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Awareness of Right to Information (RTI) Act: A Study of Panjab University Students

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Abstract

The Right to Information Act is an effective tool to bring transparency and accountability in the Governance. The demand of real democracy is that every citizen of present times needs to be involved in all political and administrative decisions and their implementation which are made for their welfare. Access to information not only promotes openness, transparency and accountability in administration, but it also facilitates active participation of people in democratic governance process. To achieve transparency and make the officials accountable, every individual, especially every young citizen, must know about the usefulness of the Act and also be aware of the main provisions of RTI Act to make use of this tool effectively as and when required,. This study aims to assess the awareness level among students of Panjab University about Right to Information Act.

Keywords: Awareness, Right to Information Act, Campus students, Public Authority, Transparency.

Introduction

The democratic Governance needs to be 'Good' and it requires an informed citizenry along with transparent and accountable governance through shared information which are vital to its functioning to check malpractices in a bid to contain corruption thereby holding Government and their instrumentalities accountable to the governed.ⁱ

Good governance is a term that has become a part of the vernacular of a large range of development institutions and other actors within the international arena. Almost all major development institutions today firmly believe that promoting good governance is an important part of their agendas. Despite the consensus, 'good governance' is an extremely illusive objective- it means different things to different organizations and to different actors within these organizations.ⁱⁱ Good Governance involves interaction between the formal institutions and those in civil society. It refers to a process whereby elements in society wield power, authority and influence and enact policies and decisions concerning public life and social upliftment.ⁱⁱⁱ

As per World Bank and other Multilateral Development Banks, good governance has been associated with democracy, civil rights, transparency, accountability, rule of law, efficient public services and



regulatory reforms. ^{iv} The gist of Governance is to allow participation of the people in the processes of decision making and implementation.

Participation in governance is at the heart of any successful democracy. As citizens, we need to participate not only at the time of elections but on a day-to-day basis – when decisions on policy, laws and schemes are being made and also when projects and activities are being implemented. Public involvement not only enhances the quality of governance but also promotes transparency and accountability in government functioning. For a common man there are certain queries to be answered; how a common man participates in governance? How a common man can understand the decision making process? How can citizens know the proper utilization of the taxes being paid by them? How a common man can ascertain that public schemes are properly and legitimately implemented? How can government officials be made accountable to the public?

Answer to all these raised queries is that a citizen must have the **required information** about all these mentioned aspects and many other such important aspects that touch the life of a common man. Thus, thrust of participation percolates down to “Awareness” or “information accessibility”. The public information was veiled within the wraps of “official Security” under Official Secrets Act 1923 for centuries. The purpose of the Secrets Act was to check espionage or spying and while doing so not to make disclosure of any information that was likely to affect the sovereignty and integrity of India. It further emphasized that any information from any Government office is considered information of importance, thus, not to be shared. Hence, the government decisions and actions remained well wrapped under the covers, due to the provisions of the official Secrets Act 1923.^v

Right to Information is opposite to the provisions of Official Secrets Act as it emphasizes that barring some information of importance of National Security, all the other day to day information can be provided to the Public to usher in transparency in the governance. Thus, induction of RTI Act, 2005 has opened up accessibility of government information to public in India. The Act has provided the RIGHT to access Public information and any citizen at any time can ask for the required information from the Public Authority within the provisions of the Act. Making information available to citizens is simply a part of normal Government working because the public have a right to know ‘what’ and ‘how’ the government is functioning. The RTI Act was introduced with the sole objective of empowering people, containing corruption, and bringing transparency and accountability in the working of the Government.^{vi}

Meaning of RTI

Right to Information as per the RTI Act 2005 means timely response to citizen requests for government information. The term information has broader meaning as per the Act which does not mean only written information or information drawn from the documents; it may include taking of a sample of a material or inspecting the site of the work. (Issue has been discussed at length in the ensuing pages)

“Right to Information” means the right to information accessible under this Act which is held under the control of any public authority and includes the right to –

(i) inspection of work, documents, records;



(ii) taking notes, extracts or certified copies of documents or records

(iii) taking certified samples of material and obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device.^{vii}

As has been mentioned the information disclosure in India was previously restricted by the Official Secrets Act, 1923 and various other special laws. With the coming of RTI Act these restrictions on disclosures stand relaxed. On 15th June, 2005 the Parliament of India passed this Act which came fully into force on 12 October 2005. It was mandatory on all States and Union Territories of India to adopt the Act except the State of Jammu and Kashmir – where the State was directed to frame its own RTI Act keeping the parent Act in consideration.

Constitutional Provisions regarding Right to Information

Fundamental Rights are provided in Part-III of the Constitution of India (Article 12 to 32) contains Fundamental Rights. Only rights mentioned under those articles are Fundamental Rights. All other rights granted by Statutes are statutory laws. The right to information is a legal right granted to the citizens by virtue of the Right to Information Act, 2005. However, the right can be argued to have its roots and origin in the Right mentioned under the Article 19 (1) (a).

Article 19-Freedom of Speech and Expression: Information is necessary to form and express opinions, dissent or support on any matter. It is therefore a part of Article 19 (1) (a) of the constitution.

Article 21-Right to Life and Liberty: Information is necessary for protection of the right to life and liberty. It is therefore a part of Article 21 of the constitution.

With the enactment of RTI Act, 2005, the Right to information is no longer a constitutional right. Thus, according to experts, RTI is a statutory legal right. Before the passage of the RTI Act, 2005, RTI was part of Article 19 (1) (a) of the constitution therefore, it was Fundamental Right.

RTI Act: A Tool of People's Empowerment

Information can empower poor communities to battle the circumstances in which they find themselves and help balance the unequal power dynamics that exist between people marginalized through poverty and their governments. This transparent approach to working also helps poor communities to be visible on the political map so that their interests can be advanced. The right to information is therefore central to the achievement of the Millennium Development goals.^{viii}

Right to information legislation therefore acquired fundamental attention for the development of society. RTI laws gained prominence as critical tools to combat corruption, and inefficiency. Although corruption exists in all societies, it has a particularly pernicious effect on less developed countries. As also acknowledged by donor agencies, corruption discourages foreign investment and eats away at the budgets allocated to public procurements which enable basic infrastructure such as roads, schools and hospitals to be built. It also debilitates political institutions by reducing public confidence in their operation. If unbridled corruption continues to infect a society or political system, it may



eventually lead to social interest due to the division it creates between those who have easy access to goods and services and those who remain excluded. It is the poor who always bear the greatest burden of a corrupt society. Right to information legislation, is therefore, considered fundamental in furthering the development of society and in eradicating poverty and empowering the people. The right to information can be guaranteed in a number of ways. Many countries provide for the right in their constitutions, usually by means of a broad statement guaranteeing the right of access to information.

Lay out of the RTI ACT 2005:

The Right to Information is a well-formulated Act. The Act is based on the premise that democracy requires an informed citizenry and transparency of information. The Right to Information Act contains six chapters and two schedules. Chapter 1 is entitled 'preliminary' and explains the various terms like appropriate government, public authority, information, record, third party etc. Chapter 2 contains obligations of public authorities. Chapter 3 deals with the Central Information Commission while Chapter 4 describes State Information Commissions. Chapter 5 is about the powers and functions of the Information Commissions, appeals and penalties and Chapter 6 has all the miscellaneous provisions.

Schedule 1 contains the oath to be taken by various levels of Information Commissioners. Schedule 2 contains a list of intelligence and security organizations established by the Central Government.^{ix}

RTI is for the right of any citizen of India to request access to information and the corresponding duty of Government to meet the request except the exempted information (Sec.8/9).

Important terms of the Act: Explained

"**Information**" means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force.^x

"**Public Authority**" means any authority or body or institution of self-government established or constituted –

- (a) by or under the constitution;
- (b) by any other law made by parliament;
- (c) by any other law made by the State legislature;
- (d) by notification issued or order made by the appropriate Government and includes any –
 - (1) body owned, controlled or substantially financed;



(2) Non-Government organization substantially financed, directly or indirectly by funds provided by the appropriate Government;

There are some obligations for the public authority given in Sec 4 (1). According to it every public authority shall maintain all its records duly catalogued and indexed in a manner and the form which facilitates the right to information under this Act and ensure that all records that are appropriate to be computerized are, within a reasonable time and subject to availability of resources, computerized and connected through a network all over the country on different systems so that access to such record is facilitated.^{xi}

Practical Regime

Right to Information is an Act provides for setting out the practical regime for citizens to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority. Act provides for setting up of a Central Information Commission and State Information Commissions and for matters connected therewith or incidental thereto.

It is obligatory on the part of every public authority to designate as many officers as Central Public Information officers (CPIO's), Public Information Officers (PIO's) and Assistant Public Information Officers (APIO's) as may be necessary to provide public information to the seekers.

Significance of the Study

It is more than decade and a half when the RTI Act came into being, enough long for any law to make groove in the system and good enough time for the citizens to become aware of any such legislation which bridle the administration to make it answerable for each of its action. Youth constitute important segment of any society and that too more of onus lies with students who are engaged in the pursuit of knowledge. Keeping this fact in mind, the researcher chose to assess the level of awareness among the campus students of Panjab University about Right to Information Act.

Objectives of the study

1. To assess the level of awareness among the campus students of Panjab University.
2. To suggest some measure to increase the level of awareness among the campus students.

Scope & sample of the study

The study covered two Blocks of Panjab University, Chandigarh; one from Arts stream and other one from Science stream. Arts Stream included Block-I,-14 Campus which covered the departments of Languages like Panjabi (120+20*+15*) GT =155

Sanskrit (120+20*) GT=140

English (230+22*) GT =252



And Science Stream which included Block-BMS-II,-25 Campus (Basic Medical Sciences)

Bio-Physics (33x3=99**+33x2=66) GT=155

Bio-Chemistry (29x3=87**+29x2=48) GT=135

Out of (155+140+252+155+135=702) students approx., a sample of 150 (nearly 20%) was drawn for the study purposes.

*M.Phil. Course

** B.Sc. Course

Research methodology

Both primary and secondary data have been used to conduct the study. As far as primary data is concerned a sample of 150 students (comprising of both males-91 and females-59) of Panjab University Chandigarh has been taken for the study on the basis of convenience sampling. A sample of 75 students from each select Block has been taken taking due care that all the departments housed in the Block got fair representation.

For the purpose of collection of secondary data newspapers, records and various internet websites pertaining to RTI were searched for relevant material. The collected data have been analysed in the ensuing pages.

Research tool

An interview schedule was devised to assess the level of awareness of respondents. In the ensuing discussion the responses have been analysed to reach out the findings.

Statements and data analysis

The data has been analysed by using two options against the statements reflecting awareness of the respondents regarding the provisions of the Act. The responses have been written in number and in percentages (in brackets), and then findings have been drawn from the analysis.

S.No	Statements	YES (%)	NO (%)	Total
1.	Have you heard of Right to Information Act (RTI Act)?	137(91.3%)	13 (8.6%)	150
2.	Have you ever sought information under RTI Act?	47 (31.3%)	103(68.6%)	150
3.	Are you aware of the provision that every public authority has to set up the practical regime for providing the information?	39 (26%)	111(74%)	150
4.	Are you aware that one can seek information	83 (55.3%)	67(44.6%)	150



	online under RTI Act?			
5.	Are you aware that one has to file an application under his own identity to seek information under RTI Act?	48 (32%)	102(68%)	150
6.	Are you aware that one can seek any information from Public Authority only?	82 (54.6%)	68(45.3%)	150
7.	Are you aware that reasons for seeking information are not to be mentioned?	65 (43.3%)	85(56.6%)	150
8.	Are you aware that the application seeking information has to be submitted with some prescribed fee?	134(89.3%)	16(10.6%)	150
9.	Are you aware that the general information has to be given to the seeker within stipulated time?	129(86%)	21(14%)	150
10.	Are you aware that officer who does not provide the required information in time can be fined?	79(52.6%)	71(47.3%)	150

Source: Computed from the responses drawn against the statements

Discussion

The analysis of the study proved that highly significant majority 91.3% of the campus students **did hear** about the Right to Information Act (RTI Act). Interestingly, 68.6% of the respondents **neversought information** through RTI. However it is also evident from the data that majority 74% of students **were not aware** of the information regime to be set up by the public authority. Further 55.3% of the students **were awarethat one could seek information online** under the Act. The majority of the respondents 68% **were not aware of the provision that they have to seek informationunder their own identity**. The simple majority of the students 54.6% were **aware of provisionthat information could be sought from public authority only**. The majority of the students 56.6% **were not aware of the provision that no reason has to be given to seek the information**. The highly significant proportion of the respondents 89.3% **were aware of the provision that application seeking information has to be submitted with prescribed fee**. The highly significant proportion of the respondents 86% **were aware of the provision thatinformation has to be provided by the public authority within stipulated time**. The simple majority of the students 52.6% were **aware of provisionthatinformation officer can be fined for not providing the information in time**.

Major Findings of the Study

The responses indicate mixed reactions; as to certain queries students were well aware of the provisions whereas on some other provisions they were not sure.



Thus we can summarize that the campus students of the Panjab University were well aware about:

- i. The existence of RTI Act.
- ii. Online filing of application to obtain any information under this Act.
- iii. Information has to be sought from public authority only.
- iv. Prescribed fee to be attached with the application.
- v. Information has to be provided within stipulated time.
- vi. Imposition of fine on the officer who delayed the asked information.

Whereas it is pertinent to mention here that the campus students were not aware about the provisions that:

- i. More often students did not seek information under the Act.
- ii. Practical regime has to be set up by the public authority.
- iii. Information has to be sought under one's own identity.
- iv. Reason to seek information was not to be mentioned.

Conclusion and Suggestions

In the light of the above discussion, the following suggestions can be listed to improve the general awareness among the students about the Right to Information Act (RTI Act):

- a. Knowledge about the provisions of RTI Act should be provided at the school, college and university levels rather it should be a part of curriculum of the study.
- b. A massive awareness campaign is necessary to educate the students about features and usefulness of the RTI Act.
- c. Seminars and Workshops on the need and importance of RTI should be organized.
- d. User manual should be made available in every public organization.
- e. There is need to bring in facilitation centers in every government department for making use of RTI.
- f. The Public Relation Department should act as an Active Agent to spread the awareness about the features and uses of RTI Act.
- g. The RTI regime should encourage the seekers to seek information as and when they approach them.



The revelation of information at times is likely to “conflict with other public interests including efficient operations of the Governments, optimum use of limited fiscal resources and the preservation of confidentiality of sensitive information; it is necessary to harmonize these conflicting interests while preserving the paramount supremacy of the democratic ideals; thus, it is expedient to provide for furnishing certain information to citizens who desire to have it”.^{xii}

Undoubtedly, the Act has impacted the common man's life and working of the government as it is ushering in transparency in the governance to achieve the model of Good Governance thereby giving real meaning to “DEMOCRACY”. After getting the proper awareness of Act, common people will certainly realize to be empowered.^{xiii}

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