

## **CHAPTER - I**

### **INTRODUCTION**

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The right to information act which was passed in October, 2005 after long deliberations and struggle was a giant step in the direction of providing openness and accountability for government's functioning in order to usher a democratic system devoid of corruption, inaction or inefficient performance, which try to eat up democracy from within and make it hollow. It was also a step to encourage participation of people in the functioning of government and to make them more informed and concerned about the activities of government. It has both intrinsic and instrumental value. Its intrinsic value comes from the fact that citizens have a right to know. It is a crucial step towards a deeper, more meaningful and operational democracy as it promotes action for development and therefore, has a deep instrumental value. Various sections of society, particularly media personnel, social activists and positive thinking people have always expressed that right to seek information should be a fundamental right, just as we have right to speech and expression. On the international plane also the citizen's right to information is described as freedom of information, access of information or right to information. Right to information is implicit in the constitution of India, which establishes a representative democracy with inalienable right for the citizens of the country, which have been reinforced time and again by judiciary. RTI in India has significantly sought to expand democratic space and empower the citizens to exercise more control on the corrupt practices under the power of the state<sup>1</sup>.

## **Right to Information: Concept**

Right to information means the freedom of people to have access to government documents, records and other information. It implies that citizens and non-governmental organization should enjoy a reasonable free access to all files and documents pertaining to the government's operations, decisions and performance. In other words, it means openness and transparency is essential in administration to empower the citizens of a democratic state. A plenty of literature exists in favor of transparency and against the secrecy in the governmental functioning.

Pares validates, "The secrecy is less for safeguarding public or safeguarding government's reputation, busying its mistakes, practices and manipulating the citizens."

"Justice Douglas of USA," Secrecy in government is fundamentally antidemocratic, perpetuating bureaucratic errors. Open discussion based on full information and debate a public issue are vital to our national health.

James Madison, "People who mean to be their governors must arm themselves with power which knowledge gives. A popular government without popular information or the mean of acquiring it is but a prologue to a farce or tragedy or perhaps both."

Its relevance in the developing third world was aptly summarized by Kofi Annan, the former UN Secretary General, "The great democratizing power of information has given us the chance to effect change and alleviate poverty.....with information on our side, with information on our side, with knowledge a potential for all, the path of poverty can be reversed, its relevance hinges on the followings points<sup>2</sup>.

- Marginalized groups get a voice and can scrutinize development activities.

- Promotes openness, transparency, and accountability in government administration.
- Checks administrative arbitrariness
- Bridges the gap between providers and receivers in Public services.
- Makes government responsive
- Strengthens democracy and national stability.

### **Why Right to Information**

Right to Information is important because it is fundamentally related to citizen empowerment, good governance and development. Harsh Mander<sup>3</sup> a government official and advocate of the Right to Information, had described the importance of this right as follows:

'Information is the currency of that every citizen requires to participate in the life and government of society. The greater the access of the citizen to information, the greater would be responsiveness of government to community needs. Alternatively, the greater the restrictions that are placed on access, the greater the feelings of 'powerlessness' and 'alienation.' Without information, people cannot adequately exercise their rights and responsibilities as citizens or make informed choice. Governmental information is a national resource. Neither the particular government of the day nor public officials creates information's for their own benefit, this information is generated for purposes related to the legitimate discharge of their duties of office, and for the service of the public for whose benefit the institutions of government exists, and who ultimately (through one kind of import or another) found the institutions of government and the salaries of officials. It follows that government and officials are 'trustees' of this information for the people. Right to Information is important because of following principles.

### **Promotes Transparency and Good Governance**

Right to Information enables citizens to see how governments, those in public offices, are working. There is a presumption that all that the government does is for the well being of the people which means it is done to further the objective of public well-being, and is done honestly optimizing benefits of the funds being used. This presumption has however eroded to a great extent in the recent time to the misuse, misappropriation and careless use of public funds. Only making all public dealings transparent can check such things.

### **Promotes Accountability**

Once citizens know what their government is doing they are in a position to hold those in office accountable for their decisions and actions. The same applies for designated oversight bodies such as parliamentary committees; they need information to be able to fulfill their mandate.

In a democracy, those who manage the affair of the society are supposed to be the trustees of the people and have to be accountable for their acts and omissions. The basic postulate of accountability is that the people should have information about the functions of government. It cannot be over emphasized that even from a conceptual standpoint, the public Right to Information is an indispensable prerequisite of democracy. To ensure such accountability, the people must have 'Right to Know' about the policies, programmes, doing or misdoings of their representatives in the legislative and executive branches of administration.

### **Reduces Corruption**

Secrecy and lack of information create a breeding ground for corruption and abuses of power. By promoting transparency and accountability Right to Information curbs such abuse.

### **Improves Service Delivery and Government Functioning**

By making those in office accountable for their action and by giving citizens a voice, Right to Information helps ensure the former work for the benefit of the latter. It thus promotes better planning and service delivery, i.e. improved education, health care.

### **Promotes Access to Services/Entitlements**

When citizens have access to information about service delivery and other government functions, they know what they are entitled to and they know how where to demand their right to those services and other benefits.<sup>4</sup>

### **Participation**

Participation in political and economic process and the ability to make informed choices is restricted to small elite in India. Consultation on important policy matters, even when they directly concern the people, is rare. Even where consultation is mandatory, for example, under the Environment Protection Act, information sharing is limited, undermining the whole consultative process. Furthermore, reports pertaining to those consultations are difficult to access.

### **Survival of Democracy**

In a democracy people are the masters. Government exists to serve them people have right to information how they being governed. Ours is a representative democracy. We elect our representatives who rule us. We, therefore, should have a right to question them on what decisions they take on our behalf and why such decisions are being taken.<sup>5</sup>

### **Promotes Political Participation**

Citizens who understand public affairs and what government is doing can voice their opinion on issues that affect their lives; they can participate in the business of government. Right to Information facilitates citizens in making political and economic choice and thus strengthens democracy.

### **Strengthens Press Freedom**

The Media are sometimes referred to as the “Fourth pillar of the state’. They have an important role to play in keeping citizens informed, keeping those in office on their toes, highlighting issues of public interest, and so on. In order to be able to perform this role properly the media need access to information. Right to information strengthens the media, and thus the democracy.

### **Promotes Economic Growth**

By promoting transparency and reducing corruption, Right to information creates a rule-based environment in which, for example, information about business opportunities is equally accessible to everyone, contracts are awarded in an open and transparent manner, investor confidence is high...Right to information thus creates an environment conducive to investment and business.<sup>6</sup>

To sum up, Right to information is an essential requisite for democracy, good governance development and poverty reduction.

### **Historical Evolution of Right to Information**

When we talk about Right to Information in ancient Indian society after the detailed study of different ancient mythological text we find that the scope and ambit of right to information was very restricted. Information regarding administration and governance could not be achieved. The ruler was told to conceal his policies. It was told that the king must do consultation at solitary place. Kautilya, an eminent ancient

political thinker wrote that the king should commence his administrative work after consulting his ministers and the consultation, must be made at such place which is solitary. So that even birds and animals could not hear because it was supposed that parrot and dogs could disclose the secret.

Hence, in ancient period there were no sign of freedom of Information. The same condition was present in medieval period. But during the British period technological advancement and education awareness came among the common masses, which raised the voice of transparency.

### **Right to Information in British Period**

But again Englishmen exploited the Indians with their heinous laws, which were the only for their convenience. In those days freedom of speech and expression was very restricted. Though, many Indian leaders raised objection against it but in vain. There was censorship on press also and permission was required to print any news. There was a vernacular press act which imposed censorship. In those days no common man could know the internal day-to-day happening of government and administration. The Englishmen had enacted an Official Secret Act 1923 by virtue of which they used to deny to give any information.

### **Right to Information after Independence**

The Right to Information movement in India is basically an outcome of gradual development. There has always been a demand for transparency and accountability in Indian context. In fact, the demand became more frequent after independence and every section of society started taking about transparency in the works of governance and administration. Different Nongovernmental organizations also started raising their voices at different times. These organizations have played a major role in right to information campaign. Precisely, it was these groups who

started Right to Information movement. But we must not forget that this movement has been given the tangible form by our government organizations. So, it is apt to say that the success of this movement is a collective effort of different governmental and non-governmental organizations as brief discussion of which is as under:

### **Contribution of Governmental Organization**

Different government organizations made various attempts to achieve the right to information. Some important effort has also been undertaken by 'activist' bureaucrats. A key example is the initiative of the then Commissioner of Bilaspur Division.<sup>7</sup> Harsh Mander, who introduced a records maintenance and disclosed system, including through on the spot photocopying in key departments such as the Public Distribution System. The impact of these simple steps soon become apparent when the ration shops, whose normal response has been 'no stocks available' started showing excesses because it was now difficult to siphon-off stocks. Pollution levels, which were required to be published daily, come down drastically in an area that is one of the most polluted in the country due to multiple polluting industries.<sup>8</sup> The Right to Information is now a regular part of the training given to new civil servants at the Lal Bahadur Shastri National Academy of Administration, Mussorie. At the 'academic level the Right to Information has been supported by several civil servants, whose advocacy has lent credence to the issues raised by civil society groups and has helped to counter some of the standard challenges raised by bureaucrats. Regular and thorough analysis of draft laws by Dr. Madhava Godbole for instance has helped to refine and define the issues for civil society advocates as well as public at large.<sup>9</sup>

### **The Press Council Draft**

The Press Council of India headed by Justice P.P. Sawant presented a draft model law on Right to Information to the Government of India. This draft Bill was

named Right to Information Bill, 1996. This draft was taken from an earlier one, which had been framed in October 1995, at a conference of social activities, civil servants and lawyers at the Lal Bahadur Shastri National Academy of Administration, Mussorie.<sup>10</sup>

Importantly, the Press Council Draft affirmed in its preamble that the Right to Information is already protected under the Constitution as an aspect of the fundamental right to free speech and expression in line with a number of superior rulings, noted earlier. The Draft affirmed the right of every citizen to information from any public bodies. Significantly, the 'public body' included not only the State, as defined in Constitution<sup>11</sup>, but also all privately owned undertakings, statutory authorities, companies and other non-state bodies whose activities affect the public interest.

### **Shourie Committee Draft**

A working group on Right to Information and promotion and open and transparent government was set-up in January 1997 by the Minister of Personnel and Pensions Affairs examine the feasibility and need either of a full-fledged Right Information Act or its introduction in a phased manner to meet the need of open and responsive government. The group was also asked to consider amendments to various other relevant legislations, including the Official Secrets Act and to examine the framework of rules with particular references to the existing conduct rules and manual of office procedure. The working group was chaired by H.D. Shourie and included former attorney general Soli J. Sorabjee and other officers of the concerned ministries and public undertakings with large public interface.<sup>12</sup> The working group submitted its report in May 1997 and it was circulated in the Conference of Chief Ministers held on May 25 1997. There was broad consensus in support of legislation for Freedom of Information in the conference. The decision was taken in the conference.

"The Government of India would take immediate necessary steps, in consultation with State Governments, for examining the report of the working group on Right to Information, and for introducing in Parliament before the end of 1997 legislation for Freedom of Information and amendments to the relevant provisions of the Official Secrets Act 1923 and the Indian Evidence Act. Endorsing the proposals made in the action plan, some of the state governments indicated the need to include provisions which would ensure that the misuse of provisions do not lead to embarrassment of the governments, while, some of the state have already initiated steps to provide the Right to Information, and others would also undertake a similar exercise."<sup>13</sup>

In pursuance of this decision, the Government of India has invited the state governments on the report of the working group and the Freedom of Information drafted by the working group.

### **Contribution of Non-governmental Organizations**

The newspapermen have been agitating for the right of access to official information from the very birth of the modern Press in India. That was a little over 200 year age; when the British East India Company was struggling to establish its supremacy over our country. The company regime resisted the journalist's demand by every means possible. Communication of information to the general public being newspaperman's their main business, they had to seek and obtain information from the authorities. They had little opinion but to wage a battle against secrecy at great suffusing and sacrifice to themselves occasionally at the cost of many a valuable life.<sup>14</sup>

The fact remains that the demand of Press for free flow of information forms the government and other public authorities to the general public through the medium

of the news papers has gone on ever since, but official resistance to it continued even after 50 years of independence. Successive government in independent India has fought against the demand for free flow of official information as doggedly as the colonial rulers did. It is only during the last decade or so that some light was visible at the end of the tunnel. This time around other social groups notably the jurists non-governmental organizations, intelligentsia, and some parliamentarians, joined hands with the Press.' All of them have started demanding the outright repeal of the Official Secrets Act and its replacement by the legislation making a duty to disclose the norm and secrecy the exception. But the official resistance to these demands has only highlighted the need for legal enforcement of the Right to Information.

### **Consumer Education Research Council Draft (CERC)**

To propose a law at national level, a draft of Right to Information law was proposed by the Consumer Education and research Council, Ahmedabad in 1993. This draft, in line with international standards gives the Right to Information to anyone except "alien enemies" whether or not they are citizen. It requires public agencies at the federal and State levels to maintain their records in good order, to provide a directory of all records under their control, to promote the computerization of records in interconnected networks, and to publish all laws, regulations, guidelines, circulars related to or issued by government department and any information concerning welfare schemes.

Requests are liable only for the cost of supplying copies of records, with fees being waived for journalists, newspapers and public interest groups. The Consumer Education Research Committee draft contains a class exception for cabinet document but documents relating to security, defense, international relations and economic and commercial affairs are subject to a "grave and significant damage test." There are also

exceptions for personal information in the interest of privacy and the research activities of voluntary organizations if disclosure would undermine their functioning or result in "grave and significant damage" to another person, records relation to the international deliberative processes of government the one exception being the cabinet documents and centre-state relations are not excepted under the Consumer Education Research Committee draft. The draft also provides for the outright repeal of the Official Secret Act, but does not provide specific protection for whistleblowers. Finally, the CERC draft provides for an appeal against refusals to disclose information first to a network of independent information, commissioners at the national state and districts levels and then to an information tribunal.<sup>15</sup> The draft was introduced as a private member's Bill in Parliament, but was never taken up for discussion.

### **Role of People in National Campaign of Right to Information**

Right to Information began to receive attention only when people's group began to work in rural India. Through grassroots mobilization, building coalitions and strong advocacy, it exerted pressure on government to bring about Right to Information legislation. The national campaign for a people's Right to Information was formed as a support group for the MKSS and also to carry out advocacy on the Right to Information at the national level. The presence in the NCPRI of senior and respected medial persons, serving and retired bureaucrats and members of the Bar and Bench make it an important nodal body. Members like Prabhash Joshi, one of the India's most senior journalists have been publicizing the issue through their writing and travelling around the country.

The National Campaign also brought out a journal, 'Transparency' which was very useful for campaigning and networking purposes, but which has been

discontinued for the time being of want of funds. Member of the National Campaign on People's Right to Information have also made submissions on the Freedom of Information Bill, 2000 to the Standing Committee.

### **Progressive Politicians and Right to Information**

For the first time, among the politicians of India, in 1990, Mr. V.P. Singh, and the then Prime Minister of the Country headed by National Front Government stressed on the importance of Right to Information Act as a legislated right. Due to lack of political supports and will the right to information Act was not materialized during V.P. Singh period. The freedom movement, the Constitution of India, Supreme Court and some of the, politicians supported for the right to information, but not-materialized due to various reasons like policy support, institutional arrangements, etc.

### **Role of National Campaign for People's Right to Information (NCPRI)**

The National Campaign for people's Right to Information (NCPRI) was founded in 1996. The NCPRI is a non-registered group that is managed according to a constitution. Its funding members included social activists, Journalists, lawyers, retired civil servants and academics and one of its primary objectives was to campaign for national law faculties the exercise of the fundamental Right to Information. As a first step the NCPRI and the Press Council of India formulated an initial draft of a Right to Information law. This draft after extensive discussions was send to the government of India in 1966. The government finally introduced the Freedom of Information Bill in parliament, in 2002. This was a very watered down version of the Bill first drafted by the NCPRI and others in 1996. In August 2004 the NCPRI forwarded to the National Advisory Council a set of suggested amendments to the Freedom of Information Act, 2002. These amendments, designed to strengthen

and make more effective the 2002 Act, were based on extensive discussions with Civil Society groups working on transparency and other related issues and were in response to the undertaking given by the UPA government, in their Common Minimum Programme, that the "Right to Information Act will be made more progressive, participatory and meaningful."

The NCA included most of the suggested amendments and recommended them to the Prime Minister of India for further action. These formed the basis of the subsequent Right to Information Bill, introduced in Parliament on 22 December 2004. However, this bill, as introduced in Parliament, had many weaknesses. Most significantly, unlike the NCPRI suggestion, it did not apply to the whole country but only to the Union Government. The consequent outrage from civil society groups, including the NCPRI, forced the government to review the changes. The Bill was referred to Standing Committee of the Parliament and to a Group of Ministers. The standing committee asked several of the NCPRI members to give evidence before it, and ultimately endorsed the stand taken by the NCPRI in most matters. In the next session of Parliament, the bill was passed after over a hundred amendments introduced by the government to accommodate the recommendations of the Parliamentary Committee and the Group of Ministers. Most important, the jurisdiction of the Bill has been extended to cover the whole of India. The Right to Information Act has come into effect all over India from 13 October 2005.<sup>16</sup>

### **Commonwealth Human Right Initiative Campaign**

The Commonwealth Human Right Initiative Campaign views the Right to Information as providing a basic links between various human rights and promotes that perspective in its advocacy work. It has also conducted a number of workshops

and other smaller meetings, mostly at the regional level, but also nationally and internationally.<sup>17</sup>

Commonwealth Human Right Initiative has also been involved in governmental initiatives on the Right to Information in the State of Madhya Pradesh, Delhi, and Rajasthan with the central government. Commonwealth Human Right Initiative has brought together people doing advocacy work at all levels and has forged links between areas working at different levels both within civil society as well as within government.

### **Mazdoor Kisan Shakti Sangathan Movement (MKSS)**

This perspective of the right to information demand formulated initially by members of the Mazdoor Kisan Shakti Sangathan (MKSS) is indeed a story of the extraordinary efforts of ordinary people. A combination of their clarity of thought and purpose and their instinctive understanding of the problems they faced in their lives has led to simple and straight forward translations of their ideas into practice. The MKSS is a non-party political organization of poor farmers and workers, men and women alike, many of whom have never been to school. Yet, their efforts have not only raised the issue of RTI in such a potent manner, it has also changed the discourse on what had been seen for many years as a largely academic issue. It was also in the course of a battle for the payment of the statutory minimum wage under government sponsored public works programmes that the group first understood the significance of transparency and the right to information.<sup>18</sup>

Every time the workers asked to be paid the minimum wage, they were, told that they had not done the work, a claim that, they were also told, was based on records. When the MKSS demanded to see the records, the reply was that these were government accounts and therefore secret. And so it was that a simple demand for

minimum wages which became a fight for the right to information. Those who descended upon Beawar in April 1996 were even astute enough to time the dharna with the campaign period of that year's national parliamentary election. Citizens were offered a small glimmer of hope to break out of the vicious cycle that was Indian politics, which forced them to choose among undeserving candidates. For a change, during that election campaign in Beawar democracy was being debated and redefined. Those taking part in the dharna began to drive home the point that by using the right collectively and individually to ask questions and demand answers, citizens could begin to shift the control from the ruling elite to the people. It was a first step towards participatory governance, where the disadvantaged and the dispossessed could establish their right to livelihood and, in a democracy, effectively to govern themselves. The poor started to see that they had to be involved in the Right to Information campaign because it was an issue connected intrinsically to their livelihood and survival. One of the slogans born during the struggle is self-explanatory, 'The Right to Know, The Right to Live'.

Journalist Nikhil Chakravarty, who came to Beawar during the dharna, said in a speech that the struggle was like a second battle for independence. Leaders of the independence movement, he said, exposed how the riches of the people were looted by foreign rulers. This struggle, said Chakravarty, showed the way to uncover how the people's own homegrown rulers were now robbing them. These were dramatic words, especially for a small struggle in such a huge country. But what had apparently drawn Chakravarty's attention was the movement's potential to allow ordinary citizens to address many of the fundamental shortcomings of parliamentary democracy as practiced in India. The demand was not to do away with democracy but to create opportunities for more meaningful and appropriate democratic practice.<sup>19</sup>

It is clear to many activists' and citizens that democracy itself is being hijacked in India. Most critical to this development has been the continued separation of the rulers from the people. Internal accountability in India is only of the rules to each other. For decades, regular sops have been handed out in the form of half-hearted land, reform, 'poverty alleviation', public distribution measures, reservations, statehood, lip service to education and health—the list is endless. The present demands of India's citizens, however, are no longer for a particular concession, but for a share of governance itself. The right to information movement has grown to be an important part of this demand.<sup>20</sup>

But there has been another aspect to the Right to Information struggle that has allowed for its organic growth, to be sure, the right to access government records was an assertion of many democratic principles and a claim on a share of governance.

### **Public Hearing is the Genesis of Right to Information Movement**

Public Hearing or Jan Sunvais is the origin point of the Right to Information Movement in India. The instrument of public hearing was initiated by the MKSS in some parts of rural areas of Rajasthan. In order to check the corruption with the involvement of the people the public hearing was begun. The public hearing is nothing but an open and democratic debate about the public issues. In this type of public hearings elected representatives, government officials, people/ local intelligentsia such as lawyers, media persons, non-governmental organisations, and community based rganisations, External Observers, etc. will participate. The public hearings are being conducted in the Panchayati Raj Institutions, Government Offices and Non-Governmental Organisations, which are receiving the substantial financial support from the public authorities. In these public hearings in front of the public it is proved that a great deal of corruption and misuse is taking place. It was happened due

to secrecy in the maintenance of records and registers and lack of accessibility to the public information for the citizens.<sup>21</sup>

### **Role of Legislative Institutions in Right to Information Campaign**

The campaign for Right to Information, which was being run by the people of civilized society for the protection of their right and interest, was at last accepted by legislature after a long struggle and gap. The legislature could not oversee the mass movement regarding Right to Information. The legislature tried to give an arranged and tangible form to the Right to Information movement due to mounting pressure of society for the building of healthy democracy. And because of this act different times the legislature made numerous attempts and finally we have before us an enactment which is Right to Information Act, 2005.

Earlier in the Chief Ministers' Conference on Effective and Responsive Government held on May 24, 1997, it was realized that the citizens' freedom to access information is an important means to achieve accountable, transparent and participatory government. The Conference adopted an Action Plan to take initiatives in the following three areas:

- (i) Making administration accountable and citizen-friendly.
- (ii) Ensuring transparency and right to information.
- (iii) Taking measures to motivate civil services.

Thus the Action Plan included, among others, ensuring right to information. It called for amending laws that stipulate unnecessary restrictions on the free access of the public to information. Following the adoption of an action plan, efforts to legislate for the right to information, at both the state and national level, quickened. Even before the Government of India drafted its bill, a significant pro-active step was taken

in 1999 by the then Union Minister for Urban Development. He issued an administrative order empowering citizens to inspect and receive photocopies of any file in his ministry. Disappointingly, the Cabinet Secretary did not permit this order to come into effect. This prompted the Centre for Public Interest Litigation and Common Cause to file a writ' petition in the Supreme Court seeking relief that: (1) that the Cabinet Secretary's restraint on order be declared unconstitutional and violate of the citizens' right to information; (2) that section 5 of the Official Secrets Act, which makes it an offence for a public servant to disclose any information that has come to his knowledge in his official capacity, be declared unconstitutional; 3) that the Government of India be directed to frame and issue suitable administrative instructions on the subject.

Eventually, the Shourie Committee draft law was reworked into the Freedom of Information Bill, 2000. This was less satisfactory bill than what was given by the Shourie Committee.

The Freedom of Information bill was finally introduced in the Parliament in 2000. The bill remained pending for about two years. During this time it was referred to a Parliamentary Standing Committee. The report of the committee was presented to both houses in July 2001. It recommended that the government should address the flaws in the draft bill. Unfortunately, the Government did not implement the recommendation, to the detriment of the final content of the bill. However, the Freedom of Information law was passed in 2002 (in Lok Sabha on December 3, 2002 and in Rajya Sabha on December 16, 2002) after a long debate. But even before the Central Act was passed some of the States introduced their own RTI legislation. The first amongst these was Tamil Nadu (1997), Delhi (2001), Maharashtra (2002), Assam (2002), Madhya Pradesh (2003) and Jammu and Kashmir I (2004). It is only with

constant efforts that the revised Bill on Right to Information was reintroduced and was passed on 11th May, 2005 in Rajya Sabha on 12th May, 2005 in Lok Sabha. It received assent of the President on 15th June, 2005 and was published in the Gazette of India on 21st June, 2005. This new Act applies uniformly to all the States except the State of Jammu and Kashmir and makes all other state laws redundant. The Right to Information Act, 2005 is a milestone in India's progress as the biggest democracy in the world.<sup>22</sup>

### **Contribution of Indian Judiciary**

Our Indian Judiciary has hugely contributed to the movement of Right to Information be it directly w indirectly. In fact, it is the judiciary which works as an enforcement mechanism for Right to Information. After Independence our apex court has immensely helped this movement by giving various landmark judgments in favour of Right to Information. Right to Information is implicit in the constitution of India, which establishes a representative democracy with inalienable right for the citizens of the country, which have been reinforced time and again by judiciary. Right to Information in India has significantly sought to expand democratic space and empower the citizens to exercise more control on the corrupt practices under the power of the state.<sup>23</sup>

The movement for Right to Information can be traced back to the grassroots struggle for the rural poor, who have sought to fight against corruption in their areas affecting their livelihood and justice around them. The Right to Information got the legal support for the first time in 1975 in Supreme Court case of State of IIP. V. Raj Narain<sup>24</sup> (1975) in which Mr. Justice Mathew gave a landmark judgment, "In a government of responsibility like ours, where all the agents of public must be responsible for their conduct, there can be but few secrets. The people of this country

have a right to know, every public act, everything that is done in a public way by the public functionaries. They are entitled to know, the particulars of every public transaction in all its bearing. Their right to know, which derived from the concept of freedom of speech, though not absolute, is a factor, which should make one wary when secrecy is claimed for transactions which can at any rate have no repercussion on public security."

In the year of 1981 Right to Information matured to the status of a constitutional Right in the famous case of Supreme Court of S.P. Gupta v. Union of India.<sup>25</sup> In this case our Supreme Court applied the Rule of generous interpretation of the guarantee of freedom of speech and expression elevated the Right to know and Right to access to Information to the status of fundamental right. In this case Justice Bhagwati said that the concept of open government is the direct emanation from the right to know which seems to implicit in the right of free speech and expression guaranteed under Article 19(1) (a).<sup>26</sup>

### **Historical Evolution of Right to Information around the World**

The Right to Information has become a rampant phenomenon these days. This concept as a right is not confined to any single countries but it has spread to almost every democrat countries. Many country of the world are incorporating this right in their governance in one form or the other. At universal level, almost more than 85 countries have accepted this right-to information in their state laws by making legislation.<sup>27</sup>

Sweden was the first to enforce the policy of openness in administration there all government information is public unless certain matters are specifically listed as exemptions from the general rule. They have provided for a system of appeal against the wrongful withholding of information by public officials, as long ago as 1766. It

provided constitutional safeguards under "Freedom of Press Act, 1966" the oldest and probably still the most liberal of its kind in the world. It has been revised and modernized a number of times, most recently in 1978. Sweden has proved that legitimate national interests can as well be safeguarded under conditions of administrative openness.<sup>28</sup>

America Government openness is a good device to minimize administrative fault. The U.S. Supreme court has recognized the right to know more than fifty years ago. In America there are three Acts which upheld the freedom of press and information.

b) The Privacy Act, 1974

c) The Government in the Sunshine Act, 1976.

Freedom of Information Act, 1966: This Act entitled any one to have access to any identifiable document as it casts a positive duty on the government to supply information as it states unequivocally that public access to most documents is to be the general rule and no document is to be withheld unless it falls under any of the exempted categories nine well defined exceptions:-

1. Secret national security or foreign policy information.
2. Internal personal practices.
3. Information exempted by law.
4. Trade secrets or other confidential commercial or financial information.
5. Inter agency or intra-agency memos.
6. Personal information, personnel or medical files.
7. Law enforcement investigatory information.
8. Information related to reports on financial institutions.
9. Geological and geophysical information.

In *New York Times Vs U.S. Justice Douglas* said: "Secrecy in government is fundamentally anti-democratic, perpetuating bureaucratic errors. Open discussion based on full information and debate on public issues one vital to our national health.

### **England**

In England the legislative thrust is not on information but secrecy. The relevant law is contained in the Official Secrets Acts, 1911, 1920 and 1939. As provided under section 2 of Act of 1911 that it may be an offence for a civil servant to pass on, or for research worker to acquire from him, information even if such information has no bearing on security or is not classified as confidential. The Franks committee suggested that section 2 should be replaced by a separate statute to be known as 'The Official Information Act', however, nothing had happened and the 1911 act continues to exist. In 2000, the Freedom of Information Act came into existence.<sup>29</sup>

### **Australia**

Australian freedom of information act begins with the theory of official secrecy, section 3(1) of which provides the right of the Australian community to access to government information. The main object of the act is "to extend as far as possible the right of Australian Community to access to official information that is the possession of government of the commonwealth by creating a general right of access to information in document from in the possession of ministers, departments and public authorities, only by exceptions and exemptions necessary for the protection of essential necessary for the protection of essential public interests. Section 11 states the general principle that every person is to have a legally enforceable right to obtain access to official documents other than documents exempted from access under the Act.

In New Zealand, the official Information Act, 1982, represents an important development in administrative law as it provides a more open administrative of government. The Act intends to make official information more freely available and to regulate the manner in which the official information is to be made available in public.

It also provides a right to public to seek access to personal information and to request for correction of that information if required. It also provides a provision enabling the citizens to get the reasons for a particular decision taken in a case by administrative machinery.

Section 14 of the bill of Right Act states, "Everyone has the right to freedom of expression including the freedom to seek, receive, and impart information and opinion of any kind in any form. Any citizen or resident or company in New Zealand can demand official information held by public bodies, state owned enterprises and bodies which carry out public functions. Agencies have been required, in some cases, to take down notes of discussion that contributed to government decision making if no documents are available. The body has not more than 20 days to respond. In essence, the act establishes the principle that official information is to be made available unless good reasons exist for withholding. There is also provision of refusal if applicant does not have a sufficient personal interest in the demand information. The act contains a number of exceptions and exemptions for information concerning to protect the privacy of natural person, or to avoid prejudice or to a nation's security or defense or international can also be denied for some other reasons as well i.e. to maintain collective and individual ministerial responsibility political neutrality of official etc. investigations under the official information Act in New Zealand are handled by the Chief Ombudsmen.<sup>30</sup>

## **Various Schemes of the Centre Government**

The Central Government is committed to make secondary education of good quality available, accessible and affordable to all young persons. A major initiative for expanding secondary education will be taken up in the 11th Plan. The norm would be to provide a secondary school within 5 KMs and a higher secondary school within distance of 7.8 KM of every habitation by the end of 11<sup>th</sup> Five Year Plan. The general objective is to universalize secondary education (up to class 10) by the end of the 12th Plan. During the 11th Plan, while access to secondary education will be universalized, there will be adequate focus on quality improvement. Not only universal enrolment, but universal retention and satisfactory quality of learning will be the priority. In spite of the effort to expand access to quality secondary education, there will be need to have high quality schools for talented rural children, who may not be in a position to access quality schools in urban areas, without compromising Government's commitment to common school system.

## **Model Schools on Kendriya Vidyalaya Norms**

In view of the recommendations of the two CAGE Committees on "Universalisation of Secondary Education" and "Girls' Education & Common School System" to adopt Kendriya Vidyalaya norms in expansion of school system and for investment in schools conforming to Kendriya Vidyalaya norms, it is proposed that the high quality model schools may broadly have infrastructure facilities of the same standard as in a Kendriya Vidyalaya and with stipulations on pupil teacher ratio, ICT usage, holistic educational environment, appropriate curriculum and emphasis on output and outcome. It is, therefore, proposed that 3,500 Model Schools to be established in Educationally Backward Blocks (EBB) under the management and supervision of State Governments and the 2,500 schools under PPP mode, should

basically conform to the norms of Kendriya Vidyalayas although the funding pattern and management structure will be different.<sup>31</sup>

### **State Government of Haryana**

Simultaneously to encourage the students, the following schemes are implemented by the Secondary Education Department, Haryana:

#### **Education Encouragement of Excellence (E.E.E) scholarship for Middle School Students (Plan)**

This scheme known as Rajiv Gandhi Scholarship for excellence in Education was started from the year 2005-06. Enlarging the scope of the scheme six scholarship are to be awarded to two students ( one boy and one girl) standing first in the previous class in each of the 6<sup>th</sup> to 8<sup>th</sup> class in each School @ Rs.750/- p.a. per student. All Govt. Middle schools are to be covered under this scheme. Only those students are eligible for this scholarship who secured First Division in the previous class. The budget provision for the year 2006-07 has been made Rs.65.50 lakhs in this scheme.

#### **Education Encouragement for Excellence (EEE) scholarship for High/Senior Secondary Schools students' scholarship (Plan)**

The scheme known as Rajiv Gandhi Scholarship for excellence in education was started from the year 2005-06. Enlarging the scope of this scheme six scholarship are to be awarded to two students ( one boy one girl) standing first in the previous class in each of the 6<sup>th</sup> to 8<sup>th</sup> class in each School @Rs.750/- per student per annum. Eight scholarship are to be awarded to students (one boy one girl) standing first in the previous class in each 9<sup>th</sup> to 12<sup>th</sup> class in each School @ Rs.1000/- per student per annum. All High and Senior Secondary Schools are to be covered under this scheme. Only those students are eligible for the scholarship who secured First Division in the

previous class. The budget provision for the year 2006-07 has been made Rs.228.18 lakhs in this scheme.

**Mainstreaming weaker section under Universal elementary education-free stationery to Scheduled cast & Economic Weaker Section (EWS) students to Middle, High and Senior Secondary Schools**

The students (both boys and girls) studying in 6<sup>th</sup> to 8<sup>th</sup> classes and belonging to SC and economically weaker sections, are eligible for free stationery @Rs.150/- p.a. per student. Only girl students studying in 9<sup>th</sup> to 12<sup>th</sup> classes and belonging to S.C and economically weaker sections are eligible for free stationery @ Rs.150/- p.a. per girl student. The budget provision for year 2006-07 have been made Rs.315.00 lakhs Plus 88.07 total 403.07 lakhs in this scheme.

**Mainstreaming of weaker sections under Universalization of elementary Education- Free uniforms to SC and EWS girls students in Middle, High and Senior Secondary Schools**

The girls students studying in 6<sup>th</sup> to 8<sup>th</sup> classes and 9<sup>th</sup> to 12<sup>th</sup> classes and belonging to SC and EWS are eligible for free school uniform @ Rs.200/- per girl student. The budget provision for the year 2006-07 have been made Rs.220.00 lakhs plus Rs. 117.43 lakhs total 337.43siakhs in this scheme.

**National Merit Scholarship Scheme (CCS Plan)**

Two scholarships are provided for the 9<sup>th</sup> class per Development Block to the meritorious students studying in schools in rural areas @ Rs.250/- per month for 10 months which is renewable for 10 months in 10th class. The budget provision for the year 2006-07 has been made Rs. 12.21 lakhs in this scheme.

### **Award of Scholarship to able students studying Punjabi as the second language**

The students studying in 9<sup>th</sup> and 11<sup>th</sup> classes with second language/optional subject in Punjabi language are eligible for this scholarship on the basis of merit in Punjabi language in Middle examination and Matric examination as conducted by the Board of School Education Haryana. This scholarship is renewable in the next class in case the students maintain good progress in this language. The scholarship is awarded to 30 students in each class from 9th to 12th in the State Merit. The rate of scholarship is Rs.50/- per month during 9th and 10th class and Rs.75/- per month per student during 11<sup>th</sup> and 12<sup>th</sup> class. The budget provision for the year 2006-07 have been made Rs.90000/- in this scheme.

### **Award of Sanskrit Scholarship for students studying in High/Senior secondary Schools (CSS Plan)**

Under this scheme, only those students studying- in 9<sup>th</sup> and 11<sup>th</sup> , classes with optional subject of Sanskrit are eligible for this scholarship, who secure maximum marks in Sanskrit in middle and Matric examinations as conducted by the Board of School Education, Haryana. The eligible students must also secure 50% marks in aggregate. These scholarships are renewable in the next class on the basis of satisfactory results. The rate of scholarship for 9th and 10th class is Rs.250/- p.m. per student and Rs.300/-p.m. per student for 11th and 12th class. The budget provision for the year 2006-07 has been made Rs.2.64 lakhs in this scheme.

### **National Talent Search Scholarship Scheme (Plan)**

This scheme is run by S.C.E.R.T Haryana for training the students studying in 8<sup>th</sup> and 10<sup>th</sup> class. The budget provision for the year 2006-07 has been made Rs.4.94 lakhs in this scheme.

**Pre Matric Scholarship to those children whose parents are engaged in unclean occupation for classes 6<sup>th</sup> to 10<sup>th</sup>**

The scholarship is awarded on the basis of certificate of unclean occupation which is issued by District Welfare Officer. The amount of scholarship is as under:

Class 1 to V	Rs. 40/- p.m.
Class VI to VIII	Rs. 60/- p.m.
Class IX to X	Rs. 75/- p.m.

The scholarship is awarded for 10 months in a year considering two months for vacation/holidays. In addition of scholarship, an Ad-hoc grants of Rs.550/- is given per year. The budget provision for the year 2006-07 have been made Rs.439.47 lakhs on Non Plan side & Rs 66.00 lakhs on plan side in this scheme for primary , Secondary Education Department & hostels running under the Scheme.

**Merit Scholarship to SC girl students studying in IX to XII classes**

The girl students of scheduled castes who get First 10<sup>th</sup> positions in the district are eligible for Scholarship under the scheme as the rates mentioned below:

Class	Rs/.
9 <sup>th</sup>	80/- P.M
10 <sup>th</sup>	1007-P.M
11 <sup>th</sup>	120/- P.M

The budget provision for the year 2006-07 has been made Rs.8.00 lakhs on Non Plan in this scheme.

**Upgradation of Merit of SC students in classes IX to XII (CSS)**

Under the Scheme 16 students (SC/ST) are admitted to 9<sup>th</sup> class on the basis of merit every year. Free Hostel facilities (both boarding and lodging), coaching, stationery and books are provided to each student. Besides, this each student is

granted Rs.100/-p.m. as pocket money Rs 15000/- per annum per Students in total are provided for all.<sup>32</sup>

### **Right to Information and Secondary Education**

Government is committed to provide minimum school infrastructure for universalization of education. In the absence of any question asked by the major stakeholders, mainly students or parents, quality of education was compromised and there was no check on drop-out of teachers' absenteeism. But, under the provisions of the RTI, the citizens have raised issues pertaining to management of the schools, mainly the availability of infrastructure support, teachers' attendance, students' enrolment and performance implementation of mid-day schemes, utilization of funds and process of recruitment of teachers.

The Government has been providing financial assistance, including scholarships to the students from deprived groups, mainly women, SC/ST, minorities and physically challenged persons. Through the use of RTI, the target groups are able to claim for their entitlements, which was, however, not possible before the implementation of the Act. The participation of deprived groups in the educational processes has thus been encouraged.

In effect, thus, there are signs of improvement in the schools' performance since the parents and the civil society have asked the school authorities to provide explanations in respect of all those activities, which are contrary type accepted policies, norms and guidelines and people's expectations.

In the areas of technical and vocational education, including-higher education, the governments have articulated plans for expansion of facilities and improvement of

quality of teaching and research. Through the use of RTI, the progresses made are monitored by the information seekers, who have raised issues and sought for details relating to the expenditures on various educational activities, namely, admissions and recruitment processes, conduct of examinations including disclosure of answer sheets. The involvement of students and teachers have thus exposed the extent to which relevant policies, norms and guidelines are followed, which, in effect, have been helpful in improving both internal and external efficiency of education system.<sup>33</sup>

### **Significance of the Study**

The education plays such a rudimentary role on our society that we cannot even imagine a life without it. It is a determined element for the civilization of human society. Not only does it helps us develop healthy surroundings but it also generates an advance community. As a matter of fact, everything we create today is based on the knowledge that we obtain throughout our life by way of education. This assists scientists in inventing equipment and devices, resulting in a high technology nowadays. The more developed life becomes, the more necessary education is for everyone.<sup>34</sup> Hence, such kind of education we can get through formal education system which comes through schools.

Secondary Education is a crucial stage in the educational hierarchy as it prepares the students for higher education. Classes 9<sup>th</sup> and 10<sup>th</sup> constitute the secondary stage, whereas classes 11<sup>th</sup> and 12<sup>th</sup> are designated as the higher secondary stage. The normal age group of the children in secondary classes is 14-16 whereas it is 16-18 for higher secondary classes, The rigor of the secondary and Higher secondary stage, enables Indian students to compete successfully for education and for jobs

globally. Therefore, it is absolutely essential to strengthen this stage by providing greater access and also by improving quality in a significant way.

Secondary education was not a thrust area during the Tenth Plan period. There were a few small schemes to enhance access and to improve quality, but the coverage was neither large nor comprehensive. The plan schemes concentrated on continuing the school systems run by autonomous organizations of MHRD and included efforts for integrated education for the disabled, girls' education through provision, of hostel facilities, use of ICT in schools, vocationalisation of higher secondary education and open and distance learning.

Since universalisation of elementary education has become a Constitutional mandate, it is absolutely essential to push this vision forward to move towards universalisation of secondary education, which has already been achieved in a large number of developed countries and several developing countries.<sup>35</sup> However, secondary education is bridge between primary and higher education. It encourages students for higher education through skillful education system. Therefore, this area is selected for research work.

### **Review of Literature:**

Review of literature has helped the researcher to understand the research problem in a better way. The researcher has studies the literature from the sources like books, journals, newspaper articles, magazines, research/articles. Through review of literature, the researcher has made an attempt to study the various concepts and terminology of the research work carried out in the present study. Thus, in the present chapter various literatures related to the area of study have been reviewed to gain

knowledge on the related aspects of the research problem so that the research study goes into the right direction.

**Sathe, S. P (2006)**<sup>36</sup> has presented a lucid and analytical commentary on Right to Information Act, 2005. He has traced the history of this legislation and also the evolution of the right to information as a constitutional right. He has also described the administrative process involved in the implementation of this act. He has emphasized on the judicial decisions on the right and the problems that might be faced while implementing the Act.

**Roy, Aruna (2006)**<sup>37</sup> in her article A fight for 'Right to Know' focused that the RTI Campaign has been initiated from Magdoor Kishan Shakti Sangthan than from Rajasthan in 1996. It has offered hope to people striving to generate the culture, institutions and principle necessary for a participatory democracy. The RTI is finally, a demand for an equal share of power.

**Mistry, Indra, J. (2006)**<sup>38</sup> in her article "Braking the Bureaucratic Mould" opined that the appointment of former bureaucrats as Information Commissions has raised fears that the RTI regime may become just another means for bureaucracy to tighten its monopoly over government information.

**Mukhopadhyay, Amitabh (2006)**<sup>39</sup> in his article "Information and Accountability" opined that the enactment and Implementation of right to information has made the administration more accountable and people friendly. The simple reason behind it that if people wants to obtain the information from any public institution or Government department then the information is provided within prescribe time or they have to give the reason. Otherwise people can approach the first Appellate Authority or information commission.

**Kalpana, Karrabiran (2006)**<sup>40</sup> in her article "Access, Diversity and Representation" indicates that access, diversity and representation is very serious problem before RTI Act because the delivery of justice for women still absent in larges democratic prospective. Women today continue to hear the argument that they are unable to size to leadership positions within moments in sufficient members because they are hampered to by "National constraints". In a situation where even women of privileged classes across caste and community are excluded from formal practices of misogyny are wide spread and legistmate [even are parliament is not exception], how would we begin to think at the right to information also as a question of physical access to public spaces where information can be obtained accountability and transparency sough.

**Kathyayini, Kamaraj (2006)**<sup>41</sup> in her article "Exercising" the Right to Seek Information" indicates that citizens of Karnataka are getting more advantages and replies of their quires under Karnataka Right to information Act (KRIA). But central RTI Act, 2005 has a few stronger provisions than KRIA. If more and more citizens join the movement then, there is no doubt that governments will have to become more transparent and accountable.

**Kejriwal, Arvind (2006)**<sup>42</sup> in his article "RTI Aspirations and Challenges" insisted that people have been boosted from RTI Act and redresses their grievances but officials are corrupt, inefficient, irresponsible and non cooperative because they know very well that nothing would happen to them .

**Shekhar, Singh (2006)**<sup>43</sup> in his article "changing Governance forever" indicates that the RTI Act could start a process of transparent and inclusive governance that could gradually shift the Indian democracy from being almost totally a representative one to a vigorously one. It could bring a sense of empowerment that

is necessary to check the rapid downward slide of government performance and standards, and the concurrent trend of dealing public expectations.

**Singh, Charulata (2006)**<sup>44</sup> in his article "New life for democracy" opined that India, the world's largest democracy has always been an example for the entire world for its success. It has always tried to evolve ways in order to make it more functional and responsible. The Right to information, which was passed in October, 2005, after, long deliberations and struggle, was a giant step in the direction of providing openness and accountability for government's functioning in order to usher a democratic system devoid of corruption, inaction, wrong action or inefficient performance.

**Madhu, R. Sekhar (2004)**<sup>45</sup> in her article "Towards a vibrant democracy" concludes that the right to information and freedom of expression have been recognized as fundamental human rights. Every citizens of the country should keep in mind that there rights are not unlimited, with these changes India, as a vibrant economy and democracy is entering a new era, where she is going to be a global power. There is no stop now or no looking back.

**Roy, Aruna (2006)**<sup>46</sup> in her article "Secret Ballots and Transparent Campaigns" emphasized that corruption in electoral politics has for long been recognized as root cause for corrupt practices in governance. The day slogans translate in to a way at life, the face and fate of the panchayats and its politics will change.

**Shyamalima, Banerjee (2005)**<sup>47</sup> in her article "Towards Improving Governance" concluded that improving governance is a part of a development process. It is argued that corruption can be curbed by systematic participation, transparent, accountable and probity in administration. The right to good governance

is also considered as an essential part at the citizen's rights that one can expect from the government.

**Wadia, Angela (2006)**<sup>48</sup> has comprehensively covered the Right to Information Act, 2005 and the challenges thrown by this Act. He has explained the duties and responsibilities of PIOs (Public Information Officers), the powers and functions of CIC (Central Information Commission) and SIC (State Information Commission) and the role of Government in promoting RTI Act. He has also described the procedure for request of Information.

**Das, P. K. (2006)**<sup>49</sup> gives the simple meaning and interpretation of the words used in the Article 19 and clause (1) (a) of the Constitution of India of which Right to information is the product. He explains how the government functions must be transparent and the three instrumentalities i.e. executive, legislative and judiciary of the state should be prevented from misleading people. He thus explains how one-sided information, disinformation, misinformation, and non-information all equally create uninformed citizen. As per the author there is one important 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.

**Acharya, N. K. (2007)**<sup>50</sup> has commented in detail the procedure for seeking information and the fee structure to avail information. He has given the format of application, first and second appeal for obtaining information. He has replied answered many queries followed by wise commentary related to Right to Information which increases the understanding and wisdom of the people as regards this act. He writes about cases where appellate authorities imposed penalties on the erring

information officers granted to the offended information seekers costs and compensation as well.

**Mishra, Sudhansu (2009)**<sup>51</sup> have presented research papers which give the scope, different provisions, strengths and shortfalls of the RTI Act. The book also gives valuable suggestions to make the common man partner in the development efforts for rural India. It brings out the evolution of the Right to Information necessary to understand the requirement for common masses and analyses the movements for right to information in India. An attempt has been made to trace the origin and brief evolution of Right to Information Act and to critically analyze its impact on Indian democracy. Considering the importance of RTI Act for sustainable rural development, many social scientists drawn from different faculties have presented their well-considered views on different various issues pertaining to the development of rural economy. Based on both primary and secondary data for investigation and action research, this book portrays the different aspects of RTI Act and its vital role in accentuating rural economy.

**Goel, S. L. (2007)**<sup>52</sup> A learned author has delved into the Right to Information from different angles - historical, legal, institutional, political, administrative and even futuristic. The book is not just a mere commentary on the Right to Information Act, 2005 with some introductory information; it approaches the subject in an extremely comprehensive manner. The exposition by author lucidly and authentically points out that right to information is not only of instrumental value, but has become a democratic value in itself. Besides an informative and detailed preface, he outlines the wide issues and then he discusses the democratic endeavour for and analysis of right to information and good governance. He discusses the scope of the law, the organizational structure for execution and the limited experience gained

during the working of this Act. He has attempted to make full use of whatever information has been made available to date on the working of the new information regime and has also raised certain issues himself.

**Nagraj, M. N. (1998)**<sup>53</sup> has given account various components of the Right to Information Act 2005 passed by the Government of India in which eminent authors have contributed their thoughts on the theme. The book is not mere commentary on the Right to Information Act, 2005 with some introductory information; it approaches the subject in an extremely comprehensive manner. While good governance is the ultimate end of democratic polity, the right to information is a valuable instrument to achieve it.

**Arora, Krishan. (2004)**<sup>54</sup> has described all the sections of the Right to Information Act 2005 in short which is published in the form of bare act. It also gives rules regarding the right to information 2005. Considering the importance of RTI Act for sustainable rural development, many social scientists drawn from various faculties have presented their views on different aspects pertaining to the development of rural economy. Based on both secondary and primary data for investigation this book portrays the various aspects of RTI Act and its crucial role in accentuating rural economy. The author has commented that the Official Secrets Act does not prohibit the giving of the copies of the statement of the witnesses recorded by the police, inquiring Magistrate or Trial Court to the accused. He further comments that the lawyer is not prohibited from inspecting the file and taking the statement and has a duty to show the same to the court concerned on demand.

**Jain and Khurana (2006)**<sup>55</sup> have explained different issues of right to information. The book covers historical development of right to information concept. It has clearly described explained historical background of right to information

freedom of information act and the main features of enactment in India. The book covers state wise implementation right to information act and its benefits to the society.

**Arora, Krishnan (2004)**<sup>56</sup> has edited several article on right to information Act 2005, it includes preamble and all preliminary section of right to information Act. It has clearly the concept of right to information and obligation, on the part of public authorities to provide such information. The book also narrates procedural aspect of right to information Act.

**Acharya, N. K. (2007)**<sup>57</sup> has given comments on right to information with examples of query and answers to the query. The book also gives explanations about the obligations on the part of public authorities and the procedure of disposal of request for information. There are examples on information asked and the information provided under the Act. It brings out the origin and history of right to information necessary to understand the requirement for a community and analyses movements for right to information in India. According to the author all the critics who are otherwise prone to criticize adversely any new enactment, have welcomed it. None have expressed any reservations or suggested any amendments of importance. The fact that some of the critics wanted that the Official Secrets Act should not have been in the Act, are only making mere suggestions which they know are not possible in the context of the needs of free, independent and efficient administration.

**Noorani, A. G. (2006)**<sup>58</sup> has contributed on articles “On Right to Information” in the book edited by Guhan S. on “Corruption in India”. The book deals with several articles on corruption. However, the contribution on Noorani on Right to Information Act giving background of the act and other related information. The paper covers various sections of right to information Act with practical implications.

The paper covers intelligent conclusions on the right to information. The book also gives valuable suggestions to make the common masses partner in the development efforts for rural India. He gives valuable insights on the seminar organized by the Gujarat Daily Newspapers Association and several reports given by The Times of India, The Hindus, Indian Express, Freedom of Information and Expression in India, etc. He also gives an analysis of the Official Secrets Act, 1923. Only the latter of the act is discussed in his paper since its target is to consider primarily the impact of this statute on the right to information.

**Chandra, U. (2007)**<sup>59</sup> has made efforts to update the book by incorporating the recent developments in the field of human rights law particularly Right to Information Act. The recent case law has been discussed at the appropriate places. The author believes that to strengthen the human rights regime in India, parliament has enacted the Right to Information Act, 2005. It is said to be the most progressive legislation ever passed by the Indian parliament. Its aim is to secure citizens access to information under the control of public authorities, in order to promote transparency responsibilities and accountability in the working of every public authority has enabled the citizens to fight against corruption, inefficiency and the arbitrary use of power by the public officials. The relevant provisions of the Right to Information Act, 2005 have been discussed in detail.

**Shah, Abhay (2007)**<sup>60</sup> compares the Right to Information Act, 2005 with the Freedom of Information Act, 2002. He gives detailed information on RTI Act and obligations of public authorities, the powers and functions of the Central Information Commission and the State Information Commission and the appeals and penalties. He has also mention the Maharashtra Right to Information Act, 2002, the Freedom of Information Act, 2002 and the Official Secrets Act, 1923. According to him, in order

to ensure greater and more effective access to information the government solved that the Freedom of Information Act, 2002, enacted by the parliament needs to be made more progressive, participatory and meaningful. As per him RTI Act is an act to provide for setting out the practical regime of right to information 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, the constitution of a Central and State Information Commission and for matters connected therewith or incidental thereto.

**Acharya, N. K. (2007)**<sup>61</sup> gives preliminary information on RTI Act and obligations of public authorities, the powers and functions of the Central Information and the State Information Commissions, appeal and penalties. He also highlighted the Public Records Act, 1993 and the Public Records Rules, 1997. Along with the Official Secrets Act, 1923, he has included components of the constitution of India, Indian Evidence Act, 1872 and Civil Procedure Code 1908. The author tries to bring one difficulty which is required to be resolved at the earliest. Rule making power is conferred on the central government and state government simultaneously and independently. The RTI Act is a central legislation and it has to be implemented uniformly throughout India. When such is the case, the rule making authority granted to the state governments should have been made subject to the rules which may be made by the centre and any rule when made by the state if it conflicts with the central rule shall have a prior approval of the central government. As per him by and large the RTI Act is well conceived. It is seen to be of great assistance; to the people in the present context of administrative deficiencies and deviations coming up for open debate, discussion or condemnation.

**Jain, N. K. (2007)**<sup>62</sup> has written the book with the object of making the information available on RTI to the common men in a simple language. His work attempts to outline the importance of the RTI, particularly in empowering ordinary citizens to combat state corruption and to play a vital and active role in participatory democracy. The author has made efforts to present the discussion in clear, systematic and logical manner. He has dealt in short and brief, the evolution of the RTI and its position in other countries. Apart from these aspects, all the relevant legislations and the constitutional aspects also have been incorporated. He deals with the legal aspects relating to Freedom of Information and has included other connected legislation.

**Agarwal, H. O. (2006)**<sup>63</sup> has dealt with the question of enforcement of all categories of human rights. He has discussed international measures for implementation of human rights. He has referred to judicial measures which can be adopted at an international level for enforcement of human rights and offered various suggestions in the behalf including the creation of International Court of Human Rights and High Commissioner for Human Rights. The author has critically examined the provisions of human rights including RTI Act, 2005 and dealt adequately with measures adopted at the regional level for enforcement of these rights. The author throws light on many other rights including RTI which are contained in the covenant on civil and political Rights and are available to the citizens of India in spite of their not being specifically mentioned in the constitution. He informs that these rights which are not specifically provided in the constitution as 'fundamental rights' have been regarded as fundamental and are available to the individuals because of the bold interpretation given by the supreme court of those rights which are specifically provided in the constitution.

**Shah, Abhay M. (2007)**<sup>64</sup> has presented The Maharashtra Lokayukta and UPA Lokayuktas Acts and Rules along with RTI Act, 2005 and the Maharashtra Right to Information Rules and Act, 2002. Under the RTI Act, 2005 he has given the powers and functions of the Central and State Information Commission and the appeal and penalties. Under the Maharashtra Right to Information Act, 2002, he has given the procedure of availing information the severability, appeals and penalty. Also the repeal of this act is given. The Maharashtra Right to Information Rules are presented along with the procedure for designating Public Information Officers. It also describes the procedure for filing an appeal and maintenance of register by Public Information Officer.

**Verma, Anuradha (2011)**<sup>65</sup> gives a comprehensive guide to RTI Act for Public Information Officers, First Appellate Authorities and other government servants. The author explains about RTI Act, its origin, criticisms and role of government servants in RTI Act. The book gives clear and detailed information on scrutiny on receipt of an application, processing of an application and invoking exemptions. It explains corruption, its types and gives illustrative cases on corruption and human rights.

**Verma, R. K. (2008)**<sup>66</sup> has given an insight into the practical aspects of the Right to Information Law commenting precisely on the needs of the Public Information Officer and the information seeker alike. The book has been written in a simple and concise manner. The book is written with an aim to aware common masses and to provide immense assistance to the various Public Information Officers and Appellate Authorities of the different public authorities. The book is also useful to private organizations to ascertain their liabilities under the act and the applicability to them.

**Puri, V. K. (2006)**<sup>67</sup> has written a simple book of RTI Act, explaining the law and procedure relating to Right to Information Act. The book explains the subject with the help of examples, specimens and references, etc at all places wherever necessary. It keeps abreast the readers about the fundamentals underlying the law and the role and functions of the several authorities under the Act, particularly the Information Commissions, and the main supervisory and controlling body. The book is helpful for various public authorities and officials concerned in executing the law in their respective jurisdiction.

**Paul, Samuel (2003)**<sup>68</sup> have given an extensive commentary and economic and political weekly on Right to Information for citizens of the country which pertains to election of candidates for parliament. The commentary takes the review of Supreme Court verdict upholding the constitutional right of people to know the antecedents of electoral candidates which has been welcomed across the country. There are various steps taken to give concrete meaning to the Right to Information. It has narrated several objectives to be performed by the election commission regarding election of members of parliament.

**Nigam, Shalu (2006)**<sup>69</sup> explains that the Right to Information Act is a beginning of new era in our country providing Right to access information from public authorities by citizens. It gives the enforceable right to question, examine, audit, review and access government acts and decisions to ensure that these are consistent with the principles of public interest, probity and justice. The act promotes openness, transparency and accountability in administration by making the government more open to public security.

**Kumar, P. S. (2004)**<sup>70</sup> explains various different aspects relating to information and communication as a science which include data, information,

knowledge, etc. The exposition by author lucidly and authentically points out that right to information is not only of instrumental value, but has become a democratic value in itself. Besides an informative and detailed preface, he outlines the broad issues and then he discusses the democratic endeavour for and analysis of right to information and good governance.

**Pandey, Ajay (2004)**<sup>71</sup> have narrated aspirations of the Right to Information Act which has brought accountability and transparency among government organizations. The author states that the Act needs to be amended to remove unjustifiable provisions as well as to include necessary provisions. The Act in its present form is capable of frustrating the objectives of good governance.

**Nigam, Shalu (2006)**<sup>72</sup> explain that the Right to Information Act 2005 is a beginning of new era in our country providing right to access information from public authorities by citizens. It gives the enforceable right to question, examine, audit, review and access government acts and decisions' to ensure that these are consistent with the principles of public interest, probity and justice. The Act promotes openness, transparency and accountability in administration, by making the government more open to public security.

**Kurien, Jessy (2006)**<sup>73</sup> have answered various commonly asked questions on constructive use of RTI Act 2005 in India for promoting transparency. Some of the questions are relating to disclosure of information by public information officer and appeal against this officer to the Information Commission. It brings out the origin and history of right to information necessary to understand the requirement for a community and analyses movements for right to information in India. An attempt has been made to trace the origin and brief history of RTI Act and to critically analyze its impact on Indian democratic system.

**Guhan, S. (2007)**<sup>74</sup> explains how tackling corruption is not achieved in one-stroke but through a continuous and cumulative endeavor. He emphasizes on four ways to tackle corruption. One consists of fundamental amendments in the Constitution which would include appropriate checks and balances against the abuse of political power. The second would emphasize thorough deregulation and privatization of government functioning. The third would argue for an extensive decentralization of governance so as to promote accountability and transparency at grass root levels in order to check corruption. The fourth would alarm the common masses regarding moral values among the people at large beginning with youth and focused on politicians and officials in particular.

**Times of India (2011)**<sup>75</sup> informs about the urban development ministry's reply to a query by RTI activist S. C. Agrawal on pending rent dues towards people having occupied government premises after losing entitlement. In response to an RTI query, the estates department said that the Lok Sabha speaker Meira Kumar had occupied the bungalow since 1986 after the demise of her father. The department gave a list of people and dues against them for occupation of bungalows. The list shows Kumar has a pending rent of around two crores for which a bill has been issued.

**Rao, Parsa Venkateshwar (2011)**<sup>76</sup> brings before us views of Arvind Kejriwal, a key member of Anna Hazare's team. As per Arvind Kejriwal, his team is not against the congress per se, but is campaigning against the party in Hisar by-poll only to pressure it to bring in a strong Lokpal. Speaking to DNA in Hisar, the civil society activist says one reason their fight for Lokpal has not succeeded like the RTI movement is that Sonia Gandhi has been silent on the issue, while she favored the Right to Information Act. When asked about his involvement in the civil society movement fighting for the Right to Information and why he thought that their team

has succeeded with the RTI and not with the Lokpal, he replied that it was because Sonia Gandhi was fully in favour of the RTI Act. But she was silent on the Lokpal.

**Sharma, Pankaj (2011)**<sup>77</sup> brings to highlight that according to official statistics exposed by the personnel, public grievances and pension ministry, the funds earmarked for the propagation of the RTI scheme have been grossly underutilized. An analysis of the government spending on propagating RTI revealed a consistent decline. The UPA government appears to have put its most vocal campaign the Right to Information Act on the silent mode. This comes in the backdrop of growing clamor within a section of the government to reviewable Act. The RTI Act, which was enacted in 2005, has been the main factor behind major scams exposed in the last couple of years. Expressing his concern over under utilization of funds, information commissioner M. L. Sharma demanded an increase in the allocation of funds for the propagation of the Act to help realize its true potential. He added that proper and sustained information on the Act and its use has to be the top priority to ensure that the Act reaches every home in the country.

**Gupta, Harish (2011)**<sup>78</sup> makes us aware that various members of the National Advisory Council (NAC) have strongly criticized the government for keeping the CBI out of the ambit of the Right to Information Act. Aruna Roy, a member of the NAC headed by Sonia Gandhi who doggedly fought for the enactment of the Right to Information was enraged over government decision to exempt CBI to provide information. Roy is the third NAC member to have strongly opposed the cabinet move. She said that on one hand the government talks about transparency and accountability and on the other hand make such amendments to an existing law without proper consultations.

**Times of India (2011)**<sup>79</sup> in this article points out how congress dismissed L. K. Advani's charge of UPA being the 'most corrupt government', calling his nation-wide yatra as mere 'lip service' and an attempt by the BJP veteran to remain 'afloat' in his party. As a reaction to Advani's remarks, congress cited dual tax avoidance agreement, RTI, bill on judicial accountability and the proposed public procurement policy as concrete measures by UPA government to tackle corruption. On the conclusion of his yatra Delhi, Advani had accused the UPA government of lacking political will to fight graft and said the only way to end corruption was through 'public awakening or a change of government'.

**Times of India (2011)**<sup>80</sup> write on Aruna Roy, the founder of “Rozgar Evum Suchna Ka Adhikar Abhiyan” that she has opposed to any amendment to the RTI Act. The Abhiyan, in an internal meeting, has decided to hold demonstrations and meetings to spread the word and halt any move to this effect. Recently Prime Minister Manmohan Singh had expressed views that the RTI Act was adversely affecting deliberations in the government and deterring honest officials from expressing their views on file. Even Law minister Salman Khurshid had felt that not only the government but even the judiciary was experiencing difficulties due to the act and so there was a need to amend the Act. Later, however, he clarified that the government was not planning to take a relook at the Act.

**Chauhan, Chetan (2011)**<sup>81</sup> informs that India's transparency law the Right to Information Act - will not change but the government wants to restrict its applicability to some areas of sports and nuclear safety through other laws. The government also intends to amend the RTI law to exempt the proposed nuclear energy regulator - the National Nuclear Safety Authority from the ambit of the transparency law. The draft nuclear safety authority bill approved by the cabinet intends to list the authority

among government bodies such as the Central Bureau of Investigation, which are to be taken out of the purview of the transparency law. In addition, the bill seeks to amend the RTI law.

**Times of India (2011)**<sup>82</sup> have expressed some Union ministers concern that the RTI Act is affecting government's functioning. Minister of personnel, public .grievances and pensions V Narayanasamy replied in the affirmative on a query in the Rajya Sabha regarding concerns raised by ministers on the RTI Act affecting the government's functioning. When asked about bureaucrats expressing apprehension about putting their views on controversial issues because of the RTI Act, the minister said that some concerns have been expressed that the improper use of Right to Information Act and indiscriminate and impracticable demands for disclosure of sundry information unrelated to transparency and accountability in the functioning of public authorities may adversely affect the efficiency of administration.

**Times of India (2011)**<sup>83</sup> in his article points out that the Central Information Commission has directed the Ministry of External Affairs to comply with the norms of statutory suo-moto disclosures to be made under the Right to Information Act. The move comes following a complaint that some information given on the ministry's website under Section 4 of the RTI Act, which relates to proactive disclosures by a public authority, was not complete and comprehensive. Complainant Saurabh Sharma alleged that the ministry did not disclose complete information about the powers and duties of its officers and employees, the prescribed norms for the discharge of its functions, a directory of its officers and employees; the monthly remuneration received by each of its officers and employees and particulars of recipients of concessions, permits or authorizations granted by it. Information Commissioner Shailesh Gandhi directed to make public all the information.

**Hina, Rohtaki (2011)**<sup>84</sup> brings out a query filed by a resident in Chandigarh. The RTI reply said that the officials in Panchkula and their relatives bought the gold at a lower price than that prevailing in market at the same price till March 15, 2007. That was done despite the fact that in 2006, board's accounts officer had proposed to that the rate of the coins be increased. The reply mentions that as per the findings of a vigilance bureau report, which says that by doing so, officials made the board suffer a loss of around sixteen lakhs rupees.

**Semwal and Khosla (2008)**<sup>85</sup> in their article “Right to information and Judiciary” have described that democracy is for the people, the people and by the people must be remembered forever for the betterment of the people. Welfare of the people and their betterment is closely related to the informed citizens will of the people is most important in democratic system of the government. Also the will of the people is basis of the authority of the government while discussion variables observation decisions and judgments of the honorable Supreme Court relating to article 19(1) (a) of the Indian courts, the authors have concluded that RTI Act would bring improvement departments. It will certainly increase the administrative efficiency while creating greater transparency and that the act can prove to be an effective weapon to bring out the culture of responsibility and transparency.

**Tripathi, Sudhanshu. (2009)**<sup>86</sup> in his article “RTI Making Democracy Meaningful” has said that with the coming of RTI Act, 2005 a new era of in the history of Indian democracy has begun as Indian now among the 55 countries which have legislated comprehensive laws that protect citizens. RTI Act with this transparency and accountability in the working of every public authority is assured. Further the author has stated that in the water of much higher rate of corruption in India, This act will prove to be a milestone. He has emphasized for the need of

complete overhauling of social, economic and political system, and important aspect of this process should be total decentralization of administration providing for maximum peoples participation along with dear accountability from top to bottom. He was the requirement of transparency in becomes most important. The author has opined that openness is primary requisite for the good political health of democratic state as democracy is a participative from of govt. Effective participation by the people can be possible only when they have prompt and adequate access to official information.

**Siwach, R.K. (2009)<sup>87</sup>** in his article on “Implement of RTI Act, 2005: An Experience of Haryana” has discussed about formation of this act its issue and problems. In the implement of this act, he has explained that well of efforts to turn mandatory provision into act, eccentric nature of information sought elite centric usage, no commitment by political parties and of awareness about the act at all the major hurdle. He has suggested that to aware the people about the act can be successful way.

**Mishra, Shweta (2009)<sup>88</sup>** through her article on “RTI and Decentralized Governance” has brought out the origin of the RTI Act. She has tried to convey the states of freedom of information in the developed countries in general and developing India in particular while discussing the RTI and decentralized governance she explain that RTI is a unique and unprecedented effort in strengthening grassroots democracy in India. RTI decentralized governance are inter related in the sense that accountability is basic pre requisite for effective functioning of the decentralized system of governance

**Puri, V.K. (2009)**<sup>89</sup> has tried to explain the every section of the act in his book. The author also described the RTI Act and elements of good governance i.e. transparency and responsibility and accountability on basis of his personal experience as CIC, he has concluded that RTI Act brought the ray of hope among the people and it is providing to be very effective instrument for the welfare of the people.

**Jain, Abhishek (2009)**<sup>90</sup> in his article entitled, “RTI Implementation at the District level: Issue and Challenges” has identified some hurdle before the effective implementation of RTI act at district level. The author has explained that both information seeker and supplier are facing problem because of proper training and technical knowledge. So to male it effective basic training programme is essential.

**Hooja, Rakesh (2009)**<sup>91</sup> have emphasized on conceptual clarity towards utility and importance of the RTI Act the express that in the new information era, some technical clarity is necessary for information supplier. Therefore government has to run training programme for official. A culture needs to be developed which should be transparency oriented. The author has emphasized for training programme of official at every level.

**Sharma, K.L. (2010)**<sup>92</sup> in his book “The Right to Information Act, 2005 and Record Management” has brought out a very simple way to understand the act. He has explained each section of the act with illustrations and citing important decisions of the act and section. He has tried to miler it a user friendly so that the SPIOs, appellate authorities and information seekers could male best use of the act. Most importantly the author has stressed on the record management for mailing the RTI Act as a success. He has also suggested various methods of record management.

**Yadave, A.S. (2008)**<sup>93</sup> has evaluate the RTI Act, 2008 has spelt out the purpose, background and the main objectives of this act. There are to ensure transparency and accountability in the working of the public authorities by containing corruption through the practical regime of RTI in the view of author, The RTI would, enable the information citizenry who would actively, contributors announce and era of transparency and accountability. The author has explained the words of the act and given a detailed explanation of each section of the act some important judgments of act and the SIC given in the book are most beneficial for the information seekers and information providers.

**Rao, Joga S.V. (2009)**<sup>94</sup> in his book has described the meaning, significance and scope of the RTI. While elaborating on the topic he asserts that the RTI Act, 2005 has set in a silent social revolution. For answering some important questions like as what is Right to Information and why anyone would require, the author has tried to clarify the understanding of law through some example Sangeeta and Sultan of Begampur village from Municipal Corporation of Delhi got their ration cards through RTI Act, Radheshyam a construction worker received his passport after, filing the RTI application, Bharadwaj Kanhaiyan Lal of Delhi got his granddaughter Riya admitted in a school.

**Kejriwal, Arvind (2006)**<sup>95</sup> in his article entitled “Right to Information Act: Loopholes and road ahead” has described that RTI Act is one of the competent legislation in democratic India which is able to empower the common masses of the country. The act is regarded as the most important as no other law has the potential to alter the work culture of the society. Kejriwal highlights that the RTI Act empower the citizens in a very radical way. However, to be truly effective in ensuring transparency and probity in public life, it needs to be used responsibly and judiciously

by the public, the respective information commissioners, and the concerned government departments. He is further caution that it is imperative to see that the RTI Act is not weekend in any manner.

**Monga, Anil and Mehta, Akshat (2008)<sup>96</sup>** in their article “Right to Information Act, 2005” has described that RTI Act, 2005 is emerging as a potent instrument of citizens for ensuring transparency and accountability in administration the functioning of bureaucracy, which was shrouded in the veil of secrecy, was causing lot of harassment to the common masses. The Act has brought relief to the much harried and harassment people. Even though these are the early days, it has started releasing its potential. The Act contains 31 sections, the essence lies in its section (4) which makes it obligatory on the part of various public agencies to not only maintain its records in set format, but also updated it on a regular basis.

**Ansari, M.M.(2008)<sup>97</sup>** in his article “Right to Information and its relationship to Good Governance and Development” has described that RTI is harnessed as a tool for promoting participatory development, strengthening democratic governance and facilitating effective delivery of socio-economic services. Even before the enactment of the poverty alleviation and empowerment programmes were implemented put the achievements were always below the general expectations, mainly because of the absence of the transparency and accountability norms. Lack of legal right to know and to scrutinize the public action or to sustain the authority contributed to inefficiency and corruption resulting in lower out coming of public activities with empowerment of citizens and free flow of information. There is significant qualitative improvement in the delivery of services. Hence author has concludes that RTI Act, 2005 make the administration accountable which is made the development process very fast and clean.

**Singh, Shekhar and Mishra (2006)**<sup>98</sup> in their articles “Changing Governance Forever,” in Yojana January 2006 observed that the RTI Act, 2005 covers all central, state and local government bodies. It is also including all bodies owned, controlled or substantial financed either directly or indirectly by the government. If RTI Act will be implemented effectively, it can change the nature of organization functioning in India. It has started a process of transparent and inclusive governance that will gradually shift the Indian democracy from being almost totally a representative to participatory democracy. It is bring a sense of empowerment to the common citizens. Empowerment is very necessary to check rapid downward slide of government performance and standards, and the concurrent trend of declining public expectations. The people would see for themselves that it is not that the government has no money to spend on their welfare, but that much of this money gets illegally diverted.

**Mulikapadhyay, Amitabh (2006)**<sup>99</sup> in his article Poverty, Information and Accountability in Yojana observed that to minimize the gap to employment in rural and urban areas. Government has introduced MNREGA which is mandatory provision to provide at least 100 days employment in a year to unskilled adult of the village. The Right to work has been thus legally guaranteed that the manner in which entitlement for employment is to be claimed has been clearly articulated. Rural poor have been effectively participating in the programme for not only just to secure income security but also to build rural infrastructure, which is critical for rising productivity in the future. Through the RTI Act people have sought to know the details of schemes and its relevance to a rural community, utilization of funds, payment of wages to the target beneficiaries, etc. Thus, RTI has provided very effective in providing ground for initiating remedial action with a view to realizing the objective of public policies.

After reviewing the relevant literature in detail, it is pertinent now to look into the Organizational set up of Right to Information Act before analyzing the RTI functioning in the Secondary Education Department in Haryana, which has been dealt with in the next chapter.

### **Objectives of the Study**

1. To examine the institutional arrangement made for the implementation of Right to Information in the Department of Secondary Education, Haryana.
2. To examine the level of preparation of the department in disseminating information under Right to Information Act, 2005.
3. To study the awareness level of the officials and users about the Right to Information Act, 2005.
4. To assess the trend of information sought by the users.
5. To study the Administrative and procedural problems in the implementation of Right to Information Act, 2005.
6. To assess the prospects of RTI in delivering the services to the masses.
7. To suggest various measures for ensuring more transparency in the functioning of the Department of Secondary Education.

## **Hypotheses**

1. The institutional set up to Implement Right to Information Act, 2005 in the department is not up to the required level.
2. It is assumed that the department does not have adequate Infrastructure and technical support for disseminating information under RTI Act, 2005.
3. It is assumed that the user is aware of the act but not enthusiastic to seek information under the act.
4. It is assumed that there are administrative and procedural complexities mainly arising out of behavioural attitude of the officials responsible for the implementation of the RTI Act, 2005.
5. It is assumed that the RTI Act, 2005 will lead in ensuring transparency and reducing corruption in the working of the department.

## **Research Methodology**

The present study assesses the working of the RTI Act, 2005 in the Secondary Education Department of Haryana State. Out of four divisions in Haryana, four districts have been selected on purposive random sampling basis i.e. Sonapat, Kurukshetra, Faridabad and Bhiwani. For the study both primary and secondary data have been utilized. Primary data has been drawn with the help of structured interview schedule and personal observation. Secondary data has been drawn from books, articles, journals, government reports and newspapers. The study shall be of great value for the education department in

general and Secondary Education Department of Haryana in particular. It will definitely enable them to properly comprehend the problems and the prospective steps to be taken to eradicate the problems and constraints in the working of RTI Act and its institutions relating to the secondary education.

### **Chapterisation of the Study**

The present study “Right to Information Act, 2005 and Educational Administration: An Assessment” has been divided into five chapters, which are outlined below.

- Chapter I : Introduction:** It is an introductory chapter, which spells out the concepts, historical background of the Right to Information Act, 2005, significance of the study as well as the review of the relevant literature.
- Chapter II : Organizational Setup of Right to Information Act, 2005:** This chapter discusses the meanings, definitions of organization and Organisational setup of RTI Act, 2005 at the centre and the state level.
- Chapter III : Implementation of RTI Act, 2005:** This chapter comprises of the analytical study of the working of Right to Information Act, 2005 in the Department of Secondary Education, Haryana.
- Chapter IV : Problems and Prospects:** This chapter deals with the assessment of problems revealed in the study and their prospects in the future implementation of RTI Act in Haryana.
- Chapter V : Conclusion and Suggestions:** The last chapter pertains to the findings of the study along with the suggestions for the better implementation of RTI Act, 2005.

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