Need to protect Whistle Blowers

What is the issue?

Ignoring the fact that Right to Information (RTI) users are facing death for keeping democracy alive is a threat to democracy itself.

What is the importance of RTI Act?

> *The Centre for Law and Democracy classifies RTI Act among the top five laws in the world.*

- Right to Information Act 2005 mandates timely response to citizen requests for government information.
- **Empowerment-** The RTI Act empowers us to participate in the policymaking process, by providing access to information relating to the functioning of all public authorities.
- **Promote accountability and transparency**- Ordinary citizens have used the law to make public authorities accountable and transparent in their functioning.
- **Extensive usage**- The law has been used extensively by a cross section of citizens including activists, lawyers, bureaucrats, researchers, journalists and ordinary folk.
- **Unearthing information**- It aids in asking questions and pursuing answers on the use of public funds, and unearthing corruption of all kinds from the Panchayat level right up to Parliament.
- **Participatory democracy**- The widespread understanding and use of the RTI is a shining example of a participatory democracy in spite of our current realities.

What is the issue with the Act?

> *Since the implementation of the Act, some 100 RTI activists across the country have been killed and Bihar ranks first in the number of deaths of RTI users.*

- **Death of activists**- The dangerous underside of the RTI is manifesting itself through violent reactions from entrenched interests and powerful lobbies.
- **Lack of state responsibility**- The brutal murders have not only raised an urgent question of the protection of people, but also of the state's responsibility to provide legal assistance, time-bound grievance redressal, compensation, and access to justice to the families of those killed.
- **Collusion of officials**- The whistle blowers were performing a basic civic duty of public vigilance but the killing of RTI users is reflective of the collusion of the police with powerful interests.

What is the need of the hour?

- **Socio-legal system**- There is a need to move towards creating a socio-legal system that recognises RTI users under attack as human right defenders and build a framework that facilitates and protects them in their attempt to pursue issues of public interest.
- **Expedition of cases in a time bound manner**- State governments must direct law-enforcement agencies to expeditiously complete investigations in all cases where RTI users are harassed.
- **Adequate compensation**- Proactive efforts must be made to provide adequate compensation to the victim's family.
- **Disclosure of information**- The State governments must take immediate efforts to institutionalise proactive disclosure of actionable information.
- Rajasthan's **Jan Soochna portal** subsequently followed by Karnataka's **Mahiti Kanaja** are outstanding examples of practical ways of mandatory disclosure.
- **Publication of questions raised**- In all cases of threats, attacks or killings of RTI users, the State Information Commission must immediately direct the relevant public authorities to disclose and publicise all the questions raised and the answers given to the user.
- **Effective legislation**- There is an urgent need to enact an effective legislation to protect whistle blowers.
- In 2016, Supreme Court came down heavily on the Union government for its reluctance in notify the Whistle Blowers Protection Act of 2014.
- State governments, such as Bihar and Maharashtra, which have recorded the highest number of murders of RTI activists, must introduce their own mechanisms for protecting whistle blowers by enacting at least a State-level whistle blower protection law.

References

1. https://www.thehindu.com/opinion/lead/we-need-to-protect-whistle-blowers/article65698564.ece
2. https://rti.gov.in/

SHANKAR IAS PARLIAMENT
Information is Empowering