



IMPACT OF RIGHT TO INFORMATION ACT- 2005: AN OBSERVATION

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Abstract

The need for transparency and accountability in governance system of the country becomes more important especially to achieve the goals of the good governance. In this context, the Government of India in last one decade provided a number of rights to its citizens, like the right to employment through MGNREGA, right to education, etc., but above all, the mother of all the rights is the right to information (RTI), which makes rulers of the country responsible towards its citizens in a true sense. Right to Information (RTI) Act emerged as a powerful instrument for taming corruption in the functioning of public authorities by promoting transparency and accountability. The Act has completed almost 17 years but the challenges hindering the successful implementation of the Act are still looming large. The present article will discuss the impact of Right to information on people and administration.

Key Words: Transparency, Accountability, Governance, Right To Information, Corruption.

Introduction

The need for transparency and accountability in governance system of the country becomes more important especially to achieve the goals of the good governance. In this context, the Government of India in last one decade provided a number of rights to its citizens, like the right to employment through MGNREGA, right to education, etc., but above all, the mother of all the rights is the right to information (RTI), which makes rulers of the country responsible towards its citizens in a true sense. Right to Information (RTI) Act emerged as a powerful instrument for taming corruption in the functioning of public authorities by promoting transparency and accountability. The Act has completed almost 17 years but the challenges hindering the successful implementation of the Act are still looming large.

The study seeks to give the perspective of Right To Information (RTI Act 2005) from the lens of Central Public Information Officer (CPIO). Right to Information act is a fundamental human right of each individual. The famous French philosopher Michel Foucault once pronounced, 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. In this way, it is the obligation of government to illuminate subjects about everyday happening whatever inside the government. The change from administration to great administration is conceivable, if there is probability of expanding participation of individuals in administration and free access of Information. By figuring it out this reality, Indian Parliament has passed Right to Information act, 2005 to make government, responsible, capable, effective and straightforward. This paper tries to feature the essential rules of RTI act, the connection between Right to Information Act 2005 and good governance and the issues relating to RTI act.

The Act is slowly moving away from its goal owing to many factors, such as lack of awareness, improper maintenance of records, poor compliance to public disclosure of information mentioned under Section 4 of the Act, inconvenient fee depositing mechanism, lack of sustained training mechanism for employees, misuse of the Act, pendency of appeals before Information Commissions and lack of legislative measures for protection of whistleblowers. For making the Act a success, it is essential to conduct massive awareness campaigns for citizens, to maintain proper official records for facilitating



provision of information under the Act, ensuring *suo motu* disclosure of information mentioned under Section 4 of the Act, use of information and communication technology in the implementation of the Act, making available convenient fee depositing options, conducting training programmes for officials involved in the implementation of the Act, and, finally, enacting a strong whistleblowers' protection Act.

Specifically, the Right to Information Act has a substantially higher effect on the personal satisfaction of poor people and underestimated area of the general public. Notwithstanding, the energy of the Act is still to be completely figured it out. The nationals, government, media and common society associations need to complete a great deal to achieve the expected target of the Act and to address different issues and requirements in getting to the information under the Act. Right to Information Act has satisfactory "teeth" to bring transparency and reduce corruption.

Participation of people

The Democracy means meaningful participation by the people in the public affairs. A democratic government must be sensitive to the public opinion for which information must be sensitive to the public opinion, for which information must be made available to the people.

The Right to Information implies the participation of people in the process of governance and administration which becomes inevitable. The Right to Information is the only rightful law in India. This is most popular, citizen centric and change oriented law in Indian administrative history. The Right to Information (RTI) Act influences the people and impact on Indian Administration in greater transparency in functioning of public authorities; disclosure of information regarding government rules, regulations and decisions, every public authority is mandated to maintain all records duly cataloged and indexed in a manner and the form which facilitates the information right under the act. Information is nothing but knowledge, the knowledge make man strong and powerful. If the Information should be related to Government and Administration, the person becomes active in good governance and self-defensive and growing nature. The RTI act empowers the people of India against administrative corruption, irregularities and irresponsive attitude of administrative machinery. The Right to Information promotes transparency and accountability in the working of every public authority. In other words through this act, the citizens of India have been empowered to question, audit, review, examine and assess the government acts and decisions so as to ensure that these are consistent with the principle of public interest, good governance and justice.

Enactment of Right to Information

India always took pride in being the largest democracy, but with the passing of the Right to Information Act 2005, it has also become an accountable, interactive and participatory democracy. This Act is applicable to the whole nation except the state of Jammu and Kashmir. The United Progressive Alliance (UPA) Government headed by Dr. M Manamohan Singh got the approval by the Parliament after speedy and marathon discussion. The earlier freedom of information act 2002, has got the assent of the President of India, but did not notify and finally replaced with the RTI act, it came in to force on October 12, 2005 and on the same day Mr. Shahid Raza Burney filed the very first RTI application in Pune Police station. Popularity of this act and users of this law is rapidly increasing year by year.

Concept of RTI

Concept of Right to Information started taking shape in 1970's by liberal interpretation by the judiciary in various Fundamental Rights specially the right to freedom of speech and expression. In the case of



Bennete Coleman and co versus Union of India in 1973, the majority opinion of the Supreme Court then put it “Freedom of speech and expression includes within it compass the right of all citizens to read and be informed” In 1975 during National Emergency, Supreme Court of India dictate in a case judgement, Information gathering is a right to every person. The 1981 court judgement in Manubhai Shah versus Life Insurance Corporation of India (LIC) reaffirmed the point.

Basic purpose of freedom of speech and expression is that all members should be able to form their beliefs and communicate them freely to others. In sum the fundamental principle involved here is the people right to know. There have been numerous cases favouring discloser of Government information and transparency. As a result of a lack of clear legislation on this, people had to knock at the doors of courts every time they wanted to enforce this right. Courts have almost and always responded positively. But this course at best restricted enforcement to the aware and the literate for their own limits concerns. The common citizen had neither the means nor the time and inclination to get into convoluted legal process and even PIL was a tool which could reach only few elite people.

Back ground of RTI

The movement for the RTI received a fresh impetus from the courageous and powerful gross roots struggle of the rural poor to combat rampant corruption in famine relief works. This struggle was led by Mazdoor Kisan Shakti Sangathan (MKSS). The reverberation of this struggle led a nationwide demand for a law to guarantee the RTI to every citizen.

For the first time fifth central pay commission recommended to establish a law to public information, later on many social organizations started movement to right to information. Action group for RTI, Soohnaka Addhikar Abhiyan, Natinal campain for people right to information, Nyayabhoomi and many other people group/ Non-Governmental Organisation(NGO) and many activist like Anna Hajare, Aravind Kejriwal, Manish Sisodia, Rakesh, BB Sharan and many other RTI activist seriously protested for the rightful law to the people. Again Supreme Court of India stated that in Raj Narayan v/s Uttar Pradesh case, “The RTI is a fundamental right following from article 19(1)(a) of the Constitution”. Government of India establishes a national level act become law under the freedom of information act in 2002. This act was severely criticized for permitting too many exemptions, not only under the standard grounds of national security and sovereignty but also for requests that would involve disproportionate diversion of the resources of a public authority there was no upper limit on the charges that could be levied and no penalties. Some states like Tamil Nadu and Goa in 1997, Karnataka and Rajasthan in 2000, Delhi in 2001, Madhya Pradesh in 2003, Jammu and Kashmir in 2004 and Haryana in 2005 have successfully enacted the RTI act.

Features of Right to Information Act

The RTI process involves reactive to disclosure of information by the authorities. Information including mode of information in any form of record, document, e-mail, circulars, press release, contract, sample of electronic data etc. The RTI Act also covers inspection of work, documents, record and its certified copy and information in form of diskettes, floppies, tapes, video, cassettes in any electronic mode or stored information in computers etc. Each public and partial public authority appoint Public Information officer (PIO) and Assistant Public Information officer (APIO) to serve information to public. Any individual may submit a written request/application to the PIO for required information. The PIO is responsible to provide the information on the applicant request with in time schedule.



Applicants have submitted the application with Rs.10 fee. But application fee is exempted to the people of Bellow Poverty Line (BPL) SC and ST applicants. There is no prescribed application to file the RTI application but signature application must include applicant name and address, required information and name and position of PIO. Suppose PIO is failed to dispose the RTI application within the stipulated time limit, the applicant have the right to file first appeal to first appellate authority in the same public authority.

The first appellate authority is responsible to provide information within 30 days under the 19(1) of the RTI Act, but it is optional for the applicant. The first appellate authority also failed to provide the required information within time limit, applicant have right to file second appellate appeal to Information Commission against the PIO. Information Commission is a quasi-judicial authority under the act. The commission conduct enquires as a civil court. The Commission have right to impose penalty Rs. 250.00 per day and up to not excluding Rs.25000.00. The RTI act constitutes two tier Commissions to Centre and States.

Right to Information act exempts the following organizations

Twenty five government organizations are exempted from the purview under the second schedule of RTI act. These includes intelligence agencies, central economic intelligence bureau etc, research bodies working with the countries security agencies are also immune to the law, as are paramilitary forces. The Directorate of Enforcement, Narcotics control board, Special Service Bureau, Special branch of the Police in Andaman and Nicobar, Lakshadweep and Dadra Nagar Haveri are excluded from RTI act. These organizations are however required to provide information if the panel believes the appellants query relates to a case of corruption or abuse of human rights.

Impact of Right to Information on Administration

The Right to Information is one of the friendliest legislation. Large number of people has been benefited from it. But it is true that more than a decade after Indian Government enacted the act in 2005, the road to accessing information remains arduous. This act has made both tangible and intangible impact on the system and the people. People are using this act as a tool to get their passport, ration card, pension, birth and death certificate and income tax returns. Several people like disabled, old and young people below the poverty line have utilized this act to get benefits.

The RTI act influence on people and impact on Indian Administration in greater Transparency in functioning of public authorities: disclosure of information regarding government rules, regulations and decisions, every public authority is mandated to 'maintain all records duly catalogued and indexed in a manner and the form which facilitates the right to information under the Act'. The public authorities are required to make pro-active disclosures through publication of relevant documents. Besides, the public authorities are also required to 'provide as much information to the public at regular intervals through various means of communication, including internet, so that the public have minimum resort to the use of this Act to obtain information'.

Act Facilitate the access to information, a citizen has the right to:

- Inspection of works, documents, records.
- Taking notes, extracts or certified copies of the documents or records.
- Taking certified sample of material.
- Obtaining information in electronic form is also available.



The impact of Right to Information

Improvement in accountability and performance of the Government:

The RTI provides people with the mechanism to access information. In addition, every public authority is required to provide reasons for its administrative or quasi-judicial decisions to the affected persons. Until the implementation of the RTI Act, it was not possible to an ordinary persons to seek the details of a decision making process, which was found most often, as ineffective in terms of its outcome. It was, therefore, not possible to hold a free and frank discussion on issues of common concern of people.

Promotion of partnership between citizens and the Government in decision making process: The RTI Act provides a framework for promotion of citizen government partnership in carrying out the programmes for welfare of the people. The partnership is derived from the fact that people are not only the ultimate beneficiaries of development and also the agents of development. The stakeholder's participation leads to better projects and more dynamic development. Under the RTI act citizen's participation has been promoted through access to information and involvement of affected groups in design and implementation of projects. Empowerment of local government bodies at village level through the involvement and cooperation with NGO and self help groups. Information obtained under RTI, in respect of utilization of funds allocated under rural employment guarantee scheme. Most of all the welfare projects, particularly at Village and Panchayat levels, are being designed and developed in co-operation and support with the NGO or affected persons, with a view to raising the satisfaction level of people.

Reduces in corruption in the Government departments

In absence of transparency and accountability encourage the government officials to corruption practices. Which result in lower investments due to misuse of power and authority or diversion of funds for private purpose. It creates an environment of distrust between the people and the government, which strike upon the development of democratic governance.

The RTI promotes efficiency in making policies, delivering the service and administrative decisions. It involves the selection of appropriate programmes to achieve Government objectives. Service efficiency is manifested in the effective provision of services to the public, responsive to public opinion and so on. Thus, the efficiency in Government must be measured in terms of all three facets of efficiency. Administrative efficiency, the most important of the three, comprises of conducting the administration without unnecessary delays or ulterior or corrupt motives and giving reasons while passing various orders. It refers to the effective management of the political system. It encompasses good organization and efficient productivity. Where required or implied, principles of natural justice have to be observed. The major indication of RTI is slowly reduced corruption in India as per Corruption Perception Index (CPI). Corruption perception index provided by Transparency International we can analyze the level of corruption in India and along with the level or position of other countries can be analyzed through this ranking and scoring. Transparency International publishes the CPI annually ranking countries. The CPI ranks countries based on how corrupt their public sector is perceived to be. Corruption is the abuse of entrusted power for private gain. It is generally Comprises illegal activities, which mainly come to light only through scandals, Investigations or prosecutions.

Conclusion

The RTI Act has been used an effective instrument to promote transparency and accountability in administration. The applicants and majority of PIO's lack of awareness and competencies required to use of RTI in right manner. As a result the government programs, public utility services and Public



distribution systems have not reached all the public. As a result the disadvantaged groups often find themselves on the receiving end of corrupt practices, inefficiency and nepotism by the government. Any way the 17 years of Right to information act and its practices in India has great experiences and impact on administration as well as people.

References

1. Ashraf, Empowering people through information: A case study of india, Right to information act, TII&L Review,2008.
2. Banisar, Freedom of information around the world, privacy international, London, 2006.
3. Anirudh B, transparency and political parties Finding the right to instrument, EPW, 48(28), 2013.
4. The Right To Information Act, 2005, The Bare Act, The Gazette of India, New Delhi, the 21st June, 2005
5. Krishnadas Rajagopal, In letter to PM, CJI sought RTI exemption for Judiciary, <http://www.indianexpress.com/news/in-letter-to-pm-cji-sought-rti-exemptionfo/605521>.
6. Online community Portal for Right to Information, <http://www.rtiindia.org/forum/1368-i-t-dept-seeks-exemption-right-informationact.html>.
7. Summary of Proceedings of Brainstorming Session with Civil Societies, Venue: Civil Services Officers Institute.