

Right to Information Act: A Tool For Strengthening Democracy in India

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ABSTRACT

RTI Act is a powerful tool for empowering citizens, upholding democracy, and combating corruption. This paper explores the powerful tool in exposing corruption at top places in the government. The Act is intended to provide citizens with greater transparency, accountability, and the ability to engage in democratic activities. The Right to Information Act gives people the right to access information allowing them to play an active role, in democratic processes. This paper enhances the legal framework in India that empowers citizens to access government-held information. This Act promotes the transparency and accountability in the working of every Public Authority, enhancing citizen activism. This Act aims to provide for setting out the practical regime of right to information for citizens. This Act remains a powerful tool for citizen empowerment and good governance but faces multiple implementation challenges.

Keywords: information, democratic, corruption, governance, transparency and accountability

INTRODUCTION

The Right to Information is a powerful democratic tool that empowers citizens to access information held by public authorities. Right to Information (RTI) can be defined as an act of Parliament of India, to provide for setting out practical regime of right to information for citizens. Right to Information Act, 2005 mandates timely response to citizen requests for government information. It is an initiative taken by Department of Personnel and Training, Ministry of Personnel, Public Grievances and Pensions to provide a RTI Portal Gateway to the citizens for quick search of information on the details of first Appellate Authorities, PIOs etc. amongst others, besides access to RTI related information/disclosures published on the web by various public authorities under the Government of India as well as the State Governments to promote transparency and accountability.

Evolution of Transparency Regime: Historical Background: Supreme Court landmark judgment in *Mr Kulwal vs Jaipur Municipal Corporation* 1986 case directed that freedom of speech and expression provided under Article 19 of the Constitution clearly implies Right

to Information, as without information the freedom of speech and expression cannot be fully used by the citizens. This led to new dawn of governance by providing information. In 2004, United Progressive Alliance (UPA) government initiated drafting of RTI Act under National Advisory Council (NAC), with Aruna Roy as torchbearer for RTI Act formulation.

National Campaign for People's Right to Information (NCPRI) played an active role in by arguing and compelling government to introduce Act which aims to improve transparency and accountability of government. Finally, RTI Act was passed in 2005 in Parliament thus, introducing a regime of transparency and accountability and re-establishment of faith in democracy. "In case of matter involving a petitioner's life and liberty, the information has to be provided within 48 hours. The Act also requires every public authority to computerize their records for wide dissemination and to proactively publish certain categories of information so that the citizens need minimum recourse to request for information formally" (Noronha, Fredrick 2010)

Important Provisions of Law: The act is applicable to whole of India (including Jammu and Kashmir which was not applicable earlier). Some important provisions of law are:

- The Section 2(f) of act says that information means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force. This in a way has led to transfer of democracy into the hands of people.
- Under Section 2(j) of the act, Right to Information means the right to information accessible under this act which is held by or under the control of any public authority.
- Most important feature of the act under Section 4(2) is that it put onus on & Government to provide disclosure of information by public authority. A time period of 30 days is assigned to public authority to furnish the information from the receipt of

application. If information sought concerns the life or liberty of a person, it shall be supplied within 48 hours.

- Every public authority is under obligation to provide information on written request or request by electronic means. Three bodies are created to hear the application of information that is Public Information Officer, First Appellate Authority and Central Information Commission (CIC). Maximum time gap for 1st appeal is 30 day and time period for Appellate Authority is within 30 days or in exceptional cases 45 days from the date of receipt by public authority. Maximum time gap for 2nd appeal is 90 days since limit of supply of information is expired.
- Central Information Commission shall consist of 1 Chief Information Commissioner and upto 10 Central Information Commissioners. The Chief Information Commissioner shall hold office for a term of five years from the date on which he enters upon his office and shall not be eligible for reappointment.
- However, Section 8(1) contains a provision which restricts disclosure of information which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interests of the state, relation with foreign state or lead to incitement of an offence. RTI relaxes restrictions placed by Official Secrets Act, 1923.

RTI Amendment Bill, 2019: The Right to Information Act, 2005 was amended through Right to Information (Amendment) Act, 2019. The Act has amended the provisions of salaries and services conditions of Information Commissioners at Central as well as State levels. Further, the term of Chief Information Commissioner (CIC) and Information Commissioner has also been changed. Now, appointment will be for such term as may be described by Central Government. However, many critics are arguing that RTI amendment will undermine the independence of CIC.

Need of RTI: The RTI Act is regarded among, one of the most successful laws of independent India. Importance of RTI can be ascertained from the fact that nearly 60 lakh RTI applications are being filed every year. RTI has been seen as the key to strengthening participatory democracy and ushering in people centred governance. "The Right to Information Bill was subsequently passed by the Parliament on 15 June 2005 and came into full force on 12 October 2005. Information disclosure in India, which had traditionally been restricted by the colonial-era Official Secrets Act 1923, was fundamentally altered, as the RTI Act was given overriding effect" (Rajagopal, Krishnadas, 2019) .

The act is essential for enjoying fundamental right guaranteed under Article 19 to make informed choices while exercising the choice during voting. "On 20 September 2020, the Supreme Court ruled in the Ashwanee K. Singh case, reaffirming that the right to information is a fundamental right implicit in the Constitution" (Sinha, Roshni, 2021)

The act ushers in transparency and accountability by arming citizens with a vital tool to inform them about what the government does with revenue it generates from them. The act was responsible for unearthing huge scams like Commonwealth Games and 2G Spectrum Case. The Supreme Court held that in Indian democracy, people are the masters and they have the right to know about the working of the government.

Challenges before RTI:

- Lack of awareness about Act can be understood from the fact only 36 per cent in rural and 38 per cent urban areas have heard of the RTI Act.
- Long Pendency of cases both at national as well as state level. Most Information Commissions signals casual approach towards RTI. Dilution of supplementary laws such as the one for Whistle-Blower Protection Act creates situation where witness turns hostile.
- Political parties which receive substantial funding from government remains out of the ambit of RTI Act which is serious flaw as they clearly comes under definition of public authority.
- Most of the time unnecessary information are sought thus, undermining the purpose of Act. Amendment to RTI Act increases the scope of political executives meddling in affairs of appointment and transfer of the Commissioners which can significantly alter the functioning of Act.

Suggestions to Make RTI More Effective: The success of RTI act depends largely on how the people are united, organized and aware of their surroundings and their capacity to fight against corruption and unlawful activities. Further, it is suggested that every public authority should computerize their records for wide dissemination and to proactively publish certain categories of information so that citizens need minimum recourse to request for information formally. It is also advised to the officers to provide the information which is brief, true and easily understood by citizens, this will avoid further complaints resulting into wastage of time, energy and money. "Information disclosure in India had traditionally been restricted by the Official Secrets Act 1923 and various other special laws, which the new RTI Act overrides" (Sinha, Roshni 2019). Right to

Information codifies a fundamental right of the citizens of India

All public information officers and appellate authorities need to be fully trained on what their responsibilities are under the law, how to manage applications and how to apply and interpret the law. "The RTI Bill was passed by Parliament of India on 15 June 2005 and came into force with effect from 12 October 2005. Every day on an average, over 4800 RTI applications are filed. In the first ten years of the commencement of the act, over 17,500,000 applications had been filed" (Sharma, Nidhi 2016)

The exemptions should be minimized so that there is more transparency. Section 26 of the Act states that the appropriate government authority may develop and organize educational programmes to advance the understanding of the public, especially disadvantaged communities, regarding how to exercise their rights. The government may resort to the major sources of awareness like radio, social media, television and newspapers.

CONCLUSION

The Right to Information Act, 2005 is one of the greatest tools available to citizens of democracy. RTI is a significant step in the direction of good governance as it promotes transparency and accountability in the governance. Effective implementation of this act will make India as corruption free and inclusive society. The former Chief Information Commissioner of Jammu and Kashmir once said that "RTI is like a 10 rupee Public Information Litigation (PIL) for citizens" which underscores the importance of RTI in achieving social justice. The RTI Act is a powerful tool that allows citizens to seek information from public authorities. It strengthens democracy and promotes good governance by enhancing the citizen's ability to participate in the process. It promotes transparency and accountability in the working of the Government, and makes Indian democracy work for the people.

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