



Two Decades Of Implementation Of Right To Information Act : Need To Have Practical Reforms

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ABSTRACT: The Right to Information (RTI) Act, which came into force on October, 12th 2005 marked a historical step towards transparency and accountability in administration in India. Nearly, two decades, the Act has been instrumental in exposing corruption and various scams, empowering citizens to demand information from public authorities. However, while the Act has undoubtedly brought about remarkable change, certain amendments to the Right to Information rules are necessary to prevent misuse, streamline the process, and reduce the burden on the courts.

Key Words: The Right to Information Act – 2005, Constitution, Indian Parliament, The Central Information Commission, Transparency, Accountability, Good governance.

The formal organisations of state governance and principles of public administration and mechanical application of laws in a routine manner have now become completely irrelevant in the present context, where there is change in practice towards more openness and transparency in the system of administration and public transactions. In the absence of access to information, bureaucrats and public authorities far from being answerable were, by and large, negligent, arrogant and indifferent to the rights of the general public and needs of the society and less responsive to social reconstruction. Our experience over the decades has shown that despite absolute constitutional guarantee for freedom of speech and expression enshrined in Article 19(1)(a) of the Constitution, right to know and access to information was denied to citizens in the name of secrecy and confidentiality in government dealings, thus depriving the people of their human right to have access to information which is implicit in Article 21. The growing significance to right to information as an integral part of a truly participatory democracy, led to Indian Parliament to bring out the Right to Information Legislation in 2005, which marks the beginning of a new era for greater scope of transparency and accountability in the administrative system of government and public agencies.

The Right to Information (RTI) Act, which came into force on October, 12th 2005 marked a historical step towards transparency and accountability in administration in India. Nearly, two decades, the Act has been instrumental in exposing corruption and various scams, empowering citizens to demand information from public authorities. However, while the Act has undoubtedly brought about remarkable change, certain amendments to the Right to Information rules are necessary to prevent misuse, streamline the process, and reduce the burden on the courts.

Preventing Misuse and Unnecessary Litigation: The major challenges facing the RTI framework today is the misuse of the system by individuals and groups, often leading to unnecessary appeals and challenges in courts. The Central Information Commission (CIC), ought to have handle RTI appeals, is often overburdened by frivolous appeals that clog the system and delay the resolution of genuine complaints. By amending the RTI rules, more so aspects of cooperatives, public private partnerships (PPP's) and sports bodies, could reduce some of this burden.

By enlarging the definition of public authority under the RTI Act, and including cooperatives, sport bodies and public private partnership within the definition, a considerable amount of time and resources could be saved. Very often those entities incur huge public funds, and their exclusion from the purview of RTI Act has raised doubts about transparency. The inclusion of above mentioned entities under the Act would enhance accountability and also reduce the number of cases that approach courts, thereby refining the whole RTI process.

Bring Government Allotments under RTI: A critical area that deserves attention is the issue of government land and accommodation allotments. At times, many government – owned properties are allotted at subsidised rates, often raising concerns about favouritism or corruption. For instance in the recent past the Andhra Pradesh has decided to take back 15 acres of the land allotted by previous government to a trust, following appeals and complaints from various quarters. Earlier, the trust made an appeal to the previous government for the allotment of land to set up a Sanskrit school, to promote vedic education and conduct other trust related activities. To address this, all such allotments should be brought under the purview of the RTI Act. Moreover, future allotments should be made conditional upon compliance with the Act, ensuring that beneficiaries are transparent about the process and accountable to the public. This initiative would further reduce the burden on Information Commissions, as it would discourage non-compliant beneficiaries from evading public scrutiny. It would also provide citizens with a tool to question and monitor how public resources are being allocated, contributing to more transparent governance.

Streamlining High Offices' RTI Applications: High offices such as those of the President, Prime Minister, and Chief Ministers often receive RTI applications that may not be directly related to their functions. To improve efficiency, these offices should only address RTI applications that pertain specifically to their roles. Any other applications should be returned to the applicant, along with advice on which department or authority they should approach instead. This measure would reduce the workload on these high offices while ensuring that citizens receive the information they seek from the correct sources.

Bringing Private Sector Banks under RTI: The financial sector has long been an area where greater transparency is needed, particularly in light of recent scandals and issues of financial mismanagement. While public sector banks are already subject to RTI, the private sector remains outside the Act's purview. This is a matter of concern given the extensive use of public funds by private banks and the critical role they play in the economy. To address this gap, private sector banks should be brought under the RTI Act. This would allow citizens to seek information about their financial practices, thereby increasing accountability in the sector.

Standardising RTI Fees and Preventing Misuse: Another issue that plagues the current RTI framework is the inconsistency in application fees across states. RTI fees should be standardised nation-wide at 50 rupees, which would cover the cost of 20 photo-copied pages. Furthermore, increased fees should be charged for appeals. These changes would simplify the process for citizens and eliminate confusion regarding varying charges in different states. However, there is also a need to address the misuse of the free RTI applications by certain vested interests. For instance, contractors have been known to exploit Below Poverty Line (BPL) workers by having them file RTI requests on their behalf, thus avoiding fees. To prevent this, the free provision for BPL applicants should be limited to 10 pages. Any additional pages should incur a nominal charge, ensuring that the system is not abused while still providing free access to information for genuinely disadvantaged individuals.

Enhancing Accessibility and Digital Integration: To further streamline the RTI process, post offices across the country should accept post – office RTI applications. This would make it easier for citizens, particularly those in rural areas, to file applications without worrying about postage costs. In addition, a mandatory requirement for ID proof, as seen in State like Punjab and Haryana, should be implemented nationwide. This would prevent misuse of the RTI system and ensure that applications are being filed by genuine individuals seeking information. The introduction of online RTI portals has been a positive step in recent years, but there is still room for improvement. All States should adopt the National Informatics Centre (NIC) – designed RTI websites, which allow for greater standardisation and ease of use. These portals should feature auto – e mailed responses and alerts, keeping applicants informed of the status of their requests. Moreover, out dated state – specific RTI laws should be repealed in favour of the national RTI Act to ensure uniformity across the country.

Conclusion: The effective implementation of RTI – 2005, Act strengthen Indian democracy. It is the main basis of transparency and accountability in governance and empowers the citizens. The misuse of RTI for frivolous or vexatious purposes should be discouraged to preserve its original spirit. The misuse of RTI should deal with stringent action, i.e. imposition of permanent ban on access to information through RTI Act.

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