



By Bruce Rich

Crisis of Governance and Right to Info

If powerful means are not found to address weak governance and pervasive corruption in scores of developing nations, new international efforts to fight environmental degradation, global warming, and poverty may prove tragically ineffective.

In India, a prospective solution to this global challenge has sprung from the impoverished village of Devdungari. Funding from the federal and state governments to promote development only reached Devdungari in sporadic trickles when at all, and villagers did not even receive the minimum wages due to them for their labor in government poverty relief programs. In the early 1990s a grass roots movement called the MKSS (the Hindi acronym for “Labor Farmer Strength Organization”) worked with the villagers to obtain information on the diverted funds. The refusal of local and Indian government authorities to release information was rooted in both bureaucratic culture and law — including the 1923 British colonial Official Secrets Act, which India borrowed nearly intact.

The MKSS organized public hearings, sit-ins and hunger strikes, and a ground swell of popular support emerged that, in the words of one activist, “had not been seen . . . since the Independence Movement in the 1940s.” Right to information movements proliferated all over India. The

national campaign led to enactment of the 2005 Right to Information Act.

The scope of the Indian RTI law exceeds that of similar laws in most industrial countries, applying to states, municipalities and other local bodies, as well as to the central government. It includes the right to information from the judiciary and parliament — the U.S. Freedom of Information Act applies only to the executive branch. Like FOIA, the RTI law has exemptions for national security, commercial confidentiality, etc., but “a public authority may allow access to information” and overrule an exemption “if public interest in disclosure outweighs the harm to the protected interests.” The RTI establishes quasi-judicial Central and State Information Commissions to help administer the act, and all entities covered by the act are obligated to establish a public information officer, who must provide the requested information within 30 days. The RTI requires daily fines for PIOs who do not deliver requested information (full text of the RTI at www.persmin.nic.in/RTI/WebActRTI.htm).

India’s myriad civil society groups are already using the RTI to expose corruption in large scale infrastructure projects, as well as to promote improved implementation of India’s environmental laws and policies. An activist group called Parivartan (for “change”) uncovered through RTI requests for exorbitant management fees of \$25 million in a proposed World Bank private water supply and sewerage project for Delhi, and local groups in Karnataka state used RTI to show that the state had illegally approved the construction of a 1000-megawatt coal-fired plant adjacent to two national parks.

RTI requests in Gujarat state have uncovered massive effluent pollution spewing from what was supposed to be an effluent treatment plant; activists there are also obtaining information on depletion and pesticide pollution of

the state’s groundwater. In Bhopal the RTI is a new tool in uncovering the government’s scandalous inaction in rehabilitating the surviving victims of the 1984 Union Carbide accident, as well as in obtaining information on the continued environmental contamination of the chemical plant site. Activists in several states are using RTI to gather more information concerning government authorizations for growing genetically modified crops. RTI has been particularly useful for Indian campaigners fighting dumping of imported electronic waste and mismanagement of biomedical waste.

RTI has been an inspiration for other developing nations such as Mexico, where leaders of India’s RTI movement have been invited to share their experiences with indigenous, environmental, and human rights organizations. Still, the response of the central and state governments leaves much to be desired. A January 2008 study in eight Indian

states documented widespread delays in the appointment of PIOs as well as harassment by officials of individuals filing information requests. There remains a great need to build further

awareness and capacity to use the new law both in rural populations and in the government.

Nevertheless, a number of well publicized cases are already showing the RTI law’s tremendous potential to ensure that India’s tens of thousands of villages finally obtain the national and international development assistance that too often is stolen by corrupt local, state, and national officials. If RTI can be replicated in other developing nations, it may be one of the last, best hopes that tens of billions of dollars in new funds intended for the United Nations Millennium Development Goals and climate change mitigation will not be squandered as in the past.

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A new Indian law provides hope that funds for development and climate change won't be squandered