

# **A Critical Study on Rights of Students Under Right to Information Act 2005 in India**

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**Abstract:** *Right to Information (RTI) is the privilege of each citizen in India. Understudy is likewise a native of India. As relevance of RTI is huge, so the object of the paper is limited to understudies with the goal that understudies could pick up their entitled data and secure informations in instructive foundations of their decision. For each Indian native appropriate to information is the essential thing right that individuals appreciate. Here it will be a dialog on the privileges of the information. In India, information is a vital part and it helps in taking the accurate choices in the correct time. Information is a crucial right of the general population which they appreciate at each progression. Disavowal of information to any individual is a grave unfortunate behavior by the official courtroom. Every single understudy has the option to think about the working of each open expert that is colleges and other instructive establishments. This paper used both primary and secondary information which are collected from the general public through the simple random sampling method. The research paper is done in both doctrinal and non-doctrinal method. The questions related to the was also taken into account. The survey was limited to samples because of the time constraint. The number of samples taken are . The primary sources of information are taken from the books and statutes and the secondary sources of information are taken from the articles of the journals, working papers, thesis and presentation papers. The analysis of the survey is done by using chi-square.*

**Keywords:** Students, public authority, Fundamental Rights, organisations

## **I. INTRODUCTION**

During the period of the implementation of the RTI Act i.e. October 2005 onwards, it has become evident that there are many issues to be addressed at various ends for effective implementation of the Act. There have been discussions and debates about the effectiveness and impact of the Act. The Civil Society Organizations and Government agencies have been engaging themselves in the debate over various aspects of the Act and its effectiveness and interpretations. There is a broad consensus that the implementation of the Act needs to be improved to achieve the objectives. (Suresh) At the same time the information seekers too have to learn how to use the Act more effectively. (Sharma) Therefore, this study has been undertaken to identify the problems plaguing the system and suggest remedial measures so as to enable better access of information and uphold the spirit of the act. The basic objective of the act was to increase the transparency and increase the accountability of the government offices. Notwithstanding the improvement requirements, the following achievements are undisputable: The basic tenets of the Act have been implemented and the institutional mechanism is in place and is in use by citizens. (Treadwell) Civil society organizations and the media have started using the Act for bringing in transparency and objectivity. Centre and State Government departments have initiated the training of key functionaries to assume the responsibilities of PIOs and FAAs. Government employees/Public Authorities are aware of the basic elements of the Act. Various State Governments have taken up initiatives, which go beyond the stipulations of the Act, and further the spirit of the Act.

In the present day open movement, data is a fundamental part and it helps in requiring right choices in right investment. Verifying data is a privilege of each native and giving data is an obligation of each open authority. "Data" is currently a Fundamental Right as held in a Supreme Court case ( S.C. Technology and National Resources Policy Vs Union of India 2007(11)scale75) this way, refusal of data to any individual by an open expert prompts encroachment of Fundamental Right. Information is helpful to understudies from various perspectives like data identifying with cut off

imprints in affirmations in instructive foundations, cut off imprints in focused tests and so on. Under RTI Act , each understudy has a privilege to know the working of each Public Authority for example colleges and other instructive organizations, which are additionally announced as Public Authorities.

As indicated by section 2(h), of RTI 2005, "open specialist" signifies any expert or body organization of self-government built up or comprised –

- a. By or under the constitution
- b. By some other law made by parliament
- c. By some other law made by state governing body
- d. by warning issued or request made by the proper government and incorporated any –

- body possessed , controlled or generously financed  
- non-government association significantly financed legitimately or by implication by assets given by the fitting governments (“Information Commissions and the Use of RTI Laws in India”)

In a few cases, High Courts in India have held that instructive establishments additionally gone under the meaning of Public Authority. Under RTI Act , it is held that schools and universities accepting awards from government are Public Authorities. The administration foundations and the experts set up under the warning issued by the legislature in exercise of their official power or claimed or financed or constrained by the administration are likewise gone under the meaning of Public Authority. It implies colleges and other instructive establishments are Public Authorities, consequently, every understudy is qualified for get the information identifying with his training. As indicated by section 2(f) , "data" signifies any material in structure , including records , archives, notices, messages, assessments, advices, official statements, brochures, orders, log books, contracts, reports, papers, tests, models, information material held in any electronic structure and data identifying with any private body which can be gotten to by an open expert under any law until further notice in power.(Ham and Pearce; Darch and Underwood; de la Cruz) Be that as it may, all data can't be given, there are a few confinements in giving information and there are a few exceptions under RTI, under which Information can't be given. Under section 8 of RTI Act, there are sure exclusions given in RTI Act relating to national security , trustworthiness , power , protected innovation of nation , and as respects understudies are concerned data identifying with assessment of imprints in answer sheet was confined, however with an ongoing Supreme Court Judgement that assessed answer books are open archives, the analyzing bodies should allow investigations looked for by the examinees, with constrained limitations like those segments of answer books which contain data in regards to the examinee or which may uncover character with reference to mark or initials will be evacuated , secured or generally disjoined from the appropriate response book under section 10 of RTI Act. The main aim of RTI Act is to give data inside a predetermined time, inability to give data to any resident, in a predefined time limit draws in punishments other than disciplinary activity to any open authority.(Ham and Pearce; Darch and Underwood) Under section 6 of RTI Act, any individual who wants to acquire data will make a solicitation to the Central Public Information Officer (CPIO) or the State Public Information Officer (SPIO) of the concerned open specialist all things considered. The Public Information Officer (PIO) ought to give the required data inside 30 days to the candidate if the candidate isn't happy with the data given or in the event that data isn't outfitted, at that point candidate may either record a protest under section 8(1)5 legitimately to the Information Commission or he may interest first Appellate specialist under section 19(1)6 for not getting the data from PIO. In the event that the candidate documents an intrigue under section 19(1) and on the off chance that he isn't happy with the data given or on the off chance that the data isn't given, at that point the candidate may inside 90 days (from the date on which the choice ought to have been made or really gotten) record second intrigue under section 19(3)7 to the Information Commissioners. At that point the Information Commission calls the case for hearing, and gives its choice relying on the realities of the case.(Ham and Pearce) Under Section 11 of the RTI Act gives strategy to exposure of "outsider data." on the off chance that an understudy needs to look for data relating to realize the imprints verified by the topper ( outsider) in placement test, it is obligatory to pull out to outsider and just with the consent of outsider, the data can be given as held in Arvind Kejriwal versus Central Public Information Officer (PIO). It is an account of understudy RTI dissident who has upheld participation of teacher. There's an instructor in a remote town in Tehri area of Uttarakhand State who was not going to the school routinely. An understudy, Mahavir who heard an address on RTI, moved toward becoming RTI lobbyist.(Sharma) He was vexed with the unpredictable participation of the educator and he recorded an application

under RTI mentioning the authorities of the Educational Department "to illuminate the quantity of days the instructor went to the school amid the most recent 3 years." The region authorities enquired into the issue and it was discovered that the instructor was not appropriately going to class. The District Educational Officer cautioned the instructor.(Marcellino and Burton) From that point forward, instructor was normal in going to the school. Along these lines RTI upholds participation of the educator and aides in scholarly brilliance of the understudies. **the main aim of the paper is to study the main uses of right to information for students in India.**

### **OBJECTIVES OF THE STUDY**

To study the Whether students can file the application to rti, to study objectives of rti act, to study rights of students in rti.

### **II. REVIEW OF LITERATURE**

RTI for students includes getting answer sheets re-checked, or physically getting to check copies of the same, checking the validity of their degrees, status of a delayed degree, marksheet verification, etc. from the concerned University or State Boards to obtain accurate information about educational examinations and qualifications. ("Getting Parents to Buy Into Your RTI Model") Under section 8 of RTI there are certain exemptions given in the RTI. Act pertaining to the national security which includes integrity, sovereignty, and intellectual property of the country. (Lemieux and Trapnell, "Legal Frameworks for RTI") The recent Supreme Court judgment that evaluated the answer books are open documents, the various examining bodies that will allow inspections sought by the examinees with limited restrictions.(Kappenberg and Fallon)Right to Information (RTI) is act of the [Parliament of India](#) to provide for setting out the practical regime of the right to information for citizens and replaces the erstwhile [Freedom of information Act, 2002](#). (Sharma)Under the provisions of the Act, any citizen of India may request information from a "public authority" (a body of Government or "instrumentality of State") which is required to reply expeditiously or within thirty days.(Sharma; "Information Commissions and the Use of RTI Laws in India") The Act also requires every public authority to computerise their records for wide dissemination and to proactively certain categories of information so that the citizens need minimum recourse to request for information formally.The commencement of the RTI regime 7 years ago marked the don of a new era. (Sharma; "Information Commissions and the Use of RTI Laws in India"; Kavanagh)Different stakeholders have played a crucial role in carrying forward the regime and have helped the government in inculcating a culture of transparency and accountability in the working of public authorities.(Nair and Hariharan Nair) It has been observed that information seekers face problems in making use of the act and the officers of the public authorities face problems in implementing the provisions of the act.(Naib) Therefore, this study has been undertaken to identify the problems plaguing the system and suggest remedial measures so as to enable better access of information and uphold the spirit of the act.(Shrivastava)Under this program initiated by the Department of Personnel and Training, the researchers were attached to the ministry of Human Resource Development wherein they were required to interact with the officers involved in the implementation of the RTI regime and consolidate and document their experience in the implementation of RTI, its successes, its constraints in implementation, identify areas which need more attention, address the gap areas and suggest what more had to be done to help achieve the objectives of the act.(Lemieux and Trapnell, "Considering the Domains of RTI Implementation") Then finally for the researchers this was an exercise which familiarised them with the process of seeking information and enabling access to information under RTI regime.(Chitra and Neelamalar)

### **III. MATERIALS AND METHODS**

#### **TYPE OF RESEARCH**

Empirical type of research. This paper used both primary and secondary information which are collected from the general public through.

#### **SAMPLING METHOD**

Simple random sampling method.

#### **SAMPLE SIZE**

The number of samples taken are 2348 .

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**DEPENDENT VARIABLES**

The dependent variable

1. Do you agree with the statement that the Students can file a RTI application with regards to educational institutions?
2. And Are you aware about the “Rights for students under Right to Information Act”?

**INDEPENDENT VARIABLE**

The independent variable is \*gender.

**STATISTICS**

The analysis of the survey is done by using chi-square and percentage analysis.

**IV. ANALYSIS AND DISCUSSION**

**FREQUENCY TABLE**

**3. Gender**

	Frequency	Percent	Valid Percent	Cumulative Percent
Female	1149	48.9	48.9	53.2
Male	1098	46.8	46.8	100.0
Total	2348	100.0	100.0	

from the above table it is understood that among total females 1149 frequency is of 100 and percent 48.9 and valid percent 48.9 and cumulative percent 53.2. among total males 1098 frequency is of 100 and percent 46.9 and valid percent 46.9 and cumulative percent 100.

**CROSS TABULATION**

**HYPOTHESIS**

**NULL HYPOTHESIS**

There is no significant in the relation between independent variable gender and dependent variable with the statement that the Students can file a RTI application with regards to educational institutions.

**ALTERNATIVE HYPOTHESIS**

There is significant in the relation between independent variable gender and dependent variable with the statement that the Students can file a RTI application with regards to educational institutions.

**45. Do you 2 with the statement that the Students can file a RTI application with regards to educational institutions? \* 3.Gender**

**Crosstab**

Count

	3.Gender		Total
	Female	Male	
45. Do you 2 with the statement that the Students can file a RTI application with regards to educational institutions?	0	0	100
Strongly agree	184	249	433
Agree	360	273	633
Neutral	282	281	563
Disagree	276	220	496
Strongly disagree	47	75	122
Total	1149	1098	2348

From the above table it is clear that female among 1149, 184 strongly agree and 360 agree and 282 neutral and 276 disagree and 47 strongly disagree that students can file applications regarding to educational institutions. Male among 1098, 249 strongly agree and 273 agree and 281 neutral and 220 disagree and 75 strongly disagree that students can file applications regarding to educational institutions.

**Chi-Square Tests**

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	4730.823 <sup>a</sup>	18	.000
Likelihood Ratio	877.798	18	.000
N of Valid Cases	2348		

a. 11 cells (39.3%) have expected count less than 5. The minimum expected count is .00.

From the above table it is understood that null hypothesis is accepted and alternate hypothesis is rejected.

**HYPOTHESIS**

**NULL HYPOTHESIS**

There is no significant in the relation between independent variable gender and dependent variable aware about the “Rights for students under Right to Information Act.

**ALTERNATIVE HYPOTHESIS**

There is significant in the relation between independent variable gender and dependent variable aware about the “Rights for students under Right to Information Act.

**46. Are you aware about the “Rights for students under Right to Information Act”? \***  
**3.Gender**

**Crosstab**

Count

		3.Gender		Total
		Female	Male	
46. Are you aware about the “Rights for students under Right to Information Act”?	Yes	543	694	1237
	No	606	404	1010
Total		1149	1098	2348

From the above table it is clear that among female among 1149, 543 said that they are aware about the rights of students under rti act 2005 and 696 said that they are not aware about Rights of students in rti. male among 1098, 694 said that they are aware of students rights in rti and 404 said that they are not aware about rights of students in rti.

**Chi-Square Tests**

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	4756.298 <sup>a</sup>	9	.000
Likelihood Ratio	902.339	9	.000
N of Valid Cases	2348		

a. 8 cells (50.0%) have expected count less than 5. The minimum expected count is .00.

From the above table it is understood that null hypothesis is accepted and alternate hypothesis is rejected.

**IV. DISCUSSION AND SUGGESTION**

Right to Information is a democratic function and a precondition to a good governance and it is a fundamental right under article 19 (1) of the constitution. It ensures that the people we put in power should be answerable and accountable to every citizen of the country. “Where the society has chosen to accept democracy as its creedal faith, it is elementary that the citizen oath to know what their government is doing-Justice P N Bhagwati”. Every citizen has right to know about the decision taken by their government. Right to information codifies the fundamental right of the citizen and no public authority can deny to provide information. It make public officials accountable and liable, nothing can be concealed from. RTI is useful in various ways and provide transparency in the system of the country.

**V. CONCLUSION**

Like others, Students have right to know the working of every public authority. They should utilize RTI Act in the entirety of their floods of life and improve their profession prospects so that they add to the national advancement.(Camm) Presently polite social orders and the Governments are likewise making mindfulness battles on



utility of RTI and legitimate utilization of RTI which makes ready for good administration of our nation. The Right to Information is a basic human right which is comprised of various rights and obligations, to be specific:

1. Every individual's RIGHT to demand data from the legislature - and even private bodies at times;
2. The DUTY on the legislature to give the mentioned data, except if characterized exclusions apply; and
3. The DUTY on the legislature to proactively uncover data that is of overall population enthusiasm without the requirement for solicitations from residents. (Hankin)

The citizens Right to Information (RTI) is a fundamental advance in guaranteeing straightforwardness and responsibility in government frameworks and procedures. At the point when a legislature is straightforward, there is less shot for debasement and more space for responsibility. That is the reason Freedom of Information Acts (FOIAs) is turning into a standard practice in the worldwide field. The Right to Information for the most part comprehended as the "right to get to information held by open experts" isn't only a need of the natives; it is a precondition to great administration. To be explicit, RTI makes vote based system increasingly dynamic and important and enables residents to take part in the administration procedure of the district. (Hankins; Markan et al.) Specifically, it engages standard natives, particularly those in provincial zones. At the point when individuals have RTI they normally will in general settle on progressively important choices, raise educated sentiments, impact strategies influencing their general public and even help shape an increasingly guaranteed future for the people to come. (Shreyaskar)

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