

SIGNIFICANCE OF RTI ACT TO ENSURE GOOD GOVERNANCE IN INDIA

Neha,

Faculty of Commerce, P.I.G. G.C.W. JIND, 126102 (Haryana).

Munish Kumar,

Assistant Professor Dept. of Commerce PIG GCW Jind.

ABSTRACT

Significant substantive democracy ought to be founded on the concept of an informed public adequately prepared to participate thoughtfully and actively in the governance of the country. If transparency and accountability are the imperatives for sustaining democratic governance, access to information is a vital instrument of societal revolution and the Right to Information Act, 2005 helps in achieving the same. Besides, apart from ensuring greater transparency it also acts as a deterrent against the arbitrary exercise of public powers. The governance is, therefore, definitely strengthened by the RTI. During the period, October 2005 to present day, it has become evident that there are many anticipated and unanticipated consequences of the Act including contribution made by various stakeholders, impact of RTI on society and governance, corruption in India, awareness level among poor sections of the society, unnecessary queries, limited use of technology, etc. This paper tries to highlight the role played by major stakeholders or entities to improve the RTI regime in the country and importance of RTI act to ensure good governance in India, along with some problems or challenges faced during the implementation of RTI act. This paper also tries to find out some suggestions which may be helpful in effectively implementing the RTI act.

Key words: RTI act, governance, Stakeholders, importance, problems.

INTRODUCTION

India is a democratic republic state. Here the Government is of the people, by the people and for the people. Therefore the people of our country have the right to know about state affairs.

A Monthly Double-Blind Peer Reviewed Refereed Open Access International e-Journal – Included in the International Serial Directories.

International Research Journal of Marketing and Economics (IRJME)

Website: www.aarf.asia. Email: editoraarf@gmail.com , editor@aarf.asia

Freedom of information brings openness in the administration which helps to promote transparency in state affairs, keep government more accountable and finally reduce corruption. The free flow of information is must for democratic society as it helps the society to grow and to retain a continuous debate and discussion among the people. But the access to information held by a public authority was possible until 2005. Before that the common people did not have any legal right to know about the public policies and expenditures. The concept of good governance directly emanates from the right to know which seems too implicit in the right to free speech and expression.

Governance is a comprehensive term covering various aspects of the organization and structure of government, which have an impact on the efficiency of government and the delivery of public services, and incorporates accountability, transparency, political/administrative decentralization and administrative vigilance to check corruption. Good governance can be related to the basic goals of a society as enshrined in its constitution and other policy and plan documents. A faceless citizen is now blessed with a tool with the help of which he can now demand from the high and mighty in the government to know the details of every action they take, professedly on behalf of the people. The responsibility of ensuring that the RTI Act will deliver its potential rests with us.

In India, the RTI Act (The Right to Information) was passed by the parliament in October 12, 2005, after passing bill by both the houses of parliament. The Right to Information Bill, 2005 was passed by the Lok Sabha on May 11, 2005 and by the Rajya Sabha on May 12, 2005 and received the assent of the President of India on June 15, 2005 and came to force on October 12, 2005, thus opening up the governance processes of our country to the public.

The Right to Information is implicitly guaranteed by the Constitution. The RTI Act is considered to be the most revolutionary of all enactments in Independent India. The right to information and the assurance of widespread citizen participation in public affairs and an active civil society are essential for the full realization of democracy. This law is very comprehensive and covers almost all matters of governance and has the widest potential, being applicable to Government at all levels- Union, State and Local as well as recipients of government grants. The RTI Act, which if used sensibly and efficiently can take the country in the direction of new democracy and good governance.

Objective of RTI act: The objective of the RTI Act is to establish a practical regime for citizens to access information held by Public Authorities. This in turn will lead to increased transparency and accountability in the working of the Public Authorities, the constitution of a Central Information Commission (CIC) and State Information Commission (SIC) and for matters connected therewith and incidental thereto.

BACKGROUND OF RTI IN INDIA

Disclosure of information held by public authorities in India was governed by the Official Secrets Act (1923) enacted during the British rule. The Supreme Court of India had in several judgments prior to enactment of the RTI Act, interpreted Constitution to read RTI because the fundamental right as embodied in right to freedom of speech and expression and right to life. The *raison d'être* for a gradual & strong evolution of RTI in India is primarily because of a group of villagers in central Rajasthan, mostly poor wage workers, asserted their RTI by responding against ghost entries in muster rolls, which was the sign of rampant corruption in the system, and demanding official information recorded in government rolls related to drought relief work.

Thus the idea of a right to information was evolved by the judiciary by reading the same into the fundamental right of the citizen's freedom of speech and expression. The reactions and response are that, several states of India started enacting their own laws of Right to Information. The state of Tamil Nadu was the first state to introduce its Right to Information Act in the year 1996. Goa is the second state (1997), then Rajasthan (2000), Karnataka (2000), Maharashtra (2000), Delhi (2001), Assam (2001), Madhya Pradesh (2002) and Jammu and Kashmir (2004). The Delhi RTI Act is still in force. Jammu & Kashmir has its own Right to Information Act of 2009, the successor to the repealed Jammu & Kashmir Right to Information Act, 2004 and its 2008 amendment.

In the national level Government of India passed the Freedom of Information Act (FOI), 2002. This Act, however, was found to be falling short of the expectations of the public and hence "The National Advisory Committee" (NAC) suggested certain important changes to be incorporated in the existing Act to ensure smoother and greater access to information. Having examined the suggestions made by the NAC and others, the Government decided to make

A Monthly Double-Blind Peer Reviewed Refereed Open Access International e-Journal – Included in the International Serial Directories.

International Research Journal of Marketing and Economics (IRJME)

Website: www.aarf.asia. Email: editoraarf@gmail.com , editor@aarf.asia

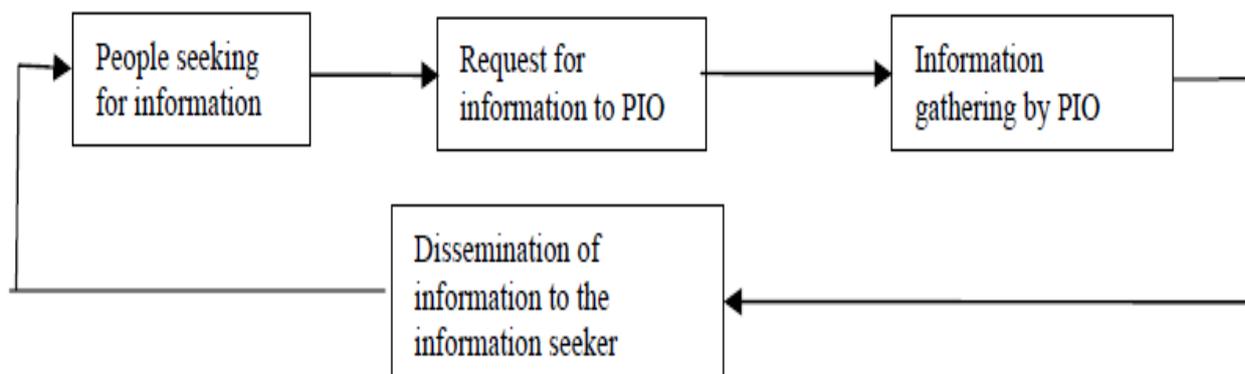
number of changes in the law and Right to Information Act, 2005 was enacted and the Freedom of Information Act, 2002 was repealed. The Right to Information Act, 2005 fully came into force since 12th October, 2005.

Process of Filing RTI Application:

1. You can apply either hand written or electronically in a plain paper in English, Hindi, or local language to the concerned PIO (Public Information Officer) of the relevant department with a subject “Application under Right to information Act 2005”.
2. The application fee for the State of Tamil Nadu and central Government is Rs. 10. Court fees stamp, cash, government treasury, Demand draft, and postal order are accepted modes of payment.
3. Send the application through Registered or Speed post with acknowledgement due so that it gets accepted at the other end.
4. Do obtain acknowledgement on the photocopy of the application together with a receipt for the fee if personally application is filed.
5. If the information sought for concerns the life or liberty of a person, the information shall be provided within 48 hours of the receipt of the request.
6. The PIO should respond within 30 days of the receipt of the application. If no reply is received, file an appeal to the AA (Appellate Authority) of the same Department.
7. The Appellate Authority gets another 30 days to respond after which the applicant can make second appeal within 90 days to the SIC (State Information Commission) for the state government or CIC (Central Information Commission) for central government departments as the case may be.

In case of information denial, RTI act recommends a fine of Rs. 250 per day to a maximum of Rs. 25,000 for 100 days over the concerned PIO.

Figure 1: Process of Information Seeking



ROLE PLAYED BY KEY STAKEHOLDERS

RTI Act has the potential to bring in a socio-economic revolution, provided that various agencies take up their responsibilities as per the spirit of the Act. The Civil Society Organizations and Media can proceed as pressure points, but most of the execution is to be carried out by the appropriate Governments and Information Commissions. Here are some contributions of key stakeholders towards effective implementation of RTI:

Civil Society Organizations

- Civil Society Organizations and social activists are enhancing the reach and awareness of RTI among the masses. It is mostly with the support of the social activists and Civil Society Organizations that a person in a village is able to use the RTI Act for ensuring his basic rights. However given the geographical size & population, the reach of Civil Society Organizations and social activists is limited.
- Civil society has also made contribution towards training of PIOs (Public Information Officers) and AAs (Appellate Authorities) and made them aware of their roles and responsibilities under the RTI Act.

Media

- Media has played an vital role in generating awareness at a mass scale. While there has been no major media campaign for promoting the usage of RTI Act, nonetheless

the awareness on the Act has been generated through news articles based on RTI investigation.

- In the context of RTI implementation, journalists at times have played a dual role – as the users of RTI Act and as watchdogs, monitoring and scrutinizing the implementation of the Act.
- Various media entities have contributed to the mass awareness and bringing in transparency through their websites.

Central Government

- Basic institutional structure has been set up as per the RTI act requirement (like appointment of Information Commissioners, PIOs, etc.)
- Department of Personnel & Training has been made the Nodal Department for the RTI implementation at the Central level.
- A centrally-sponsored scheme for capacity building and awareness generation for effective implementation of the RTI Act has been commissioned in the 11th five year plan.
- UNDP with Department of Personnel and Training (DOPT) as an implementation partner launched the “Capacity Building for Access to Information” project. This project aimed at like Capacity building of Government officials at Central, State and district level, especially those of the identified Department with maximum public interface, Generating awareness among the citizens etc.

State Government

- Various State Governments had already enacted laws for access to information in some form or the other, like –Tamil Nadu (1997), Goa (1997), Rajasthan (2000), Karnataka (2000), Delhi (2001), Maharashtra (2002), Madhya Pradesh (2003), Assam (2002) and Jammu and Kashmir (2004).
- After the enactment of the Central Act, some State Governments have taken novel initiatives in line with the spirit of the Act. The key initiatives are:

~Information Commission “regional offices” in Maharashtra: As per Section 15(7) of the RTI Act, the SIC can increase their geographical reach through establishing offices at other places. Maharashtra has created 5 offices of the Information

Commission in Pune, Mumbai, Aurangabad, Amravati and Nagpur to enable citizens to approach the most convenient regional office.

~“Train the Trainer” concept in Assam: Assam has adapted a “Train the Trainers” concept, where the Government trains the CSOs/NGOs to impart training to citizens on RTI in order to maximize the reach of RTI and ensure that there is local ownership and sustainability.

~Review of Public Authorities by Andhra Pradesh State Information Commission

~Public hearings at the district headquarters by Kerala State Information Commission

~The CIC website has a feature for online submission of complaints and second appeals

While the contribution made by the above entities is acknowledged, there is still a long way to go to establish transparency and accountability through RTI. The expectations required from the appropriate Governments are significant, some clearly articulated in the Act and some are implied. Here the status of RTI applications in India is shown in following table 1:

Table 1: No. of RTI applications filed and rejected

Year	Total no. of requests pending for disposal	No. of requests for information rejected	No. of Rejected applications in percentage
2009-10	626,748	34,057	6.43
2010-11	437,744	21,413	5.1
2011-12	705,976	52,313	8.3
2012-13	886,681	62,231	7.7
2013-14	962,630	60,127	7.21

Source: CIC annual report, 2013-14

IMPORTANCE OF RTI IN INDIA

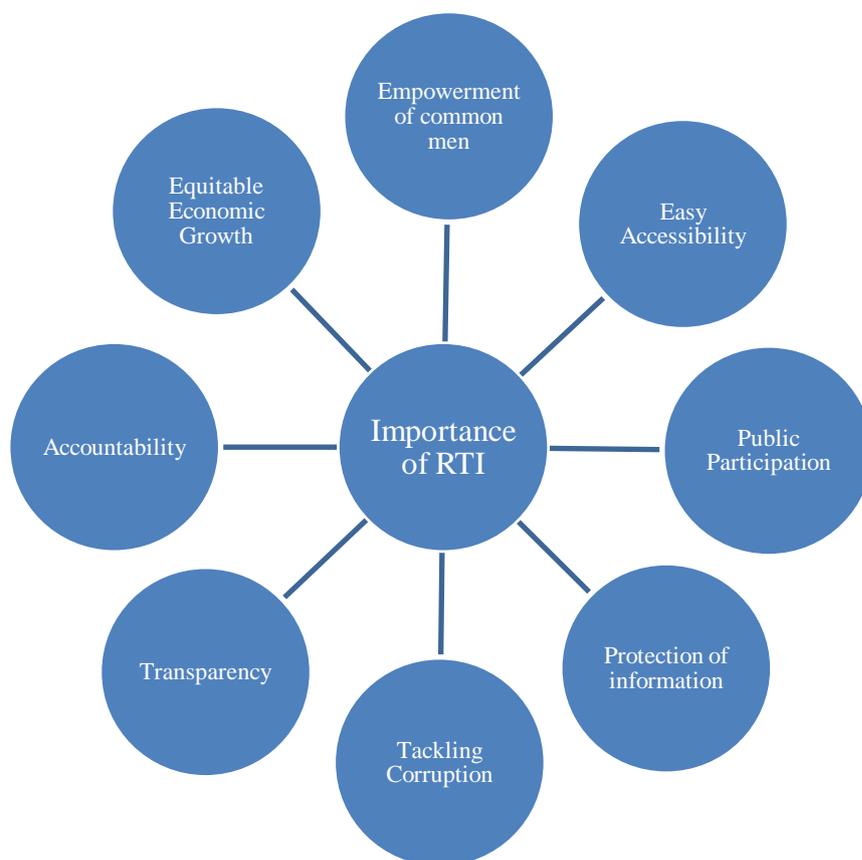
Access to public information is a requisite for the very functioning of democracy, greater transparency, and good governance. In a representative and participatory democratic system like India, the citizen exercises its constitutional rights, i.e., the rights to political participation, the vote, education, freedom of expression and free access to information etc. The Right to Information Act (RTI) 2005 is an effective tool that checks and holds various bodies, agencies, and departments of the government accountable to the public and exhibits transparency in their activities and minimizes corruption. The importance of RTI in making a good governance system in India can be seen from the following advantages:

1. **Empowerment of the common man:** Before enactment of RTI act, people remain ignorant in terms of the ways and means through which they can obtain their entitled rights from the concerned departments legally. But after enactment of this act, the entire range of common man in the nation has been empowered by such an initiative in which they have got the full rights to be informed about anything that affects their life directly or indirectly and the responsible bodies have to answer them positively.
2. **Easy accessibility to information:** The RTI has created a very concrete and easy mode of spreading information of all kind from where pertinent information will be received by only the person concerned and this will in turn result in easy accessibility to information on one hand and time conservation of all. The right to know and easy access of government information helps the people to understand the limitations of government at different levels. The availability of information also helps to foster in development process and it is a symptom of true and mature democracy.
3. **Public participation:** Participation of both men and women is the cornerstone of good governance. The Right to information acts gives people a chance to participate not just one in five years, but every day and question any decisions. The RTI act gives an opportunity to the common men to participate in governance and reduce the imbalance in power relationship, provides a tool to oppose injustice and allows collective spirit to make democracy work for everyone.
4. **Protection of Information:** Since, the selected people with selected queries will be entertained and informed rightfully and appropriately, so this will lead to protection

of information thereby protecting everyone from being wrongly or inappropriately informed or misinformed.

5. **Tackling Corruption:** Access to information is a key mechanism for ensuring transparency and is a proven anti-corruption tool. The World Bank estimates that corruption can reduce a country's growth rate by 0.5 to 1.0 percentage points per year. The harmful effects of corruption are especially severe on the poor, who are hardest hit by economic decline, most dependent on the provision of public services. In this context, the right to information has proven to be an effective cure to corruption.
6. **Ensures transparency:** Transparency is the milestone of good governance which means that decisions taken and their enforcement are done in a manner that follows rules and regulations. It also refers to availability of information to the general public and directly accessible to those who will be affected by such decisions and their enforcement. The enactment of RTI act 2005, people are now able to seek information from any government department within a definite time frame. The RTI act is intended to make the process of government decision making more open.
7. **Ensures accountability:** Not only the government, the private sector institutions should also be accountable to the people. Information is power and the RTI act provides people with a mechanism to access information, which they can use to hold the government accountable or to seek explanation as to why decisions have been taken, by whom and with what consequences or outcomes.
8. **Equitable Economic Growth:** Open and free access to information is also valuable in ensuring equitable economic development. Here it is notable that it has long been recognized that the poor have often been excluded from participating in the management of their own economies and from accessing the benefits. But the RTI act does not make any discrimination between rich and poor covering all citizens. It always comes forward to fight against inequality, injustice and inhuman activity.

Figure 2: Importance of RTI in Good Governance



PROBLEMS IN IMPLEMENTING RTI ACT

A mere enactment of RTI act will not ensure the right as such. There is a requirement of effective implementation of RTI act which ensures a greater transparency and accountability. But some challenges and problems has emerged in implementation of the RTI act such as ineffective record system, problem of illiteracy, limited use of IT, delay in accessing information, etc. which are explained here under:

1. **Lack of assistance in filing the application:** Under Section 5(3) of RTI Act, it is expected of the PIO to assist citizens in drafting RTI applications. However, it was observed in a survey that more than 49% of the applicants did not receive any assistance from the concerned PIO while drafting and filling RTI applications.

2. **Low Level of Training:** An in-depth understanding of the RTI Act is a basic requirement of a PIO to discharge duties effectively. However it was observed that many of the PIOs had not received RTI training and the frequent transfers of the PIOs adds to the challenge. This places additional work-load on the training institutes entrusted with providing RTI training.

3. **Ineffective Record Management System:** Record management system plays a vital role in timely disposal of a RTI application. But in India the system was not so effective which leads to delay in processing of RTI applications. As per Section 4(1a) of the Act, a Public Authority needs “to maintain all its records duly catalogued and indexed in a manner and form which facilitates the Right to Information under this Act and ensure that all records that are appropriate to be computerised are, within a reasonable time and subject to availability of resources, and connected through a network all over the country on different systems so that access to such records is facilitated”.

4. **Illiteracy and Poverty:** Illiteracy and poverty is another major challenge before successful implementation of Right to Information act. Right to Information act has does not have any meaning for a Person who does not have enough money to live, who is not educated and who does not have freedom. In fact, their first requirement is the right to live (right to eat, right to work and right to shelter) and then Right to Information.

5. **Limited Use of Technology:** The limited use of technology has hindered effective implementation of RTI act. Except in a few states no effective IT system have been establish to monitor and report on the disposal of application by public authorities. Isolated IT solutions have been developed by a few Departments independently but these systems are just restricted to tracking the status of RTI applications.

6. **Time constraint:** There are many offices of PIO where the access of common man is very prolonged and it becomes very hectic to carry out the process. It is mandatory to provide the information in the given time frame of 30 days. Since the information

system of the organization is not integrated, therefore it becomes difficult to provide the information in the given time.

7. **Uneven Implementation of RTI:** The implementation of RTI act is uneven. It is not equally implemented to all the states. Therefore, awareness level also differs from state to state. In states like Arunachal Pradesh, Uttarakhand and Punjab the awareness level about RTI act is high, on the other hand awareness of people in Gujrat, Madhyapradesh, Jharkhand and UP is not high. Moreover different rules for different states especially on fees and costs make the RTI filing ineffective.
8. **Lack of Monitoring and Review mechanism:** One of the most important roles of the Information Commission is to monitor and review the Public Authority and initiate actions to make them comply with the spirit of the Act. However this has been one of the weakest links in the implementation of the Act. It is acknowledged and appreciated that the Information Commissions have been primarily been spending most of their time in hearings and disposing of appeals. However monitoring the Public Authority for compliance of the Act is also an important aspect of the role of the Information Commission, which could result in reducing the number of appeals.
9. **Too Many Personal Queries:** CIC Satyananda Mishra talks about the problems from a shortage of manpower to the volume of frivolous queries. About 75% of RTI queries are personal in nature, which is a concern that is contrary to what was imagined when the act was passed by Parliament in 2005. The country will benefit more if a large number of RTIs are filed on issues of larger public interests.

SUGGESTIONS FOR EFFECTIVE IMPLEMENTATION OF RTI ACT

Right to Information Act, 2005 was enacted on 15 June 2005 and was come into force from 12 Oct.2005. In India the act is implemented in just 4 months, which is low as compared to the similar acts in other countries. Due to the increase in request for the information and the lack of preparedness for the act, different types of organizations are facing difficulties due to the implementation of RTI Act, 2005. Therefore it is necessary to make some changes in the RTI act for its effective implementation. Here are some suggestions in this regard:

A Monthly Double-Blind Peer Reviewed Refereed Open Access International e-Journal – Included in the International Serial Directories.

International Research Journal of Marketing and Economics (IRJME)

Website: www.aarf.asia. Email: editoraarf@gmail.com , editor@aarf.asia

- **Inclusive Information Management System:** A comprehensive Information Management System should be developed by each public authority for storage and retrieval of data and information that may be shared with anyone who seeks to inspect the records and use the information for development purposes. Use of information technologies would not only facilitate faster dissemination of information but would also reduce the costs of servicing and sharing information.
- **Proper Coordination:** There should be proper coordination among state information commissioner and departments for the effective implementation of RTI act. It is a recognized fact that for enabling and effective implementation of RTI act, the central and state information commissions need to strengthen their technical and IT (Information technology) capability.
- **Huge Fund for Publicity:** As stated above due to ignorance, most of people have not heard about RTI act. In view of high illiteracy among the poor, a multimedia approach should be adopted to educate and train people of varied linguistic backgrounds. To tackle this issue government should allocate huge fund for publicity budget of RTI act. However, this fund should be spent through central Information commission.
- **Appropriate Control Mechanism:** The role of the Information Commission has to go beyond the hearing of the appeals. As per the Act, they are expected to issue orders to the Public Authorities to carry out their duties as per the mandate of the Act. However till the time Information Commission assumes the role of ensuring the compliance of the RTI Act by the various PAs, there would not be any control mechanism. The State Government has to play a facilitative role to the Information Commission through issuance of supporting rules or orders to the Public Authorities.
- **Supportive Role of Government:** The role of the Centre or State Government should be to facilitate the Public Authorities in implementation of the Act. This can happen through providing support to Public Authorities for training, development of software applications, e-Training modules, generating awareness amongst citizens etc.

- **Safeguards Mechanism:** Certain safeguards should be introduced to discourage frivolous and vexatious requests so that the system is not overloaded, and discipline and harmony are not jeopardized. A roadmap should be charted out for effective implementation of RTI Act in the Legislature and Judiciary at all levels.

CONCLUSION

No demonstrative government can survive without accountability and basic postulate of accountability is that the people should have information about the functioning of the government. It is only when people know how government is functioning that they can fulfill the role which democracy assigns to them and makes a really effective participatory governing system. Transparency in government in order to ensure that citizens interests are pursued are protected by those in power is just one of the reasons that access to information is essential for good governance. The participation of the people in democratic form of government should not be limited merely to casting votes but should also include exercising sound judgment in the conduct of the government from time to time. The people shall be able to fulfill their role only when they have full access to the information in respect of the functioning of the government. Earlier citizens could not take recourse against any inefficiencies and corruption matters in the government. However with the advent of the RTI Act, citizens have found a tool to bring in transparency and accountability at all levels of Governance. In particular, the RTI Act has a much higher impact on the quality of life of the poor and marginalized section of the society. However, the power of the Act is still to be fully realized. The citizens, Government, media and Civil Society Organizations need to do a lot to attain the intended objective of the Act and to address various issues and constraints in accessing the information under the Act. The RTI Act, as it stands today, is a strong tool to uphold the spirit of democracy. The need of the hour is that the RTI Act should be implemented effectively to ensure that the objects of the RTI Act are fulfilled. Any attempt to dilute the provisions of the RTI Act will only suppress its success.

REFERENCES

- 1) Goel, S.L, —Right to Information and Good governance, Deep& Deep publication, Delhi
- 2) Right to Information: Master key to good governance, first report of second administrative reform commission, June, 2006
- 3) Gupta Namita, —Implementation of Right to Information act: A challenge to government.
- 4) Right to Information and It's Significance to Ensure Good Governance in India by Caesar Roy :: SSRN
- 5) Rani, RK, "Right to Information act, 2005: objectives, challenges and suggestions"
- 6) "Analyzing the Right to Information Act in India, briefing paper."
- 7) <http://cic.gov.in/CIC-IntlEvents/IC-MA-LectureAtUNESCO-15052008.pdf>
- 8) http://articles.economictimes.indiatimes.com/2013-02-03/news/36704533_1_rti-applicants-rti-act-rti-queries
- 9) http://rti.gov.in/rticorner/studybypwc/key_issues.pdf
- 10) <http://www.legalindia.com/wp-content/uploads/2013/03/RTL.pdf>
- 11) http://en.wikipedia.org/wiki/Right_to_Information_Act
- 12) www.rti.gov.in
- 13) www.jagronjosh.com