

Suggestions towards Improvement of Right to Information

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Introduction :

In a democracy, the people are the ultimate sovereigns and they have every right to know about the functioning of the government. In modern days, the quality of government depends upon the intelligence of the people. The social welfare concept has pervaded all the democracies. The powers are used to affect personal liberty and interest of individual.

Democracy holds the highest place amongst the forms of government. It is the yardstick for good government. The right form of Government depends on the stage of development reached by the people. Information is the lifeblood that sustains political, social and business decisions. There must exist mutual trust and understanding. Thus, the right to information empowers the people and therefore the people as well as bureaucrats or politicians need to be educated. India being a democratic country, the Indians who are the source of the constitution must assert their right to have a good government. People are sovereign and they must therefore be educated. The Right to Information is vital to democracy. It is a human right which is necessary for making the governance transparent and accountable. The basic objective of the Right to Information is to provide for freedom to every citizen to secure access to information under the control of public authorities consistence with public interest, in order to promote openness; transparency and accountability in administration. The Right to Information promotes transparency, empowers the citizen reduces corruption, increases efficiency, makes officials accountable and put an end to their indifference, arrogance and corruption. Unless the citizens are informed of their right in the form of information, probably they can not assert their rights and make the government accountable for this action.

The Supreme Court held in various cases that R.T.I. is a fundamental right. The roots of R.T.I. can be traced down in various judgements of the Supreme court of India. The Supreme Court said in *Indian Express Newspapers v/s Union of India*, that Democratization of Communication Freedom of Speech of the Press of Information and of assembly are vital for the realization of human rights.

In modern times, the quality of government depends upon the participation of the people and that is why the people must be educated for their responsibility. We have to rely on the government for everything. Thus, we must change the people and become aware of their own inner strength. The people elects representative, but they are not controlled by public opinion. The Right to Information has long proven to be a key component of a healthy democracy because it empowers citizens with the right to demand what activities and decisions are being made in their name. The important object of the Act is to open the governments' decision - making process to public scrutiny.

Justice P.B. Sawant said, "The barrier to information is the most important cause responsible for corruption in the society. It facilitates clandestine deeds, corruption, arbitrary decision, manipulations etc. withering away of corruption in public life is sine qua non for citizens who should have knowledge as to how public administration is going on." Information is important because its empowers people and ensures transparency of administration. However, people's access to information is often limited either because there is no effective mechanism for dissemination or man's brain deliberately holds back information. In conclusion, it can be said nothing can be

achieved through different Acts, policies and discussions, what we need is a proper and effective mechanism.

I felt that the real change would come only when the people of this country would start demanding accountability from the Government and the Government officials would be forced to respond to the most common man. With the spread of education, normal man has become literate and aware. The growing technology, to-day has made communication very easy. Man can express himself through various media. Acquisition of knowledge and information has become very fast. Individual is being aware of his or her power and rights. He has identified his position in democracy and thus questions the government for the administration. The Government and bureaucrats know that the common man become more aware about his rights and powers. Hence, a friendly attitude has been adopted by the government officials towards the common man and all the necessary information required must supply to the common man.

The doors of information have been opened to common man. He feels empowered and educated about the various policies and administration carried out by the government. It has given the common man its actual position in democracy and he practices his right of information in totality. Right to Information Act assumes greater importance and is meant to safeguard and protects the rights of the people. Effective functioning of democracy required "an informed citizenry and transparency of information" which could control corruption. Anna Hajare stated that, "This Act is an important event in Indian History which is powerful tool to serve as an instrument in the process of Social Transformation." The need of hour is to equip a larger number of citizens in handling this potent tool and force an alliance among them. So that they would effectively strive for a better law and stricter enforcement.

The Right to Information Act is the need of the hour and a welcome move, but still it suffers from some fallacy. The following suggestions on the basis of the study are made.

- 1) Government departments should take the initiative to display names and designations of public information officers and appellate authority which should be visible for layman at the first instance after entering the office.
- 2) The official mindset is one that does not want to share any information. The public authority is not so happy to welcome the applicant. Ordinary citizen always finds it difficult to seek information. Desk officers are not aware about the provisions of the Act and there is no coordination between officials also. Thus it is necessary to organize workshops, seminars which can bring the efficiency in the system.
- 3) The Government does not follow the provisions of section 26 of the Right to Information Act. It is the duty of state to inform more and more citizens about the Act. Creating awareness through media is necessary. Citizen's participation for combating corruption will become an inbuilt mechanism for monitoring and demanding accountability from the civic body. Only 45% population is literate. Thus, Government must take unprecedented measures in order to bring awareness at grass root level.
- 4) The Act shows pro-disclosure approach. It is made mandatory to prepare 17 manuals mentioned under section 4 but still it is not prepared by public authorities. It is necessary that public authorities should record all key pieces of information in hard and soft copy and file it properly.
- 5) The Act is almost based on computerization of all official records, classification and storage of vast data, their availability over internet of the administration. It is therefore necessary to take lead to introduce e-governance immediately in all administrative units for which Government should provide grants.

- 6) Updating information is also very important under section 4 of the Act but public authorities do not take care to update their website. Thus it is necessary that government should monitor the system.
- 7) It is necessary to compel the public authority to publish an annual compliance report in relation to section 4 of the Act.
- 8) The public authority fails to interpret the concept 'third party information', 'good faith' and 'public interest' properly. Thus, it is necessary to guide the authorities about the interpretation of the provisions of the Act.
- 9) Publicity by government about various activities at the sub-district level is essential as a first step to operationalise the Act but still it is not happening.
- 10) In some offices there are cases of misuse of information by the applicant. Thus, it is necessary to make provision of punishment or penalty against the person who is misuses the Act.
- 11) Management skills should be given to the offices. Document journey management system currently being implemented in offices should be made mandatory in all government offices.
- 12) There must be cross checking by the applicant after receiving information and cross check by executive authority also then only the real essence of the Act will be fulfilled.
- 13) Some applicant make the mischievous and deliberately torturing applications to the department thus there must be provision of penalty to that applicant under the Act.
- 14) The majority information commissioners appointed have been former high ranking member of the bureaucracy. The appointment of former bureaucrats as information commissioners has raised fears that the Right to Information regime may become just another means for the bureaucrats to tighten the monopoly over government information, with these appointments, there is less public optimism that the law actually be used to crack down on corruption with the bureaucracy and to hold officials accountable. So, it is necessary to appoint the person who may not be a former bureaucrat and who is having human attitude as good moral value. It may be worthwhile to consider appointing people from judiciary or law backgrounds as Information Commissioners.
- 15) Slow disposal of final appeal is a focusing issue. There is no time limit for disposal of final appeal under Right to Information Act 2005. thus it is suggested that an appeal shall be disposed of by State Information Commissioner within 90 days from the receipt of appeal.
- 16) The onus is on the civic society to propagate the message that frivolous and unnecessary applications would defeat the very purpose of the Act. Hence the citizens are required to use the Act properly with public interest.
- 17) Some Public Authorities opined that they do not fall under the definition of public authority as spelt out by the Act. Article 12 of the Indian Constitution defines 'State' and it is synonymous with 'Public Authority' coming under the purview of the Act. The same definition needs to be applied in implementing R.T.I. Act in relation to 'Public Authority' to clear the confusion. Courts have given very wide meaning of the term 'State' with changing times. The precedents of courts can be applied for giving proper meaning to the term 'Public Authority' even under R.T.I. Act.

Thus, a successful democracy posits on 'aware' citizenry. Diversity of opinions, views, ideas and ideologies is essential to enable the citizens to arrive at informed judgement on all issues touching them. Information laws can have a positive import on different spheres of society.

In the sphere of public administration :

Transparency improves the decision making of public servants by making them more responsive and accountable to the public.

- 1) Controls corruption by making it more difficult to hide illegal agreements and action.
- 2) It also improves the legitimacy and trust in government in the eyes of the people, allowing for the more effective implementation of public policies.
- 3) Evolve a more effective, stable and transparent democracy.

The Prime Minister of India Mr. Manmohan Singh said, "It is the 'aam aadmi' whose prosperity and welfare is the core concern of our constitution." The success of Right to information will be determined on how good a deterrent it was and on how effectively it managed to prevent corruption and promote efficient and caring governance. Government becomes inherently and genuinely transparent when every functionary of the government instinctively acts in a manner such that the principle underlying the action can stand up to the closest of public scrutiny.

Getting information is like winning freedom. But freedom is not an end in itself. It is only a pre condition for independence. Independence is a state of mind, which citizens must develop. Right to Information, if effectively implemented, could change the nature of governance in India. It could start a process of transparent and inclusive governance that could gradually shift the Indian democracy from being almost totally a representative one to participatory one. It could bring a sense of empowerment to the citizens of this country.

Reference :

1. Right to Information - Dr. S.P. Sathe - NexisLexis.
2. Speech of Justice P.B. Sawant
3. Speech of Anna Hajare
4. Speech of Dr. Manmohan Singh.