

## **NOTION OF RIGHT TO INFORMATION**

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**DOI: 10.5958/2249-7315.2021.00198.2**

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### **ABSTRACT**

*The inclusion of the Right to Information within the Fundamental Rights under Article 19(1) of the Constitution serves a purpose. It empowers people and serves as a check on the government's arbitrary actions. It aids in giving openness to the public about government activities and improves the government's accountability to the citizenry. It prevents authorities from becoming corrupt. It upholds the fundamental concept of the rule of law. This study article aims to emphasize these aspects of the Right to Information Act of 2005, as well as its shortcomings, which should be investigated. The fundamental characteristics of a democratic nation are the government's transparency and accountability to its people. Citizens must thus be well-versed in the operation of the government and other public agencies. As a result, the Right to Information Act was enacted, as well as the recognition of the right to information as a basic right.*

**KEYWORDS:** Administration, Fundamental Rights, Governance, Right to Information, Transparency.

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### **1. INTRODUCTION**

India is often regarded as the world's biggest democracy. The country's administrative agencies had a broad variety of powers, and it was critical to keep a close eye on how they were being used in order to avoid mismanagement and maladministration. In this respect, every person of the nation has the right to information. The public may now monitor the activities of government officials and other entities, enhancing the accountability of these organizations[1].

For the authorities, this serves as a check and balance. The RTI Act allows people to actively engage in the government's operation by obtaining information held by the government and the government's notified agencies. As a result, they are more responsible, and their public welfare responsibilities are better fulfilled[2].

### **2. DISCUSSION**

Under Article 19(1) of the constitution, the RTI Act has been designated as a basic right, upholding the inherent dignity of all Indians. According to Article 19(1) of the Constitution, every person has the right to free speech and expression, as well as the right to know how the government works, its responsibilities, and functions. The Right to Information Act is a critical step toward ensuring transparency and good government. When people have better access to information, the government responds more quickly to their demands. However, if people' access to information is restricted, they may feel alienated and helpless, which goes against the democratic basis. Furthermore, people will be unable to fully use the authority placed in them or make proper decisions due to a lack of sufficient knowledge.

The Right to Information Act took almost 30 years to implement, and it was a lengthy and difficult process. The Supreme Court decided in 1975, when determining a lawsuit, that the public had a right to know. The Supreme Court declared the right to information to be a basic right in a 1982

decision. A lawsuit was filed in the Supreme Court in 2000, asking that specified standards for the right to information be established. In 2002, both chambers of Congress approved the Freedom of Information Act, which was signed into law by President George W. Bush in 2003. The RTI Bill was approved in May 2005 and received President Bush's signature in June of that year. In October 2005, the RTI Act became effective[3].

This Act is essential for everyone because it allows us to collect information on the functions and operations of our government authorities and public entities and act on it. It established the right of every Indian citizen to access or control financial data held by any government body, and as a result, the authority has a responsibility to use their power effectively without engaging in any corrupt practices.

The RTI Act enables people to challenge the government or seek information from it, as well as to get facsimiles and examine different official documents. According to the RTI Act, 2005, every authority that is established under or by the Constitution of India, the Parliament of India or the state legislature, and any entities notified by the Central government or state governments, including non-state funded organizations and NGOs, is a "public authority." Section 8 of the Act lists the entities that fall under the category of "public authority."

The Right to Information Act establishes a process for obtaining information from a public body. All authorities designated as public authorities must appoint a Public Information Officer in order for this process to go smoothly (PIO). Any individual requesting information from a public authority must make a written request to the PIO of that authority, stating the kind of information he or she wishes to receive. The Public Information Officer has a legal duty to give information to any Indian citizen[4].

If the request is partially or entirely linked to another authority, it is the responsibility of the PIO to forward the relevant portions of the application to the PIO of the relevant public authority within 5 days of receipt of the application. The applicant is not required to reveal the purpose for his application, and he is not accountable to any authority for requesting such information unless it is for illegal conduct. The applicant's name and contact information are the only data he must provide throughout the application process.

*1. RTI's Contribution to Transparency:* Transparency is a cornerstone of effective government. It implies that information may be readily obtained and accessed by people who will be impacted by such choices and their execution, and who are willing to do so. Every common person should have a good understanding of what will happen in the future and what has already happened in the past. The Right to Information Act is intended to improve openness in the administration process.

Despite the fact that a few regimes of the Union government are exempt from this legislation, the information may be sought if the Union government is concerned about human rights violations. Indeed, even information from a private authority may be obtained simply by contacting the governing power, who would then issue a notice to the establishment concerned under section 11 of the Act, and the information will be made available in this manner. The RTI Act empowered the general public to participate in the development of government programs and policies. As a result, it aided in the promotion of transparency in order to promote good governance and administration[5].

*2. Promotes Government Accountability:* The RTI Act is very helpful in raising public knowledge and strengthening government accountability. Accountability is a crucial component in improving administration.

RTI has been the people's weapon, and it has shaped India's accountability culture from the bottom up. The reason of any non-fulfillment cannot be addressed without accountability. The administration, on the other hand, as well as other administrative authorities, may be held

accountable to the public. As a result, accountability has always resulted in increased efficiency and a better understanding of duty among administrative authorities.

**Promotes Accessibility:** Prior to the establishment of RTI, only members of parliament had the authority to request information from the government. However, after its passage, the RTI Act was elevated to the level of a basic right, demonstrating how important it is for the proper functioning of the legislature. This Act enables competent access to information from regulatory agencies, archives, reports, administrations, and plans on many community sectors.

**3. Encourages others to participate:** Previously, the common people had the willpower but not the ability to participate in so-called government matters. The RTI Act enabled individuals to participate in the administration's governance process, reducing power imbalances and serving as a check on the process, and allowing democracy to function for everyone. Without people's involvement, the Right to Information will stay a non-starter, and people will never have access to information, and therefore RTI will remain a non-starter, and thus RTI will serve as a quiet method for active public engagement in administration strengthening[6].

#### *2.1 The Right to Information Act as a Tool for Fighting Corruption:*

Corruption is a kind of misuse that feeds the imperativeness of India's administrative system, resulting in a slew of social, political, and economic problems. It is undeniable that corruption under the guise of administration and governance is unethical. However, this Act serves as a tool for piercing the veil of secrecy that protects corrupt authorities. Government personnel are encouraged to engage in corrupt activities through the practice of secrecy. The RTI Act prevents such abuses by encouraging "transparency and accountability." If we want to have more openness in government, we must first eliminate corruption by removing the barriers of secrecy. Each person in a democracy has the right to freedom of speech and expression.

This right includes the ability to conduct a broad evaluation as well as the ability to seek for, obtain, and provide information from public entities. They have the choice of learning what the organization and its experts are doing and why they are doing it. We will now be able to discover defilement as well as reveal responsibilities and labor that are not being monitored by the appropriate authorities. The Right to Information Act (RTI) has been acknowledged as a component of anti-corruption efforts, especially in India. We may also use this to search for answers to our queries. We have the ability to get information regarding plans and schemes, examine papers, and inspect them for any misappropriations. The legislature provides a significant amount of money to progress efforts.

The Right to Information Act may be used to get information regarding bids, agreements, installments, and evaluations of design work, among other things. As a result, it has provided a greater knowledge of the decision-making process and the administration's operations, resulting in a reduction in corruption in the nation. As a result, the Right to Information Act (RTI) is a critical weapon in the fight against corruption in the hands of the general people[6].

#### *2.2 The Relationship Between Right to Information and Good Governance:*

The right to knowledge and effective and responsible governance may be linked in a very suitable and irrefutable way. According to a 1992 World Bank study titled *Governance and Development*, good governance has eight main characteristics: participative, consensus-oriented, responsible, transparent, responsive, effective and efficient, equitable and inclusive, and it must adhere to the rule of law.

**1. Transparency:** The Right to Information Act of 2005 grants a variety of rights. These rights make it easier for government agencies to be more transparent. Every citizen has the right under section 2(j) of the Act to access and review the works, reports, and records; to take notes or

extracts from the archives or records; to take confirmed examples of the materials; and to acquire information in any format, such as tapes, video tapes, or other electronic mode, or through printouts, and so on, where such information is kept.

Sections 4(1)(a) and 4(1)(b) of the Act require all public agencies to keep all records of their operations, and fines may be imposed under section 20(1) if they fail to disclose such information or make it difficult to obtain such information. Furthermore, all authorities must give explanations for their administrative or quasi-judicial judgments to the people or individuals who were impacted by them.

Section 6(2) of the RTI Act states that individuals requesting data or documents are not need to give a justification for their request to any of the agencies. This promotes openness while also empowers individuals[7].

2. *Consensus-driven*: All public bodies are required under the Right to Information Act of 2005 to preserve all of their records and to keep those documents computerized so that access to them may be facilitated effectively (Section 4(1)(a)). This is accomplished in such a way that every authority is obligated to make this information available.

3. *Accountability*: One of the most essential characteristics of a democracy is that the government is accountable to the people. The 2005 Right to Information Act seeks to make government more accountable. Section 4(1)(c) of the legislation requires government agencies to disclose any relevant facts that are taken into account when making policies that impact the general public. Section 4(1)(d) of the legislation also requires administrative bodies to give explanations for their administrative and quasi-judicial judgments to those who are impacted. The legislation aids in the fight against corruption by requiring authorities to disclose information regarding workers' pay and the compensation system in place.

4. *Observance of the Law*: The concept of the rule of law says that the law is supreme<sup>15</sup>. The law must be applied consistently and fairly to all people. The rule of law concept safeguards citizens from the government's arbitrary acts. Section 4(1)(d) of the Act compels administrative bodies to give explanations for administrative and quasi-judicial judgments to those who are impacted. This helps in evaluating if the acts are arbitrary in character and, as a result, may be challenged in a court of law with proper jurisdiction[8].

### *2.3 Right to Information and Public Authority Obligation:*

Section 2 of the RTI Operate requires public bodies to act in accordance with the act's terms and conditions. Under this provision of the RTI Act, public agencies are required to maintain a record that is correctly categorized and listed in a manner and structure that is enabled by the RTI Act. Furthermore, within one hundred and twenty days of the act's incorporation, public authorities were required to publish their duties and functions, the obligations of their employees, and various other information of the organization, including its procedure for decision-making processes, information of the PIOs, budget allocation, and other such important information as prescribed by the act[9].

Public authorities must take steps in accordance with Section 4(1) of the RTI Act to make as much information available in the public domain as feasible via different methods, including the internet, in order to reduce the need for the public to use the RTI Act to acquire information. All information that the authorities are required to disclose must be organized and presented in such a manner that the general public may access it effectively and efficiently.

Furthermore, in order for the papers to be made accessible to the public, certain criteria must be met by the authorities in order for communication to be seamless and comprehensible. When publishing such information, several aspects must be considered, such as the publication being

made in the local language and in the most effective medium available in the region, and the material being made as readily accessible as feasible. The information must be supplied by the PIO of such authority free of charge or at a minimum cost, or at the print cost, whichever is higher[10].

### **3. CONCLUSION**

Transparency is the new normal in today's society. People must be kept up to date on the government's operations, functions, and important decisions at all times. Transparency allows for more effective administration and operation. Information, more than anything else, makes people aware. The RTI Act is without a doubt one of the most important pieces of legislation that has given people the right to know, and many individuals have benefited from it. The RTI Act has played a critical role in ensuring that the government is transparent and accountable. People's increased knowledge as a result of the RTI Act has enabled them to actively engage in the decision-making process.

However, we cannot overlook the RTI Act's many flaws. These flaws must be corrected in order to preserve a cleaner and more efficient relationship between the people and the government. There is more work to be done to guarantee the RTI Act's growth and development, as well as to make the government more responsible. The RTI Act is a major supporter of democracy, and it will continue to be a vital and powerful instrument for addressing social issues.

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