



Dimension of Right to Information in India

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James Madison writing in 1822 gave eloquent expression to the argent need for 'Popular information' in a democracy. As he said "a popular government without popular information, or the means of acquiring it, is but a Prologue to a Farce or a Tragedy, or perhaps both knowledge will forever govern ignorance. And a people who mean to be their own governance, must arm themselves with the power which knowledge gives" implicit in medicines remark is the essence of democracy which is rule by the people. It is well known that reality is, however, very different and actually 'ruling' is left to the bureaucracy functioning in tandem with the political group in the power. The tradition in the third world countries has been worse.

During colonial rule the administrative culture had been basically in world – looking, people avoiding and secrecy-practicing. Even after formal independence, the phenomenon of bureaucratic domination persisted for a variety of reasons-poverty and lack of real citizenship being a major causative factor. Those democracy has, in most countries remained a procedural faced. As it has been rightly said; "the right to information is a product of both institutions and culture. Institutions are shaped by laws and the structure of government. Culture is rooted in the history and practice of government as well as in brooder traditional understanding of the accountability of leaders and of what constitute representation. Culture is often more powerful than formal arrangements, particularly in societies that are undergoing a process of democratic transactions and or whose political system still reflect traditional social methods of interactions"

In recent years, there has been an almost unstoppable global trend towards the recognasition and enactment of Right to Information (RTI) by various countries, the inter governmental organization, civil society and sections of the people have invariably been behind this trend it has been widely recognized as a fundamental human rights which of holds the Inherent dignity of all human beings, the RTI it is now



largely accepted, forms crucial under pinning of participatory democracy. It has also now been widely acknowledged as a pre-requisite for insuring accountability and good governance.

The governance undoubtedly strengthens by the RTI. Not only the government also the corporate houses and industries which operate for profit must also be made to disclosed facts of public interest. That is why the RTI has now been recognized as essential requirements of the good governance as evident in the prescriptions provided by the international organizations such as World Bank, International Monetary Fund, United Nations Development Programmed and Asian Development Bank.

Transparency seems to be the only means for sustaining democratic governance. That is why RTI has been granted in about 70 countries of the world and another 30 countries are in the process of doing so it was in this backdrop that the RTI was enacted in India in 2005. It marks a paradigm shift in Indian democracy the experience of three years shows that, the response to this act has been very positive. It has been widely welcomed by the people. They have been seeking various types of information from different authorities. Therefore it would be essential to discuss various dimensions of its evaluation in India. In addition to these, this research paper briefly deals with its silent features.

NEED FOR RIGHT TO INFORMATION

The RTI had already received judicial recognition as a part of Fundamental Right to the freedom of speech and expression. The RTI is important for many reasons. Soli Sorabjee had aptly tresses its need for bringing in trasperancey in administration in public life. According to him, "lack of transparency was one of the main causes for all pervading corruption and RTI would lead to openness, accountability and integrity."

P.B. Savant has expressed similar views. He holds that, "the barrier to information is the single most caused responsible for corruption in society. It facilitates clandestine deals, arbitrary decisions manipulation and embezzlements. Transpierce in dealing, with their every detail exposed to the public view, should go a long way in curtailing corruption in public life. "

The genesis and evaluation of the RTI act 2005;

The evaluation of the act may be stressed to the following development and factors;



1. Good Governance:

The access to information is cardinal to good governance and the whole mechanism of governance in the country has been vitiated owing to lack of it. According to paper prepared by the human rights initiatives; good governance has eight major facts. It is participatory, consensus oriented, accountable, transparent, responsive, effective and efficient, equitable and inclusive and follows the rule of law. It is an ideal which is difficult to be achieved in its totality, to ensure sustainable human development; action must be taken to work towards this ideal. Access to information is a vital factor for achieving the goals of good governance. It promotes transparency and public accountability in the working of government functionaries. The end objectives of RTI are also to achieve good governance.

2. The Global Trade:

Since the 1980s, the emergence of new democracies after the collapse of authoritarian regimes has given rise to new constitution that includes specific guarantees of the RTI. At the same time, older democracies such as the United Kingdom too are seeing the wisdom of enacting such legislation. International bodies like United Nations Organization, the Commonwealth, Council of Europe and the Organization of American States have drafted guidelines to promote freedom of RTI.

3. People's Participation:

Governance in democracy implies that people should participate in the process of governance. For this they must have the necessary information to make informed choices between available options. The RTI is also expected to improve the quality of decision making process. The citizens would be enabled to participate in the process of decision making and policy formulation on issue of their concern and to know the criteria applied by government agencies for making these decisions.

4. Democratic of Governance:

Access to information is the basic requirement in democratization of governance. Despite the LPG regime's stress on curtailing the role of the state, the functions and powers of the government have grown many folds. These are not always for public good and public interest. There are instances of its use for private gains. In such scenario, there is always a conflict between power and justice. Therefore some control mechanism needs to be evolved to discipline the power to promote justice, equity and fair play.



5. Public accountability:

The RTI is necessary to promote the culture of accountability. Accessibility of information pertaining to finances proceedings and decisions of all the social actors whose activities have an impact on the public is the guarantee that such actors shall make them accountable. It shall check mismanagement, abuse of discretion, bribery, other forms of corruption and malpractices. Sometimes media reveals fraud and describes it as a tip of the iceberg which means that more facts are necessary to discover the whole picture of the fraud, and it is only when all information is revealed that the extent of loss of public money can be evaluated and the person be made accountability. The RTI act therefore empowers the citizens to make the State and the public sector more accountable to them.

6. Rule of Law and Right to Information:

Right to information has a rights perspective as well correct information at the right time reduces the chance of misuse of resources and lessens corruptions. It also helps governance system function better makes service providers accountable for their actions creates participatory and transparent environment for people to contribute in policy formulation and establishing rule of law. It also gives people a legal right to demand entitlement and monitor the use of misuse of funds meant for them. Right to information regime is also a mean for government to empower the poor and inform them about pro-poor policies and safety net programs.

7. Combating Corruption

The most effective systematic check on corruption is to enable the citizens to take the initiative to seek information from the state, and thereby to enforce transparency and accountability. The RTI is therefore, likely to reduce corruption and increase administrative efficiency. This is because it provides every citizen the enforceable right to question, examine, audits, reviews and assess government acts and decision, to ensure that these are consistent with the principals of public interest probity and justice.

8. Checking the Misuse of Discretionary Powers:

Officers are given discretionary powers carrying out their duties effectively and they don't have to depend on seniors for approval. Officials can abuse their discretion to legislation on RTI they tend to be hidden from disclosure. Although it is possible to seek courts interventions to compel disclosure of information. In practice it is not possible for poor villagers, due to the cost of distance and delays involved.



9. Administrative Efficiency:

As far as administrative efficiency in government is concerned, it comprises of conducting the administration without unnecessary delays. It should not have ulterior or corrupt motives while passing orders. Where required or implied principals of natural justice have to be observed by it.

10. Creating a more Democratic and Open Society:

There can be no democratic participation in decision making without transparency and sharing of information. Secretive government is nearly always inefficient. The free flow of information is essential if problems are to be identified and resolved. Furthermore, a secretive governing culture fosters suspicious and encourages rumors and conspiracy theories. In such a culture the public is likely to treat all government information with skepticism including public education campaigns.

11. Protection of Civil Liberties:

The right to information is essential for protecting liberties of citizens by making it easier for civil society groups to monitor wrong doings like custodial deaths and abuse of preventive detention and abuse of preventive detention legislation. Custodial institutions are some of the most non transparent in the country. Violations in custody range from deaths in custody, illegal detention and abuse of women. Effective community monitoring of these institutions is dependent on access of information.

12. Right to Information as Fundamental Right:

That the RTI is a fundamental right following from article (1) of the constitution is now well settled. Over the years the Supreme Court has consistently ruled in favor of the citizen's right to know in a number of cases. Supreme Court pronounce that the citizens of this country have the right to freedom and speech under the article 19(1) of the constitution and this right is not complete unless and until the citizens have the right to know. The right to information was further elevated to the status of human right by the scheduled cast in 2004 case of peoples Union for Civil liberties.

13. Effective Implementation of Government Schemes:

In rural areas, numerous Schemes for providing food, housing Employment and education are run by the central and the state government. These schemes mint for the poorest of the poor in the rural areas are routed through the network of government setup. There is a wide spread criticism that these funds have been



routinely miss-appropriated on a large scale. In most cases, people do not know about the exits ace of this scheme. RTI is being used to redress individual grievances access entitlements such as ration cards ,and so on ,to investigate government policies and decisions and expose corruption .to many, particularly the poor and disadvantaged the act of filing an RTI application itself is empowering and often leads to the resolution of their problems. A number of activists who have made significant contributions in this moment include Anna Hazare, Arvind Kejriwal, Aruna Roy, Nikhil Dey, Subhsh Agrawal, Anjali Bhirdwhaj, Shekharsing and Venkatesh Nayak of the common wealth human right initiative to name a few .

To vast majority of Indians the RTI is a new sense of empowerment that for the first time allows then a legal right to 'demand 'information and to receive it in time bound manner. It gives them the right to have an official penalized for providing wrong information or delaying the process in an undue manner or denying information itself in the first place.

References:

Naib, Sudhir[2015], ' The Right To Information In India', Oxford University Press, New Delhi.

Kulkarni, Ashwin[2008], ' Governance and the Right to Information in Maharashtra ', Economic and P political Weekly, 30 August, 15-17.

Singh, Shekhar[2011], 'The Genesis and Evolution of the RTI Regime in India' , Transparent Governance in South Asia. New Delhi: IIPA, New Delhi.

Dhaka, Rajvir[2014], 'Right to Information Act and Good Govenance: Operational Shortcomings and Roadmap for the Future' , IIPA, New Dehli.

Sabharwal. Y.K, Right to Information, Issues of Administrative Efficiency, Public Accoutatability and constitutional Governance.

Pande Suchi and Singh Shekhar, [2008] Right to Information Act, 2005: A Primer, National Book Trust, India, New Delhi