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R Stands For...

Perhaps the power of the RTI Act can be gauged by the fact that powerful institutions have gone to great lengths to shield themselves from scrutiny under the RTI law.

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With over four million information applications filed every year, the Indian Right to Information (RTI) Act is the most extensively used transparency legislation globally. By empowering millions of citizens at thousands of locations across the country to question public servants and authorities, the RTI Act has initiated the vital task of redistributing power in a democratic framework.

The law has been owned by people in India, who have quickly understood that the right to information is critical for the realization of other constitutional rights. More important, they have been innovatively using the law to demand accountability from the government on a range of issues — from their ration and pensions to big ticket scams; from petty corruption, unchecked inefficiency and unrepentant apathy, to power mongering and patronage at the highest levels. Common people are increasingly seeking answers from the high and mighty. For example, there was the peanut vendor who sold peanuts outside the gate of the district commissioner's house and filed an RTI application demanding a copy of the commissioner's official car log book, as he frequently saw the official car ferrying family members and personal guests.

Remarkably, in many cases just the seeking of information has been enough to deter illegal or immoral action. The filing of RTI applications about the plans of a former president of India to have a retirement home constructed on public expense, and in violation of the rules, was enough to deter the dignitary from pursuing the lavish plans.

Perhaps the power of the RTI Act can be gauged by the fact that powerful institutions have gone to great lengths to shield themselves from scrutiny under the RTI law. In an unprecedented move, the Supreme Court in March 2012 appealed before itself, challenging the judgement of the Delhi High Court which declared that the office of the Chief Justice of India came under the ambit of the RTI Act and was liable to reveal information under it. The matter is still pending!

In 2013, when six national political parties were held to be public authorities under the RTI Act, in a rare show of solidarity they came together to condemn the order of the Central Information Commission and collectively refused to comply with it. They moved an amendment bill in Parliament to exempt themselves from the ambit of the sunshine law. Fortunately, they did not succeed.

This was, in fact, the third attempt to amend the RTI Act. The first move to restrict peoples' right to information came in less than a year of the RTI Act coming into force. The government wanted to exclude file notings from the purview of the Act, in order to prevent citizens from accessing information related to the decision making process, including opinions expressed by officials.

The subversion of peoples' right to information currently has manifested itself in the central government strategically not making crucial appointments — the post of the chief of the Central Information Commission, the apex adjudicating body under the RTI Act, has been lying vacant for seven months.

It is a testimony to the power and relevance of the RTI law that people have persistently protected it from any attempts at dilution. Each move to amend the law has been met with tremendous resistance — students, farmers, professionals, lawyers, academics have come together to save the RTI — which has consistently shown truth to power. A slogan at one of the protests read, 'RTI is mending our democracy, don't amend it!'

Statistical and anecdotal evidence indicates that the RTI Act has successfully initiated the process of infusing transparency and accountability in government functioning. Much of this has been facilitated by the active support of the media and the resultant "name and shame" phenomenon. Where major scandals have been exposed, the courts have been moved and have been effective in rectifying many wrongs. However, what is still lacking is systemic change in the functioning of governments.

For this to happen, forward linkages need to be forged: empowered and independent anti-corruption institutions and grievance redress mechanisms need to be set up so that exposure achieved through the use of the RTI Act can be quickly and surely converted into deterrent action against those responsible. Though a law for setting up a Lokpal at the national level and Lokayuktas in the states has been passed by Parliament, it awaits implementation. And though a bill to set up an independent and empowered grievance redress machinery was introduced in the last Parliament, it lapsed and is yet to be revived.

It is only when these forward measures are finally effective that the people of India might begin to benefit from the more permanent gains of a transparency law: a system of governance that anticipates and resolves issues on its own obviating the necessity to endlessly file and pursue RTI applications.

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