



EVALUATION OF THE RIGHT TO INFORMATION ACT IN THE INDIAN DEMOCRATIC SYSTEM

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ABSTRACT:-

The world's largest democracy is found in India. Public trust in government is the foundation of democratic governments. A truly democratic society is facilitated by the accessibility of information in the public sphere. Information sharing between the government and the general public encourages public discourse. It aids in educating the populace about a transparent and responsible public sphere. According to social scientists, public involvement is essential for participatory development in a democracy. RTI is a key tool for empowering citizens in this context. In all areas of public life, including political, administrative, development, and economic issues, it has been used by citizens. It is rightfully putting pressure on the decision-maker to follow the principles of public welfare. In the history of Indian democracy, the Right to Information Act of 2005 is a landmark law. On June 15, 2005, the Parliament approved the law, which became operative on October 12, 2005. "The Act aims to encourage accountability and transparency. According to the law, public authorities are required to give citizens the information they request. The Official Secrets Act, passed in 1889 and amended in 1923, previously restricted the release of information; it has since been replaced by the RTI Act, 2005. This research paper tries to focus on the Background, Need for the RTI Act, Objectives of the RTI Act, Major provisions of the RTI Act, the Latest Amendment in the RTI Act, Major Drawbacks and Difficulties in the implementation of this law, and finally How the right to information can be made effective so that democracy can be protected and the rights of the people can be provided, for this some suggestions have also been given regarding strengthening the right to information.

KEYWORDS:- Right to information, Corruption, Government, Accountability, Public authorities, Transparency.

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INTRODUCTION:-

A critical component of ensuring accountability and transparency in governance is the free flow of information. Less corruption occurs in a transparent government. The right of citizens to access information held by public authorities is known as the right to information (RTI). It is essential for sound government. Since its introduction in India in 2005, the RTI Act has shown to be a useful tool in the hands of the public. The official Secrets Act, Indian Evidence Act, and Civil Service Code of Conduct Rules are no longer relevant due to

the passage of the RTI Act. It guarantees that citizens have a constitutional right to information access. It is fundamental for citizens in a responsible government, such as ours, to be aware of the work being done to advance democracy and ensure that the government works for and on behalf of the people. In a democracy, the people have the right to be informed of every public action and every public decision made by their public officials. The fundamental tenet of accountability is that the populace should be informed about how the government is run. According to some, the idea of open



government is the natural outgrowth of the right to know, which appears to be implicit in the freedom of speech and expression guaranteed by article 19(1). (a).The RTI was passed with the intention of ensuring that every citizen has the freedom to obtain access to official information in order to promote openness, transparency, and accountability in administration and in relation to matters related thereto. To get his opinion on whether he treats the information as confidential or whether it should be disclosed, he must be given the opportunity for a personal hearing if it is related to or provided by a third party. Similar to a consumer's right to know the components of food, cosmetics, and drug products so that he can make the best decision possible based on his beliefs and opinions, RTI enables citizens to gain control over and ensure accountability of their government so that it operates in line with the principles of democracy, namely the ultimate welfare of its constituents. India has high hopes following the passage of the Right to Information Act, 2005. As stated in the Preamble, the ambitious goal of this major piece of legislation is "to provide an effective framework effectuating the Right to Information recognized under Article 19 of the Constitution of India." The Official Secrets Act of 1923 gave the government the authority to withhold many documents from the public on the grounds of secrecy. Even after India gained independence, the colonial legacy of strict information control remained dominant in social policy for nearly 60 years. The Official Secrets Act of 1923 was largely replaced by the Right to Information Act, which went into effect on June 15, 2005. As a result, the relationship between the general public and those in positions of authority was completely altered. The Act gives every citizen in the nation the authority to hold the record custodians and the decision-making machinery accountable. The information that cannot be withheld from the Parliament or a State Legislature shall not be

withheld from anyone, according to Section 8 of the RTI Act.

BACKGROUND:-First On the eve of the 1977 Loksabha elections, censorship of information during an emergency brought up political commitment to the citizen's right to information. The Supreme Court of India stated in 1986 that access to information is necessary for citizens to fully exercise their right to free speech and expression. The country's then-prime minister, Mr. V.P. Singh, emphasized the significance of the Right to Information as a legal right in 1990. The act might become a reality due to a lack of political support. Many civil society organizations, including Parivarthan and the Mazdoor Kisan Shakti Sanghatana, advocated for the right of the people to information. The Right to Information Act was first passed in 1977 in Tamil Nadu, then in Goa (1977). Aruna Roy started the Right to Information movement in Rajasthan in the early 1990s. The Mazdoor Kisan Shakti Sangathan (MKSS) was able to access and use the information to end local corruption and exploitation through struggle and agitation. The Right to Information Act was enacted by the Parliament in 2005. (2005). The old Freedom of Information Act, 2002, which was not notified and was therefore ineffective, is replaced by this new Act. All citizens now have the right to access information, and all public authorities are required to disseminate that information as a result of the new legislation. It aims to encourage accountability and transparency in the operations of all public authorities. Including the Central Government, State Governments, Panchayati Raj Institutions, Local Bodies, and recipients of government grants, it has the broadest possible reach.

THE MKSS AND THE RIGHT TO INFORMATION:-The Rajsamand district in Rajasthan, which is in the state's center, is home to the MKSS. It has referred to itself as a "political non-party formation." It is more dependent on its much larger informal



following than on its relatively small formal membership. Locals and a small group of devoted activists from other parts of India who have settled in the area since the late 1980s are the MKSS's main proponents.

The MKSS's interest in information rights came from its work on livelihood issues in the late 1980s and early 1990s, such as the state government's failure to enforce minimum wage laws on drought relief projects, to guarantee the availability of subsidized food and other necessities through the Public Distribution System (PDS), or to stop the unauthorized occupation of public lands by influential local interests. Although the MKSS is active on a variety of other fronts—protesting, for example, atrocities committed against women, religious minorities, and members of lower castes—it is their efforts in relation to wages and prices that gave rise to the idea that the fight for accountability from local authorities required access to official records. For instance, when it came to minimum wages, it became clear that local governments were charging the federal and state governments the full amount, highlighting the part that corruption plays in the underpayment of wages. This raised awareness of additional wrongdoings that local workers had personally witnessed but couldn't record. These included the overcharging of suppliers, the use of subpar materials, and inflated estimates for public works projects. It quickly became apparent that in order to combat these types of fraud, access was needed not only to balance sheets but also to supporting records that could be cross-checked by employees connected through the MKSS, such as employee registers and material purchase invoices.

NEED FOR R.T.I ACT:-

1. It lessens corruption and supports openness, accountability, and transparency in the operations of all public authorities.
2. Avoid administrative arbitrary behavior.

3. Bridge the gap between public service providers and recipients.
4. Include citizens in decision-making processes.
5. Make the administration receptive.
6. consolidate the democratic framework.

OBJECTIVES OF THE RIGHT TO INFORMATION ACT:-

1. To encourage accountability and transparency in governmental operations.
2. To establish a workable system for granting the public access to data that is under the control of public authorities.
3. To give the populace more power by encouraging their participation in government decisions that have a direct impact on their daily lives.
4. The RTI Act's successful implementation will increase public confidence in the way the government runs its affairs.
5. It will result in a technique for managing records that is effective and efficient, which is necessary to make it easier to provide information in response to the public interest.

MAJOR PROVISIONS OF THE RIGHT TO INFORMATION ACT:- It calls for the appointment of an information officer in each department who will respond to inquiries from the general public. It establishes a 30-day deadline for providing information; if the information relates to a person's life or freedom, the deadline is 48 hours. For those who fall below the poverty line, information will be free. The cost will be fair for others. In order to decrease information requests, the Act requires public agencies to disclose the information on their own initiative. Government agencies must disclose information about staff salaries and budgets. To carry out the Act's provisions, it stipulates the creation of a Central Information Commission and State Information Commissions. Governors of the states will



appoint state information commissioners, and the president will name the chief information commissioner. They will serve a five-year term. A committee consisting of the Prime Minister, the leader of the opposition in the Lok Sabha, and a minister the Prime Minister has nominated will choose the Chief Information Commissioner (on par with the status currently accorded to the chief election commissioner). An annual report on the Act's implementation will be released by the Chief Information Commissioner and the State Information Commissioner. These reports will be presented to the state legislature and to Parliament.

The Official Secrets Act of 1923 is superseded by the Act. The information commissions have the authority to grant access when the benefits to the public outweigh the risks to protected parties. For failing to provide information or interfering with its flow, there are severe penalties. Departmental proceedings will be brought against the negligent officials. If the information is delayed without a valid reason for longer than the allotted 30 days, the information commission may fine the official Rs 250 per day (up to a maximum of Rs 25,000). If the information is rejected, there are three levels of appeal available: a first appeal to the public information officer's superior, a second appeal to the information commission, and the third appeal to a high court.

REQUEST FOR INFORMATION:-

(A) In order to obtain any information under this Act, a person must submit a written or electronic request to the Central Public Information Officer or State Public Information Officer, as applicable, of the relevant public authority in English, Hindi, or the official language of the region in which the request is being made.

(B) The Central Assistant Public Information Officer or State Assistant Public Information Officer, as the case may be, specifies the specifics of the information sought by him or her; provided, however, that in the event that

such a request cannot be made in writing, the Central Public Information Officer or State Public Information Officer, as the case may be, shall render all reasonable assistance to the person making the request orally to reduce the same in writing.

EXEMPTIONS FROM DISCLOSURE OF ANY INFORMATION:-

1. National Security
2. Contempt of Court
3. Parliamentary Privilege
4. Trade Secrecy
5. Foreign Government
6. Safety of Informers in Law Enforcement Investigations
7. Cabinet Papers
8. Privacy

Except for cabinet discussions and information that affects security, strategic, scientific, or economic interests, relations with foreign states, or information that encourages criminal activity, all categories of exempt information must be disclosed after 20 years.

R.T.I AS A TOOL TO FIGHT AGAINST CORRUPTION:-

Being a welfare state, India today has extended its reach into almost every sphere of public life. The average person is doomed to fight corruption in virtually every aspect of daily life and work in vain. The executive at all levels tries to withhold information because knowledge is power and doing so expands the scope for control, favoritism, and the arbitrary, dishonest, and unaccountable use of authority. The right of the citizen to initiate information requests from the state and thereby enforce transparency would ultimately be the most effective systemic check on corruption. Every citizen would have the legal authority to challenge, investigate, audit, review, and evaluate government actions and decisions to make sure they are in line with the values of public interest, probity, and justice. People are unable to effectively exercise their civic duties and rights or make



informed decisions in the absence of information.

When the needless secrecy surrounding the decision-making process is removed, it is anticipated that the quality of decisions made by public officials will increase in all kinds of situations. After citizens have the opportunity to engage in the political process in an informed manner, the quality of public participation in political democracy will unquestionably improve. After having access to pertinent information, the citizen would be able to evaluate the performance of the government and public officials and play a part in participating in and influencing the government's decision-making process. With the availability of such information to the public, it would be crucial to observe an increasing impact on the eradication of corruption and the control of the arbitrary exercise of power.

LATEST AMENDMENT IN THE R.T.I ACT:-The Right to Information Act of 2005's terms of appointment and salaries for the central and the state information commissioners were recently the subject of a proposal by the BJP-led NDA government. It's interesting that the national government did not care to submit the proposed amendments' bill to the standing committee of Parliament, which is one of the pre-legislative procedures followed under the nation's normal democratic procedures.

OBJECTIVES OF THE AMENDMENT IN 2019:-The justifications offered by the government in the Statement of Objects and Reasons for the amendment. The RTI Act of 2005 was first described in the following words: The Chief Information Commissioner and Information Commissioners' terms of office and conditions of service are outlined in Section 13 of the Act. It states, among other things, that Chief Information Commissioner and each Information Commissioner shall serve terms of five years or until they turn 65, whichever comes first, and shall not be eligible for reappointment.

Additionally, it states that the chief information commissioner and information commissioners shall receive the same salaries, allowances, and other terms and conditions of employment as chief election commissioner and election commissioner, respectively. Following this, the text described Section 16 of the Act's content, which was comparable to applicable in the case of state information commissioners, and then the bill stated The Central and State Information Commissions and the Indian Election Commission perform entirely different tasks. The Election Commission is a constitutional body created by section 1 of article 324 of the Constitution, and it is in charge of supervising, directing, and controlling the creation of the electoral rolls for, and the conduct of, all elections to the legislatures of each State, to the State legislatures, and to the President and Vice-Presidential offices that are held in accordance with the Constitution. Central Information Commission and State Information Commissions, on the other hand, are statutory organizations set up in accordance with the provisions of the Right to Information Act, 2005. As a result, the roles of the Central and State Information Commissions and the Indian Election Commission are distinct. Therefore, it is necessary to rationalize their status and service requirements in accordance.

The government used the justification presented above to justify the amendment's requirement.

MAJOR DRAWBACKS AND DIFFICULTIES IN THE IMPLEMENTATION OF THIS LAW:-

1. **Lack of knowledge:** According to Section 26 of the Act, the appropriate government may create and coordinate educational initiatives to improve public understanding of how to exercise their rights under the Act, especially in disadvantaged communities. 34 However, the government has not yet set up any formal educational initiatives to raise RTI Act awareness among Indian citizens in general.



2. Level of awareness: It is crucial to emphasize that the general public's level of RTI awareness is notably low, especially among underprivileged groups like women, rural residents, and those who fall under the OBC/SC/ST category.

3. Lack of user guides for information seekers: Under Section 26 of the RTI Act, the responsible government is required to publish and distribute user guides for information seekers within eighteen months of the Act's enactment. However, it is discovered that in the majority of the states, the Nodal Departments have not yet released these guides. In 2007, the Central Government released Guides for Information Seekers.

4. Lack of assistance with filing the application: According to the RTI Act, the PIO is obligated to help citizens draft RTI applications. However, it was discovered that the respondents did not receive any assistance from the relevant PIO when creating and completing RTI applications.

5. Failure to provide the information within 30 days: The Information Commission learns that the Public Authority failed to provide the information within the required time period after the complainant has filed an appeal or complaint. It has been determined that more than 50% of the applicants did not receive the information from the Public Information Officer within the allotted time frame.

SUGGESTIONS:-

1. Every year, more requests for information are made, placing a significant burden on an administration that already lacks the necessary resources (infrastructure and personnel). Even more recently, the Supreme Court noted in one of the cases that 75% of the staff was occupied with handling RTI applications, which had an impact on other operations of governmental organizations. Additionally, the information seeker received delays, inaccurate information, insufficient information, etc. as a result. Here, there

are two options for resolving the issue: either first, building the required infrastructure and providing enough manpower, or second, the public authorities suo motu publish all necessary basic information on websites and update it on a regular basis, preventing people from using RTI for even the smallest piece of basic information.

2. The RTI Act's rights, which can vary from state to state and even within a state, are not widely known, especially among rural residents. This is due to a lack of literacy and, more importantly, a lack of publicity on radio, television, other media, etc. Even on television, it was only broadcast on the government-owned channel Doordarshan. This can be resolved by launching a significant public relations effort, particularly among women and self-help organizations in rural areas, through newspapers, the distribution of pamphlets and books, and education through radio, nukkadnatak, and to some extent door-to-door publicity with the aid of NGOs.
3. It is concerning that numerous RTI activists have recently been attacked and killed across the nation for calling attention to power abuse, corruption, and other issues involving politicians and bureaucrats. It can be stopped by giving information seekers who are looking for information that is critical in nature and will have the biggest impact on the targets of information security. State information commissions and law enforcement organizations must collaborate closely. Additionally, those who engage in these activities must face severe punishment in order to deter others from targeting RTI activists with similar actions. For the RTI activists, some type of whistleblower law needs to be created.
4. Information housekeeping is one of the biggest problems the public authority has



to deal with. However, because information technology has not yet reached every level of government in the nation, data management is hampered by the manual maintenance of data. As a result, it's important to spread the technologies widely across the nation.

CONCLUSION:-RTI Act may or may not be a significant and revolutionary act; it is too early to tell. How the RTI Act is put into practice will determine in large part whether the hopes of the Indian people are realized. It is difficult to say whether India is finally close to passing a historic law that would explicitly guarantee the right of the people to information. According to reports, as civil society organizations and regular people have started utilizing the RTI Act, corruption and mismanagement have decreased and governmental responsiveness has improved. The Right to Information Act is a very useful tool we have at our disposal to ensure transparency in government operations, but its effective use is crucial. There is no denying that the RTI Act has brought about a new revolution in the country's governance, transforming a culture of secrecy into one of openness and transparency. It creates an informed populace that is held accountable by governments.

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