



Right to Information (RTI) Act as Fundamental Right

KEY WORDS

RTI, Fundamental Right.

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ABSTRACT

The Right to Information Act (2005) is an Act of the Parliament of India to provide for setting out the practical regime of right to information for citizens. The enactment of Indian Constitution resulted in India becoming a vibrant democracy. The fundamental right was given the supreme priority by the framers of Indian constitution and the chief among them was Article 19 (1) (a). The right to freedom of speech and expression was incomplete without freedom of right to information. Unless the people have complete, factual, updated and primary information about the government machinery, it is not possible to think of having the country in the direction of an enriched democracy and good governance.

This study aims to understand how people understand their fundamental right and their interest to know about RTI

Introduction:

RTI stands for Right to Information and has been given the status of a fundamental right under Article 19 (1) of the constitution. Article 19 (1) under which every citizen has freedom of speech and expression and have the right to know how the government works, what role does it play, what are its functions and so on. In several landmark judgements, the Supreme Court of India has held that the disclosure of information about government and the speech and expression. Right to Information is thus a fundamental guaranteed under the Indian Constitution. In India, civil society worked not only at the grassroots level to mobilize people, but also networked with other like-minded organizations to form a strong advocacy group to push for legislation.

The right to information campaign in rural Rajasthan caught the imagination of activists, civil servants, lawyers and media. With a view to provide a more broad-based platform to discuss various aspects of right to information and to exert pressure on authorities to introduce legislation, a National Campaign for People's Right to Information (NCPRI) was formed in 1996. This platform played a significant role in bringing diverse civil society partners on board to debate the issue.

Many civil society organizations started working on draft legislation. Several drafts were prepared based on a study of international standards and similar laws elsewhere in the world. The first draft on right to information legislation was prepared – with help from Mazdoor Kisan Shakti Sangathan (MKSS) by the Press Council of India in 1966 (updated in 1997 at a workshop with the National Institute of Rural Development or NIRD, hence this draft is also called as PCI-NIRD draft). The draft affirmed, in its preamble, that right to information was a fundamental right as an outcome to the freedom of speech and expression under Article 19 (1) (a) of constitution. It asserted that information that could be denied to parliament or state legislature could not be denied to a citizen. The draft was important at least in one respect, that it covered not only public bodies, widely defined to include government and the undertakings and local bodies, but also private companies, corporations, cooperative societies and trusts owned or controlled by private individuals whose activities affect the public interest.

Review of Literature:

Bhattacharjee et al (2001) in their paper on "Global trends on the right to information: A survey of South Asia" described the Freedom of Information Act is the primary human right. Whereas freedom of expression includes the right to seek, receive and impart information and ideas. Although some other countries constitution provide separate specific protection for the right to freedom of information and access to information held by the State. Generally it can also be derived from the recognition of democracy, and indeed the whole

system for protection of human rights, cannot function properly without freedom of information. In that sense, it is a foundational right, upon which other depends.

Venkatesu (2007) in his paper on "Right to Information in India" says that right to information is a fundamental right and they are conformed by cases held in the Supreme Court. For more than two decades, the Supreme Court of India has recognized the right to information as a constitutionally protected fundamental right, established under the Article 19 (the right to freedom of speech and expression) and article 21 (right to life) of the constitution. The court has recognized the right to access information from government departments is fundamental to democracy. Therefore, Justice K.K.Mathew of Supreme Court of India said that 'in a government where all the agents for the public must be responsible for their conduct, there can be but few secrets. The people have a right to know every public act, everything that is done in a public way, by their public functionaries. The responsibility of officials to explain or to justify their acts in the chief safeguard against oppression and corruption.

Ansari (2008) in his paper on "Right to Information and its relationship to good governance and development" says that the constitution of India has guaranteed the freedom of expression and speech. Even then, a citizen had no legal right to know about the detail of public policies and expenditures. And, therefore, it was not possible for a common man to observe and scrutinize the public actions with a view to developing an understanding about the outcome of public activities and/or providing feedback for rectifying the deficiencies in policy planning and the execution of programmes. He also adds that RTI induces good governance and strengthen the indicator for development. And this measure for utilizing the potential tool of right to know is indicated with a view of expediting the process of human development.

Pradeep (2004) in his paper on "The Right to Information – New Law and Challenges" explains that the term right to information are often used interchangeable and have long been regarded as fundamental right. During 1946, the very first session of UN General Assembly adopted resolution 59(1), stating "Freedom of Information is a fundamental human right and the touch stone of all the freedoms to which the United Nations is consecrated".

3. Research Methodology:

The methodology adopted for this study is survey method.

Sampling:

The sampling method used is convenient sampling method. 100 samples are taken. These 100 samples are not aware on RTI.

When calculated percentage of people showing interest to know what is RTI, 74% of the respondents are interested to know and 26% of respondents are not interested to know about this fundamental right.

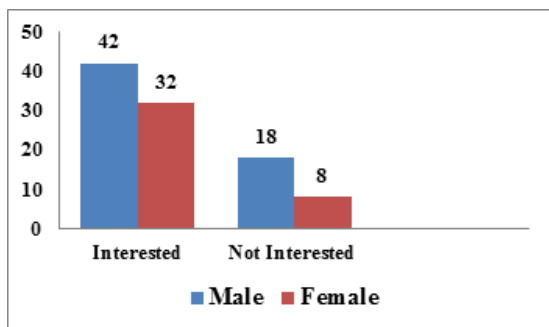
Category	Percentage
Interested	74
Not interested	26

Gender:

Table 1: Gender cross tabulation with the interest to know about RTI

Category	Gender		Total
	Men	Women	
Interested	42	32	74
Not interested	18	8	26
Total	60	40	100

Table 1 reveals that 42% of Men and 32% of women are interested to know about RTI. 18% of men and 8% of women are not interested to know about RTI.



Age:

Table 2: Age group cross tabulation with interest to know about RTI

	Interested		Not Interested		Total Nos.
	Nos	%	Nos	%	
Below 20	3	100	0	0	3
21 to 30	36	86	6	14	42
31 to 40	21	78	6	22	27
41 to 50	9	64	5	36	14
51 to 60	3	43	4	57	7
61 to 70	2	29	5	71	7
Total	74	100	26	100	100

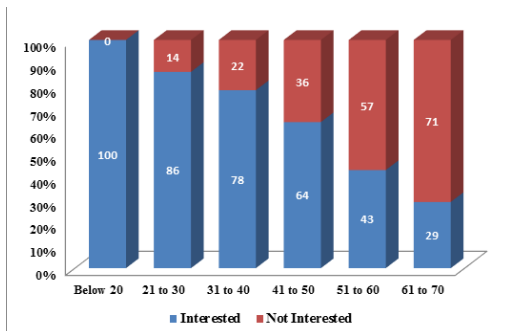
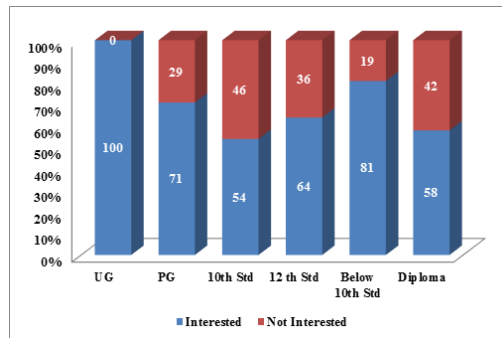


Table 2 shows that age group below shows more interest to know about RTI. 86 % of the respondents in 21 to 30 years, 78% in 31 to 40 years, 64% in 41 to 50 years, 43% in 51 to 60 years and 29% in 61 to 70 years. The samples in age group from 1 to 20 are 3% and the entire samples are interested to know about RTI.

Educational Qualification:

Table 3: Educational Qualification cross tabulation with interest to know about RTI

	Interested		Not Interested		Total Nos
	Nos	%	Nos	%	
UG	19	100	0	0	19
PG	15	71	6	29	21
10th Std	7	54	6	46	13
12 th Std	9	64	5	36	14
Below 10th Std	17	81	4	19	21
Diploma	7	58	5	42	12
Total	74	100	26	100	100

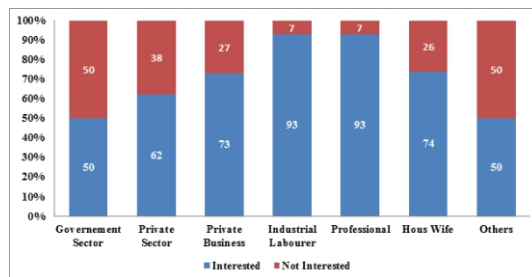


From table 3, the entire respondents in undergraduate category are interested to know about RTI which is followed by 81% of below 10th standard group and then by 71% of PG and followed by 64% of 12th standard 54 of 10th standard.

Occupation:

Table 4: Occupation cross tabulation with interest to know about RTI

Govt Servant	Interested		Not Interested		Total Nos
	Nos	%	Nos	%	
	2	50	2	50	4
Private Sector	13	62	8	38	21
Private Business	8	73	3	27	11
Industrial Labourer	14	93	1	7	15
Professional	13	93	1	7	14
Hous Wife	20	74	7	26	27
Others	4	50	4	50	8
Total	74		26		100



From table 4 it was found that 93% of industrial labourer shows more interest to know about RTI which is followed by 93% of professionals, 74% of house wife, 73% of private business and then 62% of private sector and 50% each in Government sector and other professionals.

Findings

- 74% of the respondents who have no knowledge about RTI show interest to know about RTI.
- Men are interested more to know about RTI than woman.
- Age group 21-30 shows more interest to know about RTI than the other age group.
- Industrial labourers show more interest to know about RTI.

Conclusion:

RTI established itself as a powerful tool against corruption, there have been series of violent attacks on RTI users across the country who question inefficiency and malafide in governance. These legislations are critical to effectively combat corruption, the abuse of power and ensure accountable governance. People must be empowered to control and fight corruption directly. For this, firstly they require a cast-iron right to information. This means that the citizen must have the right to obtain documents such as bills, vouchers and muster rolls, connected with expenditures on all local development works. The exercise of the people's right to information can potentially powerfully empowers ordinary citizens and people's groups may adopt to effectively apply the right to information to enforce transparent and accountable governance. Awareness need to be done more from the govt such as advertising on media, campaign etc. there are many successful campaigns like AIDS awareness, polio campaign, 108 ambulance service etc., are done by govt extensively for spreading awareness. If such method is adopted and done for RTI, people will understand their right and the meaningful democracy will exist in our country.

Reference:

1. Bhattacharjee et al (2001), "Global trends on the right to information: A survey of south Asia", PP: 1-20
2. Venkatesu (2007), "Right to Information movement in India", PP: 1-12
3. Ansari (2008), "Right to Information and its relationship to good governance and development"
4. Pradeep (2004), "The Right to Information –New Law and challenges", PP: 1-10