

Voice to the voiceless in India

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THREE years ago, the Transparency International (TI) ranked India as the 70th most corrupt country in the world, keeping company with Gabon, Mali and tiny Benin in Africa and the former Soviet Republics of Armenia and Moldova an uncomfortable perch, based on the perception of its own citizens. Last year, we were told, India's rating climbed up several notches putting it in the league of burgeoning economies like Brazil, China and Mexico that are perceived to be less corrupt. Whatever quarrel we may have with the methodology adopted in the survey, the sudden improvement of India's image in the eyes of its own people in the absence of any major anti-corruption initiative launched by its government seems, at first glance, like magic.

Until October 2005 'small' and 'powerless' people like Shankar Satnami an unlettered daily-wage labourer in a remote village in tribal Chhattisgarh would get

their entitlements with ease or financial assistance to build a house if they greased the wheels of the mighty bureaucracy or brought the patronising influence of a politician to bear upon a 'petty' officer. Others could wait endlessly or simply grovel before the servants of the public working behind very busy desks until they had a change of heart. The enactment of the Right to Information (RTI) Act has changed this power equation at a fundamental level. This law places a strict obligation on public authorities all over the country to tell people all about their decision-making structures and processes and the norms they are by law required to follow, while taking any decision. Shankar is now able to exercise his fundamental right to know why the tehsil office did not add his name to the wait-list of citizens entitled to state assistance despite satisfying the eligibility criteria. The officer has little choice but to reply because a lack of response would make him

personally liable to a monetary penalty. Rather than explain his inaction or give reasons for the unreasonable delay, the officer chooses to redress Shankar's grievance within a week. In several hundred such instances the use of the RTI Act has worked faster than bribes, making the legislation's objective of containing corruption a palpable reality for the socio-economically disadvantaged. The TI survey is only hinting at a silent but growing trend of the voiceless finding their voice through democratic means.

By replacing 'official' secrecy with transparency as the norm of government which in any case ought to be the hallmark of any democratic and responsible government, the RTI Act has become a boon for the upright and honest civil servant who chooses to play by the rules. Undue secrecy and lack of accountability in decision-making processes hurts bureaucrats as well when they do not fall in line with seniors or politicians



demanding favours. The sincere and honest officer who does not balk faces an inexplicable transfer or mischievous spoilage of his/her annual appraisal report or deliberate withholding of a promotion. It comes as no surprise that in the initial months a large majority of the appeals cases pending before the Information Commissions independent appellate bodies with wide-ranging powers to adjudicate on information access related disputes were brought by public servants themselves. Many a public servant has refused to take unlawful verbal orders from his/her seniors and insisted that all such directions be given in writing fearing that the wrong head might be on the chopping block in an era of heightened public scrutiny. Accountability is becoming the defining value from being a desirable value in governance.

Yet the entrenchment of openness in government is not without its difficulties. The experience of implementation of the RTI Act has shown that records maintenance and management in offices especially at the district, sub-district and village level are in very poor shape a major reason for the delays in providing information to the requestor in real time. Legislations can be a useful tool for socio-political transformation but change in the bureaucratic mindset

seeped in a culture of unaccountable secrecy is slow and arduous. To be told one fine day that you have a duty henceforth to give information to any citizen without asking why he/she wants such information, even if it is not related to him/her in any way, is a bitter pill to swallow for many officers. As a result understaffed and under-resourced Information Commissions are struggling with a large number of appeals and complaints cases where information has been denied in an unreasonable manner.

Yet this is a better option for resolving access disputes instead of going to the courts. Regular courts are already groaning under the burden of pendency and Shankar would never be able to afford the costs even if he decided to forego three meals a week and wait 5-10 years for the information he probably needs tomorrow.

The system is looking to strike back and rob the RTI Act of its bite and punch. Attempts have been made to introduce crippling amendments and for seeking exclusion of some public authori-

ties from its purview under one pretext or another. None have succeeded so far as civil society organisations that played a major role in the drafting and implementation of this revolutionary legislation are ever vigilant. Every successful user of RTI is willing to defend this law because RTI is restoring to people like Shankar their dignity the end goal of all human rights guarantees and protection.

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