Protection for RTI activists

Bringing Information to the Citizens

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- **Right to Information Act 2005 mandates timely response to citizen requests for government information.**
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- It is an initiative taken by Department of Personnel and Training, Ministry of Personnel, Public Grievances and Pensions
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- It provides a– RTI Portal Gateway to the citizens for quick search of information on the details of first Appellate Authorities,PIOs etc. amongst others, besides access to RTI related information / disclosures published on the web by various Public Authorities under the government of India as well as the State Governments
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Objectives of the Right to Information Act

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- The basic object of the Right to Information Act **is to empower the citizens, promote transparency and accountability** in the working of the Government, contain corruption, and make our democracy work for the people in real sense.
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- It goes without saying that an informed citizen is better equipped to keep necessary vigil on the instruments of governance and make the government more accountable to the governed.
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- The Act is a big step towards making the citizens informed about the activities of the Government.
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Threats to the life of RTI activists

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- Recently RTI activist Bhupendra Vira, who used the Right to Information (RTI) Act to unearth information about illegal construction, was shot after the information led the police to file charges against a politician and his son.
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- Since the Act came into force in 2005, at least 51 individuals, including 17 women, have been murdered and another five persons allegedly driven to suicide by harassment in assaults linked to seeking information under the RTI Act.
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- This is in addition to the hundreds of cases where applicants and their families have been assaulted, harassed and threatened.
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- **Maharashtra,** with 10 such murders, and Gujarat, with eight, lead the states where such incidents have occurred, but there has been violence against RTI activists all over India.
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RTI and UN

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- The right to information is considered a **basic human right in international law.**
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- The UN Commission on Human Rights says: "Access to information is basic to the democratic way of life. The tendency to withhold information from people at large is to be strongly checked."
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RTI and India

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- The RTI Act was enacted in 2005. Over four million RTI applications are filed every year.

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- Despite **under-staffed information commissions**, and **delays**, the RTI Act has empowered citizens to hold officials and politicians accountable.
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- It has exposed many scams such as the Adarsh Housing scam in Mumbai.
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- The information has often exposed the nexus among politicians, bureaucrats and businessmen.
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- **India does not have a specific privacy law, or a data protection Act.**
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Lack of protection

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- The murders and assaults make it evident that people seeking information under the RTI Act are not adequately protected by the government even though several remedies have been suggested.
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- These range from keeping the names and personal details of applicants confidential to putting the requested information directly in the public domain, assuming, of course, that the request is considered fair.
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- There is also merit in putting information directly in the public domain as it obviates duplication of applications, at the same time protecting applicants who need not expose themselves as targets while publicising the information. Direct publication would also prevent the misuse of the RTI Act as a tool for blackmail.
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- As things stand, the RTI format requires the applicant to provide his complete name and postal address. There is legal ambiguity about the need to keep personal details confidential.
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- In practice, the RTI request is often passed around among relevant government departments with all the applicants' details becoming public.
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- In the analogous **UK's Freedom of Information Act**, applicants' names are always blanked out, even in communications between government departments and in public uploads of responses to queries.
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Judiciary on Whistleblower’s protection

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- The Calcutta High Court has suggested that RTI applicants need not disclose any personal details, other than, say, a post office box number, or an anonymous email id, as a point of contact.
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- The court said: "It would be the solemn duty of the authorities to hide such information so that people at large would not know of the applicant's personal details."
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- However, this suggestion is not binding in law.
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Whistleblowers Protection Act

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- **Whistle Blowers Protection Act, 2011** is an Act of the Parliament of India which provides a mechanism to investigate alleged corruption and misuse of power by public servants and also protect anyone who exposes alleged wrongdoing in government bodies, projects and offices.
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- Whistleblowers Protection Act pending in the Rajya Sabha has many amendments that prohibit the reporting of corruption-related disclosures under 10 different categories.
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- This would dilute the RTI Act in scope. **Moreover, the Whistleblowers Act does not provide explicit privacy and protection to RTI applicants.**
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- This is one of many areas where the need for a specific privacy law and data protection law is acute. The RTI Act was a huge improvement in transparency of governance.
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- But instead of following through to strengthen the RTI Act and protect applicants, successive governments have tried to dilute its provisions.
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\n**Category: Mains| GS-II| Governance**

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Source: Business standard

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