

“RTI A MARVEL IN A COUNTRY TO BE THE CHANGES WE WANT TO SEE”

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ABSTRACT (Code no.: ICGS2014_091)

Right of information act allows public to access information held by governments. It was passed by Parliament on 15 June 2005 and came into force on the 12th October, 2005. The Act covers to the whole of India except the State of Jammu and Kashmir.

The world, since altered into an information society, became more conscious about the citizens' right to information. The paper aims at presenting the is RTI, What its purpose, and The Contribution of Right to Information Act 2005 in last 10 Years of Indian Democracy. It would be very useful for India where we are Mango people in a Banana Republic. The paper will provide a detailed analysis on the present usage of RTI and the initiatives taken for facilitating information distribution and further provide suggestions for the benefit of civil society towards good governance. The RTI act has a much higher impact on the quality of life of the poor and marginalized section of the society. However, the power of the act is still not to be fully realized. The citizens, government, media and civil society organizations need to do a lot to attain the intended objective of the act.

KEYWORDS: Right to information, Transparency and Accountability, Development, India, Good Governance, Implications of the Right to Information Act 2005.

RTI A Marvel in a Country to Be the Changes We Want To See

INTRODUCTION

The Right to Information Act 2005 presents valuable right to use information for general public of India, which is under the control of the public authorities. It is helpful to support transparency and accountability in the functioning of every public authority. It extends to the whole of India except the state of Jammu and Kashmir. To make sure better and more successful access to information, it was determined to repeal the Freedom of Information Act, 2002 and pass another law for providing an efficient framework. To accomplish this task, the Right to Information act was commenced in the Parliament and was passed by the Lok Sabha on 11th May, 2005 and by the Rajya Sabha on 12th May, 2005 and it acknowledged the assent on 15th June, 2005.

If we assume that the Right of Information Act does not has any effect on us than "**WE ARE MISTAKEN!**" If we are a citizen of India, the RTI Act has provided us a lot of power that we can use. The effectiveness of the Right to Information (RTI) Act, 2005 over the past few years has exposed that different subgroups of the clients of the Act can be acknowledged.

In this paper researchers have talked about the Right to Information Act. This act has provided power the people, to transform the country. The RTI act has prepared for transparent the internal functioning of the Govt. If we, the common civilian understand to application of this act, than we can change the country.

In this paper, researchers have talked on everything that we must know about the RTI Act, how we can use it, how it affects us etc! Even if we have no knowledge about “affairs of state” or “laws” there is no need to worry because this paper is written in a very simple and easy way to make understanding about this act.

Main Features of the Act

Meaning of Right to Information [Section 2(J)]

R.T.I. is a shortened form of Right To Information Act (India). Information about the applicable act, its guides for particular organizations and RTI is opportunity to the citizens for quick search of information on the details of first Appellate Authorities, PIOs etc. amongst others, besides access to RTI related information / disclosures published on the web by various Public Authorities under the government of India as well as the State Governments.

How to File an Application

The RTI Act prescribes a very simple procedure for obtaining information. It requires 5 simple steps:

1. Categorize the issue of your query. Is it a state or a central subject? Keep in mind that different rules apply even though they fall under the same Act.
2. Do a little background research. Find out what information falls under the purview of the department concerned.
3. Phrase your questions wisely and precisely. Ask for a copy of the documents. Fill up the RTI application form.
4. Attach court fee stamp or Indian Postal Order of worth Rs 10 with the application and keep a copy of it with you for future reference.
5. Post your application or hand it over personally to the 'TAPAL' also called as Inward/Outward section of the respective department.

The essential requirements of an application filed under the RTI Act are:

- (a) The applicant should be a citizen of India.
- (b) The application should contain the particulars of information sought.
- (c) The evidence of payment of application fee should be enclosed.

(d) The address of the applicant should be available for sending a reply.

Personal details except those necessary for contacting an applicant are neither required to be mentioned nor can be called for by the PIO.

How to file an Appeal

Many people are confused about how to file Right To Information application to government official under Right To Information Act 2005. It is a simple process below mention here-

How to do first appeal

- Write down another letter to First Appellate authority in proper format.
- On receipt of your appeal, this appellate authority will call an explanation from PIO, might invite you to hear you and will pass a reasonable order within 30-45 days.
- Maximum response time is 30 days from the First Appellate but in exception circumstances it is 45 days. But in no case more than 45 days.

How to file Second appeal

If you are not satisfied with response of public information officer and order passed on your appeal by first appellate authority of particular public authority, you can file second appeal with State Information Commissioner or Central Information Commissioner, as the case may be.

There is no prescribed time limit for getting response or order at this level.

Literature Review

1. Title : Towards Effective Implementation of Right to Information Act

Author: G. P. SAHU AND PRABHUDATT DWIVEDI

Awareness about the Right to Information Act 2005 is increasing among citizens. Some Government organizations are facing difficulties due to the implementation of RTI Act 2005. The organizations with high use of Information Technology are not facing problems due to the

implementation of the RTI Act 2005. The study concludes that information technology is a tool in effective implementation of RTI Act 2005.

2. Title : RIGHT TO INFORMATION ACT: A KEY TO GOOD GOVERNANCE

Author: SRI KESHABANANDA BORAH

Right to Information act is an agent of good governance. It makes administration more accountable to the people. It makes people aware of administration and gives them an opportunity to take part in decision making process. It promoted democratic ideology by promoting openness and transparency in the administration. It reduces the chances of corruption and abuse of authority by public servants. Since the act is prepared for people's interest, hence its success also depends on how they exercise the act. Moreover, there is need active participation from people, NGO's, civil society groups, coordination among RTI officials, integrity among government departments and political will from government and elected leaders.

3. Title: RIGHT TO INFORMATION: AN IMPORTANT TOOL OF SOCIAL DEVELOPMENT, GOOD GOVERNANCE AND STRONG DEMOCRACY

Author : DR. S. K. TIWARI

True democracy cannot exist unless all citizens have a right to participate in the affairs of the polity of the country. The right to participate in the affairs of the country is meaningless unless the citizens are well informed on all sides of the issues in respect of which they are called upon to express their views. A successful polity posits an 'aware citizenry'. One sided information, disinformation, misinformation and non-information makes democracy a farce. Right to information can be used to elevate democracy to participatory democracy.

PURPOSES OF THE RESEARCH

The paper aims at presenting the RTI, What its purpose, and The Contribution of Right to Information Act 2005 in last 10 Years of Indian Democracy. It would be very useful for India where we are Mango people in a Banana Republic.

The purposes of work as Identify best practices in implementation of the Right to Information Act in India. To study of select experiences, in detail, so as to identify successful initiatives and failures in the delivery system. To developing capacities of citizens and civil society to demand information that they need and create awareness for the same;

RESEARCH METHODOLOGY

Research is a scientific and systematic way for search of relevant and appropriate information. Researchers research methodology involves a desk-research that would be carried out to compile best practices that have already been well documented and that throw light on the significant contribution made to improve openness among public authorities. For this Descriptive method is used to describe the cases that indicate the implications of the provisions of the 'Right to Information act (India)' The compilation would come out with suggestions for upscale and reform, as applicable.'

RTI AND THE ELEMENTS OF GOOD GOVERNANCE

The RTI Act was implemented in October 2005. Though a period of three years to assess the success of this Act, it may be worthwhile to analyze some evidences for developing an understanding on how it works and what it does or does not do. We, therefore, propose to find an answer to the question: whether the objectives of the Act are being realized? An attempt is therefore made below to examine the extent to which the RTI has been successful in influencing the above factors in the desirable direction.

The Cases –1

Attendance of the village school teacher

Fifteen villagers of Panchampur village of Banda District drafted an application regarding the information related to the attendance records, leave records and medical records of the absconding village Pre-Middle school teacher with the use of the Right to Information Act. They asked for the records of the teacher but also questioned the Primary Education Department about the Department's role and responsibilities in such situations.

Result- Immediate action was taken on the issue by the Department. The Primary Education Officer summoned the teacher the very next day and asked for an explanation. The officer

appointed a new school teacher for the village school. An enquiry was ordered against the teacher and he was asked to report to the school instantly.

The Cases –2

Scholarship Scam in IIT Roorkee

Some 200 students of IIT Roorkee won the ministry of science & technology's Scholarship for Higher Education, part of the Innovation in Science Pursuit for Inspired Research scheme. This scheme offers 10,000 scholarships every year at Rs80,000 for each student for pursuing Bachelor and Masters level education in the Natural & Basic Sciences but have been receiving only a partial amount 60000. On 19 January 2012, students filed a RTI application to Lt Col AK Shrivastava (retd) who is the registrar as well as the public information officer (PIO) of IIT Roorkee. Simultaneously, a RTI application was also submitted to the DST, INSPIRE division.

Result- The first reply that RTI Anonymous received was from DST on 25th February by PIO Dr AK Mukhadhyapay, head of INSPIRE. His replies made it clear that the entire amount of Rs80,000 is meant for the student and that it has been releasing scholarship funds to IIT Roorkee regularly. And funds for IIT Roorkee are granted annually on the basis of Rs80,000 per scholar. IIT Roorkee was never instructed by the DST to retain Rs20,000 provided as mentorship cost. RTI Anonymous also received a reply from Col Shrivastava, PIO of IIT Roorkee, on 11th April wherein the information revealed under-utilization of scholarship funds but the student scholars were not given their scholarship dues. Armed with this valuable information, the students have taken up the issue strongly with IIT Roorkee.

The Cases –3

Overcrowding of jails in Utter Pradesh

An RTI query by national working committee member, NCPRI, Raja John Bunch showed that the total number of prisoners lodged in state jails is more than the maximum population of prisoners that each of the jail can support and Out of 81,027 prisoners lodged in various jails of the state, 55,460 (more than 60%) are under trials. Many of them have been behind bars for much more number of years than what the punishment for their offence would have allowed.

Result- In March 2013, the Supreme Court issued a notice to the Centre and all states giving them five weeks' time to respond to a PIL which said that 64.7% of the total prison population of the country comprises of under trials. There are about 2.41 lakh under trials in Indian prisons.

The Cases-4

Father hopes to nail his son's killers

Umesh took a contract to make bhang, but didn't pay the hafta demanded by the Chhatarpur police, Sahu alleged. On June 3, 2006, he was picked up by the police from his house and booked under the Narcotic Drugs and Psychotropic Substances Act. He was kept in unauthorized detention for more than 45 hours where he was forced to sit on a bottle and petrol was sprayed on the resulting injury, says Sahu. The infection led to his death on June 20. Jagdish Sharan Sahu The father filed an FIR but was denied a copy. He then resorted to an RTI against the Kotwali police station where the case against his son was registered.

Result- one of his RTIs found that Rohit Saxena alias Banti, a 'standard witness', was used to frame his son and produced by the police in as many as 61 cases between January 1, 2001 and June 23, 2006. Sahu then filed a complaint with the Madhya Pradesh Human Rights Commission (MPHRC). In 2009, MPHRC recommended strong action against five persons for Umesh's death.

The Cases-5

Using RTI for getting an electricity connection (Delhi)

Ashok Gupta applied to the Delhi Vidyut Board (DVB) for a new electricity connection, in February 2001. Because he refused to pay a bribe, for a year no action was taken on his application. In February 2002, he filed an application under the Delhi RTI Act.

Result- In March 2002, he was granted a new connection.

MANAGERIAL IMPLICATIONS

The Act has generated an overwhelming response in different sections of the society, particularly in the middle class. The mechanism of the Act and awareness generation initiatives

of the civil society showed that the common man could raise his voice and rightfully ask for the desired information. There are mixed experiences with the use of the Act which have been highlighted above.

- 1- **Greater Transparency** - There is greater transparency than ever before in the working of the public bodies. All the public authorities have duly placed the information in public domain and that a citizen has the right to observe as to what is going on inside an organization. In the cases where the information sought for are not provided within the stipulated period of 30 days or the information furnished are incomplete, misleading or incorrect, a requester is free to file a complaint or appeal before the Information Commission, for necessary directions to the parties as per the provisions of the Act.
- 2- **Promotion of Citizen-Government Partnerships**- The RTI Act provides a framework for promotion of citizen-government partnership in designing and implementation of development programmes for improving quality of life, which calls for increasing people's options for higher earnings, better education and health care, a cleaner environment and a richer cultural life.
- 3- **Greater Accountability**- The RTI provides people with the mechanism to access information, which they can use to hold the government to account or to seek explanation as to why decisions have been taken, by whom and with what consequences.
- 4- **Reduction in Corruption**- Right to Information Act has served as a powerful weapon in fighting corruption which has shown a marked decline in the country, according to the latest Corruption Perception Index. Published by the Transparency International, India's corruption index showed a marked decline from 88 to 70th position. The single-most reason for the drop in corruption in government was attributed to the Right to Information Act.

FINDINGS

- 1- The Act is simple to understand and easy to implement
- 2- The Act is based on good intent and has the potentiality to revolutionize transparency in India.
- 3- To accelerate the effective implementation of the Act the awareness among the people is necessary.
- 4- Though the government said there will not be any delay in replying to Right to Information applications, there is a delay in providing information due to the loose connections between levels of implementers. So there has been a question mark on the operation of the Right to Information Act regarding the disposal of complains within the scheduled time.
- 5- Right to Information Act can help to collect information. But it fails to take any action against the negligent and corrupt officials.
- 6- There is a need for training programme for developing resource persons for handling Right to Information.
- 7- It is observed that the attitude of public functionaries is insensitive towards the general public and they are less enthusiastic to supply the required information.

RESEARCH LIMITATIONS

- 1- Lack of **available and reliable data** to limit the scope of researcher's analysis.
- 2- **Time Consuming**- research not only takes more time in data collection, but it also takes time to analyze the data.
- 3- The data maybe old and out of date.

CONCLUSION

India now can proudly proclaim that its citizens today have been bestowed with specific RTI, which will unquestionably lead them towards the path of development. Fighting corruption which has been a major anxiety for our country for decades has an answer potentially in the hands of RTI. This will positively lead to ultimate recognition of the objectives of RTI viz. transparency and accountability. The success stories range from highlighting scams worth crores to ensuring attendance of the sweepers in cities to identifying lost postal orders etc. In particular,

the RTI Act has a much higher impact on the quality of life of the poor and marginalized section of the society.

However, the power of the Act is still not to be fully recognized. The citizens, Government, media and Civil Society Organizations need to do a lot to attain the future objective of the Act and to address various issues and constraints in accessing the information under the Act.

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