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RIGHT TO INFORMATION ACT

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ABSTRACT:

The Right to Information Act of 2005 is one of India's most well-liked, revolutionary, and ambitious pieces of legislation. The Right to Information Act was passed by the United Progressive Alliance-1 (UPA) government in 2005 (during the 14th Loka Sabha), which was led by Prime Minister Dr. M. Manmohan Singh. Indian citizens are more equipped to combat administrative corruption and erratic/ineffective administration thanks to the Right to Information Act. By passing this law, the government and administrative activities, plans, and procedures are made public to the general public. In a democracy of the people, the government should be responsible and answerable to the people. As a result, the government makes information about documents, files, and sample materials available to people upon request. Information Right is also a component of the Supreme Court's ruling in Raj Narayan v. Uttar Pradesh Government. Article 19(1)(a) of Part 3 of the Indian Constitution includes the right to information as one of the fundamental and constitutional rights. The Right to Information Act ushers in a new phase in the political history of the Indian Democratic Republic. A historic Right to Information Act was passed in India in 2005 as a result of a national effort organised by grass-roots and civil society organisations. Since then, the Act has been successfully used by social activists, civil society organisations, and regular people to combat corruption and promote greater transparency and accountability in government. The Right to Information Act repealed the Official Secrets Act of 1923, the Freedom of Information Act of 2002, and numerous other legislation enacted by the union legislature during the British Raj. A section of the Right to Information Act allows for the appointment of Public Information Officer (PIO) and Assistant Public Information Officer (APIO) in every public authority, private aided and unaided private educational institutions. PIO and APIO is answerable to the public request related to information within time limit of 30 days. In case the PIO and APIO fail to provide the information to applicant, respective PIO is held responsible to

pay penalty of Rs. 250 per day to up to rupees Twenty five Thousand.

AIMS AND OBJECTIVES OF THE STUDY:

The study concentrates on whether the implementation of RTI Act in Administration and Government machinery, especially Aided degree colleges and Government degree colleges in the Collegiate Education Department and District and Taluk administration under the Revenue Departments. The Revenue Department (RD) is mass citizen grievances centric and larger number of services providing agency in Karnataka. Deputy Commissioner of the District and Tahasildar of The Taluk is discharging agency of the RD services. The Department of Collegiate Education (DCE) is a specialized division. Little percentage of the youths connected with higher education (College Education) in this Department. The study gives priority to comparative study and analysis of RTI implementation in different nature and work oriented. The comparative study gives us the informative how the RTI is functioning effectively in colleges and how it is helpful to students. Its objectives are-

- To study the effective implementation of RTI with public participation in the Department of Collegiate Education and revenue Department.
- To find out the new methods for effective implementation and enforcement of RTI Act in administration. • To understand the living conditions after the RTI implementation, working process and problems in private aided colleges.
- Comparative study of private aided colleges and government colleges under DCE and Deputy Commissioner Office, Taluk Tahasildar office in RD with regard to implementation of RTI.
- To find out the best practices of RTI and study the changing role of PIO's in Revenue department and colleges with respective regular work.
- To find out the new routes to RTI process for smooth running with Utilization of Science and Information Technology to effective working of RTI. Significance of the Study The Department of Revenue is a civic service related department in Karnataka state and most of the Government services are delivering through different agencies.

Revenue administration service delivery determines the quality and efficiency of the Government. In recent survey discloses, the department of revenue received the highest number of RTI applications and also second appeals registered in Karnataka Information Commission. This study tries to deal what are the problems in RTI implementation and suggest how to encounter the

troubles with empowering of PIO's. Department of Collegiate Education (DCE) is a sub branch of under Higher Education in Government of Karnataka. The DCE is monitoring the undergraduate colleges. 411 Government First Grade Colleges and 354 Private Aided First Grade colleges are working under the department. The study tries to assess the institutional response to RTI applications and what is the role of PIO's and findout the problems and also suggest remedies to over come. Scope and Limitations of the study The study examines institutional aspects of RTI application process and disposes by PIO's in the Department of Revenue and Collegiate education. The study covers Deputy Commissioner, Assistant Commissioner and Tahasildar of Revenue Department and this study will be conducted by taking survey on RTI matter related in 411 government colleges. The whole study is limited to the RTI act and its working process and effects on Administration.

HYPOTHESES:

- Most ambitious RTI Act is suffering from PIO's mismanagement and negligence. The training is Empower to PIO's is fulfilling the lack of knowledge.
- Few people misguided and misuses the RTI Act. The act has both positive and negative impact on administration. Negative attitude create lack of confidence to public.
- Information must be available to the public through oral communication with PIO's in particular issues. The telephonic information system reduces more than 40% of simple information based applications.
- Monitoring body of RTI Information Commission is failed to lead friendly to both public and public authority.
- RTI is not working properly in Private aided and unaided educational institutions, they are not considering it seriously.

THE RESEARCH METHODOLOGY:

The study focuses on the processing and performance condition of RTI in both Collegiate Education and Revenue Departments. Structured and semi structured Interview conducted with some randomly selected PIO's for the understanding the standing problems in RTI and interact with eminent RTI activities is the part of research agenda. The research program considers the experience from some RTI applicants and civil society groups. A survey also conducted for getting the opinions from expert like Information Commissioners and writers is becoming the part of in this research in primary data. Major secondary sources is depending on hard and soft copy of

departmental annual reports of RTI and KIC annual reports and different journals, Information Commissions judgments and website data were taken into consideration for the analysis. The methodology is a combination of a questionnaire based survey and qualitative discussions. The study refers to the RTI inward and outward registers in public offices, responses to applicant request and fee related issues and also appeals. Interview and interact will be conducted with 4 different Deputy Commissioners from 4 administrative divisions, 4 Tahasildars from each divisions (Total 16 Tahasildar offices) in RD. In DCE 30 government college and 30 private aided college heads and PIO's selecting on the basis of Random. While the results of the questionnaire, survey reported in quantitative terms, this analysis in indicative of the broad features. The results of the survey were checked many times in Focus Group Discussions which form the basis of the thesis's insights. The data will be collected through the method of structured questionnaire. Some information will be collected through informal and formal discussion with the selected RTI applicant respondent in face-to-face situation and through observation to assess their opinion and levels of awareness. Monographs and published works of various writers, social workers and individuals will be gathered on various issues dealt in the different three reports.

INTRODUCTION:

The right to information act 2005(RTI) is an act of congress of India “ to give for setting out a practical governance of right to information for citizens. ” The Act applies to all countries and union homes of India except the state of Jammu and Kashmir. Jammu and Kashmir has its own act called Jammu and Kashmir Right to information act 2009. Under the vittles of the act, any citizen may request information from a “ public authority ”(a body of government or “ instrumentally of state ”) which is needed to reply expeditiously or within 30 days. Information is an inalienable and natural right of every human being. In a popular country each person has the right to freedom of opinion and expression. This right includes right of holding public opinion and to seek, admit and conduct information and ideas from the public authorities. The available and applicable information helps citizen to live a staid life in a cultivated society. The Right to information Act 2005 enables every citizen access to public information from government records. before this access was available to citizens of only nine countries in the country but with the administering of the Central Act on 12th October 2005, this right is now available to every citizen. Freedom of information brings openness in the administration which helps to promote translucency in state affairs, keep government more responsible andultimately reduce corruption.4 Governance and good governance have come the theme and matter of discussion and

reflections. Government has played a vital part in the life of man. The act and process by which a government governs our people is called governance. The need of good governance is widely accepted. It has honored that the state and its ministry should work for the weal of the peoples. Good Governance constitutes the foundation of every republic. Good Governance includes wide range of issues like profitable, political, executive and judicial as well.⁵ There's a close link between right to information and good governance. Good governance is characterized by translucency, responsibility and responsiveness. Accordingly, the citizen 's right to information is decreasingly being honored as an important medium to promote openness, translucency and responsibility in government administration. People are the sole part in a representative form of government. The RTI Act has brewed a quiet social revolution and played a vital part in the governance of the country. RTI druggies and activists in virtually every niche and corner of the country are asking questions on varied subjects. The Act has produced a better impact on the quality of the life of the poor and marginalized. During the once five times, the Act has brought positive changes in the governance. Information is now the sole of every government. The need for translucency and effectiveness in the governance come more important to achieve the thing of good governance. Thomas Enderson in his commentary on the First correction to the US constitution remarked that the society uses freedom of information and expression to cover certain values, which can be grouped into four broad orders. The first of these is assuring individual tone- fulfilment, the alternate set of values focuses on means of attaining the verity, the third addresses a system of securing the participation of members in the society in social exploration on humanities and social services.

ENACTMENT OF RIGHT TO INFORMATION :

India always took pride in being the largest republic, but with the end of the Right to Information Act 2005, it has also come an responsible, interactive and participatory republic. This Act is applicable to the whole nation except the state of Jammu and Kashmir. The United Progressive Alliance(UPA) Government headed byDr. M Manamohan Singh got the blessing by the Parliament after speedy and lengthy discussion.³ The earlier freedom of information act 2002, has got the assent of the President of India, but didn't notify and eventually replaced with the RTI act, it came in to force on October 12, 2005 and on the same dayMr.Shahid Raza Burney filed the veritably first RTI operation in Pune Police station.⁴ The RTI act successfully completed ten times in 2015. Fashionability of this act and druggies of this law is fleetly adding time by time. Concept of Right to Information started taking shape in 1970's by liberal interpretation by the bar

in colorful Fundamental Rights especially the right to freedom of speech and expression. In the case of Bennete Coleman and co versus Union of India in 1973, the maturity opinion of the Supreme Court also put it “ Freedom of speech and expression includes within it compass the right of all citizens to read and be informed ” In 1975 during National Emergency, Supreme Court of India mandate in a case judgement, Information gathering is a right to every person. The 1981 court judgement in Manubhai Shah versus Life Insurance Corporation of India(LIC) reaffirmed the point. introductory purpose of freedom of speech and expression is that all members should be suitable to form their beliefs and communicate them freely to others. In sum the abecedarian principle involved then's the people right to know. There have been multitudinous cases favouring discloser of Government information and translucency. As a result of a lack of clear legislation on this, people had to knock at the doors of courts every time they wanted to apply this right. Courts have nearly and always responded appreciatively. But this course at stylish confined enforcement to the apprehensive and the knowledgeable for their own limits enterprises. The common citizen had neither the means nor the time and inclination to get into sophisticated legal process and indeed PIL was a tool which could reach only many elite people. The movement for the RTI entered a fresh motivation from the valorous and important gross roots struggle of the pastoral poor to combat rampant corruption in shortage relief works. This struggle was led by Mazdoor Kisan Shakti Sangathan(MKSS). The reverberation of this struggle led a civil demand for a law to guarantee the RTI to every citizen.⁵ For the first time fifth central pay commission recommended to establish a law to public information⁶, latterly on numerous social organisations started movement to right to information. Action group for RTI, Soohnaka Addhikar Abhiyan, Natinal campain for people right to information, Nyayabhoomi and numerous other people group/ Non Governmental Organisation(NGO) and numerous activist like Anna Hajare, Aravind Kejriwal, Manish Sisodia, Rakesh, BB Sharan and numerous other RTI activist seriously protested for the due law to the people. Again Supreme Court of India stated that in Raj Narayan v/ s Uttar Pradesh case, “ The RTI is a abecedarian right following from composition 19(1)(a) of the Constitution ”. Government of India establishes a public position act come law under the freedom of information act in 2002. This act was oppressively criticised for permitting too numerous immunity, not only under the standard grounds of public security and sovereignty but also for requests that would involve disproportionate diversion of the coffers of a public authority there was no upper limit on the charges that could be levied and no penalties. Some countries like Tamil Nadu and Goa in 1997, Karnataka and Rajasthan in 2000, Delhi in 2001, Madya Pradesh in 2003, Jammu and Kashmir in 2004 and Haryana in 2005 have successfully legislated the RTI

act.

FEATURES OF RIGHT TO INFORMATION AND WORKING PROCESS:

The RTI process involves reactive to exposure of information by the authorities. Information including mode of information in any form of record, document, e-mail, leaflets, press release, contract, sample of electronic data etc. The RTI Act also covers examination of work, documents, record and its certified dupe and information in form of diskettes, floppies, videotapes, videotape, cassettes in any electronic mode or stored information in computers etc. Each public and partial public authority appoint Public Information officer (PIO) and Assistant Public Information officer (APIO) to serve information to public. Any existent may submit a written request/ operation to the PIO for required information. The PIO is responsible to give the information on the aspirant request with in time schedule. aspirants have submitted the operation with Rs. 10 figure. But operation figure is exempted to the people of Bellow Poverty Line (BPL) SC and ST aspirants. There's no prescribed operation to file the RTI operation but signed operation must includes aspirant name and address, needed information and name and position of PIO. Suppose PIO is failed to dispose the RTI operation within the quested time limit, the aspirant have the right to file first appeal to first appellate authority in the same public authority. The first appellate authority is responsible to give information within 30 days under the 19(1) of the RTI Act, but it's voluntary for the aspirant. The first appellate authority also failed to give the required information within time limit, aspirant have right to file alternate appellate appeal to Information Commission against the PIO. Information Commission is a quasi judicial authority under the act. The commission conduct enquires as a civil court. The Commission have right to put penalty Rs.250.00 per day and over to not banning Rs.25000.00. The RTI act constitutes two league Commissions to Centre and States.

IMPACT OF RIGHT TO INFORMATION ON ADMINISTRATION:

The Right to Information is one of the friendliest legislation. Large number of people has been served from it. But it's true that further than a decade after Indian Government legislated the act in 2005, the road to penetrating information remains laborious. This act has made both palpable and impalpable impact on the system and the people. People are using this act as a tool

to get their passport, portion card, pension, birth and death instrument and income duty returns. Several people like impaired, old and youthful people below the poverty line have utilised this act to get benefits. The RTI act influence on people and impact on Indian Administration in lesser translucency in functioning of public authorities exposure of information regarding government rules, regulations and opinions, every public authority is commanded to ' maintain all records properly entered and listed in a manner and the form which facilitates the right to information under the Act '. The public authorities are needed to make pro-active exposures through publication of applicable documents. either, the public authorities are also needed to ' give as important information to the public at regular intervals through colorful means of communication, including internet, so that the public have minimal resort to the use of this Act to gain information '. Act grease the access to information, a citizen has the right to examination of workshop, documents, records. Taking notes, excerpts or certified clones of the documents or records. Taking certified sample of material. carrying information in electronic form is also available. The impact of RTI can veritably well be guided by the following. 17 enhancement in responsibility and performance of the Government The RTI provides people with the medium to pierce information. In addition, every public authority is needed to give reasons for its executive or quasijudicial opinions to the affected persons. Until the perpetration of the RTI Act, it wasn't possible to an ordinary persons to seek the details of a decision making process, which was set up most frequently, as ineffective in terms of its outgrowth. It was, thus, not possible to hold a free and foursquare discussion on issues of common concern of people. Promotion of cooperation between citizens and the Government in decision timber process The RTI Act provides a frame for creation of citizen government cooperation in carrying out the programmes for weal of the people. The cooperation is deduced from the fact that people aren't only the ultimate heirs of development and also the agents of development. The stakeholder's participation leads to better systems and further dynamic development. Under the RTI act citizen's participation has been promoted through access to information and involvement of affected groups in design and perpetration of systems. commission of original government bodies at vill position through the involvement and cooperation with NGO and tone help groups. Information attained under RTI, in respect of application of finances allocated under pastoral employment guarantee scheme. utmost of all the weal systems, particularly at Village and Panchayat situations, are being designed and developed in co-operation and support with the NGO or affected persons, with a view to raising the satisfaction position of people. Reduces in corruption in the Government departments In absence of translucency and responsibility encourage the government officers to

corruption practices. Which affect in lower investments due to abuse of power and authority or diversion of finances for private purpose. It creates an terrain of mistrust between the people and the government, which strike upon the development of popular governance. The RTI promotes effectiveness in making programs, delivering the service and executive opinions. It involves the selection of applicable programmes to achieve Government objects. Service effectiveness is manifested in the effective provision of services to the public, responsive to public opinion and so on. therefore, the effectiveness in Government must be measured in terms of all three angles of effectiveness. executive effectiveness, the most important of the three, comprises of conducting the administration without gratuitous detainments or ulterior or loose motives and giving reasons while passing colorful orders. It refers to the effective operation of the political system. It encompasses good association and effective productivity. Where needed or inferred, principles of natural justice have to be observed.

RIGHT TO INFORMATION AND GOOD GOVERNANCE:

The right to information act is a path making legislation which brings to light the secretiveness of administration. It's an effective means to promote popular testament. The act is important instrument to fight against corruption. By realizing this significance the Second Administrative Reform Commission had prepared a detailed design for revamping the public executive system. The alternate executive Reform Commission, government of India has published its first report in — Right to Information Master key to good governance. 9 Good governance is characterised by translucency and responsibility and the stylish way to insure translucency and responsibility in governance is through increased and informed participation of people. People are biggest stakeholder in governance; they've a critical and pivotal part to play. So it's imperative that people must have the right to know the conditioning of government.¹⁰ In the ensuing sections of the composition, it's bandied how RTI act has empowered the common people, promoted good governance, strengthened participatory republic and reduces corruption. Promotes translucency and good governance Right to information enables citizens to see how governments, those in public services are working.¹¹ Public should openly come to know what's to be happed and what has happed. translucency is the corner gravestone of any good government. Public has right, to know about the programs and programmes of the government. All communication of the government must be opened to the public.¹² Access to information is a great enabler of translucency and translucency refers to vacuity of information to general public and clarity about performing of government institutions. The Right to Information act is intended to promote

responsibility and translucency in government by making the process of government decision making more open. Though some departments of the Union government are exempted from this act but the information can be sought if it's concerned with violation of mortal rights. Indeed the information from the private authority can be sought only through the controlling authority and controlling authority will shoot the notice to the institution concerned under section 11 of the act.¹³ It has been realized by utmost of the countries through experience that lesser access of the citizens to information enhances the openness of government to community requirements. In turn, this facilitates immediate retaliated of public grievances and therefore improves feeling of goodwill towards the government.¹⁴ plutocrats and popular countries have a advanced degree of openness vis-a-vis authoritarian administrations; nowhere in the world is government performing completely open.¹⁵ Promotes Responsibility Responsibility is a crucial demand of good governance. Without Responsibility, the root of any development failure can not be traced. Not only the government, the private sector institutions also be responsible to the people. Information is power and Right to information act brings responsibility and translucency in the administration.¹⁶ Responsibility involves the survival of a medium, which ensures that both political and officers are answerable for their conduct, performances and use of publicresources.However, their power and authority are finished, If they fail to maintain responsibility.¹⁷ RTI Act empowered the people to seek definite and officers of their workshop or lack of it. So, responsibility always led to effectiveness and sense of responsibility among government officers. ¹⁸ The RTI Act is sufficiently strong in its present form to indeed attack the roots of corruption. There will ever be corruption at the lower situations as long as its seeds are sown at the loftiest position. The RTI Act can be used to expose these seeds of corruption which in turn can control corruption at the lower situations.¹⁹ Participation Participation envisages involvement of the entire society in governance. Both men and women is the foundation of good governance. Representative republic doesn't mean the rule of chosen many; it must take into interest of all sections especially the most vulnerable sections in the society.²⁰ Without people's participation, the Right to Information will remain a non- starter.²¹ Participation has a wide range of delineations. On the one side, some experimenters take participation to mean simply engaging with any particular exertion(Bishop & Davis 2002; Paul 1987); on the other side, experimenters define participation as a process through which people impact and partake control over development enterprise(Arnstein 1971; Shand & Arnberg 1996; World Bank 1996).²² Right to information act creates a connection between people and government. Good governance requires that civil society has the occasion to share during the expression of development

strategies and that directly affected communities and groups should be suitable to share in the design and perpetration of programmes and systems. Indeed where systems have a secondary impact on particular points or population groups, there should be a discussion process that takes their views into account.²³ Citizens who understand public affairs and what government is doing can state their opinion on issues that affect their lives they can share in the Research on Humanities and Social Sciences (IJRHSS) www.ijrhss.org ISSN(Paper) 2224- 5766 ISSN(Online) 2225- 0484(Online) Vol. 5, No. 5, 2015 187 business of government. Right to information installations citizens in making political and profitable choices and therefore strengthens republic.²⁴ RTI act eased and encouraged the participation of common people on the process of governance. Earlier people had the will, but didn't have the way to take part in so-called sanctioned affairs. But RTI act smooth the way for active participation of the common people in governance.²⁵ Availability Right to Information makes it possible to easy access of information from government departments, documents, records, services, finances and programs to all sectors of community. A common poor person interferes in the matter of government regarding development. The Right to Information act by furnishing easy access of information reduces the established long gap between citizens and administration and therefore helps in nation structure process. Every person becomes apprehensive about day to day conditioning of the government.²⁶ When citizens have access to information about service delivery and other government functions, they know what they're entitled to and they know how and where to demand their right to those services and other benefits

CONCLUSION:

There can not be any disagreement about the fact that the RTI Act has brought a new revolution in the governance of the country from a culture of secretiveness into a culture of openness and translucency. It makes an empowered populace, where administrations are made responsible towards them. Although the RTI Act was 6 times old only and still has a long way to go to see its impact, but nevertheless, during these ages, it became popular amongst the people which can be seen from the increase of the RTI application every time. Also, through the use of RTI, numerous swindles in recent times have been exhumed in the country like 2G diapaason fiddle. which has estimated loss of rupees 1.76 crore; Adarsh Housing Society reproach, which led to the abdication of former Chief Minister of Maharashtra Ashok Chavan; and incipiently the Common wealth Games Fraud which also runs into crores. Satyanand Mishra, the Chief Information Commissioner, has correctly said that ' The Right to Information has stoned the appetite of the people for further similar rights. The rights to employment guarantee, education, public service delivery, food

security and a corruption free government are some of the rights we've given to ourselves or are in the process of giving only because the ground was prepared by the Right to Information (RTI) Act. It can justify claim to be the mama of all similar rights '(Ibid,p. 1). therefore, right to information has brought new parcel of life to the common people,

