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## Avinash Kumar



*methodology and teaching and learning.*

*Avinash Kumar has completed his Ph.D. in International Investment Law from the Dept. of Law & Governance, Central University of South Bihar. His research work is on "International Investment Agreement and State's right to regulate Foreign Investment." He qualified UGC-NET and has been selected for the prestigious ICSSR Doctoral Fellowship. He is an alumnus of the Faculty of Law, University of Delhi. Formerly he has been elected as Students Union President of Law Centre-1, University of Delhi. Moreover, he completed his LL.M. from the University of Delhi (2014-16), dissertation on "Cross-border Merger & Acquisition"; LL.B. from the University of Delhi (2011-14), and B.A. (Hons.) from Maharaja Agrasen College, University of Delhi. He has also obtained P.G. Diploma in IPR from the Indian Society of International Law, New Delhi. He has qualified UGC - NET examination and has been awarded ICSSR - Doctoral Fellowship. He has published six-plus articles and presented 9 plus papers in national and international seminars/conferences. He participated in several workshops on research*

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# **Right To Information: A Multifaceted Strategy For Effective Administration, Combating Corruption, And Promoting The Welfare Of The People**

Authored By - Divyasiri Rao Budhala

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## **ABSTRACT**

As one of the largest democracies in the world, India requires active participation on all fronts to achieve the goal of good governance, and the Right to Information Act serves as an index to measure a country's growth, development, and governance, allowing citizens to participate in discussions concerning the country's issues or interests. In this paper, the researcher will study the interpretation of the Act while also going through some case laws that defined the implementation of the legislation. Furthermore, the paper aims to examine the effectiveness of this Act as well as identify possible drawbacks and explore solutions to them.

*Keywords: Corruption, Democracy, Good Governance, Public Accountability, Public Welfare, Right To Information, Right To Know, Transparency*

## **INTRODUCTION**

Transparency, openness, and accountability are fundamental features of any democratic system. It is an essential condition of an inclusive democracy, especially in terms of administration. As a democratic country, particularly as the world's largest democracy, India faces a plethora of expectations and beliefs that it must live up to. One of them is to uphold the right to know of an Indian citizen. In India, authorities of administration and public officials are given broad powers and a lot of discretion in matters affecting the people of the country, raising concerns among legislators and the society at large that this could contribute to abuse of authority and misuse of power, resulting in maladministration and corruption. To keep the system of checks and balances in place and to ensure accountability, the general public should

have access to information about the behaviour or actions of public officials. Needless to say, the strength of a democracy depends on the unfettered flow of information. Every person has an inalienable right to information, along with the freedom to express themselves. This right includes the freedom to develop public opinions while also securing the freedom to pursue, acquire, and impart information and ideas from administrative authorities and public officials.<sup>1</sup> This is where the development and enforcement of the Right to Information Act comes in.

The right to information entails that the public have the ability to participate in administrative processes by obtaining information held by government officials about the decisions they take for the welfare of the general population. It is a trailblazing tool for Indian citizens in fostering, preserving, and safeguarding their right to know. Prior to this Act, the accountability of public authorities was pretty much non-existent. The general public had no legal right to seek information about policies that affected them, what procedures were followed, or how programmes were to be implemented. Not surprisingly, the secretiveness that existed under the cloak of confidentiality from pre-independence until years after gaining independence led to rampant corruption. The lack of transparency and accountability in government authorities and administrative processes not only caused inefficiency, but also prolonged poverty of all kinds, including nutritional, health, and educational deficiencies. In order to correct these issues, the United Progressive Alliance I (UPA) government implemented the Right to Information Act (RTI) on June 15, 2005, and it took effect on October 12, 2005.

The RTI Act puts into place a structural scheme for fostering people-government alliance in the enactment of public-welfare programmes. And while it does protect the freedom of information, promote accountability, and combat corruption; as a fundamental principle, there is always room for a more effective implementation. This study therefore focuses on examining and evaluating the current implementation of the RTI Act, as well as identifying any lacunae and suggesting strategies to address them.

## RESEARCH & ANALYSIS

To gain a moderately good understanding of the act and its interpretation, the researcher will

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<sup>1</sup> Kar, Subhankar *"RIGHT TO INFORMATION" A HELPING HAND OF TRANSPARENT GOVERNMENT*. Available at: <https://cic.gov.in/sites/default/files/RTI%20a%20helping%20hand%20of%20government.pdf>

analyse the concept using three prongs: first, understanding the constitutional facet of the right to information, second, analysing the right to know in relation to the doctrine of public accountability, and finally, analysing the act's overall impact on the society.

### **I. Right To Information; A Fundamental right**

The concept of the Right to Know is relatively new, but it has its origins in the **Bhagavad Gita**. Text 17 of Chapter 4 of the Shree Bhagavad - Gita grants the right to know their activity, inaction, and prohibited action. It's difficult to grasp the complexities of action. As a result, one must understand the distinctions between action, criminal behaviour, and inaction.<sup>2</sup> To put that into effect, the concept of Right to Know becomes paramount. It is a legal right to know about how the office operates unless prohibited by law. They provide people with information about the hazards connected to their options and give them the option of deciding whether or not to take those risks. The promotion of collective decision making and the influence of regular people is another benefit of legislation guaranteeing the right to know. If citizens have better access to information, they can participate in governance, and other political decisions on a more equal basis. In recent years, nations, international organisations, civil society, and the general public have undertaken an unrelenting global push to recognise the Right to Information as an intrinsic right given to a person. India is also not far behind other countries in recognising the Right to Know or the Right to Information as a fundamental right.

#### **A. Constitutionality of the RTI Act**

Considering the Roman law principle, '*the welfare of the people is the supreme law.*', it's understandable that the maxim generally implies that the law exists to serve the common good. These are the governing rules of the Indian's Constitution. The State has been allocated the positive role of assisting the public in realising their rights and needs, and in doing so, Indian courts have frequently given expansive interpretations to Article 21 of the Constitution, which provides the fundamental right to life.

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<sup>2</sup> Bhaktivedanta swami prabhupada A.C, Gito- upanishad, bhagavad-gita as it is, 2nd ed., Mumbai, the bhakti Vedanta book trust ,pp. 216-217, 2010

The “right to life and the liberty of the individual” is outlined in **Article 21**. These are broad terms that cover a variety of rights and qualities. Other provisions can be found in Article 19. The right to free speech and expression is contained in **Article 19(1)(a)**. Knowledge and information are required to exercise this right. The lack of bonafide data and particulars on issues concerning public interest only serve to push falsehoods and conjectures, as well as baseless charges against people and organisations. As a result, the Right to Information is regarded as inherently preserved by the Constitution, as part of the right to free speech and expression.

The Apex Court interpreted Article 21 to encompass the right to know in **Reliance Petrochemicals Ltd v. Proprietors Of Indian Express**<sup>3</sup>. The freedom to information was asserted by the Court to be an essential component of participatory democracy. The term “liberty” needs to be given a more expansive definition in light of international movement and cooperation in various spheres, including human rights. Even in **S.P Gupta v. Union of India**<sup>4</sup>, the court acknowledged the Right to Know as inherent in the right to free speech and expression, i.e., Art. 19(1)(a). Similarly In **Bennett Coleman & Co. v. Union of India**<sup>5</sup>, a landmark decision involving freedom of press in India, it was seen that *“Freedom of speech and expression includes within its compass the right of all people to read and be informed.”* Therefore, Article 21 preserves the right to know, which also encompasses the right to information. Considering Article 21 has a much wider purview and scope than Article 19(1)(a), it is imperative for the court to broaden its jurisdiction through judicial activism.

## **B. Object of the RTI Act**

The Right to Information Act's primary objectives are to equip citizens with knowledge, encourage accountability and transparency in government operations, counter corruption, and uphold democratic values. The courts have already acknowledged the right to information as an element of the fundamental right to free speech and expression. This Act is therefore necessary to give this

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<sup>3</sup> Reliance Petrochemicals Ltd vs Proprietors Of Indian Express 1989 AIR 190

<sup>4</sup> S.P Gupta v. Union of India AIR 1982 SC 149

<sup>5</sup> Bennett Coleman & Co. v. Union of India AIR 1973 SC 106

right a legislative framework.

The Act represents a significant advancement in educating the populace about government operations. Without access to information, a democracy cannot truly function. People need assistance in order to stay up to date about both current affairs and major socio-political, legal and matters of the economy. The open interchange of thoughts and uninhibited discourse are fundamentally favourable for the development of a democratic country. In addition, other fundamental rights like the freedom of speech and the right to education are intrinsically related to the right to know. Considering this perspective, information becomes an extremely significant asset and access to the same should be made even-handed.

## II. Doctrine Of Public Accountability

Accountability entails being able to explain or justify events or operations, as well as accepting responsibility for one's own actions in relation to those events or operations. Accountability is especially important in the public sector. Public accountability is the responsibility to be held to an appropriate standard of account for the execution of duties that largely influence the general public. It is the requirement to respond to a delegated authority. When public authorities undertake activities that have a considerable effect on the general public, the obligation to respond publicly arises as a duty of fairness. As a result, the obligation extends answering to formally or legally affected tasks. It is thus important in order to prevent public officials from abusing their authority more frequently and to provide victims of exploitation with a just and timely remedy.

The public's interest is not served by officials *“covering with a veil of secrecy the regular routine business - the responsibility of officials to explain and justify their activities is the chief protection against oppression and corruption,”* as it was plainly stated in **Indira Gandhi v. Raj Narain**.<sup>6</sup> The principle of public accountability therefore has grown in popularity as a component of administrative law over the past ten years. It is about holding oneself accountable for how legally conferred

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<sup>6</sup> Indira Gandhi v. Raj Narain, Appeal (civil) 887 of 1975

discretionary powers have been used in the public interest. It is fundamental to our system of government that those who have been delegated such powers and responsibilities exercise them fairly and in accordance with the law in the public interest. The court emphasised the importance of open government in the case of **SP Gupta v. Union of India**<sup>7</sup>, holding that the reason for demanding openness in government functions is because of the people's right to vote and choose their representatives for the next 5 years, and then returning to their cocoon with no interest in the government does not constitute democracy. Only through open government can political accountability, freedom, bureaucratic accountability, information availability, efficacy, efficiency, law-abiding citizens, and cooperation between government and society be ensured. A government whose representatives are held responsible for their behaviour cannot have secrets, the Supreme Court said in **Raj Narain v. State of Uttar Pradesh**.<sup>8</sup> The Court also emphasised the liberal countries' favourable tendency toward transparent governance in S.P. Gupta, and ruled that India should not be an exception to this emerging democratic culture. Even in the case **Dinesh Trivedi v. Union of India**<sup>9</sup>, it was established in 1997 that major government decisions and their rationale must be made public in order to guarantee public involvement in the democratic process.

However, because of the numerous obstacles, the practical application of the doctrine of Public Accountability in India has been less successful. Many systems have been put in place for the purpose of formal accountability, such as laws governing access to information and e-governance, but they have not been used to their full potential. One among several reasons for low public participation is a lack of understanding of how the government operates. That being said it is also worth noting that, despite the drawbacks in enforcement of this doctrine, this act is a powerful tool in the fight against corruption. According to the Corruption Perception Index, the main result of RTI is a gradual reduction in corruption in India (CPI). Transparency International's Corruption Perception Index allows us to analyse the level of corruption in India, as well as the level or position of other countries through its system of scoring and ranks. Transparency International publishes the CPI every year to rank countries. The CPI

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<sup>7</sup> *Supra Note. 3*

<sup>8</sup> *Raj Narain v. State of Uttar Pradesh*, 1975 AIR 865

<sup>9</sup> *Dinesh Trivedi v. Union of India Appeal (Civil)*, 2106-2109 of 1995

ranks countries based on the perceived corruption of their public sector. Corruption is the misuse of power for personal gain. It generally refers to illegal activities that are brought to light only through scandals, investigations, or prosecutions. As a result, as previously stated, the Act's implementation has had a consistent impact on the reduction of corruption levels in the country.

### III. Analysis of the Act's effects on society at large

Approximately seventeen years after its implementation, the RTI Act has received a generally positive response. Ordinary citizens are gradually realising the importance of information and have begun to exercise their rights in increasing numbers; public authorities are also becoming aware of their responsibility to provide information and uphold transparency and openness in public operations. While this Act has been carried out throughout the country, the rate and scope of execution vary by state. This Act has resulted in a “dramatic” change in the functions of the government and bureaucracy. The era of closed, secretive, inaccessible, hidden, inward-looking administration was over. The various government departments are gradually but steadily being trained to discharge the provisions of the Act effectively. The last ten years’ experience has revealed that different social strata use this Act for a variety of reasons. Since many citizens have a strong desire to fight against corruption, the RTI Act has generally been successful in stopping officials from acting irresponsibly or engaging in political or administrative wrongdoing. Most of them, as long as the Public Information Officers in question behaved appropriately, have successfully defended their civil liberties.

While it is one of the country's most stringent laws, simply granting the right is insufficient. The smooth operation of the Act is found to be hindered by a number of roadblocks, and these must be amended to bring about widespread administration transparency. The RTI Act is a fantastic tool for learning about government functions, but it can also be used to cause unnecessary uproar and harassment. Several concerns have been raised, apart from abuse of the Act, such as blackmailing officials, and putting pressure on the government's coffers. In **R.C Jain v. DTC**<sup>10</sup>, the CIC dealt with harassing and repetitive applications, citing technical flaws in the Act such as: recurring petitions and repetitions, placing RTI abusers’ data in the public domain, and no

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<sup>10</sup> R.C Jain v. DTC [1997] 2 S.C.R. 403

procedural bar regarding use of the Act, and no legal provision to penalise the abuser, and so on. In addition, other procedural impediments to the Act's successful implementation have been discovered, such as the non-designation of RTI functionalities in many organisations. There are other flaws, such as misuse and procedural and technical issues. Another drawback is the lack of contempt provisions. The Act states that the decisions of the CIC will be binding, but the contempt provision is missing, so it cannot publicly enforce the decision and order citizens to observe the rules put forth by it. The absence of 'contempt of court' results in non-fulfilment of the CIC's order. Therefore, there must be a provision to this effect in this Act.

One last issue is the legal quandary between Right to Privacy and Right to Information. In essence, a citizen's right to privacy refers to the freedom to decide for themselves under what conditions and with whom they will reveal their personal information, as well as how much of it they will share. Alternatively, the right to information protects citizens' ability to look for information on government operations from reliable official sources. The right to privacy and the right to information might initially seem irreconcilable. However, laws governing privacy and the right to information are complimentary rights that support people's right to privacy and government transparency. It is necessary to reconcile and harmonise the two rights that are in conflict. The difficulty lies in defining or limiting how much private information might be divulged. The amount of a person's private information that must be divulged depends on the matter of public interest for the benefit of society as a whole, even though there is no precise or straightforward method to draw the line between divulgence and non-divulgence. Rather, circumstances and contextual priority must be considered.

## **CONCLUSION & SUGGESTIONS**

A democratic government is built on the pillars of transparency and reasoned accountability, because putting the will of the people into reality and being accountable to them for it is the primary objective of a democratic government. The free exchange of thoughts and information determines the rate of development and the population's well-being. The right to information

is an essential constituent of action-based democracy because it leads to notions of accountability and good governance to come through. Thus, access to information not only fosters administration openness, transparency, and accountability, but it also makes it easier for citizens to actively participate in democratic governance. The implementation of the Right to Know, also known as the Right to Information, is therefore a significant step toward a more informed and prosperous society. However, in any case, this legislation does have its flaws and disadvantages. Therefore, steps must be taken to improve the RTI Act, which is critical to Indian democracy. The right to information movement is as vibrant in India's marginalised communities as it is in the media and in scholarly publications. Public awareness efforts should highlight the RTI's usability and effects, especially for the poor and marginalised, who suffer more harm than the general population. It has also been long overdue for non-governmental organisations and the media to play a part in this. Therefore, the primary step is to work at the grassroots, and then further on, in order to effectively combat the deficiencies in its execution. As a result, protesting the lacunae in effective implementation of the legislation is inadequate and not fruitful, one must instead support this initiative in order for the law to advance and change.

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