

TRANSPARENCY DURING A CRISIS

Relevant for: Developmental Issues | Topic: Important Aspects of Governance, Transparency & Accountability including Right to Information and Citizen Charter

Right to Information (RTI) applications seeking information pertaining to the PM CARES Fund have been stonewalled. No information exists on the official website of the Fund regarding the amount collected, names of donors, expenditure incurred, or details of beneficiaries. The trust deed of the fund chaired by the Prime Minister is not available for public scrutiny. Reports suggest that donations of over \$1 billion have been made, including contributions from foreign sources.

This violation of peoples' RTI is particularly concerning given the unprecedented crisis gripping the nation. Relief and welfare programmes funded through public money are the sole lifeline of millions who suddenly lost income-earning opportunities during the lockdown. If the poor and marginalised affected by the public health emergency are to have any hope of obtaining the benefits of government schemes, they must have access to relevant information.

Ironically, however, a corrosive narrative seems to have emerged that public scrutiny of government actions is undesirable during the crisis and citizens must unquestioningly trust the state. This undermines the basic democratic tenet that citizens' participation and oversight is necessary to ensure they are able to access their rights. Without information, peoples' ability to perform that role is eviscerated and corruption thrives.

The RTI Act, 2005, has empowered citizens to access information from public authorities and hold them accountable. During the COVID-19 crisis, proper implementation of the law has assumed greater significance than ever before. It is crucial that information related to implementation of relief measures announced by governments be widely disseminated. For instance, to ensure food security for the needy, Central and State governments have put in place schemes to provide subsidised rations. For effective delivery of foodgrains and other essential commodities, information must be made available in the public domain about the quantity and price of commodities, details of beneficiaries and the list of ration shops along with their stock position. Ground reports have revealed that in the absence of information, it is impossible for intended beneficiaries to get their due — ration shopkeepers siphon foodgrains and keep their shops closed on the pretext that they have no stocks.

Greater openness would prevent controversies of the kind exemplified by faulty testing kits and fake ventilators. Following complaints from various States about rapid COVID-19 testing kits imported from China, the Indian Council for Medical Research halted their use. Serious questions arose about the government's decision to order the kits from China, especially in the backdrop of countries like Spain and the Netherlands returning faulty Chinese kits. Numerous instances have been reported of COVID-19-positive patients requiring treatment in intensive care units being shunted from one hospital to another. This could be prevented if hospitals and health centres publicly provide real-time information about availability of beds and other facilities. To ensure easy accessibility to those who need it the most, relevant information must be made available in local languages and widely disseminated. In fact, this is a statutory obligation of public authorities under Section 4 of the RTI Act.

In the current scenario the role of information commissions is crucial. While in the midst of a pandemic it is reasonable to expect delays in processing information requests, public authorities must not be allowed to interpret the crisis as a justification for not complying with the RTI Act. Unfortunately, an assessment of the functioning of the transparency watchdogs revealed that 21

out of 29 commissions in the country did not hold a single hearing during the first three stages of the lockdown. While the Central Information Commission and some State commissions used audio and video conferencing to hear and dispose cases, most commissions did not make provision for hearing even urgent matters.

At a time when incentives for secrecy are great, and the scope for discretionary actions wide, it is critical to create a culture of openness to empower people to participate meaningfully in the decisions that have profound effects on their lives and livelihoods. People must be able to obtain information about how and where their money is being spent in the efforts to combat the pandemic and whether funds are reaching the intended beneficiaries. It is behind the cloak of secrecy that the rights of individuals are most frequently abrogated, corruption thrives and public trust in institutions is eroded.

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