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TRANSPARENCY: ASSESSING THE IMPACT OF THE RIGHT TO INFORMATION ACT IN INDIA.

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ABSTRACT

This study explores the far-reaching consequences of the Right to Information (RTI) Act in India, examining how it promotes accountability and openness in the nation's political system. Through the use of legislation, the RTI Act increases democratic participation and gives citizens access to information by removing layers of administrative opacity.

By enabling citizens to request and receive information on government policies, choices, and expenditures, the RTI Act is a powerful tool in the fight against corruption and ensures that public resources are used in an ethical and effective manner.

This paper emphasizes how the Right to Information Act has the power to fundamentally change India's government and make it more accountable, responsive, and transparent. A progressive and participatory society is anchored by the RTI Act, which empowers citizens to actively contribute to the nation's development.

INTRODUCTION

An important piece of legislation in India is the Right to Information (RTI) Act, which grants citizens the fundamental right to access information stored by public agencies. It promotes accountability and openness in governmental operations first and foremost.

Stated differently, the RTI Act advances democracy by permitting informed public participation. In a democratic nation such as India, it is imperative that individuals are informed about the decisions and acts of their government. The statute gives the general public the ability to examine how the government operates and make public servants responsible for their deeds. It provides a

means for individuals to effectively utilize their privileges and rights. It facilitates access to government benefits, services, and programs, preventing deserving recipients from having their rights violated by dishonest or opaque administrative procedures. Furthermore, an open culture and a more accountable and responsive government are promoted by the RTI Act. It ensures that public employees answer to the constituents they serve and motivates them to behave honourably, because it upholds democratic principles, fights corruption, promotes citizen participation, and provides citizens with access to information necessary for their well-being and the smooth operation of a functioning democracy, this Act is crucial to India. It enables common people to inquire about the ways in which the government functions. This has been widely used by the public and media to reveal corruption, the condition of government operations, expenditure information, etc.

This Act is essential to India because it protects democratic values, combats corruption, encourages citizen involvement, and gives people the access to information that they need for their well-being and the smooth operation of a functional democracy. It gives regular people the ability to question how the government operates. The public and media have utilized this extensively to expose corruption, the state of government operations, information about spending, etc.

The Right to Information Act's main objectives are to fight corruption, empower citizens, and ensure that our democracy works for everyone. It also aims to increase transparency and accountability in government operations. A knowledgeable citizen is better able to monitor governance tools and hold the government accountable to the people it serves.

The Act is a big step toward educating the public about what the government is doing. The statute covers all constitutional authorities, agencies, owned and controlled, as well as organizations that get significant funding from the government. The statute also requires state or union government public entities to respond to citizens' requests for information in a timely manner. Additionally, it carries consequences if the government takes too long to reply to the person within the allotted period.

Objectives of the Act

- To ensure that people have safe access to data managed by public authorities.
- The main goals of the Right to Information Act are to empower citizens, encourage accountability and openness in the operations of public authorities, curb corruption, and ensure that democracy truly serves the needs of the people.
- Give the people the ability to criticize the government.
- Help to keep corruption in check and improve government services for the people, the legislation also encourages accountability and transparency in how the government operates.
- The act aims to create more knowledgeable individuals who will maintain the appropriate level of awareness regarding how the government operates.

Need for Right to Information Act

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It also provides a means for individuals to effectively use their privileges and rights. It facilitates access to government benefits, services, and programs, preventing deserving recipients from having their rights violated by dishonest or opaque administrative procedures.

An open culture and a more accountable and responsive government are promoted by the RTI Act.

It ensures that public employees are answerable to the constituents they serve and promotes openness in their actions.

The RTI Act is essential to India because it protects democratic values, combats corruption, encourages citizen participation, and gives people the ability to obtain information that is necessary for both their well-being and the smooth operation of a healthy democracy.

Who can seek Information under Right to Information Act?

Subject to the provisions of the RTI Act, all citizens shall have the right to information.

Section 3 of the Right to Information Act states, Generally, no documentation of citizenship is needed from the applicant.

If there is any doubt as to the applicant's identity, he might request identification documentation. Only Indian citizens are granted the right to information under the Act. Information sharing with corporations, associations, businesses, and other legal entities that are not citizens is not covered by this law. But if a candidate comes from a corporation, association, company, non-governmental organization, etc., or if they hold an office in such a capacity, information may be given to the employee or office holder by providing their identity and certifying that they are an Indian citizen. In these situations, it would be assumed that a citizen had contacted the Corporation's address in search of information.

What is a Public Authority?

Public Authority means any authority or body or institution of self-government established or constituted

- a. by or under the Constitution
- b. by any other law made by Parliament
- c. by any other law made by State Legislature
- d. by notification issued or order made by the appropriate Government.

Impact of RTI Act on Indian Administration

The freedom to obtain information about how policies are formulated and other decisions made by the government is what the RTI act actually means. The functioning of public foundations,

information about government regulations and customs, individuals, and the organization are all greatly touched by this demonstration, which is pushed by residents.

The RTI act essentially grants citizens the right to access information about how their government formulates policies and makes other choices. Residents are pushing for this demonstration, which has a significant impact on the organization, people, government regulations and customs, and public foundations.

A law known as the "Right to Information" has helped a great deal of individuals. Despite the fact that this legislation was implemented in 2005, it is still difficult to obtain information, which has a noticeable and subtle impact on both the business and society. Furthermore, it has shown to be extremely helpful in obtaining official records such as annual evaluation forms, apportion cards, benefits, birth and death certificates, and visas. People who are impoverished have made use of this law to their possible advantage.

According to this statute, public bodies are required to publish pertinent papers on a regular basis via a variety of communication channels, including the internet, and to divulge specific information.

Under this Act, the following rights are granted to the Citizens:

- Taking notes and retrieving certified copies of official documents or registrations.
- Assembling a certified material tester.
- Electronically stored information is also available.
- Examination of the job, records, and paperwork.
- After submitting the request, the applicant will typically get information within 30 days.
- Details may be accessible 48 hours after the order if it involves someone's life or liberty.
- Some information cannot be shared for security reasons.

Although there have been several benefits from the RTI act, the main one is the decrease in bribery in the public sector. Because there was no accountability or openness in the absence of the RTI act, government personnel were encouraged to engage in corruption. This led to a climate of mistrust between the general public and the public authorities. This marvel led to the expansion of government based on public vote.

The RTI Act encourages expertise in developing plans and choosing relevant programs to meet governmental goals. Its main contribution was to the gradual reduction of the corruption issue.

Constitutional Provisions of RTI Act

The primary piece of law in India governing the Right to Information (RTI) is the Right to Information Act, 2005. The Indian Supreme Court has ruled that the right to information is a basic right under the more expansive understanding of the freedom of speech and expression provided by Article 19(1)(a) of the Constitution, even though it is not specifically defined.

The following are some of the pertinent RTI Act and Indian Constitution clauses that support the right to information:

- **Article 19(1)(a):** This article of the Constitution guarantees the right to freedom of speech and expression, which has been interpreted by the courts to include the right to seek and receive information.
- **Article 21:** While primarily focused on the right to life and personal liberty, the Supreme Court has also interpreted Article 21 to encompass the right to information in certain cases, especially when it concerns the life and personal liberty of an individual.
- **Article 15(3):** This article empowers the state to make special provisions for women and children. It has been used to support the disclosure of information related to issues affecting women and children.
- **Article 16:** This article deals with equality of opportunity in public employment. It can be relevant when seeking information related to recruitment and employment policies.
- **Article 51A(h):** This article is part of the Fundamental Duties of Indian citizens and states that it is the duty of every citizen to develop the scientific temper, humanism, and the spirit of inquiry and reform, which indirectly promotes the idea of seeking information.

Although the Constitution provides a conceptual framework for this freedom, it is the RTI Act, 2005 that specifically operationalizes and governs it. It describes the procedures and resources available to citizens seeking information from governmental entities. The Act has made it much easier for Indian people to exercise their right to information and to obtain it.

Information not open to Disclosure under RTI Act: Section-8

- Information that has been expressly forbidden from publication by a court of law or other body, or whose revelation could be construed as a form of contempt of court; information that, if disclosed, might violate the privilege of the State Legislature or Parliament.
- Information whose revelation would negatively impact India's sovereignty and integrity; security; strategic, scientific, or economic interests of the State; relations with foreign states; or the State's ability to prevent an offence from being incited.
- Information that, if disclosed, could make it more difficult for a third party to compete, such as trade secrets, commercial confidence, or intellectual property, unless the responsible authority is persuaded that doing so will serve the larger good.
- Information that is accessible to someone in a fiduciary relationship unless the relevant authorities decide that disclosing it is in the public interest; information received in confidence from a foreign government.
- If the public interest in disclosure surpasses the harm to the protected interests, a public body may nonetheless give access to the material in spite of any of the aforementioned exemptions.

Recent Amendments

- Political parties are no longer included in the definition of public authorities and, therefore, are no longer covered by the RTI Act, according to the RTI Amendment Bill of 2013.
- More attacks on the lives of whistleblowers may result from the 2017 draft provision that calls for the lawsuit to be closed if the applicant passes away.
- The purpose of the proposed RTI Amendment Act 2018 is to grant the Central government the authority to set the salaries and terms of office for state and central information commissioners, who are legally protected under the RTI Act. The change will reduce CIC's independence and autonomy.
- The Act suggests substituting the government-mandated amount for the predetermined 5-year tenure.

Challenges associated to RTI Act

Different kinds of information are sought after, some of which are not in the public interest and occasionally may be used to break the law and intimidate public servants.

For example: Making a fervent and extensive information request to receive publicity through an RTI.

RTI requests made as a retaliatory measure to intimidate or coerce the government.

The RTI cannot be used since the vast majority of people in the nation lack literacy and awareness.

Even though the goal of RTI is not to establish a grievance redressal system, Information Commission letters frequently encourage public bodies to address complaints.

Landmark Judgements on RTI Act

I. Union of India vs. Association for Democratic Reforms

In this case, the court considered the scope and beneficence of the right to access information on candidates running for State or Parliamentary elections in relation to the right of citizens to vote. In addressing this matter, the court determined that voters in India have a basic right to be informed about the backgrounds of individuals running for public office. This right is guaranteed by the Indian Constitution.

The Court interpreted that "right to know" as a right that derives from the freedom of speech and expression. The committee charged with overseeing elections was instructed to get affidavits from candidates detailing any information regarding prior or current criminal charges or cases against them.

The affidavit contained details about the candidate's prior criminal convictions and dispositions, including whether they were found guilty or not, as well as the severity of the sentence imposed.

Another significant factor was whether the candidate had been charged with a crime carrying a minimum two-year jail sentence within the six months of submitting their nominations. Following this ruling, the Representation of People's Act, 1951, has made the declaration of assets, educational background, and criminal history required.

II. Reserve Bank of India vs. Jayantilal Mistry

In this case, the court had to decide whether the Reserve Bank of India and other banks could refuse to provide information to the public on the grounds of economic interest, commercial confidence, fiduciary relationship with other banks, and public interest, and if not, how much could the banks provide under the 2005 Right to Information Act?

In response to the issue posed, the court determined that the Reserve Bank of India (RBI) had a statutory obligation to adhere to the provisions of the Right to Information Act, 2005, and that the RBI was therefore required to act in the public interest. The RBI does not establish a fiduciary relationship with financial institutions because the reports of inspections, bank statements, and business-related information that the RBI obtains are not obtained under the guise of confidence or trust, the court ruled, rejecting the argument that information could be withheld considering the fiduciary relationship with other banks.

CONCLUSION

The RTI Act is a special piece of legislation that gives the general public access to information and gives the average person the same rights to demand accountability and appropriation for government functions as do MPs, MLAs, and other members of the authority.

Unlike other acts, this one has certain restrictions as well. For example, there are problems and difficulties implementing this legislation, particularly in underprivileged areas. Additionally, because India has a low literacy rate, it is challenging to properly apply this legislation. Thus, there should be more simplification in the RTI application procedure, because the RTI promotes inclusive growth and good government. The public should be educated about the advantages and applications of this statute by raising awareness through media, campaigns, and non-governmental organizations.

REFERENCES

- <https://www.impriindia.com/insights/right-to-information/#:~:text=In%20conclusion%2C%20the%20RTI%20Act,functioning%20of%20a%20vibrant%20democracy.>
- <https://aryavart-rrb.com/Generaldetailsrti.pdf>
- <https://www.legalserviceindia.com/legal/article-10556-impact-of-rti-on-indian-administration.html>
- <https://byjus.com/free-ias-prep/right-to-information-rti/#:~:text=The%20act%20promotes%20transparency%20and,functioning%20of%20the%20government%20machinery.>
- <https://www.drishtias.com/daily-updates/daily-news-analysis/right-to-information-rti-act>
- <https://byjus.com/free-ias-prep/right-to-information-rti/#:~:text=The%20Right%20to%20Information,-Historical%20Background&text=The%20right%20to%20information%20is%20a%20fundamental%20right%20under%20Article,fundamental%20right%20under%20article%2019.>
- https://en.wikipedia.org/wiki/Right_to_Information_Act,_2005

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