



## Right to information Act 2005 –A strong effort to restore democratic values in India

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### Abstract

At present, the right to information act is strengthening the democratic values and processes in more than 80 countries globally. In order to achieve transparency in the administration by the central government, the sacred democratic goals of building a corruption free society have been fulfilled. This a strong effort to achieve and strengthen the participatory democracy and people-centred governance system. It also ensures access, in a democratic country like India, the sovereign power is vested in the people and the representative elected by the people are in the role of public servant – so naturally this act makes the administration more accountable to the people. It reduces the distance between the administration and the citizens and makes the common man aware of the administrative decisions and procedures. Regular exchange is distinctly important – so we can say that last 17years journey of this act is to establish good governance, administrative transparency, accountability and maintain the dignity of democratic values in India. This act has proved to be a milestone for our democracy so this law can be considered one of the most powerful and progressive law passed in independent India.

**Keywords:** administrative transparency, fundamental rights, participatory democracy, administrative secrecy, good governance, people's awareness

### Introduction

Transparency accountability and participation under the administrative system in any democratic country are considered to be the 'keys of democracy'. Transparency is such an element that additionally motivates government Organizations, administration and general public to work more purposefully. In fact, the right to information is not only a basic feeling, but also a basic need of governance and administration. Aristotle also says that "if liberty and equality as some people understand, are to be found chiefly in democracy. This can only be achieved if people equally take maximum share in the government". This is the reason that keeping in view the transparency in public matters, RTI Act was implemented in our country from October 12<sup>th</sup>, 2005 in true sense. Under this act, every nation provides all the information related to its work and governance system keeping in mind the public interest of its citizens. The RTI act 2005 was implemented under this right, every nation keeping in mind the public interest, makes available all the information related to its functions and systems of governance. Basically, the meaning of right to information is that – 'to provide rights to the citizens for getting information which they desire for'. Globally this act was first implemented by Sweden in 1766, while France in 1978, Canada in 1982, Mexico in 2002 and India in 2005. In some countries where time limits have been set for the information to be provided. On the other hand, in Sweden, a provision has been made to provide information free of cost immediately. The document 'governance and development' released by the world Bank in 1992 focused on seven aspects related to governance. In those elements, more importance is given to information and transparency. In fact, this act is a strong effort towards establishment of participatory democracy, administrative transparency,

responsible governance, public centred administration and corruption free society.

### Objectives of the research paper

The following objectives have been set for the analysis of this research title –

1. To highlight the qualitative aspects of practical implication of this act.
2. To find out the obstacles in the way of implication of this act.

### Research methodology

This research paper is totally based on secondary data and resources. To analyse the title descriptive, historical and comparative method was used. Data collection was based on secondary sources, mainly from books, journals, open sources and articles related to RTI act, administrative transparency and good governance.

### Review of literature

Although it is true that the history of Right to Information Act at the global level is more than 250years old, but the implementation of this act in our country has only a decade and a half history. In this short period, this Act has proven to be an effective weapon in providing sobriety to the democratic processes and character. Various researchers who have studied the effectiveness of this Act have presented different conclusions such as 'in India the RTI Act has been successful in terms of developing a sense of good governance, transparency and accountability of public servants' (Agrawal, 2017)<sup>[1]</sup>. Similarly, it was also accepted that – 'this Act is very useful from the point of view of the relationship between the state and the citizens at the ground level. It has become possible to democratize the actions and

behaviour high-ranking bureaucrats' (Sharma, 2012) [2]. While some studies have also concluded that it is a fundamental right of democratic countries. This is a strong effort made to alert common citizens and intellectuals against injustice (Yadav and Prabhanjan, 2010) [3]. There is also a belief in this regard that 'Accountability is very important for the protection of democratic values. This Act is been implemented in India for accountability determination through administrative transparency' (Ghosh, 2018) [4]. In fact, under this research paper, an attempt has been made to underline the role of this act in making democracy clean and healthy and in the development of administrative transparency and accountability.

### **Explanation & Findings of this Research Paper**

After independence, the constitution makers of this country tried to establish the dignity and prestige of the individual. For the purpose of perpetuating the idea and for the purpose of preserving the sanctity of democratic sentiments, liberty of expression was given to all the citizens. The basic idea behind all these efforts was that the citizen can freely express their opinions on any issues and mutual exchange of views without any hesitation. In this regard, there has also been a belief that freedom of expression would seem meaningless in the absence of information and transparency. The reality is that the Right to Information Act 2005 is proving to be a milestone in irrigating the roots of democracy in the world's largest democratic country like India.

History attests to the fact that the origin of Right to Information Act at the global level is about 250 years old. In fact, for the first time, we get a glimpse of the call to implement this right for all the countries of the world in the Universal Declaration of Human Rights issued by the United Nations General Assembly in 1948. Under this declaration, with the help of various media, seeking and obtaining information was advocated. American President Jefferson has also believed that "the right to information is very important in keeping any democratic society civilized and alive and, in its emergence, and development". Similarly, American Judge Douglas also believes that "secrecy in government is basically anti-democratic which perpetuates bureaucratic mistakes. Open discussion on public matters based on complete information and debate is vital to our national health".

We know very well that in a democratic country like India, governance is conducted only through the representatives elected by the people. Under such a system of governance, the public should have the right to know what the government is doing to protect and promote the interests of the common citizens. How transparent are they? How many responsibilities are they doing completely? As a satisfactory answer to all these questions, the Right to Information Act was passed in 2005. So that, according to the conscience of the Act, the public gets real information about the administrative work.

In fact, there was no direct provision in the original Constitution of India through which citizens get the right to information, but since 1975, the Supreme Court, through its various judgments, has been directing that the right to information is an integral part of the right to freedom of thought and expression which is guaranteed in the Article 19 (1) (A) of the Indian constitution. It may be noted that in a case named Raj Narayan vs. The State of Uttar Pradesh in

1976, considered the right to information as a fundamental right of the citizens, it was formulated that the public cannot express its views until the information is received.

Under this Act, it has been described that every citizen of India can make an application for obtaining information from any government authority within the prescribed scope. A provision has been made to provide the information sought by the concerned department within 30 days. Similarly, if the information sought is related to life and personal liberty, then a provision has also been made to provide such information within 48 hours. An appeal can be made to the local, provincial and central information commission in circumstances related to the subject matter of the prescribed information and satisfaction or in case of non-receipt of information within the prescribed period. All the major constitutional posts of India such as President, Vice President, Prime Minister, Parliament, State Legislature, Supreme Court and High Court, Election Commission and all constitutional bodies like Comptroller and Auditor General and all constitutional posts have been kept in the ambit of this act. Likewise, the unity and integrity of the country, the sovereignty and strategic interests of the nation should be kept as a secret under this act.

We can say that the main objective of this act is to bring transparency in the administration, to make it accountable, to curb corruption and to empower the general public in the democratic process. The history of the implementation of this Act till date tells us that our country is successfully shifting towards achieving the set objectives.

After analysing the provisions of this act, we come to know that under what process and what kind of information the general public can get from which departments and how will the government machinery be accountable to what extent. This act also gives the right to common citizens that they can ask any type of question regarding the work of any unit. And can get the desired information in the form of answers to these questions. Citizens also have the right that they can test the veracity of any government document by demanding a certified copy. Citizens can also take reports related to the investigation of any government work and certified samples of materials used for any administrative work. Section 6(2) of this Act makes it clear that the Public Information Officer cannot inquire from any applicant the reason for the information sought. It is also very important to mention here that completely private institutions are out of the purview of this act.

For the last 17 years, this act is being implemented practically at different levels in various administrative departments in India. This act is proving fruitful in developing and strengthening the democratic character. Proper implementation of this act where making the administration more accountable towards the public. On the other hand, the gap between the government and the public has been reduced. One of the major benefits of this act has also been that now the public is becoming aware of the administrative decision and policy making process. And citizens are also getting this opportunity that they can intelligently and positively criticize administrative errors and weaknesses. Through the implementation of this act, autocracy has been discouraged not only in the government decision making process. But also Public interest and public participation is continuously increasing. Several RTI petitions have exposed serious issues like 2G Scam,

Commonwealth Scam, Adarsh Society Scam, Bank Loan Scam and Red Cross Society Scam. Due to which the tendency of administrative transparency and openness was protected and the path of democracy was paved. Our practical experience also tells us that now the possibilities of misuse of power by public servants are decreasing. At present, keeping in view the public sentiments and the needs of the public, the administrative machinery is becoming more sensitive day by day.

One positive aspect of this act is that it has become possible for information to be easily available to all sections of the society, including the poor, vulnerable and deprived sections. Due to getting information about all government policies and information, people are proving more capable in taking advantage of welfare schemes. Due to the systematic implementation of this act, all government policies directly or indirectly remain under the scrutiny of the public and the activities related to them. Due to which administrative transparency and accountability would go on developing by itself. We can also say that due to the end of the tendency of unnecessary secrecy, gradual improvement is also being reflected in the administrative decision process. Looking at the results of the implementation of this Act, today we can say that an invisible movement has started in this country with the aim of increasing transparency in governance and administration. Which is becoming the basic mantra of public participation in policy making and decision making. Slowly, democratic values are being created in the hearts and minds of the general public and civil society, various government and non-government organizations and government machinery are also trying to give a positive direction to the sentiments enshrined in the Act. The proof of the successful implementation and effectiveness of this act is that in the year 2016, India is fourth in the list of 111 countries that have successfully implemented this act. The practical experience of the last 17 years also informs us that there has been a reduction in corruption and red tape. Wastage of money has been controlled and a positive change is visible in the functioning and behaviour of bureaucracy. Protection of human rights is also becoming possible now due to the information received about the fake encounter and inhuman behaviour towards the prisoners in the jail. Despite of all these achievements, lack of widespread awareness among common citizens, poor quality of information provided, non-receipt of information on time, rejecting repeated errors in the applications and cancelling them, questions mentioned in the application not to be answered exactly, non-maintenance of old records and their non-updating, many times asking for unnecessary information by the applicants, reluctance to provide comprehensive information, lack in sense of faith in the officers and employees towards their work culture, excess of work and shortage of employees in various departments, and by misusing the provisions of this Act by some inhumane groups to encourage tendencies like blackmailing, are major challenges in terms of successful implementation of the Act. Similarly, the lack of efficient implementation of the Whistle-blower Protection Act and the emphasis on confidentiality by the Right to Privacy also appears to be obstructing the flow of this Act.

While analysing this act, we should also not forget that this act has been amended by the Indian Parliament on 22 July 2019. Under the amendment, the central government has reserved the right to change the duration and service

conditions of CICs at the central and provincial level due to which not only the powers of the commission will be limited, but also the officers can be seen working under the pressure of the government or on their instructions.

### Conclusion

The history of the implementation of this Act in our country so far is telling the story of some successes and some partial failures. There is no better option than information technology to make the dreams of e-governance come true. Public officials are discharging their duties well, there is also improvement in the collection and filing of records and the dream of people-oriented and transparent administration seems to be coming true. In order to achieve 100% success in accordance with the feelings enshrined in this act, the empowerment of the Information Commission and the awareness of the common citizens about their rights is absolutely necessary. Today it is also necessary that the achievements of RTI workers should be published and disseminated through electronic and print media and this act should be included in the educational curriculum from high school and intermediate level itself. We should hope that by achieving the basic objective of social justice, transparency and accountability in accordance with the spirit of the Act, we will make our democratic system even more pure and sophisticated.

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