

Right To Information : Present And Future Challenges

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ABSTRACT:- *Information is an inalienable and natural right of every human being. In a democratic country each person has the right to freedom of opinion and expression. This right includes right of holding public opinion and to seek, receive and impart information and ideas from the public authorities. The available and appropriate information helps citizen to live a dignified life in a civilized society.*

The transformation from governance to good governance is possible, if there is possibility of increasing participation of people in governance and free access of information. By realizing this fact, Indian parliament has passed Right to Information act, 2005 to make government, accountable, responsible, efficient and transparent. The preamble of the Act it self provides that "Democracy requires an informed citizenry and transparency of information which are vital to its functioning and also to contain corruption and to hold governments and their instrumentalities accountable to governed"

The paper tries to highlight the basic objectives or purpose of RTI. The paper focuses on the challenges or hindrances in efficient working of this act and also recommendation regarding this.

Keywords: *Right To Information, Transparency, Democratic, RTI issues and recommendations.*

INTRODUCTION

Right to know and maximum dissemination of information has now become an integral part of modern system of governance and most of activities such as commerce, industries, banking, insurance, exchange of money, Information communication governmental and nongovernmental official transactions, academic pursuits etc largely dependent on the exchange of information. The emergence of computer network and internet has added new dimensions to the information transmission. The right to information act, 2005 has provided statutory recognition to access to information from the government agencies and public bodies with a view to bring in openness and transparency in the administration. Position today is that whatever information person

wants to have from the government or public authorities, he can get within a specified time-frame. In international arena, Right to information has warmly welcomed and incorporated in various international human rights document. These documents namely the Universal declaration of Human Rights the International covenant on civil and political rights and International covenant on Economic, Social and cultural Rights.

Thomas Emerson in his commentary on the first amendment to the US constitution remarked that the society uses freedom of information and expression to protect certain values which can be grouped into four broad categories. The first of these is assuring individual self fulfillment, the second set of values focuses on means of attaining the truth, the third addresses a method of securing the participation of members in the society in social and political decision making, the fourth set of value seeks to maintain the balance between stability and change in the society.

The Indian parliament had enacted the "Freedom of Information Act, 2002" in order to promote transparency and accountability in the administration. The report envisaged by the National Commission on Information Programme the Freedom of Information Act, 2002 has repelled and "Right to information Bill, 2004 (RTI) was passed by both the houses of parliament on May 2005. The "Right to Information Act" was notified in the Gazette of India on 21st June, 2005. This new law empowers Indian citizens to seek any accessible information from a public authority and makes the government and its functionaries more accountable and responsible. RTI not only brings transparency, accountability in governance but also act as the deterrent against the arbitrary actions, policies and decisions of public authorities. Therefore RTI undoubtedly strengthen the governance.

ROLE EPISODE

In Indian population the participation of youth is nearly 37 percent and they want a transparent system of governance. They are talking about policies, decision of government and have a dream of a developed country. They are ready to participate in making. India and using RTI Act in a very beneficial way to change the system.

Digital India, open bidding minimize the paper work and increase the open source information is strengthening the e-governance system in practical way. Demonetization was also a step to increase the transparency. But on the other hand all the political parties neither ready to come under the jurisdiction of RTI Act nor ready to disclose the information about donation and party fund.

The advancement of information technology and computerization in the new millennium has brought radical changes in the mode and method of collection and age of information. It has facilitated paperless maintenance of official record and information and now information may be accessed on the computer screen within seconds. However sadly the attitude of the officials and ministerial staff working under them still remains unchanged and they tend to avoid or linger on dissemination of information held by them on one pretext or the other.

By enacting the Right to Information Act India has moved from an opaque and arbitrary system of government to the beginning of an era where there will be greater transparency and to a system where the citizen will be empowered and the true centre of power. The real swaraj will come not by acquisition of authority by a few but by the acquisition of capacity by all to resist authority when abused. Thus with the enactment of this Act India has taken a small step towards achieving real swaraj.

RTI Act has served many purposes in the day to day function of the daily administration in the government of India. The empowerment, efficiency better services, timely services power to the people speed in terms of working style of bureaucrats and many other good things happen.

People who have access to information and who understand how to make use of the acquired information in the processes of exercising their political economic and legal rights become empowered which in turn, enable them to build their strengths and assist so as to improve the quality of life.

The passing of a law is no doubt one of an extremely important part of securing the right to information but it is not the ultimate step. It is the effective implementation of the law, which makes the statute a success and the right to information meaningful. There are a number of aspects, which are required to be taken into consideration for effective implementation and operationalisation of the Right to Information legislation. Building public awareness, promoting an informed civil service, encouraging cultural change within the civil service, developing efficient and well organized informant management system are some of important facts which require immediate focus to realize the right to information. There is no denial of the fact that Right to Information Act can become an important tool to improve and make the entire framework of bureaucratic functioning more people centric and efficient.

PRESENT SCENARIO AND CHALLENGES

As every coin has two sides, one is useful and other is flipside which is not useful but misused by the people. Same is the case with the RTI Act too. As the law doesn't enquire about the purpose of the information which is shared with people which way it is used and what are the purpose of using this information ? These are the basic question which one always thinks but beyond this there is something which nobody knows. The purpose behind acquiring the information is not always to dispense the things inform of the administrative machinery to give it speed but something it is malaise the department, person of very high stature in the government organization.

Research studies shows that in their operation area the right to information act has been facing many severe challenges. These are :

1. Low level of awareness among people is the major challenge before successful implementation of Right to Information act. People, particularly in remote areas are not concerned with the Right to Information act, The research studies observe that the major sources of awareness are- (1) Mass media like television channels, newspapers, magazines, journals etc. (2) Word of mouth. The nodal agency specifically the state government has not taken any potential step to promote Right to Information Act.
2. Non-availability of user guide is another main challenge before successful RTI act implementation. Absence of user guide creates difficulty on the part of the Information seekers to gather knowledge about the process for submitting a RTI request.
3. Illiteracy and poverty is another major challenge before successful implementation of Right to Information Act. Right to Information act has does not have any meaning for a Persons who does not have enough money to live, who is not educated and who does not have freedom. In fact, their first requirement is the right to live (right to eat, right to work and right to shelter) and then Right to Information.
4. Due to the lack of efficient record management system, the public Information Officers face difficulty to get accrete any essay access of information from the concerned department, so that it can be provided to information seekers.

5. Most of the uneducated even educated peoples do not have the proper knowledge about public Information officers, the procedure of paying fees and to get information.
6. Lack of commitment in efficient record management both state and central government instructions posing challenge before successful implementation of RTI etc.
7. The non-cooperation from the part of bureaucracy is another major hurdle before RTI act implementation in India. The “Babu” type mentality (colonial mindset) makes them to use information as their own prerogative. Sometimes for their vested interest or to show their superiority, the bureaucrats do not want to disclose the basic information to citizens.
8. The implementation of RTI act is uneven. It is not equally implemented to all the states. Therefore, awareness level also differs from state to state. In states like Arunachal Pradesh, Uttarakhand and Punjab the awareness level about RTI act is high, on the other hand awareness of people in Gujarat, Madhyapradesh, Jharkhand and UP is not high. Moreover different rules for different states especially on fees and costs make the RTI filing ineffective.
9. Lack of effective coordination and cooperation among state information commissioners and the non-cooperation of departments with PIO hinder the process of smooth implementation of RTI act.
10. Bureaucracy also hides information for fear of criticism and to give a good image of them before public.
11. The limited use of technology has hindered effective implementation of RTI act. Except in a few states no effective IT system have been established to monitor and report on the disposal of application by public authorities.
12. Generally, it is observed that retired bureaucrats are being appointed for the post of highest level of RTI officials i.e. the information commission at the central and state levels. These commissions are independent of the governments. Activists are of the opinion that these officials often show sympathetic attitude towards their acquaintances.
13. Non-availability of basic infrastructure is another serious hurdle before RTI implementation. The smooth implementation of RTI act requires the Public

Information Officers (PIO) to provide information to the applicant through photocopies, soft copies etc. Though these facilities are easily accessible at districts level, but it is a challenge to get information from the block/Panchayat level. PIO claims that lack of infrastructure blockade RTI implementation at block level.

RECOMMENDATIONS/SUGGESTIONS FOR EFFECTIVE IMPLEMENTATION OF RTI ACT

1. Since, as mentioned above, lack of awareness is the main challenge for the implementation of the Act, therefore the “publicity” of the act becomes very important. There must be allocation of enough funds from the government side for the publicity of the RTI Act, and also these funds should be spent through CIC.
2. Public officials, such as district collectors and deputy commissioners, who are responsible for the administration at district level, must be given responsibility of monitoring and implementation of the Act through various departmental authorities within their respective district.
3. Officials representing public authority must be trained so that they are made aware of their duties and obligations under the RTI act.
4. Apart from governments, NGOs and civil society groups should take initiatives to conduct awareness campaign to educate rural population about the Act. These initiatives must preferably targeted towards vulnerable groups like, women, farmers, middle and working class people; the reason for the same is that these classes of people are the more affected groups who suffer due to the exploitation of public authorities.
5. With the Right to information (RTI) Act, 2005 completing a decade of its enactment, it is high time for our judicial fraternity to revisit its hitherto adopted conservative approach with respect to submitting itself before this progressive piece of legislation aimed at insuring transparency and accountability in working of every authority so that it gives a clear and strong signal to all those critics who often decry and question its image as an institution functioning in a clandestine and opaque manner.
6. It is evident from the past few years that the life of whistleblowers is no safe in this country. There is rapid increase in the number of attacks and also some result

in death of these activist. It is the moral responsibility of the government to protect RTI activists and users and take legal action against the attackers; punishment of such type of offenders must be enhanced.

7. Introduction of the RTI Act in the school syllabus is also very important so that the children who are considered as the future leaders of the country may get a brief idea of the Act and they could be encouraged to knowing further in future.
8. Political influence on the public authorities may be hindrance in the efficient working of these authorities, so they have to maintain integrity by ignoring the vested interest.
9. Training of officials of all departments and representatives of public authorities is essentially required so that they are made aware of their duties and obligations under the Act.
10. There should be proper coordination among state information commissioner and departments for the effective implementation of RTI Act.
11. It is a recognized fact that for enabling and effective implementation of RTI act, the central and state information commissions need to strengthen their technical and IT capability.
12. According to the act it is mandatory to provide the information in the given time frame of 30 days. Since the information system is not integrated, therefore it becomes difficult to provide information in the given time Moreover, many departments could not prepare themselves to respond according to the Act.
13. Exemption provides under section 24 to the security and intelligence agencies are irrational and contrary to national interest. This exemption should be removed not by amendment of the act but by withdrawing the list of notified agencies in the 2nd schedule of the RTI Act.
14. There is also need strong and robust monitoring and evaluation system. It will help periodically review implementation of the law and provide feedback to government agencies to address the shortcomings.
15. Fast action to be taken to integrate different websites of all information commissions through a common IT gateway or national portal on RTI. This will prove to be grateful to common citizens.

16. Government of India should set up a National RTI council, which has members, people from various states, so that problems in implementation the RTI can be monitored regularly.

CONCLUSION

In conclusion we can say that right to information act 2005 is a tool that checks corruption and holds the various bodies, agencies and departments of the government accountable to the public. This prevents arbitrary state action, which is the hallmark of a responsible democracy. It makes people aware of administration and gives them an opportunity to take part in decision making process. Since the act is prepared for people's interest hence it success also depends on how they exercise the act. The act itself states that the paramount of the democratic ideal must be preserved by reconciling and harmonizing information that must be shared with the public and secure information that is integral to the security and economy of India.

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