

A Study of Awareness About Right to Information and its Relevance

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Abstract: *Right to Information is a basic human right of every human being. The renowned French philosopher Michel Foucault once opined, power is derived from knowledge and information is the basic component of knowledge. Information makes men wise and it is competent enough to cope up with the modern world. So, it is the duty of government to inform citizens about day to day happening whatever within the government. The transformation from governance to good governance is possible, if there is possibility of increasing participation of people in governance and free access of information. By realizing this fact, Indian parliament has passed Right to information act, 2005 to make government, accountable, responsible, efficient and transparent. This paper tries to highlight the basic guidelines of RTI act, the relationship between Right to information act and good governance and the issues relating to RTI act. In concluding part, the paper provides some core recommendations for successful functioning of RTI act. Attempt has also been made to make a distinct comparison on RTI legislation between India and developed nations.*

Keywords: RTI act, awareness, good governance, RTI issues and recommendations

I. INTRODUCTION

The main objective of the RTI act 2005 is to harmonize the public interests, that is, ensuring transparency to bring accountability and containing corruption on the one hand, and at the same time ensure that the revelation of information, in actual practice, does not harm or adversely affect other public interests which include efficient functioning of the governments, optimum use of limited fiscal resources and preservation of confidentiality of sensitive information.

The RTI ACT 2005 is a part of fundamental rights under article 19(1) of the Constitution of India. It empowers citizens to know their entitlement to avail a particular public service, and redress the grievance, if any. It also includes right to be heard and consumer education, Ile education about his rights. It is based on the rationale of participatory, transparent and accountable governance.

Under the RTI ACT 2005, public servants can also be questioned on their conduct and, thus, made accountable. It is also critical for giving the disadvantaged a voice in the formulation of local decisions that affect their lives (TI will help in this process. This act will have jurisdiction over every Public Authority in the country. In States, which have already passed or plan to pass such laws, both the state and Central Acts will co-exist - giving citizens a choice. The RTI has become strong tool in bring transparency in the governmental bodies, but the effort must be made to strengthen the system by resolving the problems not only faced by the applicants but also addressing the problems faced by the various public authorities Central Public Information Officer (CPIO)/ Assistant Public Information Officer (APIO).

II. MEANING OF RIGHT TO INFORMATION

The Right to Information means a right to information accessible under the Act which is held by or under the control of any public authority including a right to:

- Inspection of works, documents, records.
- Taking notes, extract or certified copies of documents or records.
- Take certifies sample of material and Obtain information in the form of diskettes, floppies, tapes, video or any other electronic mode or through print outs where such information is stored in a computer or any other

devises.

- It is generally very misunderstood by the people that right to information means only the right to seek
- information, this misconception is to be reduced by the Right to Information Act, 2005 up to a great extent by
- providing a comprehensive definition that clarifies the position, dispels the misunderstanding and makes clear that
- right to information includes:
- The right to seek information.
- The right to obtain information.
- The right to store information.

III. RIGHT TO INFORMATION ACT AND ARTICLES OF INDIAN CONSTITUTION

The Right to information is a basic human right derived from Art 19(1) (a) of the constitution of India. It states, —All the citizens have the right to the freedom of speech and expression and Art 21 deals with right to life of citizens. Constitution of India 1950 stated that the court has recognized the right to access of information from government department is fundamental to democracy. However, the right to information does not mean the free flow of information without any restrictions. Like all other fundamental rights, the right to information has also certain reasonable restrictions.

Once the Apex Court opined, —The people of this country have a right to know every public act, every thing 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 repercussions on public security. To cover with a veil, the common routine business is not in the interest of the public. Such secrecy can seldom be legitimately desired. It is generally desired for the purpose of parties and politics or personal self-interests of bureaucratic routine. The responsibility of officials to explain and to justify their acts is the chief safeguard against oppression and corruption

- In *Bennette Coleman v. Union of India*, in 1973, our Supreme Court ruled that the right to freedom of speech and expression guaranteed by Art. 19(1) (a) included the right to information.
- In *State of UP v. Raj Narain*, in 1975, Justice Mathew explicitly stated: It is not in the interest of the public to _cover with a veil of secrecy the common routine business ... the responsibility of officials to explain and to justify their acts is the chief safeguard against oppression and corruption. ‘
- In *Secretary, Ministry of I & B, Government of India v Cricket Association of Bengal*, in 1995, the Supreme Court held that the right to impart and receive information from electronic media was included in the freedom of speech.
- In *S.P. Gupta v. Union of India*, in 1982, the right of the people to know about every public act, and the details of every public transaction undertaken by public functionaries was illustrated.
- In *People’s Union for Civil Liberties v. Union of India*, in 2004, the right to information was further elevated to the status of a human right, necessary for making governance transparent and accountable. It was also emphasized that governance must be participatory.

IV. RIGHT TO INFORMATION AND GOOD GOVERNANCE

The right to information act is a path making legislation which brings to light the secrecy of administration. It is an effective means to promote democratic ideology. The act is powerful instrument to fight against corruption. By realizing this significance, the Second Administrative Reform Commission had prepared a detailed blueprint for revamping the public administrative system. The second Administrative Reform Commission, government of India has published its first report in —Right to Information: Master key to good governance. || Through this report the commission directly mentioned that access to information can empower the poor and weaker sections of society to demand and government information about public policies and actions, thereby led to welfare of all. Good governance and right to information are complimentary to each other.

A nation whatever form of government it pursues must fulfill the aspirations of common man. Good governance is the only avenue, which can provide guaranty the life of individuals. Good governance is characterized by- political accountability, availability of freedom, bureaucratic accountability, availability of information, effectiveness, efficiency, law abiding citizen and cooperation between government and society. As such the Right to information is a natural corollary of good governance. The enactment of RTI act 2005 introduces an open and transparent government and gives every citizen right to seek and receive information to make administration more responsible and transparent which means good governance. So, World Bank once rightly remarked, —Right to information is an integral part of good governance.

V.K Agnihotri and B.V.R Subrahmanyam opined that Right to Information is a part and partial of success for good governance. They said the minimum expectations of citizens from the governance are-

- Timely prompt service.
- Minimum Red Tape.
- Minimum waiting time.
- Minimum visit to multiple officers.
- Minimization of Arbitrariness.
- Prompt information in delays, waiting times etc.,
- Prompt information on status of application.

V. REVIEW OF LITERATURE

There is long history of RTI Act 2005 in India. It required a considerable measure of exertion and time to make RTI (Right to Information) a reality for national. There were numerous existing rules contrary to the right to information. Researcher will be providing various challenges and evolution of RTI in India. The first half talks about the challenges and the next half talks about the evolution of RTI Act 2005. In the long history of RTI Act 2005 in India, there were different difficulties to overcome. Since British circumstances, there have been numerous laws that denied execution of ideal to data. Essential laws that denied Right to Information in India is created underneath:

Anil Kumar Pathlavath, - 2013 Section 123 of the Indian evidence Act 1872: No one might be allowed to give any confirmation got from unpublished authority records identifying with any issues of State, aside from mind the consent of the officer at the leader of the division concerned, who should give or withhold such authorization as he supposes fit. Vow by the Public Servant: Before joining obligation, open hiring swears that the data is a state mystery. New delivery channel to commence and be useful to masses, it is worthwhile to examine various components of its interface with payment systems, technology, security, regulatory aspects and functionality.

Rule 11 of The Central Civil Services (Conduct) Rules, 1964: No Employee of the Secretariat might, aside from as per any broad or unique request of the Secretariat or in the execution in accordance with some basic honesty of the obligations appointed to him/her, convey, straightforwardly or in a roundabout way, any official record or any part thereof or data to any Employee of the Secretariat or some other individual to whom he/she isn't approved to impart such archive or data.

(Pathlavath, A, K, 2013) - Rule 9 of The All-India Services (Conduct) Rules, 1968: No individual from the Service should aside from as per any broad or uncommon request of the Government or in the execution in compliance with common decency of obligations relegated to him, convey straightforwardly or by implication any official archive or part thereof or data to any Government worker or some other individual to whom he isn't approved to impart such record or data. Archives Policy Resolution of 22 December 1972: States that all archives are grouped for a long time and from there on just non-secret material is accessible to a limited scope of individuals. Indeed, even unclassified material can't be conveyed to anybody outside the legislature without consent. The previously mentioned predominant laws are viewed as principal obstacles to appropriate to data in the historical backdrop of RTI Act 2005 in India. what really matters, argue many development experts, is what happens after people are connected to technology.

Sharma (2005) in his article on “Indian Idea of Good Governance - Revisiting Kautilya’s Arthshastra”. Kautilya’s system of governance was quite modern in concept and contemporary in operational guidelines. Just as the philosophy, tenets, advice and suggestions contained in the two ancient epics, Ramayana and Mahabharata, have substantial

relevance even today in terms of basic principles of statecraft and governance. We find that the most of the basic features of modern-day concept of good governance, responsiveness of the government, efficiency of administration, wellbeing and prosperity of the people, overall development of the political community, good quality of life, ethical inwardness and economic affluence – have got prominent place in the thought process and administrative structures postulated by Kaushalya in his Arthashastra. The primary objective of the authority has been described as the happiness of the people. All other goals are complimentary and secondary. This not only shows the great concern of the philosopher for the wellbeing of people but also brings forward the 'Indian' model of good governance before the academic society at large.

Singh (2011) in his paper "The Challenge of Good Governance in India: Need for Innovative Approaches" describes that the citizen will look up for high quality performance from their country. When good governance is guaranteed, citizens go about their personal business and pursuits with enhanced expectations. On the other hand, the bad or indifferent governance will not only restrict opportunities of success but it also can degenerate into conflicts and civil wars. In that condition the personal accomplishments as well as social achievements get severely restricted. Good governance helps create an environment in which sustained economic growth becomes achievable. Conditions of good governance allow citizens to maximize their returns on investment. He also says that the good governance is not by change. It needs to be demanded by citizens of the country. Therefore, it is necessary to have participatory process.

Roumeen & Islam (2003) explored the link between information flows and governance with the objective to examine how the availability of information may affect governance. This paper examined how the presence of Freedom of Information (FOI) laws may affect how countries govern. The purpose of all such laws is to define a framework for the sharing of information. Economic theory tells us that information is needed to make sound economic and political choices, to monitor agents and reward or punish accordingly. Better availability of economic data and the ability of people to demand and receive the information they need is highly correlated with governance.

Kumar (2005) in his paper "An Institutional Framework for Good Governance in India" says that information empowerment will lead to good governance in the country. In order to ensure accountability to citizens, one needs to be made aware of the standards of services that are available to them. Computerized information systems are good means for disseminating information on government policies, programs and projects. He explains with an example of good governance at Kerala.

Koneru (2007) in her study is of the view that E-Governance as a technology-enabled Public Information Services system aids not only in reengineering the structures but also in reorganizing the procedures and processes for speedy delivery of services. The demand for e-Governance is growing in consequence of government's ineptness to meet the citizens' needs and rendering services in a timely, cost-effective and corruption-free manner.

Singh (2010) in her paper on "Promoting e-Governance through Right to Information: A Case-study of India" opines that the first phase of e-governance is marked by web presence of public institutions and dissemination of information. This will be facilitated by the Right to Information Act, 2005 (RTI) and this has been developed as a basic feature of all public services where the service and service provider details are made available in a proactive manner. This information is also being integrated for citizen access through the National and State Portals which provide basic information on Government programmes and services.

VI. OBJECTIVE

The present study is taken up with the aim of identifying awareness about Right to Information. The following are the specific objectives of the study.

- To present an overview of the Right to Information.
- To understand the Right to Information.
- To study the act written in the constitution

VII. RESEARCH METHODOLOGY

The Research has been based on conceptual research work. A depth study was carried out. This paper discusses the legal aspects related to study on Right to Information to understand the depth of the concept behind study on Right to Information the values that Right to Information holds and to understand the importance of Right to Information.

Secondary data has been used and studies from the previous researchers to identify various aspects related to the topic. Literature review and introduction has been preparing with the help of research paper publications, article, and other internet sources

VIII. FINDINGS AND DISCUSSION

A strong opinion need has been felt to provide some guidelines which will serve the interest of both the parties. There are certain urgent amendments required in the RTI ACT 2005:

- Increase the fee or at least set word limit or minimum limit for the questions to be asked in one RTI application.
- Provision to penalize the applicant for abusing his Right to Information or clogging public office for asking nonspecific information, such as, copy of all records, minutes of meetings, repetitive questions etc.
- Provision should be made which describes the format of how to seek the information by the applicant, illegible handwriting with typical format will not be entertained.
- There must be monitoring body which looks into the matter of the implementation of CIC's orders.
- Powers of CIC must be increased so that they can penalize the appellants for making vague, repetitive questions which clogs and hampers the time of public authority.

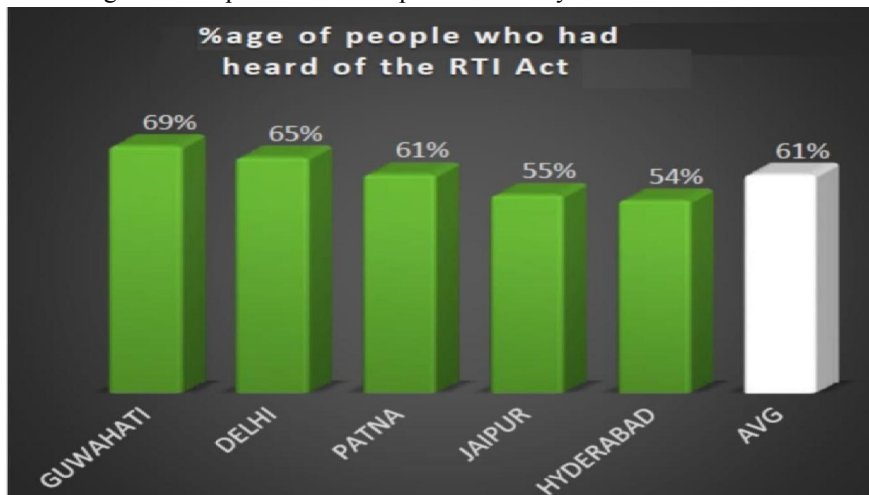


FIGURE 1: SHOWS THE % AGE OF PEOPLE WHO ARE AWARE ABOUT RTI

Source: <https://www.goimonitor.com/story/rti-story-graphs-1>

The above graph shows the percentage of population aware about right to information with respect to different places in India.

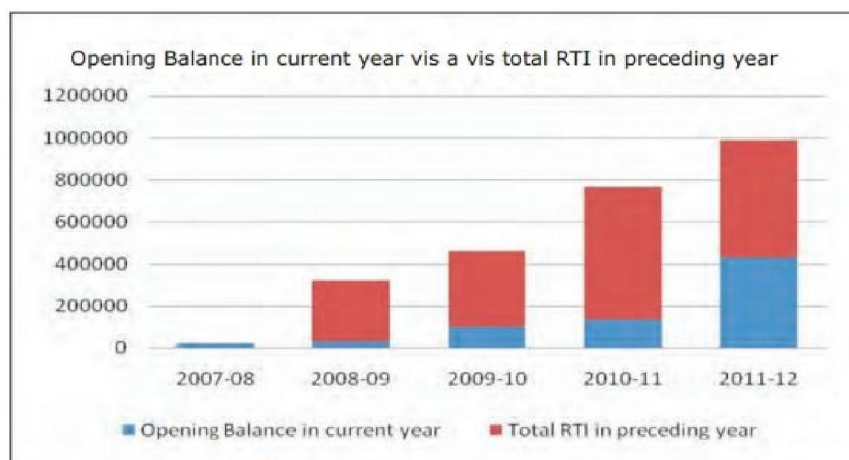


FIGURE 2: APPLICATION RECEIVED THE OPENING BALANCE OF THE PRECEDING YEAR

Source: <https://blog.ipleaders.in/wp-content/uploads/2014/01/2.jpg>

In the year 2011-12, the total number of new RTI applications received were 6,55,572. The number of pending cases that have been brought forward to the next year were 4,30,425. Therefore, the total number of cases add up to 10,85,997. This number cannot be considered to be the total number of applications as there are various organizations and ministries that have not submitted their annual returns on the number of RTI requests they received. Around 53,419 requests for information were rejected by the various authorities for different reasons. The percentage of rejection also increased from 5.2% in the year 2010-11 to 8.1% in the year 2011-12. As seen in the above graph, the total number of RTI applications has been increasing. In the year 2011-12, as against 33922 appeals and complaints registered in CIC for disposal, 23112 appeals/complaints were disposed. The report also shows the names of the companies/organizations that had received the greatest number of requests.

IX. RECOMMENDATIONS/SUGGESTIONS FOR EFFECTIVE IMPLEMENTATION OF RTI ACT-

- As stated above due to ignorance, most of people have not heard about RTI act. To tackle this issue government should allocate huge fund for publicity budget of RTI act. However, this fund should be spent through central Information commission.
- Publicity is very essential for RTI implementation. NGO 's and civil society groups can take initiative to make massive awareness campaign to educate citizen about RTI act. This awareness programmed may be at national, state and block level. Before making awareness programmers, the NGO 's and CSC groups must identify the target i.e., vulnerable categories of citizens specifically- women, farmers and families, middle and working class. In this regard media and newspaper can play an effective role.
- Children are considered resources for the future health of a nation. Therefore, RTI act should be added in the school syllabus to arouse curiosity of children about RTI at the grass-root level.
- State Administrative Training institute can organize appropriate training intervention for the stakeholders.
- There should be efficient and scientific record keeping agency so that applicants can get accurate information. Without modernizing and digitizing management of information and record providing information would take several days often exceeding the legal deadlines.
- Government departments should be entrusted responsibility to make the implementation of RTI easy for applicants seeking information rather than tough procedures.
- It is the moral responsibility of the government to protect RTI activists and users and to take legal action against the attackers.
- There is also need strong and robust monitoring and evaluation system. It will help periodically review implementation of the law and provide feedback to government agencies to address the shortcomings.
- Fast action to be taken to integrate different websites of all information commissions through a common IT gateway or national portal on RTI. This will prove to be grateful to common citizens.
- Chief information commissioners should have frequent interaction with all information commissioners so that approach of all information commissioners may be similar in dealing with appeals/complaints before them.
- According to the act it is mandatory to provide the information in the given time frame of 30 days. Since the information system is not integrated, therefore it becomes difficult to provide information in

X. CONCLUSION

Thus, it can be rightly mentioned that Right to Information act is an agent of good governance. It makes administration more accountable to the people. It makes people aware of administration and gives them an opportunity to take part in decision making process. It promoted democratic ideology by promoting openness and transparency in the administration. It reduces the chances of corruption and abuse of authority by public servants. Since the act is prepared for people 's interest, hence its success also depends on how they exercise the act. Moreover, there is need active participation from people, NGO's, civil society groups, coordination among RTI officials, integrity among government departments and political will from government and elected leaders.

In spite of the deficiencies, apprehensions and operational shortcomings, the Right to Information has unquestionably proved to be one of the significant milestones and a major step towards ensuring the participatory and transparent development process in the country. However, there is a need to continue the impetus of this legislation and should not

allow it at any cost either to die down or to be converted into just a different piece of legislation languishing on any piece of paper. It is definitely in the interest of all the stakeholders to remain dedicated and cautious so that the objectives and purposes of this Act do not get frustrated by any bureaucratic manipulations. It is on the common people of the country to strengthen the values and culture of the openness, which is required to maintain healthy democratic governance where one and all has the right to know and also to be heard in a fair and impartial approach. This shall perhaps be one of the greatest contributions towards strengthen the democracy

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