



The Right To Information Act : Strengthening Democracy And Development

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KEYWORDS :

Introduction

India is a developing country, it is a socialist, secular and democratic in nature. India attained freedom from British colonial rule in 1947, subsequently becoming the largest and one of the most diverse democracies in the world. In 1950, it adopted the longest constitution of any sovereign country, consisting of 395 articles in 12 schedules and 94 amendments. Even after 68 years of independence in India we find the mixed culture, tradition and religions here. Each and every citizen has the right to follow their own custom and tradition. As it is a federal form of government we elect the representatives for parliament and state legislature for every 5 years. The people are democratically free to elect their representatives to rule over them.

Democracy and national stability are also enhanced by policies of openness which engender greater public trust in elected representatives. This is crucial. Without the support and trust of the people, government will be more likely to face resistance to proposed policies and programs and implementation will be more difficult. Conflict also becomes more likely, particularly if government secrecy exacerbates perceptions of favoritism and/or exclusion. Systems that encourage communication and give people the ability to personally scrutinize government decision-making processes reduce citizens' feelings of powerlessness, and weaken perceptions of exclusion from opportunity or unfair advantage of one group over another. It effectively reduces the distance between government and people and combats feelings of alienation.

Article, 19(1) (a) protects and guarantees freedom of speech and expression to all citizens. But freedom of speech and expression so granted shall not affect the operation of any existing law or prevent the state from making any law putting reasonable restriction on freedom of speech and expression on any of the grounds given in Article 19(2).

Right to propagate one's conviction, ideas or bent of mind with a view to create restrictions on the listener or recipient through any mode of speech or expression like words of mouth, writing, reading, painting, printing or any other communicable medium like radio, T.V, newspaper, book, Article or visible representation, such as gestures, sign are all included in freedom of expression. Giving smile, frowning in anger without speaking are expressions. Two are not the same. There may be expression without speech.

Democracy :

India is a democratic country. Every citizen has the right to enjoy the fruit of democracy without any discrimination among them. India's constitution provides for clear separation of powers and authority, as well as functional autonomy for the legislative, executive and judicial branches of government. The constitution provides all citizens with a guarantee of fundamental rights: equality before the law; a variety of particular freedoms such as the freedoms of speech and expression, the freedom of association, the freedoms of movement and residence, and others; cultural and educational rights; freedom of religion; freedom from exploitation; and constitutional remedies for the protection of civil rights.

The Advantages of Democracy over Dictatorship

Governments that are truly accountable can more effectively prevent corruption, which involves the use of positions of power or privilege for personal enrichment. Indeed, corruption is possible in all systems of government, and democracies are not immune from it. Still, de-

mocracies have several advantages in dealing with corruption. One advantage is that elected representatives in a democracy have a direct relationship with the country's citizens, whose votes encourage the winner to act honestly in representing the people's will. Indeed, the various laws, constitutional provisions, and internal regulations found in democracies reflect the idea that those who work for the government, whether appointed, elected, or hired, owe a high level of accountability to the public.

By contrast, dictatorships have no such protections or safeguards. Leaders in a dictatorship do not have the same incentives as leaders in a democracy to avoid violating the law and abusing power to their own advantage. The 2007 Corruption Perceptions Index compiled by Transparency International (TI), a global organization committed to fighting corruption, demonstrates how corruption can correlate with dictatorship.

The People's Right to Know

Elections are the primary means for citizens to hold their country's officials accountable for their actions in office, especially when they have behaved illegally, corruptly, or ineptly while carrying out the work of the government. But for elections—and the people's will—to be meaningful, basic rights must be protected and affirmed. If citizens are to govern their own affairs, either directly or through representative government, they must be informed about how best to determine their affairs and how best to represent and execute them. If citizens are not well informed, they can neither act in their own self-interest, broadly speaking, nor have any serious choice in elections, much less offer themselves as candidates.

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Participatory Development

Even though India is rushing towards development from all sectors, still we are said to be considered as a developing country. Development over the last few decades, there still remain main nations in the region who are marked by poverty and under-development. Democratizing power of information has given us all the chance to effect change and alleviate poverty in ways we cannot even imagine today. Participatory development will make that change real for those in need, wherever they may be. With information on our side, with knowledge a potential for all, the path to poverty can be reversed. With assured information, marginalised groups will be given their rightful voice and a powerful tool to scrutinize and engage with the development activities being directed at them. They can access information about their development rights, as well as the projects and programmes from which they are supposed to be benefiting. In fact, experience shows that personal information is the most common type accessed under right to information laws. People use the law to ensure they receive proper entitlements and find out what the government is doing for them or for their locality.

Democracy & Right to Information :

In a democratic country the citizens are given vital importance. They have the right to decide the government to be frame the government and rule. The citizens in a democratic country enjoy the liberty, freedom, fundamental rights as per the constitution. The main aim of a government is to safeguard their liberty and rights. The Indian gov-

ernment is involved in taking initiatives for the development of the county from all sectors. The citizens of India are enjoying the fruit of the democracy for their development. But even after the 68 years of independence we are lagging behind in achieving the development and eradicate poverty, illiteracy, corruption, violence's against women etc. Each and every citizens have the right to know what the government is doing for their development.

The origin of the Right to Information Act in India can be traced to the sustained struggle in the early 1990s by Mazdur Kisan Shakti Sangathan, a grassroots popular movement in the western state of Rajasthan, which organized and mobilized people to demand employment and the establishment of minimum wages under the rural wage employment schemes. This led to the discovery of ghost entries in muster rolls and other abuses, which pointed to rampant corruption in the system and led to a demand for pertinent information from the government records. The struggle subsequently snowballed into a national movement demanding comprehensive national legislation on the freedom of access to information. This was realized in 2005, when parliament enacted the Right to Information Act, popularly known as RTI (Save RTI Campaign 08.03.2010). Hence, this can be achieved only through the accountability, transparency.

In a democracy, the principle of accountability holds that government officials—whether elected or appointed by those who have been elected—are responsible to the citizenry for their decisions and actions. Transparency requires that the decisions and actions of those in government are open to public scrutiny and that the public has a right to access such information. Both concepts are central to the very idea of democratic governance. Without accountability and transparency, democracy is impossible. In their absence, elections and the notion of the will of the people have no meaning, and government has the potential to become arbitrary and self-serving.

Transparency :

In a democratic country, the citizen have the right to control the government through controlling the corruption, transparency. A government is transparent when the great majority of the information that it holds about its activities, policies, etc., is available to the public. Therefore, **transparency** helps in bringing out the achievements of the government towards the citizens. A transparent public body is one that is characterized by visibility or accessibility of information by people. Usually, this means not only that the public body is good and fast at answering requests for information from the public, but also that they publish a large amount of information with

Transparency for accountability: The public has the right to hold the government and public officials to account for how they act and for the decisions they take. To do this information is needed.

Transparency for participation: In a democracy it is essential that people can access a wide range of information in order to participate in a real and effective way in the matters that affect them. That means not just participating in elections but also participating in public debate and decision-making between elections, and in order to participate in a meaningful way we need information.

Transparency for efficiency: Responding to requests for information also has the benefit of encouraging public institutions to organize their information. In particular, proactive disclosure of information encourages better information management. This in turn should result in better, more fact-based decision-making inside each institution, as well as more effective communication between public bodies.

Corruption

The major problem existing now a days in all government organizations is corruption at administration level. There is a need to control the corruption in the governmental organization through Access to information as it 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, and least capable of paying the extra costs associated with bribery, fraud, and the misappropriation of economic privileges.

In this context, the right to information has proven to be an effective antidote to corruption, equipping parliamentarians, anti-corruption bodies (such as Ombudsmen) and the public with a tool to break down the walls of secrecy that shield corrupt officials. A legally entrenched right to access documents held by the government (and in some cases, by private bodies) can be used to collect hard evidence of malfeasance and hold officials accountable. The right to information also serves as an important deterrent - the knowledge that a decision may be open to review by the public at a later stage can discourage the decision-maker from acting dishonestly. Officials will be aware that it will be much more difficult to hide their bad behaviour from public scrutiny.

The Right To Information In Practice

As per the RTI 2005 act, The right to information can be protected through a variety of legal mechanisms, from explicit constitutional safeguards to individual departmental orders that allow for access. Even where there is no specific access legislation, sector-specific laws sometimes mandate disclosure. In some jurisdictions, information can also be obtained through the provisions in citizens charters adopted voluntarily by departments or through executive orders, although these methods for enabling access to information are not ideal, as they can be easily overturned at any time.

The constitutional guarantees, legislation should still be passed which details the specific content and extent of the right. Legislation sets a clear framework for putting in place systems and creating cultures of openness that are uniform across public bodies. While application processes, forms of access and appeals mechanisms may differ according to countries contexts, all access to information should meet the minimum principles outlined below:

utmost Disclosure: As per the RTI act the maximum disclosure must underpin the law such that there should be a strong presumption in favour of access and a clear statement that .all people have a *right* to access information and all bodies covered by the act have a corresponding *duty* to provide access in accordance with the law. The law should cover all public bodies, as well as private bodies and non-government organisations that carry out public functions or where their activities affect people's rights.

least Exemptions: The limits on disclosure need to be tightly and narrowly defined. Any denial of information must be based on proving that disclosure would cause serious harm and that denial is in the overall public interest. Commonly, exemptions allow for non-disclosure where release of information would cause serious harm to national security, international relations, legitimate law enforcement activities, a fair trial, or the competitive position of a party. Unreasonable disclosure of personal information is also usually not permitted.

Sovereign Appeals: As it is a democratic country every individual has the right to get effective enforcement provisions ensure the success of access legislation. Any body denying access must provide reasons for what purpose they are going to use this information.

Strong Penalties: If the information demanded by the individual is not submitted by the concerned authorities in the stipulated time. The law should impose penalties and sanctions where there has been unreasonable delay or withholding of information, knowing provision of incorrect information, concealment or falsification of records, with full destruction of records subject to requests, obstruction of the work of any public body under the law and/or non-compliance with the Appeal Body.

Positive Disclosure: The law should impose an obligation on government to routinely and proactively disseminate information of general relevance to citizens, including updates about structure, norms and functioning of public bodies, the documents they hold, their finances, activities and any opportunities for consultation. The initial effort will be worth the investment as proactive publication of key information will reduce requests in the long run because people will be able to easily access routine information without having to apply to public bodies.

Simple, Cheap Access: A key test of an access law's effectiveness is the ease, inexpensiveness and promptness with which people seek

ing information are able to obtain it. The law should include clear and uncomplicated procedures that ensure quick responses at affordable fees. Usually, a Public Information Officer (PIO) is appointed for each body, with powers delegated to Deputy PIOs who sit in local offices. Applications are submitted to PIOs, in writing (electronically, by mail or by hand) or orally where the applicant is illiterate, and are then processed, within 5 to 30 days. Ideally, fees should not be imposed. Only the actual costs incurred in copying and posting the requested information should be passed on to applicants.

Effective Monitoring & Implementation: A body should be given specific responsibility for monitoring and promoting the Act. Usually, the independent Appeal Body will be given this responsibility. Members of Parliament also play an important oversight role, as reports on compliance with the law are usually submitted annually to Parliament for consideration and comment. The law should obligate government to actively undertake training and public education programmes.

Information Exclusion

Any information disclose for public must be used for the benefit of the society or personal benefit. As per the RTI act it is compulsory to protect the confidential, International issues from this act. If the confidential information is released there is a scope of misuse of the information and threat from the neighboring countries. Hence, the following information are not disclosed.

The following is exempt from disclosure under section 8 of the Act:-

- Information, disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, "strategic, scientific or economic" interests of the State, relation with foreign State or lead to incitement of an offense;
- Information, the disclosure of which would cause a breach of privilege of Parliament or the State Legislature;
- 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 authority is satisfied that larger public interest warrants the disclosure of such information;
- 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;
- Cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other officers;
- Information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual (but it is also provided that the information which cannot be denied to the Parliament or a State Legislature shall not be denied by this exemption);

RTI Act is one of the most people friendly legislation ever. Thousands have benefited from it. But it is true that more than five years after Parliament passed the Act in June 2005, the road to accessing the information remains arduous. RTI has made both tangible and intangible impact on the system and its people. People have used the RTI tool to get their ration cards, passports, pension funds, birth certificates, income tax refunds et. al. There have been cases when people as old as ninety years and as young as nine years have taken recourse to RTI to get their work done. People below the poverty line, disabled and blind people also have used it to their advantage. Big scams have been averted by the use of RTI. e.g., when information revealed by RTI exposed that 87% of wheat and 94% of rice meant for the poor were siphoned off by the shopkeepers and foodgrain officers, steps were taken to streamline the system. (Kejriwal, 2006) In 2007, data obtained under RTI inspired citizens to question elected representatives to stop a scam worth over Rs. 6,000 crores in the Crawford Market redevelopment issues in Mumbai. (Gandhi, 2007)

Suggestions :

Recommendations and suggestions to optimize the benefits from RTI have been pouring in from various quarters.

1. The government should publish the success stories of the citi-

2. Punishment must be imparted for the concerned officer who are not providing the information.
3. The RTI must reach the rural areas also. It is not accessible in these areas.
4. Information Technology must be improved in rural areas through establishing special centres for receiving and complaining on RTI at one hub.
5. The government should also create infrastructure like more buildings and provisions to send complaints directly from rural areas through e-mails.
6. Only about 10% of our 300 million populations of the poor are aware of the RTI, as a tool for reaping the benefits of assured entitlements.

Conclusion.

The Right to Information Act, 2005 is a unique and revolutionary piece of legislation. It is unique and revolutionary because it is the first legislation arising out of public campaign and public outcry. That is why it is said to be a beginning of a new era in the democratic history of our country and to most significant reform in public administration in India. It is expected to expand the democratic space available and empowers the ordinary citizen to exercise a far greater control over the corrupt and arbitrary exercise of State power, as it gives right to the citizen to ask question, examine audit, review and assess Government acts, decisions and to ensure that every act is consistent with the principle of public interest.

It is also suggested for the introduction of RTI in the core curriculum of school education and more awareness campaigns, workshops and seminars should be conducted particularly in the rural areas. The people should therefore makes ample use of this right to help proper and honest functioning of public authorities. The purpose of the Act can be achieved only if the public has proper guidance as how to use the Right to Information. A nationwide movement is initiated to guide and motivate the public.