

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS



Open Access, Refereed Journal Multi-Disciplinary
Peer Reviewed

www.ijlra.com

DISCLAIMER

No part of this publication may be reproduced or copied in any form by any means without prior written permission of Managing Editor of IJLRA. The views expressed in this publication are purely personal opinions of the authors and do not reflect the views of the Editorial Team of IJLRA.

Though every effort has been made to ensure that the information in Volume II Issue 7 is accurate and appropriately cited/referenced, neither the Editorial Board nor IJLRA shall be held liable or responsible in any manner whatsoever for any consequences for any action taken by anyone on the basis of information in the Journal.

Copyright © International Journal for Legal Research & Analysis

EDITORIALTEAM

EDITORS

Dr. Samrat Datta

Dr. Samrat Datta Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Samrat Datta is currently associated with Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Datta has completed his graduation i.e., B.A.LL.B. from Law College Dehradun, Hemvati Nandan Bahuguna Garhwal University, Srinagar, Uttarakhand. He is an alumnus of KIIT University, Bhubaneswar where he pursued his post-graduation (LL.M.) in Criminal Law and subsequently completed his Ph.D. in Police Law and Information Technology from the Pacific Academy of Higher Education and Research University, Udaipur in 2020. His area of interest and research is Criminal and Police Law. Dr. Datta has a teaching experience of 7 years in various law schools across North India and has held administrative positions like Academic Coordinator, Centre Superintendent for Examinations, Deputy Controller of Examinations, Member of the Proctorial Board



Dr. Namita Jain

Head & Associate Professor

School of Law, JECRC University, Jaipur Ph.D. (Commercial Law) LL.M., UGC -NET Post Graduation Diploma in Taxation law and Practice, Bachelor of Commerce.

Teaching Experience: 12 years, AWARDS AND RECOGNITION of Dr. Namita Jain are - ICF Global Excellence Award 2020 in the category of educationalist by I Can Foundation, India. India Women Empowerment Award in the category of "Emerging Excellence in Academics by Prime Time & Utkrisht Bharat Foundation, New Delhi. (2020). Conferred in FL Book of Top 21 Record Holders in the category of education by Fashion Lifestyle Magazine, New Delhi. (2020). Certificate of Appreciation for organizing and managing the Professional Development Training Program on IPR in Collaboration with Trade Innovations Services, Jaipur on March 14th, 2019



Mrs.S.Kalpana

Assistant professor of Law

Mrs.S.Kalpana, presently Assistant professor of Law, VelTech Rangarajan Dr.Sagunthala R & D Institute of Science and Technology, Avadi. Formerly Assistant professor of Law, Vels University in the year 2019 to 2020, Worked as Guest Faculty, Chennai Dr.Ambedkar Law College, Pudupakkam. Published one book. Published 8Articles in various reputed Law Journals. Conducted 1Moot court competition and participated in nearly 80 National and International seminars and webinars conducted on various subjects of Law. Did ML in Criminal Law and Criminal Justice Administration. 10 paper presentations in various National and International seminars. Attended more than 10 FDP programs. Ph.D. in Law pursuing.



Avinash Kumar



Avinash Kumar has completed his Ph.D. in International Investment Law from the Dept. of Law & Governance, Central University of South Bihar. His research work is on "International Investment Agreement and State's right to regulate Foreign Investment." He qualified UGC-NET and has been selected for the prestigious ICSSR Doctoral Fellowship. He is an alumnus of the Faculty of Law, University of Delhi. Formerly he has been elected as Students Union President of Law Centre-1, University of Delhi. Moreover, he completed his LL.M. from the University of Delhi (2014-16), dissertation on "Cross-border Merger & Acquisition"; LL.B. from the University of Delhi (2011-14), and B.A. (Hons.) from Maharaja Agrasen College, University of Delhi. He has also obtained P.G. Diploma in IPR from the Indian Society of International Law, New Delhi. He has qualified UGC – NET examination and has been awarded ICSSR – Doctoral Fellowship. He has published six-plus articles and presented 9 plus papers in national and international seminars/conferences. He participated in several workshops on research methodology and teaching and learning.

ABOUT US

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS
ISSN

2582-6433 is an Online Journal is Monthly, Peer Review, Academic Journal, Published online, that seeks to provide an interactive platform for the publication of Short Articles, Long Articles, Book Review, Case Comments, Research Papers, Essay in the field of Law & Multidisciplinary issue. Our aim is to upgrade the level of interaction and discourse about contemporary issues of law. We are eager to become a highly cited academic publication, through quality contributions from students, academics, professionals from the industry, the bar and the bench. INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS ISSN 2582-6433 welcomes contributions from all legal branches, as long as the work is original, unpublished and is in consonance with the submission guidelines.

“THE DARK SIDE OF RTI: VICTIMIZATION OF RTI ACTIVISTS IN INDIA”

AUTHORED BY - SHIVANSHU DWIVEDI

Abstract:

Right to Information Act, 2005 is hailed as a groundbreaking legislation that marks the shift from an era of secrecy to an era of glasnost. It has illuminated the perspective of public authorities, previously shrouded in suspicion and secrecy. The law has empowered an ordinary citizen to hold those in power accountable for matters that affect the public interest. However, this empowerment and the curiosity to know often places the RTI users in a precarious spot. Their quench for information leads to their victimization by those whose vested interests are threatened by their inquisitiveness. In the past 2 decades, some 100 RTI activists have lost their lives and several have been harassed on a daily basis for exercising their Right to know. Unfortunately, the impugned legislation lacks teeth when it comes to protecting its users and they are like sitting ducks. In this context, the paper delves into the dark side of the RTI Act. It will examine the global history and development of RTI laws, followed by the origins of the RTI Act, 2005. In the later part, the paper will touch upon the issue of victimization of RTI activists, the statistics pertaining to the issue followed by recent incidents of reprisals against RTI activists. Lastly, the paper will throw light upon some existing safety mechanisms for RTI users followed by the researcher's suggestions and conclusion.

I. INTRODUCTION

In the epoch of globalization, the necessity for unfettered information flow is greater than ever. According to Michel Foucault “power is derived from knowledge and information is the basic component of knowledge”.¹ Right to information is a fundamental facet of a vibrant democracy. There is an interdependent connection between effective governance and the right to know. It bolsters public participation, transparency, and accountability. It will not be wrong to say that “Information is the oxygen that any citizen needs to live in the social structure of the society and maintain its democratic balance”.²

¹ Sri Keshabananda Borah, “Right to Information Act: a key to good governance”, 2 *International Journal of Humanities and Social Science Invention* 11 (2013).

² Sahina Mumtaz Laskar, “Importance of Right to Information for good governance in India”, *Bharati Law Review* 216 (2016).

Right to information is one of the basic human rights enshrined in the Human right framework. The entitlement reflects in Article 19 of the Universal Declaration of Human Rights. As per it, “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”³ Though the right is not explicitly mentioned in the Indian Constitution nevertheless it is implied under Article 19(1)(a) and is a part of the umbrella of rights included under Article 21. Right to Information Act was passed in 2005 by the central legislature and it is one of the most powerful RTI legislation in the world but the act has often come under scathing criticism primarily due to the recurrent victimization and harassment suffered by RTI users and the legislation’s inability to deal with it.

II. HISTORICAL BACKGROUND OF RTI LEGISLATIONS

The origin point of the RTI legislation is Sweden. The Swedish RTI legislation⁴ dates back to 1766. It was enacted even before the US Revolution and the French Revolution. The act was the brainchild of Anders Chydenius. The United Nations General Assembly acknowledged the Information entitlement as part of the Human Rights Universe in 1946.⁵ Soon after the acknowledgment of the right at the international arena, RTI legislations spread like a chain reaction across the globe. As of now, more than 100 countries have RTI legislation as a part of their legal framework.

III. GENESIS OF RTI ACT IN INDIA

As previously discussed, the foundation of the Right to Information (RTI) in India is rooted in Article 19(1)(a) of the Constitution. While former Prime Minister V.P. Singh was the first to emphasize its recognition as a legislated right, its formal recognition as a fundamental right, along with the enactment of RTI Act, is the result of sustained civil society movements, complemented by judicial pronouncements.

(a) Judicial pronouncements highlighting Right to know

The right to know has been consistently upheld by the judiciary in a catena of judgments long before the enactment of the RTI legislation and it is through these judicial pronouncements that early jurisprudence pertaining to the fundamental right evolved.

³The Universal Declaration of Human Rights, 1948, art.19.

⁴ The Freedom of Press Act, 1766

⁵ Dr. Bal Kamble, “Historical Background of Right to Information Act” 6 *International Journal of Research and Analytical Review* 1081 (2019).

In *Bennett Coleman & Co. v. Union of India*⁶, the judges had asserted that:

*“It is indisputable that by freedom of the press meant the right of all citizens to speak, publish and express their views ... Freedom of speech and expression includes within its compass, the right of all citizens to read and be informed.”*⁷

Justice K.K Mathew, in the Habeas Corpus Case⁸ stated that:

*“In a Government of responsibility like ours, where all the agents of the public must be responsible for their conduct, there can be but few secrets. The people of this country have a right to know every public act, everything that is done in a public way, by their public functionaries. They are entitled to know the particulars of every public transaction in all its bearing. The right to know, which is derived from the concept of freedom of speech, though not absolute, is a factor which should make one wary when secrecy is claimed for transactions which can, at any rate, have no repercussion on public security. To cover with a veil of secrecy the common routine business, is not in the interest of the public. Such secrecy can seldom be legitimately desired.”*⁹

In First Judges Case.¹⁰Justice Bhagwati had observed:

*“The concept of an open government is the direct emanation from the right to know which seems to be implicit in the right of free speech and expression guaranteed under Article 19(1)(a). Therefore, disclosure of information in regard to the functioning of the government must be the rule and secrecy an exception.”*¹¹

In *Dinesh Trivedi v. Union of India*¹², the apex court observed that:

“in modern constitutional democracies, it is axiomatic that citizens have a right to know about the affairs of the Government which, having been elected by them, seek to formulate sound policies of governance aimed at their welfare..... Democracy expects openness and openness is concomitant of a free society, and sunlight is the best disinfectant”.¹³

(b) Civil Society movements pertaining to Right to Information

The civil society movements have significantly contributed to the development of right to know and the emergence of RTI Law in India. The predominant reason for it was that though the courts had acknowledged the right to information, there was no explicit legislation dealing with it. Therefore, the remedy lay only with courts but not all people could approach the courts

⁶ AIR 1973 SC 106.

⁷ *Ibid.*

⁸ *Indra Nehru Gandhi v. Shri Raj Narain*, 1976 2 SCR 347.

⁹ *Id.*, at 884.

¹⁰ *S.P Gupta v. Union of India*, 1982(2) SCR 365.

¹¹ *Ibid.*

¹² [1997] 4 SC 306.

¹³ *Ibid.*

primarily due to money and time constraints. Thus, the exercise of the right had become complex and time-consuming. Therefore, to ease the exercise of the right, civil society organizations stepped in demanding an explicit legislation for the same.

One of the most notable movements in this regard was spearheaded by the Mazdoor Kisan Shakti Sangathan (MKSS), which marked the first major fight against corruption in the village of Devdungri, Rajasthan. MKSS is an organization dedicated to empowering laborers and farmers, founded by Aruna Roy, a former IAS officer, alongside Nikhil Dey and Shankar Singh. The association was advocating for the legal right to the statutory minimum wage for villagers, who were subjected to the arbitrary and capricious actions of state bureaucracy, leading to the violation of their economic rights.¹⁴

When MKSS sought access to financial records for scrutiny, their request was denied on the grounds of confidentiality. What began as a struggle for securing minimum wages soon evolved into a battle for right to information. To further their cause, the association introduced the innovative concept of "*Jan Sunwai*". The struggle lasted for three years, with the government ultimately yielding to the association's demands. The spirit of this movement was encapsulated in the powerful slogan, "The Right to Know, The Right to Live".¹⁵

National Campaign for People's Right to Information (NCPRI), the sister organization of MKSS started a parallel movement for a national law to facilitate the right. It vehemently appealed for doing away with Official Secrets Act, 1923. The campaign gathered momentum in 1997 both at national and regional platforms. It compelled the Rajasthan government to enact the RTI law in the state.¹⁶

Apart from MKSS and NCPRI, the contributions of other civil service organizations such as Parivartan, and Association for Democratic Reforms (ADR) coupled with the efforts of social activists like Anna Hazare for a more transparent society cannot be undermined.

(c) The passing of the RTI Act

The Press Council of India prepared the introductory draft of the legislation. It was sent to the Government of India by NCPRI for urgent consideration. In response, the government set up

¹⁴ *Supra* Note 6 at 29-30.

¹⁵ *Ibid.*

¹⁶ Role of Civil Society Organizations, available at: <https://egyankosh.ac.in/bitstream/123456789/77107/1/Unit-10.pdf> (last visited on December 7, 2024).

the Shourie committee to scrutinize the draft. The Shourie committee tabled its recommendations along with its draft to the government. The draft bill of the committee was then forwarded to the Parliamentary Standing Committee. Though the draft was fraught with lacunae it was passed in December 2002 and obtained presidential assent the next month thereby giving us the Freedom of Information Act. Nonetheless, the act was never notified and therefore never came into effect.¹⁷

In 2004, the United Progressive Alliance came back to power and abiding by their manifesto i.e. to strengthen the RTI Act, the government prepared a minimum common programme to emphasize upon the right. To ensure effective implementation, the government constituted National Advisory Council comprising of proponents for RTI legislation like Aruna Roy, Harsh Mandar and others. The Right to Information Bill was tabled before parliament in December 2004. However, it was referred to the standing committee due to several gaps in the existing draft. The committee tabled its report in March 2005. Finally, the RTI Bill 2005 was passed by Lok Sabha and Rajya Sabha 2005 and received presidential assent on 15th June 2005. It came into force on 12th October, 2005.¹⁸

IV. VICTIMIZATION OF RTI ACTIVISTS

The RTI Act has ushered significant improvements in government operations; however, it has not been without its challenges for applicants, who frequently face victimization.¹⁹ Eighteen years ago, the MKSS's motto, "the right to know, the right to live," linked right to information with right to survival. Today, however, this motto has taken on a troubling dimension, as those requesting information, are being sacked to death.²⁰

Many RTI users have lost their lives while attempting to obtain information of public significance. Hundreds more have faced attacks, assaults, harassment, threats, and endured suffering at the hands of those with vested interests. Further, psychological pressure has driven a handful of RTI users to death by suicide. To the utter dismay, in India, there is no official system in place to evaluate the number of citizens who have been threatened, harmed, or killed in the aftermath of seeking information. In 2013, when the government was questioned about

¹⁷ *Id.*, at 199.

¹⁸ *Id.*, at 200-201.

¹⁹ *Supra* Note 6 at 16.

²⁰ Pande, S. (2015) Dying for information: Right to information and whistleblower protection in India. Bergen: Chr. Michelsen Institute (U4 Brief 2015:3) 4 p.

its awareness of the recent rise in attacks on RTI activists, and if so, to provide details along with a state-wise breakdown of such incidents, the then Minister of State in the Ministry of Personnel, Public Grievances, and Pensions, Shri V. Narayanswamy, responded by acknowledging that the government was aware of certain incidents reported in the media. However, he clarified that no official data had been kept on such occurrences.²¹ This shows that the government's response to the persecution faced by RTI activists has been unsatisfactory. However, a few civil services organizations and independent researchers have done research and collated data on their part to study about the issue.

As per a publication in U4 Brief, there had been 50 instances of death (including three suicides), 84 instances of assault, and 101 instances of harassment of RTI Activists between 2008 to 2015. The publication further highlighted that the victims were pursuing information on corruption across four key areas: land and natural resources, development and welfare programs, bureaucratic and administrative issues, and the delivery of public services. Further, nearly 1/3rd RTI users who were victimized sought information pertaining to corruption concerning land and natural resources. On a geographical note, it was revealed that economically developed states faced more instances of victimization related to land and natural resources, with Maharashtra leading at 21 incidents, followed by Gujarat with 11. In contrast, underdeveloped states saw increasing attacks linked to corruption in welfare programs, with Bihar at the top (11 incidents) followed by UP (9 incidents).²²

(a) Attacks on RTI users in India: Hall of Shame statistics update

A report pertaining to the victimization of RTI users in India was prepared by Commonwealth Human Rights Initiative. The organization uncovered over 311 cases of attacks on RTI users between October 2005 and October 2016. The data collected by the report is as follows:

Firstly, at least 56 RTI applicants have lost their lives in exchange of obtaining information since the full implementation of the RTI Act. Amongst them, 51 RTI users were murdered while the remaining committed suicide. The list was topped by Maharashtra followed by Gujarat and Uttar Pradesh.

Secondly, as per the report, at least 130 RTI applicants have been attacked or assaulted in these years. Here also, Maharashtra topped the list followed by Gujarat and Delhi.

²¹*Ibid.*

²²*Ibid.*

Lastly, over the period of 11 years, at least 125 instances of harassment and intimidation to RTI users were recorded. Maharashtra led the list, followed by Gujarat and Delhi.

Additionally, the reports revealed that 2011 saw the highest number of victimization cases against RTI users, with 83 incidents recorded that year.²³

To sum up, these figures highlight the escalating danger for RTI users and the need for enhanced protection and a stronger framework for safeguarding RTI activists, as the risks of exposing corruption continue to grow.

V. RECENT INCIDENTS OF REPRISAL OF RTI ACTIVISTS

Since the emergence of RTI Legislation, over 100 individuals have been killed while fighting for the vital asset of power i.e. Information. The following are some recent alarming and disturbing incidents of victimization of RTI users.

(a) Tragic Murder of RTI Activist and Subsequent Suicide of His Son

Vipin Agarwal, a 45-year-old RTI activist from East Champaran, was brutally murdered in broad daylight in September 2021. He had been tirelessly campaigning against land encroachment and had even sought police protection after his home was attacked by unidentified assailants. Tragically, six months after his death, his 14-year-old son took his own life, deeply distressed by the lack of justice as the perpetrators remained at large.²⁴ This tragedy underscores the heavy toll RTI activism takes not only on the activists themselves but also on their families.

(b) RTI Activist killed and Body charred to death

Buddhinath Jha, an RTI activist and journalist from Bihar, exposed several unlicensed private clinics operating in the region. His complaints to district public grievances redressal officers led to fines and actions against these clinics. In August 2021, following his complaint, district health officials raided eight private nursing homes allegedly operating without proper licenses. Four of these clinics were fined Rs 50,000 each, while some attempted to change their

²³ Commonwealth Human Rights Initiative, "Attacks on RTI users in India: Hall of Shame statistics update" (October, 2016).

²⁴ Sandeep Bhaskar, "Slain RTI activist's son dies by suicide, kin allege delay in justice" *Hindustan Times*, Mar. 25, 2022.

addresses to avoid scrutiny. FIRs were also filed against certain clinics by the police. Sadly, this activism cost him his life, the charred body of the young RTI activist was discovered 5 km away from his local village in Madhubani district.²⁵

(c) Brutal Assault on RTI Activist in Rajasthan

Amra Ram Godara, an RTI activist from Barmer, Rajasthan had filed several RTIs about underpayment of workers under MGNREGA; discrepancies in construction of roads; irregularities in house allotment under the PM Awas Yojana. As a consequence of his activism, he was kidnapped and viciously assaulted and also made to drink urine by miscreants whose interests were threatened by his actions.²⁶

(d) RTI Activist shot in broad daylight

Ranjeet Soni was a human rights activist and RTI advocate who had filed applications under the act to obtain information about public works, including government spending, hospital allocations, and road construction projects. In June 2022, he was gunned down inside the premises of the PWD office in Vidisha (MP). He was scheduled to appear before court with respect to one of his complaints the very next day.²⁷

(e) Septagengarian RTI Activist Murdered in Telangana

Nalla Ramakrishnaiah, a 70-year-old RTI activist had been actively fighting against land encroachments and had filed an RTI request to obtain documents related to land ownership. He sought the cancellation of the lease given to one of the accused who happens to be the spouse of a local BRS leader. In retaliation, the accused hired contract killers to murder Ramakrishnaiah, having previously threatened him. The dead body of the activist was found lying in a pond and three individuals were arrested in connection with the killing last June.²⁸

(f) RTI Activist grafted in cases and externed from the district

Vikesh Negi, an advocate and RTI activist from Dehradun had been actively exposing alleged cases of disproportionate assets involving ruling BJP leaders and ministers, as well as

²⁵ Amarnath Tewary, "Burnt body of abducted journalist found in Bihar's Madhubani district" *The Hindu*, Nov. 14, 2021.

²⁶ Deep Mukherjee, "You know too much law: RTI activist in Rajasthan recalls attack horror" *The Indian Express*, Dec. 26, 2021.

²⁷ Press Trust of India, "RTI activist shot dead near govt office in MP's Vidisha" *Deccan Herald*, June 3, 2022.

²⁸ P Sridhar, "Missing retired development officer and RTI activist found dead near Jangaon" *The Hindu*, June 18, 2023.

discrepancies in the construction of Sainik Dham. He was reportedly detained and externed from Dehradun district for six months, with the procedure resembling that typically used for hardened criminals. A court order from the District Magistrate claimed that Negi had been involved in land fraud and other criminal activities, listing five cases filed against him. However, Negi contended that he was being targeted for his efforts to expose corruption and scams.²⁹ This incident highlights how RTI activists are harassed by framing them in fictitious case.

VI. SAFETY MECHANISMS FOR RTI ACTIVISTS

It can be clearly seen that the impugned act is not equipped to protect the safety and well-being of its users, possibly because the possibility of such attacks was not anticipated during its creation. The legislature has been constantly ignoring the issue primarily to safeguard their vested interests. However, an RTI activist can resort to the undermentioned safeguards when exercising his right.

(a) Protection under the Human Rights Act

In 1993, the Protection of Human Rights Act was enacted which established novel mechanisms in the form of the Human Rights Commissions at both the national and state levels, to safeguard and promote human rights. Its primary functions is to inquire into instances of human rights violation either suo moto or on victim's petition or upon the order or direction of court. Thus, RTI users being human rights defenders can avail protection under the act.³⁰

(b) Action by Information Commissions

A study undertaken by NCPRI and RTI Assessment and Analysis Group suggests that information commissions established under the act should entertain complaints regarding victimization of applicants under Section 18(1)(f) of the act and should initiate an inquiry under Section 18(2) if the complaint appears to have merit. The study further suggests that intimidation, threats, or attacks can be considered as obstruction and may be classified under Section 20(1) as an offence subject to penalty.³¹

²⁹ Whistleblower who Flagged Alleged Graft by BJP Leaders, Externed, *available at*: <<https://www.newslick.in/uttarakhand-whistleblower-who-flagged-alleged-graft-bjp-leaders-externed>> (last visited on December 7, 2024).

³⁰ *Supra* Note 6 at 40.

³¹ RTI Assessment & Analysis Group and National Campaign for People's Right to Information, "Safeguarding the Right to Information" (October,2009).

(c) Actions by courts and governments

The courts and the governments have time and again taken affirmative actions and issued directives to tackle the leviathanous issue. For instance, in 2010, during the hearing of RTI activist Satish Shetty's murder case, the Bombay High Court had directed the Maharashtra government to promptly offer police protection to RTI users who face threats, use of force, or attacks. The court also ordered the state government to establish mechanisms for swift investigations into instances of victimization, including a monitoring system and a database of activists, to be implemented within 3 months.

In 2011, following a Public Interest Litigation requesting instructions for the Punjab government, Haryana government, Chandigarh Administration, and the Union of India to develop a policy for the protection of RTI activists, the state government in Punjab finalized a policy for grant of protection to RTI activists and whistleblowers in the State.³²

In 2013, following three RTI-related deaths in Bihar, the Ministry of Rural Development issued a memorandum to investigate complaints regarding MGNREGA and other schemes and to secure protection of RTI users and whistleblowers. If they are victimized, state governments should promptly initiate criminal proceedings and provide "adequate security."³³ In 2021, upon a PIL filed by RTI Activist, the Madras High Court issued an order to the Director General of Police to form a special task force to ensure the safety of RTI activists.

(d) Community Action

RTI Anonymous is a citizen-driven initiative that focuses on advocating for the protection of RTI users via a community-based approach. It operates on the principle of proxy applications, ensuring anonymity and providing a degree of detachment from the issue being addressed. The concerned applicant can submit an online request to the platform, with particulars of the public information officer and his set of questions. The user is typically located far from the public authority's location, thereby minimizing the potential threat. Once the response is received, the documents are uploaded to the website, where the original requester can then download them. This approach also reduces the threat level, as the previously hidden information becomes available to anyone.³⁴

³² *Supra* Note 6 at 45.

³³ *Supra* Note 22.

³⁴ *Supra* Note 6 at 46-47.

(e) Whistleblower Protection Act 2014

Whistleblower connotes "An employee who reports employer wrongdoing to a governmental or law-enforcement agency."³⁵ He is referred to as an internal witness, or someone who makes a public interest disclosure. RTI activists also come under the ambit of the term whistleblowers. The whistleblower legislation aims to provide a mechanism to entertain complaints of disclosure of corruption by whistleblowers and to provide safeguards against their victimization. Section 11 of the act provides safeguard to the whistleblowers and defines the duty of the Union government to protect him from victimization. Section 12 provides for protection to the complainant or public servant or witness or any person rendering assistance for inquiry under the act. Under section 13, the competent authority is duty-bound to conceal the identity of the complainant unless it decides otherwise or the court orders it. Lastly, section 16 which is the spirit of the act, imposes penalties on anyone who carelessly or with ill intent discloses the identity of a complainant.³⁶

VII. CONCLUSION

The national motto, "Satyameva Jayate," derived from the "Mundaka Upanishad", represents a noble ideal that one can strive for. However, the irony lies in the fact that many people in this country do not feel empowered to speak out, and those who have dared to do so have often paid the ultimate price with their lives³⁷. Thus, the exercise of right to know in our country is often accompanied by a heavy price. One has to put his life on the line to obtain information. It has been almost 20 decades since the enactment of the impugned act but it still lacks teeth when it comes to the safety of the users. The legislature has time and again skirted from its responsibility of introducing reforms in the instant legislation primarily out of the fear of its positive ramifications on their vested interests. To conclude, the RTI act is genuinely capable of bringing about change as has been demonstrated in the past. However, the government will have to take the task of protecting the RTI activists and whistleblowers so that the dissemination of Information which constitutes the propellant for a transparent and accountable democracy is not hindered.

³⁵ *Black's Law Dictionary* (7th ed. 1999), p. 1590.

³⁶ Sairam Bhat, Ashwini Arun, *et.al.* (eds.), *Right to Information and Good Governance* 224-225 (Sri Manjunatha Printers, Bengaluru, 2016).

³⁷ *Id.*, at 272.