



Effectiveness of RTI Act, 2005 in seeking information from public authorities with specific reference to information seekers of Tinsukia town (Assam)

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Abstract

It is the right of each and every citizen to have access to information, under the control of public authorities, if it is in public interest and does not infringe upon the privacy of others. There should be free and unrestricted access to information in a democratic country like India. Transparency needs to be ensured in order to have the faith of the people in the democracy. Right to Information Act (RTI), 2005 was enacted in the year 2005 with the aim of empowering Indian citizens to seek information from the public authorities. With time RTI is being widely used for ensuring transparency in the functioning of the government. It is perceived as an important tool in the hands of the citizens of India, who are interested in seeking information from public authorities. Thirteen long years have passed since the enactment of the RTI Act, but there are still many challenges in the successful implementation of the Act. This paper tries to bring to light the basic provisions of RTI Act, and the issues relating to seeking of information under RTI act. This research aims to examine the effectiveness of the Right to Information Act, 2005 in helping information seekers get the information sought from the public authorities, along with recommending suggestions for successful functioning of RTI Act.

Keywords: Right to information, Information seekers, transparency, accountability.

Introduction:

Right to Information Act, 2005: Empowering Citizens

Right to information refers to the right of the citizens to have access to information, which is held by or under the control of any public authority. Public Authority includes all the government as well as Non Governmental Organizations which are substantially financed, directly or indirectly by funds provided by the appropriate Government. This access to information, under the control of public authorities, promotes transparency and makes government more accountable and responsiveness for their actions. Good governance is possible if the citizens have free access to information.

The Right to Information Act, 2005 was passed by Indian Parliament in the year 2005 to make the government transparent, accountable and responsible for its work by empowering citizens to demand information from any public authority as a matter of right. It extends to the whole of India except the State of Jammu and Kashmir. All public authorities of Government of India and all the State Governments (except the Government of Jammu and Kashmir) come under the purview of RTI Act, 2005. This law is very comprehensive and is applicable to Government at all levels- Union, State and Local. The Act lays down that all official institutions, be it under the Central or State Governments, and even non-governmental



organizations that are controlled or substantially financed by the Government are to be considered 'public authorities'. Every public authority is required to appoint a Public Information Officer who is entrusted with the responsibility of serving every request for information in a time bound manner. Information can be in any form. It includes records, documents, manuscript, file, memos, e-mails, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data and all other information held in print or electronic form.

Objective of the Right to Information Act: The basic object of the Right to Information Act is to facilitate the citizen to avail all kind of information, held by or under the control of any public authority, with reasonable restrictions. This Act tries to ensure eradication of any kind of corruption in Public Authority by making it a mandatory obligation, on the part of the Public Authority, to disseminate the information sought by the Indian citizen within a certain time period subject to payment of a nominal fee. This Act, thus, gives citizens access to information under the control of public authorities, and promote transparency, openness and accountability in their working. This empowerment of the citizens makes the democracy work in the real sense, as the citizens have now got an instrument to keep a watch on the functioning of the government, thereby, making the government more accountable and responsive to the citizens.

Filing an Application under RTI Act: Filing an application under RTI Act is a simple process. The essential requirements of an application filed under the RTI Act are:

- a) The applicant should be a citizen of India.
- b) The application should contain the particulars of information sought.
- c) The evidence of payment of application fee should be enclosed.
- d) The address of the applicant should be available for sending a reply.

Format of Application: There is no prescribed format of application for seeking information. The application may be handwritten/ typed or sent by e-mail. Applicants, however, need to ensure that their contact details including name and complete postal address appear on the application. Also, the applicant should mention that the information is sought under Right to Information (RTI) Act, 2005.

Prescribed Fee: There is a nominal fee (usually Rs.10) for filing an application under RTI Act. The prescribed fee has to be paid, along with the application, by way of cash against proper receipt or by demand draft or banker's cheque or Indian Postal Order. The applicant may also be required to pay further fee towards the cost of providing the information, details of which shall be intimated to the applicant by the Public Information Officer (PIO). If the applicant belongs to below poverty line (BPL) category, he is not required to pay any fee. However, he should submit a proof in support of his claim of belonging to below poverty line.

Filing an RTI application: The applicant can send the application by post or through electronic means or can deliver it personally in the office of the public authority. A private courier should be avoided because it is not a legally acceptable proof of delivery. The application should be made to the Public Information Officer (PIO) of the 'concerned public authority' in writing in English or Hindi or in the official language of the area in which the application is made. Now, RTI applications/ first appeals can also be filed by Indian Citizens for all Ministries/ Departments and few other Public Authorities of Central Government through



the portal <https://rtionline.gov.in>. The applicant is not required to state reasons behind asking the information.

Time Period for supply of information: Information sought under the RTI Act, 2005 will be supplied normally within a time period of 30 days from the date of receipt of application by the public authority. However, if the information 'concerns the life and liberty of a person' it will be supplied within 48 hours. If the applicant has submitted the application through the Assistant Public Information Officer, or to the wrong PIO within the same Public Authority or to the wrong public authority, 5 days will be added to the generally prescribed time frame.

Appeal: If an applicant has not been given the information within the prescribed time or is not satisfied with the information provided to him, he may file an appeal to the relevant first Appellate Authority, and, thereafter, a second appeal with the Central/ State Information Commission.

Complaint to Central Information Commission [CIC]/ State Information Commissions [SICs]: The applicant may also make a complaint to CIC/ SICs in cases such as when he is unable to submit an RTI Application or when information has been refused or false misleading information has been provided or he has been asked to pay certain amount which is not required to be deposited. Any complaints related to central government public authorities are to be lodged with CIC [<https://cic.gov.in>]. In case of information relating to public authorities of State Governments, complaints have to be lodged with respective SICs. Details are available on the official websites of State Govts./ State Information Commission (visit <https://rti.gov.in> for further details).

Necessity of Right to Information Act: Right to Information Act is necessary due to the following reasons:

- Right to Information Act has made public authorities more accountable and responsive to people.
- It is used as a tool for bringing transparency and openness in the functioning of the government.
- It helps in curbing corruption taking place in various government departments.
- It makes good governance possible.
- It makes the citizens aware of decision-making process of the government functionaries.
- It helps in ensuring better delivery of goods and services to the citizens by the government.
- It facilitates constructive criticism of administration/ government as it gives an insight into the decision making process.
- It reduces the misuse of authority by the government officials.

Significance of the study:

The Right to Information Act, 2005 was enacted with the aim to make information about the functioning of the government more accessible to the public. The success of democracy lies in the faith of the people on the government that has been elected by them to work in the best interest of the people. If the information about the functioning of the various arms of the government is not easily accessible to the people, it creates a doubt in the minds of the people, and they start believing that something is deliberately being hidden from them. Such a perception about the functioning of the government is not good, and raises a question mark on the entire process of democracy itself. Therefore, it is of vital importance to ensure that the access



of information is not restricted in any way, and the acts like Right to Information Act, 2005 is implemented in letter and spirit.

Tinsukia Town of Assam is a very important commercial town and is the hub of business activities in Upper Assam. It is also politically very active, with its own set of challenges and opportunities. Many government offices are there in Tinsukia, with which a lot of business establishments and general public interact for business or personal reasons. There have been many instances when the people of the town are not satisfied with the functioning of one or the other government department, and have tried to get information under Right to Information Act, 2005.

The proposed study, therefore, tries to study the effectiveness of Right to Information Act, 2005 in making information more accessible to the people of Tinsukia Town of Assam.

Objectives:

- 1) To study the problems faced by information seekers in getting information from public authorities under Right to Information Act, 2005.
- 2) To examine the effectiveness of the Right to Information Act, 2005 in seeking information from public authorities,
- 3) To suggest measures to make RTI Act more effective.

Research methodology

(1) sources of data:

The research was conducted with the help of both primary and secondary data. Primary data was collected through structured questionnaires. Secondary sources such as books on Right to Information Act and various websites were also referred to have a better understanding of the Right to Information Act, 2005, get an insight into the experiences of the information seekers under RTI Act.

(2) sampling method:

Sampling is the process of selecting a representative sample or sub-group from the population under study. As there was no database of Information seekers under RTI Act available for the purpose of research, purposive method of sampling was used in this research to collect primary data. Primary data was collected by interviewing 20 persons, belonging to Tinsukia town of Assam, who have filed at least one RTI application in the last 3 years.

(3) Instruments for data collection:

Primary data was collected with the help of Interview Schedule, for which close-ended structured questionnaire was prepared.

Interview schedule:

Under the Interview Schedule method, the trained enumerators personally contact the respondents, ask questions to them and record the responses to the questions. This method of data collection is similar to the collection of data through questionnaire. The difference lies in the fact that in case of interview schedule, enumerators who are specially appointed for the purpose, go to the respondents, along with the



schedule (proforma containing a set of questions). These enumerators ask the questions to the respondents in the order the questions are listed and record the responses of the respondents.

Structured questionnaire:

The information was collected from the respondents with the help of structured questionnaire. Structured questionnaire involves the use of predetermined or standard set of questions. The wording of the questions and their order are pre-determined, and the respondent is invited to limited-option responses.

Close –ended questions:

Close-ended questions are the questions that provide respondents with a set of alternative choices from which a respondent has to select his answer. These questions can't be answered according to free will of the respondent. All questions and answers are specified and the respondents are asked to choose from the answers provided. Comments in the respondent's own words are held to the minimum. For the purpose of the research close-ended questions were used.

Limitations of the study:

1. The research was confined to Tinsukia Town. Hence, the results of the research may not hold true for the entire universe.
2. As the sample size was small, the sample may not be representative of the entire population.
3. It was a difficult task to find and meet the concerned persons.
4. There were time and cost constraints.

Major findings

The research brought into light the following information:

1. A vast majority of the people are not aware of the Right to Information Act, 2005. Out of those who are aware of the RTI Act, 2005, many are not familiar with the provisions of the RTI Act, 2005. Many don't even know how to draft an application under the RTI Act, 2005. They need the help of others to draft the application.
2. Many information seekers, under the RTI Act, 2005, are afraid to file an application because of the perceived adverse actions by the concerned public authorities.
3. To get the relevant information, it is needed to draft the questions properly, without any ambiguity. If the questions are not framed properly, relevant information may not be provided by the public authorities. This is a common problem faced by the information seekers in general.
4. Many time, public authorities do not provide all the information at the first time itself. Follow up applications under the RTI Act, 2005 are needed to be filed again to seek the information. In certain cases, some information is not provided at all.
5. In many cases information sought was not provided by the public authorities within the time stipulated under the RTI Act, 2005. Either the information was provided after the stipulated time or after the appeal being made to the appellate authority. In few cases, information was not at all provided by the public authority.
6. One of the reasons for the delay in providing information sought by the information seekers was that the information was not received by the Public Information Officer from the concerned public officials in time.



7. In case the public authorities do not provide information or provide incomplete information, very few people have the patience to go for follow-up actions.
8. Many respondents were not happy with the fee-depositing mechanism. They found it to be inconvenient.
9. In many cases, information seekers were not happy with the behavior and attitude of the employees of the public authorities, with whom they came into face-to-face contact in the process of seeking information under RTI Act.
10. Many information seekers misused the Act by asking the public authorities to provide information that is, in fact, not at all needed by the information seekers.
11. Appeals before the Information Commissions took more than the reasonable time to be disposed. This pendency of appeals for a long time defeats the very purpose of RTI Act.
12. People appreciate RTI Act, and welcome the enactment of the Act.
13. Majority of the information seekers believe that the RTI Act, 2005 is effective in seeking information from public authorities.
14. RTI Act is an effective tool in preventing corruption and ensuring transparency in administration.

Conclusion:

Right to Information Act, 2005 is one of the most powerful weapons available to Indian citizens which helps in bringing openness and transparency in the functioning of the government. It is a tool that holds various government bodies accountable to the public, and checks corruption by making the functioning of government departments more transparent. The access to information, held by or under the control of public authorities, makes people aware of the decision making process in the administration, thereby, reducing chances of corruption and abuse of authority by public servants.

The RTI Act has been enacted to strengthen democracy by making government bodies work in the greater interest of the general public, and its success depends on how effectively the people use this Act. Though the use of RTI Act is increasing day by day, a lot more is desired in terms of active participation from the citizens and various civil society groups of the country. A constant pressure needs to be built up by the people so that the provisions of the RTI Act are strengthened and more and more institutions are brought into the ambit of the Act.

A lot of secrecy is maintained in Indian bureaucracy today. This has resulted in corruption and criminalization of the system. Common people are losing confidence in the largest democracy of the world because of harassment and rampant corruption. Right to Information Act, 2005 is a ray of hope for the public. But, the success of the Act lies in citizens developing the skills to use the RTI Act judiciously for gaining access to information of all kinds from public authorities, and using such information effectively to make public authorities accountable for their deeds.

Suggestions and recommendations:

The findings of the research clearly reveal that inspite of RTI Act being a revolutionary step many measures need to be taken to make the Act more effective. Not only there has to be a real intent, on the part of public authorities, to provide the information sought but the information seekers also need to make themselves aware of the various provisions of the RTI Act and use the Act judiciously. However, the onus lies on the government to strengthen the RTI Act and ensure proper implementation of various provisions of the Act so



that the Act serves its real purpose. In light of the findings of the research and on the basis of general observations, following suggestions are made, which if implemented, will go a long way in making the Act successful in achieving its objectives.

1) Awareness Campaign: There should be massive awareness and publicity campaigns to make the citizens aware of the purpose and various provisions of the Right to Information Act 2005. Regular workshops on how to file an application under RTI Act should be conducted at different places. Government should allocate more funds for publicity and awareness campaigns of RTI Act. NGO's and civil society groups should also be involved in such awareness campaigns as they can be instrumental in making massive contribution in educating citizens about RTI Act. This awareness programme should be at national, state, block as well as village level.

2) Part of Educational Curriculum: Right to Information Act is one the strongest weapons in the hands of the citizens to access information available with government officials. This Act, if act judiciously, can make government officials and authorities more accountable, and answerable for their actions. Hence, each and every section of the society should be made aware of this act. For this, RTI Act should be compulsorily made a part of the educational curriculum.

3) Strict penalties for violation of the provisions of the Act: There should be strict penalties for anyone violating the RTI Act. The present penalty is not stiff. Moreover, the levy of penalty should not be a discretionary power in the hands of the Information Commissioner. Rather, it should be mandatorily levied on the erring officers, so that the law is fully complied with, and fear is instilled in the minds of those entrusted with the task of providing information under the Act.

4) Sustained Training Mechanism for the RTI Officer: Training of officials of all departments and representatives of public authorities is essentially required so that they are made aware of their duties and obligations under the act. Special training as to how to behave with the information seekers should also be provided to the RTI officials. They should be made more sensitive.

5) Proper Maintenance of Records: Maintenance of proper official records is necessary for facilitating provision of information under the Act. Due to the lack of efficient record keeping and management system, the public Information Officers face difficulty in getting accurate, easy and timely access to information from the concerned departments. This makes it difficult for them to provide relevant information to information seekers in time. Proper scientific training on record-keeping system should be given to the employees who are entrusted with the task of keeping and maintaining records. Also, the record keeping system should be modernized and digitized; otherwise, providing information would take several days- often resulting in delays.

6) Convenient Fee-Depositing Options: Fee depositing system should be made more convenient for the information seekers. All the government offices, be at Central or State or Local Level, should be made to accept RTI fee online.



7) More Resources to RTI Officers: RTI officers, entrusted with the task of providing information to the public under RTI Act, should be provided with more resources at their disposal so as to enable them in responding to information requests in a timely fashion.

8) Efficient Appellate Mechanism: The appellate mechanisms provided under the Right to Information Act, 2005 should be made more efficient and effective. They should hear and dispose of appeals in a time bound manner. Also, they should not hesitate in levying the prescribed fines on the erring officials.

9) Protection to Information Seekers: It is the moral responsibility of the government to protect RTI activists and users and to take legal action against anyone, who directly or indirectly, threatens information seekers. The information seekers should have peace of mind, without any fear of his safety, while seeking any information under the Act. Safety of information seekers should be ensured by the government of the day.

10) Strong Monitoring System: There should be a strong and robust monitoring and evaluation system, with periodic review of the implementation of the RTI Act. This will help the government agencies get the much needed feedback which will help them to address the shortcomings and improve the system.

11) Availability of User Guide: Non-availability of user guide is another roadblock in successful implementation of RTI Act. Absence of user guide creates difficulty for the Information seekers in gathering knowledge about the process for submitting an RTI request.

12) Change in the mindset of the information-seekers: The information seekers should also realise that the RTI Act has been enacted so as to bring transparency in the functioning of the government and public bodies. The Act should not be misused. Information should be sought, when a need is felt for the same, and not just for the sake of seeking information. Excessive use of the Act, without any rationale object, dilutes the purpose of the Act, and also over-burdens those who are responsible for providing information under RTI Act.

Future scope for the study:

While conducting the research, following new areas for future study were observed:

1. Awareness level of the RTI Act, 2005 among the citizens of India.
2. Problems faced by RTI officers while disseminating information under RTI Act, 2005

References:

1. www.daily-updated-gk.blogspot.com
2. www.careerride.com
3. www.rti.gov.in
4. www.rtionline.gov.in
5. www.vakilno1.com
6. www.lawnn.com
7. www.en.wikipedia.org
8. www.dopt.gov.in