



RIGHT TO INFORMATION : A KEY TO SOCIAL TRANSFORMATION

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ABSTRACT Transparency is the heart and soul of good governance and opacity is the gridlock. This paper is to scrutinize the impact of the piece of transparency legislation i.e. the Indian Right to Information Act 2005. It looks at the origins and composition of the law before examining how the legislation functions. The law is supposed to have led to transparency and accountability by exposure, with information disclosure used to bring about accountability as well as, to a more limited extent, reform and behaviour change. The Indian RTI has proved more 'politicized' and more capable of initiating political participation. Yet the 'transformative' powers of such reforms are limited by poor execution and resistance. Moreover, the effectiveness of such laws is shaped by context, with India in particular facing deep and complex socio-political obstacles that may prevent the laws having the 'revolutionary' effects crusaders aspired. RTI remains one of the most potent modern legal weapons to fight opacity in public office and to hold officials accountable for wrongdoing.

KEYWORDS : Information, Public authority, fiduciary, confidential, appropriate.

INTRODUCTION:

Right to information is for transparency and accountability. It is a power given to common man. Right to Information Act 2005 replaced the erstwhile freedom of Information Act, 2002 and mandates timely response to citizens' request for government information. Right to Information empowers every citizen to seek any information from the government, examine any government document and seek certified photocopies thereof. Right to information also empowers citizens to officially inspect any Government work or to take the model of materials used in any work. Right to information is a part of fundamental rights under Article 19 (1) of the constitution. Article 19 (1) says that every citizen has the right to speech and expression. Right to speech includes right to know. It is the legal duty of the government to respect the said legal right of the citizens.

HISTORICAL BACKGROUND OF THE ACT

As a portent of common causes, Mazdoor Kisan Shakti Sangathan was the organization which was instrumental in bringing the RTI Act, 2005 into reality. This Act was passed by Parliament on 15 June 2005 and came fully into force on 12 October 2005 and was enacted in order to consolidate the fundamental right in the Indian Constitution 'freedom of speech' in its broader spectrum.

Aruna Roy has been *primus inter pares*, the vanguard of a number of campaigns for the rights of the poor and the marginalized. These have included, most prominently, the Right to Information, the Right to Work ((the Mahatma Gandhi National Rural Employment Guarantee Act, or MGNREGA), and the Right to food. More recently, she has been involved with the campaign for universal, non-contributory pension for unorganized sector workers as a member of the Pension Parishad and the NCPRI for passing an enactment of the Whistle Blowers Protection Act and the Grievance Redressal Act.

The Right to Information Act, 2005, often symbolized as one of the most revolutionary legislations of Independent India came into force in June, 2005. The Act can be safely categorized as one of the most powerful legislations in the hands of the Indian citizens. The act was devised with the object 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.

Mainstays of the Act

Public Authority:

The Act assigns various Public authorities the task to maintain all its records duly catalogued and indexed in a systematic manner and the form which facilitates the right to information under this Act and ensures that all records that are appropriate to be computerized are, within a reasonable time and subject to availability of resources, computerized and connected through a network all over the country on

different systems so that access to such records is facilitated far and wide.

Public Information Officers:

In addition the Public Authority has to designate PIOs i.e. State Public Information Officer and Central Public Information Officer for the proper dissemination of information under the Act. He plays a pivotal role in giving life to the dead letters of the Act.

The Right to Information Act casts a duty on every Central Public Information Officer or State Public Information Officer, as the case may be, to deal with requests from persons seeking information and render reasonable assistance to the persons seeking such information.

Significant Legal Provisions

Section 6 forms the heart and soul of the Right to Information Act. It states that any person who wishes to obtain information shall make a request in writing or through electronic means in English or Hindi in the official language of the area in which the application is being made along with the prescribed fee to - the concerned Public Information Officer of the concerned public authority- specifying the particulars of the information sought by him or her.

Section 7 is a fundamental statutory provision of the Act enumerating the 'manner of disposal of request' made under the Right to Information Act, 2005.

The provision mandates the concerned Public Information Officer to dispose of the request made under Section 6 as expeditiously as possible, and in any case within thirty days of the receipt of the request. It further states that where the information sought for concerns the life or liberty of a person, the same shall be provided within forty-eight hours of the receipt of the request.

The statutory provision under Section 7 also requires that where a request has been rejected, the concerned Public Information Officer shall while rejecting the request shall state-

- i. The reasons for such rejection;
- ii. The period within which an appeal against such rejection may be preferred; and
- iii. The particulars of the appellate authority.

The provision under Section 8 specifies the circumstances under which a Public Authority is not under an obligation to give any citizen certain information. Such circumstances are:

- (a) 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 offence;

(b) 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;

(c) information, the disclosure of which would cause a breach of privilege of Parliament or the State Legislature;

(d) 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;

(e) 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;

(f) information received in confidence from foreign Government;

(g) 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;

(h) information which would impede the process of investigation or apprehension or prosecution of offenders;

(i) cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other officers:

Provided that the decisions of Council of Ministers, the reasons thereof, and the material on the basis of which the decisions were taken shall be made public after the decision has been taken, and the matter is complete, or over:

Provided further that those matters which come under the exemptions specified in this section shall not be disclosed;

(j) 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 unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information:

Provided that the information which cannot be denied to the Parliament or a State Legislature shall not be denied to any person.

Section 8 is often criticized as being mistaken as an excuse than taken as a responsibility. This section requires a PIO to be a dynamic personality.

Appeal provision given under Section 19 says that a person aggrieved by non-receipt of information by the concerned Public Information Officer shall within thirty days from the expiry of such period or from the receipt of such a decision prefer an appeal to such officer who is senior in rank to the Central Public Information Officer or the State Public Information Officer, as the case may be, in each public authority.

In matter of Penalties, the penal provision under Section 20 of the RTI Act empowers the Central Information Commission or the State Information Commission, as the case may be, to impose the prescribed penalty on the concerned Public Information Officer in case the Officer has refused to receive an application for information or has not furnished information within the stipulated time.

Modus Operandi To File RTI Application

Firstly, one has to identify the Department or Public Authority from which the Information is sought.

Secondly, after identifying the Department, from which information is sought, write down the particulars of the information sought.

In matter of language, RTI application can be written in Hindi, English or in the official language of area. If the recipient is unable to write, then he/ she can also request the concerned Public Information Officer to write information on his behalf.

Thirdly, on the Application mention the full name of the concerned Department alongwith, complete address.

Fourthly, the Application shall be accompanied with the prescribed fee. The fees can be remitted in cash or by demand draft or cheque. Supreme Court has made it clear that RTI Fees shall not exceed Rs. 50/- per Application

Fifthly, on the application, the applicant has to mention his full name along with complete address and contact details.

Sixthly, an RTI application can be sent by Post or handed over in person to the concerned Department. It is advisable to secure a photocopy of the application before sending the same and also keep the acknowledgment receipt for future purposes.

In order to muddle through the digital world, an RTI application can be filed online and payment can also be made online.

Objective of RTI Act

The objectives behind the RTI Act which could be attributable to the sociological theory of Law are

- To provide a legal framework of citizens democratic Right to access to information under the control of public authorities.
- To promote transparency and ensure accountability.
- To harmonize conflicting interest and priorities in operations of government, and use of resources.
- To promote the practice of revelation of information to preserve democratic ideals.
- To promote accountability in the functioning of every public authority, thereby reduce corruption.

Judicial Response To The RTI Act

Keeping in mind the objectives of the RTI Act, the Indian Judiciary has interpreted the provisions of the Act as a means to an end of social transformation.

Certain case laws which aid in streamlining the RTI law and implementation of the crucial legislations are spelled out below:

The theory of RTI was not in practice of RBI claiming Fiduciary Relationship. In the case of Reserve Bank of India v. Jayantilal Mistry, the interesting issue before SC that was raised was whether all the information sought for under the Right to Information Act, 2005 can be denied by the Reserve Bank of India and other Banks to the public at large on the ground of economic interest, commercial confidence, fiduciary relationship with other Bank on the one hand and the public interest on the other.

Stand of RBI was that the information sought for was exempted under Section 8(1) (a), (d) and (e) of the Right to Information Act, 2005. In addition, as the regulator and supervisor of the banking system, the RBI has discretion in the disclosure of such information in public interest.

While allowing the appeal the Supreme Court in the case held that in the case the RBI does not place itself in a fiduciary relationship with the Financial institutions because, the reports of the inspections, statements of the bank, information related to the business obtained by the RBI are not under the pretext of confidence or trust. In this case neither the RBI nor the Banks act in the interest of each other and hence it is duty bound to comply with the provisions of the RTI Act and disclose the information sought.

Can information be denied on the ground of irrelevance of information sought ? This question was answered in the case of Adesh Kumar v. Union of India, wherein the Petitioner was aggrieved by denial of information under the RTI Act by the concerned Public Information Officer in the case.

FIR had been lodged against the Petitioner during his tenure of service and subsequently, a charge sheet, against the petitioner was submitted. On receipt of charge sheet, the Petitioner applied for information under the RTI Act pertaining to sanction of prosecution against him. However, the requested information was rejected by the CPIO claiming that there was no obligation to provide the same by virtue of Section 8 (1)(h) of the RTI Act.

The Delhi High Court while dismissing the Petitioner's plea in the case

stated that impugned provision prohibits furnishing of information which would impede the process of investigation or apprehension or prosecution of offenders. However, the Court opined that merely, citing that the information is exempted under Section 8(1)(h) of the RTI Act would not absolve the public authority from discharging its onus as required to claim such exemption.

Further, the Delhi High Court made it clear that whether the information sought by the petitioner is relevant or necessary, is not relevant or germane in the context of the Act, a citizen has a right to information.

Can Particulars of FIR be disclosed under RTI Act? This important question was raised in a public interest litigation in the case of Jiju Lukose v. State of Kerala, seeking a direction to upload the copy of the FIR in the website of the police station and to make available copies of the FIR to the accused immediately on registration of the FIR. The Petitioner had alleged that in spite of the FIR being registered, the petitioner received its copy only after 2 months. Till the petitioner could obtain a copy of the FIR, the petitioner and his family members were in dark about the nature of the allegations labeled against the petitioner.

The petitioner further contended in this case that in view of the Right to Information Act, 2005 all public officers were under obligation to put all information recorded in the public domain. The FIR which is lodged is to be put on the website of the police station, so that anyone can assess the FIR including a person staying outside the country.

The CIC held that FIR is a public document, however, where an FIR is covered by the provisions under Section 8(1) of the RTI Act, it need not be disclosed to the citizens till investigation is completed. But it can be claimed by the Informant and the accused as per legal provisions under the Code of Criminal Procedure, 1973 as a matter of legal right.

The provisions in the Code of Criminal Procedure, 1973 are specific to this effect, that is, the supply of copy of FIR to the accused is contemplated only at a stage after proceedings are being initiated on a police report by the competent Magistrate.

That application for copy of the FIR can also be submitted by any person under the 2005 Act. It is however, relevant to note that whether in a particular application police authorities are claiming exemption under Sec.8(1) of the RTI Act is a question which has to be determined by the police authorities by taking appropriate decision by the competent authority. In event no such decision is taken to claim exemption under Section 8 of the 2005 Act, the police authorities are obliged to provide for copy of the FIR on an application under the RTI Act.

The question whether UPSC Marks can be Disclosed Mechanically under RTI was answered in the negative in the case of Union Public Service Commission Etc. v. Angesh Kumar & ors.

In this case, the Supreme Court has made the observations in matter of disclosure of civil service examinations marks under the RTI that weighing the need for transparency and accountability on the one hand and requirement of optimum use of fiscal resources and confidentiality of sensitive information on the other, information sought with regard to marks in Civil Services Exam cannot be directed to be furnished mechanically.

Court added that furnishing raw marks will cause problems which would not be in public interest. However, if a case is made out where the Court finds that public interest requires furnishing of information, the Court is certainly entitled to so require in a given fact situation and that if rules or practice so require, certainly such rule or practice can be enforced.

In the case of Central Board of Secondary Education and Anr. v. Aditya Bandopadhyay and Ors. it was observed that when trying to ensure that the right to information does not conflict with several other public interests (which includes efficient operations of the Governments, preservation of confidentiality of sensitive information, optimum use of limited fiscal resources, etc.), it is difficult to visualize and enumerate all types of information which require to be exempted from disclosure in public interest.

It was also added that indiscriminate and impractical demands or

directions under the RTI Act for disclosure of all and sundry information (unrelated to transparency and accountability in the functioning of public authorities and eradication of corruption) would be counterproductive as it will adversely affect the efficiency of the administration and result in the executive getting bogged down with the non-productive work of collecting and furnishing information.

The case of Prashant Ramesh Chakkarwar v. UPSC enumerated the problems in showing evaluated answer books to candidates which inter alia included disclosing answer books would reveal intermediate stages too, including the so-called 'raw marks' which would have negative implications for the integrity of the examination system.

Want of Aadhaar Card cannot be a reason for denial of Pension was held in N N Dhumane v. PIO, Department of Posts. The order of CIC in the instant case is a remarkable one as it condemns the act of Department of Posts in denying payment of pension for want of Aadhaar Card. Other key observation made by the CIC was that payment of pension is a matter of life or liberty under the RTI Act and applications relating to payment of Pension shall be disposed by the Public Information Officers within 48 hours.

The question whether RTI Information can be denied for Lack of Aadhaar Card was answered in the negative in the case of Vishwas Bhamburkar v. PIO, Housing & Urban Development Corporation Ltd. In this case the Chief Information Commission, Munirka, New Delhi (CIC), the CIC was confronted with two centric issues under the Right to Information Act, 2005. First, pertaining to word limit in RTI application and the second, relating to denial of information on lack of producing identity proof by the Applicant.

The CIC in the case held that the impugned application was not hit by any exception under the Right to Information Act. The CPIO in the case raised suspicion about the citizenship of the applicant without explaining the reason of suspicion. There was nothing to justify his suspicion. That the CPIO failed to justify the denial of information, as he could not cite any clause of exception under Section 8 (exemption from disclosure of information) or Section 9 (grounds for rejection to access in certain cases).

CIC Order Holding Ministers Public Authorities under RTI Act was rejected by the Delhi HC in the case of Union of India and Anr. v. Central Information Commission and Anr. The Petitioner in the case challenged CIC's (Central Information Commission) order, whereby the CIC had declared "the Ministers in the Union Government and all State Governments as 'public authorities' under Section 2(h) of Right to Information Act, 2005.

It was observed that the directions issued by the CIC in the case was beyond the scope of CIC and in the facts and circumstances of the case, there was no occasion for the CIC to enter upon the question as to whether a Minister is a "public authority" under Section 2(h) of the Act.

The question if RTI Query lie with regard to judicial decisions was answered in the negative in the case of The Registrar, Supreme Court of India v. R S Misra. The Delhi High Court in this case has rendered an in-depth analysis of RTI applications against any decision passed by the Supreme Court. The Court has also ruled that RTI Act does not prevail over the Supreme Court Rules (SCR).

In the case of Aabid Hussain v. CPIO it was observed that two years wait for RTI response is flagrant violation of RTI Act. The CIC remarked that Commission takes grave exception to the flagrant violation of the RTI Act by the CPIOs of Cantonment Board, Jabalpur and the ignorance of the present CPIO about the pending RTI Applications from the tenure of her predecessor. It is incumbent upon the present CPIO to deal with all such pending RTI Applications and not wait for the Commission to issue notice of hearing to provide reply to RTI Applicants.

'File is missing' cannot be a ground for denial of information was held in the case of Shahzad Singh v. Department of Posts. In this case, the CIC noted that the Respondent Department's claim that concerned files were/ are not traceable proves the fact they had it in their possession, which binds them to provide the information by searching the same. The Commission also observed that frequent reference to 'missing files' as an excuse to deny the information is a major threat to transparency, accountability and also major reason for violation of

Right to Information Act, 2005. Millions of RTI applications might have been rejected by PIOs on this ground during the last 11 years of RTI regime. With "missing files excuse" being around, it will be futile to talk about implementation of Right to Information Act, 2005. The claim of 'missing files' indicates possibility of deliberate destruction of records to hide the corruption, fraud or immoral practices of public servants, which is a crime under Indian Penal Code.

In the case of Om Prakash v. GNCTD, CIC noted that prima facie, public authority cannot deny the right of the appellant to get an alternative plot, by putting forward an excuse of missing the file. The defense of missing file cannot be accepted even under the Right to Information Act, 2005. The CIC also noted that if the file is really not traceable, it reflects the inefficient and pathetic management of files by the Public Authority. If the file could not be traced in spite of best efforts, it is the duty of the respondent authority to reconstruct the file or develop a mechanism to address the issue raised by the appellant. In the case of Union of India v. Vishwas Bhamburkar, the Delhi High Court regarding the plea of the Respondent authority of record being not traceable, observed that Right to Information Act, 2005 is a progressive legislation aimed at providing the citizens access to the information which before the said Act came into force could not be claimed as a matter of right.

It was also opined that even in the case where it was found that the desired information though available in the record of the government at some point of time, could not be traced despite best efforts made in this regard, the department concerned must necessarily fix the responsibility for the loss of the record and take appropriate departmental action against the officers/officials responsible for loss of the record. Unless such a course of action is adopted, it would be possible for any department/office, to deny the information which otherwise is not exempted from disclosure, wherever said department/office finds it inconvenient to bring such information into public domain, and that in turn, would necessarily defeat the very objective behind enactment of the Right to Information Act, 2005.

The question whether IT Returns come under RTI Act was answered in the negative in the case of Girish Ramchandra Deshpande v. Central Information Commission & ors.

In the instant case, the Apex Court held that the details disclosed by a person in his income tax returns are "personal information" which stand exempted from disclosure under clause (j) of Section 8 (1) of the RTI Act, unless involves a larger public interest and the Central Public Information Officer or the State Public Information Officer or the Appellate Authority is satisfied that the larger public interest justifies the disclosure of such information.

In the case of Milap Choraria v. CBDT, the CIC held that Income Tax Returns have been rightly held to be 'personal information' exempted from disclosure under clause (j) of Section 8(1) of the RTI Act by the CPIO and the Appellate Authority; and the appellant herein has not been able to establish that a larger public interest would be served by disclosure of this information.

In the case of Harinder Dhingra v. Bar Associations, Rewari, Faridabad, Punchkula it was held 'Bar Councils are liable to provide information' under RTI Act.

In this case, the Appellant sought information regarding the number of complaints against the advocates, how many cases were disposed of, number of advocates who had violated the provisions of Advocates Act.

The CIC in this case held that the Bar Council is a statutory body constituted under Advocates Act, 1961 to protect the ethical standards of Advocates and admonish the members for misconduct. The information about this core function of Bar Council cannot be denied to the appellant as it does not attract any exemption under the RTI Act. In answer to the question as to what should be the maximum fees for RTI, the SC made it clear that 'RTI fees shall not exceed Rs. 50/- per Application' and Rs. 5/- for photocopying for all Government Authorities.

The Supreme Court's response came in case filed by Common Cause, whereby the Petitioner had challenged the Allahabad High Court (RTI) Rules, 2006 on the ground that the same was in violation of several provisions of the RTI Act as Rule 4 of the impugned Rules stipulating a

fee of Rs. 500/- per application was not in consonance with the scheme underlying RTI Act.

RTI query not to lie with regard to judicial decisions was held in the case of the Registrar, Supreme Court of India v. R S Misra. In this case, the Delhi High Court has rendered an in-depth analysis of RTI applications against any decision passed by the Supreme Court. The Court has also ruled that RTI Act does not prevail over the Supreme Court Rules (SCR).

The court examined and observed that

- There is no inherent inconsistency between SCR and RTI Act as both enable the third party to obtain the information on showing a reasonable cause for the same. Since both RTI Act and the SCR aim at dissemination of information, the RTI Act does not prevail over the SCR.
- If any information can be accessed through the mechanism provided under another statute, then the provisions of the RTI Act cannot be resorted to. Neither the Preamble of the RTI Act nor does any other provision of the Act disclose the purport of the RTI Act to provide additional mode for accessing information with the public authorities which has already formulated rules and schemes for making the said information available.
- In the instant case, maintaining two parallel machinery: one under SCR and the other under the RTI Act, would clearly lead to duplication of work and unnecessary expenditure, in turn leading to clear wastage of human resources as well as public funds.
- Dissemination of information under the SCR is a part of judicial function, exercise of which cannot be taken away by any statute. Further the SCR would be applicable with regard to the judicial functioning of the Supreme Court whereas for the administrative functioning of the Supreme Court, the RTI Act would be applicable.
- The legislature is not competent to take away the judicial powers of the Court by statutory prohibition. The legislature cannot make law to deprive the courts of their legitimate judicial functions conferred under the procedure established.
- The RTI Act does not provide for an appeal against a Supreme Court judgment/order that has attained finality.
- Queries under the RTI Act would be maintainable to elicit information like how many leaves a Hon'ble Judge takes or with regard to administrative decision a Judge takes. But no query can/shall lie with regard to a judicial decision/function.

A peculiar question whether a wife is entitled to know husband's salary irrespective of exemption u/S. 8 of RTI Act was addressed by the High Court, whereby the Court stated that irrespective of exemption of information under Section 8 of RTI Act, a wife is entitled to know the details of salary of her husband. In the case the wife was claiming maintenance from the husband wherein the quantum of maintenance being awarded to the wife was disputable on account of amount of maintenance being paid to the wife. This is the way of interpretation that expounds the beauty underneath a law founded on public policy.

In this case, the Petitioner wife had instituted a case for maintenance and had filed an application under Section 91 of CrPC for a direction to the respondent husband to submit his payslip for determination of proper maintenance amount. Then wife also filed an application under the Right to Information Act, 2005 to seek the salary details of the husband.

The Central Information Commission (CIC) in the case asked the Central Public Information Officer of Respondent no. 2 i.e. BSNL to furnish the details of monthly remuneration of the respondent husband. However, the CIC's order was challenged by the husband as well as his employer BSNL on the ground that the information sought by the wife was exempted under Section 8(1)(j) of the RTI Act (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 unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information).

Thus, the issue that fell for consideration by the High Court was whether the information sought is exempt under Section 8(1)(j) of the RTI Act or it is covered by Section 4(1)(b)(x) which obliges the public authorities to display on public domain the monthly remuneration received by each of its officers and employees?

The Division Bench of Madhya Pradesh High Court while making an order in the favour of wife observed that while dealing with the Section 8(1)(j) of the RTI Act sight cannot be lost of the fact that the appellant and the respondent No.1 are husband and wife and as a wife she is entitled to know what remuneration the husband is getting.

In the case of S Harish Kumar v. CPIO / Head of Branch, CBI, Chennai, CIC held that access to information, under Section 3 of the Act, is the rule and exemptions under Section 8, the exception. Section 8 being a restriction on this fundamental right, must therefore be strictly construed. It should not be interpreted in manner as to shadow the very right itself. Under Section 8, exemption from releasing information is granted if it would impede the process of investigation or the prosecution of the offenders. It is apparent that the mere existence of an investigation process cannot be a ground for refusal of the information; the authority withholding information must show satisfactory reasons as to why the release of such information would hamper the investigation process. Such reasons should be germane, and the opinion of the process being hampered should be reasonable and based on some material. Sans this consideration, Section 8(1)(h) and other such provisions would become the haven for dodging demands for information..."

CONCLUSION:

RTI as a revolutionary legislation, though is yet to bring such revolution, nonetheless it has germinated a sanguine hope in the mind of the common people of a revolutionary change in the governance of the country. Even before coming into force of RTI, the right to know was quiescently there in the constitution under Art.19 and Art.21. A comprehensively new legislation prepared separately makes it people-friendly. The impact of various legal provisions on the overall transparency of an administration has been analyzed by numerous scholars. Of all these analysis, covering most continents, and various administrative systems, one can only conclude that it is truly the practice that they succeed or fail to yield all the benefits of transparency. In matter of legislations similar with that of the Indian Right to Information Act, as on today, there are 120 countries out of which 70 countries have already done and 50 countries are in the course of doing it. The overall consequences for Right to Information in India are likely to be positive. But, as of now, few seem to be aware of this new legislation, and fewer still are to be aware of the Cultural Revolution it is likely to bring about for the entire system. In its capacity to adapt to this new realistic legislation, India is going, sooner or later, to be a testing ground for transparency. Of particular interest will be its ability to face not only an administrative cultural revolution, but one that also goes against a more generalized social conception of the role and function of the state.

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