

## **Right to Information Act: a key to good governance**

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**ABSTRACT:** *Right to Information is a basic human right of every human being. The renowned French philosopher Michel Foucault once opined, power is derived from knowledge and information is the basic component of knowledge. Information makes men wise and it is competent enough to cope up with the modern world. So, it is the duty of government to inform citizens about day to day happening whatever within the government. The transformation from governance to good governance is possible, if there is possibility of increasing participation of people in governance and free access of information. By realizing this fact, Indian parliament has passed Right to information act, 2005 to make government, accountable, responsible, efficient and transparent. This paper tries to highlight the basic guidelines of RTI act, the relationship between Right to information act and good governance and the issues relating to RTI act. In concluding part, the paper provides some core recommendations for successful functioning of RTI act. Attempt has also been made to make a distinct comparison on RTI legislation between India and developed nations.*

**Keywords:** *RTI act, good governance, RTI issues and recommendations.*

### **I. INTRODUCTION**

Information is an inalienable and natural right of every human being. In a democratic country each person has the right to freedom of opinion and expression. This right includes right of holding public opinion and to seek, receive and impart information and ideas from the public authorities. The available and appropriate information helps citizen to live a dignified life in a civilized society. Moreover there is a close link between right to information and good governance. Good governance is characterized by transparency, accountability and responsiveness. Consequently, the citizen's right to information is increasingly being recognized as an important mechanism to promote openness, transparency and accountability in government administration. People are the sole part in a representative form of government. So it is necessary that they must have to know all the functioning of government activities to frame a practical regime of good governance in administrative process.

In India Right to Information is the need of hour. Human security, shelter, food, environment and employment opportunity are all bound up with right to information. In the absence of information on this issue, people can not live a dignified life and will remain ever marginalized group in the society. It is a powerful instrument to protect the fundamental rights of people. Corruption and criminalization is the nerve of Indian bureaucracy today. The secrecy they have maintained is a source of corruption and harassment. Though India is the world largest democracy, it now fails to attain confidence from common people. As a taxpayer, each person should have the right to know the functioning of government machinery. In addition to this, in a democratic country, citizen can be regarded asset only when citizen develop the skill to gain access to information of all kinds and to put such information to effective use. Without intellectual freedom the success of democratic governance can not be imagined. Information is now the sole of every government. The need for transparency and efficiency in the governance become more important to achieve the goal of good governance.

Thomas Enderson in his commentary on the First amendment to the US constitution remarked that the society uses freedom of information and expression to protect certain values, which can be grouped into four broad categories. The first of these is assuring individual self-fulfillment, the second set of values focuses on means of attaining the truth, the third addresses a method of securing the participation of members in the society in social and political decision making, the fourth set of value seeks to maintain the balance between stability and change in the society.

In international arena, Right to information has warmly welcomed and incorporates in various international human rights document. These document namely- the Universal declaration of Human Rights, the International covenant on civil and political rights and International Covenant on Economic, Social and Cultural Rights. At regional level also the documents like European convention for the protection of human rights and

fundamental freedoms, the American convention on human and people rights incorporates right to information as a basic human rights. Out of 93 countries in the world that have adopted right to information or freedom of information laws, four are in South Asia. They are – Bangladesh, India, Nepal and Pakistan.

The Indian parliament had enacted the “Freedom of Information act, 2002 in order to promote transparency and accountability in the administration. The report envisaged by the National common Minimum Programme, the “Freedom of Information Act, 2002 has repelled and “Right to Information Bill, 2004 (RTI) was passed by both the houses of parliament on May 2005. The “Right to Information Act” was notified in the Gazette of India on 21<sup>st</sup> June, 2005. This new law empowers Indian citizens to seek any accessible information from a public authority and makes the government and its functionaries more accountable and responsible.

## II. BACKGROUND OF RTI IN INDIA

### Some Landmarks in the Rti Journey

- 1975: Supreme Court of India rules that the people of India have a right to know.
- 1982: Supreme Court rules that the right to information is a fundamental right.
- 1985: Intervention application in the Supreme Court by environmental NGOs following the Bhopal gas tragedy, asking for access to information relating to environmental hazards.
- 1989: Election promise by the new coalition government to bring in a transparency law.
- 1990: Government falls before the transparency law can be introduced.
- 1990: Formation of the Mazdoor Kisan Shakti Sangathan (MKSS) in Rajasthan and the launching of a movement demanding village level information.
- 1996: Formation of the National Campaign for People’s Right to Information (NCPRI).
- 1996: Draft RTI bill prepared and sent to the government by NCPRI and other groups and movements, with the support of the Press Council of India.
- 1997: Government refers the draft bill to a committee set up under the Chairmanship of HD Shourie.
- 1997: The Shourie Committee submits its report to the government.
- 1999: A cabinet minister allows access to information in his ministry. Order reversed by PM.
- 2000: Case filed in the Supreme Court demanding the institutionalization of the RTI.
- 2000: Shourie Committee report referred to a Parliamentary Committee.
- 2001: Parliamentary Committee gives its recommendations
- 2002: Supreme Court gives ultimatum to the government regarding the right to information.
- 2002: Freedom of Information Act passed in both houses of Parliament.
- 2003: Gets Presidential assent, but is never notified.
- 2004: National elections announced, and the “strengthening” of the RTI Act included in the manifesto of the Congress Party.
- May 2004: The Congress Party comes to power as a part of a UPA coalition government, and the UPA formulates a “minimum common programme” which again stresses the RTI.
- June 2004: Government sets up a National Advisory Council (NAC) under Mrs. Sonia Gandhi.
- August 2004: NCPRI sends a draft bill to the NAC, formulated in consultation with many groups and movements. NAC discusses and forwards a slightly modified version, with its Recommendations to the government.
- December 2004: RTI Bill introduced in Parliament and immediately referred to a Parliamentary Committee. However, Bill only applicable to the central government.
- Jan-April 2005: Bill considered by the Parliamentary Committee and the Group of Ministers and a revised Bill, covering the central governments and the state introduced in Parliament.
- May 2005: The RTI Bill passed by both houses of Parliament.
- June 2005: RTI Bill gets the assent of the President of India
- October 2005: The RTI Act comes into force.

In 1944 a mass based organization called the Mazdoor Kisan Sangathan took bold initiative to arouse the people in a very backward district of Rajasthan Bhim Tehsil to assert their right to information by asking copies of Bill and vouchers and names of persons who have been paid wages in the construction of schools, dispensaries, small dams and community centers. After getting information, the villagers came to know that most of the public funds were misused. As most of the school buildings were roofless, dispensaries without wall, dams left incomplete and community centers have no door and windows. Mazdoor Kishan Sangha raised famous slogans like “Hamare Paisa, Hamara hisab” (our money, our account) and “Ham Janenge, Ham Jiyenge” (We will know, we will live). On account of their intense pressure on the government, Press council of India prepared a draft bill in 1996 to make a provision for securing right to information known as right to information

bill, 1996. For the smooth functions of right to information bill, the government of India on January 2, 1997 appointed working group. The working group recommended that the bill should be named as Freedom of Information bill as Right to information bill has now recognized as a part of freedom and expression.

### **Right to Information Act and Articles of Indian constitution**

The Right to information is a basic human right derived from Art 19(1) (a) of the constitution of India. It states, “All the citizens have the right to the freedom of speech and expression and Art 21 deals with right to life of citizens. Constitution of India 1950 stated that the court has recognized the right to access of information from government department is fundamental to democracy. However, the right to information does not mean the free flow of information without any restrictions. Like all other fundamental rights, the right to information has also certain reasonable restrictions.

Once the Apex Court opined,

“The people of this country have a right to know every public act, every thing that is done in a public way, by their public functionaries. They are entitled to know the particulars of every public transaction in all its bearing. The right to know, which is derived from the concept of freedom of speech, though not absolute, is a factor, which should make one wary, when secrecy is claimed for transactions, which can, at any rate have no repercussions on public security. To cover with a veil, the common routine business is not in the interest of the public. Such secrecy can seldom be legitimately desired. It is generally desired for the purpose of parties and politics or personal self interests of bureaucratic routine. The responsibility of officials to explain and to justify their acts is the chief safeguard against oppression and corruption”

- In *Bennette Coleman v. Union of India*, in 1973, our Supreme Court ruled that the right to freedom of speech and expression guaranteed by Art. 19(1) (a) included the right to information.
- In *State of UP v. Raj Narain*, in 1975, Justice Mathew explicitly stated: It is not in the interest of the public to ‘cover with a veil of secrecy the common routine business ... the responsibility of officials to explain and to justify their acts is the chief safeguard against oppression and corruption.’
- In *Secretary, Ministry of I & B, Government of India v Cricket Association of Bengal*, in 1995, the Supreme Court held that the right to impart and receive information from electronic media was included in the freedom of speech.
- In *S.P. Gupta v. Union of India*, in 1982, the right of the people to know about every public act, and the details of every public transaction undertaken by public functionaries was illustrated.
- In *People’s Union for Civil Liberties v. Union of India*, in 2004, the right to information was further elevated to the status of a human right, necessary for making governance transparent and accountable. It was also emphasized that governance must be participatory.

### **Preamble of Right to Information act**

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 Paramourcy of the democratic ideal;

NOW, THEREFORE, it is expedient to provide for furnishing certain information to citizens Who desire to have it.

### **Objective of the Right to Information Act**

The basic object of the Right to Information Act is to empower the citizens, promote transparency and accountability in the working of the Government, Contain corruption, and make our democracy work for the people in real sense. It goes without saying that an informed citizen is better equipped to keep necessary vigil on the instruments of governance and make the government more accountable to the governed. The Act is a big step towards making the citizens informed about the activities of the Government

### **Who is covered by the RTI Act-?**

The Act extends to the whole of India except the state of Jammu and Kashmir.

### **What does information mean?**

Information is any material in any form. It includes records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form. It also includes information relating to any private body which can be accessed by the public authority under any law for the time being in force.

### **What is a Public Authority?**

A "public authority" is any authority or body or Institution of self government established or constituted by or under the Constitution; or by any other law made by the Parliament or a State Legislature; or by notification issued or order made by the Central Government or a State Government. The bodies owned, controlled or substantially financed by the Central Government or a State Government and non-Government organizations substantially financed by the Central Government or a State Government also falls within the definition of public authority. The financing of the body or the NGO by the Government may be direct or indirect.

### **Public Information Officer**

Public authorities have designated some of its officers as Public Information Officer. They are responsible to give information to a person who seeks information under the RTI Act.

### **Assistant Public Information Officer**

These are the officers at sub-divisional level to whom a person can give his RTI application or appeal. These officers send the application or appeal to the Public Information Officer of the public authority or the concerned appellate authority. An Assistant Public Information Officer is not responsible to supply the information.

- The Assistant Public Information Officers appointed by the Department of Posts in various post offices are working as Assistant Public Information Officers for all the public authorities under the Government of India.

### **What is the application procedure for requesting information?**

- Apply in writing or through electronic means in English or Hindi or in the official language of the area, to the PIO, specifying the particulars of the information sought for;
- Reason for seeking information are not required to be given;
- Pay fees as may be prescribed (if not belonging to the below poverty line category).

### **What is the time limit to get information?**

- 30 days from the date of application.
- 48 hours for information concerning the life and liberty of a person.
- 5 days shall be added to the above response time, in case the application for the information is given to Assistant Public Information Officer.
- If the interests of a third party are involved then time limit will be 40 days.
- Failure to provide information within the specific period is a deemed refusal.

### **What is the fee?**

As already pointed out, a citizen has a right to inspect the records of a public authority. For inspection of records, the public authority shall charge no fee for the first hour. But a fee of rupees five (Rs.5/-) for each subsequent hour (or fraction thereof) shall be charged. If the applicant belongs to below poverty line (BPL) category, he is not required to pay any fee. However, he should submit a proof in support of his claim to belong to the below poverty line. The application not accompanied by the prescribed fee of RS.10/-

or proof at the applicant's belonging to below poverty line, as the case may be, shall not be a valid application under the Act.

### **Format of Application**

There is no prescribed format of application for seeking information. The application can be made on plain paper. The application should, however, have the name and complete postal address of the applicant even in cases where the information is sought electronically; the application should contain name and postal address of the applicant. The information seeker is not required to give reasons for seeking information.

### **Information: which can be denied**

There are some matters where information can be denied, which are given in section 8, and section 9 of RTI. Sections read as under:

### **Exemption from disclosure of information:**

Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen,—

1. Information, disclosure of which would prejudicially affect the sovereignty and integrity of
2. India, the security, strategic, scientific or economic interests of the State, relation with foreign State or lead to incitement of an offence;
3. Information which has been expressly forbidden to be published by any court of law or Tribunal or the disclosure of which may constitute contempt of court;
4. Information, the disclosure of which would cause a breach of privilege of Parliament or the State Legislature;
5. Information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, unless the competent
6. authority is satisfied that larger public interest warrants the disclosure of such information;
7. Information available to a person in his fiduciary relationship, unless the competent authority is satisfied that the larger public interest warrants the disclosure of such information;
8. Information received in confidence from foreign Government;
9. Information which would impede the process of investigation or apprehension or prosecution of offenders;
10. Cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other officers;
11. Information, the disclosure of which would endanger the life or physical safety of any person or identify the source of information or assistance given in confidence for law enforcement or security purposes;

### **RIGHT TO INFORMATION AND OBLIGATIONS OF PUBLIC AUTHORITIES**

Every public authority shall—

- (a) Maintain all its records duly catalogued and indexed in a manner and the 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, computerised and connected through a network all over the country on different systems so that access to such records is facilitated;
- (b) Publish within one hundred and twenty days from the enactment of this Act,—
  - (i) The particulars of its organization, functions and duties;
  - (ii) The powers and duties of its officers and employees;
  - (iii) The procedure followed in the decision making process, including channels of supervision and accountability;
  - (iv) The norms set by it for the discharge of its functions;
  - (v) The rules, regulations, instructions, manuals and records, held by it or under its control or used by its employees for discharging its functions;
  - (vi) A statement of the categories of documents that are held by it or under its control;
  - (vii) The particulars of any arrangement that exists for consultation with, or representation by, the members of the public in relation to the formulation of its policy or implementation thereof;
  - (viii) a statement of the boards, councils, committees and other bodies consisting of two or more persons constituted as its part or for the purpose of its advice, and as to whether meetings of those boards; councils, committees and other bodies are open to the public, or the minutes of such meetings are accessible for public;
  - (ix) A directory of its officers and employees;

- (x) The monthly remuneration received by each of its officers and employees, including the system of compensation as provided in its regulations;
- (xi) The budget allocated to each of its agency, indicating the particulars of all plans, proposed expenditures and reports on disbursements made;
- (xii) The manner of execution of subsidy programmes, including the amounts allocated and the details of beneficiaries of such programmes;
- (xiii) Particulars of recipients of concessions, permits or authorizations granted by it;
- (xiv) Details in respect of the information, available to or held by it, reduced in an electronic form;
- (xv) The particulars of facilities available to citizens for obtaining information, including the working hours of a library or reading room, if maintained for public use;
- (xvi) The names, designations and other particulars of the Public Information Officers;
- (xvii) Such other information as may be prescribed; and thereafter update these publications every year;
- (c) Publish all relevant facts while formulating important policies or announcing the decisions which affect public;
- (d) Provide reasons for its administrative or quasi-judicial decisions to affected persons.
- (2) It shall be a constant endeavor of every public authority to take steps in accordance with the requirements of clause (b) of sub-section (1) to provide as much information suo motu to the public at regular intervals through various means of communications, including internet, so that the public have minimum resort to the use of this Act to obtain information.
- (3) For the purposes of sub-section (1) every information shall be disseminated widely and in such form and manner which is easily accessible to the public.
- (4) All materials shall be disseminated taking into consideration the cost effectiveness, local language and the most effective method of communication in that local area and the information should be easily accessible; to the extent possible in electronic format with the Central Public Information Officer or State Public Information Officer. As the case may be, available free or at such cost of the medium or the print cost price as may be prescribed.

#### **Who are excluded?**

The intelligence and security organizations established by the central government not under the purview of the act. This includes-Intelligence Bureau, Research and analysis wings of the cabinet secretariat, Directorate of revenue Intelligence, Central economic intelligence bureau, directorate of enforcement, Narcotics control bureau, Aviation research centre, Special frontier force, Indo-Tibetan border police, Central Industrial security force, National Security guards, Assam rifles, Sasastra Seema Bal, CID special branch( Andaman and Nicobar), the crime branch CID (Dadra and Nagar Haveli), Defence research and development organization. However, information concerning to the allegation of corruption and violation of human rights shall not be excluded under this section. If the information in respect of violation of human rights is there, after obtaining the approval of the central information commission such information shall be provided.

#### **Central information Commission-**

Central Information Commission is constituted by central government. It is composed of 1 chief Information Commissioner (CIC) and not more than 10 Information commissioners. Commission shall have its headquarter in Delhi. CIC shall be appointed for a term of 5 years. The candidate for CIC must be persons of eminence in public life with wide knowledge and experience in law, science and technology, social service, management, mass media or administration.

#### **State Information Commission-**

The state Information Commission is constituted by state government. It consists of one state chief Information Commissioner (SCIC) and not more than 10 state Information Commissioners to be appointed by Governor.

Both the Central Information Commission and State Information Commission have a duty to receive complaints from any persons: -

- Who has not been able to submit an information request because a PIO has not been appointed.
- Who has been refused information that was requested.
- Who has received no response to his/her information request within specified time limits.
- Who thinks the fees charged are unreasonable.
- Who thinks information given is incomplete or false or misleading and
- Any other matter relating to obtaining information under this law.

### **III. RIGHT TO INFORMATION AND GOOD GOVERNANCE**

The right to information act is a path making legislation which brings to light the secrecy of administration. It is an effective means to promote democratic ideology. The act is powerful instrument to fight against corruption. By realizing this significance the Second Administrative Reform Commission had prepared a detailed blueprint for revamping the public administrative system. The second Administrative Reform Commission, government of India has published its first report in "Right to Information: Master key to good governance." Through this report the commission directly mentioned that access to information can empower the poor and weaker sections of society to demand and government information about public policies and actions, thereby led to welfare of all.

Good governance and right to information are complimentary to each other. A nation whatever form of government it pursues must fulfill the aspirations of common man. Good governance is the only avenue, which can provide guaranty the life of individuals. Good governance is characterized by- political accountability, availability of freedom, bureaucratic accountability, availability of information, effectiveness, efficiency, law abiding citizen and cooperation between government and society. As such the Right to information is a natural corollary of good governance. The enactment of RTI act 2005 introduces an open and transparent government and gives every citizen right to seek and receive information to make administration more responsible and transparent which means good governance. So, World Bank once rightly remarked, "Right to information is an integral part of good governance."

V.K Agnihotri and B.V.R Subrahmanyam opined that Right to Information is a part and partial of success for good governance. They said the minimum expectations of citizens from the governance are-

- Timely prompt service.
- Minimum Red Tape.
- Minimum waiting time.
- Minimum visit to multiple officers.
- Minimization of Arbitrariness.
- Prompt information in delays, waiting times etc, and
- Prompt information on status of application.

In the following paragraph, this paper tries to examine the right to information and transparency of administration as an effective tool of good governance.

#### **(1) Participation-**

Participation of both men and women is the cornerstone of good governance. Representative democracy does not mean the rule of chosen few; it must take into interest of all sections specially the most vulnerable sections in the society. 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 right to Information 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. Right to information act also strengthen grassroots democracy and ensures peoples participation in local governance and development activities.

#### **(2) Accessibility-**

Right to Information makes it possible to easy access of information from government departments, documents, records, services, finances and policies to all sectors of community. The Right to Information act by providing easy access of information reduces the traditional long gape between citizens and administration and thus helps in nation building process. 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) Transparency-**

Transparency is the milestone of good governance. Transparency means that decisions taken and their enforcement are done in a manner that follows rules and regulations. It also means that information is freely available and directly accessible to those who will be affected by such decisions and their enforcement. Transparency and accountability is possible only when the public have access to information. The enactment of Right to Information act 2005, people are now able to seek information from any government department with a definite time frame. The Right to Information act is intended to promote accountability and transparency in government by making the process of government decision making more open. Though some departments of the Union government are exempted from this act but the information can be sought if it is concerned with violation of human rights. Even the information from the private authority can be sought only through the controlling authority and controlling authority will send the notice to the institution concerned under section 11 of the act. In addition to this, the citizens are taxpayers, so they have every right to ask the government.

**(4) Accountability-**

Accountability is another requirement of good governance. Not only the government, the private sector institutions should also be accountable to the people. Information is power and Right to Information act brings accountability and transparency in the administration. The Right to Information act provides people with 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. However, accountability can not be achieved without transparency and rule of law.

**(5) Empowerment-**

Before enactment of Right to Information Act, participation in political and economic processes and the ability to make informed choices has been restricted to India. As a consequence, commoners remain ignorant of various schemes and are unable to resist when their rights become casualty. At the same time, people remain ignorant in terms of the ways and means through which they can obtain their entitled rights from the concerned departments legally. Now with enactment of Right to Information act people can participate in decision making process and it enables the citizens to know about the government decisions. The Right to Information act empowers people by removing unnecessary secrecy surrounding the decision making process of the government.

**(6) Equity and inclusiveness-**

Equity is another prominent feature of good governance. It implies everybody is a part of the governance and they do not feel excluded from the mainstream of society. The Right to Information act also does not make any discrimination between rich and poor and it covers all the citizens in India. It always comes forward to fight against inequality, injustice and inhuman activity.

**(7) Effectiveness and Efficiency-**

The Seventh feature of good governance is efficiency and effectiveness. The concept of efficiency in good governance covers doing work at first speed and effectiveness means doing things effectively with result oriented. In this connection Right to Information act will bring more effective and efficient record management techniques that are needed to facilitate the provision of information in response to public interest. Under RTI provision 4 (1) it clearly mentions, "It is the obligatory of public authority to maintain all its records duly catalogued and indexed." Under section 4(b) "every public authority is requested to publish within 120 days from the enactment of the act as many as 17 manuals."

**RTI application details in nutshell –  
(Annual report 2011-12) Central Information Commission**

<b>Key Aspects</b>	<b>2007-08</b>	<b>2008-09</b>	<b>2009-10</b>	<b>2010-11</b>	<b>2011-12</b>
<b>Number of requests received during the year</b>	<b>2,63,261</b>	<b>3,29,728</b>	<b>5,29,274</b>	<b>4,17,955</b>	<b>6,55,572</b>
<b>Total number of requests at the end of the reporting year</b>	<b>2,87,187</b>	<b>3,62,520</b>	<b>6,26,748</b>	<b>5,55,726</b>	<b>10,85,997</b>
<b>Number of request for information rejected</b>	<b>18,966</b>	<b>23,954</b>	<b>34,057</b>	<b>21,621</b>	<b>53,419</b>
<b>Percentage of rejection vis a vis number of applications received during the reporting year</b>	<b>7.20%</b>	<b>7.26%</b>	<b>6.43%</b>	<b>5.2%</b>	<b>8.1%</b>

**RTI Legislation- A Comparison  
India vs. Developed Nations**

Country	Sweden	UK	US	India
<b>Constitutional protection</b>	Protected	Not protected	Not protected	Protected (by interpreting)
<b>Legislation</b>	Freedom of press act, 1766	FOI act, 2000	FOI act, 1966	RTI, 2005
<b>Right to Access</b>	Not limited by nationality or residence	Not limited by nationality or residence	Not limited by nationality or residence. But with exception.	Limited only to the citizens.
<b>Procedural Guarantees</b>	Personal details of the applicants and reasons for request.	Personal details of the applicant and description of the information desired.	Personal details of the applicant and description of the information desired.	Only contact details required
	No specific timelines, request dealt quickly and promptly	Has a larger set of time limits.	Special time limits apply to access of compelling need	48 hours time limit applied to protect life or liberty.
	Inspection of document provided fees of charge rates apply when croppies exceed nine pages.	Contain two separate systems for fees, one for ordinary request and another for more complicated request.	Contains provisions to fees, distinguishing between commercial, educational or scientific institutions, and other requests.	Access open payments of fees, including for information provided in electronic format. No fee for BPL.
	When information refused, notice sent giving reasons.	When information refused, notice sent giving reasons.	Refusal notice includes name of the deciding officials, quantity of information denied.	When information refused, notice sent giving reasons and how to lodge an appeal.
<b>Duty to publish</b>	No obligation to publish. In practice, information provided via websites.	No information regarding publication.	Certain information published in federal registers, while others available for inspection.	Extensive rules on proactive or routine publication and regular updates.
<b>Exception</b>	Unique exception-relating preservation of animal/plant species.	Contain rare or peculiar exceptions relation to the royal family.	Contain rare or peculiar exceptions-relating to information about oil wells.	Do contain or peculiar exceptions-information which would incite offence.

**IV. RIGHT TO INFORMATION ACT: CHALLENGES**

Since came into force on 15<sup>th</sup> June, 2005 Right to Information act has been successfully working in most of the Indian states. The act is enacted by the state government of Tamilnadu (1997), Rajasthan (2000), Delhi (2001), Maharashtra (2002), Karnataka (2002), Assam (2002), Madhya Pradesh (2003), and Jammu & Kashmir (2004). Research studies shows that in their operation area the Right to Information act has been facing many severe challenges. This are-

- (a) Low level of awareness among people is the major challenge before successful implementation of Right to Information act. People, particularly in remote areas are not concerned with the Right to Information act. The research studies observe that the major sources of awareness are - (1) Mass media like- television channels, newspapers, magazines, journals etc. (2) Word of mouth. The nodal agency specifically the state government has not taken any potential step to promote Right to Information act.
- (b) 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 Persons 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.
- (c) Most of the uneducated even educated peoples do not have the proper knowledge about public Information officers, the procedure of paying fees and to get information.
- (d) Non-availability of user guide is another main challenge before successful RTI act implementation. Absence of user guide creates difficulty on the part of the Information seekers to gather knowledge about the process for submitting a RTI request.
- (e) Lack of commitment in efficient record management both state and central government instructions posing challenge before successful implementation of RTI act.
- (f) Due to the lack of efficient record management system, the public Information Officers face difficulty to get accurate and easy access of information from the concerned department, so that it can be provided to information seekers.
- (g) The non-cooperation from the part of bureaucracy is another major hurdle before RTI act implementation in India. The “Babu” type mentality (colonial mindset) makes them to use information as their own prerogative. Sometimes for their vested interest or to show their superiority, the bureaucrats do not want to disclose the basic information to citizens.
- (h) Bureaucracy also hides information for fear of criticism and to give a good image of them before public.
- (i) Lack of effective coordination and cooperation among state information commissioners and the non-cooperation of departments with PIO hinder the process of smooth implementation of RTI act.
- (j) Lack of monitoring and review mechanism also hampers in successful implementation of RTI act in India.
- (k) 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.
- (l) 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.
- (m) Generally, it is observed that retired bureaucrats are being appointed for the post of highest level of RTI officials i.e. the information commission at the central and state levels. These commissions are the independent of the government. Activists are of the opinion that these officials often show sympathetic attitude towards their fellow ‘babus.’
- (n) Non-availability of basic infrastructure is another serious hurdle before RTI implementation. The smooth implementation of RTI act requires the Public Information Officers (PIO) to provide information to the applicant through photocopies, soft copies etc. Though these facilities are easily accessible at districts level, but it is a challenge to get information form the block/Panchayat level. PIO claims that lack of infrastructure blockade RTI implementation at block level.

**Recommendations/Suggestions for effective implementation of RTI act-**

- (a) As stated above due to ignorance, most of people have not heard about RTI act. 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.
- (b) Publicity is very essential for RTI implementation. NGO’s and civil society groups can take initiative to make massive awareness campaign to educate citizen about RTI act. This awareness programme may be at national, state and block level. Before making awareness programmes, the NGO’s and CSC groups must identify the target i.e. vulnerable categories of citizens specifically- women, farmers and families, middle and working class. In this regard media and newspaper can play an effective role.
- (c) Children are considered resources for the future health of a nation. Therefore, RTI act should be added in the school syllabus to arouse curiosity of children about RTI at the grass-root level.

- (d) As the nodal administrative authority at the district level, every deputy commissioner and district collectors must be given responsibility of monitoring and implementation of RTI act by various departmental authorities within the respective district.
- (e) State Administrative Training institute can organize appropriate training intervention for the stakeholders.
- (f) There should be efficient and scientific record keeping agency so that applicants can get accurate information. Without modernizing and digitizing management of information and record providing information would take several days often exceeding the legal deadlines.
- (g) Government departments should be entrusted responsibility to make the implementation of RTI easy for applicants seeking information rather than tough procedures.
- (h) Inculcation of political will is necessary for judicious working of RTI act. The Bureaucrats must come forward to help the aggrieved citizens.
- (i) It is the moral responsibility of the government to protect RTI activists and users and to take legal action against the attackers.
- (j) There is also need strong and robust monitoring and evaluation system. It will help periodically review implementation of the law and provide feedback to government agencies to address the shortcomings.
- (k) There should be proper coordination among state information commissioner and departments for the effective implementation of RTI act.
- (l) 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 capability.
- (m) Fast action to be taken to integrate different websites of all information commissions through a common IT gateway or national portal on RTI. This will prove to be grateful to common citizens.
- (n) Chief information commissioners should have frequent interaction with all information commissioners so that approach of all information commissioners may be similar in dealing with appeals/complaints before them.
- (o) According to the act it is mandatory to provide the information in the given time frame of 30 days. Since the information system is not integrated, therefore it becomes difficult to provide information in the given time. Moreover, many departments could not prepare themselves to respond according to the act.
- (p) Exemption provides under section 24 to the security and intelligence agencies are irrational and contrary to national interest. This exemption should be removed not by amendment of the act but by withdrawing the list of notified agencies in the 2<sup>nd</sup> schedule of the RTI act.
- (q) Training of officials of all departments and representatives of public authorities is essentially required so that they are made aware of their duties and obligations under the act.
- (r) Government of India should set up a National RTI council, which has members, people from various states, so that problems in implementation the RTI can be monitored regularly.
- (s) Last but not the least, political influence may anomalies in the functions of high level officials, so they have to maintain integrity by ignoring the vested interest.

## **V. CONCLUSION**

Thus it can be rightly mentioned that Right to Information act is an agent of good governance. It makes administration more accountable to the people. It makes people aware of administration and gives them an opportunity to take part in decision making process. It promoted democratic ideology by promoting openness and transparency in the administration. It reduces the chances of corruption and abuse of authority by public servants. Since the act is prepared for people's interest, hence it success also depends on how they exercise the act. Moreover, there is need active participation from people, NGO's, civil society groups, coordination among RTI officials, integrity among government departments and political will from government and elected leaders.

**END NOTES AND REFERENCES**

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