

RIGHT TO INFORMATION ACT 2005 AND ITS ROLE IN DEMOCRATIC GOVERNANCE

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ABSTRACT

Act 2005 was introduced by the government of the United Progressive Alliance (UPA), which took great satisfaction in protecting citizens' rights to access information. It hailed the Act as a significant achievement in India's progress toward democracy. It has been five years since the RTI was approved, and the performance on the front of implementation is not even close to being ideal. As a direct consequence of this, the effect that it has on the thinking, attitudes, and behavior patterns of both the public authorities and the people is not as supposed to be. The vast majority of people have not yet realized the power they have just obtained. A significant portion of folks who are aware of the RTI either do not understand how to make use of it or do not have the intestinal fortitude to make use of it. The advantages of this Act might be multiplied many times over with a little bit more prodding from the government, non-governmental organizations (NGOs), and other intelligent and empowered individuals. The Right to Information Act (RTI) would assist not just in reducing instances of corruption in public life but also in easing poverty, which are now two of India's most severe problems.

Keywords: Information Act 2005, Democratic Governance

INTRODUCTION

India has long been quite proud of the fact that it has the world's biggest democracy, but with the passage of the Right to Information Act in 2005, it has also become a democracy that is responsible, interactive, and participatory. This privilege has propelled the average Indian citizen to a position of prominence, from which he is able to evaluate the administrative choices and acts taken by the government and ensure that his interests are being safeguarded and advanced by the state. The Right to Information Act is a significant step forward for democratic institutions in India. The average person in India now has more rights than ever before thanks to this Act. Now that he has this authority, he may call government actions and decisions into question, conduct audits, reviews, and examinations, and evaluate them to see whether or not they are in line with the principles of good governance, public interest, and justice. This statute makes the government more exposed to the inspection of the public, which in turn encourages openness and accountability in administrative practices.¹

A almost nonexistent level of public power accountability existed prior to the passing of this Act. People who voted for the formation of democratically elected governments and paid taxes to finance public activities had

¹ Shilong declaration of Right to Information, March 10-12, 2011.

no legal rights to know what process had been followed in framing the policies that affected them, how the programs had been implemented, who the concerned officials were associated with the decision making process and execution of the schemes, and why the promises made for delivery of essential goods and services to the poor have not been fulfilled. These people voted for the formation of democratically elected governments and paid taxes to finance public activities. It should not come as a surprise that the culture of secrecy that existed from the time of colonial authority to the first sixty years of independence was a primary factor in the rise of widespread corruption. In the operation of the government, a lack of transparency and accountability not only led to inefficiency but also contributed to the perpetuation of all types of poverty, including dietary, medical, and educational deprivation. People in general, and civil society groups and non-governmental organizations (NGOs) in particular, demanded for greater access to the information held by the public bodies, which was acceded to by the Government in 2005. This was done in order to rectify the deficiencies in the mechanism, which denied the reach of entitlements to the intended beneficiaries. The dissemination of knowledge has the potential to provide underprivileged populations with the tools necessary to combat the conditions in which they find themselves and to assist in redressing the imbalance of power that exists between those disadvantaged by poverty and the governments of their respective nations. (Puddephatt, McCall, & Wilde, 2006:6)²

The Right to Information Act was enacted on June 15, 2005 by the government that was led at the time by the United Progressive Alliance I (UPA), and it started being enforced on October 12, 2005. It has been five years since the implementation of the Right to Information law. It is a enough length of time to provide us with an understanding of the value and worth of the item. This article offers a concise discussion of the most notable aspects of the Right to Information, as well as an analysis of its implementation, an investigation into its effects, and an effort to provide some ideas for its most effective use. The Right to Information Act of 2005, which will be abbreviated to RTI from here on out, was passed into law by the National Parliament in order to eradicate the culture of secrecy, alter the mentality of bureaucrats and political leaders, and provide the environment necessary for making choices based on accurate information.

The RTI offers a structure that facilitates the development of citizen-government collaboration in the execution of programs aimed at improving the welfare of the general populace. The idea that people are both the ultimate beneficiaries and the agents of development is where the concept of partnership comes from. People are both the ultimate beneficiaries and the agents of development. Participation from the many stakeholders in a project results in the project's improvement and a more dynamic development. Only in the 1970s did the concept of a "Right to Information" begin to take shape. This occurred in conjunction with the liberal interpretation by the court of several basic rights, in particular the right to freedom of speech and expression. In the case of Bennett Coleman and Co. vs the Union of India in 1973, the majority judgement of the Supreme Court said that 'freedom of speech and expression encompasses within its scope the right of all people to read and be informed.'

The decision that was made in 1981 on the case of Manubhai D. Shah vs Life Insurance Corporation reinforced the following point: "The basic purpose of freedom of speech and expression is that all members should be able to form their beliefs and communicate them freely to others." To summarize, the most essential concept

² Goel, S.L, —Right to Information and Good governancel, Deep& Deep publication, Delhi.

at play here is the right of the people to be informed. There have been a number of instances in recent years that have supported openness and the disclosure of information held by the government. People had to go to the trouble of approaching the courts every time they sought to enforce this right since there was a dearth of law that was crystal clear on the subject. The courts have nearly never failed to provide a favorable response. However, by taking this path, enforcement was, at most, confined to those who were knowledgeable and literate for the sake of their own particular issues. The average person lacked the financial resources, the time, and the motivation to engage in complicated legal procedures, and even public interest litigation was a weapon that could only reach a select group of people.³

A daring and forceful grassroots campaign of the rural poor for the right to information to confront endemic corruption in famine relief efforts provided a new push for the movement for the RTI, which in turn provided the movement with a fresh energy. Mazdoor Kisan Shakti Sangathan (MKSS), which literally translates to "organization for the empowerment of workers and peasants," was the group that spearheaded this campaign. The reverberations of this fight led to a call for a legislation that would guarantee the RTI to every person throughout the country. This demand received widespread support from social activists, professionals, attorneys, and the media who are devoted to open and responsible government as well as the empowerment of the people. Growing public concern about callousness and corruption in government has resulted in a clamor for more openness, which has ultimately led to a need for an RTI Act. The consumer protection legislation established and bolstered the concept of citizens in their capacity as consumers of services provided by the government. The MKSS movement in Rajasthan was a turning moment in the RTI campaign, and it proved that even illiterate, socially silent, and exploited laborers could assert and obtain their other rights given by invoking the RTI. This was shown by the fact that the movement was a turning point in Rajasthan.

The Indian government, in response to the suggestions made at a conference attended by Chief Secretaries on the topic of "Responsiveness in Government," created the Shourie Committee to develop a draft of an RTI Bill. The Freedom of Information Bill 2000 became a valid piece of legislation in once it was finally ratified. However, the law was not notified, and it was ultimately overturned. In the meanwhile, the governments of a number of states had already approved their very own versions of RTI Acts. For instance, the RTI was implemented in the states of The other states soon followed suit. nine states had enacted RTI, but once it was passed by the legislature of the union, the RTI that had been established at the state level was rendered obsolete. The Right to Information Act (RTI) was passed in 2005 and applies to the whole of India with the exception of Jammu and Kashmir (J&K), which has its own RTI Act. In order to get the information that was kept by the public authorities, the citizens of these nations resorted to the many procedures that transparency regulations provide.

Salient Features of the RTI Act 2005:

The Right to Information Act is really well thought out and written. The Act is predicated on the idea that in order for democracy to function properly, it is necessary to have well-informed citizens and open access to information. The Right to Information Act is broken up into two schedules and six individual chapters. The first chapter is headed "preliminary," and it defines a variety of terminology such as "appropriate government,"

³ Gupta, RK, —Some basic aspects of procedure and constitution of administration under RTI act. ||

"public authority," "information," "record," and "third party," among other concepts. The responsibilities of public authorities are detailed in While discusses the Central Information Commission, into the details of the State Information Commissions. In, the authorities and duties of the Information Commissions, as well as appeals and fines, are discussed. In all of the supplemental material is presented. The oath that must be taken by different levels of Information Commissioners may be found in Schedule . A list of the many intelligence and security agencies that were founded by the Central Government may be found in Schedule 2. RTI stands for the right of every citizen of India to make a request for access to information, and it is the obligation of the government to fulfill the request, with the exception of information that is exempt from disclosure.⁴

The access to Information Act of 2005, often known as RTI, is a piece of legislation that was passed by the Indian Parliament in 2005 "to provide for setting out a practical regime of right to information for citizens." Except for the state of Jammu & Kashmir, the Act is applicable to India's union territories as well as its individual states. The Jammu and Kashmir Right to Information Act 2009 is the state's own legislation on access to public records. Any person may make a request for information to a "public authority," which is defined under the act as a body of government or a "instrumentality of state," and the "public authority" is obligated to respond swiftly or within 30 days, whichever comes first. Every individual has the inherent and inalienable right to access to information. Every citizen has the right to freedom of speech and opinion in a nation that practices democratic principles. This right comprises the freedom to hold public opinion as well as the right to seek, receive, and impart information and ideas from public authorities. Having access to knowledge that is both suitable and accessible assists citizens in leading dignified lives within civilized societies.⁵

The Right to Information Act of 2005 provides every individual with the ability to access public information that is included inside government documents. Before the Central Act was enforced on October 12, 2005, people of just nine states in the nation had access to this right. Since then, however, every person in the country has access to it, making it a right that is now accessible to all. The freedom of information serves to increase openness in the administration, which in turn contributes to the advancement of transparency in state activities, helps to hold the government more responsible, and eventually helps to eliminate instances of corruption. The topic of debate and the subject of our discussions now is governance, as well as the concept of good governance. The role of government throughout the history of man is one that has been very important. Governance refers to both the action and the process through which a government exercises control over its citizens.

It is common knowledge that effective administration is essential. It has acknowledged that the state and all of its institutions need to be working for the benefit of the people. Every democracy rests on its ability to maintain sound administrative practices. The concept of "Good Governance" encompasses a broad variety of topics, including the political, administrative, judicial, and economic spheres. The freedom to access

⁴ Sekhar, Chandra, —Right to information in strengthening participatory democracy, Global media journal.

⁵ Guide on Right to information act, 2005, Government of India, Ministry of personnel, public grievances & pensions, Department of personnel and training, North blocks New Delhi, 5 Oct, 2009.

information and effective governance are inextricably linked to one another. Transparency, accountability, and responsiveness are the three defining characteristics of good governance. As a direct result of this, the citizen's right to information is increasingly being acknowledged as a vital vehicle to promote openness, transparency, and accountability in the management of government affairs. The only component of a representational system of government is the general population. The Right to Information Act (RTI) has been crucial in the nation's administration and has been the catalyst for a social revolution in the background. Users of the RTI program and activists in almost every region of the nation are raising inquiries on a wide range of topics.⁶

The Act has resulted in a more positive influence on the quality of life of those who are economically excluded and underprivileged. The Act has been responsible for favorable shifts in the government throughout the course of the previous five years. Today, information is the most important resource for any government. In order to successfully accomplish the objective of good governance, it is necessary for there to be openness and efficiency within the governance system. In his commentary on the First Amendment to the Constitution of the United States, Thomas Enderson made the observation that the society makes use of the freedom of information and communication to safeguard particular values. These values may be categorized into four different broad groups. The first of these is assuring individual self-fulfillment, the second set of values focuses on methods of achieving the truth, the third set of values addresses a method of securing the participation of members in the society in social and political decision making, and the fourth set of values seeks to maintain the equilibrium between stability and change in the society.

OBJECTIVES

1. The study Act 2005 was passed by the UPA (United Progressive Alliance) Government with a sense of The Right to Information pride.
2. The study A little more stimulation by the Government, NGOs and other enlightened.⁷

Right to Information and Good Governance

The Right to Know Act is a game-changing piece of legislation that lifts the veil of secrecy that has been placed over administrative processes. It is an efficient method for advancing democratic principles and ideals. The legislation constitutes an effective weapon in the battle against corruption. The Second Administrative Reform Commission had been aware of the importance of this fact, and as a result, they had developed a comprehensive plan for reforming the public administrative system. Right to Information: Master Key to Good Governance is the title of the first report that was produced by the second Administrative Reform Commission that was established by the government of India. openness and accountability are defining characteristics of good governance, and the most effective method for ensuring openness and accountability in government is to encourage a greater level of informed engagement on the part of the populace. The people

⁶ Right to Information empowering citizens, Annual report (2011-12), by CIC. [9]. Sivakumar, C.L.V, —The Right to Information act: 2005 Perspective-practice-issues!, IJMBS vol.1, issue2, June 2011.

⁷ Pradeep, KP, —The Right to information-New law and challenges.!

are the most important stakeholder in government, and they have an essential part to play in the process. Therefore, it is of the utmost importance that individuals have the right to be informed about the actions of their government. In the parts that follow, this article will describe how the Right to Information Act (RTI Act) has helped decrease corruption, promoted good governance, improved participatory democracy, and empowered the ordinary people.⁸

Role of RTI in Reducing Corruption in India

The most difficult problem facing India right now is the widespread problem of corruption. It involves not just those working at lower levels, but also those working at higher levels, such as ministers and bureaucrats. The Central Bureau of Investigation has been tasked with investigating and taking appropriate action on a significant number of instances of corruption in which ministers had a role. Lack of transparency and communication creates an environment that is fertile ground for corrupt practices and abuses of power. Through the encouragement of openness and responsibility The right to knowledge puts a stop to abuses of this kind. The cycle of poverty is only perpetuated and made worse by corrupt practices, which in turn hurt the poor. It fosters an atmosphere of mistrust between the people and the government, which has a negative impact on development and puts democratic governance at risk.⁹

There is a level of openness in the operations of governmental agencies that has never been seen before as a result of the RTI policy. Because of this, there is a better awareness of the process by which decisions are made, as well as more responsibility on the part of the government. Because of this, there has been less corruption across the nation. According to India's Prime Minister, there is widespread corruption at every level of government, including the political and administrative spheres. In his address to the IAS probationers of 2006 in 2007, Indian Prime Minister Dr. Man Mohan Singh stated that "the barriers of administrative and political corruption should be tackled by the upcoming bureaucrats and quality of governance be improved at all levels to build an India 'worthy of our dreams. " If there are obstacles, then there are obstacles in our nation, in the quality of our government, and in the procedures of our governance.¹⁰

It is a well-known reality that there is a significant amount of corruption in both the political and administrative spheres of society. We have no choice except to face it straight on."33 Dr. Man Mohan Singh government has rightly remarked that "No drive against corruption can succeed unless or until the government itself is firmly committed to the task of weeding out dishonest and corrupt officials, irrespective of ranks and status." Hoshiar Singh and Mandir Singh are the higher authority to control the corruption from. The penalty for corrupt behavior should be severe; at the very least, the offender should be fired from their position. Therefore, the right to information is both an essential tool and a powerful weapon in the hands of the average person in the

⁸ Analyzing the Right to Information Act in India, briefing paper.

⁹ Gupta Namita, Implementation of Right to Information act : A challenge to government. |

¹⁰ Kundu, Subhrajyoti, —Democratic need for Right to Information in India, Global Media Journal, 2010, December.

battle against corruption. Because to the RTI, the functioning of the government has been much more streamlined, transparent, responsible, and participatory to the general populace. At the end, we claim that RTI creates a pathway to the people, through whom he connects to the government, so transforming governance into good governance.¹¹

The Need of RTI for Good Governance

The passage of the Right to Information (RTI) Act, 2005 was a watershed moment in the annals of India's long and illustrious history of public administration. Especially in the rural regions, the new law added sensitivity, responsibility, and accountability to the development process. The Right to Information Act is a game-changer when it comes to preventing and punishing corrupt behavior, as well as improving the efficiency of public administration and the delivery of government-sponsored services. Achieving any and all of humanity's goals, such as making improvements to the quality of life, requires a solid foundation of information and knowledge.

A almost nonexistent level of public power accountability existed prior to the passing of this Act. People who voted for the formation of democratically elected governments and paid taxes to finance public activities had no legal rights to know what process had been followed in framing the policies that affected them, how the programs had been implemented, who the concerned officials associated with the decision making process and execution of the schemes were, and why the promises made for delivery of essential goods and services to the poor have not been fulfilled. These people voted for the formation of democratically elected governments and paid taxes to finance public activities. It should not come as a surprise that the culture of secrecy that existed from the time of colonial authority to the first sixty years of independence was a primary factor in the rise of widespread corruption. Not only did a lack of transparency and accountability in the way the government worked breed inefficiency, but it also ensured that all types of poverty would continue to exist.

Transparency, accountability, predictability, and participation are the fundamental building blocks of good government. These criteria pertain to the ease with which information may be accessed by the general public and the transparency with which governmental institutions carry out their duties. The right to knowledge plays a role in the accomplishment of these goals. Both good governance and the right to knowledge serve each other well as complementary goals. Good governance may be identified by a number of characteristics, including political accountability, the availability of freedom, bureaucratic responsibility, the availability of information, efficacy, efficiency, citizens who obey the law, and collaboration between the government and society. As a result, we are able to On June 15, 2005, the Parliament passed a law known as the Right to Information Act (RTI Act), with the intention of giving individuals the freedom to get whatever information they want from public agencies, fostering openness and accountability within the government, and reducing instances of corruption. The "right to information" refers to the right to access information that is kept by or under the control of any public authority and is made available to the public in accordance with this Act.¹²

¹¹ The RTI act, 2005 recommended report, by CIC.

¹² Rani, RK, —Right to Information act, 2005: objectives, challenges and suggestions. |

The people of the state come together to create the government, and it is of the utmost importance to make sure that the government is more responsible to the people it governs. The free flow of information is a cornerstone of democracies and responsible governments. In order 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," the Act's stated purpose is 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."

Impact of RTI in Rural India:

To participate effectively in a democratic system, every person needs access to a sufficient amount of information. The more the access that citizens have to various forms of information, the higher the responsiveness of the government toward its own people will be. The majority of rural India is still marked by a high incidence of poverty and illiteracy, widespread disease, considerable unemployment, prevalent malnutrition level among children, miserable rural infrastructure like roads, electricity, primary health, drinking water, traditional methods of farming, lack of irrigation facilities, and many other such sociopolitical problems. This is despite the launch of various schemes and measures for empowering and developing rural India.¹³

It is an undeniable reality that individuals living in rural areas have a lower level of awareness when it comes to recognizing and expressing their rights, which contributes to an increasing prevalence of corruption in public works projects in rural areas. At this point in time, a tool like RTI has the potential to have a game-changing effect in the fight against corruption and in delivering on the promise of the government to give the people their fair part of the interests it protects. The fact that it is profoundly anchored in the struggles and concerns for survival and justice of most disadvantaged rural people is the most crucial aspect that differentiates the Right to knowledge from other rights. A good shift is being brought about in the most backward regions of Madhya Pradesh, as a result of the Act, which is encouraging people living in rural areas to come out and challenge the progress being made on different welfare initiatives. Let's take a look at a few instances when the RTI proved to be a very useful instrument in the fight for better governance in India.

Right to Information Act 2005

The Freedom of Information Act of 2002 was repealed and replaced by the Right to Information Act of 2005. The original legislation had a number of shortcomings, the most significant of which was that it did not acknowledge the public's right to information and restricted appeals to internal government agencies. It is the goal of the Right to Information Act (RTI Act) to improve upon the Freedom of Information Act (FOI Act) in terms of its inadequacies and to make the FOI Act more effective overall by making it less expensive and more readily available to all people of India who have an interest in obtaining information. The Right to

¹³ Jhonson, W. Ronald, P. Henry, —Towards democratic decentralization: Approaches to promoting good governance.

Information Act was a game-changing piece of legislation for the Indian people in terms of advancing, protecting, and enforcing their right to access information. It makes it possible for any public authority in India to make a request for information. The Freedom of Information Act of 2005 does not apply to non-resident aliens (NRI) or foreign nationals in any way. People have the legal right to seek information from public authorities, including those affiliated with the government, according to the Right to Information Act. The Act lays forth the regulations and procedures that must be followed when submitting a request for information. Requests may be made to get certified copies of any official government document, and requests can be made for any document.

CONCLUSION

The Right to Know Act is a key factor in the maintenance of effective government. The RTI increases the accountability of the government to the general public. The administration raises the population's awareness of itself and provides them with opportunities to participate in decision-making processes. By fostering an atmosphere of openness and transparency throughout the government bureaucracy, the RTI served to advance democratic ideals. Eliminating the need for the act altogether is the most effective strategy for addressing all of these problems while also advancing the cause of good governance. Instead of waiting for the general populace to seek out the facts on their own, the governments need to voluntarily make all of the information accessible to the general populace. Not only would it encourage excellent administration, but it will also enhance trust between the government and the people it governs.

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