

FIFTEEN YEARS OF RIGHT TO INFORMATION ACT IN INDIA: A LONG WAY TO GO

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Abstract: The passing & enactment of Right to Information Act, 2005 in India has been rightly considered as a milestone in the evolution of Indian Parliamentary Democracy which attempted to ensure transparency & good governance at the grass root levels by making the public authorities accountable & responsible. This Act liberated the harassed commoners who now had a very potent weapon to seek information which had hitherto remained suppressed in the dusty files of Babus (Bureaucrats) under the garb of official secrecy & confidentiality. However, in spite of many initial success stories over a period of time this Right to Information act has been losing its effectiveness & potency as it has failed to adopt the dynamism of complex Socio-Political realities. This paper attempts to give an overview & explain the history of RTI in India, its present status, limitations/drawbacks /challenges & and suggests some remedial measures to ensure its relevance in the rapidly transforming geo political context.

Keywords: Right to Information, Good Governance, Parliamentary Democracy, Transparency, Information, Public Authority

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1. INTRODUCTION

The Right to Information Act came into force all over India except Jammu and Kashmir on October 12, 2005, after getting permission from the President on 15 June 2005. (RTI Act, 2005a, Govt of India). But as soon as the Union Territory of Jammu and Kashmir was formed on 31 October 2019, this law also came into force in Jammu and Kashmir. It's a different matter altogether that J & K already had a slightly better RTI Act than RTI Act 2005 made for the rest of the country. Under its own Act, the J & K had its own State Information Commission, which was lost in after October 2019 and became one subject of one Central Information Commissioner, and made the people to approach CIC in New Delhi instead of State Information Commissioner in Srinagar or Jammu. (RTI Act, J&K, 2009). The first RTI application was filed in Pune police station on 12 October 2005 by a person named Shahid Raza. (DOPT, Govt of India, 2015). Prior to this, Freedom of Information Bill was passed in the year 2002 but due to some reasons it could not be implemented. (FOI Act 2002, Govt of India). This law was repealed as soon as the Right to Information Act 2005 came into force. The right to information is also given as a

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fundamental right as per Section 19 (1) A of Part 3 of the Constitution of India. (Ministry of External Affairs, 2021).

2. HISTORY OF RIGHT TO INFORMATION

The Official Secrets Act 1923 was enacted during the British rule over India. Under this law, the government can keep all state information confidential. (Legislative Department, GOI, 1923). After independence, no new law was made, no amendment was made in it. Taking advantage of sections 5 and 6 of this act, the government kept hiding all the necessary information from the public. In international context, the first right to information law in the world came into force in 1766 (Freedom of Press Act of 1766) in Sweden. (Sweden, 2016).

Sweden passed the first FOI law in 1766. This statute, entitled Freedom-of-Press and the Right-of-Access to Public Records Act enacted 23 years before the U.S. Revolution and 13 years before the French Revolution. The principal sponsor of this law, clergyman and Congressman Anders Chydenius, had been inspired by Chinese practice. According to Chydenius, China was "the model country of the freedom the press" and set the example for other nations to follow. This scholar- politician also admired the Chinese institution of the Imperial Censorate, which was "an institution founded in humanist Confucian philosophy [whose] main roles were to scrutinize the government and its officials to expose misgovernance, bureaucratic inefficiencies, and official corruption. "He was particularly impressed by the fact that Chinese emperors were expected to "admit their own imperfection as a proof their love of the truth and in fear of ignorance and darkness." The origins of government accountability are not in the West, but in the East at the point of the Ch'ing Dynasty. (Ballesteros, Winter 2006).

In 1946, the United Nations General Assembly recognised that "Freedom of Information is a fundamental human right and the yardstick for all freedoms to which the United Nations is consecrated" Soon after, the right to information was given international legal status when it was enshrined in Article 19 of the International Covenant on Civil and Political Rights which states: "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers". (Padalia, 2013)

In Indian Context Section 76, Evidence Act, 1872 is the first statutory provision for access to public records but unfortunately it remained unimplemented and unknown provision of law for more than 150 years. According to the provisions of this act " Every public officer having the custody of a public document, which any person has a right to inspect, shall give that person on demand a copy of it on payment of the legal fees therefor, together with a certificate written at the foot of such copy that it is a true copy of such document or part thereof, as the case may be, and such certificate shall be dated and subscribed by such officer with his name and his official title, and shall be sealed, whenever such officer is authorized by law to make use of a seal; and such copies so certified shall be called certified copies. Every public officer having the custody of a public document, which

any person has a right to inspect, shall give that person on demand a copy of it on payment of the legal fees therefor, together with a certificate written at the foot of such copy that it is a true copy of such document or part thereof, as the case may be, and such certificate shall be dated and subscribed by such officer with his name and his official title, and shall be sealed, whenever such officer is authorized by law to make use of a seal; and such copies so certified shall be called certified copies." (Legislative Department, GOI, 2021).

Courts play a more significant role in India, the poster child of RTI activism. The Indian Supreme Court ruled as early as 1982 that a positive right to information was implicit in the right to free speech in Art.19(1)(a) of the Constitution. Hence, disclosure of information about the functioning of Government had to be the rule and secrecy the exception "justified only where the strictest requirement of public interest so demands". In practice, however, the fundamental right to information, judicially decreed from above, lay largely dormant until it met with a wave of activism from below. (Riegner, 2017)

Consciousness about the right to information in India was first awakened in the 1975 Uttar Pradesh vs Raj Narayan case. (The State of Uttar Pradesh v. Raj Narain, 1975). Right to information remained in the headlines even further. In the Indian Express Newspaper v. Union of India 1985 case, the Supreme Court remarked that citizens have the right to know about the information related to the operation of the government. (Indian Express Newspapers v. Union of India & others, 1984). Apart from this Supreme Court of India made multiple passing references & comments regarding the right to information.

But a strong movement for the right to information was needed in India and this leadership was achieved in Rajasthan through Aruna Roy and Nikhil Dey. The movement 'Hamara Paisa Hamari Hisab' by them further strengthened the right to information. (News, 2015). He formed the Mazdoor Kisan Shakti Sangathan. The Rajasthan government finally passed the Right to Information on 26 January 2001. (Dharanasha, 2015). The first Right to Information Act was enacted by the State of Tamil Nadu in India in May-1997. Universal access to information is celebrated on 28 September worldwide. Right to Information Day is observed every year in India on 12 October.

2.1. What is the right to information and why it's needed?

It must first be recognised that almost any enumeration of desirable rights usually lists the importance of the right to information, the right to know, or some such related formulation. There is a perceptible lack of excitement about the value of this entitlement, however. It is invoked dutifully rather than passionately. The right to information has an undeniably old-fashioned ring to it. It is, to use the jargon, a 'first-generation' civil-political right, one which elaborates, but does not appear to redefine, the individual citizen's relationship to the state. (Goetz, 1999).

An educated citizen of the Republic of India expects transparency of information which essentially obliges the government to prevent corruption and make the government accountable for their actions. The disclosure of the necessary information will provide

other public interest in which it will be possible for governments to operate efficiently, maximum utilization of limited state resources will be possible.

Therefore, for the receipt of all these provisions, arrangements were made to provide information to the individuals so that the interested person could get the necessary information. A provision has been made to constitute a Central Information Commission under Section 12 of this Act, which is a controlling organization. Overall, the right to information reinforces the concept of good governance. (RTI Act, Govt of India, 2005b).

2.2. What does the term “information” mean?

Information is Related to records, documents, e-mails, memoranda, opinions, advice, press releases, circulars, orders, logbooks, tender samples, samples, papers, models, data held in any electronic form in the information under the Act. Any information relating to a private body which is required by any law to a public officer shall be included in the information. Information records will also include a file, a microfilm, Xerox copy. (RTI Act, Govt of India, 2005c)

2.3. What does right to information mean?

Information by right to information, which is under the control of a public authority, is to be made available to the person sought. Providing information includes work, documents, documents, inspection of records, records and comments related to records, certified copy. If the information is stored in the computer, then the information through which electronic means are involved comes in the right of the person.

3. PROCEDURE FOR OBTAINING INFORMATION

The person receiving the information has to apply to the Central Public Information Officer or State Public Information Officer in writing or through the RTI online portal to get the information. He also has to pay the fees related to the application, which is currently set at ₹ 10 by the central government. There may be some changes in this by the state government. No fee is payable for a person belonging to BPL (Below Poverty Line) family. If after receiving the information, a person feels that the information has not been provided correctly or refused to give the information, then he can go to the first appeal. An officer one rank above the information officer is considered an officer of the first appeal.

3.1. Public Information Officer Obligations

Public Information Officer has to give the information within 30 days from the date of receiving the application. If he is unable to do so or refuses to take the application, the responsible information officer will be charged a fine of Rs 250 per day and the total fine will not exceed 25,000 and he will also have to provide the information later. If any RTI, which is directly related to lifesaving, has to give information within 48 hours. If the Public Information Officer realizes that the information sought is not related to his department, then it is his duty to send that application to the concerned department and

also inform the applicant about it. In such a situation, the period of receiving information increases from 30 days to 35 days.

3.2. In which cases information cannot be obtained (Barowalia, 2012)

1. According to Section 8 of the Right to Information Act 2005, information cannot be obtained in the following cases:
2. Information that relates to the sovereignty, integrity, security of the state and foreign policy of India.
3. Information whose disclosure is prohibited by the court or any agency.
4. Any information that relates to trade secrecy, intellectual property and there is a possibility of deteriorating the business condition of a person.
5. Any information which has been received by the Government of India in the belief of any other country outside India.
6. Information that threatens the life and safety of a person.
7. Information that obstructs the investigation or capture of criminals.
8. Cabinet Discussion Papers.
9. Under Section 9, the Public Information Officer can cancel the application for lack of access to information.

3.3. Right to Information Amendment Bill - 2019

The Right to Information Amendment Bill - 2019 introduced in the Lok Sabha from 22 July 2019, was introduced by Minister of State for Personnel, Public Grievances and Pensions Jitendra Singh. Important amendments made in this are (Bureau, 2019)

Tenure of Information Commissioner

The tenure of the Chief Information Commissioner and Information Commissioner, respectively, at the national and state levels described in Section 16 of the Right to Information Act 2005 was fixed for 5 years, but by this amendment their tenure will be determined by the Central Government.

Pay cut

It has been determined by amendment that if the Chief Information Commissioner and Information Commissioner are receiving any pension at the time of appointment or taking any retirement benefits for previous government services, then the same amount will be reduced from their salary. Section 13 of the Right to Information Act 2005 was also amended, stipulating that the salary, allowances, employment conditions of the national and state level information commissioners would all be determined by the central government.

3.4. Importance of Right to Information

1. It can help prevent corruption through RTI. Any government official will consider once before doing any corrupt work for fear of going out of information.

2. The RTI makes government institutions and government accountable to the common man.
3. One can ensure the constitutional right of a person through RTI.
4. Transparency of information increases through information on the functioning of government, policies, schemes, etc.
5. The RTI works to bridge the gap between the government and the common man.
6. The government offices which are acting negligently also serves to present the image of the society.
7. Whether the tax paid by the citizens is being used by the government or not can also be ascertained.

Access to official information held by public authorities is the touchstone of a strong and efficient representative democracy. By making maximum disclosure of information in the public domain a rule and secrecy an exception, any country can progress as a strong society of informed citizenry which, as Thomas Jefferson famously said, is the bulwark of a democracy. The importance of 'right to information - as a basic human right' cannot be negated as a potent tool to supplement the 'concept of checks and balances', to promote transparency and openness in the governance process by infusing a sense of greater accountability (Jain, 2012). Globally, governance based on freedom of information is evolving from a moral indictment of secrecy to a tool for market regulation, efficient governing structure facilitating economic and technological growth.

"In a Government of responsibility like ours where the agents of the public must be responsible for their conduct there can be but a few secrets. The people of this country have a right to know every public act, everything that is done in a public way by their public functionaries. They are entitled to know the particulars of every public transaction in all its bearings. " - Supreme Court in *State of UP v Raj Narain* in 1975 (Padalia, 2013).

4. CURRENT STATUS OF RTI ACT 2005

A record 12.3 lakh RTI applications were filed in 2017-18 with 96 per cent of them being responded to by government offices, making it the best performing year since the law was enacted in 2005, the Central Information Commission data shows. The data from the latest CIC annual report, shared by the Ministry of Personnel, Public Grievances and Pensions Thursday, shows that during 2017-18, 12.33 lakh RTI applications were received by the registered Central Public Authorities (PAs) (Indian Express, 2019a).

“This is higher by 3,17,458 or 26 per cent than what was reported during 2016-17. The Central PAs rejected 4 per cent (63,206) of the RTI applications processed during 2017-18 showing a downward trend in rejections which have come down by 2.59 per cent from the 6.59 per cent reported in 2016-17,” it said. (Indian Express, 2019b).

The four per cent rejection rate is the lowest since 2005 when the RTI Act was enacted by Parliament giving people the right get information from government offices on a payment of Rs 10. Union Home and Finance ministries which commonly get queries

on burning topics like black money, demonetisation, big loan defaulters, security issues, policies and other routine administrative matters, led the list of public authorities in terms of rejection rate.

The Home Ministry rejected 8,784 applications which is 15.16 per cent of total 57,951 received by it while the Finance Ministry rejected 28,145 applications, which is 14.08 per cent of total 1,99,923 RTI applications received by it, the data showed. The public authorities used exemptions provided under section 8, section 9, section 11 and section 24 of the RTI Act to reject plea for information. Thirty-two per cent of applications were rejected citing other reasons. (Indian Express, 3 January 2019c).

According to a report by Transparency International India, only 24 out of 155 posts of Information Commissioner both at the Central and state level are vacant, whereas as in 2018, 48 out 156 posts had been reported vacant. At the same time, there are “only seven women Information Commissioners in India which is approximately 4.5% of total sanctioned post,” the report states. According to the report, “15, 578 cases in penalty imposed on public authorities by State Information Commissions (excluding Union Government) during 2005-06 to 2018-19”

However, the report also highlights that only five Information Commissions maintain data on cases of threats and harassments, whereas 24 of the commissions (excluding Jammu and Kashmir) do not maintain the very data on the same. (Mint, 2019a). Likewise, while more than 3.02 crore RTI applications — which amounts to just 2.25% of citizens — had been filed, the CIC has received 78.93 lakh applications. The states that received maximum applications were Maharashtra, Tamil Nadu, Karnataka and Kerala. West Bengal received less than one lakh applications. Of the applications filed, less than 45 per cent received the information they had sought, according to the ‘Report Card of Information Commissions in India, 2018-19’ released by the Satark Nagrik Sangathan (SSN) and the Centre for Equity Studies (CES). But of the 55 per cent who didn’t receive the information, less than 10 per cent filed appeals. (Mint, 2019b).

It doesn’t help that the Chief Information Commission (CIC) and the State Information Commissions (SICs) have an unwritten rule about not penalising erring public information officers for their failure to respond to RTI applications properly and in time. And then there is the matter of huge backlog.

The ‘Report Card’ revealed that as of 31 March 2019, there were 2.18 lakh appeals and complaints pending before the SICs. The study added that it took an average of more than a year for most SICs to dispose of complaints/appeals. While the SIC of Andhra Pradesh would take 18 years to dispose of a complaint, West Bengal SIC would take seven years and five months. (CES, 2020).

Every day 4,800 applications are filed to access information from the government across India. The first decadal study conducted after Right to Information (RTI) Act implemented in October 2005 has revealed that over 1.75 crore applications have been filed with one-fourth being requests to the Centre. (The Print, 24th June, 2020).

A study conducted by Commonwealth Human Rights Initiative (CHRI), exclusively accessed by ET, reveals that 27.2% (47.66 lakh) of the total RTIs filed between 2005 and 2015 were to the different ministries and departments under the Centre. Maharashtra finishes a close second with 26.40% (46.26 lakh) of the applications being submitted in the same time period. Karnataka government received 11.83% (20.73 lakh) applications. The top three – Centre, Maharashtra and Karnataka government received two-thirds or 65.43% of the RTI applications filed by Indians in the last 10 years. (Economic Times, 2016).

The data attains significance as there is no official record of the total number of RTI applications received in India even as RTI Act enters its 16th year of implementation.

The study conducted by CHRI's Sneha Chandna reveals that southern states account for a quarter of RTIs received. Karnataka, Andhra Pradesh, Tamil Nadu and Kerala received almost a quarter 24.90% of the RTI applications submitted across the country. The study also points to less frequent use of RTI Act by the north-eastern states. While Meghalaya received 11,092 requests in 2005-15 Nagaland government received 16,009 requests. (Economic Times, 2016).

The study points out (Economic Times, 2016) that the actual number of RTI applications could be higher since many public authorities do not report their annual compliance, the number of applications filed with them does not get accounted for, Nayak explained, "Under Section 25 of RTI Act, all public authorities under Centre and state governments are required to submit annual status of implementation to information commissions.

But compliance with the statutory requirement has been poor. Also, the information, the information commissions follow disparate cycles of annual reporting – some follow calendar year and some adopt the financial year reporting cycle." The study has found that basic responsibilities of publishing annual reports and having functional websites are not followed by the state commissions.

Four state information commissions – Madhya Pradesh, Manipur, Tripura and Uttar Pradesh – have not published any annual report on their website. Information commissions of Assam and Arunachal Pradesh have been reporting state statistics erratically. The information commission of Goa does not have a functional website, the study reports.

If you find a law uncomfortable, even one that you supported & passed, what should you do? Repealing it would not be politically smart; amending or diluting it will give ammunition to your critics. So the best strategy is to strangle it, softly and steadily, until it is rendered lifeless and ineffectual. Some-thing like this is happening to the Right to Information Act in India.

Yet, even as an increasing number of people turned to the rti for information, it was clear that for people in power, the law was an irritant. Hence, even though the former United Progressive Alliance (UPA) government initiated the law, its members, including

former Prime Minister Manmohan Singh, went on to make negative statements about it and government agencies dragged their feet as much as possible in responding to queries. The UPA Government also tried twice to dilute provisions in the law but backed down in the face of strong protests from citizen groups. The Modi government is following a more devious strategy. It is not openly questioning the law, drafting amendments or finding other ways to dilute the actual provisions of the law; it is killing it through simple neglect. Hence, since August 2014, no one had been appointed to the post of CIC (Chief Information Commissioner) for a considerable period of time. Three posts for information commissioners also continued to lie vacant. This might not appear to be so important. Yet, as former CIC Shailesh Gandhi pointed out in an open letter to Prime Minister Narendra Modi, by delaying these appointments the government was rendering the law "dysfunctional." (EPW Editorial, 2015a,b).

5. THE SHADOW OF COVID-19 ON THE RTI REGIME IN INDIA

Covid-19 pandemic in the year 2020 has brought to the forefront several discrepancies and deficiencies within the information regime in India which has shook the strong foundation built by the RTI Act ever since 2005.

Data regarding the well-being measures for the migrant workers, total number of migrant workers, the number of workers affected by the pandemic etc.; Data regarding ration and food grain distribution across districts; Information about Covid-19 treatment centres and regarding decision making process as to the acquirement of PPE kits and information regarding the actions taken against police personnel for their impunity against innocent citizens of the country during the pandemic- All of this is missing in the public domain and efforts made to gain such information are also curbed. (Transparency International, 2020).

The pandemic is the scapegoat for the failure of the information regime to function properly. During a pandemic that has created havoc not only in India but all around the world and that has put not only lives but livelihoods of people at stake- it becomes very important that information flow does not get hampered. The Right to Information Act 2005 must continue to ensure accountability and empower citizens to seek information during these difficult times especially information regarding the crisis management. (STR, 2020).

Instead of turning the citizens into passive consumers of information provided by press releases of respective government departments; advertisements; TV and newspaper reports etc. the RTI Act should have become a formidable weapon in the hands of the citizens to make sure that the transparency regime does not suffer a setback due to the Covid-19 crisis. Essential issues of public importance on which information must be readily made available to the public specifically if a RTI has been filed, have been kept under the wraps by the government. Instance of such escapist attitude can be seen in the refusal by the PMO to provide information regarding PM Cares Fund stating that it is not a public authority and the refusal of State Bank of India on the premise that it is a third party in the matter. Details regarding the public fund which is being used to manage the crisis are not being revealed to the public.

Another phenomenon is that there has been a relative lackadaisical attitude of the authorities towards the information seekers as RTIs are transferred from one public authority to another as was the case in the RTI filed to get details of the list of Covid-19 treatment facilities in the different districts. Suo Motu disclosures under the RTI Act have also been apathetically ignored by the authorities especially those related to health, migrant labourers, finances etc. Instead of voluntarily publishing data on the website portals and providing as much as information as possible to the public regarding the true pictures of the Covid-19 pandemic in India- the authorities are utilizing all kinds of tactics to undermine the sovereignty and right to freedom of information of the citizens.

The institutional establishments put in place to uphold the sanctity of the RTI Act in the form of Central Information Commissions (CIC) and State Information Commissions (SICs) have proven to be a failure during the pandemic. Though the CIC has been operating; hearing cases through audio/video conferencing; conducting trainings/webinars/conferences with various stakeholders regarding how to deal with the Covid-19 situation; accepting appeals and complaints online and so on; but it has been rendered headless as the Chief Information Commissioner retired in August 2020.

The state information commissions of Assam, Bihar, Goa, Rajasthan and Uttar Pradesh were also headless. Several SICs did not work during the lockdown phase and had minimal staff members that were present at the office but no hearings were held like in Haryana, Rajasthan and Uttarakhand SICs; landline numbers of the SICs and mobile numbers of many information commissioners and secretaries of SICs were unavailable and websites of Bihar, Madhya Pradesh and Nagaland SICs remained inactive during the pandemic. (Transparency International-STR, 2019).

During pandemic video conferencing was being used a tool for hearings by CIC and six SICs; whereas the rest 22 SICs had failed to resume their work and staffs of the SICs are enjoying the paid leave despite many free platforms coupled with low cost data plans are available for digital connectivity. Already backlog of cases has been an issue plaguing several of the SICs and their being not functional during the times of crisis is just adding to the backlog. It is pertinent to mention that CIC alone cannot take the burden of upholding the transparency regime in the country.

The state information commissions which have a wider reach and capacity should have come to the rescue and heard matters of public importance on priority basis. These should have provided online facility to the public to put forth their grievances and get information which is a significant foundation of a democratic country like India. Such low performance on the part of the information commissions and the dismal image of the information regime in India has not battered down the spirit of the citizens of the country especially the RTI activists and RTI users spread across the country. Technology has been leveraged to bring together RTI enthusiast across the country on online platforms to discuss and debate around the RTI Act; its implementation and future in the context of Covid-19. It is hoped that the officials take inspiration from the undying fortitude of the citizens of the country and start taking their responsibilities

6. CHALLENGES BEFORE THE RTI ACT

With the implementation of RTI Act, RTI officers and activists are facing some challenges which include harassment and victimization. People have got the right to ask information from Indian bureaucracy, but there is a strict lack of adequate protection and maintenance of records in the offices. The staff strength is insufficient for the adequate functioning of the RTI and those who are appointed as RTI officers also have to look after the daily work of their department. Overall, the applicant is not sure whether he will get the information within 30 days. The Government Secrets Act - 1923 also becomes the main impediment to the transparency of information at times.

Social change has always aroused fear in the hearts of the well-to-do. Today, the right to information is slowly but steadily moving towards success. The section which has enjoyed facilities from the old system has also been trying to end the sharpening of this act from the very beginning. With the attitude of some information commissioners, the possibility of this law being divided has also been strengthened.

The persecution of the workers connected with the right to information is still going on and the Central Information Commission, Central and State Government are unable to give full protection to those workers, needlessly avoiding being harassed. They do not have any policy / rules for this. Even after waiting for several months, the information sought is not found or is incomplete and misleading. Even after that, even if an applicant dares to go to the Information Commission, even then many commissioners do not take any action against the administration.

The increasing incidents of attack on RTI activists should not deter the public spirited persons who have taken upon themselves the task of being 'scavengers' to cleanse the dirt of corruption and malpractices in public administration system. The manner in which the Amit Jethgwa was shot dead by unidentified men near the Gujarat High Court in Ahmedabad, is shocking. He fought against the illegal mining lobby in Gir forests. His murder by the 'mining mafia' is a big loss to the RTI movement. The question of protection of whistle blowers caught the nations' attention when Satyendra Dubey, engineer and project director, National High Way Authority of India (NHAI), was killed in Gaya, Bihar, in 2003. The murder of Manjunath Shammugham, an Indian Oil Corporation sales manager, for having exposed the mafia role in petrol adulteration, shook the nations' conscience and brought renewed focus on the need for a law to protect the whistle blowers (Kamla, 2012).

The situation is such that despite all efforts, we are still standing in the same place where many decades ago were standing. The sacrifices of revolutionaries are being made useless for which post-independence India was more important than independence. Did the torture given to those revolutionaries not budge? Can our oppression or any failure break our intentions, this question is standing before us today? Workers associated with the right to information should be organized and agitated to use this right more strongly and its full empowerment. The country is ours, the government is also ours, so we all have the responsibility to keep our house clean. Therefore, we must fully perform our duties to protect our authority.

There is a lot of uneasiness about this act among the people working in the old work culture, old thinking, administrative apathy and babushahi style (Bureaucratic Way), and such people (RTI) are kept inside. Due to this, 40 percent of the applicants did not get any information in 30 days. Even if found, only 30 percent got the information and that too was wrong, incomplete or misleading.

No such mechanism has been created in RTI to know which applicant got information or not and neither the concerned department. The section fulfils the moral & legal responsibility of giving a copy of the reply to the information sought in the RTI Cell. There is a severe shortage of staff in the RTI cell. Under the RTI, there seems to be a plethora of applicants, but the attitude of the administration to increase the number of employees is indifferent, which is serious and thoughtful.

Employees are not ready to come to the less lucrative seat of RTI and employees who are also asking to come in this cell are not put here for various reasons. Public information officers have a heavy workload. Information officers have to look after their daily work as well as the work of RTI and this double burden affects the work of RTI.

In most departments, there is no Coordinator in the RTI cell to ensure that the applicant has received further correct information within 30 days. Will the administration / government sleep sometime or will it go on like this?

1. Applicants are also struggling to submit the application under the Right to Information.
2. Government officials are doing their bit arbitrary by not strictly following the law in the Information Commission. Information is available even in small matters, but policy issues, big schemes or where there is a possibility of any corruption, then government officials keep silence.
3. The right to information is being disseminated only by voluntary organizations or by some activists. The government is not taking any responsibility for the promotion of this law on its behalf. The government is not taking any interest in promoting this right. For example, during 2008-09, print media was advertised for Rs 109 crore and electronic media for Rs 100 crore, but not one of them was for the Right to Information Act 2005.
4. Under this Act, all government departments were appointed as Public Information Officers, but information officers were not given necessary facilities. Many departments have not even been given training about RTI. Room has also been made available to the RTI cell at some places.
5. In the Information Commission too, there is a pile of cases like the courts. No case is being heard soon. In fact, in Information Commissions too, there are neither sufficient number of commissioners nor necessary facilities.
6. Many tainted persons have also been made information commissioners / information officers. If they get a chance, they will destroy this law.
7. Many information commissioners do not even know the normal process of justice. Hearing of both the parties is necessary to do justice, but the commissioner summons only the applicant and completes the hearing within a few minutes. Sometimes they even decide against the applicant.

7. CONCLUSION & RECOMMENDATIONS

RTI was required in the Republic of India because there was a lack of coordination of information between the government and the public. If the government continues to present the information to the public from time to time, then there is no need for any person to get further information. Public information portal of Rajasthan is an excellent example of this.

The Chief Justice of India was brought under its purview last year but some institutions are still out of RTI. All political parties are out of its purview. In the coming time, some changes can also be seen in this law. This act is going to be a major contributor in the future as well in ensuring good governance and public participation. STR 2020 published by Transparency International India recommends the following strategy to make RTI truly effective & potent -:

Technology-oriented Regime Building a Culture of Training Enhancement of Awareness Other Measures in this tech savvy world, use of innovative technology to disclose more and more information through the government websites across all platforms including vast mobile connectivity and mobile applications, in multiple languages will in itself make the system transparent.

Training and orientation of the government officials on RTI Act, rules and recent order/judgments will immensely add to the efficiency of their respective departments. A dedicated centre to give training to the PIOs and civil society will go a long way and will equip them with desired skills. Lack of awareness among the stakeholders of the RTI Act, will prove detrimental to the objective of having a wide reach. Whereas, including an introductory material of one or two page on the RTI Act in the curriculum can help in making the youth aware of the Act, along with the citizenry as a whole.

Anonymous requests must be allowed as it will embolden even the insiders with a clean conscience to do their bit towards making the system clean. All refusals must be reasoned and appealable & time frame for the same should be reasonable enough. Maximum disposal should be the rule with narrow and clearly defined exceptions. The exemption clause in the RTI law, the expanding bureaucratic procedures that citizens must follow to actualize their right to information, and emergent modes of official communication and documentation that routinely frustrate disclosure, serve as those escape hatches; they prevent the transgression of the state-non state boundary and hierarchy, and keep the why and who of state power illegible. (Sharma, 2013)

Effective and timely appeal procedures should be in place to deliver justice/information in a time bound manner. Moreover, provisions should be made in the act specifying that no reasons are required for seeking information from public authorities.

RECOMMENDATIONS:

1. Preparing an effective legal & administrative framework which encourages free flow of information & stops undue victimization & harassment of information

seekers. Whistle Blower's Protection act should be passed immediately. The supreme court as well as the three reports of the law commission have all stressed the need for an effective witness protection mechanism in the country. On 10th March 2015, the Bombay High Court directed the Maharashtra Government to finalize, within Six months, a witness protection law that will bring whistle blowers & activists under its jurisdiction. The High Court was hearing a suo moto petition regarding the murder of RTI Activist Satish Shetty in 2010. Again, Media reports recently gave details of an affidavit filed by the Central Vigilance Commission in the Supreme court of India showing that in the 3634 complaints filled with it from 2007 to 2014, only 1063 were forwarded for action. More tellingly, 244 complaints filled by the whistle blowers of victimization & intimidation were ignored. (Editorial, EPW 2015)

2. Information delayed is information denied. Many a times information seekers get trapped in bureaucratic red tapism & supplying of information gets delayed on one pretext or the other defeating the very purpose of the Act. Even after waiting for several months, the information sought is not found or is incomplete and misleading. There is an urgent need of clearing the large pendency of applications & provisioning of additional tribunals with sufficient manpower to clear the backlog.
3. Government needs to spearhead the awareness programme regarding Right to Information act. Introducing a compulsory chapter on Right to Information Act in School /College curriculum will be an effective & long term strategy to sensitize citizens regarding this important law. Only cosmetic changes in this regard wont suffice instead the Government of India needs to make its intentions clear & loud that they are in a favour of a comprehensive law on Freedom of Information & need to ensure that matching actions are taken in this regard so as to restore the faith of commoners and activists towards the relevance & potency of RTI Act 2005.
4. Not all institutions are within the preview of RTI Act. All political parties are out of its purview. Bringing all political parties under its ambit is a sure shot way of promoting transparency at the grass root levels. In a time of deep political polarisation, refusing to comply with the RTI Act seems to be one of the few issues that has united national parties across the ideological spectrum. Despite a June 2013 ruling from the Central Information Commission (CIC) that they fall within the ambit of the transparency law, all Political parties insist that they cannot be considered public authorities under the Act. (Jebaraj, March 21, 2019)
5. Anonymous requests must be allowed as it will embolden even the insiders with a clean conscience to do their bit towards making the system clean. Meanwhile government of India should ensure the passage & implementation of Whistle blowers act so that seeking information & exposing lacunas in administration & governance becomes truly a people's right.

FOI (Freedom of Information) laws have diffused rapidly throughout the advanced democracies over the last thirty years, and their organizing 'principle - the promotion of transparency in policy-making and operations - has become entrenched as one of the main

precepts of good administration. However, the effectiveness of many FOI laws has been undermined by restructuring of governance system as well. These laws have traditionally applied to government departments or to other agencies tightly linked to these departments. As authority has shifted to quasi-governmental or private organizations, the ambit of the law has shrunk. (Roberts, 2001). Many public functions now are undertaken by entities that do not conform to standards of transparency imposed on core government ministries. There is little consensus on how to address this problem.

The RTI Act echoes the homily of James Madison who said, “A people who mean to be their own governors must arm themselves with power that information gives”. It goes without saying that RTI has done great service to the nation by empowering citizens to access information without being subjected to provide reasons for seeking the information. A large class of information is now accessible due to this act. However, this may be sufficient only to provide a sense of satisfaction to information seekers but is surely not adequate to bring in systematic reforms which the complex governance space requires. On the one hand, the credit for unearthing several modern day scams goes to RTI but perhaps the Act alone may not preclude the occurrence of similar events in future. The march from darkness of secrecy to dawn of transparency cannot be completed without the support of many other reforms. (Shreyaskar, 2014).

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