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**A question of asking the question-I**[permalink](#)

As citizens of this democracy, you are the rulers and the ruled, the lawgivers and the law-abiding, the beginning and the end. ~ Adlai Stevenson (1956)

Aditi Roy Ghatak

For some curious reason the Right to Information Act has been a virtually ineffective instrument in the state of West Bengal even though it has been made to serve its purpose quite effectively in unexpected parts of the country: from Bangalore to Banaras; from Delhi to Patna.

This is not a little curious given that the citizenry in the state has been known to be volatile and generally interested. Whether it is the might of the state machinery that bludgeons efforts to secure information or the ignorance of people about the means to take their quest for information to their legal and legitimate end is not clear but the fact that Bengal has failed to use this vital right effectively has been a matter of serious concern; concern, because information is the bedrock of a vibrant democracy.

Poor performance

West Bengal's poor performance is reflected in the fact that only around 135 applications have been received by the West Bengal Information Commission of which the commission says it has resolved 38. Significantly, no penalty has yet been imposed under Section 20 of the Right to Information Act.

There is nothing unusual about the bureaucracy not wanting to part with information so scrupulously noted on the margins of its many files. Indeed, for well over half a century after Independence, India's steel frame managed to hide behind a British enactment ~ the Official Secrets Act of 1889 ~ to hold on to its right to refuse information. There is no power as strong as the information in today's knowledge society. Yet, making information public is almost like getting the bureaucracy to expose its convoluted guts and it was quite happy to retain an unamended version of the Official Secrets Act of 1889 (once amended in 1923).

Not even the archaic law, however, conferred on the bureaucracy the right to its culture of secrecy. It only allowed it to be parsimonious with information on matters relating to state security and sovereignty. It was this provision that was, by and large, exercised in a manner that made even non-classified information inaccessible.

The Indian Evidence Act enhanced state power to withhold even more information and the general Indian public did not quite appreciate the need to question this state of affairs even though it ached for information around various aspects of non-performance of the state machinery.

Not till the 1975 Supreme Court judgment specifying that the public of India had a right to know every public act, everything that is done in a public way, by public functionaries did things change.

[West Bengal India](#)

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In a society as stratified as India, where the government is run by and for those who have the voice, supplemented with the financial means and the socio-political networking to have their voice heard, it did not really matter whether aam janta got to know how the government worked. It worked for those that mattered even as those who were carefully omitted from the networked circle got further and further removed from the arena of development.

Essentially, much of "developed" India has chosen the easy option of wanting to know nothing about most things pertaining to public life. What obtained then is that those with the ability to demand information have relinquished their right and those who desperately need information have been strictly deprived of their right. One does not need to be an Arvind Kejriwal (the Magasasay awardee and the man credited with being the main force behind the passage of the Right to Information Act, 2005) to realize that "A law, after all, is only as good as its users".

This brings one to the issue of why a law that is emerging as a good law even in Bihar remains a bad law in Bengal because of sheer disuse by the Bengali. The bad news is that it is not that people are not seeking information; they are being successfully thwarted by the bureaucracy. The good news is that things are about to change with the public now beginning to exercise its right to get the office of the information commissioner working.

No private domain

That the bureaucracy will not want to co-operate is perfectly understandable; it thrives on maintaining status quo and no bureaucrat in his right senses will invite prying eyes into this private domain. The rub lies in the fact that the bureaucracy is not anyone's private domain and people in other states have sent the message across with a bang.

In Gujarat, the Adivasis of Panchmahals brought the taluka boss on his knees using the RTI Act. The deputy mamlatdar, who had cussedly refused to deal with ration card issues for these below-the-poverty-line families on any day except Saturday and that too in a state in which the government works on every alternate Saturday ~ was forced not only to deal with such issues everyday but the Adivasis managed to put the fear of a loss of job in the heart of the guilty officer who had the introduced the Saturday only clause.

The office of the mamlatdar has since started functioning like a public office and Aslambhai the man who took the fight to the administration realized that he had an instrument that could change the power equations in favour of the dispossessed.

(To be concluded)

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