2021

Topic: Right to Health and Information: Privacy Concerns

Speaker: Prof. (Dr.) Anand Pawar

Centre for Advanced Studies in Labour Welfare (CASLW) successfully organized its seventh and final day of the one-week workshop on Right to Information: A Revolutionary Law, on 12th October, 2021. The speaker for the session was Prof. (Dr.) Anand Pawar, professor of law at Rajiv Gandhi National University of Law, Punjab (RGNUL). Sir elucidated his opinions on the topic Right to Health and Information: Privacy Concerns. The session was moderated by Ms. Nayoleeka Purty and Ms. Arya Pathak, members of CASLW. The session had almost 100 participants.

Sir began with discussing the overlapping of the two fundamental rights; right to privacy and right to health and which should be given preference in which situation, supporting his arguments with the help of relevant precedents. Further Sir informed the attendees about the mode of information in medical sectors, medical negligence, obligations and exceptions of medical practitioners, role of medical agencies and commission in case of violations etc.

Finally, the session ended with Dr. Pawar taking questions from the participants and finally Ms. Arya concluded with her vote of thanks. Overall, the session was fruitful and enriching the participants were exposed to insightful thoughts.