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# INFORMATION A POWER: ROLE OF RIGHT TO INFORMATION IN INDIA

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## ABSTRACT

A human society has passed through different stages of development. 21<sup>st</sup> century is an information age. The information age, is an idea that characterized the ability of individuals to transfer information freely and to have instant access knowledge. An information society is a society in which the creation, distribution and management of information is a significant economic, political and cultural activity. It is information revolution which gave birth to information society. The world is changing and coming closer of the globe has exposed people all around the world to different kinds of political obligations and privileges. The shifts and changes in the scope of politics have kept the individuals in spotlight and have assigned preference to their right. It is due to this constant focus on the individual that Right to Information is gaining importance. The history of RTI is a history of struggle between the individuals and the state. This right has become a tool in the hands of people to see through the reasons and processes of government.

Without information, the people cannot adequately exercise their rights and carry out their responsibilities as citizens or make informed choices. Today the Right to Information encompasses almost all the areas of rights like social, economic, political, cultural and other group rights which cannot be realized without accessing or freedom of information. The article tries to look into information as a power in the hands of people and role of RTI in empowering and furthering the recognition of the rights of the people with reference to the sectors where the affirmative impact of the RTI Act was carried out.

A human society has passed through different stages of development. 21<sup>st</sup> century is an information age. The information age, is an idea that the current age will be characterized by the ability of individuals to transfer information freely and to have instant access knowledge. The current era, characterized by the increasing importance and availability of information, which was not there in the previous era that is industrial age. Greater quantities of information than ever before are available to individuals. An information society is a society in which the creation, distribution and management of information is a significant economic, political and cultural activity. (Goel, 2003, pp. 4-5) 'Information' as a term has been derived from the Latin words 'Formation' and 'Forma' which means giving shape to something and forming a pattern respectively? Information adds something new to our awareness and removes the ambiguity of our ideas. (Puri: 2007: 1.7)

The information age paradigm shift is characterized by citizens and business focus integration driven by the choice of governance or service providers and means of access. It is information revolution which gave birth to information



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society. It describes current economic, social and technological trends beyond the industrial revolution but information related activities did not come up with information revolution. They exist in the one form or other, in all human societies and eventually developed into institutions. The agricultural and industrial revolution came up when new information inputs which were produced by scientific and technical institutions. During information revolution all these activities were experiencing continuous growth and at the same time other information oriented activities were also emerging. (Jain: 2003: 222)

The world is changing and coming closer. This coming closer of the globe has exposed people all over the world to different kinds of political obligations and privileges. Several new concepts like good governance, civil society, civil audit etc. have come up and have increased the scope of politics. All these shifts and changes in the scope of politics have kept the individuals in spotlight and have assigned preference to their right. It is due to this constant focus on the individual that Right to Information is gaining importance. The history of RTI is a history of struggle between the individuals and the state. (Saini & Gupta: 2009: 452)

Information in some respect is a commodity just like a mobile, chair, table etc. we buy it and sell it. When we buy it we place a value on it by paying a particular price for it. (Alexander: 2005: 24) As Amartya Sen, the Nobel Prize winning economist observed, there has never been a substantial famine in a country with a democratic form of government and relatively free press. Inequality of access to information, he has argued, is a form of poverty, without knowledge you cannot act ( [www.cartercentre.org](http://www.cartercentre.org)).

### **Need for Information:**

We live in an information age where there has been an explosion of information held by the governments, companies, NGOs, and other organizations. For people and citizens organizations it is an opportunity to them to participate fully in the democratic process of their country. Information is not just a necessity for people – it is essential for good corporate and state governance. In terms of government, access to information allows people to scrutinize the actions of the government and for private sectors, access to information is vital for tendering, for open competition and for an efficient marketplace of ideas and products. ([www.cartercenter.org](http://www.cartercenter.org))

Information is crucial for the functioning of a true democracy. People have to be kept informed about current affairs and broad issues – political, social and economic. Free exchange of ideas and free debate are essentially desirable for the Government of a free country. This is important because every developmental process depends on the availability of information. ( [www.rtrtd.nic.in](http://www.rtrtd.nic.in)) The greater the access of information to the citizens the greater would be the responsiveness of the government towards the needs of the community. Alternatively, the greater



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restrictions placed on access, the greater the feeling of powerlessness and alienation on the part of the citizenry. (Saini & Gupta: 2009: 444)

Every government needs information without which it cannot function. Government need information on a wide variety of issues – like information on health, employment, social security, occurrence of crime, level of production and consumption in the society, prices of basic commodities etc. the information is a public good in a sense that it does not belong to the government – it belong to everybody in the society. The information which the government gathers is meant for the public good, with public funds and for public purpose. Hence, people have a right to access this information. (Daruwala & Nayak etd.: 2007: 9-10)

Information is power and a democracy which depends on a knowledgeable citizenry, who have access to information, enables them to participate fully in public life and receive equal access to justice and hold their public officials accountable. When the government performs under the veil of secrecy, people are denied the right to know about public affairs. Poor public access to information feed corruption. ( [www.cartercenter](http://www.cartercenter))

The Right to Information Act which came into existence on 12 October 2005 places an obligation on the public authority or government to disclose the information in a way that makes it accessible to the public. (Daruwala & Nayak etd: 2007: 10) Article 19 (1) (a) of Indian Constitution provides the Right to Information under the fundamental freedom of speech and expression. The pre-requisite for enjoying this right is information and knowledge. ( [www.rtd.nic.in](http://www.rtd.nic.in)) As the freedom of information is a touchstone to all other freedoms. There has been a striking global movement in recent times to which India has become part, towards strengthening the protection of freedom of information (FOI) right. As a result the right to information in now increasingly recognized as a fundamental right. Both at the international and regional levels, bodies concerned with the protection of human rights have all recognized it. (Gonsalves: 2007: 61) Right to Information Act is a revolutionary step in the direction of making the system of governance and administration transparent and accountable to the people of India. The Right to Information was never recognized when India was under colonial rule. This was because information suppression was an integral part of exercise of colonial power and in some sense was a colonial attitude.

According to Mr. P.B. Sawant, "the barrier to information is the single most cause responsible for corruption in society. It facilitates clandestine deals, arbitrary decisions, manipulations and embezzlements. Transparency in dealings, with their every detail exposed to the public view, should go a long way in curtailing corruption in public life." ( [www.rtd.nic.in](http://www.rtd.nic.in))

S.S Singh in his article “Culture of Good Governance” in IJPA JULY to Sept. 1998 (PP. 379-80) rightly says that to be good, it is essential that the

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government must be open and ready to provide information. In a democracy, it is supposed that the people will participate in the process of governance for this, it is necessary that they must be provided reliable information. In the absence of this right how a democracy will mature. Right to information must be provided. Any effort in the direction of creating the culture of good governance must start from creating the system of ensuring openness the functioning of government. (Goel: 2003: 530)

To quote former P.M Atal Bihari Vajpayee again unfortunately information about many such developmental schemes, be they of the centre or the state does not always reach the common people, especially in rural and remote areas when people have no information they can hardly participate in the implementation of their programmes. In the absence of people participation such programmes are invariably implemented the usual bureaucratic manner. This breeds corruption, inefficiency and lack of accountability. The Ministry of Information at the centre and the states has a vital role in correcting this imbalance. (Goel: 2003: 536) There is a need to have a central agency representing all sections of the society to ensure reviewers and citizen's right to be informed adequately and truthfully under Article 19(1) (a) of the Indian Constitution. (Goel: 2003: 371)

### **Information Movement:**

In a real democracy, sovereignty rests with the people. Generally it is taken to be merely a process through which the electorate installs a government periodically without much participation in the government. Information Communication Technology (ICT) has been a key catalyst to an "information movement" in all aspects of governance & management, in the government and in the corporate sector. This technology evolves to bring better efficiency in management & governance. ICT has helped to develop new dimensions and definition of accountability and transparency in management and governance in the interest of the stakeholders and the citizen. Quite understandably, corporate managers and public officials of the government have not overtly welcomed these developments they have regarded these developments as invasion of their "personal function". The traditional instruments of accountability in the corporate as well as in the government sector, such as bound meetings, legislative committees, audit and vigilance have not been addressed efficiently. The "soochana rath" or the "information chariot" as it were, is on a roll, hopefully gaining momentum as it goes along. The technological advances have the potential to reduce further the existing gap between the 'information rich' and 'information poor'. ([www.humanrightsinitiative.org](http://www.humanrightsinitiative.org))

The theoretical zeal behind the "information movement" needs to take care of an acute awareness of real life conditions at the grass-root level and the information has been perceived as power everywhere in general and by the executive (at various levels) of developing countries in particular. The executive has still guarded information through red-tape. The celebrated Hindi novel Rag



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Darbari (“the court music”) of Shrilal Shukla – the written about 43 years ago poignantly and allegorically depicts ‘dharam-ki-ladai (“the religious fight) of ‘Langad’ (the lame one), who spends of lifetime in vain in trying to get a ‘nakal’ (copy) from a court registry without having to pay the mandatory bribe. Even after 43 old years of Rag Darbari, it has taken an uncommonly strong-willed public movement to brave the odds for and long years to get to the people what should be naturally theirs-the right to information in form of an act. (Niranjan: 2005: 4870-71)

The creation of awareness is integral to social and economic development; the possibility of the power of communication to liberate the minds and make them aware regarding their basic rights and to be linked to human development. The generation of public will hinges on effective communication of information from the government to the public. (Goel: 2003: 366) On sided information disinformation, misinformation and non-information all equally create an uninformed citizen which makes democracy a force when medium of information is monopolized either by a partisan central authority or by private individuals. This is particularly so in a country like ours where about 48% of the population is illiterate and hardly 6.5% of the population has access to the present media which do not subject to pre-censorship. (Goel: 2003: 371)

Indian political system had inherited its legacy from the British legal system who governed Indians in accordance with their own laws suitable to their own interest, policies and trade business to perpetuate their rule. British legal system was based upon secrecy and confidentiality signifying stronghold administration upon people. Indians did not have access to information during early days of the British Rule. Denial of an access to information to people by an administration gave rise to widespread corruption in public life. In India restriction on the free flow of information not only erode the historic and constitutional principles of democracy that also came at the cost of the poor, as they are not able to exercise adequate checks on the government policies and development programs that are specifically meant for the poor. The denial of information by government is a major cause for political, social and economic exclusion of millions of peoples.

After Independence in 1947, the country ushered in a planned economic development to raise the standard living of the people of India in order to achieve the basic objectives which were enshrined in the constitution. These objectives are the endeavour to secure for the citizens of India social, economic and political justice, liberty, equality, dignity individuals and unity and integrity of the nation. (Jain: 2003: 207) In India it is argued that, instead of planned economy adopted by the country after independence, has nurtured corruption, inefficiency, indifferences, and other dyes-functionalities in the process of governance. The people continued to suffer from poverty, illiteracy, ignorance, unemployment and other deficits in human development and the main reasons for such dismal and selfish performance were identified to be the lack of accountability, responsiveness and empathy at various levels of government existence of over concentration of authority and



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secrecy in the conduct of governmental business therefore transparency is demanded in government working in place of government secrecy. (Jain: 2003: 230)

The freedom of information is a tool to facilitate an accountable, responsive and honest Administration. The assumption is that people should have an adequate and easy access to information about the ways government Bureaucracy decides about the matters affecting them. It is likely to act as an effective check against the misuse of the vast discretionary powers available with them. In a sense Right to Information is a sine-quo-non to democracy and is supposed to establish and enhance trustful cooperative productive relationship between the citizen and the administration. The Supreme Court even declared this as fundamental right 'violation' of which tantamount to violation of the right to life (SCC, 399, 2003). It further observed that exposure to public gaze and scrutiny is one of the surest ways to cleanser our democratic governing system and to have competent legislatures. (Jain: 2003: 230)

Transparency refers to the availability of information to the general public and clarity, about government rules, regulations and decisions. (Kaushil & Singh: 2006: 64-65) Information is most usually not shared, a tendency reinforced by the official secrecy regime bequeathed to the country from the days of the Raj. (Kaushil & Singh: 2006: 197-98) Accountability is often related to participation. In the absence of accountability, government may take decisions without keeping the interest of peoples in mind. (Panandikar: 2001: 43) Right to information is needed to safeguard against the arbitrary exercised of governmental power. Right to information assumed both preventive and curative role. The preventive role is assured when full information is available to the people there is less likely hood that governmental power will be abused in view of fear of censure . The curative role is that if there is any irregularity in governance the people to detect mal administration and take appropriate action against the same either politically or legally.

### **Right to Information operate as a tool for Basic Necessities:**

The main reason behind the passing of this Act is to make out various prevalent administrative difficulties and Corruption is one of the evil among these maladies, which obstruct the effective functioning of the democracy. Corruption is a crime which is committed behind the curtain in the darker interior of administration but once the law make it mandatory to disclose the information, by seeking information under RTI Act, would lift the curtain from it. Corruption cannot operate under the transparent regime. (Saini & Gupta: 2009: 453) Corruption thrives on secrecy and confidentiality. In India, for instance, corruption has become an issue for all sections society. The right to information public hearings, social audits and other tools of transparent governance have eroded the social acceptability of corruption. The right to transparent governance of course goes beyond the right to information; indeed governance is an act, while information is just a resource. Effective exercise of the right to information is one of the cornerstones of



transparent governance. (Gonsalves: 2007: 28-29) RTI Act has revealed plenty of scams across the country, including several that attracted huge public attention in the mainstream media. A few of which most are aware the then president of India Pratibha Patil Land controversy, the ongoing 2G Scam, the adarsh housing society etc. RTI Act also has also exposed the environment violations committed by the Lavasa group while constructing luxury apartments in Pune. In 2007 members of an anti-corruption NGO based in Assam, the Krishak Mukti Sangram Samiti filed an RTI request that revealed irregularities in the distribution of food meant for people below the poverty line through Public Distribution System. The allegations of corruption were probed and several government officials arrested. (getup4change.org) In another instance RTI also reveals flaws in Delhi Airport Agreement where it came into light that the government did not fix a cost for airport modernization contract it signed with the private consortium. (aidindia.org) Apart from the major scams, RTI has also revealed lesser known abuses of public thrust.

The information has become a tool in the hands of people to see through the reasons and processes of government. Every citizens of the country has a right to know what the government is doing in its name to adjudge the performance of the government by getting information on each and every decision being taken by the government. It is not only a crusade against corruption but a capacity to remove apathy from the system. (Saini & Gupta: 2009: 453) The Right to Information Act has been continuously used by the active and aware member of civil society to expose corrupt practices in the administration and misappropriation of funds sanctioned for the execution of public welfare schemes. Mrs. Aruna Roy, a social activists and winner of Magsaysay Award is actively associated with the task of popularizing Right to Information Act among the common people of the country.

In most of the rural areas there are numerous schemes run by the central or state government, to provide basic amenities to the people, i.e. food is distributed through the Public Distribution System with a network of ration shops, which distribute the subsidized grains. However, the stock registers are poorly maintained and are not available for inspection by the public. Corrupt practices like replacement of grains with poor quality of stocks, sale in black market and so many other mal-practices are widespread, but with the coming of RTI Act the public can directly approached the civil supply department and can seek details regarding the procurement of food grains by the government, scheme for subsidized food stuffs and many more details.

Funds for scheme for providing housing, employment and education are transferred through the network of bureaucrats from the central or the state government down to the village. These funds have been routinely misappropriates, manipulated and misused on a large scale. (Saxena, 2004) Since these funds are public money collected from the public in the form of various taxes by the government and the bureaucrats who dealt with these funds are ultimately responsible to the people. Hence, people have an every right to know where the



funds are executed. The right to information is a potent tool for countering many of the social evils and for protecting fundamental rights of the people, i.e. by making it easier for the civil society groups to monitor wrongdoings such as encounter killings or the abuse of preventive detention legislation. (Saxena, 2004)

Some experiences that bear mentioning here are the ones using Information Technology to refurbish the system of recording information. In Ahmednagar district of Maharashtra, a collector restored the whole records system, allowing the public to get copies of documents and to inspect records easily. This system resulted both in speedy disposal of public grievances and more professional work culture for the office clerks. In the state of united Andhra Pradesh all the rural regions were linked through computers. This was done by setting up information kiosks at taluka level where anybody can have access to required information from the government. ([www.humanrightsinitiative.org](http://www.humanrightsinitiative.org))

There is a usual links between the realisation of one right and that of another. This has happened in the case of right to speech and expression, when it got translated as right to information. (Saini & Gupta: 2009: 454) it has its status as a fundamental right been recognised throughout international and regional human rights law but countless stories from around the world testify to the power of the right to information as a tool in the hands of common people. ([www.cartercenter.org](http://www.cartercenter.org): 2002)

### **Conclusion:**

The successful implementation of Right to Information Act is directly linked to the level of commitment within the government, especially the commitment level of the political leadership and the bureaucracy. The denial of information is one of the major causes for the social, economic and political exclusion of millions of people. One of the main challenges in the implementation of rights of the people is that many governments often fail to actively promote awareness about the basic entitlements amongst the citizens and refuse to give information when it is requested. In most of the cases people they don't exercise their right to access to information due to ignorance and sense of fear or threat perception. What the government can do to ensure effective execution of rights is that, people should be allow having an adequate access to information, in the absence of any application for seeking information and must leads to proactive disclosure of information. This means that people do not have to put in formal request seeking information. In this respect the right to information will have two benefits: legal foundation for right to know about various governmental policies and empowers people to place themselves at the centre of political activity of their country. If the free flow of information is absent in a democracy then how can there be freedom of speech and expression? Open and free dialogue is possible only when sufficient information is available for further deliberation and discussion. Open and free discussion will strengthen the basic root of democracy and will enhanced participatory form of government.





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