

## OPINION

### Right to Information in India: A Wild Goose Chase?

*This article explores the Right to Information (RTI) movement in India, its objectives, the political stalemates encountered, and the progress made so far. Considered a crucial tool in functionalizing democracy, the newly passed law is likely to restore confidence among citizens who have lost faith in the prevailing governance structures. But much will depend on the level of awareness and the extent to which people can persist in defending this Right.*

Why are the taps dry? Where does our tax money go? Why are there no medicines in the hospital? Why is the price of rice so high? Why are the roads so bad? These are questions to which we will now hopefully get answers for. The citizens of India have been given the right to question their government, its departments and ministries. It



*When will the train get here? Long queues at Delhi station*

became official only in October 2005 when the Parliament of India passed a Right to Information (RTI) Law. Among other things it empowers citizens to question the government, inspect its files, take copies of government documents, and inspect government projects.

People in India have had little faith in what the government can do for them. Years of bureaucratic rule, exploitation and corruption have led to widespread apathy towards the government. Politicians, bureaucrats and the *babus* (government officials) have long taken advantage of widespread poverty, illiteracy, and a lack of information amongst the educated classes. Could the Right to Information, a powerful instrument given to its citizens, help make governance transparent, accountable and effective.

This, however, is by no means the first significant law passed in recent years, and the country's past record is illuminating. India passed one of the most stringent anti-piracy laws in the world but enforcement proved difficult. It passed an anti-child labor law, when there were known inherent societal features that were bound to prevent its enforcement. Now it has passed another significant law, that aims to bring accountability and transparency, but how far will it succeed? The answer will

partly lie in the people's ability as a movement to protect this right and partly on the government's ability to stall the movement.

This determination to prevent the functioning of the law was demonstrated recently when some politicians proposed an amendment making 'file-notings' inaccessible to the public. However, without file-notings, the RTI would have become practically useless, as file - notings are changes or entries made by the concerned officer on the file, which helps trace the person involved. File-noting is also procedural in nature, and it becomes a valuable source of information about government processes and functions. Fortunately, a nation-wide protest helped prevent these amendments.

Clearly, public awareness is critical if the new law is to fulfill its potential. Currently there are small pockets of RTI activities, unevenly spread across the nation, though not widely diffused: coverage of stories and struggles by the media; NGOs helping in the cause; and rise of independent 'RTI activists', supporting information seekers in filing applications and in spreading the message. Most of the activists are ordinary individuals, the youth mostly, some lawyers and journalists who are now defending the Right by becoming more aware. The formal body, the National Campaign for People's Right to Information, which lobbied and formulated the Act, is still actively involved in publicizing the right.

Yet as the RTI movement slowly grows it is set off against a hugely reluctant government. There are many cases of government officials refusing to accept applications requesting information; furnishing half-detailed information; absence of public information officers (a requirement of the Act); and even charges for information - up to 200 euros in some cases.

Another major obstacle to RTI is the appointment of retired politicians as State Information Commissioners. I had first-hand experience of this when I asked a former college-mate to contact his associate, a State Information Commissioner (SIC) for his help in publicizing the new law. My friend's response was that he couldn't possibly ask the SIC as he was a former Principal Secretary of State and was still on close terms with the Chief Minister of State. This is apparently not the single case in India - political appointment of 'information commissioners' is rampant and is making the RTI constitutionally weak.

However, there is no turning back either at this moment, as the movement has gained some ground, against all odds. I only wish that RTI was effective 20 years ago, when my grandma used to wake me and my brother at 4 am, three times a week, sometimes in near freezing winter mornings, to collect water from a water tank 40 meters always from the house. Back then, water was a luxury, as the house taps were always dry although we lived in a place that received an annual rainfall of 1270 cms, recorded as the wettest region in the world. Naturally, we never got satisfactory answers. But at least, I learned the art of storing rain water, and of running a household each day using a single bucket of water.

*Radhika Bhuyan, a second year PhD student from India would like to know about similar laws in other countries, and how these have been disseminated and enforced. Kindly email her at: [bhuyan@merit.unu.edu](mailto:bhuyan@merit.unu.edu). Her PhD research explores the innovation strategies of firms in the renewable energy sector. The research is conducted under the UNU-MERIT programme 'Innovation, global business strategies and host country development'.*

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