A STUDY ON RIGHT TO INFORMATION ACT WITH REGARD TO GOVERNMENT OFFICIALS

C. Chitra  
Saveetha School of Law, 
Saveetha Institute of Medical and Technical Sciences,(SIMATS) 
Saveetha University, Chennai, India  
Email: chitar11898.cc@gmail.com

Ms. Malaimagal. S  
Assistant Professor of Law, Saveetha School of Law, 
Saveetha Institute of Medical and Technical Sciences, (SIMATS) 
Saveetha University, Chennai, India  
Email: malaimagals.ssl@saveetha.com

ABSTRACT

Right to information may be a basic right of each person. The famous French philosopher Michel Foucault once opined, power springs from information and knowledge is that the basic component of information. Information makes men wise and it's competent enough to cope up with the fashionable world. So, it's the duty of state to tell voters concerning day to day happening no matter inside the government. The transformation from governance to sensible governance is feasible, if there's chance of increasing participation of individuals in governance and free access of knowledge. By realizing this reality, Indian parliament has passed Right to information act, 2005 to form government, responsible, accountable, efficient and clear. This paper tries to focus on the fundamental pointers of RTI act, the connection between Right to information act and sensible governance and also the problems concerning RTI act. In the last half, the paper provides some core recommendations for flourishing functioning of RTI act. try has conjointly been created to form a distinct comparison on RTI legislation between Bharat and developed nations.  

Keywords: RTI act, sensible governance, RTI problems and proposals.

1. INTRODUCTION

Information is an inalienable and natural right of each person. in an exceedingly democratic country every person has the correct to freedom of opinion and expression. This right includes right of holding vox populi and to hunt, receive and impart information and ideas from the general public authorities.(Laskar) The market and applicable information helps national to measure a dignified life in an exceedingly civilized society. furthermore there's a detailed link between right to information and sensible governance. sensible governance is characterised by transparency, responsibility and responsiveness. Consequently, the citizen's right to information is being recognized as an important mechanism to push openness, transparency and responsibility in government administration. People square measure the only half in an exceedingly representative kind of government. thus it's necessary that have to be compelled to understand all the functioning of state activities to border a sensible regime of fine governance in body process.(Trapnell) In Bharat Right to information is the wish of hour. Human security, shelter, food, setting and employment chance square measure all certain up with right to information. within the absence of knowledge on this issue, people can't live a dignified life and can stay ever marginalized cluster within the society. it's a robust instrument to guard the basic rights of individuals. Corruption and legislating is that the nerve of Indian bureaucracy nowadays. The secrecy they need maintained may be a supply of corruption and harassment. although Bharat is the world largest democracy, it currently fails to achieve confidence from people. As a remunerator, every person should have the correct to grasp the functioning of state machinery. additionally to
the current, in an exceedingly democratic country, national is regarded plus only if national develop the ability to realize access to information of all kinds and to place such information to effective use. (Nakshathra) while not intellectual freedom the success of democratic governance can't be unreal. information is currently the only of each government, the requirement for transparency and potency within the governance become additional vital to attain the goal of good governance.

The Indian parliament had enacted the —Freedom of knowledge act, 2002 so as to push transparency and responsibility within the administration. The report envisaged by the National Common Minimum Programme, the —Freedom of knowledge Act, 2002 has repelled and Right to information Bill, 2004 (RTI) was glided by each the homes of parliament on could 2005. The Right to information Act was notified within the Gazette of Bharat on twenty first Gregorian calendar month, 2005. This new law empowers(Mishra et al.) Indian voters to hunt any accessible information from a public authority and makes the govt and its functionsary additional responsible and accountable. The main aim of the study is to analyse about the Right to Information Act with regard to government officials.

1.1 Objectives

- To study about the Right to information Act and Articles of Indian constitution.
- To analyse about the Right to Information and obligation of public authorities.

2. REVIEW OF LITERATURE

1. The author (Gopi) in this paper broadly explains about the importance of Right to Information Act and how far people are benefited because of it and also analyse about the procedure to post questions relating to the government in RTI.
2. The author (Parmar) in his paper has expressed his view about the public authorities with relating to Right to Information Act and how well they are working in it what are all the rules and responsibilities for them towards RTI.
3. The author (Phogat) in this paper explains in brief about the procedure to file Right to Information and analyse the requirements to be stated in order to fulfill the conditions relating to it and then acquire the relating material.
4. The author (Alonso) in this paper explains about the duties and responsibilities of government officials with regard to Right to Information Act and how well they have been performing in it and the documents relating to it.
5. The author (Roy) in this paper broadly explains about how an citizen can collect the required information relating to the State and they can ask the questions to the RTI through online or by sending post also and that particular authority shall send the answer for the question within the prescribed time.
6. The author in this paper explains the view of public relating to Right to Information Act how useful tool it has been to the public in the present scenario for which they can develop it in a more effective manner.
7. The author in this paper discusses about the who can file RTI according to the Right to Information Act, 2005 and what is the fee to be paid and the time limit for receiving the answers to the question raised to the RTI through online or by post.
8. The author in this paper analyse about the issue relating to the RTI activist and how far they are involved to solve the issues relating to Right to Information and about their active participation.
9. The author in this paper give a clear view what Right to Information is exactly all about and how benefit is for the people whether it stands as an advantage to the citizens of our country.
10. The author in this paper explains about the how Right to Information is functioning whether it is beneficial for the citizen of the country and helps them to know about what exactly the scenario of the country is all about.

3. RESEARCH METHODOLOGY

The present research is conclusive, descriptive and based on non-empirical design. In order to collect data on the dimensions of the study, a research instrument was designed. The study was conducted on secondary source of data books, articles, journals, e-sources, theories and the relevant provision with decided case laws. Focusing on these three areas put forward specific research problems.

3.1 Sampling Method

The questionnaire format method used to collect the data analysis of concept in regard to the Right to Information Act with regard to government officials are conducted among the general public whosoever includes professionals, any degree, students and others. The Sampling data analysis to find the results Chi Square test used to find end parameters of the results.
3.2 Sample Size Calculation

In Survey, of the data analysis it has been proved the sampling collected in total 1559 data to analyze about the Right to Information Act with regard to government officials.

Null Hypothesis: There is no significant association between Right to Information Act promotes transparency and accountability in administration.

Alternative Hypothesis: There is a significant association between Right to Information Act promotes transparency and accountability in administration.

Right to information Act and Articles of Indian constitution

The Right to information may be a basic right derived from Art 19(1) (a) of the constitution of India. It states, —All the voters have the correct to the liberty of speech and expression and Art twenty one deals with the right to life of voters. Constitution of India 1950 explicit that the court has recognized the correct to access of knowledge from department is key to democracy. However, the correct information doesn't mean the free flow of knowledge with none restrictions. Like all different elementary rights, the correct information(karthikeyan) has also sure cheap restrictions. Once the Apex Court opined, The individuals of this country have a right to grasp each public act, each issue that's tired a public method, by their public functionaries. they're entitled to grasp the particulars of each public dealings all told its bearing.

The right to grasp, that springs from the thought of freedom of speech, although not absolute, may be an issue, which ought to build one cautious, once secrecy is claimed for transactions which can, at any rate haven't any repercussions on peace. to hide with a veil, the common routine business isn't within the interest of the public. Such secrecy will rarely be licitly desired. It is generally desired for the aim of parties and politics or personal self interests of functionary routine. The responsibility of officers to elucidate and to justify their acts is the(Law Commission Report) chief safeguard against oppression and corruption

In Bennett Coleman v. Union of India, in 1973, our Supreme Court dominated that the right to freedom of speech and expression bonded by Art. 19(1) (a) enclosed the correct information.

In the State of UP v. Raj Narain, in 1975, Justice Mathew expressly stated: it's not within the interest of the public to cover with a veil of secrecy the common routine business the responsibility of officers to explain and to justify their acts is the chief safeguard against oppression and corruption.

In Secretary, Ministry of I & B, Government of Bharat v Cricket Association of geographical area, in 1995, the Supreme Court command that the correct to impart and receive information from electronic media was enclosed in the freedom of speech(Borah.)

In S.P. Gupta v. Union of India, in 1982, the correct of the individuals to grasp concerning each public act, and the details of each public dealings undertaken by public functionaries was illustrated.

In People’s Union for Civil Liberties v. Union of India, in 2004, the correct information was more elevated to the standing of a personality's right, necessary for creating governance clear and responsible. It was conjointly emphasised that governance should be democratic.

Who is roofed by the RTI Act-?
The Act extends to the full of Bharat except the state of Jammu and Jammu and Kashmir.

What will information mean?
Information is any material in any kind. It includes records, documents, memos, e-mails, opinions, advice, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, information material held in any electronic kind. It conjointly includes information regarding any non-public body which might be accessed by the public authority under any law for the nowadays effective.

What is a Public Authority?
A “public authority” is any authority or body or establishment of self government established or constituted by or under the Constitution; or by the other law created by the Parliament or a State Legislature; or by notification issued or order created by the Central Government or a government. The bodies owned controlled or considerably supported by the Central Government or a government and non-Government(Dharanesha) organizations considerably supported by the Central
Government or a government conjointly falls at intervals the definition of public authority. The finance of the body or the organization by the govt. could also be direct or indirect.

Public information Officer
Public authorities have selected a number of its officers as Public Information Officer. They are accountable to convey (Reserve Bank of India - Right to Information Act) information to an individual World Health Organization seeks information under the RTI Act.

Assistant Public Information Officer
These are the officers at sub-divisional level to whom an individual will provide his RTI application or charm. These officers send the applying or charm to the general public information Officer of the general public authority (A Manual for Public Authorities, Information Officers & Appellate Authorities) or the concerned legal proceeding authority. Associate in Nursing Assistant Public Information Officer isn’t accountable to produce the information.

The Assistant Public information Officers appointed by the Department of Posts in numerous post offices are operating (Right to Information) as Assistant Public information Officers for all the general public authorities underneath the Government of Bharat.

What is the applying procedure for requesting information?
Apply in writing or through electronic suggests that in English or Hindi or within the official language of the realm, to the PIO, specifying the particulars of the knowledge wanted for; (Global) Reason for seeking information aren’t needed to be given; Pay fees as could also be prescribed (if not happiness to the below personal income category).

What is the deadline to induce information?
thirty days from the date of application. forty eight hours for information regarding the life and liberty of an individual. five days shall be side to the higher than latency, just in case the applying for the knowledge is given to Assistant Public Information Officer. If the interests of a 3rd party are concerned then deadline are forty days. (Kapat) Failure to produce information at intervals the precise amount may be a deemed refusal.

What is the fee?
As already distinguished, a subject includes a right to examine the records of a public authority. For examination of records, the general public authority shall charge no fee for the primary hour. however a fee of rupees 5 (Rs.5/-) for every subsequent hour (or fraction thereof) shall be charged. If someone (Kumar) belongs to below poverty line (BPL) class, he's not needed to pay any fee. However, he ought to submit a symbol in support of his claim to belong to the below personal income. the applying not amid the prescribed fee of RS.10/- or proof at the applicant's happiness to below personal income, because the case could also be, shall not be a legitimate application under the Act.

Format of Application
There is no prescribed format of application for seeking information. the applying will be created on plain paper. the applying ought to, however, have the name and complete communicating address of someone even in cases wherever the knowledge is wanted electronically; the applying ought to contain name and communicating address of the someone.

RIGHT TO INFORMATION AND OBLIGATIONS OF PUBLIC AUTHORITIES
Every public authority shall—
(a) Maintain all its records punctually listed and indexed in a manner and also the kind that facilitates the right to information under this Act and make sure that all records that are applicable to be processed are, at intervals an inexpensive time and subject to availability of resources, processed and connected through a network everywhere the country on totally different systems in order that access to such records is facilitated;
(b) Publish at intervals 100 and twenty days from the enactment of this Act,—
(i) The particulars of its organization, functions and duties;
(ii) The powers and duties of its officers and employees;
(iii) The procedure followed within the higher cognitive {process} process, as well as channels of direction and accountability;
(iv) The norms set by it for the discharge of its functions;
(v) the principles, laws, directions, manuals and records, command by it or underneath its management or utilized by its
employees for discharging its functions;
(vi) an announcement of the classes of documents that are command by it or under its control;
(vii) The particulars of any arrangement that exists for consultation with, or illustration by, the members of the general public in regard to the formulation of its policy or implementation thereof;
(viii) an announcement of the boards, councils, committees and alternative bodies consisting of 2 or a lot of persons constituted as its half or for the aim of its recommendation, and on whether or not conferences of these boards; councils, committees and alternative bodies are hospitable the general public, or the minutes of such conferences are accessible for public;
(ix) A directory of its officers and employees;
(x) The monthly remuneration received by every one of its officers and workers, as well as the system of compensation as provided in its regulations;
(xi) The budget allotted to each of its agency, indicating the particulars of all plans, planned expenditures and reports on disbursements made;
(xii) the way of execution of grant programmes, as well as the amounts allotted and also the details of beneficiaries of such programmes;
(xiii) Particulars of recipients of concessions, permits or authorizations granted by it;
(xiv) Details in respect of the knowledge, offered to or command by it, reduced in Associate in Nursing electronic form;
(xv) The particulars of facilities offered to voters for getting information, as well as the operating hours of a library or room, if maintained for public use;
(xvi) The names, designations and alternative particulars of the general public information Officers;
(xvii) Such alternative information as could also be prescribed; and thenceforth update these publications each year;
(c) Publish all relevant facts while formulating important policies or saying the choices that have an effect on public;
(d) offer reasons for its body or quasi-judicial selections to affected persons.

(2) It shall be a continuing endeavor of each public authority to require steps in accordance with the requirements of clause (b) of sub-section (1) to produce the maximum amount information suo motu to the general public at regular intervals through numerous suggests that of communications, as well as net, in order that the general public have minimum resort to the employment of this Act to get information.

(3) For the needs of sub-section (1) each information shall be disseminated widely and in such kind and manner that is definitely accessible to the general public.

(4) All materials shall be disseminated taking into thought the price effectiveness, native language and the most effective technique of communication therein native space and also the information ought to be simply accessible; to the extent doable in electronic format with the Central Public Information Officer or State Public Information Officer. because the case could also be, offered free or at such value of the medium or the print value value as could also be prescribed.

4. DATA ANALYSIS

Table 1: Gender * Do you aware about the Right To Information Act?

<table>
<thead>
<tr>
<th>Gender</th>
<th>Do you aware about the Right To Information Act?</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Gender</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Female</td>
<td>333</td>
<td>338</td>
</tr>
<tr>
<td>Male</td>
<td>447</td>
<td>413</td>
</tr>
<tr>
<td>Transgender</td>
<td>2</td>
<td>26</td>
</tr>
<tr>
<td>Total</td>
<td>782</td>
<td>777</td>
</tr>
</tbody>
</table>
Table 2: Chi-Square Tests

<table>
<thead>
<tr>
<th></th>
<th>Value</th>
<th>df</th>
<th>Asymp. Sig. (2-sided)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pearson Chi-Square</td>
<td>21.937a</td>
<td>2</td>
<td>.000</td>
</tr>
<tr>
<td>Likelihood Ratio</td>
<td>25.772</td>
<td>2</td>
<td>.000</td>
</tr>
<tr>
<td>Linear-by-Linear Association</td>
<td>.661</td>
<td>1</td>
<td>.416</td>
</tr>
<tr>
<td>N of Valid Cases</td>
<td>1559</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

a. 0 cells (0.0%) have expected count less than 5. The minimum expected count is 13.96.

The above mentioned table clearly signifies that among 1559 people 782 of them agree that they are aware about the Right to Information Act whereas the rest 777 people are not aware about the Right to Information Act. The chi-square result is .000 and hence it is significant.

Gender * Do you know that Right to Information Act promotes transparency and accountability in administration?

<table>
<thead>
<tr>
<th>Gender</th>
<th>Do you 1 that Right to Information act promotes transparency and accountability in administration?</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Agree</td>
<td>Disagree</td>
</tr>
<tr>
<td>Female</td>
<td>284</td>
<td>207</td>
</tr>
<tr>
<td>Male</td>
<td>268</td>
<td>157</td>
</tr>
<tr>
<td>Transgender</td>
<td>1</td>
<td>15</td>
</tr>
<tr>
<td>Total</td>
<td>553</td>
<td>379</td>
</tr>
</tbody>
</table>

Chi-Square Tests

<table>
<thead>
<tr>
<th></th>
<th>Value</th>
<th>df</th>
<th>Asymp. Sig. (2-sided)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pearson Chi-Square</td>
<td>124.586a</td>
<td>8</td>
<td>.000</td>
</tr>
<tr>
<td>Likelihood Ratio</td>
<td>131.844</td>
<td>8</td>
<td>.000</td>
</tr>
<tr>
<td>Linear-by-Linear Association</td>
<td>44.012</td>
<td>1</td>
<td>.000</td>
</tr>
<tr>
<td>N of Valid Cases</td>
<td>1559</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

a. 2 cells (13.3%) have expected count less than 5. The minimum expected count is 1.10.

The above mentioned table signifies that among 1559 people 553 of them agree that Right to Information Act promotes transparency and accountability in administration the next 379 people disagree that Right to Information Act promotes transparency and accountability in administration 386 people strongly agree that Right to Information Act promotes
transparency and accountability in administration the next 180 people strongly disagree that Right to Information Act promotes transparency and accountability in administration and the last 61 people stands neutral that Right to Information Act promotes transparency and accountability in administration. The chi-square result is .000 and hence it is significant.

Age * Do you aware about the Right To Information Act?

<table>
<thead>
<tr>
<th>Age</th>
<th>Do you aware about the Right To Information Act?</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>18-30</td>
<td>154</td>
<td>163</td>
</tr>
<tr>
<td>31-40</td>
<td>319</td>
<td>198</td>
</tr>
<tr>
<td>41-50</td>
<td>181</td>
<td>277</td>
</tr>
<tr>
<td>51-60</td>
<td>117</td>
<td>133</td>
</tr>
<tr>
<td>above 60</td>
<td>10</td>
<td>6</td>
</tr>
<tr>
<td>Total</td>
<td>781</td>
<td>777</td>
</tr>
</tbody>
</table>

Chi-Square Tests

<table>
<thead>
<tr>
<th></th>
<th>Value</th>
<th>df</th>
<th>Asymp. Sig. (2-sided)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pearson Chi-Square</td>
<td>50.711</td>
<td>4</td>
<td>.000</td>
</tr>
<tr>
<td>Likelihood Ratio</td>
<td>51.136</td>
<td>4</td>
<td>.000</td>
</tr>
<tr>
<td>Linear-by-Linear Association</td>
<td>7.324</td>
<td>1</td>
<td>.007</td>
</tr>
<tr>
<td>N of Valid Cases</td>
<td>1559</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

a. 0 cells (0.0%) have expected count less than 5. The minimum expected count is 7.98.

Age * Do you know that Right to Information Act promotes transparency and accountability in administration?
The above mentioned table signifies that among 1559 people 553 of them agree that Right to Information Act promotes transparency and accountability in administration the next 379 people disagree that Right to Information Act promotes transparency and accountability in administration 386 people strongly agree that Right to Information Act promotes transparency and accountability in administration the next 180 people strongly disagree that Right to Information Act promotes transparency and accountability in administration and the last 61 people stands neutral that Right to Information Act promotes transparency and accountability in administration. The chi-square result is .000 and hence it is significant.

**Educational Qualification * Do you aware about the Right To Information Act?**
### Crosstab

<table>
<thead>
<tr>
<th>Educational Qualification</th>
<th>Do you aware about the Right To Information Act?</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Illiterate</td>
<td>6</td>
<td>5</td>
</tr>
<tr>
<td>High School</td>
<td>80</td>
<td>316</td>
</tr>
<tr>
<td>Diploma</td>
<td>122</td>
<td>78</td>
</tr>
<tr>
<td>U.G</td>
<td>279</td>
<td>144</td>
</tr>
<tr>
<td>P.G</td>
<td>144</td>
<td>187</td>
</tr>
<tr>
<td>Professional Degree</td>
<td>132</td>
<td>29</td>
</tr>
<tr>
<td>Ph.d</td>
<td>19</td>
<td>18</td>
</tr>
<tr>
<td>Total</td>
<td>782</td>
<td>777</td>
</tr>
</tbody>
</table>

### Chi-Square Tests

<table>
<thead>
<tr>
<th></th>
<th>Value</th>
<th>df</th>
<th>Asymp. Sig. (2-sided)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pearson Chi-Square</td>
<td>264.997a</td>
<td>6</td>
<td>.000</td>
</tr>
<tr>
<td>Likelihood Ratio</td>
<td>281.102</td>
<td>6</td>
<td>.000</td>
</tr>
<tr>
<td>Linear-by-Linear Association</td>
<td>111.222</td>
<td>1</td>
<td>.000</td>
</tr>
<tr>
<td>N of Valid Cases</td>
<td>1559</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

a. 0 cells (0.0%) have expected count less than 5. The minimum expected count is 5.48.

**Educational Qualification * Do you know that Right to Information act promotes transparency and accountability in administration?**
The above mentioned table signifies that among 1559 people 553 of them agree that Right to Information Act promotes transparency and accountability in administration the next 379 people disagree that Right to Information Act promotes transparency and accountability in administration 386 people strongly agree that Right to Information Act promotes transparency and accountability in administration the next 180 people strongly disagree that Right to Information Act promotes transparency and accountability in administration and the last 61 people stands neutral that Right to Information Act promotes transparency and accountability in administration. The chi-square result is .000 and hence it is significant.
5. DISCUSSION

The survey was conducted on different people of different age, occupation and gender in order to get a wider scope of clarity on the awareness of the general public about the ideas relating to the Right to Information Act with regard to government officials. In this is to analyze whether people are aware about the Right to Information Act with regard to government officials and how far have they attained knowledge in this field. This study shows the legal aspects and how far it shall be aware among the public.

6. CONCLUSION

Thus it is justly mentioned that Right to Information act is an agent of fine governance. It makes Administration a lot of responsible to the individuals. It makes individuals alert to administration and offers them an opportunity to require half in higher cognitive process. It promoted democratic ideology by promoting openness and transparency within the administration. It reduces the possibilities of corruption and abuse of authority by public servants. Since the act is ready for people’s interest, therefore it success additionally depends on however they exercise the act. Moreover, there's would like active participation from individuals, NGO’s, civil society teams, coordination among RTI officers, integrity among government departments and political can from government and elective leaders.

REFERENCE


Roy, Caesar. Right to Information and It’s Significance to Ensure Good Governance in India. Oct. 2013,