

## Social implications of right to information Act

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### Abstract

In the space of less than a decade, the ongoing movement for the right to information in India has significantly sought to expand democratic space, and to empower the ordinary citizen to exercise far greater control over the corrupt and arbitrary exercise of state power. This movement was led by a people's organisation, the Mazdoor Kisan Shakti Sangathan (MKSS) which created a space for nationwide demand for a law to guarantee the right to information to every citizen, with widespread support from social activists, professionals, lawyers, and persons within the bureaucracy, politics and the media, who are committed to transparent and accountable governance and people's empowerment. Three successive federal governments in quick succession have committed themselves to the passage of a law to guarantee the people's right to information and some state governments have actually passed such laws and administrative instructions. Finally, in 2005, the parliament passed a central legislation empowering the citizens with the legal a right as 'The Right to Information'. This paper will attempt to outline the significance of the right to information, particularly in empowering ordinary citizens to combat state corruption.

**Keywords:** right to information, corruption, amendment rules, quality of decision, parliamentary system

### Introduction

#### Why Right to Information?

In India, the state has extended its affairs towards every aspect of public life. The people belong to grass root level, usually face to corruption in almost each and every part of life. It has been observed that the government official often used to render harassful by opaque rules and procedures and inordinate delays, constantly vulnerable to exploitation by employees and touts these include a determined denial of transparency, accessibility and accountability, cumbersome and confusing procedures, proliferation of mindless controls, and poor commitment at all levels to real results of public welfare. The executive at all levels attempts to withhold information to increase its scope for control, patronage, and the arbitrary, corrupt and unaccountable exercise of power. Therefore, demystification of rules and procedures, complete transparency and pro-active dissemination of this relevant information amongst the public is potentially a very strong safeguard against corruption. Ultimately the most effective systematic check on corruption would be where the citizen herself or himself has the right to take the initiative to seek information from the state, and thereby to enforce transparency and accountability. It is in this context that the movement for right to information is so important. A statutory right to information in many ways, is the most significant reform in public administration in India. This is because it would secure for every citizen the enforceable right to question, examine, audit, review and assess government acts and decisions, to ensure that these are consistent with the principles of public interest, probity and justice. It would promote openness, transparency and accountability in administration, by making government more open to continuing public scrutiny. Information is the currency that

every citizen requires to participate in the life and governance of society. The greater the access of the citizen to information, the greater would be the responsiveness of government to community needs. Alternatively, the greater the restrictions that are placed on access, the greater the feelings of 'powerlessness' and 'alienation'. Without information, people cannot adequately exercise their rights and responsibilities as citizens or make informed choices. Government information is a national resource. This information is generated for purposes related to the legitimate discharge of their duties of office, and for the service of the public for whose benefit the institutions of government exist, and who ultimately (through one kind of import or another) fund the institutions of government and the salaries of officials. It follows that government and officials are 'trustees' of this information for the people. The RTI legislation would enable members of the public to obtain access under the law to documents that may otherwise be available only at the discretion of government. The parliamentary system promotes the transfer of information from government to parliament and the legislatures, and ultimately to any citizen who can seek information from their elected public representatives. Annual reporting requirements, committee reports, publication of information and administrative law expedite the flow of information from government to the citizen. With the technological advancement, it is expected to pave the way to reduce the gap between the 'information rich' and the 'information poor'.

#### The content of right to information legislation

The preamble of the RTI explains its aims and objectives as:- An Act to provide for setting out the practical regime of right to information for citizens to secure access to information under the control of public authorities, in order to promote

transparency and accountability in the working of every public authority, the constitution of a Central Information Commission and State Information Commissions and for matters connected therewith or incidental thereto. Whereas the Constitution of India has established democratic Republic; And whereas democracy requires an informed citizenry and transparency of information which are vital to its functioning and also to contain corruption and to hold Governments and their instrumentalities accountable to the governed, And whereas revelation of information in actual practice is likely to conflict with other public interests including efficient operations of the Governments, optimum use of limited fiscal resources and the preservation of confidentiality of sensitive information; And whereas it is necessary to harmonise these conflicting interests while preserving the paramountcy of the democratic ideal; Now, therefore, it is expedient to provide for furnishing certain information to citizens who desire to have it.

By making perusal of the preamble of the act and the contents of the act it is being presumed that all information held by public bodies on central and state level including NGO's and other bodies fully or partly funded or controlled by the government, can be accessed by members of the public. More specifically this Act assumes that:

Public bodies are supposed to release the information within 30 days of its request, by charging a reasonable fee and, in turn those members of the public have the equivalent right to request that piece of information on denial of such information there is a provision of fine of Rs. 250/- per day to Rs. 25000/- or punishment of imprisonment or both.

The right of access to information is one that can be claimed by inspection, asking questions and obtaining certified copies of those in hard copies and electronic form as well.

The state should not require any person requesting information to demonstrate a need for or interest in the information.

The act also imposes duty on public bodies that not only the public bodies release information if specifically requested to do so, but that they also publish and disseminate information of significant public interest, (such as details of budgets and spending programmes) within a specific time frame and also to appoint a Central Information Commissioner (CIC) and State Information Commissioner (SIC) and The Public Information Officer at every level of their organizations. There shall also be a mechanism for making appeals against at every level.

### **Importance of the Right to Information to Combat Corruption**

The right to information is expected to improve the quality of decision making by public authorities, in both policy and administrative matters, by removing unnecessary secrecy surrounding the decision making process. It would enable groups and individuals to be kept informed about the functioning of the decision making process as it affects them, and to know the kinds of criteria that are to be applied by government agencies in making these decisions. It is hoped that this would enhance the quality of participatory political democracy by giving all citizens further opportunity to participate in a more full and informed way in the political

process. By securing access to relevant information and knowledge, the citizens would be enabled to assess government performance and to participate in and influence the process of government decision-making and policy formulation on any issue of concern to them.

The people would be able to reduce arbitrariness and corruption in the public distribution system (PDS) if they had information about the quantities of food grain allotments to the shop and who this has been distributed to. Likewise, they may be able to audit and control corruption in public works if they have information about the quantity of the materials required and those actually used.

The cumulative impact on control of corruption and the arbitrary exercise of power, of the availability of such information to the citizen, would be momentous. This information would include, for example in the context of maximum interface of the ordinary citizen with government, the following: -

All estimates, sanctions, bills, vouchers and muster rolls (statements indicating attendance and wages paid to all daily wage workers) for all public works.

Criterion and procedure for selection of beneficiaries for any government programme, list of applicants and list of persons selected.

Per capita food eligibility and allotments under nutrition supplementation programmes, in hospitals, welfare and custodial institutions.

Allotments and purchase of drugs and consumable in hospitals.

Rules related to award of permits, licences, house allotments, gas, water and electricity connections, contracts, etc., list of applicants with relevant details of applications, and list of those selected, conditions of award if any

Rules related to imposition of taxes such as property tax, stamp duty, sales tax, income tax, etc., copies of tax returns, and reasons for imposition of a particular level of tax in any specific case.

Copies of all land records.

Statements of revenue, civil and criminal case work disposal  
Details of afforestation works, including, details of land/sites, species and numbers of plants, expenditure on protection

List of children enrolled and attending school, availing of scholarships and other facilities

Rules related to criterion and procedure for selection of persons for appointment in government, local bodies or public undertakings, copy of advertisement and/or references to employment exchange, list of applicants with relevant details, and list of beneficiaries elected.

Prescribed procedures for sending names from employment exchanges, relevant details of demands from prospective employers, list of candidates registered and list referred to specific employers.

Rules related to criterion and procedure for college admission, list of applicants with relevant details, and list of persons selected.

Copies of monthly crime report.

Details of registration and disposal of crimes against women, tribals and dalits (literally the oppressed, groups traditionally subjected to severe social disabilities) and other vulnerable groups, crimes committed during sectarian riots and

corruption cases.

Number and list of persons in police custody, period of and reasons for custody.

Number and list of persons in custodial institutions including jails, reasons for and length of custody, details of presentation before courts etc.

Mandatory appointment of visitors committees to every custodial institution, with full access and quasi-judicial authority to enquire into complaints.

Air and water emission levels and content with regard to all manufacturing units, coupled with the right of citizens' committees to check the veracity of these figures; copies also of levels declared safe by government authorities, to be published and made available on demand. Even a short random listing such as this would demonstrate the enormous potential power of information, if it be placed in the hands of citizens, to combat corruption that they experience in their daily lives.

### **Operational short coming and road map of future**

Right to Information Act, which is a land mark amendment in the history of constitutional amendment. This Act came in to force in 2005. This RTI Act has brought a revolution in responsiveness of officials, working at various Administrative hierarchy. No doubt, the RTI Act has brought a considerable change in the administrative system and made more helpful to develop multi level accountability among technical and non technical officials.

On the basis of empirical studies, carried out by different researchers, found that the RTI has some of operational short coming in its operational process.

Lack of awareness among illiterates and less-educated people.

Process of taking information is a tedious job.

The accountability is not well defined- that is why most of the official avert their duties to others and try to 'save their skin' by not taking their responsibility for giving information in time.

One month time is a long period, if the information is urgently required.

Often the such of required information create a 'comber-atmosphere'. As a result, the official engaged in RTI operation, often neglect their own official work. As a result, it develop a 'perpetual tension' for the concerned officials.

If information has large number of pages, as a result a considerable amount of sum is paid by the people, who required large number of pages on information. As a result, it become beyond of their capacity to pay the required sum.

### **Suggestion to make RTI more effective to make it road map for future**

Creating awareness among less educated people

To make the 'simple procedure' to take the information

Accountability should be 'well defined'

'Urgent information' should be 'separate officials' who is supposed to make coordination with the concerned official and work independly for disposing RTI application in time.

If the page numbers of information are large, there should be a special discount for long information, so that the masses may offered the expense easily.

### **Conclusion**

The Right to Information Act is a land mark amendment amongst the various constitutional amendments put into the force from time to time. It has paved the way to create awareness among the consumers too. The RTI has been proved conducive to bring more transparency in the services, rendered by the officials, belong to different administrative hierarchy. It has also enhanced the degree of 'vigilency' in the functioning of 'administrative machinery' working at different administrative hierarchy. Various studies indicate that the RTI has some of pit falls and lacunas which are to be removed through some of 'corrective measures' so that the RTI may be more responsive for the people, belong to different strata of society.

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