

## Dark clouds over the RTI

The Bharatiya Janata Party (BJP) government has struck another blow against transparency and accountability. Its already negative track record — that has been marked by an unwillingness to operationalise the [Lok Pal](#), the [Whistleblowers Act](#) and the [Grievance Redress law](#) — has taken another step backwards if one is to go by a single line in item 14 in the legislative agenda of the monsoon session of Parliament (from July 18). It says: “To amend The Right to Information (RTI) Act 2005 — for Introduction, Consideration, and Passing.” The government will most likely proclaim these proposed amendments to be “progressive” as it did with its inverted definition of bringing about “transparency” in political party funding through “secret” electoral bonds. For such a dispensation, the RTI is an obvious threat.

### Information as a right

Since 2005, the RTI Act has helped transform the relationship between the citizen and government, dismantle illegitimate concentrations of power, legitimise the demand for answers, and assist people in changing centuries of feudal and colonial relationships. But public servants, troubled by accountability, have seen this as interference. As a result, the RTI Act has been under constant threat of amendments. At least two major attempts to amend the Act have been met with such strong popular resistance that the government of the day has had to back off. This time, it seems as if the government has decided to avoid all norms of transparency and consultation in trying to impose its undemocratic will.

It is a bitter irony that a little over a decade after the RTI Act was operationalised, proposed amendments have been kept secret; there has not even been a hint of public consultation.

### Undermining consultation

It is no secret that the intent of this government is questionable. Applications for information about amendments made under the RTI Act have been stonewalled and information denied. Any amendment to the law should have been discussed before it went to the cabinet, as in the “pre legislative consultation policy” of the government of India (<https://bit.ly/2NVI4Gi>).

But more danger lies ahead. Bureaucratic jargon such as “consideration” is a euphemism for pushing the amendment through without due consideration of parliamentary processes. For some time now, major pieces of legislation, including those that affect the transparency regime, are being pushed through without being sent to multi-party standing committees. Worse still, in order to avoid facing the strength of the Opposition, there have been steps to steamroller legislative measures (in the garb of money Bills) that have destabilised access to information such as Aadhaar and electoral bonds.

### Blow to transparency

The spirit of the RTI law lies in not just the filing of an RTI application and getting an answer. It actually mandates the replacement of a prevailing culture of secrecy with a culture of transparency. Under Section 4(2) of the RTI Act, which has been poorly implemented, it says: “It shall be a constant endeavour of every public authority... to provide as much information *suomotu* to the public at regular intervals... so that the public have minimum resort to the use of this Act to obtain information.” One can understand why there is an attempt to undermine the RTI Act in letter and spirit.

### Hampering accountability

The popular movement for accountability which swept across the country five years ago has also been successfully neutralised — at least for now. While the RTI Act allowed us to uncover fraud, it was difficult to ensure that the information could be used to hold a bureaucrat or elected representative accountable. The Lokpal debate, for example, highlighted grand corruption, but those who protested across India were personally fed up with the inefficiency of public servants and their impunity. Accountability to the people should have been institutionalised through a strong social accountability and Grievance Redress Act, as promised by the BJP. That promise has been forgotten. The Lokpal Act is now in cold storage. No Lokpal appointments have been made, despite repeated prodding by the Supreme Court; in fact the government has tried to protect bureaucrats by amending the Lokpal Act in such a way that assets of family members of public servants do not have to be disclosed in the public domain.

### Holding power to account

Citizens' movements in India have been energetic and courageous. The use of the RTI has led to more than 70 citizens fighting corruption losing their lives, but the government remains unaffected. People have been demanding a strong whistle-blower protection law, but like the Lokpal, the Whistle Blowers Protection Act has been ignored, with attempts to amend the law that will completely negate its intent.

It is notable that amendments to the RTI rules that were put up for public feedback have reportedly been withdrawn after objections. It is without justification that a government which could place its rules for public consultation should now shy away from placing amendments in the public domain. Though there have been reports that the proposed amendments seek to change the status of the information commissions, it is not worth discussing these in an opaque framework.

Secret amendments to a law fashioned and used extensively are deeply suspect. This time round, it is far more critical that all of us rally together again for the people of India cannot afford to lose what has been gained through the RTI.

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