

Right to Information and Good Governance

Abstract:

Meaningful substantive democracy ought to be founded on the notion of an informed public adequately equipped to participate thoughtfully and actively in the governance of the country. If transparency and accountability are the imperatives for sustaining democratic governance, access to information is a vital instrument of societal transformation and the Right to Information Act, 2005 helps in achieving the same. Besides, apart from ensuring greater transparency it also acts as a deterrent against the arbitrary exercise of public powers. The governance is, therefore, undoubtedly strengthened by the RTI.

The RTI Act has brewed a quiet social revolution and played a vital role in the governance of the country. RTI users and activists in practically every nook and corner of the country are asking questions on varied subjects. The Act has produced a better impact on the quality of the life of the poor and marginalized. During the past five years, the Act has brought positive changes in the levels of corruption and accountability. Students appearing for competitive and board examinations who were not convinced with their mark sheets have demanded original answer sheets under RTI and most have received them, these are the few examples where with the help of RTI the implementation of law has reached till the grass root levels.

RTI is a powerful tool that can deliver significant social benefits. It provides a strong support to democracy and promotes good governance, by empowering the citizen's ability to participate effectively and hold government officials accountable. Rather than just providing information, RTI Act in most of the countries has served to be an effective watchdog ensuring all those coming in purview of the Act to work in accordance with rules and regulations, without any irregularities. Currently, the RTI Act in India is passing through a decisive phase, much more needs to be done to facilitate its growth and development.

INTRODUCTION

The right to information is implicitly guaranteed by the Constitution. However, with a view to set out a practical regime for securing information, the Indian Parliament enacted the Right to Information Act, 2005 and thus gave a powerful tool to the citizens to get information from the Government as a matter of right. This law is very comprehensive and covers almost all matters of governance and has the widest possible reach, being applicable to Government at all levels- Union, State and Local as well as recipients of government grants.¹

“A popular Government, without popular information, or the means of acquiring it, is but a Prologue to a Farce, or a Tragedy; or, perhaps both. Knowledge will forever govern ignorance; and a people who mean to be their own Governors must arm themselves with the power which knowledge gives”²

Governance is an all-inclusive term covering various aspects of the organization and structure of government, which have an impact on the efficiency of government and the delivery of public services, and incorporates accountability, transparency, financial devolution, political/administrative decentralization and administrative vigilance to check corruption. Good governance can be related to the basic goals of a society as enshrined in its constitution and other policy and plan documents. A faceless citizen is now blessed with a tool with the help of which he can now demand from the high and mighty in the government to know the details of every action they take, professedly on behalf of the people. The responsibility of ensuring that the RTI Act will deliver its potential rests with us.³

“Four years ago I said to you that an important challenge we face is the challenge of providing good governance. The right to information act was one major step. We have initiated reform and modernization of government.”⁴

¹ <http://rti.gov.in/rticorner/guideonrti.pdf>

² James Madison, 1882

³ <http://www.bcasonline.org/policy/Article%20by%20Shailesh%20Gandhi%20for%20February%202006.htm>

⁴ The Prime Minister, Dr. Manmohan Singh, addressing the Nation from the ramparts of the Red Fort on the 62nd Independence Day

In India, after many deliberations over the years, the RTI Act was passed by the parliament in October 12, 2005, thus opening up the governance processes of our country to the public. The Right to Information Act is considered to be the most revolutionary of all enactments in Independent India. The right to information and the assurance of widespread citizen participation in public affairs and an active civil society are essential for the full realization of democracy. The RTI Act, which if used sensibly and efficiently can take the country in the direction of new democracy and good governance.

“If liberty and equality, as is thought by some are chiefly to be found in democracy, they will be best attained when all persons alike share in the government to the utmost”.⁵

RTI is perceived as a key to strengthen participatory democracy and ushering in people-centered governance. With access to information on their side, people can function better as an informed and responsible citizenry - investigating and scrutinizing government actions and reviewing the performance of their elected representatives with a view to seriously holding them accountable. People can access information on how officials are delivering on their commitments, how the bureaucracy is spending public money and how representatives are interacting with special interest groups. Without good governance, no amount of developmental schemes can bring in improvement in the quality of life of the citizen.⁶ Good governance has four elements- transparency, accountability, predictability and participation and RTI helps in achieving the same.⁷

The Act also requires the Government to compile a guide in easily comprehensible form and to update it from time to time. The Government has already published four guides in the past, one each for the information seekers, the public authorities, the Central Public Information Officers and the Appellate Authorities. This would help all the information seekers in getting information; public information officers in dealing with RTI applications; first appellate authorities in taking

⁵ Aristotle

⁶ Government of India, Second Administrative Reform Commission, *First Report on Right to Information: Master Key to Good Governance*, June 2006, para 1.1.1, p.1.

⁷ FIRST REPORT, SECOND ADMINISTRATIVE REFORMS COMMISSION, RIGHT TO INFORMATION JUNE 2006, Master Key to Good Governance

cogent decisions on appeals and public authorities in implementing various provisions of the Act effectively will help all stakeholders in furthering the objectives of the RTI Act, 2005.⁸

OBJECTIVE OF THE ACT

Objective of the Act is to establish “the practical regime of right to information for citizens to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority, the constitution of a Central Information Commission and State Information Commission and for matters connected therewith and incidental thereto.”⁹

IMPORTANT FEATURES OF RIGHT TO INFORMATION ACT, 2005

- All citizens possess the right to information
- The term Information includes any mode of information in any form of record, document, e-mail, circular, press release, contract sample or electronic data etc.
- Rights to information covers inspection of work, document, record and its certified copy and information in form of diskettes, floppies, tapes, video cassettes in any electronic mode or stored informations in computer etc.
- Applicant can obtain Information within 30 days from the date of request in a normal case
- Information can be obtained within 48 hours from time of request. If it is a matter of life or liberty of a person.
- Every public authority is under obligation to provide information on written request or request by electronic means.
- Certain informations are prohibited.
- Restrictions made for third party information Appeal against the decision of the Central Information Commission or State Information Commission can be made to an officer who is senior in rank.

⁸ Shantanu Consul, Secretary New Delhi Department of Personnel & Training, October, 2009 Ministry of Personnel, Public Grievances and Pensions

⁹ The preamble to the RTI Act, 2005

- Penalty for refusal to receive an application for information or for not providing information is Rs. 250/- per day but the total amount of penalty should not exceed Rs. 25,000/-.
- Central Information Commission and State Information Commission are to be constituted by the Central Government and the respective State Governments.
- No Court can entertain any suit, application or other proceedings in respect of any order made under the Act.¹⁰

The aforesaid mentioned promote transparency in government organisations, makes them function more objectively thereby enhancing predictability. In a fundamental sense, right to information is a basic necessity of good governance.¹¹

LINKS BETWEEN RTI AND THE ELEMENTS OF GOOD GOVERNANCE

Since Independence government of India and state governments have been entrusted by the legislature on behalf of people of India, Billions of Crores of Rupees for various schemes for the welfare of the people so that the disadvantaged group of people can enjoy the fruits of freedom.¹² Clearly, the Act has laid emphasis on good governance, of which the major elements that have been identified are: informed citizenry for encouraging people's participation in development process, transparency, accountability and reduction in corruption. Thus, the major objectives of the Act are:

Greater Transparency: 'provide as much information suo motu to the public at regular intervals through various means of communication, including internet, so that the public have minimum resort to the use of this Act to obtain information'. In addition, a public authority, u/s 4(1)(d) of the Act, is required to "provide reasons for its administrative or quasi-judicial decisions to the affected persons". To facilitate the access to information, a citizen has, u/s 2 (j) of the Act, the right to:

(i) Inspection of work, documents, records;

¹⁰ http://rti.kerala.gov.in/highlights_rtiact.pdf

¹¹ FIRST REPORT, SECOND ADMINISTRATIVE REFORMS COMMISSION, RIGHT TO INFORMATION JUNE 2006, Master Key to Good Governance

¹² http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1572238

- (ii) Taking notes extracts or certified copies of the documents or records;
- (iii) Taking certified sample of material; and
- (iv) Obtaining information in electronic form, if available.

The Commission, u/s 20(1) of the Act, has the mandate, inter-alia, to impose xpenalty and/or to recommend disciplinary action against the information providers, if held responsible for obstructing the free flow of information. The Commission may also award compensation for any detriment suffered by a requester for seeking information.

The information seekers and the NGOs have put pressure on the public authorities for promoting the culture of openness in functioning of the Government. Of the millions of applications for information, less than 5 per cent have been denied information under various exemption categories, u/s 8(1) of the Act, on the grounds of national interest, personal or third party information or those pertaining to commercial confidence, the disclosure of which would affect competitiveness of public authorities. In effect, thus, there is greater transparency than ever before in the working of the public bodies. The media and civil society have raised development issues, based on facts about the use of funds as well as the best practices in formulation and implementation of pro-poor schemes. The citizens are thus better informed about the performance and contributions of the elected representatives, which augurs well for a healthy democracy and democratic governance of projects.

Greater Accountability: Every public authority is required ‘to provide reasons for its administrative or quasi-judicial decisions to the affected persons’ u/s 4(1)(d) of the Act. There is therefore no scope for any arbitrary decision.

The world wide governance indicators report on 6 broad dimensions of governance for over 200 countries over the period 1996-2011¹³:

- Voice and accountability
- Political stability and absence of violence
- Government effectiveness

¹³ <http://info.worldbank.org/governance/wgi/resources.htm>

- Regulatory quality
- Rule of law
- Control of corruption

AN INTERFACE:

Right to information has been seen as the key to strengthening participatory democracy and ushering in people centred governance. Access to information can empower the poor and the weaker sections of society to demand and get information about public policies and actions, thereby leading to their welfare. Without good governance, no amount of developmental schemes can bring improvements in the quality of life of the citizens.

*“Open Government is the new democratic culture of an open society towards which every liberal democracy is moving and our country should be no exception. In a country like India which is committed to socialistic pattern of society, right to know becomes a necessity for the poor, ignorant and illiterate masses”.*¹⁴

Good governance has four elements- Transparency, Accountability, Predictability and Participation. Transparency refers to availability of information to the general public and clarity about functioning of governmental institutions. Right to information opens up government's records to public scrutiny, thereby

RIGHT TO INFORMATION AND GOOD GOVERNANCE

‘Right to Information’ (RTI) refers to the right of every citizen to access information held by or under the control of public authorities. Information is crucial for good governance as it reflects and captures Government activities and processes. It is said that information is the oxygen of democracy. If people do not know what is happening in their society, if the actions of those who rule them are hidden, then they cannot take a meaningful part in the affairs of the society. Access to information not only promotes openness, transparency and accountability in administration,

¹⁴ S P Gupta vs. Union of India (AIR) 1982 SC (149)

but also facilitates active participation of people in the democratic governance process. The RTI ACT is a tool helping to ensure rights already promised in the constitution.¹⁵

Public participation in Government, respect for the rule of law, freedom of expression and association, transparency and accountability, legitimacy of Government, and the like which are the core values of good governance, can be realised only if the right to information is implemented in the right spirit.¹⁶

FREEDOM OF INFORMATION IN THE PROMOTION OF GOOD GOVERNANCE

Over 50 countries now have freedom of information laws and another 15-20 are actively considering adopting one. These nations are joined by a growing number of inter-Governmental bodies – including the World Bank, European Union and UNDP – that have established FOI policies.

It provides that all citizens enjoy rights of freedom of opinion and expression, including the right to “seek, receive, and impart information and ideas, a guarantee now generally considered to include an obligation of openness on the part of Government.”¹⁷

PERFORMANCE OF THE RIGHT TO INFORMATION ACT, 2005

PM said this legislation was not a substitute for good governance, but was intended “to support and aid the process of good governance”.¹⁸ The passage of RTI Act has up to a certain extent infused transparency and accountability in the working of public departments. This has increased the efficiency of decision making process. This has led to reduction in corruption in the country as evident from the following:

- i) The Transparency International (TI) has reported that perceived corruption in India (a score of 3.5 out of 10) has declined at the rate of about 15-20 per cent per year, due mainly to the implementation of the RTI Act.
- ii) The Centre for Media Studies in collaboration with TI has recently accomplished an all India survey study (un-published) of the poor below the poverty line. The

¹⁵ <http://pcgt.org/current-projects/rti.html>

¹⁶ The Right to Information Act, 2005, A Guide for Civil Society Organisations

¹⁷ World Bank, “Legislation on Freedom of Information: Trends and Standards,” PREM Note No.93, October, 2004.

¹⁸ <http://www.financialexpress.com/news/pm-says-rti-not-a-substitute-for-good-governance/180763>

views of the poor have been elicited in respect of all the flagship programmes that have been implemented for alleviation of poverty. At least 40 per cent of the respondents have reported that corruption has declined.

- iii) It has also been observed that wherever NGOs are actively involved in the development activities, the perceived corruption is abysmally low. The progress of RTI Act has been studied by PRIA (Society for Participatory Research in Asia) in August 2006.

In order to track the progress of RTI Act in 12 states (Himachal Pradesh, Haryana, Rajasthan, Jharkhand, Madhya Pradesh, Uttar Pradesh, Uttranchal, Chattisgarh, Andhra Pradesh, Kerala, Gujarat and Bihar), PRIA decided to conduct a study on a set of indicators namely the constitution of State Information Commission and its role, role of Nodal agencies, appointment of PIOs, experience of seeking from PIOs mandatory disclosure under section IV of RTI Act and role of government in educating people under 26 of the Act. The study indicated the following results, which are discussed in very brief manner as following:-

- The constitution of SIC in some states like Bihar, Jharkhand, Uttar Pradesh, Himachal Pradesh, Haryana and Rajasthan, the constitution of SIC was delayed by several months.
- Inadequate infrastructure and working staff has been provided to the SIC.
- There has been a general tendency of non imposition of penalties on the PIOs who have indulged in dereliction of duty.
- People belonging to rural areas feel that appeal process is very expensive.
- Public Information Officers have been appointed in most public authorities in the states. The process of accessing information by people has started slowly through Right to Information Act. However, there exists great confusion in definition of public authority.
- Most of the PIOs at state level and district level are not cooperative and they sometimes threaten applicants to withdraw applications. PIOs should be given more training so that they are sensitive to people's need and PIOs who are guilty of deliberate denial of information should be penalized.

NEED FOR RIGHT TO INFORMATION

The RTI had already received judicial recognition as a part to the fundamental right to freedom of speech and expression. Soli Sorabji has aptly stressed “Lack of transparency was one of the main causes for all pervading corruption and Right to Information would lead to openness, accountability and integrity”.¹⁹ The common did not have any legal right to know about the public policies and expenditures. It was quite ironical that people who voted the persons responsible for policy formation to power and contributed towards the financing of huge costs of public activities were denied access to the relevant information.²⁰

P.B. Sawant has expressed similar views, he holds that “the barrier to information is a single most cause responsible for corruption in society, it facilitates clandestine deals, arbitrary decisions, manipulations and embezzlements. Transparency in dealings, with their every detail exposed to the public view, should go a long way in curtailing corruption in public life.

THE GENESIS AND EVOLUTION OF THE RTI ACT, 2005:

The evolution of the act can be traced back to the following:

- i) Good Governance
- ii) Global trend
- iii) Democratization of government
- iv) Peoples participation
- v) Public accountability
- vi) Rule of Law and Right to information
- vii) Combating corruption
- viii) Checking the misuse of discretionary powers
- ix) Administrative efficiency
- x) Creating a more democratic and open society
- xi) Protection of civil liberties
- xii) Reducing poverty and achieving the millennium development goals (MDGs)

¹⁹ Soli Sorabjee stressing on the need of Right to Information aim at bringing transparency in administration and public life.

²⁰ <http://legalservicesindia.com/article/article/right-to-information-as-a-procedural-justice-491-1.html>

- xiii) Effective implementation of government schemes
- xiv) Reforming administration
- xv) Right to information as a fundamental right
- xvi) Media's effectiveness
- xvii) Movement for transparency

CORRUPTION: RTI HELPS FIGHT

The political mobilization against corruption started with the RTI²¹. The culture of secrecy, as known, encourages the government officials to indulge in corrupt practices, which result in lower investments due to misuse of power and diversion of funds for private purposes. As a result, the government's social spending yields no worthwhile benefits, because, for instance, the teachers do not teach, doctors and nurses do not attend health centres, ration card holders do not receive subsidized food grains and, thus, livelihood support is denied, and the promised jobs are not provided to the poor, who are assured of income support. In the process, it perpetuates poverty and harms the poor. It creates an environment of distrust between the people and the government, which impinge upon the development and jeopardize democratic governance.

The legislation on RTI can act like an antidote to vested interests which try to conceal or misinterpret information or which try to manipulate the media directly or indirectly to plant misinformation. The Right to Information Act 2005 has provided us the right to get information from the government. Through this we can now expose corruption and also bring to light those duties that are not being performed by the officials. Also, in some countries RTI has been seen as part of the anti-corruption or state modernization agendas (for instance Mexico and Chile), in South Asia, particularly in India²²

Through all this we can also seek solutions to our problems. We can ask information about projects and plans. We can inspect files and check for any misappropriations. The government spends a huge amount of money for development work. We can ask for information about the work being done in our area. Information relating to tenders, agreements, payments and

²¹ <http://www.indianexpress.com/news/governance-comes-before-a-lokpal/775352>

²² <http://blogs.worldbank.org/publicsphere/changing-lives-through-rti>

estimates of engineering work etc can be obtained with the help of the Right to information Act. Besides these, information can be sought on the following-

1. You can demand samples of materials used for the construction of roads, drains and buildings etc.
2. You can demand an inspection of any social development work, work in progress or information related to any completed work.
3. You can demand an inspection of government documents, maps for the construction, registers and records.
4. You can demand information related to the progress made on any complaint filed by you in the recent past.

Experiences suggest that in the states where the Right to Information Act has been implemented, it has become an important tool of social development and governance. Tackling pendency at the Information Commission and stringent punishment to guilty officials as well as massive awareness campaigns among the masses for proper use of RTI constitute the key to the success of RTI regime.²³

JUDICIARY :ENFORCEMENT OF RTI

In order to understand the effectiveness of an act it is important to analyse the various aspects in which the act has been utilised and its outcomes. In order to understand its effectiveness and use, various cases registered under RTI have been gathered .A few sample cases have been taken to highlight the various facets of the act. They have been categorised under various to heads, in order to come to conclusion about what all could be done with the RTI.

CREATING AWARENESS ABOUT RTI

Drive against bribes: A Gujarat based Ngo Mahiti Adhikar Gujarat Pahel organised a drive against bribe using the Right to Information Act at the Satyagrah Kochrab ashram for 15 days which ended on 15 July 2006.They had over 1400 visitors at the ashram, they filed 1366

²³ <http://orissa.gov.in/e-magazine/Orissareview/2009/November/engpdf/67-69.pdf>

applications for RTI. They received about 1275 phone calls. The impact is not to be assessed in terms of numbers but in terms of the creation of awareness about RTI among people. The citizens were empowered with the confidence that they can ask for information, and ask questions, from government functionaries .Some of the citizens could be transformed into propagators of RTI and a core of volunteers who were aware about the provisions, uses and implementation aspects of RTI. The people who attended the camp were from various parts of the State as well as various walks of life from a daily wage-earner to well-off business people.

HEALTH SERVICES

Use of RTI to improve health care services: Boru is a small village in Gujarat and the Primary Health Centre is 8 km away from the village due to which the villagers were not able to get timely and desired medical help. Deaths had occurred in the village due to inadequate medical facilities. They filed an application with the doctor in the Primary Health centre who was also the PIO on the health facilities provided to the villagers, what they were entitled to and the duties carried out by the Health worker who was supposed to visit their village three 7times a week and administer medicines and vaccinations to children, pregnant women and TB patients. Once the application was filed the health worker started visiting the village regularly. But the villagers still insisted to get a reply for their quires so that they were aware about their entitlements.

WATER & SANITATION

Water Pollution:-An environmental activist Ajay Dubey filed an RTI application seeking information on number of industries emitting waste in air and water beyond the norms set by the government. The state pollution control board in its reply said that more than 300 commercial units in Madhya Pradesh are causing pollution by emitting harmful air and water effluents beyond the permissible limits. The State Pollution Control Board gave details of about 313 such industries which flouted standard pollution control norms during 2009-10. 170 such units are located in the industrial hubs -- Ujjain, Indore and Dhar, followed by 48 in Bhopal and 32 in Jabalpur. About 24 such commercial establishments are located in Gwalior, 18 in Guna, 12 in Rewa and two in Patna.

LAND SCAMS

Illegal Buildings: An RTI application was filed after the collapse of the building in Lalita Park in Delhi in which 65 persons were killed. More than 65 buildings in Shahadra, East Delhi are illegal. The information also reveals a close connection between the builders and officials of the MCD and DDA. They have particular modus operandi, a building is constructed in three to six months. While the building is constructed no attention is given to any complaint and later the building is declared as old and given a regularization certificate.

FAKE CERTIFICATES

Corporate with fake certificate: An RTI application filed in the caste verification department, Swar Gate, Pune by Santosh Shrimant Jadhav, a resident of Ward no.42 same as that of Suresh Shivaji Kulkarni, corporator from Navi Mumbai revealed that kulkarni's caste certificate was fake. Kulkarni was a Telgu Brahmin from Andhra but he claimed to be an OBC (Vadari) from Maharashtra.

TRANSPORT AND COMMUNICATION

Railways false assurance exposed:-The Human Rights Defence Forum filed an RTI application to the Deputy Chief Operating manager, Southern Railways. The ErnakulamKayamkulam passenger train has fewer coaches than the sanctioned number of 14. Though the Railway authorities have agreed to increase the number of coaches in certain trains after a protest by the passengers at Thuravoor. In a reply to the application, the Southern Railway said: "Owing to shortage of general second class unreserved coaches, it is not feasible at present to augment Train no: 339 Ernakulam Kayamkulam passengers." The forum has now filed an application with the Railway Minister, Mamta Banerjee.

UNNECESSARY EXPENDITURE BY THE GOVERNMENT

Activist Nikhil Desai filed an RTI plea with the Bombay Municipal Corporation to find out what they planned in the five gardens at Dadar Parsi Colony. The municipal corporation has spent Rs 70 lakh on laying pavements and redoing the lawn at just one of the five gardens at Dadar Parsi Colony. Upset with the "unnecessary work" and "unjustified exorbitant spending", the residents

have now stepped up the heat on the municipal corporation over the controversial Five Gardens beautification project.

UNFILLED GOVERNMENT VACANCIES

The number of beat officers or inspectors posts was lying vacant in schools for a long time. In the preceding year 63 posts were filled and 25 were vacant. The next year the number of vacant posts increased to 32. In 2007-08 of the 132 approved posts, 104 were filled. Beat officers or inspectors are hired to keep a check on teachers and principals of municipal schools. They conduct an inspection of teachers and class work. One of their key functions is to pay surprise visits to the schools, as well as pay educational visits where they are supposed to give advice to the teachers. The BMC had signed a partnership with UNICEF for the school Excellence Programme; but a look at the records revealed how neglected the civic schools are.

FOOD SECURITY

Food grain Vs Liquor crisis in Maharashtra: The government of Maharashtra is offering subsidies for liquor production from food grains. This policy will turn jowar into a cash crop and divert huge quantities of food grains to alcohol production, creating scarcity and causing food inflation. Moreover, the RTI documents revealed the extent to which the claims made by the government have been violated-good quality hybrid jowar is being used instead of rotten jowar, and distilleries are purchasing grains from dealers rather than farmers. Rather than focusing on the acute problem of malnutrition plaguing the state, the government is promoting a policy that is clearly meant to benefit only those with business interests. The Government of Maharashtra policy entitled "Food Grains Based liquid and integrated material financial aid 2007" has approved alcohol production from food grain. The primary motive of the government in giving a push to this policy is to help the rain-fed farmers of Marthawada and Vidarbha region by providing them good prices for jowar, Bajra and corn. Government is also considering proposals to extract alcohol from various other sources like cashew, jamun etc. The government is promoting the liquor policy, as though liquor is the only magical solutions to all sorts of

problems. (Tiwale: 2010)²⁴. The success stories of the RTI act range from identifying lost postal orders to highlighting scams worth crores of rupees.²⁵

RIGHT TO INFORMATION: INTERNATIONAL PERSPECTIVE

At present RTI exists in some 70 countries either in constitution or through specific laws. Another 30 countries are in process of enacting such legislations. UNDP's conditional laws have compelled many countries to enact the relevant legislations. It has been of the view that right to information not only impacts the life of people but also helps in good governance.

UNITED NATIONS:

Freedom of information was recognized as a fundamental human right by UN at the first session of the UN general assembly in 1946. It adopted a resolution under section 59(1) which states:

“Freedom of information is a fundamental human right and... the touchstone of all the freedom to which the UN is consecrated”

In ensuing international instruments on human rights, freedom of information was made a part of the fundamental right of freedom and expression, which included right to seek, receive and impart information. In 1948, the UN General Assembly adopted the Universal Declaration of Human Rights which guarantees freedom of opinion and expression; *“everyone has a right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”*

This declaration recognizes freedom of expression including freedom of information and free press as fundamental human right.

Article 19(2) of the international covenant on civil and political right adopted by general assembly in 1966 states; *“everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of*

²⁴ <http://www.caluniv.ac.in/Global%20mdia%20journal/WINTER%202010%20ARTICLES/Article%206.pdf>

²⁵ . <http://www.studymode.com/essays/Right-To-Information-Act-419015.html>

frontiers, either orally, in writing or in print, in the form of art or through any other media of his choice”

Article 2 of UNESCO declaration of 1978 states “*the exercise of freedom of opinion, expression and information, recognized as an integral part of human rights and fundamental freedoms, is a vital factor in the strengthening of peace and international understanding...*”

Article 10 of the convention states to take the following measures:

- Adopting procedure or regulations allowing members of general public to obtain, where appropriate, information on the organization, functioning and decision making processes of its public administration and with due regard for the protection of privacy and personal data, on decisions and legal acts that concern members of the public
- Simplifying administrative procedures, where appropriate, in order to facilitate public access to the competent decision making authorities; and
- Publishing information, (including periodic reports on the risk of corruption in its public administration)

Article 13 of the UN ‘convention against corruption’ identifies

- (i) ‘Effective access of information to public
- (ii) Undertaking public information activities contributing to non tolerance to corruption (including conduction public education programs)
- (iii) Respecting, promoting and protecting the freedom to seek, receive publish and disseminate information concerning corruption.’

THE COMMONWEALTH:

In 1980 the commonwealth law ministers meeting in Barbados stated that “*Public participation in the democratic and governmental process was at its most meaningful when citizens had adequate access to official information”*

1992: Rio declaration on environment and development states agenda 21, “Individual groups and organizations should have access to information relevant to environment and development held

by national authorities, including information on products and activities that have or are likely to have a significant impact on the environment and information protection measures”

At the national level several countries have laws which codify, at least in part, article 10 of the Rio declaration. In Columbia, for example, law 99 of 1993 includes provisions on the right to request information likewise in the Czech Republic, there is a constitutional right to obtain information.²⁶

CONCLUSION & SUGGESTIONS

The first national youth convention on Right to Information and democracy, held in Rajasthan’s Beawar town recently, has raised the demand for incorporating the text of the Right to Information Act, 2005, in the school and college curriculum across the country so that the youth get a firm footing on the fundamentals of citizens rights.²⁷

With a view to realizing the development goals, the followings are suggested to strengthen the RTI regime:

First, all the development projects, particularly poverty alleviation programmes should incorporate transparency and accountability norms to allow for objective scrutiny of the process of execution of programmes and to assess the extent of adherence of the norms of equity and justice in delivery of essential services to the persons who are entitled for the specified benefits.

Second, with a view to reaping the benefits of RTI for rapid poverty reduction, the Government should develop the capacities for access to information. The capacities of both the public authorities (i.e. the duty – bearers) and the citizens (i.e. the claim holders) may have to be enhanced, for which a two-pronged strategy would be needed.

A comprehensive Information Management System should be developed by each public authority for storage and retrieval of data and information that may be shared with anyone who seeks to inspect the records and use the information for development purposes. Use of information technologies would not only facilitate faster dissemination of information but would also reduce the costs of servicing and sharing information.

²⁶ ‘Right to Information and Good Governance by Rajbir Singh

²⁷ <http://www.isidelhi.org.in/hrnews/isidownload/Nhrc/Rti/RTI-2008.pdf>

Third, in view of high illiteracy among the poor, a multimedia approach should be adopted to educate and train people of diverse linguistic backgrounds. Besides, they should also know as to how to make best use of information for effective participation in economic and political processes. This alone can ensure cost-effective use of the provisions of the RTI Act and promote efficient use of resources that are allocated for development purposes, including poverty alleviation.

Fourth, the role of NGOs is critical for creating effective demand for maximum disclosure of information relating to public activities so that an informed citizenry can participate in designing and implementation of socio-economic programmes. This task is challenging in deed. Increase in awareness about the human rights and how to realize them would lead to a strong multiplier effects to eradicate poverty and to create necessary conditions for good governance, of which all the stakeholders would be duly proud of.

Finally, democratization of information and knowledge resources is critical for people's empowerment to realize the entitlements as well as to augment opportunities for enhancing the options for improving quality of life. The strengthening of information regime is therefore sine quo non for promoting democratic governance and right to development.²⁸

The general awareness amongst people about the RTI Act and how it can be used for their benefit is still low. Moreover, there is a lack of sincerity on the part of government officials in disclosing information, who often threaten the applicant or refuse to provide information. Additionally, the Information Commissioners have time and again cited the lack of man power required to comply with all the provisions of the Act.²⁹

The RTI Act, as it stands today, is a strong tool to uphold the spirit of democracy. The need of the hour is that the RTI Act should be implemented to ensure that the objects of the RTI Act are fulfilled. Any attempt to dilute the provisions of the RTI Act will only quell its' success

²⁸ <http://cic.gov.in/CIC-Events/IC-MA-LectureAtUNESCO-04122008.pdf>

²⁹ <http://barandbench.com/brief/3/2945/the-rti-act-a-seven-year-retrospect>

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