

# Stop meddling with RTI



B.S. RAGHAVAN

Any more exemptions from disclosure under the RTI Act will only discredit the UPA Government.

Is the Right to Information (RTI) Act in trouble? It may well be, finding that the Prime Minister, Dr Manmohan Singh, himself has begun to take potshots at it. We will come to that later.

The point is that ever since it came into force in 2005, the top echelons of the three branches of Government have been advancing a variety of largely specious excuses to wriggle out of its purview. And no wonder.

The RTI flies directly in the face of the secretive mindset of the governing class which has raised firewalls around it in the form of the Official Secrets Act, oaths of secrecy and public servants' conduct rules, and the like, to make sure that the vagaries in the discharge of its functions do not become public knowledge.

Transparency and accountability are all right on paper, but are strictly for the birds, in its view, when it comes to exercising its power and authority.

It is, therefore, understandable that it should do whatever it can to keep the Act at bay.

But should the Prime Minister be pandering to its escapist ploys, even seeming, at times, to be actually siding with agencies unwilling to submit to its regimen?

## EXCLUSIONS

For instance, as of now, the Central Bureau of Investigation, the National Intelligence Grid, the Intelligence Bureau, the Research and Analysis Wing, the Directorate of Revenue Intelligence,



The proper way of countering the flood of requests is for public authorities to earn the trust of the people by being prompt and forthcoming in furnishing the information asked for.

the Aviation Research Centre, the Narcotics Control Bureau and all the Central paramilitary forces have been allowed to escape the citizens' scrutiny (except for information on allegations of corruption and human rights violations) by being included in the Second Schedule to the RTI Act.

It is not that the Government's lukewarm attitude towards the RTI Act is of recent origin.

## ABSENCE OF COMMITMENT

As far back as in 2008, one of the Central Information Commissioners, Mr Sailesh Gandhi, had written to the Prime Minister on the absence of the needed commitment on the part of the Government towards the people's right to information, as was evident from the Information Commissions at the Centre and in the States being left adrift without adequate staff or resources.

He had also pointed out how this "neglect" had caused a serious setback to RTI and rendered its delivery system dysfunctional.

Despite the passage of three years, he tells me, he does not have even an ac-

knowledge to his letter. He is in exalted company. The question is: Are the vast bureaucracy of the Prime Minister's Office (PMO) and the huge expenditure incurred on it meant just to ignore important communications on vital matters?

In the last two years, vested interests within and outside the Government have let loose a reign of terror against RTI activists, who are doing the best they can to expose the networks of corruption, fraud and plunder of public funds.

Beginning from January 2010, twelve RTI activists (six in Maharashtra, two in Gujarat and one each in Andhra Pradesh, Bihar, Madhya Pradesh and Uttar Pradesh) have been killed, besides many others facing threats to their lives.

The Prime Minister's observations at the conference of Information Commissioners on October 13 have to be viewed in this setting.

He was right about the power and the effectiveness of the RTI Act being felt more fully now than ever before; it is doubtful, though, whether it has made his Ministers and their minions

uniformly happy. He also promised to bring legislation for the protection of whistleblowers, but then, what if this also goes the way of all his other promises made in the past on similar momentous issues?

## PM'S OBSERVATIONS

Let's leave that aside. What is significant is that Dr Singh devoted the core part of the address to some features of the RTI Act which, in his view, needed a "critical look", as they created the "undesirable" situation of public authorities being "flooded" with "vexatious demands" for information having no bearing on public interest.

Further, he felt that they affected the deliberative processes in government because of which "honest, well-meaning public servants" were discouraged from giving full expression to their views.

Also, according to him, such views coming under public scrutiny in an isolated manner in response to RTI led to a distorted or incomplete understanding of the final decisions.

He even seemed inclined

to restrict access to information by adding to the exemptions from disclosure provided in the Act.

None of the grounds mentioned by Dr Singh justifies any kind of "critical look" at the RTI Act.

## PROPER WAY

In a country in which, for centuries, the citizens have been in the dark about the rationale of the processes of governance and the manner of arriving at decisions, there is bound to be an initial "flooding" of public offices with queries under RTI. The proper way of countering this is for public authorities to earn the trust and confidence of the people by being prompt and forthcoming in furnishing the information asked for.

There is no reason why the RTI Act should make "honest, well-meaning public servants" shy of expressing their views so long as their reasoning is clear and the advice given is manifestly justified.

People are not fools not to be able to make out the sense and purport of official notings.

The Government can easily guard against a "distorted and incomplete" understanding of decisions by voluntarily making the entire picture available to the citizen seeking information, as has been envisaged in the Act itself.

As regards exemptions from disclosure, any more additions will only discredit the UPA Government; if anything, it needs to narrow down the catch-all ambit of the existing ones and make them more precise and specific.

## MENTAL BLOCK

All in all, the Prime Minister and the Government should not create uncertainties by coming out with statements suggestive of a mental block in respect of the RTI Act.

If worked in the intended spirit, it can be the harbinger of a participative democracy, taking account of the will and consent of the people. Just leave it alone.

PM, sir, even if you do not want to beef it up further.

M.R.K. *Pranav*