The power of RTI

The Right to Information Act was a marvel in a country that boasted unbreachable barriers between the ruler and the ruled. It was outside the imagination of the ordinary folk raised in a cloistered environment of fear and secrecy that they could actually call for and obtain records of decisions that critically impacted their lives. Yet in only seven years, the RTI law has not just penetrated the fortress that was official India, but more miraculously, acquired a resilience that its authors could not have envisaged. It is a testimony to the Act’s strong survival instinct that last week the Union Cabinet finally withdrew a set of draft amendments to the Act which it cleared in 2006 but did not place before Parliament for fear of alienating the growing army of RTI stakeholders: citizens, activists and information commissioners. Two among the proposed amendments were potentially lethal: Disallowing access to government file notings in all areas except those deemed to be falling in the category of social and development, and placing ongoing executive decisions entirely outside the purview of the Act. Had the amendments gone through, they would have virtually rendered the government out of bounds for any RTI query, more so given that Cabinet papers, including records of deliberations of the Council of Ministers, are already exempt from disclosure till such time as the decisions are considered final and complete.

Of the slew of rights-based laws initiated by the first UPA government, only the RTI Act has met with an impressive degree of success. The law has been empowering for the common person. And it has played an invaluable role in uncovering scams and scandals that would have been shut out of sight in an earlier era. From the Commonwealth Games to the 2G scam, RTI queries have been the starting point of exposure in a score of recent cases of corruption. Not surprisingly, the success of the law has been its greatest threat. Though the UPA government birthed the law with great fanfare, its effort from the beginning has been to restrict its use. It fought to exempt file notings from the Act knowing notings were tell-tale in nature; they could reveal why, how and under what pressure an official decision was taken. A few days ago, Prime Minister Manmohan Singh cautioned against the Act’s misuse, and expressed himself in favour of privacy as opposed to disclosure. The same line was taken by the Supreme Court which also mandated that judges must be appointed to all Information Commissions. But whatever the challenge, the information law cannot be beaten back; the genie is out of the bottle.