

## The Role Of Right To Information Act (Rti) In Indian Development

Dr. Indu Sharma

Assistant Professor Public Administration Department Chaudhary Dhajja Ram Degree College  
Janta, Butana (Sonepat)

### Abstract :

*The Right to Information (RTI) has acquired a universal status / recognition. The intergovernmental organisations, civil society and many sections of the people have immensely contributed to this epoch making development. RTI is now being widely recognised as a Fundamental Human Right. It not only upholds inherent dignity of all human beings, but also forms the crucial underpinning of participatory democracy, enduring accountability and promotes good governance. It is now widely recognized that democracy to be meaningful ought to be based on the notion of an informed public participating thoughtfully in its own governance Information and knowledge are the instruments for transformation because these enable public to engage their representatives and the bureaucracy on an ongoing basis and to participate effectively in the formulation and implementation of policies and activities purportedly for their benefit. An empowered citizenry tends to make administration more accountable and participatory. It also ensures greater transparency and acts as a deterrent against the arbitrary exercise of official powers.*

**Keywords : Transparency, Good Governance, Accountability**

### Introduction :

As transparency sustains democratic governance, the access to information is specified by approximately fifty countries in

their constitutions, another 80 countries have passed self standing access to information laws and many more are in the process of doing so 1. The enactment of RTI Act in India in 2005 marked a paradigm shift in Indian democracy. The experience of ten years shows that the response to it has been very positive. A wide spectrum of people from various strata of society has been seeking different types of information from various authorities.

### Fee Structure in Haryana is as under :-

Application fee Haryana

10/-

Xerox copy of A3/A4 size paper 2/-

Larger than A3/A4 Actual Cost

CD 50/-

Floppy 50/-

In Haryana, no fee for inspection of record, if any, provided under any section of this act is made for one hour only.

However, for more than one hour of inspection Rs. 5/- shall be charged for every subsequent hour or part thereof (Haryana RTI Rules, Rule 5(5)).

There is no fee (Application or other additional fee for xerox copy, CD and Floppy etc.) for citizens below poverty line. Sec. 7(5)

### RTI Act (2005) may be attributed to the following factors :

- **Good Governance** : The access to information is deemed to be cardinal

for achieving the goals of good governance as it ensures good governance by promoting transparency and public accountability in the working of government functionaries.

- **The Pressure of the Donor Agencies** : The World Bank, the International Monetary Fund and other donors have also been pressing have also been pressing the recipient countries to enact laws to enable access to information for increasing transparency and reducing corruption.
- **The Need for Reforming Administration** : The RTI aims at providing a mechanism for fixing the responsibility on the Government servant. Hence it can significantly help in improving governance.
- **Right to Information as a Fundamental Right RTI** : RTI is a fundamental right flowing from Article 19 (1) (a) of the Constitution. Over the years, the Supreme Court has consistently ruled in favour of the citizens Right to know that the citizens of this country have the Right to Freedom and Speech under Article 19(1) (a) of the Constitution but it is meaningless unless the citizens have the Right to know. The RTI ensures the same.
- **Movement for Transparency** - The RTI has been made possible by continuous struggles by many activists and citizens groups. The Mazdoor Kissan Shakti Sangthan (MKSS), movement led by Aruna Roy, in a backward region of Rajasthan's Bhim Tehsil in 1990 was

to assert their Right to information by asking for copies of bills and vouchers and names of persons who have been paid wages mentioned in muster rolls for the construction of school, dispensaries, small dams and community centers. It spread quickly to other areas of Rajasthan and other States. The attempts of Harsh Mandar the Divisional Commissioner of Bilaspur, Madhya Pradesh in 1996 to the citizens and the agitation led by Anna Hazare in Maharashtra in 2001 are some of the examples.

Consequently, the National Campaign for People's Right to Information (NCPRI), which became a broad based platform for action, was formed in the late 1990s. As the campaign gathered momentum, it became clear that the RTI is to be made legally enforceable. This is what culminated in the enactment of RTI Act (2005). Its genesis may be attributed to the following factors :

#### **What are the obligations of Public Authority (PA) ?**

PA is obliged to maintain its record in indexed and cataloged form. It should also try to ensure that record is computerized and ultimately connected through a network all through the country. Public authority is further supposed to publish the following details about itself :

- the particulars of its organization, functions and duties;
- the powers and duties of its officers and employees;
- the procedure followed in its decision making process, including channels of supervision and accountability;
- the norms set by it, for the discharge of its functions;

- the rules, regulations, instructions, manuals and records used by its employees for discharging its functions;
- a statement of the categories of the documents held by it or under its control;
- the particulars of any arrangement that exists for consultation with, or representation by the members of the public, in relation to the formulation of policy or implementation thereof.
- a statement of the boards, councils, committees and other bodies consisting of two or more persons constituted by it, Additionally, information as to whether the meetings of these are open to the public, or the minutes of such meetings are accessible to the public;
- the monthly remuneration received by each of its officers and employees! proposed expenditures and reports on disbursements made;
- the manner of execution of subsidy programmes, including the amounts allocated and the details and beneficiaries of such programmes;
- particulars of recipients of concessions, permits or authorizations granted by it;
- details of the information available to citizens for obtaining information, including the working hours of a library or reading room, if maintained for public use and
- the names designations and other particulars of the Public Information Officers.

### **Main Provisions of the RTI Act, 2005 for sustainable development :**

- All the citizens have the RTI, subject to the provisions of the Act and it extends to the whole of India except Jammu and Kashmir.
- It covers all the three tiers of government i.e. central, state and local governments and all the three branches i.e. legislative, executive and judiciary of the government.
- It applies to "Public Authorities" which are owned, controlled or substantially financed directly or indirectly by the appropriate government and the NGOs and private bodies of substantially financed by the government.
- The Act provides for the designation of PIO/APIO for giving information.
- Provision has also been made for transfer of a request by a public authority to another one; wherein the information is held by the latter.
- A time limit of 30 days has been prescribed for compliance with requests for information under the Act for normal information, 48 hours for life and liberty related information, 40 days for 3rd party information and 45 days for corruption and human rights related information of the listed organisations.
- It provides that in case a PIO rejects the application, he/she is bound to give reasons for the same. The period within which an appeal against such rejection may be preferred as well as the particulars of the appellate authority have also to be given by his/her.

- The Act prescribes for a reasonable fee for providing information.
- No fee to be charged from persons below poverty line.
- Information has to be provided free of charge if it is given after the time limit.
- The Act contains a provision for revealing an information, which is otherwise, exempted from disclosure, on completion of 20 Years of the incident.
- The Act incorporates the principle of severability in the exempted category of information.
- It provides for a two tier Appellate Forum. First Appeal is to be made to departmental officer senior to the Public Information Officer. The Second Appeal has to be made to the Commission.
- The Central and State Information Commissions have the status of an independent non judicial machinery.
- The Central and State Information Commissions to monitor its implementation and to prepare an Annual Report to be laid before Parliament/ State Legislature.
- For its effective operationalization the Act gives rule making power to the appropriate government and the competent authorities.

#### **Operational Problems :**

- **Poor Suo Moto Disclosure** - The obligation of public authorities under Section 4(1) (b) for self disclosure of information is rarely followed. Their websites are either non existent or are rarely updated. Even the names,

phone numbers and addresses of their PIOs, APIOs and the appellate authorities are generally not put in public domain.

- **Junior Officers have been Appointed as PIOs in some Organizations :** They are not able to get cooperation of their colleagues and support of their superiors for gathering information requested by the applicants.
- **Poor Knowledge of the Act** - Most of the PIOs and APIOs do not have adequate knowledge about the act and the rules as training policy is conspicuous by its absence.
- **Question mark on the Composition of Information Commissions** - Voices have also been raised against the composition of the State information commissions, Most of the ICs have been packed by those retired bureaucrats who had been in the good books of their political masters.
- **Delays in the Disposal of Appeals by the Commission :** There have been inordinate delays in the disposal of appeals by the Commission, Although the Act has fixed the time limit for the PIOs and the appellate authorities for deciding the cases, no such time frame has been made for the Commission.
- **Lack of Awareness :** Awareness is lacking both among the information seekers and information providers. Guidelines for them have not been widely disseminated. Moreover, awareness seems to much less in rural areas than the urban areas.

- **Lack of Uniformity of in Rules -** There is no uniformity in RTI rules and fee structure among different states of the country. Some states have even made rules which contravene the RTI Act. For example, Haryana has prescribed time limit for depositing additional fee.
- **Heavy Cost of Information :** A major hurdle in the way of the success of the information regime is the heavy cost that information seekers are required to bear. For illustration the fee charged in Haryana is Rs. 50. However, it is only Rs. 10 per application at the center. Besides the cost for the supply of information per page or in the form of disc and floppy is so high that dampens the enthusiasm of information seekers.

### **Conclusion :**

The enactment of the RTI Act (2005) has to be recognized as a laudable step indeed. It has proved to be a strong weapon in the hands of people for ensuring transparency and accountability in government departments and for containing corruption. India's RTI Act has been widely acclaimed as one of the best law in the world. It has also an excellent implementation track record. It is undoubtedly, one of the most empowering and progressive legislations that have been enacted in the post Independent India.

More ever, on account of the absence of penal consequence, Public Authorities are yet to give shape to any time bound action plan for the implementation of the RTI Act in general and for making the suo moto disclosures in particular.

People in rural areas particularly find the appeal process rather expensive. Many times, there is just one First Appellate Authority for the whole department and that too is located in the capitals of states. The BPL exemptions are also being widely misused by unscrupulous elements.

Presently, the RTI regime in India is passing through a decisive phase. Much more needs to be done to streamline it, It can be made effective only through active involvement of the people. Much is going to depend on the seriousness of Central and State governments and Public Authorities in fulfilling their obligations under the Act for ensuring its operationalisation. Finally, it may be said that the enactment of RTI Act has indeed been a bold step and it is likely go a long way in creating participatory democracy in India. But those at the helm of the must arise to be occasion and create, without delay, the enabling environment for this speech making measure.

### **References :**

- [1] Jaytilak Guha Roy, Right to Information Initiatives and Impact, Occasional Paper, IIPA, New Delhi, March, 2006.
- [2] Suchi Pande and Shekhar Singh, Right to Information Act, 2005 : A primer, National Book Trust, India, New Delhi, 2008.
- [3] R.S. Tolia, Towards a Transparent and Accountable Uttarakhand Information Commission, Dehradun, Uttarakhand, 2007.
- [4] B.P. Maithani, Some Grey Areas of the RTI Act, Uttarakhand Information Commission, Dehradun, Uttarakhand, 2007.
- [5] Indra J. Mistry "Breaking the bureaucratic Mould" Yojana January 2006.

- [6] Ranbir Singh, RTI Ineffectiveness in Haryana, The Tribune, Chandigarh, July 01, 2009.
- [7] Anu Kumar, Right to Information background and Perspective, (Info-change India) (1999).
- [8] Report of National Sub Committee of CIC on Implementation of RTI Act, 2005, New Delhi, July, 2008 [http://cic.gov.in/Sub-Com/1-Report/1\\_Title.pdf](http://cic.gov.in/Sub-Com/1-Report/1_Title.pdf).
- [9] <http://www.cic.gov.in/Conference/Program.htm>(Recommendations of the Three National Conventions i.e. 2006, 2007 and 2008.)
- [10] The Right to Information Act, 2005. [www.righttoinformation.gov.in/](http://www.righttoinformation.gov.in/)
- [11] Toby Mendel, Freedom of Information; A Comparative Legal Survey, Second Edition, United Nations Educational Scientific and Cultural Organisation, 2008. [www.unesco.org/webworld/en/foi](http://www.unesco.org/webworld/en/foi)>
- [12] Guide on Right to Information Act, 2005, Government of India. <http://rti.gov.in/RTICorner/Guideontri/pdf>.
- [13] Article 19, The Public's Right to Know : Principles on Freedom of Information Legislation, International Standards Series, 1999, London, [www.article19.org/pdfs/standards/righttoknow.pdf](http://www.article19.org/pdfs/standards/righttoknow.pdf)>
- [14] David Banisar, Freedom of Information around the World - A Global Survey of access to Government Information Laws, Privacy International, 2006, [www.sspa.it/share/pagine/1635\\_global\\_survey2006.pdf](http://www.sspa.it/share/pagine/1635_global_survey2006.pdf)>
- [15] M.M. Ansari, Impact of Right to Information on Development : A Perspective on India's Recent Experiences, United Nations Educational Scientific and Cultural Organization, 2008, <http://unesdoc.unesco.org/images/0018/001865/186510m.pdf>.
- [16] Alasdair Roberts, A great and revolutionary law ? The first four years of India's right to information act, Suffolk University Law School, Revised March 2010, <http://ssrn.com/abstract=1527858>
- [17] Commonwealth Human Rights Initiative, Right to Information, International, Member States' Laws and Papers, [http://www.humanrightsinitiative.org/programs/ai/rti/international/laws\\_&\\_papers.htm](http://www.humanrightsinitiative.org/programs/ai/rti/international/laws_&_papers.htm).
- [18] History of Rising RTI in India, a. <<http://www.nyayabhoomi.org/treatisc/history/history1.htm>>
- [19] Global Trends on the Right to Information : A Survey of South Asia, <http://www.article19.org/pdfs/publications/southasiafoi-survey.pdf>.
- [20] Swedish Freedom of the Press Act, 1766.
- [21] ARTICLE 19 Welcomes UNESCO Declaration on Right to information, Press Release, Article 19, 4 May 2010, [www.article19.org/pdfs/press/article-19-welcomes-unesco-declaration-on-right-to-information.pdf](http://www.article19.org/pdfs/press/article-19-welcomes-unesco-declaration-on-right-to-information.pdf).
- [22] Simi T.B., Madhu Sudan Sharma & George Cheriyan, Analysing, the Right to Information Act in India, CUTS international, 1/2010 [http://www.cutsinternational.org/cartpdf/Analysing the Right to Information Act in India.pdf](http://www.cutsinternational.org/cartpdf/Analysing%20the%20Right%20to%20Information%20Act%20in%20India.pdf).
- [23] Good Governance Lessons from International organizations, <https://www.law.kuleuven.be/iii/nl/onderzoek/wp/WP54e.pdf>.
- [24] Harsh Mander & Abha Singhal Joshi. The Movement for Right to Information in



India : People's Power for the Control of Corruption,  
<http://www.humanrightsinitiative.org/programmes/ai/rti/india/articles/The%20Movement%20RTI%20in%20India.pdf>.

[25] Y.K. Sabharwal, Right to Information, issues of Administrative Efficiency, Public Accountability and constitutional Governance, [www.supremecourtindia.nic.in/speeches/speeches\\_2005/rti.doc](http://www.supremecourtindia.nic.in/speeches/speeches_2005/rti.doc).