

Keynote Remarks
of
Gopalkrishna Gandhi
at The Fifth Convention on
The Right to Information Act
New Delhi
September 13, 2009

After the IPC, the FIR and PIL, the best known three-letter acronym in Indian Governance is RTI. I think it has overtaken the others in frequency of use outside the agencies of law enforcement.

And it engenders as much awe as IPC, FIR and PIL. It also generates, as PIL does, but even more so, two reactions : The first is admiration, amongst its users or potential users. Ki aisaa ek baraa hathiyaar hamaare haathon mein aayaa hai. The second is apprehension amongst those it targets or is likely to target. Ki humen dhake rakhe huaa pardaa ab khul gayaa hai, chilman utth gayaa hai.

The first reaction, the reaction of admiration, is a good and wholesome reaction. Kyuunki

qaanuun barhiyaa hai, bahaadur hai, har poradesh mein laguu ho gayaa hai.

RTI Act ab jam chukaa hai. Aaj uskii pehchaan hai, shaharon mein hii nahiin, chhote nagaron aur dehaat mein bhii. Haalaanki kuchh pradeshon mein vah mazbuutii se aage barha hai aur kuchh aur pradeshon mein ab bhii ladkhadaate hue chaltaa hai.

Qaanuun-hukumat-awaam kaa is tarah ek honaa bahut achhi baat hai, which has to be admired. Lekin duusraa reaction jo hai, apprehension vaalaa, vah intahaa ghalat aur buraa hai.

The Right to Information must never be allowed to degenerate into the Right to Bully, or into a form of vigilantism. Kyuunkii vah qanuun jo darr paidaa kartaa hai, vah iktarfaa hotaa hai, vah vishvaas, bharosaa, aitbaar nahiin barhaataa hai. Aur aaj humko vishvaa, aitbaar ki sakht zuruurat hai.

AAj RTI ko aaye paanch saal ho gaye hain. Humko aaj uske prabhaav oar, uske asar par, ghaur karnaa chaahiye. Kyaa hai uskaa asar?

RTI mein ek bare aandolan kii fateh hui hai.

Aur uskaa shreya sabse pahle jaataa hai Aruna Roy ko, jinhone Rajasthan mein RTI kii zaruurat mahsuus kariii aur phir uske liye aandolan shuruu kiyaa, aur uske liye logon kaa samarthan praapt kiyaa.

Andolanon ko logon kaa samarthan tab hii

haasil hotaa hai jab logon ko us andolan mein tuk, tark, aur tathya dikhe. Varna nahiin. Is qanuun ne hazaaron ke dil ujaagar kiye hain. Is qanuun ne ne kaiyon ko insaaf dilaayaa hai, kai ghaflaton, ghalatiyon, ghuus aur ghor anyaayon ka is qanuun ne muquabilaa kiyaa hai.

Lekin phir bhii RTI ko aaj bhii ek smarthan kii , support aur backing kii zaruurat hai.

Aaj bhii RTI ke qanuun banjaa-ne ke baad bhi usko yah kyuun chaahiye?

Vajh yah hai : Yah qanuun kaiyon ke kaanon tak pahunchaa hai, kai hazaaron, lakhon kaanon tak pahunchaa hai, lekin phir bhi kai auron – karoron – ke kaanon ke upar se sarsaraataa huaa pravesh kar gayaa hai daftaron mein. Is baat mein vaise koi kharaabi nahiin. Daftaron ke binaa koi qanuun nahin chaltaa. Lekin daftaron kaa ek ajiib tariqaa hotaa hai. Ve qanuunon ko apne kuuchon mein mehmaan banaa dete hain. Daftaron ki koshish hotii hai ki qanuunon ko kam se kam taqliif ho, ziyaada se ziyaada aaraam miley. Lekin RTI aaraam ke liye nahiin banaa hai. Vah kaam ke liye banaa hai. Usko mehnat chaahiye, raahat nahiin. Daftaron ko RTI se darna nahiin chaahiye, us se khisakne kii koshish nahiin karnii chaahiye. Mein sarkarii prabandhakon ko kahuungaa ki RTI se ek ho jaayiye, usko apnaayiye, uski madad se haqiqat ko pahchaaniye, usko durust kariye. Jab bhii RTI ki tahat public se koi savaal aataa hai sarkarii daftaron ko uskaa svaagat karna chaahiye aur uskaa puuraa, sahee, aur sachchaa javaab buland aavaaz mein denaa chaahiye.

It is not just RTI's great good fortune but India's that a person of the veracity of Wajahat Habibullah has been India's first Chief Information Commissioner. He has set RTI on track, set the RTI-Government equation on track. The Chief Information Commissioners in the States have also been working extremely hard, often with inadequate infra-structure, often as single Commissioners, and often without that continual backing from the State Administration that is required. I would like to congratulate all of them on this occasion for what they have achieved. They, with the Lok Ayuktas, and the State Commissions for Human Rights are Institutions of Conscience, They are , what may be called, the Zameer-e-Hind.

Pradeshon mein jo commissioner aur PIOs bane hain, unke Rajya sarkaron se saarii suvidhayen aur sammaan milne chahiye. RTI ki adhikaariyon ko iske liye intezaar karna pare yah sarkari chhabhi ke liye thiik nahiin.

RTI mein gopaniyataa kaa ek aham savaal hai.

Is se sarkaron ko kuchh be-chainii hotii hai. RTI Act mein gopaniyataa kii surakshaa hui hai. Honi chahiye. Jaise hum hain, vaisa hi desh hai.

Humen hum sab ko – kuchh maamlon mein gopaniyataa kii zuruurat hotii hai. Kuchh rishte aise hote hain, jahaan gopaniyataa zuruuri hoti hai. Sarkar aur desh ke rishton mein bhii kuchh aise lamhe aate hain, jahaan gopaniyataa aavashyak ban jaatii hai. Vaisii gopaniyata kuchh nazaakaton kii hifaazat ke liye hotii hain.

Khulepan – transparency – ka yah matlab nahiin ki hum aisii nazaakaton ko bhuul jaayen.

I would certainly include in these the confidential communications between a head of state and head of government, both at the Centre and in the States. At the same time I would say that whenever an occasion arises when a head of state and head of government share thoughts on matters of public importance, they must simultaneously take the public into confidence and place in the public domain, an operative summary of their discussions or correspondence to obviate speculation.

File notings kii baat aatii hai. Is par bhii be-chainiyaan rahiin hain aur Chief Information Commissioner sahib kii is npar aham ruling bhii aayii hai. Main sirf itnaa kah duun ki afsaron or saare note-writers ko notings likhte vaqt

muddon poar sochgnaa chaahiye, haqioiqat ko dhyaan mein rakhnaa chaahiye, qanuun ko dhyaan mein rakhnaa chahiye. Notes yah soch kar na likhiye ki 'kahiin aage jaa kar RTI vaalii taqlioif na ho jaaye'. Aur na hi aisii notes likhne kii koshish kiijiye jis se ki RTI ke taramandal mein aap ek chamaktaa sitaaraa ban jaaen.

The RTI Act should not make note files monosyllabic or laconic, nor should it encourage prolixity in the hope of 'RTI immortality'.

Bureaucracy RTI ke maamle mein apne puraane mind-set se abhi baahar aanaa siikh rahii hai. Sadiyon se afsaron ne thakur-suhaati sunii hai, maai-baapii, hukum-kuzuurii dekhii hai. Unhe bataayaa gayaa hai ki savaal afsar baithe hue karegaa, javaab uske samne kharaa huuaa insaan degaa. Aaj jab afsar RTI kaa learner hai, aur RTI shikshak, to usko yah mat kahiye 'chal utth, khare ho'. Yaa 'chal utth, sar par khare ho'. Afsar aaj ek baraa pahluu siikh rahaa hai, vishvasaniya aur transparent RTI-compliant shaasan mein, siirshaasan mein nahiin.

Gandhiji in Decemeber 30, 1926 ke din 'Young India' mein likhaa thaa: "Those who seek

justice ,must come with clean hands”.

'Clean hands' means that those using the Act must ask use it responsibly. The architects and engineers and the persons running the Act should make users of the Act realize the difference between stressing and straining a point, between portraying and exaggerating a situation and between emphasising and magnifying a problem. RTI adherents and users should encourage serious questions and discourage frivolous or malicious ones. I have heard of persons who have been unsuccessful in interviews promptly doing an RTI to challenge the procedures of the appointing authorities, thereby paralyzing the functioning of those bodies. A good instrument can be misused. RTI's protectors must not let that happen. The RTI Act is a potential remedy for discontent. It should not become a weapon in the hands of malcontents. Discontent in India is a reality. Malcontents in India are no less so. A strict and disciplinarian head-of-office can be bullied by RTI threats. This bullying can be lethal if it is based on deliberate distortions of facts and if it is based on half truths. Even a 'truth', a 'fact', can sometimes be misused. William Blake

famously said: 'A truth told with bad intent beats all the lies you can invent'. RTI protectors and NGOs must be mindful of that.

RTI should not be used to hurt any one or anything, except opaqueness.

RTI Act afsaron ko haqiqat kii dhuul se vaaqif karne ko hai, uski naak dhuul mein ragadne ke liye nahiin.

Today, RTI is facing probably its greatest challenge. So effective has it become, so rich in results, so amazingly potent that those with something to hide are afraid of it. Fear is a cousin of panic. And so we hear of those who have had the courage to use RTI against the powerful and the entrenched have had to pay dearly for their courage, even with their lives. This is intolerable. If it is true that the unnatural death of persons who have filed RTI applications is connected with their RTI action, the law-enforcers have to visit the guilty with the speed of light and, under due process, bring the

guilty demonstrably to account. And politics should be allowed to play no role in the proceedings. It is as imperative to keep politics out of RTI as it is to keep it out of the judiciary. In fact, even more so because over the decades the judiciary has built up systems to safeguard its space ; RTI establishments are yet to do so. Those who have died in the course of RTI work are martyrs to more than the Right to Information; they are martyrs to transparent and good governance and the rule of law. They are martyrs to the cause of a civilized and liberal rule of

RTI Act ne logon ko aavaaz dilaayii hai,
divaaron ko sun-ne par majbuur kiyaa hai.

Surdas ke shabdon mein:

Jaake kripa,

Pangu giri langhai,

Andhau ko sab kachhu darisaaii,

Bahirau sune, guung puni bolai,

Ranka chale sir chhatra dharaayii.