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RTI Act and Its Implementation: A Study to Analyse Level of Awareness in South Assam

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Abstract

In today's information society, the creation and distribution of information has become the most significant economic, political and cultural activity. Information which includes facts about a person or thing is very frequently used and required in present time. To make successful governance, transparency about a particular subject matter is a very important requisite. It is this quest for facts which led to the passing of The Right to Information Act, 2005. The Right to Information Act is one of the most revolutionary legislations in the history of democratic India. Any nation to attain a status of democratic state requires equal participation of all and sundry. RTI Act makes all sorts of information accessible to the citizens at affordable cost, thereby strengthening the democracy. The Act guarantees every citizen the right to access to all sorts of information held by or under the control of public authorities. However, the level of awareness among the people about the provisions of the RTI Act is still a matter of concern especially in the rural hinterland.

The study aims at assessing the level of awareness about the RTI Act among the college students in the southernmost fringe of Assam. The study includes within its purview a survey of the students of premier degree colleges of three districts of South Assam- Cachar, Hailakandi and Karimganj. The survey is based on structured questionnaire. The study finds that there is a lack of awareness about the Act among the students and it results in its less usage. A significant number of respondents have not even heard of RTI before.

Key words: RTI Act, democracy, information society.

Introduction:

Democracy is the government of the people, by the people and for the people. To ensure that democracy and the goals of democracy are achieved properly it is very essential that transparency should be maintained between the Government and the citizens of the country. This transparency can only be maintained when the process of seeking any and every information is easily accessible. This mechanism of seeking information is named as Right to Information. Das (2005) gives the simple meaning and interpretation of the words used in the Article 19(1)(a) of the Constitution of India of which right to Information is the product.

Right to information is a fundamental right under Article 19 (1)(a) of the Constitution of India as part of freedom of speech and expression. In **Bennett Coleman Co. & Ors Vs Union Of India & Ors**¹, the right to information was held to be included within the right to freedom of speech and expression guaranteed by Article 19(1)(a). In **Raj Narain V. State of UP**², the court explicitly stated that it is not in the interest of the public to ‘cover with a veil of secrecy the common routine business- the responsibility of officials to explain and to justify their acts is the chief safeguard against oppression and corruption’. More precisely in **S.P. Gupta Vs Union of India**³, it was observed that the right of the people to know about every public act, and the details of every public transaction undertaken by public functionaries was described. The first RTI law was enacted by Sweden in 1776 where the law was motivated mainly by the Parliaments interest to have an access to information by the King. It was this glaring Swedish example which motivated United States to have a law in 1966 followed by Norway in 1970. The same was followed by many democratic countries who enacted their own laws France and Netherlands in 1978, Austria, New Zealand and Canada in 1982, Denmark in 1985, Greece, Austria and Italy in 1986, 1987 and 1990 respectively. A very drastic step was taken in the form of EU Charter of Fundamental Right which included both freedom of expression and right of access to documents. By 2010, more than 85 countries have national-level RTI laws .

Sathe (2006) has traced the history of this legislation and also the evolution of the right to information as a constitutional right. He has also explained the administrative process involved in the implementation of this Act. Disclosure of information held by public authorities in India was governed by Official Secrets Act (1923) enacted during the British rule. The demand for national law started under the leadership of National Campaign on People’s Right to Information (NCPRI).The Freedom of Information Bill 2000 was passed in parliament in 2000 but not notified, hence never came into effect. The national campaign for RTI was ignited when the UPA Government Common Minimum Programme assured that RTI Act will fulfil all the expectations of people and it was for this reason that the National Advisory Council was set up. Thus, it was constant force from the civil society groups that led to the enactment of the Right To Information Act 2005.⁴This Act, consisting of 31 Sections and 2 Schedules extends to the whole of India, except the State of Jammu and Kashmir [Section 1 (2)].

Summary of key provisions of the Act can be enumerated as:

Section 2 (a) elaborates on who the “appropriate Government” is; the Central Government, a Union Territory administration or a State Government, whereas, Section 5 elucidates on the designation of Public Information Officers.

¹ AIR 1973 SC 106

² (1975) 4 SCC 428

³ AIR 1982 SC149

⁴ “Right to Information Act,2005” was enacted on 15 June 2005 and came in force on 12 October 2005.

Section 2 (f) defines the term ‘information’ to mean 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.

Section 2 (h) of the Act provides for the list of “public authority” which is not to be confused with ‘appropriate government’. It 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 State Legislature;
- (d) By notification issued or order made by the appropriate Government, and includes any—
 - (i) Body owned, controlled or substantially financed;
 - (ii) Non-Government Organisation substantially financed, directly or indirectly by funds provided by the appropriate Government.

Section 2(j) defines right to information as a right to information accessible under the Act which is held by or under the control of any public authority and includes a right to (i) inspection of work, document, records, (ii) taking notes, extracts or certified copies of documents or records, (iii) taking separate samples of material, (iv) 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.

Section 3 of the Act guarantees the right to information to all citizens, subject to the provisions of the Act.

Section 4 elaborates the obligations on the part of the public authorities to make such information easily accessible. Although the obligation to disseminate information is pro-demand and not pro-active, the Act goes far enough to ensure that the system is consumer friendly, on paper.

Section 6 prescribes simple procedure for securing information.

Section 7 fixes time for providing information(s) by Public Information Officers (PIOs)

Section 8 states that only minimum information exempted from disclosure.

Section 19 prescribes the two tier mechanisms for appeal.

Section 20 provides for penalties in case of failure to provide information on time, incorrect, incomplete, misleading or distorted information.

Section 23 bars lower courts from entertaining suits or applications. However the writ jurisdiction of Supreme Court and High Courts under Article 32 and 226 remains unaffected.

Acharya (2006) has commented in detail the procedure for seeking information and the fee structure to avail information. Goel (2007) a learned author has delved into Right to

Information from different angles –historical, legal, institutional, political, administrative and even futuristic.

Drawbacks of the Legislation:

Like all other laws the defect of Right to Information Act also lies in the implementation of the Act. Some of the highlighting defects of the legislation are that the public authorities under the Right to Information Act do not display information about RTI on their departmental or on notice boards of concerned department such as name plates of Public Information Officers (PIOs) and Assistant PIOs in their offices. It is not mentioned in the Act to notify such names thus it is ignored many times. Another massive loophole of the legislation is that the PIOs do not have any special training to deal with RTI applications, which many a time can be a reason for delay in answering the application. Notably, Section 27 and Section 28 of the Right to Information Act empowers “State Government” and “Competent Authorities” to make their own rules, this is misused on several occasion by many authorities. The Act has failed to put that fine line of difference on right to privacy and right to know. In addition to all above drawbacks one of the points which is most criticised is that the Right to Information Act does not make any emphasis for intervention in educating people about their right to access information. Awareness about any law is the first thing which makes any legislation effective.

Objectives of the Study:

There are some basic objectives behind undertaking this study; the objectives can be enumerated as:

- To find out the level of awareness among degree students of colleges on Right to Information.
- To find out the difference among students from different educational backgrounds and streams in the awareness of RTI.
- To suggest steps for the promotion of RTI awareness.

Research Questions:

- What is the level of awareness on RTI among college students?
- Is there any significant difference in the level of awareness on RTI between the students from Law stream and other students?
- What are the challenges in the implementation of RTI Act?

Methodology:

Research design: The investigator preferred normative survey method to collect data from the college Students .The investigator employed convenient sampling technique in order to collect data from the college students.

Population: The present study is conducted among the college students of South Assam mainly in the districts that of Barak Valley comprising three districts that is Cachar, Hailakandi and Karimganj

Sample: From the total number of college students of three districts, 92 respondents were taken.

Tool: A self-prepared structured questionnaire is made comprising of some basic questions for the assessment of Right to Information.

Result and Discussions:

The study was conducted to measure the awareness of RTI among the college students. A structured questionnaire was prepared comprising some basic questions about RTI.

Knowledge on Right to Information (RTI): Out of 92 respondents, 43 students said that they have heard about RTI, while the rest 49 students said they have no idea what RTI is all about. The survey reveals that 53 percent students have never heard of RTI which is really appalling considering the fact that a decade has been passed since the RTI Act came into force.

Out of the 43 students who are aware of the RTI Act, only 09 students said that they know procedure of filling the RTI applications. Out of these 9 respondents, there are only two students who have filed RTI applications. The survey exposes the lack of awareness among the college students of Barak Valley about the RTI Act. When asked about the main sources from where they have heard about RTI, 19 students said that they came to know from media which includes both print and electronic. Out of the 92 students 75 have an access to the social media 13 respondents came to know about the RTI Act from the class lectures, while 8 students heard it from friends and family members. 3 students said that they heard about RTI from other sources. On being asked if they are aware that the answer scripts of the examinations can be seen by filing an RTI, only one student said that he knows about while the rest of the respondents have no knowledge about it. The study reveals that most of the three year degree course students of Barak Valley have no knowledge about RTI and thus lack of awareness among the younger generation of the country about RTI is the main challenge in the proper implementation of the Act. There is an urgent need of organising extensive awareness programmes to aware the people in general and the youths in particular about the RTI Act which empowers the citizens and ensures accountability and transparency in the government. The RTI has become an important tool for the people to seek all sorts of information. Though RTI is not a remedy for corruption, but it certainly will help in curbing the menace of corruption from India. The study is also very important from the fact that the survey was conducted among those college students who mostly belong to the district headquarters of the three districts of Barak Valley. The survey shows that out of 92 students, 71 respondents' fathers' annual income is above 4 Lakhs 80 thousands. It shows that 77 percent of the total respondents belong to upper middle class and they have no financial constraints.

Conclusion & Suggestions:

The study reveals that there is a very low level of awareness about Right to Information among the College students of Degree level in the fringe of South Assam. Right to Information is a powerful tool which imparts significant social benefits; It is like blessing for democracy as it promotes good governance by empowering the citizen's ability to participate effectively and hold government official accountable. However, stricter implementation of this law is depended on many factors. Currently, the RTI Act in India is passing through a decisive phase, much more needs to be done for its proper growth and development in the country. The honourable Supreme Court in **Central Board of School Education & Anr., versus Aditya Bandopadhyaya & Ors.**⁵, has affirmed the decision of the High Court directing the examining bodies to provide examinees to have in section of their answer books. For getting such a relief it is primarily required that one must be aware of the law and should know the use of it.

Suggestions: The poor level of awareness of RTI among the college students can be enhanced by-

- (i) By spreading awareness about the law through seminars and workshops in the Colleges.
- (ii) The way other fundamental right are studied from school level, education about Right to Information should also be imparted.

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