

An Investigation of People's Awareness of the Right to Information and Its Importance

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Abstract

It is the fundamental human right of every individual to have access to information. Knowledge is the foundation of power, according to the famous French philosopher Michel Foucault, and information is the building block of knowledge. Knowledge empowers individuals to thrive in today's fast-paced society. Therefore, the administration has an obligation to keep the people informed about the day-to-day operations of the government. If there is a way to make information freely available and increase people's involvement in government, we can progress from excellent governance to governance.

The Right to Information Act of 2005 was enacted by the Indian Parliament in response to this reality, with the goal of ensuring that the government is open, honest, accountable, and responsible. This article makes an effort to draw attention to the RTI Act's fundamental principles, the link between the RTI Act and good governance, and the problems surrounding the RTI Act. In its last section, the article offers some fundamental suggestions for the effective operation of the RTI Act. An effort has also been made to differentiate between developed countries' RTI laws and those of India.

Key words: RTI Act, awareness, good governance, RTI issues and recommendations

Introduction

To balance competing public interests, the Right to Information Act of 2005 seeks to make government more open and accountable by disclosing previously secret information; on the one hand, it seeks to prevent corruption and maximize the use of limited budgetary resources; and on the other, it seeks to protect the privacy of individuals' personal information.

Article 19(1) of the Indian Constitution recognizes the Right to Information Act of 2005 as a component of basic rights. Citizens are better able to understand their rights to certain public services and, if necessary, seek redress for any grievances they may have. The right to be heard is also a part of it, as is consumer education. The principle of open, responsible, and participatory government is its foundation.

It is possible to hold public officials responsible by questioning them about their actions under the RTI Act of 2005. It is also important for ensuring that marginalized people have a say in how local policies impact their daily lives. Every single government agency in the nation will be subject to this law. Citizens in states that have enacted or intend to adopt similar legislation will have the option to choose between the state and federal acts. There has to be an attempt

to fortify the system by fixing the issues encountered by both applicants and the different public agencies, even if the RTI has become a powerful instrument in bringing openness to the government, through the Public Information Officer (CPIO) or Assistant Public Information Officer (APIO) at their respective central offices.

Meaning of the Right to Information

Access to information held by or controlled by any public authority is encompassed under the Right to Information Act. This includes the following:

- The ability to inspect works, documents, and records.
- Documentation in the form of notes, extracts, or certified copies.
- Collect verified samples of materials and extract data from computer archives or other electronic media (e.g., diskettes, floppies, cassettes, video, etc.) or from printed materials.
- The Right to Information Act, 2005 aims to clarify the situation, dispel misunderstandings, and make it clear that the right to information includes the right to seek information, the right to obtain information, and the right to store information.

This will help reduce the widespread misconception that the right to information only applies to the right to seek information.

Right to Information Act and Articles of the Indian Constitution

According to Article 19(1)(a) of the Indian Constitution, everyone has an inherent right to know what information is within their possession. The right to freedom of speech and expression is guaranteed to all citizens under Article 21, which also addresses the right to life of citizens. The right to receive information from government departments is important to democracy, according to the Constitution of India, 1950. But unfettered information flow is not what the right to information means. The right to know is subject to reasonable limitations just like any other basic right.

The Supreme Court has already said that citizens have the right to be informed of all public actions taken by government officials. All relevant details of every public transaction must be disclosed to them. Claims of confidentiality for transactions that do not threaten public safety should make one suspicious, because the right to know, while not absolute, stems from the idea of free speech. Regular, mundane commerce is not served by constant concealment. There are few valid reasons to demand such privacy; in most cases, it is sought after for purely political or bureaucratic self-serving purposes. One way to prevent tyranny and corruption is for authorities to explain and defend their actions.

- In the 1973 case of *Bennett Coleman v. Union of India*, the Supreme Court determined that the right to information was encompassed in the right to freedom of speech and expression given by Article 19(1)(a).
- Justice Mathew made it clear in the 1975 case *State of U.P. v. Raj Narain*: "The responsibility of officials to explain and justify their acts is the chief safeguard against oppression and corruption." He went on to say that hiding everyday business from the public was not in their best interest.

- The right to disseminate and receive information through electronic media was deemed part of the freedom of expression in the 1995 Supreme Court case of Secretary, Ministry of Information and Broadcasting, Government of India v. Cricket Association of Bengal.
- The right of the people to know about every public act and the facts of every public transaction conducted by public servants was demonstrated in the 1982 case of S.P. Gupta v. Union of India.
- In the 2004 case of People's Union for Civil Liberties v. Union of India, the right to information was further recognized as a human right, essential for ensuring that governance is open and responsible. Participatory governance was also stressed.

Right to Information and Good Governance

One piece of legislation that has paved the way for more transparency in government is the Right to Information Act. For the advancement of democratic ideals, it is a powerful tool and a potent weapon in the battle against corruption. This was the turning point when the Second Administrative Reform Commission realized they needed a comprehensive plan to change the way the government handles administrative tasks. "Right to Information: Master Key to Good Governance" is the first report produced by the Second Administrative Reform Commission, which is part of the Indian government. In its findings, the panel made it clear that better information access may help the most vulnerable members of society demand transparency from their government on its policies and actions, which in turn benefits everyone. The right to knowledge and good government go hand in hand.

The goals of the average citizen must be met by any nation, regardless of its political system. Only through good government can people's lives be guaranteed. The hallmarks of good governance are transparency in decision-making, freedom of expression, openness to information, efficiency, effectiveness, law-abiding citizens, and collaboration between the state and its citizens. Good governance always follows the right to knowledge. Good governance is ushered in by the RTI Act of 2005, which establishes an open and transparent government and grants every individual the freedom to request and receive information. "Right to information is an integral part of good governance," the World Bank had correctly noted once.

Right to Information is an integral component of effective government, according to V.K. Agnihotri and B.V.R. Subrahmanyam. Citizens expect the government to do the following at a minimum:

- Provide timely, prompt service.
- Reduce bureaucracy burden.
- Minimize waiting times.
- Ensure accessible points of contact with officials.
- Reduce the level of interference.
- Give timely notification of application status.
- Give notification of delays, waiting times, etc.

Review of Literature

With the RTI Act of 2005, India has a rich legal history. Realizing the Right to Information (RTI) for the country took a lot of work and effort. There were a lot of regulations that went against people's right to know. The researcher discusses the history and current state of RTI in India, as well as its many obstacles. The first part of the article discusses the difficulties, while the second part traces the development of the RTI Act of 2005. Over the many years that the RTI Act of 2005 has been in effect in India, several challenges have arisen. Several statutes have prohibited the application of the right to data from the time of the British. The following are the main Indian legislations that obstructed the Right to Information:

Section 123 of the Indian Evidence Act of 1872, as cited by Anil Kumar Pathlavath in 2013: unless the officer in charge of the relevant division gives or withholds authorization as he sees proper, no one may verify information derived from unpublished authority documents pertaining to matters of state. The public servant takes an oath before beginning employment, saying that the information is confidential.

No employee of the secretariat may disclose, directly or indirectly, any official record or data to another employee of the secretariat or any other person to whom he or she is not authorized to disclose such archive or data, except as per a general or specific request of the secretariat or in the execution of basic duties assigned to him or her, according to Rule 11 of the Central Civil Services (Conduct) Rules, 1964.

Pathlavath et al. (2013) — The All-India Services (Conduct) Rules, 1968, Rule 9: any member of the Service is prohibited from directly or indirectly providing any official record, portion thereof, or data to any government employee or other person to whom it is not authorized, except in response to a general or unusual request from the government or in the course of carrying out the duties assigned to him in a reasonable and ethical manner.

Archival Resolution from December 22, 1972: declares that all archives are first categorized for a lengthy period, and then only a restricted range of persons have access to non-secret content. It is essential to obtain approval before sharing any material, even if it is not classified, with anybody outside of the legislature. The aforementioned restrictions are seen as major roadblocks to access to data within the context of India's RTI Act of 2005. What follows people's connection to technology, according to several development specialists, is what truly counts.

"Indian Idea of Good Governance – Revisiting Kautilya's Arthashastra" (2004), written by Sharma, argues that in both theory and practice, Kautilya's form of government was ahead of its time. Similar to how the teachings, principles, and recommendations found in the two great epics, the Mahabharata and the Ramayana, have continued applicability with regard to foundational concepts of governance and statecraft. Modern notions of good governance—including government responsiveness and efficiency, people's wellbeing and prosperity, political community development, quality of life, economic affluence, ethical inwardness, and responsive administration—have their roots in the ideas and administrative structures put forth by Kautilya in his Arthashastra. The pleasure of the people has been said to be the principal aim of the authority, with everyone else's objectives being supplementary and secondary.

In his 2011 article "The Challenge of Good Governance in India: Need for Innovative Approaches," Singh explains that citizens would want their country to achieve at a high level. When the public has faith in its government, they are more likely to go about their daily lives as they see fit. However, prospects for achievement will be severely limited and conflicts and civil wars might break out as a result of incompetent or apathetic government. Sustained economic

growth may be achieved with the support of a well-governed environment, and citizens are able to optimize their returns on investment under conditions of excellent government. Additionally, he claims that change is not the path to effective governance—the country's populace must demand it. Consequently, a participatory method is essential. Roumeen and Islam (2003) sought to determine if and how information availability may influence governance by investigating the connection between information flows and governance. This article looked at the potential effects of Freedom of Information (FOI) legislation on national governance. The overarching goal of these statutes is to lay forth the rules for the exchange of data. In order to make educated political and economic decisions, keep tabs on actors, and determine how to best reward or penalize them, data is essential, according to economic theory. A strong correlation exists between good governance and the accessibility of economic data, as well as the capacity of individuals to request and obtain the information they require.

The author Kumar argues in his 2005 article "An Institutional Framework for Good Governance in India" that the country's leaders would achieve good governance if the people are empowered with information. One must be informed of the available service standards in order to guarantee accountability to the public. The dissemination of information on government policies, initiatives, and projects is best accomplished using computerized information systems. He elucidates the point by citing a successful government initiative in Kerala.

E-Governance, according to Koneru's (2007) research, is a technology-enabled Public Information Services system that helps with reengineering structures and restructuring processes and procedures for faster service delivery. Government incompetence in meeting citizens' requirements and providing services in a timely, cost-effective, and corruption-free way is driving the demand for e-Governance.

In the first stage of e-governance, according to Singh's (2010) paper "Promoting e-Governance through Right to Information: A Case-study of India," public entities establish a web presence and disseminate information. As a fundamental component of all public services, the Right to Information Act, 2005 (RTI) mandates the proactive disclosure of information about the service and its providers. Citizens may also access this data through the National and State Portals, which offer fundamental details on government programs and services.

Objectives

The present study is taken up with the aim of identifying awareness about the Right to Information. The following are the specific objectives of the study:

- To present an overview of the Right to Information.
- To understand the Right to Information.
- To study the act as written in the Constitution.

Research Methods

Much of the study's foundation has been laid in theoretical investigations. An extensive investigation was conducted. By delving into the legal considerations of Right to Information research, this paper aims to help readers grasp the significance of the idea, the values it upholds, and the implications of Right to Information studies. In order to uncover different facets of the subject, secondary data and studies conducted by other researchers have been utilized. In order

to compile this literature review and introduction, scholarly articles, research papers, and other online resources were consulted.

Results and Discussion

It is widely believed that some rules are necessary to protect the interests of all parties involved. The RTI Act of 2005 needs some changes immediately:

- Either raise the price or establish a minimum number of words or queries that can be requested in an RTI application.
- A mechanism to punish applicants who repeatedly seek the same general information (e.g., copies of all documents and meeting minutes) or who misuse their Right to Information by overwhelming public offices with such requests.
- A provision should be included that specifies the format for the applicant to request the information; in other words, ordinary, illegible handwriting will not be tolerated.
- An oversight group should investigate how the CIC's directives are being put into action.
- The CIC needs more authority so that it may penalize appellants who waste public officials' time with imprecise and repeated inquiries.

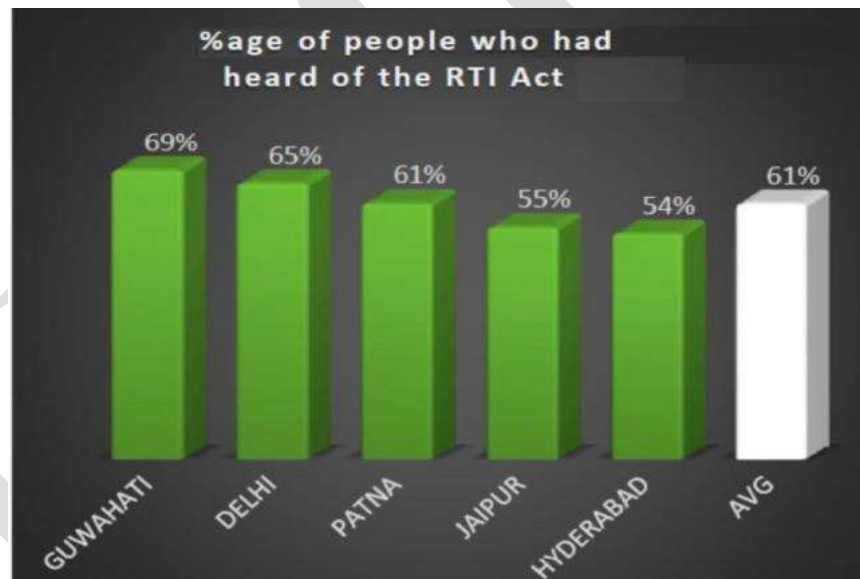


Figure 1: Percentage of People Who Are Aware About RTI

Source: <https://www.goimonitor.com/story/rti-story-graphs-1>

The percentage of the public informed about the right to information varies throughout different regions in India, as seen in the graph above.

The number of new RTI applications received in 2011–2012 was 6,55,572. A total of 4,30,425 cases have been expedited to the next year. Thus, 10,85,997 is the total number of instances. Since many government agencies have yet to file their yearly reports detailing the amount of RTI requests they received, this figure cannot be believed to represent the whole number of applications. Various agencies rejected around 53,419 requests for information, each

with their own unique rationale. From 2010–2011 to 2011–2012, the rejection ratio rose from 5.2% to 8.1%. Increasing numbers of RTI applications are shown in the graph above. Out of 33,922 appeals and complaints that were lodged with the CIC for disposition in 2011–2012, 23,112 were actually disposed of. Additionally, the report includes the names of the organizations and businesses that had the highest volume of requests.

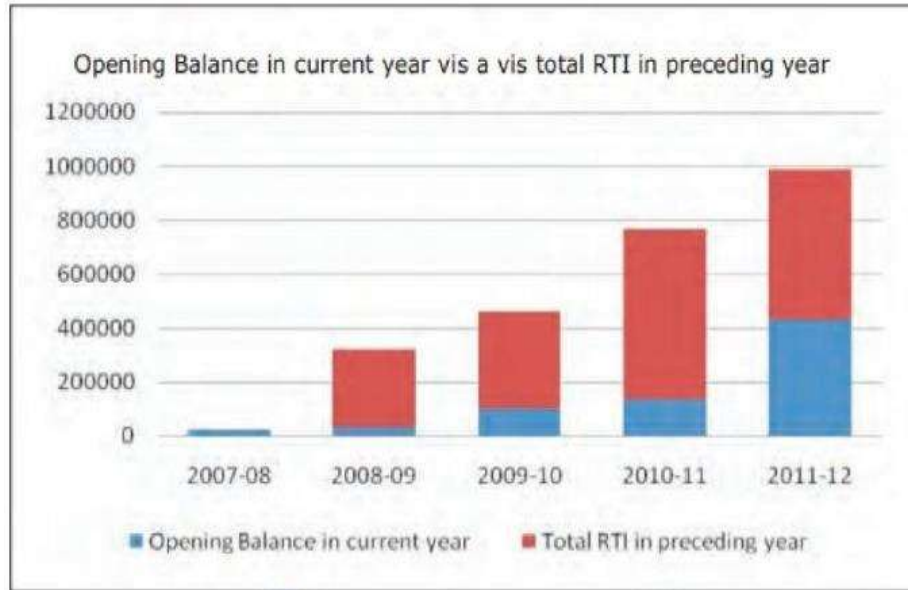


Figure 2: Applications Received vs. Opening Balance of the Preceding Year

Source: <https://blog.ipleaders.in/wp-content/uploads/2014/01/2.jpg>

Recommendation / Suggestion About the Effective Implementation of the RTI Act

- To reiterate, the majority of the population is unaware of the RTI Act because of widespread illiteracy. The government should set aside a substantial sum for the RTI Act's PR budget in order to address this matter. Nevertheless, the Central Information Commission should be responsible for disbursing these funds.
- The execution of RTI relies heavily on publicity. A large-scale public education campaign on the RTI Act can be spearheaded by non-governmental organizations and other civil society groups. The levels of this awareness program might range from the federal to the state to the local. A key step for NGOs and civil society coalitions (CSCs) in developing awareness programs is determining whose demographics they will be addressing — including women, families, farmers, and members of the middle and working classes. Newspapers and other forms of media can be useful in this respect.
- A nation's children are its most valuable asset when thinking about its long-term viability. Consequently, in order to pique the interest of students in RTI at the grassroots level, the RTI legislation should be included in the school curriculum.
- A suitable training intervention for the stakeholders might be organized by the State Administrative Training Institute.

- Applicants should be able to access reliable information through a streamlined and scientifically sound record-keeping agency. Providing information would take days, frequently surpassing legal deadlines, if information and record management weren't digitized and modernized.
- Applicants requesting information should not face difficult procedures while implementing RTI; instead, government departments should be responsible for making the process straightforward.
- The government should take legal action against assailants and ensure the safety of RTI users and campaigners.
- A solid and reliable mechanism for monitoring and assessment is also required. It will be useful for checking in on the law's execution on a regular basis and giving government agencies constructive criticism on how to improve.
- It is imperative that all information commissioners move quickly to establish a unified IT gateway or RTI portal that would connect their respective websites. The public will appreciate this.
- All information commissioners, including the chief information commissioner, should communicate with each other often so that they can all take a consistent approach when handling appeals and complaints.
- The information must be provided within the specified time range of 30 days as per the statute. It becomes challenging to offer information within this period due to the fact that the information system is not interconnected.

Conclusion

So, it is fair to say that the Right to Information Act promotes good governance. As a result, the government is held more responsible to the people. It raises public awareness of administration and provides a forum for public input into policymaking. By calling for more candor and openness from government officials, it advanced democratic philosophy. As a result, public officials are less likely to commit acts of corruption or abuse of power. The effectiveness of the act is contingent upon the people's actions, as it is designed to protect their interests. On top of that, the government and elected officials must have the political will, government agencies must maintain integrity, civil society organizations must actively participate, and non-governmental organizations must coordinate with RTI authorities.

Despite certain concerns and problems with implementation, the Right to Information remains a crucial law that has helped the country move closer to a more open and inclusive development process. Nonetheless, we must keep this legislation's momentum going and must not let it fizzle out or become nothing more than another bill collecting dust in a legislative closet. In order to prevent bureaucratic machinations from undermining the goals and purposes of this Act, it is crucial for all parties involved to maintain their dedication and exercise caution. A healthy democratic government, in which everyone has the right to know and be heard fairly and impartially, depends on the ordinary people of the country strengthening the ideals and culture of transparency. In terms of bolstering democracy, this could be among the most significant accomplishments.

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