

RTI as a Tool for Good Governance: An Assessment of Transparency and Accountability in India

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Abstract

The Right to Information (RTI) Act, 2005 stands as a transformative instrument for good governance, transparency and accountability in India. Enacted in the wake of widespread public demand and grassroots movements the Act guarantees citizens the right to access information from government bodies, compelling public authorities to respond to requests within a prescribed timeframe or face penalties. By mandating proactive disclosure of records, rules and decisions, the RTI Act reduces institutional opacity and exposes maladministration, inefficiency and corruption across government sectors. Major corruption scandals- including those related to the telecom and sports sectors have been revealed through citizen-led RTI applications, reinforcing their impact in promoting ethical governance. Beyond exposing corruption, the RTI Act compels public authorities to adopt better record-keeping and fosters a culture of openness, resulting in institutional reforms and more responsive administration. By holding officials answerable to the public, RTI elevates accountability and trust between citizens and the state. Importantly, RTI has empowered marginalized groups, ensuring equitable access to welfare schemes and legal rights. Despite ongoing challenges such as case backlogs and limited awareness, the RTI Act remains a cornerstone of participatory democracy in India.

Keywords

RTI, Democracy, Good Governance, Public Authority, Transparency, CIC, PIO, APIO

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The RTI Act, simply known as the “Right to Information Act” 2005 is a revolutionary act that aims to uphold transparency and accountability in government organizations across India. At the same time this Act empowers citizens to receive information from public authorities. The “Right to Information Act” 2005 was placed under the Indian Constitution, Article 19 (1) which assures us the right to freedom of speech and expression. This act enables citizens to assert control by engaging in decision-making and contesting corrupt and capricious actions across all levels. RTI serves as a mechanism that can transform citizens from passive observers into engaged participants in the governance process. Clearly it is understood that an acknowledged citizen is better prepared to monitor the tools of governance and take necessary action. It also ensures greater accountability from the government to its people. The Act is a big step towards informing citizens informed about the activities of the Government.

Emergence of RTI in India

The emergence of Right to Information (RTI) in India commenced with the advocacy of the Supreme Court that RTI is a fundamental right under Article 19 of the Indian Constitution in 1976. The Supreme Court declared in the case of *State of Uttar Pradesh v. Raj Narain* that the Right to information is a fundamental right protected under Article 19 (1) (a) of the Indian Constitution. Further, in 1997, Tamil Nadu became the first state in India to pass a comprehensive Right to Information (RTI) law. In the late 1980s and 1990s in Rajasthan, where people began to claim better accountability and transparency from the government authorities. In the districts of Rajasthan such as Udaipur and Churu, people protest against the misallocation of the funds intended for the rural development. Illiterate villagers often found themselves that they could not receive appropriate information regarding the distribution and usage of these funds. In the 1990, the Mazdoor Kisan Shakti Sangthan, an organisation based in Rajasthan, initiated the grassroots RTI movement. It called for unrestricted access to information. In the year 2002 the Indian Parliament passed the Freedom of Information Act in 2002, but it was not completely implemented and was later substituted by the more inclusive Act “Right to Information” which came fully into effect on October 12, 2005 empowering citizens to access information from government agencies and promote transparency and accountability in governmental bodies and functionaries.

Important Provisions of RTI Act, 2005: Theoretical Aspects

The important provisions of the Right to Information (RTI) Act, 2005 include key sections and features aimed at promoting transparency, accountability, and citizen empowerment in governance:

Section 2(h) defines “Public Authorities” as all government bodies, agencies and organisations substantially funded or controlled by the government under the Union, State or Local government.

Section 3 grants every citizen the right to seek information from these public authorities.

Section 4 mandates public authorities to maintain records and proactively disclose important information to the public to reduce the need for formal requests.

Section 6 outlines a simple procedure for citizens to request information.

Section 7 prescribes a timeline (generally 30 days) within which Public Information Officers (PIOs) must provide the requested information.

Section 8 lists exemptions where information cannot be disclosed such as compromising national security, privacy or confidentiality, though a larger public interest can override some exemptions.

Section 19 provides a two-tier appellate mechanism for addressing complaints- first appeal within the public authority, and second appeal to the Central or state Information Commissions.

Section 20 imposes penalties for delay, refusal or providing incorrect information by officials.

Section 23 bars lower courts from entertaining suits or applications related to RTI, though writ jurisdiction of High Courts and the Supreme Court remains intact.

The Act applies widely to all government departments, ministries, public sector undertakings and NGOs substantially financed by the government. It allows citizens to access government policies, records, contracts budgets and personal data, while ensuring protection of sensitive information. The RTI Act thus fosters transparency, accountability and public participation in governance.

Key features of the RTI Act:

Right to seek and receive information: The Act allows any Indian citizen to request a wide range of information from public authorities, including government records, documents, emails, contracts, and electronic data.

Wide Coverage: The Act covers all levels of government (Union, State, and local bodies), constitutional bodies, and any organizations formed by an Act of Parliament or State Legislature. Intelligence and security agencies listed in Schedule II are exempt except in certain matters like allegations of corruption.

Universal Accessibility: Every citizen has the right to request information from the public without providing reasons.

Simple Application Process: Requests can be submitted in writing or electronically, along with a nominal fee. There is a provision for assistance if the requester is illiterate or disabled, and BPL applicants are exempt from paying fees.

Time-bounded Response: Public authorities must respond to RTI requests within 30 days, or 48 hours in case concerning life and liberty.

Independent Appeal Mechanism: Citizens can appeal to the Central Information Commission (CIC) or State Information Commission (SIC) if their requests are denied or not satisfactory.

Penalty Provision: Public Information Officers (PIOs) who fail to provide information on time or without valid reasons can face penalties.

Right to Various Forms of Information: Citizens can access records, documents, emails, decisions, and more, and obtain certified copies or inspect material, including in electronic formats.

Free information for the poor: The Act mandates that no fee be charged from persons who are below the poverty line.

Implementation of the RTI Act in India

The RTI Act has empowered ordinary citizens by legally enabling them to access information held by public authorities of the central and state governments, which was previously shrouded in secrecy. The Central Information Commission (CIC) is a statutory body created under section 12 of the RTI Act by the central government to ensure the Act's effective implementation for central government and union territory organisations. Every public authority must appoint Public Information Officers (PIOs) and Assistant Public Information Officers to handle RTI requests ⁶.

As far as the RTI Act is concerned, a good effort has been made for it:

- Citizens can submit RTI applications to Public Information Officers (PIOs) appointed by every public authority; a nominal fee is charged, with exemptions for BPL applicants.
- Exposing corruption and inefficiencies in both central and state governments, notably seen in high-profile scams like the 2G spectrum and Commonwealth Games scandals, Adarsh Housing, Crawford market, redevelopment and coal allocation scams. It has triggered legal proceedings and greater public awareness.
- RTI Act has ensured that government contracts, procurement, fund allocation and subsidy distribution processes are accountable, making the misuse of public resources riskier and more likely to be detected ⁷.

- Compelling public officials and institutions to proactively disclose information and maintain better records, which enhances
- transparency and accountability in administration.
- Facilitating citizen access to essential services and welfare schemes, such as ration cards, pension schemes, and employment guarantee records. This improves service delivery and ensures rights are not arbitrarily denied.
- Appeals are available in case of unsatisfactory responses, with the Information Commissioner acting as the appellate authorities ⁸.

RTI: a significant tool for Democracy

People are the masters of Indian democracy, and the word “JANARDAN” is very famous for “JANATA” meaning the public is supreme here and the decisions are taken by them are always right. People have the right to know about the work of the government officials. The objectives of RTI and democracy are intertwined with each other. The Right to Information Act 2005 is a landmark legislation that has significantly impacted India’s democratic governance. By empowering citizens to access information from public authorities, the act promotes transparency, accountability and participatory governance. At the same time this act has succeeded in revealing the corruption and misconduct of government authorities. Now the government agencies have become more vigilant while performing their duties by knowing that they can be questioned under the law. By reducing the space for arbitrary administrative practices, citizens are now active stakeholders in policy discussions and local governance. This act has helped to access information about government projects, policies and performance, enabling voters to make informed electoral choices, increasing democratic quality and responsiveness. Marginalized groups gain access to government information that was previously out of reach, promoting inclusive democracy.

Impact of the RTI Act on the Indian Governance System

Promoting Good Governance: The RTI Act has strengthened the procedures of the governing system effectively. The provisions of this act make the government cautious to preserve perfect records and proactively disseminate information. Consequently, government officials have become more efficient and responsible.

Strengthening Grassroots Democracy: The RTI Act plays a crucial role in enhancing grassroots democracy, influencing not only national and state domains but also local ones. Citizens possess the power to hold local authorities accountable and monitor the implementation of government programs and projects, ensuring their effective execution. It has also empowered the marginalized communities by

enabling them to access information about government schemes. They have used the RTI Act to know more about the welfare scheme and its level of implementation

Government Transparency: This act has improved openness in the operation of government, making information and data quickly accessible to the public. It has provided a legal mechanism for citizens to access official records, exposing corruption and inefficiency in major cases like 2G spectrum and Commonwealth Games scams.

Government Liability: This act has permitted citizens to inspect government acts and records and hold them accountable for their functions and decisions. This act has encouraged institutional reforms and improved record-keeping in government bodies.

Responsiveness and Legitimacy: The Act makes officials more responsive to public concerns. When citizens highlight irregularities or misallocation, agencies must correct issues or face legal consequences, boosting trust in governmental decision-making.

Check on Corruption: Regular use of RTI applications has led to control in corruption and improved public trust in government, as individuals can scrutinize government spending and decision making ¹⁰.

Challenges Facing RTI:

Despite its achievements, several obstacles hamper the full potential of RTI.

Awareness Gaps: Many citizens remain unaware of RTI rights, limiting its reach especially in rural areas and the marginalized class. This means many potential beneficiaries don't utilize RTI. Public Information officers (PIOs) often lack training and motivation, hampering both proactive disclosures and response quality, as new officers are often untrained and unfamiliar with law¹¹.

Delays in Information delivery: Bureaucratic resistance, reluctance to share information and an institutional culture of secrecy continue to hinder transparency. Thus, the passive attitude of government officials in the delivery of information undermines the ineffectiveness of this act. Due to an insufficient number of Information Commissioners and low enforcement, there is a large backlog and cases are handled slowly.

Threats against RTI Activists:

A concerning issue is the rising number of threats and assaults against RTI activists. Over the past ten years, various whistle-blowers who have utilized RTI to reveal corruption have experienced intimidation, harassment, and even acts of violence. Some have tragically lost their lives. The absence of robust whistle-blower

protection measures has discouraged numerous citizens from using RTI to highlight irregularities in governance. This environment has fostered a culture of fear and uncertainty, prompting activists to demand stronger legal protections for individuals who submit RTI requests in the interest of the public.

Poor Record Management and Technical Issues

Many departments lack systematic record management, resulting in incomplete or inaccurate responses and the absence of standard forms makes application submission difficult.

Infrastructural Inadequacies

Infrastructural and digitization gaps, especially outside urban centres result in delays and inefficient processing of requests. These challenges have collectively slowed RTI's progress as a catalyst for government transparency and accountability in India highlighting the need for reforms in infrastructure, legal frameworks, awareness and political commitment.

Attempt to Weaken RTI

Since its enactment, the government has made attempts to amend the RTI Act to restrict information access, though widespread protests have delayed some of these efforts. For instance, the 2019 RTI Amendment Act weakened the independence of Information Commissioners by increasing bureaucratic control over appointments and tenure, reducing their autonomy to enforce transparency effectively.

Supreme Court judgments, such as *CBSE vs Aditya Bandopadhyay* (2011), have emphasized that RTI should not be used indiscriminately to overload the administration or harass honest officials. This has led to a negative perception of RTI users and has been used by officials to deny information citing "administrative burden," affecting access in corruption-related cases¹².

Another ruling (*Girish Ramchandra Deshpande vs CIC*, 2012) allowed broader exemption of "personal information" related to public servants, often shielding details around assets, disciplinary actions, and corruption complaints. The law's public interest test was sometimes overlooked, limiting information crucial to exposing corruption¹³.

The 2023 Digital Personal Data Protection Act removed the public interest clause from the RTI Act's Section 8(1) (j), allowing more information to be denied outright as "personal data". This amendment has fuelled concerns that transparency is being curtailed under the guise of privacy¹⁴.

Reforms and recommendations: Improved digital infrastructure, regular and standardized training for officials, a stronger grievance redressal mechanism

and greater outreach are recommended to maximize the effectiveness of RTI. Penalize deliberate delays or non-responses and incentivize timely accurate information disclosure by PIOs and commissioners. Implementing these reforms would significantly improve the efficiency of RTI.

Conclusion

The RTI Act has transformed governance in India by institutionalizing transparency, combating corruption, boosting accountability and empowering citizens. To maximize its impact addressing challenges like delays, infrastructural deficiencies, lack of awareness and reluctance from bureaucrats remains crucial. Continued efforts are necessary to ensure that the RTI delivers on its promise of transparent and participatory democracy. The RTI Act has progressively improved public trust in government institutions by bridging the gap between the state and citizens making government work more transparent, accountable and open to scrutiny. While facing challenges from bureaucratic resistance and legislative amendments that threaten to dilute its provisions, the Act remains a cornerstone of modern Indian democracy. The continued effectiveness of the RTI Act will depend on addressing implementation challenges, strengthening enforcement mechanisms and protecting its provisions from further dilution through legislative amendments.

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