Commonwealth Human Rights Initiative

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

A few days ago the media reported yet another gruesome instance of murder of an RTI user in Mumbai. The Mumbai Police are said to have arrested two suspects including an ex-Corporator during their investigation of this incident. Scores of RTI users have lost their lives for seeking information of public interest. Hundreds have been attacked, assaulted, harassed and threatened. Not all of them were seasoned RTI activists. Some were seeking information for the first time. So we have categorised them all as RTI users (to differentiate them from other information seekers in general) who have suffered at the hands of vested interests. Our updated database of media reports of instances of attacks on RTI is attached (1st attachment). The first sheet in the attached database contains a compilation of the details of instances of attacks on RTI users. The second sheet contains state-wise and year-wise statistics of such attacks. Our preliminary findings are given below.

Hall of Shame: Main findings

In a country where the national motto is "*satyameva jayate*" (truth alone shall triumph), we have found media reports of **more than 311 instances of attacks on or harassment of citizens who sought information** under *The Right to Information Act* (RTI Act). Our database covers the period- 12 October, 2005 to 17 October, 2016. The attacks on RTI users have not ceased despite directions from several Information Commissions and State Governments to protect them from harm.

Enough is enough. It is time to showcase this disturbing phenomenon in a **Hall of Shame - a virtual space where the instances of attacks on RTI users from harm are displayed prominently**. CHRI is developing an **online Google Map-based platform**, to plot these media reports of attacks on RTI users, geographically. We are aiming to launch this platform in December.

Alleged murders of RTI users

Since the RTI Act came into force fully, at least **56 individuals are said to have paid the price of their lives** for demanding transparency and accountability in government. Media reports indicate at least **51 murders and 5 suicides** that can be linked to the victims' use of RTI to seek information in public interest. **Maharashtra tops this list** with 10 alleged murders and at least two suicides (12 deaths) followed by **Gujarat** with eight alleged murders and one suicide (nine deaths), **Uttar Pradesh** with six alleged murders and one suicide (seven deaths), **Karnataka** and **Bihar** (five alleged murders each), **Andhra Pradesh, Haryana, Tamil Nadu** and **Jharkhand** (three alleged murders each), **Madhya Pradesh** (one alleged murder and one suicide (two deaths) **Odisha** (two murders) and Delhi and **Rajasthan** (one alleged murder each). **Seventeen of RTI users attacked or harassed are women**. One woman died while trying to save her RTI-activist father-in-law from a murderous attack in Haryana during this period.

Alleged attacks or assaults on RTI users
The media has reported at least **130 instances of attacks or assaults including attempts to murder RTI users** during this period. The **total number of persons attacked or assaulted could be more than 150** because more than one person was attacked in some incidents. Again **Maharashtra tops this list** with 29 incidents, followed by **Gujarat** (15 incidents), **Delhi** (12 incidents), **Karnataka** (10 incidents), **Odisha** and **Uttar Pradesh** (nine incidents each), **Haryana, Punjab** and **Jammu** and **Kashmir** (five incidents each), **Rajasthan** (more than four incidents) **Andhra Pradesh, Telangana** and **Assam** (four incidents each), **Bihar, Jharkhand, Chhattisgarh** and **Goa** (two incidents each), **Meghalaya, Manipur, Madhya Pradesh, West Bengal, Arunachal Pradesh, Tripura** and **Daman and Diu** (one incident each).

Alleged harassment of or threats to RTI users
There are at least **125 reported instances of alleged harassment or threatening of RTI users** across the country during the last 11 years. Here too, **Maharashtra figures at the top of the list** with **24 reported incidents,** followed by **Gujarat** (15 incidents), **Delhi** (10 incidents), **Uttar Pradesh** and **Andhra Pradesh** (eight incidents each), **Karnataka, Haryana** and **Bihar** (seven incidents each), **Meghalaya** (six incidents), **Tamil Nadu** (five incidents), **Punjab, Rajasthan** and **Manipur** (four incidents each), **Odisha, Goa** and **Chhattisgarh** (three incidents each), **Jammu and Kashmir** and **Madhya Pradesh** (two incidents each) and **Telangana, Nagaland** and **West Bengal** (two incidents each). In at least **nine cases across the country,** media reports reveal **false cases allegedly filed against RTI users by the police.**

Years of Shame
We have not come across reports of attacks on RTI users during the first three months of the implementation of the RTI Act in 2005. Attacks on RTI users were reported in all subsequent years. **2011 witnessed the most number of instances of attacks** (**83 reported incidents**). **48 incidents** were reported in **2012.** In **2010** more than **47 incidents** were reported. **Thirty six incidents** were reported in **2013**, **26 incidents** in **2014**, **21 incidents** in **2015**, **15 incidents** in **2009**, **13 incidents** in **2008 and seven incidents** in **2007. Fourteen incidents** have been reported so far **in 2016**. We could find only **one incident** reported in **2006**.

Protecting RTI users from harm
Some votaries of transparency have dismissed the phenomenon of attacks as insignificant (300+ instances), given the large number of citizens who use this law ([1.75 crore RTI applications received since 2005](#)). CHRI, along with other like-minded citizens and civil society actors, believes that every life is precious and adequate efforts must be made to prevent such attacks and to bring the culprits to face the consequences of law.

While inaugurating the new premises of the Uttar Pradesh State Information Commission in Lucknow in July, 2016, the [Hon'ble Vice President of India, Shri M. Hamid Ansari, highlighted](#) the phenomenon of attacks on RTI users in the following words and called for exemplary action against those found guilty: We have included an excerpt:

"Fourth, the person demanding information under the RTI should be emboldened and secure. Of late, there have been reports of attack and assault on information seekers. This is disquieting and needs to be taken seriously and prevented. Even if the number of such reported cases is small, this shows the vulnerability of information seekers. Police authorities in States have to be sensitive to this and take effective steps to prevent the occurrence of such incidents. Exemplary punishment of the perpetrators would send a strong message around."

The RTI Act is not geared to make the life and limb of an RTI user secure, perhaps because the phenomenon of attacks was not foreseen at the time of its drafting. Several civil society actors have called for the urgent implementation of the *Whistleblowers Protection Act, 2011* (enacted in 2014) in order to protect RTI users who are attacked. **With due respect to their views, we must say that this law is also not equipped to protect RTI users**. Under the whistleblower protection law, a citizen will be treated as a whistleblower only if he or she makes a complaint to the competent authority such as the Central Vigilance Commission, about a case of corruption or any offence committed by a public servant. **In a large majority of cases listed in the attached database, the attacks, assaults or harassment occurred soon after the victim sought information in public interest, even before he or she obtained that information, let alone act on it**. The obvious purpose of each attack is to discourage the victim from pursuing the RTI application to its logical conclusion. So in its present form, the Whistleblower Act cannot come to the rescue of RTI users.

Rather than create a new mechanism for protecting RTI users, the Information Commissions must be empowered to work in sync with other public authorities such as the police, the courts, the Human Rights Commissions, Vigilance Commissions or Lokayuktas to protect RTI users from harm at every stage. RTI users who are attacked for demanding transparency and accountability are indeed human rights defenders. The State and its specialised agencies listed above are duty bound to ensure the safety of every human rights defender. **Wherever there are reports of the police foisting false cases on RTI users, such cases must be inquired into by independent agencies and the guilty officials must be proceeded against in accordance with the criminal law and the disciplinary rules applicable to them**.

However, instead of paying urgent attention to this phenomenon, efforts are on to dilute the whistleblower protection law. The entire set of exemptions to disclosure listed under Section 8 of the RTI Act have been imported into the whistleblower law to prevent almost every kind of whistleblowing. Using national security as an excuse, the Cabinet Note attached to this amendment Bill bluntly implies that citizens cannot have an absolute right to blow the whistle on wrongdoing in government. Lok Sabha has already approved the Whistleblower Amendment Bill which also allows for the prosecution of whistleblowers under the draconian *Official Secrets Act, 1923*. The amendments are pending in the Rajya Sabha. There is an urgent need for crafting a credible and effective mechanism to protect both RTI users and whistleblowers from harm. The RTI Act and the Whistleblowers Protection Act must be interlinked in an innovative manner for this purpose. **There is an urgent need for initiating a debate across the country on the best way of making such a linkage to protect RTI users and whistleblowers from harm**.

Caveats regarding the database

We came across a database of attacks on RTI activists, first on Wikipedia, in 2011. Later this database was updated offline by Mr. Nachiketa Udupa for the National Campaign for Right to Information (NCPRI). 2012 onwards, CHRI has begun compiling such media reports building upon earlier work. In December that year, we made a submission to the Independent People's Tribunal about this phenomenon and the kinds of information requests that proved dangerous to the RTI users (see second attachment).

We would like to draw the attention of readers to the following caveats while using this database:

1) This database is sourced from online media reports published in the English language only. We have not yet found a convenient method of accessing similar reports published on the local language news websites. So there could be many more instances of attacks and harassment reported in the local language media which we have not been able to capture in the attached database. We request readers to send us details of cases that we may have missed. Please send scanned copies of media reports of such attacks. Please send a summary translation of the news report indicating the name of the person(s) attacked or harassed, the date of the event and the name of the village or town and the district and State in which the incident occurred. It would also be useful to know the current status of the criminal cases, if registered by the police.

2) We have used Google news alerts as the primary means of sourcing information for updating this database. It is quite possible that Google alerts may have missed several media reports of such attacks from websites that may not be optimised for Google search. We request readers to send us weblinks of incidents of attacks on RTI users that we are missing from this database.

3) In the course of updating this database, we discovered, several weblinks for stories of attacks on RTI users had become inactive. While we have found alternative sources of information for many of them, there are a handful of cases whose live weblinks are not traceable through Google search. We request readers to send us scanned copies of news clippings of such stories that are missing from the database.

As soon as our Google Map-based platform is ready, readers will be able to access all the media reports of such attacks at one source.

We would like to acknowledge the efforts of Mr. Kuwar Singh, a student at Symbiosis International University, Pune and Ms. Su Rao, a student of McMasters University, Canada who helped update the attached database during their iternship at CHRI.