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## Right to Information and its Role in democratic Governance

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*Right is an essential term and condition for the promotion of the social life of an individual. These rights include: social rights, political rights, legal rights, and human rights, these rights are the claims of an individual who is resented in society which is recognized by the law and guaranteed by the government. It is the responsibility of the state to guarantee rights to its citizen for their personal development based on societal norms. Rights are necessary for adequate development of human personality and making a favourable environment for individual growth. Right is the basic demand of common people to claim their power and recognition in society on an individual basis and give a contribution to the commonwealth of the country.*

**Keywords:** *right to information, commonwealth, norms, adequate development.*

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### INTRODUCTION

First time in history Sweden was the country that came up with idea that to enact the Right to information in 1766. In India the idea to establish the right to information drift by the former Prime Minister V.P. Singh in the year 1990. <sup>1</sup>The government of India came up with the idea to introduce an act which is known as the right to information which was passed by the parliament in 2005. Before this, the provision of the right to information came into the

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<sup>1</sup> Right to Information Act, 2005

spotlight in 1986 after the judgment of the supreme court in the case of *Mr. Kulwal v Jaipur Municipal Corporation*<sup>2</sup> in which it was directed by the court that the right to freedom of speech and expression which provided under Article 19<sup>3</sup> of the constitution certainly stated that right to information as without information freedom of speech and expression cannot be fully utilized by the citizens of the country. Right to Information came as a tool that strengthens the belief of citizens upon the government for the transparency, contribution, validity, and justice, open-mindedness that all commence for good governance.

### IMPORTANCE OF THIS ACT

Right to information came as a tool that empowers citizens to avail their rights like to seek information from the government and with help of this act promote transparency and accountability in the working process of the government.<sup>4</sup> It also helps to stop corruption in the country and try to enlarge the participation of the public at large in the operation of government performance which leads to good governance in the country, It also leads to decentralization of power which means that the power of the government not restricted to few selected ones, rather than it made available to every citizen to participate in the democratic work of the country which automatically leads to the confidence in law and strength democracy to administrate complete justice in the country.

### WHAT IS THE PURPOSE OF THIS ACT?

Bring transparency in the governance of the country and representative obligation for their duties which they do as per the need of their citizen.<sup>5</sup> Check and balance the present government for their duties and services through this act the government has to be answerable to its citizens for any step they take for their development. With the help of this act, any

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<sup>2</sup> L.K. Koolwal v State of Rajasthan And Ors., AIR 1988, Raj 2

<sup>3</sup> Constitution of India, 1950, art.19

<sup>4</sup> Sahina Mumtaz Laskar, 'Importance of right to Information for Good Governance in India' (Manupatra, 2016) <<https://docs.manupatra.in/newsline/articles/Upload/AC9CD2C7-B8AD-4C5A-B910-3751BFE5CB28.pdf>> accessed 12 June 2022

<sup>5</sup> Sh. Balwinder Singh IPS, 'Make full use of RTI' (*The Hindu*, 10 September 2011) <<https://www.thehindu.com/opinion/open-page/make-full-use-of-rti/article2442483.ece>> accessed 11 June 2022

government authority has to transfer the information as per required by the general public and in this sense, every public office has to provide information as per the provision of this act. This provision empowers the general public to review, the question to examine and assess the government legislation which is passed by them. The establishment of this provision makes the common public aware of their right to know what their legal representative doing for them is and what happens in their public offices for their betterment? This act entitles common people to hold up public officials accountable for their duties in good governance and the principle of justice. It's empowering its citizens to avail their power in day-to-day knowledge about their government's performance for their development.

With the establishment of this provision, the public became more well informed about their rights and duties for the development of their country as well as for themselves to be part in the activity of government and this act empowered weaker section of society to have access to information about public policies and for their upliftment. With help of this provision, the misconduct of public offices and organizations get exposed like the <sup>6</sup>commonwealth games which were held in 2010 in India it was witnessed as one of the major scams in India involving pilferage of around Rs 70,000 crore. Another is the allocation of the <sup>7</sup>2G spectrum case which was called a presumptive loss in the spectrum allocation in the range of Rs. 58,000 crores and 1.76 lakh crore. It improved the decision-making process by the public authority by eliminating unnecessary secrecy from the common people of the country.

## CHALLENGES WITH THIS ACT

The first and foremost problem with this provision is the low level of awareness among the public about their rights and duties and this type of problem i.e., lack of awareness mainly observed among rural areas and weaker sections of society and disadvantaged communities especially women and rural population, SC/OBC/ST category people who are unable to fetch

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<sup>6</sup> Mihir Vasavda, '10 years on, CWG mess: 50 payment cases, Rs 40-crore aerostat idle' (The Indian Express, 3 October 2020) <<https://indianexpress.com/article/sports/commonwealth-games-payment-dispute-sports-ministry-6674483/>> accessed 07 June 2022

<sup>7</sup> '2G spectrum case verdict: The 'losses and the 'cost' (The Indian Express, 22 December 2017) <<https://indianexpress.com/article/india/2g-spectrum-case-verdict-the-loss-and-the-cost-4993909/>> accessed 08 June 2022

this right to know about their public authorities who are implementing and making welfare schemes for them. Huge Backlog and hindrances in the disposal of the case and time taking responses from public officials due to many reasons such as the inadequate number of information commissioners at the centre level due to which there is a delay in hearing and disposal of cases, Due to useless and poor quality, inappropriate information, the filing of Appeal increased at a higher level under RTI Act. Poor management and dealing with information from public officials could also lead to delays in the process of RTI applications. Dissatisfaction from the information seeker side due to the availability of incomplete and inaccurate information provided by public information officers (PIOs) which is at a highly alarming level in Andhra Pradesh and Uttar Pradesh i.e., respectively 91% and 96%.<sup>8</sup> Dilution of law, after RTI Act (amendment) act 2019, in which section 13 and section 16<sup>9</sup> have been amended which empowers the central government to prescribe salary, allowances, and other term and service conditions of the information commissioner both at the central level as well as state level.<sup>10</sup> RTI Act amendment empowers the central government with excessive power of delegated legislation and hampered the federal structure of the RTI Act. By taking such a step the central government has attacked the very fundamental institution which is responsible for ensuring that people can exercise their right to information without any fear and threat.

Government official barely faces any punishment or penalty for violating the law by denying applicants to access legitimate information. Such type of behaviour discourages the basic framework of incentives and disincentives built into the RTI Act. Constraints while filing of RTI application under section 27(1) and 28<sup>11</sup> which specific that states for adequate and appropriate rule and regulation for maintaining RTI application i.e., user guide who will guide the applicants whoever wants information in a reasonable time. Another problem with the act is that RTI application forms are like standard forms which are available only to a few states.

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<sup>8</sup> Vinita Deshmukh, 'The RTI Act has been systematically assaulted by successive governments to blunt its efficacy' (*The Hindu*, 30 January 2021) <<https://www.thehindu.com/society/the-rti-act-has-been-systematically-assaulted-by-successive-governments-to-blunt-its-efficacy/article33692735.ece>> accessed 08 June 2022

<sup>9</sup> Right to Information (Amendment) Act, 2019, ss 13 and 16

<sup>10</sup> 'The Right to Information (Amendment) Bill, 2019' (*PRS Legislative Research*)

<<https://prsindia.org/billtrack/the-right-to-information-amendment-bill-2019>> accessed 10 June 2022

<sup>11</sup> Right to Information (Amendment) Act, 2019, ss 27(1) and 28

The basic benefits of the standard form are that it will help to find the basic knowledge about the information seeker such as address and contract number which also help the public authorities to contact an applicant for communication required under section 7(3)<sup>12</sup>. Inconvenient Means of receiving applications i.e., the application should be written in either language Hindi and English or any other official language of the area where the application will apply and in written or through electronic means. But not that much initiative or encouragement was taken by the government for the mode of applying application in electronics mode such as through email or websites etc which could be done by the government under section 26(3c)<sup>13</sup>. Fail to provide information within 30 days, Presently the existed process of information availability and management is inadequate and in 50% of cases, the information provided by the public Information officers took more than the reasonable criteria i.e., more than 30 days to receive responses such type of experiences discourages the common peoples to file an RTI.

## CONCLUSION

India is counted as one of the countries that enacted and follow the best information legislation in the world. In India, every year 4-6 million peoples fill out RTI applications to seek information from the government. As a result of this provision enforcement, a very large number of people file RTI for basic information like their pension, rations, and necessities like things, which are concluded as basic rights of a common people to live peacefully, but these are all denied to them due to corruption. When the general public access information, they expose corruption, and they are accountable to their government. RTI act is mainly not used for only basic things, this is also to use a higher level like people can seek information about legislation, administration and judiciary accountable. RTI Act plays a vital role in a democratic country like India which has a mass population and diversified culture, people with different beliefs and customs, where people work together for the development, which leads to confidence in law and strengthen democracy to administrate, this will only happen when the three more openness towards people about their government step and reactions, these things

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<sup>12</sup> Right to Information (Amendment) Act, 2019, s 7(3)

<sup>13</sup> Right to Information (Amendment) Act, 2019, s 26(3c)

will administrate justice and constitution guarantees to the people. The separation of power which a subject matter of the government which highlights the independency of this act flourishing the country's roots in diversity and which is a tool for a democratic country to maintain check and balance. If the government centralizes the power in itself, then it could be its to decline of democratic pillars of the country. Try to be more open, the government should be more transparent towards their citizens, like if the people want to seek information about anything the public authorities should put all the information on their department internet sites, so the applicants get the information whatever they want. This will also reduce the burden of the PIOs and public departments to provide information which takes their valuable time, and it will also help the information seeker get information in meantime without any wait within the prescribed time. The government needs to prevent the misuse of the RTI Act, this can only happen when the government with some legislation like to get the reason behind for filing of RTI act and if the information seeker demanded unnecessary information which is not in the public interest, there should be a provision which the person has to pay penalty for wasting the precious time of information commissioner. <sup>14</sup>Government should come up with initiatives like awareness campaigns for the citizens to know about their rights and the RTI act 2005 awareness, and its uses make people generous to participate in such acts and use their power, mainly in rural areas in different local languages. For these purposes, the centre and state commission provided sufficient funds for awareness campaigns. By taking these types of move only peoples can use it properly as per their convenience.

The right to information is coming under the provision of the fundamental right of every citizen of the country. So, every citizen has the right to seek information as per need and interest. Abraham Lincoln said, "*Democracy is the rule of the people, for the people, and by the people.*" So, the government should mould themselves in a way that the pyramid of democracy flourish only when the state starts to acknowledge the importance of well-informed people in their country doing this, people start believing in their government, and that leads to increase confidence in law and strength democratic pillars to administrative roots of the country

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<sup>14</sup> Abhimanyu J. Kumar, 'Right to Information as A Tool to Strengthen Indian Democracy' (*Business World*, 18 October 2021) <<https://www.businessworld.in/article/Right-To-Information-As-A-Tool-To-Strengthen-Indian-Democracy/18-10-2021-408941/>> accessed 13 June 2022

constitution to complete justice and equality for them. People play important role in the development of the nation. In this state of affairs, the basic role of the RTI act is to make people informed about their government and public authority in this way only the society will be informed when people of societies will be well informed.