

# The Dark Side of Transparency: Misuse of RTI by Whistleblowers for Monetary Gains

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## Abstract:

The Right to Information (RTI) Act, 2005, was enacted to promote transparency and accountability in the functioning of public authorities. However, over time, instances have emerged where individuals, posing as whistleblowers, have exploited the provisions of the RTI Act not to uphold public interest but to extract financial benefits through blackmail or coercion. This paper examines the patterns of misuse, the vulnerabilities in the Act's framework, and the implications for genuine transparency efforts. It also proposes safeguards to prevent abuse without compromising the spirit of the legislation.

**Keywords:** RTI misuse, whistleblowers, extortion, transparency, Right to Information, blackmail, governance, public information officer, accountability.

## 1. Introduction

The Right to Information Act was envisioned as a powerful democratic tool empowering citizens to hold public authorities accountable. Whistleblowers play a crucial role in exposing corruption and maladministration using RTI. However, there has been a rising trend of individuals manipulating the process for personal gain. This paper critically analyzes how RTI is misused by certain self-styled whistleblowers to threaten, harass, and extort money from government officials and institutions.

## 2. Understanding Whistleblowing under RTI

Whistleblowing, in principle, involves reporting illegal or unethical practices within an organization, typically in the public interest. RTI has become a preferred instrument for whistleblowers to access records, decisions, and communications that reveal wrongdoing. But the absence of scrutiny or filtering mechanisms has led to cases where RTI is misused not for exposing corruption but for coercive purposes.

## 3. Modus Operandi of RTI-Based Extortion

Some common patterns of misuse include:

**Fishing for Irregularities:** Individuals file vague or excessive RTI requests, hoping to stumble upon minor procedural lapses, which are then exaggerated and used to threaten exposure.

**Threats of Complaint:** After acquiring documents, the individual contacts officials or organizations, threatening to lodge complaints with anti-corruption bodies or the media unless a monetary settlement is offered.

**Targeting Lower-Level Functionaries:** Junior officers are often threatened with disproportionate consequences for trivial lapses to extract small but repeated payments.

**Misuse of Online Platforms:** RTI responses are selectively leaked on social media or sent anonymously to higher authorities, sometimes demanding "settlement" to stop the campaign.

#### 4. Case Studies and Reported Incidents

Several media and administrative reports have highlighted such misuse:

- In some states, serial RTI applicants have filed hundreds of requests annually, often targeting gram panchayats and schools with the intent to uncover errors in record-keeping and then demand hush money.
- In Maharashtra and Uttar Pradesh, complaints have been lodged against individuals charging officials to "withdraw" their RTI applications or related complaints.
- Some NGOs operating under the guise of RTI activism have been found involved in blackmail rackets, targeting construction sites, license issuers, and transport departments.

#### 5. Impact on Governance and Genuine Whistleblowing

**Fear and Paralysis:** The threat of exposure—even where unintentional errors exist—has created a climate of fear among government staff, particularly those unfamiliar with the RTI process.

**Erosion of Trust:** Genuine whistleblowers may be suspected of similar motives, weakening the credibility of legitimate anti-corruption efforts.

**Administrative Burden:** Overuse and misuse of RTI create an additional burden on public information officers (PIOs), delaying responses and undermining transparency.

#### 6. Legal and Ethical Analysis

While the RTI Act does not place restrictions on the intent of the applicant, the absence of safeguards against malicious or vexatious use has led to unintended consequences. The **Whistle Blowers Protection Act, 2014**, is intended to protect honest individuals, but there is a legal vacuum to address misuse under the guise of whistleblowing.

Courts have occasionally recognized misuse:

In *State of Uttar Pradesh v. Raj Narain* (1975), the principle of public interest over secrecy was upheld, but recent cases indicate a need for **balancing transparency with protection from harassment**.

#### 7. Recommendations and Safeguards

To prevent misuse while upholding transparency:

**Limit frivolous applications:** Amend RTI rules to flag serial and vexatious applicants, with oversight from an independent panel.

**Penalty for extortion:** Introduce specific penal provisions under the IPC for blackmail or coercion using RTI documents.

**Awareness and Training:** Educate officials to differentiate between genuine RTI users and blackmail attempts, and encourage them to report harassment.

**Whistleblower Registry:** Create a voluntary registry of verified whistleblowers who can access certain protection and fast-tracked grievance mechanisms.

**Digital Transparency:** Proactively disclose common documents online (as per Section 4 of RTI Act) to reduce the scope for coercion through selective disclosure.

**8. Conclusion**

While the RTI Act remains a cornerstone of Indian democracy, unchecked misuse by some self-styled whistleblowers for monetary gains threatens to undermine its very foundation. A balanced approach is needed—strengthening safeguards against harassment and extortion while continuing to protect the rights of genuine whistleblowers and upholding the spirit of transparency and accountability.