
EMPOWERING DEMOCRACY: THE VITAL ROLE OF THE RIGHT TO INFORMATION

Mr. Shubh Kumar, LLB (Hons), Amity University (ALS), Lucknow

Ms. Aishwarya Pandey (Assistant Professor), Amity University (ALS), Lucknow

ABSTRACT

As per Article 19(1) of the Constitution of India, Right to Information (RTI) is a fundamental right of every citizen of India. This right empowers the every citizen of India to put and raise questions in order to get information held by Government and other Public Authorities. The major key role of Right to Information (RTI) laws is to ensure sustainability, lucidity, clarity and excellence governance by entrusting every citizen of India to access information regarding the functioning and various decisions of Government and respective authorities.

Keywords: safeguarding citizen rights, sustainability, transparency, good governance, social justice.

Introduction

In the post-independence period, the Indian Constitution, adopted in 1950, laid the foundation for fundamental rights. While these rights formed the basis for the RTI movement, it was not until later decades that significant developments took place.

The 1975 Emergency period, marked by curtailment of civil liberties, highlighted the critical need for transparency and accountability in governance. The authoritarian measures during this time underscored the urgency of safeguarding citizens' rights, including the right to access information.

Judicial activism laid down a pivotal part in advancing the RTI cause. In the 1980s and 1990s, Indian courts began recognizing the right to information as an essential part of the right to freedom of speech and expression.

The emergence of public interest litigations (PILs) further propelled the RTI movement forward. Activists and civil society organizations, including the Mazdoor Kisan Shakti Sangathan (MKSS) led by Aruna Roy and Nikhil Dey, played a crucial role in advocating for legislative reforms to institutionalize the right to information.

On 15 June, 2005, The Right to Information (RTI) bill was raised and scrutinized by the Parliament of India. And on 12 October, 2005, the RTI Act was amended and came into existence, empowering legal rights to each and every citizen of India. The Right to Information (RTI) Act has been a cornerstone of democratic governance, empowering citizens with the ability to access information held by various government authorities. However, as societies evolve and governance structures adapt to new challenges, there is a need for periodic amendments to enhance the effectiveness and scope of the RTI framework. These efforts culminated in the enactment of the Right to Information Act in 2005. The RTI Act provided a comprehensive framework for citizens to access information held by public authorities. It established procedures for filing RTI applications, timelines for response, mechanisms for appeals, and exemptions for certain categories of information.

Since its enactment, the RTI Act has had a significant influence on governance all over India. It has empowered citizens to seek information about government actions, expenditures, provisions, etc, leading to greater transparency and accountability. The RTI Act has been

instrumental in exposing corruption, promoting good governance practices, and enhancing citizen participation in democratic processes.

One of the key areas of amendment revolves around enhancing transparency and accountability within public institutions. This could involve strengthening penalties for non-compliance with RTI requests, ensuring timely responses to inquiries, and promoting proactive disclosure of information by government agencies. By imposing stricter measures to enforce transparency, the amended RTI Act can significantly improve governance outcomes and build public trust in government institutions.

Another aspect of amendment pertains to addressing loopholes and exemptions that may hinder the full realization of the RTI's objectives. This includes revisiting exemptions related to national security, commercial confidentiality, and third-party information to strike a balance between transparency and legitimate concerns for privacy and security. Clearer guidelines and criteria for applying exemptions can ensure that the RTI remains a robust tool for accountability while respecting sensitive information.

Additionally, amendments could focus on streamlining the RTI process to make it more accessible and user-friendly for citizens. This may involve digitalization of RTI applications, providing online portals for information dissemination, and simplifying the appeals process for grievances related to RTI requests. By leveraging technology and improving procedural efficiency, the amended RTI Act can facilitate greater citizen engagement and participation in governance.

Furthermore, there is a growing recognition of the need to extend the scope of the RTI beyond traditional government entities to cover private sector entities performing public functions. Amendments could explore mechanisms to hold such entities accountable for transparency and disclosure, ensuring that the public's right to information is not circumvented through privatization or outsourcing of public services.

Ambitions of the laws amended in Right To Information (RTI) Act, 2005

- **Promoting Lucidity:** The primary objective of the Right to Information is to promote transparency in governance. By granting citizens access to information held by public

authorities, the RTI ensures that government actions, decisions, and policies are open to scrutiny, thereby fostering trust and accountability.

- **Empowering Citizens:** Another key objective of the RTI is to empower citizens by providing them with the tools to participate actively in the democratic process. Through access to information, individuals can make informed decisions, engage in public discourse, and hold government officials accountable for their actions.
- **Curbing Corruption:** The RTI serves as a mechanism for curbing corruption and maladministration within government institutions.
- **Ensuring Sustainability and Accountability:** Accountability is a fundamental principle of democratic governance, and the RTI plays a crucial role in ensuring that public authorities are accountable for their actions. Citizens can use the information obtained through RTI requests to hold officials responsible for their decisions and performance.
- **Facilitating Good Governance:** By promoting transparency, empowering citizens, curbing corruption, and ensuring accountability, the RTI contributes to the overall goal of facilitating good governance. It encourages efficient and effective use of public resources, enhances public trust in government institutions, and strengthens democratic values and principles.
- **Encouraging Proactive Disclosure:** Another objective of the RTI is to encourage proactive disclosure of information by public authorities. This means that government agencies are encouraged to make information publicly available without citizens having to file formal RTI requests, thereby promoting a culture of openness and accessibility.
- **Protecting Citizens' Rights:** The RTI also serves to protect citizens' rights to access information that is essential for their participation in democratic processes. It ensures that individuals have the necessary information to exercise their rights, make informed choices, and contribute to the development of society.
- **Promoting Public Participation:** Access to information through the RTI promotes public participation in governance processes. Citizens can engage with government

policies, provide feedback, and contribute to decision-making, thereby fostering a more inclusive and participatory democracy.

- **Enhancing Government Efficiency:** By promoting transparency and accountability, the RTI contributes to enhancing government efficiency. Public authorities are incentivized to operate more efficiently and effectively when their actions are subject to public scrutiny, leading to improved service delivery and governance outcomes.
- **Supporting Social Justice:** The RTI also supports social justice by ensuring that information about government programs, benefits, and services is accessible to all citizens, including marginalized and vulnerable communities. It promotes equity and fairness in the distribution of resources and opportunities.

Although it is an Important tool for the citizen of India, this Fundamental Right is only practiced by limited part of people due to lack of information about RTI laws and provisions. This results in failure of governance and discourages transparency. It is to be kept in mind by every citizen of India that the main goal should be to ensure accountability and transparency between and government and citizens regarding legal information.

The genesis of the RTI can be traced back to the fundamental tenets of democracy, where the free flow of information is essential for the functioning of a vibrant and responsive governance system. By empowering citizens with access to information, the RTI upholds the democratic ideal of government of the people, by the people, and for the people. It ensures that the corridors of power are not shrouded in secrecy but are open to scrutiny and oversight by the very citizens they serve.

One of the paramount objectives of the RTI is to act as a bulwark against corruption and maladministration, leveraging transparency as a potent tool in the fight for good governance. When citizens possess the ability to scrutinize government actions through access to information, they serve as vigilant guardians of public resources, ensuring their judicious utilization and alignment with the collective welfare of society. This watchdog function plays a pivotal role in upholding the integrity and credibility of democratic institutions.

Furthermore, the RTI cultivates a culture of proactive disclosure within government entities, prompting them to share information willingly and transparently, even without formal requests.

This culture shift not only fosters trust and mutual respect between the government and its citizens but also catalyzes improvements in the efficiency and efficacy of public service delivery, leading to enhanced governance outcomes.

The transformative impact of the RTI extends beyond the realms of governance and accountability. It is a catalyst for social change, empowering marginalized communities, and amplifying voices that were once silenced. By providing a platform for accessing information, the RTI levels the playing field, ensuring that every citizen, regardless of background or status, has the opportunity to engage meaningfully in shaping the future of their society.

Impediments discussed in Right to Information (RTI)

- **Exemptions and Restrictions:** One of the limitations of the RTI is the presence of exemptions and restrictions on certain types of information. For example, information related to national security, intelligence agencies, and personal privacy may be exempt from disclosure, limiting the scope of information accessible to citizens.
- **Bureaucratic Delays:** Another limitation is the potential for bureaucratic delays in responding to RTI requests. Public authorities may take longer than stipulated timelines to provide information, leading to frustration and hindering the effectiveness of the RTI process.
- **Incomplete or Inaccurate Information:** There is a risk of receiving incomplete or inaccurate information in response to RTI requests. Public authorities may withhold certain details or provide partial information, affecting the ability of citizens to make fully informed decisions.
- **Lack of Awareness:** Many citizens may not be aware of their rights under the RTI or how to effectively file and follow up on RTI requests. This lack of awareness can hinder the widespread use and impact of the RTI in promoting transparency and accountability.
- **High Costs and Fees:** In some cases, there may be high costs associated with filing RTI requests, especially for obtaining voluminous or detailed information. This cost factor can deter individuals, particularly those from marginalized communities, from exercising their right to access information.

- **Limited Coverage:** The RTI may have limited coverage in certain areas or sectors, particularly in non-governmental organizations (NGOs), private companies, and the judiciary. This limitation restricts access to information from entities outside the purview of public authorities.
- **Legal Challenges and Interpretations:** The RTI framework may face legal challenges and differing interpretations, leading to inconsistencies in the application of the law across different jurisdictions. This can create uncertainty and confusion regarding the scope and enforcement of RTI provisions.
- **Protection of Sensitive Information:** While the RTI promotes transparency, there is a need to balance the disclosure of information with the protection of sensitive data, such as trade secrets, commercial interests, and confidential communications. Striking this balance can be a challenge in practice.
- **Limited Remedies for Non-Compliance:** In cases of non-compliance or unsatisfactory responses to RTI requests, the remedies available to citizens, such as filing appeals or seeking redressal, may be limited or cumbersome, affecting the effectiveness of the RTI framework.
- **Political Interference:** There is a risk of political interference or pressure on public authorities to withhold or manipulate information in certain areas of cases, compromising the integrity and independence of the RTI process.

Summary

The Right to Information (RTI) stands as a cornerstone of democratic governance, embodying principles of transparency, accountability, and citizen empowerment. Enshrined in legal frameworks across various nations, the RTI empowers individuals to retrieve information held by public authorities, fostering informed decision-making, active participation in public affairs, and oversight of government actions.

Through the RTI, citizens can hold public officials accountable, contribute to policy formulation, and advocate for their rights. The benefits of transparency and accountability promoted by the RTI extend to improved service delivery, prevention of corruption,

empowerment of marginalized communities, and enhanced democratic participation.

However, the RTI also faces challenges such as bureaucratic hurdles, exemptions, cost barriers, and issues of incomplete or inaccurate information. Addressing these challenges requires ongoing efforts to streamline processes, enhance awareness, strengthen enforcement mechanisms, and promote a culture of openness within government institutions.

Despite these challenges, the transformative potential of the RTI in promoting good governance and upholding democratic values remains significant. As societies continue to evolve, the RTI will play a crucial role in shaping transparent, accountable, and inclusive governance systems that serve the interests of all citizens.

In essence, the Right to Information serves as a beacon of transparency and accountability, empowering citizens to actively engage in shaping the future of their societies and holding governments to the highest standards of integrity and responsiveness.