

RTI–New Opportunities?

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in recent years people's right to information (RTI) has gained increasing recognition as a very important democratic right. RTI laws have been enacted in over 50 countries, while in more than 30 countries, RTI legislation is being actively considered.

Studies by organisations like Transparency International have revealed that corruption levels are lower in countries having RTI laws compared to those countries which do not have RTI laws.

While formal democracy has been gradually spreading to a greater part of the world in recent years, there is a good deal of concern about the decline in the quality of democratic functioning. More and more common people are withdrawing from an active interest in public affairs.

This does not imply, of course, that the common people are satisfied with the way public affairs are being run. On the contrary most of them are disgusted by the sharp rise in corruption, nepotism and other irregularities. The reason why they are not motivated to actively oppose all this is that many of them perceive the rot to be so deep rooted as to be beyond their limited capacities.

There is thus a clear need to empower the ordinary people in such ways that they have greater confidence and a higher chance of success when they gather the courage to oppose corruption and other irregularities. People's right to information has been widely talked about in recent years as one very important tool of empowering them. If people who are bothered about the serious irregularities around them have some means of getting specific, confirmed details of what exactly is going on, then this definite knowledge which has legal basis will certainly draw many more people to take a stand and oppose corruption. In the absence of such definite information, public action is likely to remain confined to a whisper campaign or street-corner talk which doesn't lead to any result oriented public action. However, as soon as people have well documented, legally valid information, the chances of effective public action become brighter.

For example, a village could go on endlessly talking about the possibilities of corruption in the ongoing development work without any good coming out of this gossip. But if they have the right to obtain documents concerning how much budget was sanctioned, how much materials were purchased, how much wages were paid then they have very strong evidence on the basis of which they can go to higher government officials or opposition political leaders or law courts to check the misuse of public funds.

Thus the right to information provides new opportunities and opens new doors for those who have the potential to participate in democratic protest but have been held back in the past due to various reasons.

Another interesting aspect is that once RTI legislation is in place and some reports of its effective use have gone around, there is a tendency for corruption levels to be reduced even in those villages where citizens have not yet made any effective use of RTI. Corrupt persons come to know that using RTI citizens can obtain records even after several months or years, or even after they have been transferred to another place. As the fear of being caught increases, corrupt practices also come down at least to some extent. The more the effective use of RTI by citizens, the stronger will be this trend.

While at one level RTI can involve people more closely in the implementation and monitoring of development works, at another level it can also contribute to resolving development conflicts and increasing the possibility that more people-friendly, more environment-friendly development choices are made. A distressing aspect of the development scene in recent decades has been the unseemly haste and secrecy with which many mega projects have been approved and

implemented, bulldozing many genuine concerns, apprehensions and protests voiced by people. An important reason why people's concerns, particularly about social, environmental and safety aspects, could not get adequate attention at the proper time was that people (including those whose lives and livelihoods were gravely affected by the project, such as people faced with displacement) were never provided essential information about various aspects of these projects. RTI can ensure that information about major projects reaches affected people at an early stage of the planning of these projects. This in turn can enable people to voice their concerns at an early stage and overall a more informed debate can take place with greater chance of social, environmental and safety concerns getting the necessary attention.

However for many of these diverse benefits to be realised RTI legislation should be supported by many other essential features of a vibrant democracy such as the existence of alert citizens' groups, existence of reasonable levels of protection for activist citizens and a responsible bureaucracy.

At the ground level, there should be some people's organisations who will come forward to make use of this law to fight corruption and other irregularities. In Rajasthan, for example, an organization called Mazdoor Kisan Shakti Sangathan (MKSS) made very effective use of even the inadequate laws (or administrative directives) that have existed there earlier.

In fact right to information is a movement to serve all people's movements as it opens up new opportunities for all movements. This became clear when the MKSS was trying to take the message of this incipient movement all over Rajasthan and for this purpose organized dharnas in all divisions of the state. People and activists concerned with a very wide range of issues were attracted to its dharnas because while their concerns were so different from each other, yet they all believed that this movement would help their cause. This is the real strength of RTI.

On the other hand it is also true that corruption remains high in many countries having RTI laws and governments indulge in many anti-democratic, anti-people activities behind the veil of secrecy. A clear example is the USA which not only has freedom of information laws in place but in addition has many organisations to safeguard these rights. Despite this the Bush administration was able to hide the truth about Iraq from citizens and evidence was twisted to suit the whims of the pro-war lobby. The war mongers succeeded in misinforming the people, particularly in the run-up to crucial elections, that the Saddam regime had links to Al Qaeda and also possessed weapons of mass destruction.

The existence of RTI, a highly literate population with very high exposure to mass media - all this did not succeed in the most obvious and significant facts reaching the majority of American people.

So RTI is important but it has its limitations. RTI by itself may not succeed in reducing corruption when consumerism is increasing at a fast pace and public morality is in steep decline due to a number of factors. It will be sad if excessive zeal for RTI leads to neglect of other important aspects of fighting corruption and strengthening democracy.

After a long wait the Parliament finally passed the Right to Information (RTI) Act of 2005 on May 12. With this the frustrations of long delays and postponements came to a sudden end, and one of the most democratic rights became accessible to one sixth of the entire humanity that lives in India. Hopefully this will inspire several other developing countries to speed up their own RTI laws.

What is particularly heartening is that this legislation applies at all levels—information can be obtained on affairs relating to the Central Government, the various state governments, local bodies at the district, block, city or village level as well as non-government entities/organisations substantially funded by the government.

This legislation meets some of the essential norms of good legislation on RTI. This legislation provides for a strong and independent commission as an appellate authority, both at the central

and state level, with the power to impose penalties. This law also provides for penalties, including a fine for each day of delay in providing information whenever provisions established by law for providing information are violated. Provision of suo motto disclosure of various categories of information has also been made. Unlike in the case of some earlier attempts at legislation, the present legislation also provides access to information from security and intelligence agencies on matters relating to corruption and human rights violations.

Of course no legislation is perfect and this legislation also contains some clauses which are either troublesome in themselves, or provide too many openings for delays and denials should anyone persist in trying to use these clauses for this purpose.

Despite these and a few other reservations about this legislation, on the whole it is an effective and strong law. □□□