

**A MAJOR SHIFT IN PUBLIC POLICY AND GOVERNANCE IN INDIA-  
FROM REQUEST TO RIGHT (TO INFORMATION):**

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**Abstract**

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It is the basic right of every individual to obtain the right to knowledge about himself or herself. A well-known French philosopher, Michel Foucault, believed that knowledge generates power, and that without information, knowledge is nothing but a collection of facts. In the modern world, knowledge has the ability to modify people's thinking, making them more capable of dealing with the demands of the modern world. The development of good governance is aided by the availability of information and participation in government decisions. Therefore, the government has a duty to keep the general population informed about what is going on for them in bureaucracy and in the world around them. Once the Right to Information Act, 2005 was passed the India's legislature sought to increase accountability and openness while also strengthening democratic values. In this article there will be an attempt to revise some issues and to contemplate about a few things when it comes to putting the RTI Act into practice as effectively as possible.

**Keywords:** Right to Information Act, bureaucracy, democracy, Transparency, Corruption, Transformation.

**Introduction**

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The right to information act of 2005 (RTI) is an Indian law that "provides for the establishment of a realistic regime of access to information for citizens." Except for the state of Jammu & Kashmir, the Act covers all Indian states and union territories. Jammu and Kashmir has its own Right to Information Act of 2009. Anyone can request information from a "public authority" (a government entity or "state instrument"), which is expected to respond quickly, preferably within 30 days. The Supreme Court of India has recognized that every individual has an underlying and inherent right to information. In a democratic society, everyone has the right to freedom of opinion and expression. The fundamental right to

freedom of speech and expression includes the right to knowledge. This right encompasses the opportunity to express public opinion as well as the right to obtain, receive, and transfer ideas and information from government officials. With the help of available and relevant information, citizens can live a dignified existence in a civilized society. The Right to Information Act of 2005 grants everyone access to public information contained in government papers. Previously, only residents of nine states in the country had access to this data; however, after the passage of the Right to Information Act on October 12, 2005, this opportunity has been extended to all citizens. Freedom of information encourages impartiality in government, which helps in promoting clarity in state activities, holding government officials more responsible, and, eventually, reducing corruption. Governance and good governance have become a hot topic of conversation and debate. Government has always played an important part in man's existence. The act and method by which a government manages our people is known as governance. One of the pillars of a strong democracy is good governance. The obligation of good governance is generally understood. It has long been recognised that the state and its apparatus should serve the people. Good governance is the cornerstone of every democracy. Good governance covers varied issues, including financial, geopolitical, bureaucratic, and legal issues. The right to knowledge is intrinsically tied to good governance. Good government is marked by answerability, transparency, and receptivity. As a result, people's right to information is increasingly recognised as a critical tool for advancing accountability, visibility, and answerability in government. In a representative system of government, the people are the only participants. A mass movement has been sparked by the Right to Information Act and played a critical role in the country's government. RTI activists and users are posing queries on a plethora of topics in nearly every corner of the country. The Act has had a positive impact on the poor and marginalized's quality of life. The Act has resulted in good reforms in governance during the last five years. Every government now relies solely on information.

In the context of right to information, a lot of Thomas Enderson's work can be useful. Enderson stated in his excellent works on the First Amendment to the United States Constitution that any democratic society uses free expression and speech to safeguard certain ideals by categorizing it into four basic stratifications. Such groupings are of utmost use to the writer for the current work on Freedom of Information and for other works of similar nature. An individual's sense of self and satisfaction and gratification of that self is most important i.e. the individual should feel content. This can be termed as 'individual self-fulfillment'.

Finding the reason or seeking truth remains the core for any human existence. Therefore, the second set of values focuses on the methods of attaining the truth. What are these truths that man seeks, it could relate to him to his/her loved ones or to the community to which he/she belongs. The third issue is the want of an individual to be consulted and to have the feeling of belonging in a community i.e. The third issue concerns a means for ensuring that members of society participate in sociopolitical decision-making.

In a democratic setting, the fourth set of values aims to preserve a societal equilibrium between stability and change. Right to Information establishes an independent and transparent mechanism for obtaining data from government departments, ministries, and affiliated entities. All documents, records, services details, government finance details and policies of all sectors of the society can be asked for in the RTI act. The common man is able to ask answers from the high and mighty who otherwise may not even listen to the poor common man. In some ways, it may be claimed that an ordinary poor individual can dispute the government's development policies. By enabling inhabitants' easy access to information, the Right to Information Act helps to bridge the gap between people and the government, aiding in the nation-building process. Everybody is aware of how the government operates on a daily basis. Individuals who have access to knowledge on service delivery and other government functions know what services and benefits they are entitled to and how and where to demand them. Prior to the RTI, people's role was limited to electing for their leaders. The general public has no right to be informed what the government is up to. The RTI Act, on the other hand, provides ordinary citizens with much right to demand data about their government's operations, and government personnel should only obey citizens' requests. The act has been equated on a pedestal of fundamental right, demonstrating its importance to the government's routine operation.

### Background

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The pace of evolution of the National Right to Information Law (2005) is a celebration of Indian democracy and its people, who recognised and worked to put constitutional ideas into effect. This is a condensed version of a lengthy and enthralling adventure. The NCPRI and the Mazdoor Kisan Shakti Sangathan (MKSS) formed the RTI movement through struggle, advocacy, and campaigning. The public were drawn into an educated discussion by the rising dialectic between the central and state legislation, as well as the unnoticed

Freedom of Information Act (2002), which eventually became the Right to Information Act (2005). The people were gradually taught about the importance of forming common consensus structure among themselves as well as engaging with the parliament and government to shape policy and law. There are various stakeholders in a democracy whose rights cannot be ignored.

A perfect democracy with freedom of information for all its citizens is a far-fetched goal. However, India is trying to bridge the gap by the promulgation of the Right to Information Act 2005. Even though the concept of RTI in principle appears to be a topic on which all agree, there is still divergence in thoughts and diverse opinions. Very definite movement with tangible results had to forge ahead to make this Act a real possibility. After many many hiccups the Act in its present form has taken the shape of the day. Now it shall thrive and enable the democracy to function in an efficient manner.

As a result, the need for a national RTI legislation had to operate within the state and federal frameworks, address problems about India's federal system, and use the strengths and weaknesses of state laws to demonstrate the need for a robust and effective national law. The bill was forwarded to the parliament and state chief ministers after Justice Sawant, as Chair of the Press Council, authored it. Some progressive states have enacted their own legislation. Tamil Nadu (1997) and Goa (1998) were the first states to enact the law (1997). Rajasthan (2000), Karnataka (2000), Maharashtra (2000), Delhi (2001), Assam (2002), and Jammu and Kashmir (2002) were among the states that passed it later (2003). One of the more interesting outcomes of the state campaign was political education. The event bolstered the case for enacting a national law. Citizens attacked state laws as a result of their use, and the non-negotiables for inclusion in the core law evolved as a result. One of the major criticisms of the RTI is that without the presence of a penal clause, data would be indefinitely postponed or even denied. A good example is the town of Janawad in Rajasthan. However, there were numerous examples from all around India to back up this claim.

Aside from exemption and application, the intended Freedom of Information Bill, 2000, comes up short on the important counts of sanctions for failure to comply and an independent appeal procedure. Our experience requesting information under the Rajasthan Panchayati Raj Act Rules, 1996, persuades us that a legislation with no consequences for

failure to comply and an independent appeal system outside of the government/bureaucratic apparatus would be ineffective in enforcing compliance from a recalcitrant system. It's a shame that, unlike the state Right to Information Acts in Tamil Nadu and Maharashtra, the proposed FOI bill contains no penalties.

All other state acts, such as those in Goa, Karnataka, and Rajasthan, include a penalty provision. The RTI Act in Rajasthan allows for disciplinary measures under service rules, whereas the RTI Acts in Goa and Karnataka allow for discretionary monetary penalties in addition to disciplinary measures under service rules. We believe that disciplinary punishment under service rules would be ineffective in dealing with an erring official, as has been proved repeatedly in the case of other types of ordinary government worker dereliction of duty. We further propose that fines be calculated as a proportion of the offender's income, including half a day's pay for each day the information is delayed beyond the time limit. This is owing to the fact that a fixed quantity would lose its value over time, just as money does. Furthermore, a fixed fee would place an unfair burden on authorities with different pay scales.

The second key problem was the lack of an independent appeal system. No one in a government department should have been able to oppose a mate's right to divulge material in the regular course of business. Outside of the formal government framework, this plea had to be made. Suo moto, or voluntary disclosure, is an important component of the transparency framework. Transparency in governance encompasses a wide range of issues. The need to disclose, as well as the right to know and demand information, are the two most important points to consider. The character of government in India would have been substantially different if the first requirement had been a component of governance from 1947. The new independent India, on the other hand, absorbed the British colonial system in its entirety. To summarise and compress a significant collection of works and public sentiment, it can be concluded that the procedure of writing legislation was put in the society in a protracted and disparate manner for the first time. Each collaborator group had a specific role to perform. The difficult job of record inspection has to be learned and then criticized. The constraints of the bureaucratic inborn tendency to keep information hidden became obvious. The solutions were also specified and debated, providing adequate opportunity and time for individuals to explore other options. They ultimately specified several of the law's essential non-negotiables.

The National Advisory Council (NAC) was established by the government to oversee and guarantee that the commitments made in the NCMP were kept. It was a commendable move by the new government to assure participation and responsibility. It drew in supporters of the Right to Information Act (RTI) and the National Rural Employment Guarantee Act (NREGA).

The NCP guaranteed *“government will immediately enact a National Employment Guarantee Act. This will provide a legal guarantee for at least 100 days of employment to begin with on asset-creating public works programmes every year at minimum wages for at least one able-bodied person in every rural, urban poor and lower middle-class household. In the interim, a massive food- for-work programme will be started.”*

The UPA administration pledged a stronger law under its Common Minimum Programme in response to protests that the FOI Act (2002) was weak and ineffectual.

### **NCMP Administrative Reforms**

The United Progressive Alliance (UPA) will organize an Administrative Reforms Commission to draft a thorough roadmap for reforming the public sector. On a large scale, e-governance will be fostered. The Right to Information Act will be improved to make it more progressive, participative, and relevant. The LokPal Bill is about to become law. Despite bureaucratic deception and opposition from numerous sources, citizen organizations' vigilance and campaigning helped guarantee that the Indian parliament enacted a strong RTI law in June 2005. The RTI Act of 2005 took effect on October 12, 2005. Citizens have used the legislation in various regions of the nation since then, with differing degrees of success.

### **MKSS**

The Mazdoor Kisan Shakti Sangathan (MKSS) was in the forefront of the right to information campaign in Rajasthan, and afterwards in India. MKSS is well-known for leveraging the right to information to highlight underpayment of daily wage workers and farmers on government contracts, as well as uncovering fraud in government spending. MKSS initially requested muster rolls (employment and payment records), as well as vouchers and bills related to material acquisition and transportation, from the government. At Jansunwai, this information was cross-checked against real worker testimony. Public

hearings were extremely effective in bringing attention to wrongdoing and revealing systemic flaws. They were especially notable since they used substantial documentation proof to back up villagers' assertions.

The Jansunwai's outcomes drew growing attention from the media and the government over time. As a result, the relevance of the right to information as a method of enhancing openness and accountability, as well as empowering disadvantaged people, has received more attention. During the early 1990s, MKSS was able to collect some information from the government, but it was not simple. The challenges MKSS had in obtaining information underscored the significance of a robust right to information law for Rajasthan.

Rajasthan's Chief Minister proclaimed in the Assembly on April 5, 1995, that his government will ensure, Rajasthan would be the first state in the country to offer residents with access to information on all regional development projects. For months, however, no action was taken. As a result, exactly a year later, MKSS began an indefinite Dharna (protest rally) in Bewar town on April 6, 1996. Their first demand was for the State Government to issue orders granting a restricted right of access to information on regional development spending. The government retaliated by issuing Orders allowing for the inspection of relevant papers in exchange for a charge. Civil society, on the other hand, deemed the Order useless since it prohibited the making of reproductions of documents.

The protest was extended to the state capital, Jaipur, on May 6, 1996, one month later. The people of the state were overwhelmingly in favor of the Dharna. The government replied on May 14, 1996, by citing the formation of a committee within two months to look into the realities of implementing the right to information. MKSS retaliated by calling the Dharna off. Regrettably, the government's excitement has diminished yet again, and in May 1997, another set of Dharnas began, lasting 52 days. At the end of this period, the administration declared that the right to get photocopies relevant to regional government operations had been informed six months prior. Civil society was taken aback since this was the first time, they'd heard of the order granting citizens access to information in all of their conversations with the government.

During the 1998 State elections, the Opposition Party pledged in its electoral platform that if won, it would pass a law protecting the freedom to information. After their election, the Party organised a committee of officials, led by Rajasthan Government Secretary Mr. P.N.

Bhandari, to draught a statute on the right to information. Because the Committee was made up entirely of bureaucrats, civil society organizations expressed significant objections, prompting MKSS and the National Campaign for People's Right to Information members to be asked to help in the writing of the bill.

At each of the state's divisional offices, MKSS and NCPRI organised a series of conversations. Based on the information gathered throughout the consultations, a draught civil society Right to Information Bill was drafted and submitted to the Committee. The Committee's recommendations were based on the citizens' draught Bill, although it was not adopted in its entirety.

### **Aruna Roy**

In 1983, Aruna Roy left the SWRC and created the Mazdoor Kisan Shakti Sangathan (MKSS), a political party for farmers. The MKSS began by advocating for employees' right to fair and equal pay, which transformed into a fight for the passing of the Right to Information Act (RTI). Aruna Roy was one of the key figures in the passing of this legislation in 2005. She is a supporter of decentralisation and democratic participation, claiming that "*representative democracy had to a large extent betrayed its promise to deliver.*" Despite the fact that it was required, its inability to be responsible to the people beyond the vote was often highlighted. Democracy needed to become more participatory."

She has been in the vanguard of numerous impoverished and oppressed people's socio-political fights. She also expresses her worries about the country's recent rise in intolerance. Her leadership and involvement in efforts for the passage of legislation protecting the The right to know, the right to work (under the Mahatma Gandhi National Rural Employment Guarantee Act, or MGNREGA), and the right to sustenance are all remarkable. She has been pushing for a non-contributory, nationwide, pension for employees in the unorganised sector as a member of the Pension Parishad. As part of the National Campaign for People's Right to Information, she was a prominent supporter for the passage of the Whistleblowers Protection Act and the Grievance Redressal Act (NCPRI).

### **Arvind kejriwal**

Mr. Kejriwal led the charge against the Congress government's move to eliminate file notings from the RTI Act, along with other RTI activists, which was launched by Anna

Hazare, a well-known Maharashtra-based activist. The move was withdrawn thanks to the solidarity and perseverance of RTI activists who fought this fight together. Mr. Kejriwal spearheaded a continuous fight against the privatization of Delhi's water supply after the RTI Act was adopted in 2005. He fought the World Bank and the Delhi Jal Board (DJB) in a tough battle through Parivartan. He also used the RTI Act to obtain a slew of documents, including over 9,000 pages of World Bank-DJB bidding correspondence, DJB contact with state and federal administrations, and other consultant reports.

According to RTI records, more over 60% of the World Bank's money would go toward paying the wages and fees of high-profile consultants who would codify the fundamentals of water usage in Delhi, hence increasing the cost of water for Delhi residents. The World Bank was also pressing the Delhi Jal Board to hire a specific consulting firm, according to the documents. The alumni associations of the Indian Institute of Technology (IIT) Delhi and IIT Kharagpur also organised a news conference, although to little purpose, pressing the Delhi administration to cancel the World Bank loan. Arvind Kejriwal and Aruna Roy also organised a large-scale public campaign. Under duress, the DJB had no choice but to call off the collaboration.

### **Civil society movement**

Civil rights organizations and concerned people had a significant impact on the passage of the Right to Information Act of 2005. Mr. Mikhail Gorbachev, the former President of the Soviet Union, campaigned for open governance and party and government restructuring even before the Act was passed. The RTI Act is just one aspect of government transparency, and perestroika refers to a reorganization of the party and government. Transparency in government is referred to as glasnost. The Right to Information Act is merely one aspect of glasnost. It's the start of a new era of openness. Administration that is open means that it is brought to the doorway of the average person. Every month, the District Collector and Superintendent of Police can visit a group of villages, listen to people's issues, and try to address them as quickly as possible (less than a month). Endorsing a petition to a subordinate, who then supports it to his junior, and so on, is not the same thing. When it comes to problem-solving, time is of the utmost importance. The media are part of civil society. The abolition of the emergency rule of Late Indira Gandhi was influenced by a civil society movement led by Jayaprakash Narain and newspapers such as the Indian Express and the Statesman spearheaded a media campaign. Official institutions such as the

bureaucracy, the police, and the Apex Court were unelected and powerless to fight authoritarian rule, civil society and the media did.

## **Mera Paisa Mera Hisab**

### **Constitutional guarantee**

Fundamental Rights are basic and inalienable rights, as established in Part III of the Indian constitution. These rights include the right to equal protection under the law and equality before the law, as well as the right to freedom of speech and expression, as well as the right to life and personal liberty. Article 32 provides a remedy for enforcing the rights given by this section. Article 19 (1) guarantees the fundamental right to free speech and expression, which includes the freedom to access information (a). The right to information becomes a constitutionally protected right as a result of this article, because freedom of expression includes the right to collect and gather information. According to the Apex Court in *Bennett Coleman & Co. v. Union of India*, Article 19(1) (a) inherently includes freedom of speech and expression as well as the right to information. Article 51 A of the Constitution imposes specific responsibilities on people, and a citizen who is well-informed is better suited to carry out these responsibilities. As a result, the right to knowledge is an integral aspect of the constitution's article 19(1) (a) right to freedom of speech and expression, as well as article 21's right to life and personal liberty.

### **Literature review: Judicial Pronouncements**

Das P. K.<sup>1</sup> explains the meaning and interpretation of the phrases employed in Article 19 and clause (1) (a) of the Indian Constitution, the product of which is the Right to Information. He emphasizes how the government's operations must be transparent, and how the state's three instruments, the executive, legislative, and judiciary, must not deceive the public. As a result, he demonstrates how biased, deception, misstatement, and non-information all contribute to individuals becoming misinformed. As per the author there is one feature which should be particularly noted by the information seekers. They can ask only information on what exists with the Public Information Officer or ask for copies of documents which the Information Officer has in his possession or which he could have called for.

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<sup>1</sup> Das P. K., —Handbook on the Right to Information Act, 2005, Universal Law Publishing Co. Pvt. Ltd., Delhi, 2006.

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Mishra Sudhansu<sup>2</sup> has delivered research papers on the RTI Act's scope, various clauses, strengths, and weaknesses. The book also includes helpful recommendations for including the average man in rural India's development endeavors. It explores the origins and history of the right to information, which is vital to comprehend the need for a community, as well as the right to information movements in India. A critical examination of the Right to Information Act's origins and brief history, as well as its influence on Indian democracy, has been undertaken.

Many social researchers from other faculties have expressed well-considered perspectives on a variety of problems related to the rural economy's growth, recognising the importance of the RTI Act for long-term rural development. Arora Krishan has detailed all of the elements of the Right to Information Statute of 2005, which is published as a bare act, using both secondary and primary sources. It also contains laws for the right to information (charge and cost regulation) of 2005. Many social researchers from other faculties have expressed well-considered perspectives on a variety of problems related to the rural economy's growth, recognising the importance of the RTI Act for long-term rural development. This book depicts the many components of the RTI Act and its critical role in enhancing the rural economy using both secondary and primary data for inquiry and action research. According to the author, the Official Secrets Act does not restrict the accused from receiving copies of the statements of witnesses recorded by the police, investigating Magistrate, or Trial Court. He goes on to say that the lawyer is not prevented from reviewing the file and taking a statement, and that he or she has an obligation to provide it to the court on demand. The RTI Act has a long way to go to become a useful piece of legislation and a strong tool in the hands of the public.

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<sup>3</sup> Arora Krishan, —The Right to Information Act 2005, (22 of: 2005) Bare Actl, Professional BookPublishers, New Delhi, 2004  
[www.hindutantimes.com](http://www.hindutantimes.com)

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<sup>2</sup> Mishra Sudhansu, —Right to Information and Rural Development in India, New Century Publications, New Delhi, 2009.