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RIGHT TO INFORMATION ACT SYSTEM IN INDIA



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ABSTRACT

Barely five years old, the Right to Information Act has revolutionised the concept of governance in India by making it more transparent and accountable. The novel experimentation in its implementation in some of Indian states, of replicated elsewhere, can surely go a long way to remove many prevalent social maladies from Indian society.

KEYWORDS : *Information Act System , Information and Technology , socio-economic revolution'.*

INTRODUCTION :

Twentieth Century is generally known for the explosion in the field of Information and Technology and in this age of unprecedented development, information is the most potent tool of empowerment of an individual as well as that of a nation. "Without information, people cannot adequately express their right as citizens or make informed choices." Seeking information of all sorts and at every cost is, therefore, being viewed as an essential right by the people throughout the world. A slow but steady awareness about such a right and continuous efforts by dedicated individuals and organizations ultimately resulted in the enactment of different Freedom of Information Laws from time to time in various countries like the United States of America (1966), France (1978), New Zealand, Australia, Canada, Ireland (1982), Netherlands (1991) and India (2005). Today, nearly 90 countries have already adopted some law granting its people the right to seek information related to various government and public offices and their working. It is a matter of great pride that nine out of the top ten countries of the world today have such laws which ensure transparency, accountability and good governance. In our own country also, a new dawn of hope has set in whereby faceless citizen is blessed with a formidable tool of empowerment in the name of Right To Information Act (RTIA)¹.

The Right to Information Act, popularly known as RTI, has become a household word in our country. In a short span of five years of its enactment in 2005, it has succeeded in hitting news headlines, managing a space in educational curriculum and becoming the much debated topic of serious and tea-table discussions, The enthusiastic advocates of The Right To Information Act (RTIA)



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hail it as a 'sunshine law' and dub its enactment as a watershed moment in the history of public governance in India; as an act which has the potential to change the nature of governance in the country as the Act ushers in an era of 'socio-economic revolution'².

Although "India is one of the most recent adopters of Freedom of Information Act style legislation (in form of RTIA). The RTIA is broader in scope. While the U.S. law applies only to national government, the RTIA applies to all of India's State and local governments as well"³.

However, an equally strong school of activists looks very critically at the Act and does not find it any better than so many others prevalent laws of similar nature and goes even to the extent of calling it 'Reject the Information Act' instead of 'Right To Information Act' Although five years is a small slice of time in the life of any legal framework or provision to decide its validity or utility, an attempt is being made in this paper to analyse what RTIA proposes to do for the welfare of the common man and what actually it can offer or is at present offering him⁴.

NEED AND MAKING OF RTI ACT IN INDIA

The architects of freedom struggle of India had envisioned India to be a truly democratic India, both in letter and spirit. They imagined every Indian to be equal stakeholder in the development of the country. That could be possible only if all the countrymen were empowered and well-informed citizens. So, need for some mechanism to transform common man into an empowered-informed member of Indian society was always felt and efforts from time to time were made to accomplish this aim.

In independent India, the history of right to information campaign dates back as early as 1948, the year of Universal Declaration of Human Rights. The UDHR Declaration grants the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to see, receive government working as it empowers the government officers to disclose information according to their whims and fancies. Many ministries and departments of governments have multiple PIOs which creates confusion for the applicant. RTIA is a state subject and there is no central agency to control or co-ordinate functioning of various State Commissions. Consequently there is no uniformity in practices being followed in various States and sometimes contradictory interpretations and orders are passed by individual State Commissions. Despite the provisions of the Act in section 4 (1), there is no visible change in record keeping mechanism at various levels. Budgetary allocations for the smooth functioning of various organs of the RTIA machinery are conspicuous by their absence. Observes Roberts "Commissions have been rendered toothless by the resource and manpower crunch". The consistent demand to amend the RTIA from various quarters, especially the bureaucrats and the politicians, is yet another attempt to weaken it⁵.

Five years of Journey of Right of Information Act in India.

During the first five years of enactment of RTIA, there has been a mixed response to its utility and significance. Nearly 2 million applications for seeking information's were filed in just first half of its journey so far i.e. during first two and a half years. Almost every State has many success stories to boast wherein RTIA has acted as a watchdog on the rights of the public and provided them relief and benefits. However, "the Act has seen more controversies than success stories (and) has served as a puppet in the hands of our rulers"⁶ opines Vienaya Ganesan. "There is unrest and repurge against the provisions of the Act among those whose derogatory powers may come under scrutiny" observes Aatish Palekar. Almost in the similar vein NHRC Chief K.G Balakrishnan feels that the Act was probably passed "hurriedly" and adds that "like every other legislation this (RTIA) is also grossly misused by some people"

However, the campaign for seeking information with an aim to gain justice is on the rise. There is

a whole lot of highly motivated, dedicated, undaunted individuals and organizations who without caring for any dreadful consequences are busy spreading the message of awareness and enlightenment to accomplish empowerment through RTIA. The great sacrifices of soldiers and proponents of RTIA have clearly established that the Act is, in fact, going to prove the ultimate weapon in the hands of a common man to wage a war against corruption and other evil forces in the society. According to Viji.N. "Fates of Indian information warriors committed to disclosing corruption, rampant among Indian bureaucrats and politicians, are in Jeopardy" as is evident from the brutal murders of RTIA activists in various states during 2010 itself⁶.

Sri Satish Shetty, a 38 year old Pune based social activist who unearthed a land scam in Maharashtra was shot dead by unidentified persons when he was on his daily morning walk. Another social worker Sri Shashidhar Mishra whom people fondly addressed as "Khabri Lal" was shot dead as he exposed corruption and irregularities in implementation of various welfare schemes at Gram Panchayat level of Begusarai in Bihar. Similarly, Lulit Kumar Mehta of Jharkhand, Amit Jethwa of Gujarat had to give away their lives when they exposed irregularities using RTIA as their weapons.

The path of RTIA's progress or success is not without pitfalls. At least findings of a recent report on the working of RTIA in five years proves this. According to this survey, awareness about various aspects of the RTIA is confined to urban male folk. Against 33% urban male only 13% rural female are sensitized about the Act. Compared to 27% people of General category, only 14% people of reserved categories are aware about the Act. The applicants for seeking information from various government offices complain of inadequate support and assistance lent by the Public Information Officers. Not a single applicant found the information seeking process hassle free. About 57% of them faced problem once while 9%, 13% and 21% of applicants faced problems more time 5 times, 3 to 5 times and twice respectively This was largely due to lack of awareness among the PIOs themselves. According to the survey 43% PIOs were not aware of the record management guidelines, 45% of them were not tech-savvy and not trained in RTIA. 39% PIOs did not know much about the State Commissions Judgements passed from time to time while a majority of the PIOs (Nearly 89%) admitted there was no additional allocation of Staff for RTI, a major reason for delay in responding adequately to the applications⁷.

The data reflected in the report also gives a clear picture of the various types of information sought under RTIA during the past five years. Most of the cases i.e 39% related to information sought from local bodies departments like panchayats, municipal departments, civic bodies etc. followed by other government ministries department or (29%) Information regarding Business and taxation related business was sought by 6% and 5% people respectively. 10% cases of seeking information related to other categories. However, "For advocates of the RTIA, these results are disappointing but not disheartening. (Five) years is a short time in which to accomplish change within India's vast public sector and their is little evidence that enthusiasm of RTIA advocates is flagging".

The Task Ahead

It is evident from the above discussion that the Right to Information Act has great potential to ensure good governance in the country. It can, in fact, become the panacea for all the ills plaguing the bureaucratic, political spheres and can usher in a genuine era of transparency and accountability. However, as is the case with other laws, mere provision of a new law like Right to Information will not be enough to stall the age old corrupt practices rampant everywhere in the society. "Unless and until citizens assert their rights and pursue the remedies, only getting an enactment is not an answer, it is only the beginning of a story" comments Prof.Manubhai Shah. The bureaucrats would never like to work under constant RTI searchlight. On the other hand, they would go to any extent to avoid quantum

jump in their public accountability. To make these bureaucrats work and RTI deliver real goods, sustained efforts by citizens and a continuous pressure from outside will have to be mounted⁸.

Even a slight amount of apathy shown by the public towards issues directly related to development will let maladministration continue as usual. We must not forget that quality of administration depends on active participation and involvement of citizens. Instead of indulging in arm-chair criticism of the government and its policies, the citizens should exploit the enormous power vested in RTI to their advantage. We have some very innovative implementations of the wonderful Act in states like Tamil Nadu and Bihar where the government alone or in partnership with NGOs have ushered in an era of good governance and provided its people a large number of benefits. Such experiments need to be replicated elsewhere making changes according to local needs and resources⁹.

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