

Relevance of the Right to Information Act in India: An Analytical Study in the Context of Democracy and Constitutionalism

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ABSTRACT

The RTI Act, 2005 has been a landmark legislation in India which has ushered in an era of transparency and democracy in India. It has also become a steadfast supporter of constitutionalism in India. The stated goal of the RTI Act has been to promote transparency and accountability in the governance system of India by empowering the ordinary citizens with the right to seek information from the system. An empowered citizen strengthens both democracy and constitutionalism in India. The rubric of constitutionalism in the context of the RTI Act has been the supportive role of the judiciary in India. The progressive judgements by our judiciary have established the right to information as a fundamental right under Article 19 (1) (a). In contemporary times the RTI Act has been playing a stellar role in the very sustenance of democracy and constitutionalism in India.

Keywords: Democracy, Right to Information, Constitutionalism, Judiciary, Transparency, Accountability

INTRODUCTION

The success of Indian democracy has indeed been very impressive amongst the the various cases of democratic consolidation at the global level (Heller, 2000). India has been a very successful democracy because of a very vibrant civil society among other contributory factors. However, the popular definition of civil society as a “third force” situated between citizens and the state need further fine-tuning and academic exploration (Chandoke, 2001). Civil Society applies a very of strategies ranging from cooperation, tactfulness and blunt pressure tactics in order to put its demand before the government (Pongsapich, 1999). However, there is a greater need for deeper academic exploration of the role of civil society in making democracy successful (Diamond, 1994). The RTI Act has also played its contributory role in making India’s democracy successful by promoting participation of the ordinary citizen in the process of governance (Heller, 2009). It upholds the

paramount significance of public interest in India. It boosts transparent governance by empowering the citizens to access the requisite information from public authorities. It is also vital for the promotion and protection of other human rights of people. Considering the vital importance of the right to information, the Government has created mechanisms to provide reasonably easy access to information to the ordinary citizens of India. The successful implementation of the RTI Act, 2005 has lessened corruption and bolstered efficiency in government offices thereby fostering stronger faith of the ordinary citizens in the democratic system of India. The enactment of the RTI Act, 2005 was a watershed moment in the democratic system of India. The right to information is intrinsically linked with corruption-free governance, democracy and constitutionalism.

Implementation of the Right to Information Act:

The ability of ordinary citizens to legally obtain information from the public officials has played a stellar

role globally in enhancing faith of the public in their respective governments (Banisar, 2006). It also leads to a consequent reduction in the levels of corruption (ibid). A combination of various political and non-political factors has influenced the efficacious implementation of the right to information act. This act has been by and large triumphant in upholding the spirit of accountable and transparent governance system in India. Apart from support of the government the civil society in India has played a momentous role in championing the cause of a sturdy RTI Act. The herculean effort of both the government and the civil society has ensured the blooming of the RTI act in India. The civil society has played a stellar role in robust supervision of the implementation of the RTI Act. This has promoted greater support and conformity of the government towards the thriving implementation of the RTI Act. The robust commitment from the government as well as the civil society has undoubtedly played a stellar role in empowering the ordinary citizens with the democratic weapon of the RTI Act. Globally the civil society has aided the process of making democracy successful (Lipset, 1959; Heller, 2009).

Historically the Indian government was used to working in a reticent manner because of the colonial legacy (Baviskar, 2007). The Civil Services in India historically had an elitist bias in its selection process (Barik, 2004). This also had an impact upon the culture of secrecy in government offices. The trend of democratisation in the Civil Services in India is only a recent phenomenon. Earlier the public officials were generally against sharing the official information with the ordinary citizens (Dogra, 1997). However, the enactment and then the successful implementation of the RTI Act removed the culture of secrecy in the working of the government departments. This ensured a regime of transparency and accountability in the very functioning of the government departments. The Information Commissions armed with appellate authority under the RTI Act are also playing a crucial role in the implantation of the RTI Act. They judge and give judgments on the issue of disagreement over access to information from government offices by the ordinary citizens of the country. The progressive judgments delivered by the Information Commissions have promoted an attitudinal change in the bureaucrats for working towards establishing a regime of transparency in government offices (Sharma, 2017).

The Public Information Officers (PIOs) have been

provided suitable training to uphold the letter and spirit of the right to information act. The Right to Information Act has become reasonably popular in India in the last two decades. Its popularity can be gauged from the fact that ordinary citizens have filed a huge number of RTI applications for seeking information from public authorities during the last two decades. Gradually the opaque working culture of public offices is being transformed into a transparent working culture.

Role of the Right to Information Act:

The enactment of the Right to Information (RTI) Act in 2005 has been heralded as a significant event in the history of democracy and constitutionalism in India. This progressive act arose from the popular demands of ordinary citizens led by civil society organisations. This act changed the equations of the relationship between the ordinary citizens and the public officials. The ordinary citizens of India felt empowered as a result of the reasonably sound implementation of the RTI Act. This act ensured that the public officials shared the information sought by the ordinary citizens.

There is a positive correlation between the success of democracy and the sound implementation of the right to information act. The access to information has particularly emboldened the ordinary citizens of India to seek information from public officials. Consequently, it has lessened the levels of corruption particularly at the level of the local-self government. It has injected fresh oxygen into the implementation process of the 73rd and 74th Constitutional amendment act thereby strengthening democracy at the grassroots level. It has augmented the strength of India's democratic system.

The Right to Information Act has played a cardinal role in the empowerment of ordinary citizens of India (Banisar, 2006). It has ensured that people are productively engaged with the system in a transparent and democratic manner. It fosters accountability amongst the public officials who are democratically incentivised to engage with the ordinary citizens. The ordinary citizens feel empowered in the age of the RTI which has ensured transparency and openness.

Transparency and accountability provide stellar strength in the fight against corruption in the age of the RTI (Sharma, 2017). The Right to Information (RTI) Act helps in revealing practices adopted by the public officials and it also makes certain that the anti-corruption institutional architecture is bolstered in the larger interest

of the country. It is no exaggeration to state that the RTI Act serves as bedrock of transparency and accountability in the system (Baviskar, 2007). It empowers the ordinary citizens with the ability to engage with the public officials in order to seek information within permissible limit of the law.

Values Associated with the RTI:

The Right to Information Act of 2005 is the embodiment of values like transparency, accountability and citizen empowerment in governance (Baviskar, 2007). It revolves around the idea of “knowledge as power” providing rationale for giving access to information to ordinary citizens (ibid). It catalyses transparency in the functioning of government institutions. It also ensures that the government offices become responsive to the just demands of the ordinary citizens of India thereby bolstering democratic ideals. In order to make the RTI more successful there is a pressing need to remove existing barriers in its sound implementation like dealing with delays in handling RTI requests, promoting popular awareness about the Act etc.

The Right to Information and its associated value needs to be contextualised within the institutional architecture governing the framework of democracy and human rights in democratic countries of the world (Beetham, 1999). It magnifies the chances of success of both democracy and human rights in democracies as the right to information provides a crucial interlinkage variable between the two (ibid). There is also a crying need to improve the institutional architecture dealing with the sound implementation of the RTI Act. Moreover, a robust mechanism needs to be created to stave off any chances of misuse of the law. There are cases of frivolous RTI applications marked by a propensity to settle scores because of personal enmity. Such applications under the right to information act make a mockery of this progressive law. There should be a strong disincentive to discourage such frivolous RTI applications. Undoubtedly a robust implementation of the right to information act can play its meaningful role in sustaining and nourishing democracy and constitutionalism in India.

The RTI Act underscores the fact that access to information is of cardinal importance for bolstering the democratic process in India (Sharma, 2017). It promotes the ability of ordinary citizens to go for enthusiastic participation in the process of governance. In the

process the right to information act ends up strengthening the very edifice of democracy in India. The values of democracy and constitutionalism are at the very core of the right to information act. The RTI Act has dis-incentivised the prevailing opaque culture in government offices (Barik, 2004). Earlier public officials were reluctant to share even relevant information with the general public (ibid). Herein lies the robust success of the Right to Information Act which has undoubtedly promoted a culture of transparency and accountability.

Conclusion:

The Right to Information Act is inextricably interconnected with good governance. Governance is all about making right decisions followed by its sound implementation in the larger public interest. The RTI Act aids in the process of making good governance a concrete reality (Banisar, 2006). It ensures transparency and efficiency in the larger public interest thereby upholding democratic ideals. It has bolstered governance by making certain that implementation of citizen-centric welfare programmes are regularly monitored and evaluated. With rigorous feedback the RTI Act has enhanced the chances of better decision-making thereby improving overall levels of transparency and accountability. The RTI Act has led to marked advancement in the levels of transparency and accountability in the implementation of welfare programmes by reducing the overall levels of corruption. The ordinary citizens can seek answers from the public authorities about cost overruns as well as inordinate delays in the execution of projects. The RTI Act has also played a stellar role in unearthing corruption in various government projects.

The trust between the government and the ordinary citizens is also enhanced because of transparency unleashed by the right to information act (Beetham, 1999). The levels of public trust in the government has increased manifold in the era of the RTI Act. In this scenario the ordinary public is confident that the government is acting in the larger public interest. The RTI Act has bolstered the overall public trust in the government by incentivising transparency and accountability. In the age of the RTI Act ordinary citizens feel empowered and there are high chances that they will cooperate in the implementation of the government initiatives.

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