



## Right to Information and Transparency in Administration

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### INTRODUCTION :-

Right to Information Act was essentially enacted to increase the transparency in the Indian Government, and empower the citizens, according to which, any citizen of India can request any public authority or a body of the government to furnish them with certain information, and the same needs to be acknowledged by the latter expeditiously or within thirty days. This enactment was passed by the legislature on 15 June, 2005 and came into force only on 12 October, 2005, replacing the Freedom of information Act, 2002. As its well-known that democracy is 'for the people, of the people and by the people', this enactment was put forth with an objective of making 'of the people' a reality. But has it succeeded in bringing about transparency? is a question to be asked.

### Transparency - A Necessity :-

There isn't any specific or agreed definition for transparency, but it is generally agreed upon, that, it relates to the right to know and public access to information. In a broader sense, transparency encompasses the extent to which there is access to internally held information by the citizens; the scope, accuracy and timeliness of this

information and what citizens (as "outsiders") can do if "insiders" are not sufficient enough, in providing such access, or furnishing the requested information.

Excessive secrecy can hamper the quality of public decision-making and prevent the check on the abuse of public power, by the citizens. This can have a degrading effect on predominantly, all aspects of society and governance. Transparency (in terms of both information disclosure and dissemination and access to decision-making) is therefore very important as it better enables civil society to:

- hold government and/or key decision-makers accountable;
- encourage good governance;
- promote public policy and efficiency;
- fight corruption.<sup>1</sup>

### Benefits of transparency: -

Inaccessibility of information, many a times tends to create a sense of disempowerment, mistrust and frustration. The International Human Rights NGO – "Article 19" has described information as "the oxygen of democracy"<sup>1</sup>, while the UNDP Human Development Report 2002 describes informed debate as the "lifeblood of democracies."<sup>1</sup>

Information by itself is not power, but it is an integral primary step to being politically and economically empowered. People can truly participate in the democratic process, only when they have



information about the activities and policies of government. Having knowledge of what the state and other institutions do, is fundamental to the power of people to hold them accountable and improve the way in which they work.

Transparency is an integral part of good governance, as a degree of clarity and openness about how decisions are made can incorporate the participation of the underprivileged, to play a role in policy formulation and its implementation. Transparency is also considered to be a primary aspect of public policy and efficiency.

As noted in Transparency International's Global Corruption Report 2003, "information is perhaps the most important weapon against corruption."<sup>1</sup> Access to information plays an important role in curbing corruption and in controlling its impact, since:

- Unrestricted access to information enables citizens, the media and law enforcement agencies to use official records as a means to uncover cases of corruption and maladministration;
- Transparency increases the risk of the corrupt practices being detected and this can act as a deterrent to further corruption in the future.

The 2005 UN Convention against Corruption (UNCAC), which is so far signed by 140 countries around the globe and ratified by 95 nations, calls upon all state parties to ensure public transparency generally.<sup>1</sup>

**Right to Information and Art. 19(1)(a)**

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In *STATE OF UTTAR PRADESH v RAJ NARAIN*<sup>1</sup>,

Supreme Court held that, Art.19(1)(a) not only includes freedom of speech and expression but also ensures right of citizens to know and right to receive information regarding matters of public concern.

In *ASSOCIATION FOR DEMOCRATIC REFORM v UNION OF INDIA*<sup>1</sup>,

The Supreme Court upheld the Delhi High Court's order, mandating the Election Commission to obtain and disclose to the public, information relating to candidates running for office, including information on their assets, criminal records, and educational background. The SC ruled that the right to know about public officials (Right to Information) is derived from the right to freedom of expression embedded in the Constitution. It has a wide scope, covering Central Government, State Governments, Panchayati Raj Institutions, Local Bodies and recipients of government grants.

**RTI- Necessity: -**

Administration is made more accountable to people and the gap between administration and people is minimized. Right to Information brings about awareness of administrative decision-making among people. Most importantly it maximizes people's participation in administration. It induces public interest



by discouraging arbitrariness in administrative decision-making.<sup>1</sup>

Shekar Sajjanar, The Chief Information Commissioner, Karnataka State Information Commission, described the Right to Information Act as the strongest weapon in the country to promote transparency and accountability in administration.<sup>1</sup>

“Improving Transparency and Accountability in Government through Effective Implementation of the Right to Information Act”, a scheme sponsored by the Centre, was launched in August 2010. The main objective of the Scheme was to promote an accountable and transparent government. The main purpose of this Scheme was the effective implementation of the RTI Act. The scheme aimed to achieve the following:

- a. RTI requests to be filed by public with ease. The aspects designed to achieve this were:

Creating Awareness through Mass media campaign

Simplifying the processes for filing of RTI Requests and Appeals to central Government Authorities,

which essentially included setting up of a call center and portal for filing of RTI requests in GOI office, etc.

- b. Improving the quality and speed of disposal of RTI requests and appeals.

Setting up of Information Commissions, that are effective in ensuring compliance with the provisions of the Act.<sup>1</sup>

Data from the Central Information Commission suggests that RTI as a method of ensuring public accountability is gaining popularity year by year. A CIC report says that the number of requests pending with public authorities rose from 6,26,748 in 2009-10 to 9,62,630 in 2013-14, an increase of 53.5 percent.<sup>1</sup>

Mumbai-based RTI activist Sunil Ahya says, “On the whole, the right to information appears to be going in the right direction and it is for citizens to take it forward. Public information officers have been appointed to government offices and appointments for appellate authorities have also been made. In present times, the RTI Act is particularly important as the cure for all corruption is transparency.”

However, Data compiled by NGO Commonwealth Human Rights Initiative suggests that there have been 289 attacks on RTI activists in India since the enactment came into being. The actual number could be higher, as the data is based on news reports compiled over a decade.

RTI activist Anil Galgali - “In several cases, the government and the judiciary have not been proactive in ensuring the protection of RTI activists who expose misdeeds of various departments.” Regarding the attitude of public authorities towards disclosing information, Galgali said, “Government authorities are often reluctant to disclose information to the public. The provisions of exceptional cases under which information can be withheld are sometimes unfairly used to deny information.”<sup>1</sup>



Nevertheless, there has been many instances in the past where RTI Act has proved to be successful :-

**Adarsh Society Scam:** The links between politicians and military officials was brought to light by the applications filed by RTI activists like Yogacharya Anandji and Simpreet Singh in 2008. A building that had 31 stories, which was permitted to have only 6 floors was occupied by politicians, bureaucrats and relatives, instead of war widows and veterans, for whom it was originally built. The scandal led to the resignation of Ashok Chavan, the former chief minister of Maharashtra. Other state officials are also under the scanner.

**Public Distribution Scam in Assam:** In 2007, members of, the Krishak Mukti Sangram Samiti, an anti-corruption NGO, based in Assam filed an RTI request that brought to light, irregularities in the distribution of food meant for people below the poverty line, after which, several government officials were arrested.

**Appropriation of Relief Funds:** RTI application filed by an NGO based in Punjab, in 2008 provided information, which revealed that money that was originally intended for victims of the Kargil war and natural disasters was used to buy cars, air-conditioners and to pay off hotel bills, by bureaucrats heading local branches of Indian Red Cross Society. Local courts charged the officials found responsible with fraud and the funds were transferred to the Prime Minister's Relief Fund.

**IIM's Admission Criteria:** Vaishnavi Kasturi, a visually-impaired student, despite scoring impressively in the entrance examination, was denied a seat in the Indian Institute of Management in Bangalore, one of the country's premier management institutes in 2007. Ms. Kasturi wanted to know why, and wondered whether it was because of her physical disability. She filed an RTI application requesting the institute to disclose their process of selection. Though she failed to get an admission in the institute, her RTI application meant that IIM had to make its admission criteria public. It emerged that the entrance exam, the Common Admission Test, was given little importance as compared to Class 10 and 12 results.<sup>1</sup>

#### CONCLUSION :-

Hence, in conclusion, we can say that RTI Act which was essentially put forth for increasing transparency in the working of government bodies and curbing corruption by making the concerned authorities accountable to the public or citizens, has certainly succeeded in fulfilling its objectives to a great extent. However, it has its own loopholes and drawbacks which resulted in it not being able to work to the full extent. Nevertheless, RTI Act has definitely brought about transparency to a considerable extent by making information accessible to the general public, in order to empower them, and keep them informed regarding the internal aspects or working of the government or related bodies.



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