

NUANCES TO THE RTI ACT: A KEY TO GOOD GOVERNANCE

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ABSTRACT

Right to Information is a fundamental human right of each individual. The renowned French scholar Michel Foucault stressed that, power is gotten from knowledge and information is the essential segment of information. Information makes men insightful and it is adequately able to adapt up to the cutting-edge world. Along these lines, it is the obligation of government to advice the citizens on the routine happening as to the public authorities are concerned. The RTI Act gave each citizen to option to realize what's going on in the general public just as in administrative cycle. The change from administration to great administration is conceivable, if there is probability of expanding interest of individuals in administration and free access of information. By understanding this reality, Indian parliament has passed Right to information Act 2005 so that the government can be responsible, dependable, productive and straightforward in its approach towards administration. Transparency is a vital component of good administration just as an indication of valid and comprehensive majority rules system. In a democratic state every citizen resembles a stakeholder. They should reserve the right to realize what's going on in the public authority.

This paper attempts to feature the fundamental rules of RTI Act, the connection between Right to information Act and good administration and the issues pertaining to the smooth implementation of the RTI Act. An endeavour has likewise been made to make a particular examination on RTI enactment in India and the developed countries around the globe.

Keywords: Right, Information, transparency, Administration.

INTRODUCTION

Information is an unavoidable and natural right of each person. In a democratic country every individual has the right to opportunity of assessment and articulation. This right incorporates right of holding public opinion and to look for, get and grant information and thoughts from the public authorities. The accessible and fitting information causes citizens to carry on with a stately life in an acculturated society. Additionally, there is a nearby connection between right to information and good administration. Good administration is described by transparency, responsibility and responsiveness.

Transparency, responsibility and dynamic interest of citizen in administrative cycle are the signatory characteristics of a democratic government. The Right to information Act 2005 is solid weapon in the possession of citizens for the security of vote based system. The establishment of RTI Act depends on the rule that all working procedures of government information should available to its citizen. RTI Act encourages and guarantees the dynamic cooperation of the citizens in the administration. Democratic government has taken to grass root level by this Act. In a vote based express every citizen resembles a partner. They should reserve the right to realize what's going on in the public authority. For Making Indian democratic government more comprehensive, all citizens ought to be remembered for the political interaction.

The RTI Act gave each citizen option to realize what's going on in the general public just as in legislative cycle. RTI Act was passed in 2005 by Indian council to fortify the vote based ethos of country. Each citizen should think about the technique and appropriate utilization of RTI Act for achieving a similar objective. RTI alludes to one side of each citizen to get to information held by or heavily influenced by open authorities. RTI Act not just advances transparency and responsibility in legislative form of working methodology, yet additionally helps the dynamic citizen cooperation in equitable interaction.

Internationally, Right to information has energetically invited and enjoined in different global human rights document. These documents to be specific are the Universal declaration of Human Rights, the International covenant on civil and political rights and International Covenant on Economic, Social and Cultural Rights. At local level additionally the documents like European convention for the protection of human rights and fundamental freedoms, the

American convention on human and people rights fuses right to information as one of the fundamental basic freedoms. Out of 93 nations on the planet that have received right to information or freedom of information laws, four are in South Asia. They are – Bangladesh, India, Nepal and Pakistan.

RTI AND ITS ROLE IN INDIAN LEGITIMATE CONTEXT

Debasement and criminalization are the nerve of Indian administration today. Despite the fact that India is the world biggest democratic system, it currently neglects to accomplish certainty from everyday citizens. As a citizen, every individual ought to reserve the right to know the working of the government hardware. Furthermore, in a democratic country, citizen can be respected as a resource as when the citizen builds up the ability to access information, everything being equal, and to put such information to successful use. Without scholarly opportunity the accomplishment of vote based administration can't be envisioned.

The impact of the arrangements and plan of the RTI Act is to isolate 'information' into the three classificationsⁱ. They are:

- i. Information which advances transparency and responsibility in the working of each public authority, divulgence of which may likewise help in containing or debilitating defilement (identified in Clauses (b) and (c) of Section 4(1) of RTI Act).
- ii. Other information as far as concerned to be in the authority of public authority (that is all information other than those falling under Clauses (b) and (c) of Section 4(1) of RTI Act).
- iii. Information which isn't held by or heavily influenced by any public authority and which can't be gotten to by a public authority under any law for the time being in power.

Consequently, the citizen's entitlement to information is progressively being perceived as a significant instrument to advance receptiveness, transparency and responsibility in government organization. Individuals are the sole part in a democratic type of government. So it is fundamental that they should feel the need to realize all the working of government exercises to outline a useful system of good administration in regulatory interaction. In India, the Right

to Information is the need of the hour. Human security, shelter, food, environment and employment opportunity are completely bound up with right to information. Without information on this issue, individuals can't carry on with a noble life and will remain at any point a minimized gathering altogether. It is an amazing instrument to ensure the key rights of individuals.

The RTI Act gives admittance to all information that is accessible and existing. This is obvious from a consolidated perusing of Section 3 and the meanings of 'information' and 'right to information' under Clauses (f) and (j) of Section 2 of the Act. In the event that a public authority has any information as information or investigated information, or digests, or measurements, a candidate may access such information, subject to the exclusions in Section 8 of the Act. In any case, where the information looked for isn't a piece of the record of a public position, and where such information isn't needed to be kept up under any law or the standards or guidelines of the public power, the Act doesn't provide reason to feel ambiguous about a commitment the public position, to gather or order such non-accessible information and afterward outfit it to a candidate. A public authority is likewise not needed to outfit information which require drawing of derivations and additionally making of presumptions. It is likewise not needed to give 'guidance' or 'assessment' to a candidate, nor needed to get and outfit any 'assessment' or 'counsel' to a candidate. The reference to 'opinion' or 'advice' in the meaning of 'information' in Section 2(f) of the Act, just alludes to such material accessible in the records of the public power. Numerous public specialists have, as a public connection work out, give exhortation, direction and assessment to the residents. Yet, that is absolutely wilful and ought not to be mistaken for any commitment under the RTI Act.ⁱⁱ

Information is presently the sole of each administration. The requirement for transparency and effectiveness in the administration becomes more imperative to accomplish the objective of good administration. Thomas Enderson in his analysis on the First revision to the US constitution commented that the general public uses the freedom of information and expression to secure certain values, which can be grouped into four general classes. The first of these is guaranteeing singular self-satisfaction, the second arrangement of qualities centres around methods for accomplishing reality, the third tends to a strategy for getting the cooperation of individuals in the general public in friendly and political dynamic, the fourth arrangement of

significant worth looks to keep up the harmony among dependability and change in the general public.

THE NEED FOR THE RTI ACT IN INDIAN CONTEXT; A CONCEPTUAL ANALYSIS

Right to information is the need of the current situation since it helps to keep up the minimum expectation regards transparency and responsibility in government work. It assists with causing a circumstance where the overall population can get subtleties of government action, Yojana, schemes, and so forth, which helps to upgrade the responsiveness of government towards society. There is a specialized differentiation between a 'fiducial connection' which is all the more effectively relevant to legitimate connections between parties, like watchman and ward, head and beneficiaries, and other comparative connections, and 'classified connection' which incorporates the lawful connections, and furthermore every other relationship wherein certainty is properly rested and is worked out. For the most part, the term 'guardian' applies to any individual who involves a place of particular certainty towards another. It alludes to trustworthiness and constancy. It thinks about reasonable managing and great confidence, instead of legitimate commitment, as the premise of the exchange. The term incorporates those casual relations which exist at whatever point one gathering trusts and depends upon another, just as specialized guardian relationsⁱⁱⁱ.

The Supreme Court has observed that in a government of duty like our own, where all the agents of the public should be liable for their direct actions, there can yet be couple of mysteries. Individuals of this nation reserve a right to know every *public act*, everything, that is done in a public way, by their public functionaries. They are qualified to know the specifics of each public transaction on the whole its bearing. The option to know, which is gotten from the idea of the right to freedom and expression, however not outright, is a factor which should make one attentive, when mystery is guaranteed for exchanges which can, at any rate, have no repercussion on public security^{iv}. In *Dinesh Trivedi v. Union of India*^v the apex court has opined that, In modern constitutional democracies, it is aphoristic that residents reserve a right to know about the undertakings of the Government which, having been chosen by them, tries to define sound arrangements of administration focused on their government assistance. In any case,

similar to any remaining rights, even this right has perceived restrictions; it is, in no way, shape or form, absolute. Implicit in this declaration is the recommendation that in exchange which have genuine repercussions on public security, security can truly be asserted on the grounds that it would then be in the public interest that such matters are not freely revealed or spread.

To guarantee continued participation of individuals in the majority rule measure, they should be kept educated regarding the essential choices taken by the Government and the premise thereof. Democratic system, consequently, expects transparency and receptiveness is an attendant of a free society. Daylight is the best sanitizer. In any case, it is similarly imperative to be alive to the perils that lie ahead. Understand that unnecessary famous pressing factor applied as a powerful influence for leaders is Government can have startling results. On the off chance that each activity taken by the political or chief functionary is changed into a public discussion and made subject to an enquiry to relieve well known notions, it will without a doubt chillingly affect the autonomy of the leader who may think that its more secure not to take any choice. It will deteriorate the whole framework and carry it to a pounding end. So we have two clashing circumstances practically puzzling and we think the appropriate response is to keep a fine equilibrium which would serve public interest.

Right to Information Act in India took around 80 years to change a filthy arrangement of power, legitimized by the colonial "*Officials Secrets Act*", where individuals can request the "right to information". India having a sensation of confidence in being the biggest democratic system, yet with the death of the new order of the "Right to Information Act 2005". India has likewise become a solid majority rule government. The exceptional move for Indian vote based system, for the more admittance to the information by the citizen. Its "fundamental spotlight on transparency and responsibility comparable to the public authorities has been essentially financed by the public government". Right to information has protected status, additionally it is implemented from Article 19 (1) (a) which enumerates fundamental rights of freedom of speech and expression.

CRITICAL ROLE OF RTI IN UPLIFTING THE SANCTITY OF DEMOCRACY

Right to Information Act 2005 advances agreeable development among individuals and the public authority of individuals. Prior, where circumstance emerged public official became unrivalled situated rather than help arranged in light of the fact that there were no checks upon them in regards to their administrations. In any case, the RTI Act, give a restraint answer for disclose official again administration arranged. Presently under RTI Act, individuals have option to get subtleties of public specialists thus, it makes a dread of uncovering upon the brain of the local official, which is changing the disposition of public officials towards their obligations and duties. The role of Right to Information Act 2005 for Good Governance in light of the fact that RTI Act serves to progress in responsibility, the presentation of government.

The right to information is a cherished right. Information and right to information are intended to be formidable tools in the hands of responsible citizens to fight corruption and to bring in transparency and accountability. The provisions of RTI Act should be enforced strictly and all efforts should be made to bring to light the necessary information under Clause (b) of Section 4(1) of the Act which relates to securing transparency and accountability in the working of public authorities and in discouraging corruption. But in regard to other information, (that is information other than those enumerated in Section 4(1)(b) and (c) of the Act), equal importance and emphasis are given to other public interests (like confidentiality of sensitive information, fidelity and fiduciary relationships, efficient operation of governments, etc.). Indiscriminate and impractical demands or directions under RTI Act for disclosure of all and sundry information (unrelated to transparency and accountability in the functioning of public authorities and eradication of corruption) would be counter-productive as it will adversely affect the efficiency of the administration and result in the executive getting bogged down with the non-productive work of collecting and furnishing information. The Act should not be allowed to be misused or abused, to become a tool to obstruct the national development and integration, or to destroy the peace, tranquillity and harmony among its citizens. Nor should it be converted into a tool of oppression or intimidation of honest officials striving to do their duty. The nation does not want a scenario where 75% of the staff of public authorities spends 75% of their time in collecting and furnishing information to applicants instead of discharging their regular duties. The threat of penalties under the RTI Act and the pressure of the authorities

under the RTI Act should not lead to employees of a public authorities prioritizing 'information furnishing', at the cost of their normal and regular duties^{vi}.

The demonstration encourages a component to access upon information by people in general from public office. Any sort of managerial activity or semi legal judgment taken by any open specialists along these lines, minute subtleties are needed to keep up. The overall population or influenced gatherings can gather that information from public office and time. Act likewise appreciates the cooperation of residents in the dynamic interaction. NGO, co-activity, foundation or general individuals have option to get information in regards to different Yojana, plans, plans, distribution of assets and assets by the public authority in a country and metropolitan territory. With the assistance of those information NGO and social government assistance, the establishment finds out about the issue in the general public and their answers as well. Act gives helps to diminish defilement in open workplaces, presently the public official isn't using the asset for their private use, and not maltreatment their public force.

CONCLUSION

Right to information is a weapon in the possession of residents of the nation to realize the capacities performed by open specialists, the reason for the public exchange said to done for the sake of the public demonstration and the wellspring of money to release such capacities. Right to information exists before the order of Right to Information Act 2005 on the grounds that it is considered as one of the central rights inside the domain of Article 19(1) (a).

When trying to ensure that the right to information does not conflict with several other public interests (which includes efficient operations of the governments, preservation of confidentiality of sensitive information, optimum use of limited fiscal resources, etc.), it is difficult to visualize and enumerate all types of information which require to be exempted from disclosure in public interest. The legislature has however made an attempt to do so. The enumeration of exemptions is more exhaustive than the enumeration of exemptions attempted in the earlier Act i.e., Section 8 of Freedom to Information Act 2002. The Courts and Information Commissions enforcing the provisions of RTI Act have to adopt a purposive

construction, involving a reasonable and balanced approach which harmonizes the two objects of the Act, while interpreting Section 8 and the other provisions of the Act^{vii}.

This right advance straightforwardness, responsibility in work done by open specialists. Albeit, right to information is considered as progression in India as it experiences a few disadvantages which should be updated and improved.

ENDNOTES

ⁱ *Central Board of Secondary Education and Ors. v. Aditya Bandopadhyay and Ors* MANU/SC/0932/2011.

ⁱⁱ *Ibid.*

ⁱⁱⁱ Words and Phrases, Permanent Edition (Vol. 16A, Page 41).

^{iv} *State of Uttar Pradesh v. Raj Narain* (1975) 4 SCC 428.

^v *Dinesh Trivedi v. Union of India* (1997) 4 SCC 306.

^{vi} *Supra* Note 1.

^{vii} *Supra* Note 1.