

# INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS



Open Access, Refereed Journal Multi Disciplinary  
Peer Reviewed

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# RTI ACT 2005, A APPROACH TO REAL FREEDOM IN INDIA

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& DR. MANISH GUPTA

## **Abstract:**

*The Right to Information (RTI) Act of 2005 represents a significant step towards achieving real freedom and transparency in India. This study, conducted using a doctrinal research methodology, examines the RTI Act's role in promoting citizens' right to access information and fostering good governance. The research focuses on how the RTI Act complies with fundamental rights, particularly Article 19 of the Indian Constitution, which guarantees the right to freedom of expression. Through an analysis of statutes, case law, and court opinions, this study aims to explore the impact of the RTI Act in reducing government control and empowering citizens to demand transparency and accountability.*

*The findings highlight the importance of active citizen participation in holding the government accountable for its actions. The RTI Act has proven to be a powerful tool, enabling citizens to ensure that public funds are used effectively for their welfare. The study concludes that while Indian democracy still faces limitations, the effective implementation of the RTI Act across all states can significantly improve transparency and governance. The research underscores the need for strong RTI commissions, public officer training, and increased public participation to maximize the benefits of the RTI Act.*

*The paper recommends enhancing the accessibility of information, promoting a culture of openness, and establishing national RTI helplines to further strengthen the Act's implementation. Ultimately, the RTI Act serves as a critical instrument for fostering real freedom, ensuring government accountability, and empowering Indian citizens to actively participate in the democratic process.*

**Keywords:** RTI Act 2005, Transparency, Government Accountability, Citizen Empowerment, Freedom of Expression, Good Governance

## Introduction

### Historical background

After much effort by civil society, the RTI Act was finally passed in 2005. It was the MKKS<sup>1</sup> that took the first steps which has worked hard to show how corruption and a lack of transparency are closely related. The group has been effective in Making sure minimum wage for workers on a daily basis by making muster rosters, construction-related payments, and vouchers available to the public. The NCPRI, which was formed as a result of the campaign, was made up of a wide range of individuals, including attorneys, public servants, and activists. It became evident as the movement gained traction that the right to knowledge needed to be enforceable by law. In 1996, the Press Council of India created the first significant draft law pertaining to the RTI. Every citizen's right to knowledge from any public body was upheld in the proposal. Penalty provisions for delinquent authorities were also included in the draft. The CERC draft, the most comprehensive FOI law ever put up in India, came next. It required both federal and state governments to maintain an organized record-keeping system, produce an inventory of all records within their purview, and broadcast all laws, regulations, instructions, and circulars relating to or issued by departments of the government. In linked networks, it also promoted the computerization of records.

The national and state governments would cooperate on transparency and the FOI, according to a 1997 Chief Ministers' meeting. Following this ruling, the Center committed to acting immediately, after consulting with the states, to revise the Indian Evidence Act and the Official Secret Act and enact legislation pertaining to freedom of information before the end of 1997. In order to encourage transparency, Several other measures were also agreed to by the federal and state governments. These included accelerating ongoing attempts to computerize government operations like land records, passport applications, criminal investigations, justice management, collecting taxes, and authorization and license issues, as well as creating easily accessible online data centers to inform the public about essential services. In 1997, Tamil Nadu and Goa passed the RTI legislation<sup>2</sup> and A working committee led by consumer rights advocate HD Shourie was recruited by the Indian government to write the FOI Bill, 2000, which was later amended and made law by the FOI Act, 2002<sup>3</sup>. It was widely criticized for

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<sup>1</sup> [https://en.wikipedia.org/wiki/Mazdoor\\_Kisan\\_Shakti\\_Sangathan](https://en.wikipedia.org/wiki/Mazdoor_Kisan_Shakti_Sangathan)

<sup>2</sup> [https://indiankanoon.org/doc/411331/#:~:text=\(1\)Where%20a%20public%20authority,days%20from%20the%20receipt%20of](https://indiankanoon.org/doc/411331/#:~:text=(1)Where%20a%20public%20authority,days%20from%20the%20receipt%20of)

<sup>3</sup> Jain, N. K. (2007). Right to information: concept, law, practice. New Delhi: Regal Publications. pp. 314e319.

allowing too many exemptions, both on the basis of national security and sovereignty and for requests that would require a "disproportionate" transfer of a public authority's finances. The charges that might be imposed had no upper limit. Noncompliance with an information request was not penalized.

Consequently, the law was never implemented. Because of the failed FoI Act, there was a persistent drive for an improved national RTI enactment. The RTI Bill's initial draft was presented to Parliament on December 22, 2004.<sup>4</sup> Intense debate followed, and between December 2004 and June 15, 2005, the original measure underwent over 100 revisions before passing. On October 13, 2005, the Act became operative.

### The Origins of India's RTI

All Indian people are guaranteed the basic right to "Freedom of Speech and Expression" under Article 19(1)(a) of the Constitution, and SCI acknowledges that this right also implies RTI. Many court cases from the 1970s onward demonstrate this realization in action. In the 1973 *Bennett Coleman v. Union of India* case, AIR, SC 60,<sup>5</sup> for instance, Supreme Court decided that the RTI was covered by the right to freedom of expression and speech provided by Article 19(1)(a)<sup>6</sup>. In fact, SCI has continuously decided in favor of the citizen's "right to know" throughout the years. In the *State of Uttar Pradesh v. Raj Narain* case (1975) 4 SCC 428<sup>7</sup>, Mr. Justice Mathew made it clear that "the responsibility of officials to explain and to justify their acts is the chief safeguard against oppression and corruption" and that the public does not benefit from "cover with a veil of secrecy the common routine business." In more recent times, decisions have started to concern information that is distributed by ICT. In the 1995 case<sup>8</sup>, 2 SCC, 161, involving the Secretary, Ministry of Information and Broadcasting, Government of India v. Cricket Association of Bengal,<sup>8</sup> According to SCI, the ability to send and receive information through electronic media was a part of the right to free speech. The RTI has also been acknowledged as an individual right, which is crucial for transparent and responsible

<sup>4</sup> Peled, R., & Rabin, Y. (2010). The constitutional right to information. *Colum. Hum. Rts. L. Rev.*, 42, 357.

<sup>5</sup> *Bennett Coleman v. Union of India* case (1973), AIR SC 106. <https://blog.ipleaders.in/bennett-coleman-vs-union-of-india-1973/#:~:text=The%20Supreme%20Court%20held%20that,i.e.%2C%20it%20should%20be%20reasonable>

<sup>6</sup> <https://indiankanoon.org/doc/1142233/>

<sup>7</sup> *Uttar Pradesh v. Raj Narain* case (1975), 4 SCC 428. <https://globalfreedomofexpression.columbia.edu/cases/state-of-uttar-pradesh-v-narain/#:~:text=Case%20Summary%20and%20Outcome,Prime%20Minister%20of%20India's%20travel.>

<sup>8</sup> *Government of India v. Cricket Association of Bengal* case (1995), 2 SCC 161 <https://indiankanoon.org/search/?formInput=citedby:539407#:~:text=In%20Ministry%20of%20Information%20%26%20Broadcasting,their%20choice%2C%20national%20or%20foreign.>

governance. One example of how participatory governance is a human right is in the case of PUCL, 2004 (2) SCC 476<sup>9</sup>.

The development of RTI in India has also seen several other significant turning points. In particular, the MKSS, a grassroots organization, took the initiative to encourage the residents of Bhim Tehsil, a relatively underdeveloped area of Rajasthan, to exercise their right to vote. After requesting copies of bills, vouchers, and the names of those listed on the muster rolls, the MKSS was able to obtain photocopies of the pertinent documents. Following that, the MKSS conducted several public hearings to review the data on corruption in the area that these records had exposed. Because of the strong feelings, a State Electricity Board engineer publicly returned Rs. 15,000 that he had stolen from a needy farmer. Other states started to follow Rajasthan's example in demanding the RTI, and the Chief Ministers Conference on "Effective and Responsive Government" in New Delhi on May 24, 1997, unanimously agreed that legislation relating to the RTI was required. A Working Group on "RTI and Promotion of Open and Transparent Government" was established in January 1997 by the Department of Personnel, GoI, under the chairmanship of Mr. H.D. Shouri, in tandem with the influence of MKSS and the chief ministers' efforts. The PCI, the Press Institute of India, the National Campaign for People's RTI, and the Forum for RTI jointly presented a resolution to the Government of India in February 2000 to revise the draft Bill. In May 1997, the Working Group filed its comprehensive report and proposed bill on FOI.

The "Freedom of Information Bill" (Bill No. 98) was presented to the Lok Sabha by the Government of India on July 25, 2000<sup>10</sup>. The parliament passed this bill, known as the "Freedom of Information Act," 2002, which requires public entities to provide such information upon request. However, the Act was unable to go into effect since its enforcement date was not published in the official gazette, which is a requirement for such legislation. After the United Progressive Alliance (UPA) took control of the federal government in 2004, efforts to enact legislation for the RTI were intensified. A National Advisory Council was established by the UPA to examine the FoI Act and offer suggestions for enhancing its authority and making it more progressive, inclusive, and significant. Consequently, the RTI Act of 2005, which passed through multiple legislative stages in May and June of that year, superseded the FoI Act. It

<sup>9</sup> PUCL v. Union of India (2004) (2) SCC 476. <https://lawbhoomi.com/pucl-vs-union-of-india/#:~:text=The%20Court%20recognised%20in%20PUCL,through%20a%20legally%20established%20procedure.>

<sup>10</sup> Freedom of information bill [https://rti.gov.in/rti\\_fellowship\\_report\\_2011.pdf](https://rti.gov.in/rti_fellowship_report_2011.pdf)

became fully operative on October 12, 2005, following its June 21, 2005, published in Part II, Section 1, Extension No. 25 of the Gazette of India. Additionally, it should be mentioned that in the interim, certain States had been passing regional laws in addition to the national Acts (Table 1).

**Table 1: Rights to information in Indian states**

State	Year
Goa	1997
Rajasthan, Karnataka	2000
Delhi	2001
Maharashtra, Assam	2002
Madhya Pradesh	2003
Jammu and Kashmir	2004, 2009
Tamil Nadu	1999

Source: RTI rules of states in India.<sup>11</sup>

### The RTI Act, 2005 in India

The RTI Act, which attempted to create a new academic structure for guaranteeing accountability and openness in the operation of public colleges, is a significant milestone in Indian democracy. The Official Secrets Act of 1923's previous governance guidelines have given way to OG, as demonstrated by the RTI Act. Except for those in the provinces of Jammu and Kashmir, all state, federal, and local government entities are governed by the RTI Act of 2005. Its main principles include:

- (1) Public have the RTI.
- (2) The definition of "information" provided by the Act is rather expansive. This category includes any information about a private company that a public authority can obtain under any other currently enacted law, including memos, emails, announcements, circulars, orders, logbooks, agreements, accounts, papers, samples, models, information stored in any digital format, and data about any private company.
- (3) The Act defines "record" as:
  - a) any paperwork, article, or file;
  - b) any microfilmed content, microfiche, or faxed copy of a piece of paper;

<sup>11</sup> Banisar, D. (2006). Freedom of information around the world 2006: A global survey of access to government information laws. *Privacy International*.

- c) any enlarged or not reproduction of an image or images contained in such microfilm; and
  - d) any additional content generated by a computer system or other apparatus.
- (4) The term "right to information" refers to the RTI that is available under this Act and that is controlled or owned by any public authority. It encompasses the following rights: Information may be retrieved via cassettes, floppies, tapes, video audio cassettes, or any other form of electronic format; work, documents, and files may be examined; notes, extracts, or verified copies of records or documents may be taken; and certified samples of material may be taken.
- (5) The Act specifies the procedures for gathering data and handling requests. Together with the necessary fee to the PIO or APIO, an RTI application may be filed online or in writing in Hindi, English, or the regional language of the region in which it is being filed.
- a) Information must be provided within 30 days ;
  - b) 48 hours if there is a risk to life or liberty;
  - c) The time range mentioned above does not include the time needed for communication and fee payment; and
  - d) failure to act within the allotted time is considered a refusal.
- (6) The Act has a two-level appeals process. A senior official in the organization who reports to the PIO may receive the initial appeal. The Information Commission could be the target of the second appeal.

#### **1.4 The Development of Freedom of information as a Universal Human Right**

A key component of democratic governance is FOI, which ensures that public affairs are transparent and accountable. These three elements are interconnected and contribute to the concept of OG. One hundred and eighty years later, FOI gained international recognition as the central concept driving OG. It was considered "a fundamental human right and...the touchstone of all the freedoms" by the UN General Assembly<sup>12</sup>. It was added to the UN's "Universal Declaration of Human Rights" two years later, which made it clearer that everyone has the "right to freedom of opinion and expression...and to seek, receive, and impart information and ideas through any media and regardless of frontiers"<sup>13</sup>. Most countries did not think of FOI as

<sup>12</sup> <https://research.un.org/en/docs/ga/quick/regular/1>

<sup>13</sup> Universal Declaration of Human Rights (1948), Article 19, UNGA Resolution 217 (III) A <https://www.ohchr.org/en/resources/educators/human-rights-education-training/universal-declaration-human-rights-1948>

a human right at first, even though the UN has been clear about this.<sup>14</sup>

In 2002, the Indian parliament passed the FOI Act to make the government more open and accountable. They didn't accept the National Common Minimum Program's FOI Act, 2002 report. In May 2005, both houses of government agreed to pass the RTI Bill, 2004. June 21, 2005, saw the publication of the "Right to Information Act" in the Indian Gazette<sup>15</sup>. Indian individuals now have the right to request any available information from any governmental agency under this new law. Additionally, it increases the accountability and responsibility of the government and its workers.

However, after World War II, some countries defined and made it a law that people have the "freedom of information" (FOI) or a similar phrase, the "right to information" (RTI)<sup>16</sup>. This was done because governments, particularly those in the west, sought to make government operations less secret, which is the essence of democracy. In the current digital era, the rapid expansion of electronic communication has increased the allure of obtaining knowledge. Asian nations are increasingly enacting RTI laws, demonstrating their desire to promote an accountable, transparent, and largely corruption-free political system<sup>17</sup>. To what extent is this law useful? What are the issues that hinder its practical application? How has this law changed, and what can be inferred from the way it has been handled in other nations? For instance, this essay attempts to respond to these inquiries.

A number of Supreme Court rulings concerning the Right to Freedom of Speech and Expression (Article 19(1)(a) of the Indian Constitution) have progressively expanded the scope of the right, thereby establishing the legal position with respect to RTI. The media petitioned the Supreme Court to enforce some practical implications of the right to freedom of speech and expression, which paved the way for RTI's emergence as a component of the nation's constitutional law. Cases like this are what gave rise to the idea of the public's "right to know." Here is an excerpt from the Supreme Court judgment in *Secretary, Ministry of Information and Broadcasting, Government of India and others v. Cricket Association of Bengal and others*

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<sup>14</sup> Birkinshaw, P. (2006). Freedom of information and openness: Fundamental human rights. *Admin. L. Rev.*, 58, 177.

<sup>15</sup> <https://haryanarajbhavan.gov.in/rti/#:~:text=2005%20issued%20by%20the%20Financial,to%20Information%20Act%2C%202005%20as>

<sup>16</sup> Stein, L. L., & Camaj, L. (2018). Freedom of information. In *Oxford research encyclopedia of communication*.

<sup>17</sup> Ghosh, S., & Kumar, Y. (2024). Transparency laws, corruption and the quality of government: comparing India and China. *Asian Journal of Political Science*, 1-21.

(1995). The court observed:

Citizens have the right to be involved in national matters, but that right is useless if they don't know all sides of the issues they are asked to weigh in on. When a partisan central authority, private individuals, or oligarchic organizations monopolize the information medium, misinformed citizens are the result of a combination of misinformation, one-sided information, disinformation, and lack of knowledge.

In *S.P. Gupta vs. Union of India*<sup>18</sup>, Justice P.N. Bhagwati observed:

A clear understanding of the right to free speech and opinion is included in Article 19(1)(a). The right to know comes directly from the idea of an OG. Therefore, information sharing about how the government operates must be the norm, with secrecy being the exception.

The study aims to explore how the RTI Act has empowered citizens by promoting transparency, accountability, and participatory governance. The RTI Act is viewed as a crucial tool in realizing "real freedom" for individuals by granting them the right to access government information, breaking down the barriers of secrecy that often hinder effective governance. This study investigates how freedom of information contributes to good governance by enabling citizens to hold public authorities accountable, reduce corruption, and improve decision-making processes<sup>19</sup>.

## Literature Review:

### *Public Information Situation in India:*

India's top court rulings have acknowledged the RTI, It is covered by the freedom of expression and speech clause of the constitution. The SCI rendered a significant ruling in a 1975 case contesting government control over newsprint and restrictions on newspaper distribution, arguing that "the people have a right to know every public act, everything that is done in a public way, by their public functionaries."<sup>20</sup> . In light of environmental concerns, it has been reiterated. Under the Environmental Impact Evaluation Regulation and the Environmental Protection Act of 1986, public publication and consultation are allowed under certain restrictions.

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<sup>18</sup> *S.P. Gupta vs. Union of India* <https://www.dhyeyalaw.in/S-P-gupta-v-union-of-india#:~:text=The%20S.%20P.-,Gupta%20v.,judges%20rests%20with%20the%20President>.

<sup>19</sup> Ansari, M. M. (2008). Right to Information and its Relationship to Good Governance and Development. *ICMA Lecture at UNESCO*. Retrieved May, 7, 2018.

<sup>20</sup> Factories act, 1948 (63 of 1948). (1960). Delhi: Manager of Publications.

The Factories Act of 1948 mandates that manufacturing workers be informed about the risks, including health risks, associated with their exposure to hazardous materials<sup>21</sup>. Despite these provisions, India's government structure has always been opaque, with the state maintaining the Colonial Official Secret Act and carrying on with its administrative operations in secret. The legislation governing the publication of government information in India was passed during the British administration and was last amended in 1923. It is known as the Official Secret Act of 1889<sup>22</sup>.

This law included clauses that might make it illegal to reveal even non-classified information, even though its goal was to protect information pertaining solely to the state's security, sovereignty, and relations with other nations. The provisions of the OSA were further reinforced by the Central Civil Services Conduct Rules of 1964, which prohibited government workers from disclosing any official information to anybody without authorisation. Additionally, Article 123 of the Indian Evidence Act of 1872 prohibited giving testimony based on unpublished official documentation without permission<sup>23</sup>.

The RTI Act's passage in 2005 is a commendable move. With its numerous beneficial features and obligatory rules, the RTI Act promises to guarantee that people can obtain the information they require. Since the beginning of the Act, a significant amount of work has been done on the topic, analyzing the numerous provisions, the Supreme Court's and High Courts' judicial interpretations, as well as the Information Commissions' decisions. Books on public administration were also consulted during the investigation because of the Act's obvious connection to these topics.

**Prof. Madabhushi Sridhar, RTI Use & Abuse, Allahabad Law Agency (2015).** The Information Commissioner himself wrote another book recently that details his experiences with appeals and complaints that were brought to him, exposing the misuse of Act.

**Sairam Bhat, Right to Information and Good Governance National Law School of India University, Bengaluru 2016,** Comprehensive information on the several challenges influencing the execution of the RTI Act can be found in an edited book written by the author, -a professor at the National Law University in Bangalore-.

<sup>21</sup> <https://www.indiacode.nic.in/bitstream/123456789/2379/1/A1923-19.pdf>

<sup>22</sup> The Indian Evidence Act 1872 [https://www.indiacode.nic.in/bitstream/123456789/15351/1/iea\\_1872.pdf](https://www.indiacode.nic.in/bitstream/123456789/15351/1/iea_1872.pdf)

<sup>23</sup> The Goa Right to Information Act, 1997 [https://www.indiacode.nic.in/bitstream/123456789/12093/1/goa\\_right\\_to\\_information\\_act%2C\\_1997.pdf](https://www.indiacode.nic.in/bitstream/123456789/12093/1/goa_right_to_information_act%2C_1997.pdf)

**N. Vittal, *Ending Corruption? How to clean up India*, Penguin Viking (2012).** The book by the former Federal Vigilance Commissioner examines the judiciary, bureaucracy, media, non-governmental organizations, and other institutions of democracy and provides suggestions for ending corruption in India.

**Dr. J.N. Barowalia, *Commentary on The Right to Information Act New Delhi*: (2012)** The Universal Publishing Co. In addition to compiling all of the laws relevant to the RTI, this book offers a summary of the different facets of the Act in India. The book provides a comprehensive grasp of the matter, including the recurring attempts by the Indian government to pass legislation for the administration of its vast democracy in the 21st century as a whole. Additionally, it provides a detailed and colorful picture of the evolution of the law.

### **Research Methodology:**

Doctrinal research is the basis of this study's research approach. This strategy include examining statutes, case law, legal texts, and court opinions of the RTI Act of 2005. The main objective would be to assess how well the Act complies with fundamental rights, specifically the Indian Constitution's Article 19 Right to Equality of Expression and speech.

### **Objectives of the Study:**

1. To explore the role of citizens and the government in ensuring the effective implementation of the RTI Act and its contribution to promoting transparency and real freedom in India.
2. To see how the RTI Act reduces government control and gives more power to the people.
3. To analyze the role of the RTI Act in empowering citizens through case studies.

### **Content Analysis:**

#### **Role of People in the Information Act**

The average citizen is usually busy with their daily tasks and is frequently ignorant of how the various levels of government—the Grampanchayat at the village level, the Panchayat Samiti at the Tahasil level, the Zilha Parishad at the district level, the state government at the state level, and the central government at the national level—operate. A socio-economic survey conducted in Osmanabad District revealed that 93 percent of people are unaware of the working patterns at these administrative levels. Furthermore, 87 percent of people have no information

about different types of welfare schemes issued by the government and other national or international institutions. Additionally, 92 percent of the population is unaware of their rights, and 95 percent have no knowledge of the public distribution system. Thus, the common people lack awareness of various schemes and information. This raises the question of whether the implementation of the RTI Act is feasible.

1. It is possible if people are made aware of the necessary steps they need to take. For instance, in the competition between ruling and opposition leaders, it is essential to evaluate who is performing better. To make an informed decision, detailed information about the leaders' work should be available, ensuring that valuable votes are not wasted and the correct representative is elected.
2. Leaders and their parties provide many assurances before elections, and there is a common belief that these promises will be fulfilled. However, it must be determined whether these assurances are actually completed. An Assurance Committee exists in the Legislature, and the report from this committee should be published and made accessible to the public. The public should demand that the agenda declared before elections be followed through and that work is completed as per the agenda.
3. In the democratic process, representatives, ministers, and officials are granted certain powers and rights to fulfill their duties. Information about how these powers and rights are used should be made public. For example, details about how many contractors are related to the representatives or officials and the work they have been allocated should be disclosed. The public should have access to information regarding whether representatives have misused their power and rights.
4. The government often lacks sufficient funds to implement all the welfare schemes for the people. As a result, preferences must be given to certain schemes for implementation, such as those related to agriculture, industry, education, and health. Since funds are limited, the government faces the challenge of setting priorities. If the ruling party prioritizes the industry sector and allocates significant funds to it, it is the duty of the government to explain the rationale behind such preferences. Every ruling party has its own approach, but at times, these preferences may be driven by selfish interests. It is the responsibility of the government to publish the reasons for giving preference to specific schemes. The public should be able to scrutinize these decisions.
5. Criminality is not only a concern in society but also within politics. Therefore, there is a need to publish information regarding the increase in criminal activities and the

- efficiency of the police force. It is also important to investigate whether any individuals holding representative posts in government or their offices have a criminal background.
6. Legislature is an important part of government. People should have an information related to works of legislature such as ---
    - a) How many days are there for the work of assembly?
    - b) Is the work completed in the proposed days?
    - c) How many days are wasted in clamor?
    - d) Which representative asked how many question?
  7. The judiciary is also an important aspect of our government. So people should get an information about work of judiciary such as ----
    - a) How many cases are waiting to results from how many days?
    - b) Is court process becoming costly?
    - c) Is the number of judges sufficient?
  8. The government administrative and social co-operative institutions has important place in the society. So the people should have an information such as –
    - a) Are they following the human principles/values?
    - b) Are the representative or officials browbeating as holding the official post?
    - c) Does the relatives have a particular place in the institution?
    - d) Do they give required answer in the general meeting?
    - e) Do they form any institutions for the benefit of the different types of scheme?
  9. Is the educational institution become the center of politics? All the members and trustee of institutions should have information about the educational institutions regarding working pattern.
  10. People should have knowledge about the work of bank and industry. They should have to know
    - a) How much expenditure incurred by the bank for the process of loan and recovery?
    - b) Is the investment safe?
    - c) What are the schemes for development of weaker section?
    - d) How many people of weaker section get benefited?

### **Role of Government:**

After 60 years of independence Indian people having a chance to experience the privilege of “Right to Information”. In 2002 parliament approved ‘Act to Right’ which belong to all states

and union territories. But all the states and union territories do not implement it. So that it was changed in to “Right to Information Act 2005”<sup>24</sup>. It has been implementing from 13th October 2005 in all over the country. “Right to information” act is a broad act, which is compulsory for central and state government as well as their offices and officials, executive board, legislature, judiciary etc. The institutions which have created by the government and got grants by the government should also have applicable the Right to information act.

If government required information from private institutions for the sake of public interest can also publish their detailed information to citizens. The government has issued various welfare schemes for the development of the society as well as nation. It is necessary to reach all such schemes to the common people. So the government should have to provide information about these schemes in the local newspapers, on TV Channels etc. in simple manner. This will help the people to awareness about the schemes. The government also passes various laws for the people. Very few people know about the laws passed by the government.

Therefore, the government should have to publish the various laws in simple language for the common people. The paper work in the various government departments is very complicated which common people cannot understand for example Revenue department, RTO, Tahasil Office, etc. The people exploited by the agents and officers due to ignorance of the paper work. Government should have to provide information about the work of their department in simple and local languages. The information focuses on the display board at public place or market place. The government establishes the comities on various socio-economic problems. The reports containing objections, recommendations of the various committees should have to publish. The provision of information to the populace is a constitutional duty of the government. The government should have to make available such types of reports in the bookshops of the country. This will help the citizens to understand the various welfare issues of the government. The government is required to supply information, which demanded, by the citizens, but also compulsion to the government for providing information to the citizens.

### **Raising Public Awareness and Participation**

The RTI Act in India has improved transparency and held public officials responsible by completely changing how citizens obtain government information. The RTI Act's full potential,

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<sup>24</sup> Aswale, S. N. “Role of the People and Government in the Implementation of RTI Act”.

however, can only be achieved when people understand their rights and make good use of this important instrument. For RTI to be successful in India, public outreach and awareness are essential. In order to inform the public about their right to RTI and the process for requesting information, governments and civil society organizations frequently run awareness campaigns. Certain RTI laws mandate that public officials submit reports detailing their adherence to the legislation, including the quantity of requests they have received and handled. Infractions of the law may result in penalties or punishments for public officials or authority. The Act becomes a powerful weapon for accountability, transparency, and citizenship involvement when citizens know their rights and know how to submit RTI applications. Depending on political settings, legal traditions, and the unique needs and goals of the nation or region, the actual construction and application of RTI legislation might differ greatly from one jurisdiction to another. But the fundamental ideas of RTI laws around the world—access to information, exemptions, request processes, and oversight mechanisms—are universal.

### **The Role of the RTI Act in Reducing Government Control:**

- 1. Transparency and Accountability:** The RTI Act holds government institutions accountable by providing citizens with the right to request information about governmental actions and policies. Prior to the implementation of this act, information was often kept within the bureaucratic machinery, and citizens had little access to the workings of the state. This limited the power of individuals to question government actions. The RTI Act ensures that people can request information about public spending, government schemes, policy-making, and official decisions, thereby reducing the level of secrecy that governments might otherwise maintain.
- 2. Challenging Bureaucratic Practices:** The RTI Act empowers citizens to challenge inefficient or corrupt government practices. By seeking transparency in the functioning of government departments, individuals can expose discrepancies, delays, and malpractices. This reduces the unchecked control that government officials might otherwise have over state resources, allowing citizens to demand better services and accountability.
- 3. Reduction of Red Tape:** One of the outcomes of the RTI Act is the reduction of red tape in the bureaucracy. Before RTI, citizens faced long delays and often had to go through multiple layers of bureaucracy to get access to even basic information. The RTI Act mandates a strict timeline within which authorities must respond to requests, thus reducing the time government departments have to control the flow of information.

4. **Strengthening Citizens' Power:** The RTI Act strengthens democratic practices by directly involving citizens in the decision-making process. Citizens can use the Act to question policies, demand information, and engage more actively in governance. As a result, it ensures that power is not centralized in the hands of a few government officials but is distributed, empowering citizens to be active participants in the democratic process.
5. **Encouraging Civic Engagement:** By increasing access to information, the RTI Act encourages civic engagement and activism. Citizens can now participate more effectively in policy discussions, debates, and even in holding the government to account for its promises and actions. This participatory governance model enhances the democratic process and curtails the concentration of power in the government.

*For Example:*

**The MKSS and the Right to Information Campaign**

The growth of the MKSS in rural Central Rajasthan, India's largest state, is chronicled in Section I of this case study. This peasant and worker union, which operates under the motto Equality and Justice for All, has grown to become one of India's most powerful social justice movements in just over ten years. It is well-known throughout the world for its RTI campaign. As it organised to obtain minimal public-sector salaries for its members, the MKSS discovered that the main barrier to obtaining the project data required to support the waged workers' claims was government secrecy. Mohanba, an MKSS member and ignorant waged worker, summed up the rationale behind the RTI movement as follows: "There is some magic in these official records and until we get these records, we won't get our legitimate wages."<sup>25</sup> As a result, the connection between public data, livelihoods, and fundamental rights was solidified, and thousands of Rajasthani workers began to demand their "right to information." Their efforts paid off in 2000 when the RTI, which gave all citizens access to public records, was passed by the Rajasthan legislature in response to mounting public demand.

### **Impact of RTI: Case Studies**

The RTI Act has made it possible for any resident to get information on issues that affect their lives. In India's three levels of government, the act applies not just to federal public agencies but also to state and municipal self-governing entities. As a result, Indian individuals

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<sup>25</sup> Singh, S. R. The Growing role of Civil Society Organisations in Contemporary India: A Case Study of the Mazdoor Kisan Shakti Sangathan.

nationwide have the right to request information from public entities and government grant recipients in any village, city, or district town. Citizens have creatively used the RTI Act on several occasions to resolve difficult problems, demand rights, reveal corruption and anomalies in the way public policies are implemented, pursue redress for violations of human rights and lend support to development initiatives across the board. Many different agencies are covered by the RTI Act. It comprises private organisations that are accessible to public authorities under any other law in effect, as well as NGOs that are heavily or indirectly supported by the government. The RTI Act provides broad access to information with few "exemptions." A strong information commission that has the authority to examine and overturn decisions made by public agencies is one of the essential components of an effective FOI Act. This is precisely what the Indian statute has made available. We shall discuss how the RTI has been applied to enhance Indian governance in the cases that follow. The Official Secrets Act, which forbade public personnel from disclosing any information unless specifically directed to do thus by a higher authority, governed India's entire political system.

### **Service Record Access**

In *Smt. Laishram Ongbi Tombi Devi v. Department of Power, Government of Manipur*, the complainant submitted an application to the PIO of the Department of Power on July 7, 2007, asking for details regarding her late husband's length of service with the Government of Manipur's Department of Power. However, the SPIO refused to comply. The complainant was only given copies of the sought material after bringing the matter before the state CIC.

### **Mechanism for Resolving Grievances**

In 1989, Sukhlal from Ramnagar in Madhya Pradesh's Anuppur district bought an insurance policy from the LIC of India for Rs. 25,000. September 2004 was the planned expiration date of the insurance. Due to his accidental death in January of that year, the insurance money owed to his widow was claimed. In spite of the fact that the policy provided double benefits to his wife because of her husband's premature death, LIC issued a Rs. 25,000 check in Sukhlal's name. The claim money was not provided to her despite her repeated trips to the LIC office until she submitted an RTI application in October 2006, at which time the LIC paid the entire amount owed.

### **Revealing Corruption**

A resident of Assam's Darrang district discovered that the government government was

providing the poor with free gas in cooking cylinders. Although he was among the poorest people in his area, many others had benefited from the programme. He submitted an application right away after learning about the RTI Act of 2005, requesting the list of recipients under the aforementioned programme. He was given a list of seventeen, and to his surprise, his name was at the top. Armed with this knowledge, he lodged a complaint with the Darrang district's district commissioner, and as a result, all 17 recipients—including himself—were granted gas cylinders under this programme right away. Similar to this, residents of Panchampur village in Uttar Pradesh's Banda district requested a muster roll and a description of the activities required by the National Rural Employment Guarantee Scheme (NREGS) via RTI. They carried out a thorough verification of these activities in the region after obtaining the necessary data. Numerous disparities in how the government's main programme is being implemented in the social sector were found by the poll. In an inland village in Uttar Pradesh's Banda district, there was just one teacher at the Poorva Madhyamik Vidyalaya. The teacher has long been the target of complaints from parents of students in the sixth, seventh, and eighth grades about "absenteeism." In order to obtain information regarding the school teacher's "attendance," "leave," and "medical" records, "On December 15, 2006, 15 villagers created RTI applications and delivered them to the Banda district headquarters' PIO to the primary education officer." The village school then resumed instruction after the questioned teacher was fired and a replacement instructor was hired.

### **Enhancing the Performance of Public Bodies**

An NGO located in Delhi, Parivartan, obtained documents of public works contracts in two East Delhi resettlement colonies in 2002 by using the Delhi RTI Act of 2001. Most public employees were nonstarters who simply existed on paper, according to a social audit of 68 employees later carried out by the same NGO. Additionally, Parivartan revealed that cereals and food grains were being diverted from the PDS and syphoned off via the RTI process. Based on the data retrieved, it was discovered that 94% of rice was syphoned off and 87% of wheat under PDS was sold on the open market.

Citizens' RTI applications to view their food ration records were poured into the Delhi State Food and Supplies Department. A significant reform of the Food and Supplies Department resulted from this, allowing ration card users to check their records every two Saturdays of the month, file complaints if they had any, or draw attention to inconsistencies in delivery systems or government records. In another instance, a slum dweller was told to pay a bribe of Rs. 2000

in order to receive a ration card.

A citizen with RTI rights learned of this and requested a ration card with no paying fees. He asked for a daily update on the status of his application and the date on which the PIO of the Food and Supply Office had completed processing his ration card application. Getting the authorities to acknowledge in writing the fact they had given ration cards to people who applied after him was a clever move. After those who had offered "bribes" to gain the same privilege, the applicant's ration card request was finished (via the RTI) in a record amount of time.

### **Getting Employees Their Dues**

General manager of Western Railways of India has received multiple requests for payment of pensioners' unpaid debts from the Indian Railways Pensioners Association in Bhavnagar, Gujarat State. At the December 15, 2006, pension adalat (court), 137 particular instances of nonpayment were brought, but nothing came of them. Western Railways' CPIO received a request under RTI on March 16, 2007, asking them to provide the reasons why they were not following the rulings of the highest court. Western Railways agreed to pay and cooperated (Ministry of Railways, 2008).

### **Polluting Factory Closed**

In 2007, RTI successfully closed a polluted plant in the Vishwas Nagar neighbourhood of East Delhi. A local polluting industry was the target of a complaint made by local resident Kapil Jain in August 2003. He was notified by the pollution control committee in Delhi in September 2003 that the unit had been deemed "illegal" and that it was to be sealed.

### **Facilitator of Development Schemes**

On November 18, 2006, five villagers in Uttar Pradesh's Bahraich district filed a request under the RTI Act to find out why the hamlet had not received any government funding for the construction of roads or drainage. The reason behind the lack of house allocations under the Indira Awas Yojna Scheme (IAYS) was another question they sought to answer. The administration reacted right away. Road and drain construction got underway, and checks for the building of the dwellings under the IAYS were also given out.

## Conclusion and Recommendations

If the Right to Information (RTI) is implemented effectively across all states of India, Indian democracy can become an ideal model in the world. Currently, Indian democracy still faces limitations in transparency and clarity, but the active participation of the people can make a significant difference. Through RTI, citizens can ensure that welfare funds allocated for their development are not misused or diverted. This participation empowers people to demand accountability from the government and ensures that the decisions made by the government are transparent, well-founded, and for the benefit of the public. It is no longer just about voting every few years; now, people have the right to question the government's decisions, understand the reasons behind them, and hold officials accountable. RTI has become a powerful tool, a new weapon in the hands of the citizens, reinforcing their freedom and strengthening the democratic fabric of India<sup>26</sup>.

To conclude, recalling the words of Mahatma Gandhi: every common person is vital in a democracy. They are not dependent on the government; rather, the government is dependent on them. They are not an obstacle to government work, but the very purpose of it. It is through the active participation of the people that the government has the opportunity to serve them. Officials and representatives should internalize this mindset, realizing that their duty is to serve the people loyally and without corruption. The RTI Act implementation ensures an efficient and transparent administration, and it is crucial for the government to take an oath to honor this act.

Maharashtra is currently in the lead in implementing the RTI Act, with thousands of applications submitted annually, followed by Karnataka and Rajasthan. This development demonstrates the RTI Act's enormous potential to enhance governance. In order to completely empower Indian citizens and safeguard their right to obtain information, all states should enact and enforce the RTI Act. This will increase government accountability and transparency.

The following recommendations aim to harness the benefits of RTI legislation for citizens:

1. Establishment of a strong and independent RTI commission.
2. Provision of comprehensive training regarding RTI laws to the public officers and officials.

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<sup>26</sup> Langdon, S. (2005). Transparency and “good governance:” the role of freedom of information laws in Canada. In *X Congreso Internacional Del CLAD Sobre La Reforma Del Estado y de La Administración Pública*.

3. Enhancement of the accessibility of information to everyone, by using online technological facilities.
4. Promotion of the public participation through increasing the involvement of citizens, stake holders of civil society, various organizations in public importance matters.
5. Develop a culture of openness and accountability in governmental functions.
6. Make the RTI law easily accessible to all citizens.
7. Establish a national RTI helpline or a complaint center.

This list of recommendations is not exhaustive, but it is the outcome of the aforementioned comprehensive discussion. By integrating these recommendations, government can enhance the usefulness of the RTI, and citizens will reap the benefits of RTI legislations. The RTI is a powerful tool, yet it is not magical. Its usefulness relies on its vigorous implementation and enforcement. It is a continuous process. This valuable tool benefits not only citizens but also governments because it offers them also an opportunity to enhance their performance and to foster trust with their citizens.

#### **Limitations of the Study:**

- **Limited Case Study Scope:** The analysis may not cover all possible regional or institutional variations, potentially overlooking unique challenges in different parts of India.
- **Absence of Empirical Evidence:** The study does not include direct interviews or surveys with citizens, which could provide valuable perspectives on the real-world effectiveness of the RTI Act.