

Right To Information: An Essential Tool For Commendable Administration

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“The great democratising power of information has given us all the chance to effect change and alleviate poverty in ways we cannot even imagine today. Our task, your task...is to make that change real for those in need, wherever they may be. With information on our side, with knowledge a potential for all, the path to poverty can be reversed.”¹ - Kofi Annan

Abstract

The Right to Information Act, 2005 has been a path-breaking legislation which signals the march from the darkness of secrecy to the dawn of transparency. It lights up the mindset of public authorities, which is clouded by suspicion and secrecy. Openness in the exercise of public power is a culture which needs to be nurtured, with privacy and confidentiality being the exceptions. James Madison once said, “A people who mean to be their own governors must arm themselves with power that knowledge gives.”² In India, the Official Secrets Act, 1923 was a convenient smokescreen to deny members of the public access to information. Public functioning had traditionally been shrouded in secrecy. But in a democracy in which people govern themselves, it is necessary to have more openness. In the maturing of our democracy, right to information is a major step forward; it enables citizens to participate fully in the decision-making process that affects their lives so profoundly.

Through this paper, we would like to analyse the effectiveness of the Right to Information Act in promoting transparency and accountability in the administration and its success in achieving the ultimate goal of providing good governance in India. Without good governance, no number of developmental schemes can bring improvements in the quality of life of the citizens. Good governance has primarily four elements- transparency, accountability, predictability and participation. Transparency refers to availability of information to the citizens and clarity about functioning of governmental institutions. Right to information opens up government’s records to public scrutiny, thereby arming citizens with a vital tool to inform them about the government’s activities and effectiveness, thus making the government more accountable. Transparency in government organisations makes them function more objectively, thereby enhancing predictability. Information about functioning of government also enables citizens to participate in the governance process effectively. In a fundamental sense, right to information is a basic necessity of good governance.

Right to information has been seen as the key to strengthening participatory democracy and ushering in people-centric governance. Access to information can empower the poor and the weaker sections of society to demand and get information about public policies and actions, thereby leading to their welfare. The right to information has also been a powerful means for fighting corruption. Through this paper, we also wish to bring into light the various significant achievements made through the Right to Information Act thus far and identify certain key

¹ United Nations Press Release SG/SM/6268, 23 June 1997, available at <http://www.un.org/press/en/1997/19970623.sgm6268.html> (last accessed on May 26, 2023).

² S.L. Goel, Right to Information and Good Governance, (Deep & Deep Publications, 2007) p 2.

challenges that still remain in the proper implementation of the Act, which require immediate attention and improvement. The effective implementation of the Right to Information Act will create an environment of vigilance which will help promote functioning of a more participatory democracy.

Introduction

The good governance is nothing but a characteristic of the Government system, bad governance sets bad example and good governance sets good examples. The Right to Information Act serves a useful purpose of providing information to public about the functioning of various governmental departments. The aim and object of the Right to Information Act is 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. Further, it says that the democracy requires an informed citizenry and transparency of information which are vital to its functioning and also to contain corruption and to hold Governments and their instrumentalities accountable to the governed. It also admits that revelation of information in actual practice is likely to conflict with other public interests including efficient operations of the Governments, optimum use of limited fiscal resources and the preservation of confidentiality of sensitive information. Therefore, it is expedient to provide for furnishing certain information to citizens who desire to have it.

The logic behind the Act is clear and straightforward. The Government is run on public money. Moreover, the concept of democracy revolves around the basic idea of citizens at the centre of governance, the rule of the people. So, the people, who elect the Government and pay taxes, have a right to know the conduct or day-to-day functioning of the government. Mishra and others said that the greater the access of citizens is to information about the government's activities, the more likely it is that the Government will respond to community needs. Alternatively, the more restricted the public's access, the greater the citizens' feelings of 'powerlessness' and 'alienation'. Without information about the government's activities, people cannot adequately exercise their rights citizens or make informed choices about Government policies or participate in elections.³

Principle of commendable administration as good governance

Long back in 1952, it was submitted that bad governance sets bad example.⁴ A Division bench of the Bombay High Court was considering the argument that the writ of mandamus being discretionary, the Court should consider whether it should not put a limitation upon its own powers and jurisdiction. It was submitted that it is impossible for any State to function if there is a constant interference by the High Court in the executive acts performed by the officers of the State. **Justice Chagla, CJ**, speaking for the Court, said:

"It may be that interference by the High Court may result in inconvenience or difficulty in administration. But, what we have to guard against is a much greater evil. When we find in the modern State wide powers entrusted to Government, powers which affect the property and person of the citizen, it is the duty of the Courts to see that those wide powers are exercised in conformity with what the Legislature has prescribed. We are not oblivious of the fact that in order that the modern State should function the Government must be armed with very large powers. But, the High Court does not interfere with the exercise of those powers. The High Court only interferes when it finds that those powers are not exercised in accordance with the mandate of the Legislature. Therefore, far from interfering with the good governance of the State, the Court helps the good governance by constantly reminding Government and its officers that they should act within the four corners of the statute and not contravene any of the conditions laid down as a limitation upon their undoubtedly wide powers. Therefore, even from a practical point of view, even from the point of view of the good governance of the State, we think that the High Court should not be reluctant to issue its prerogative writ whenever it finds that the sovereign Legislature has not been obeyed and powers have been assumed which the Legislature never conferred upon the executive."

The principle of good governance covers different ideals for a better society. First of all, there is a technical dimension of the concept, which refers to "the economic aspect of governance, namely the transparency of Government accounts, the effectiveness of public resources management, and stability of the regulatory

³ Mishra Parker, Nimgaonkar and Deshpande, "Privacy and the Right to Information Act, 2005", an article published in Indian Journal of Medical Ethics, a Journal of Medical Ethics Society. 2009.

⁴ State of Bombay v. Laxmidas Ranchhodas, AIR 1952 Born 468.

environment for private sector activity”. secondly. the dimension. i.e. “to build, strengthen and promote democratic institutions as well as tolerance throughout society”, and thirdly the political dimension refers to “the legitimacy of government, the accountability of the political elements of Government and respect for human rights and the rule of law.”⁵

As far as the example of bad governance is concerned, may quote some cases of land acquisition that have taken place in the name of some Government functions and later on used for the commercial purposes through the builders.⁶

Concept of ‘Good Governance’

As we have seen in the principle of good governance, an example of good governance includes (i) people's participation; (ii) adopt a transparent working system, (iii) fix the accountability of governing bodies, and (iv) ready to produce information for anything carried out by them at any time. It can be summarized in the following formula:

Good Governance = People’s Participation + Accountability + Transparency + Right to Information.

The concept of ‘governance’ and ‘good governance’ have been widely used in both academic and civil societies. The academic approach focuses mainly on the study of the different ways in which power and authority relations are structured in a given society. Second, there is the civil society’s approach, which puts emphasis on the role of state structures play in ensuring social, economic and policy equity and accountability through open policy processes.

The concept of good governance emerged mainly because the practices of bad governance, characterized by corruption, unaccountable governments and lack of respect for human rights, had become increasingly dangerous, and the need to intervene in such cases had become urgent. The concept of ‘good governance’ is defined in the Report of the Commission on Global Governance, according to which—According to the Commission on Global Governance, ‘good governance’ is a normative conception of the values according to which the act of governance is realized, and the method by which groups of social actors interact in a certain social context. The lack of a generally accepted definition of the concept is compensated by the identification of principles that strengthen good governance in any society. The most often enlisted principles include: participation, rule of law, transparency of decision-making or openness, accountability, predictability or coherence, and effectiveness.⁷

Good governance, thus, seems to be a synonym for effective Government in the sense that the basic Government functions are ‘developmental’, whereas the fact remains that all governments carry out several more important extra developmental functions e.g. defence of country’s frontiers, conduct of diplomacy and maintenance of domestic peace and world order.⁸

Characteristics of good governance

Characteristics of good governance may be described in many ways. Some Of the key elements are as follows—

- a) Equal participation—Equal participation by all community of society is the key element of good governance, with everyone having a role in the process of decision-making.
- b) Rule of law—Good governance implies the rule of law maintained through the impartiality and effectiveness of the legal system. Rule of law also means the protection of human rights (particularly those of minorities), independent judiciary and impartial and incorruptible law enforcement agencies.
- c) Transparency—Good governance is also based on the transparency of the decision-making process, which ensures that information is freely available and accessible to those involved or affected by the decisions taken. Transparency therefore means free access to information.
- d) Accountability and responsibility—Accountability and responsibility (of the institutions, just as much as of the civil society) are key requirements of good governance, with all of the participants in the political and economic processes being accountable for their decisions to each other.

⁵ The Foreign and Commonwealth Office <http://www.fco.gov.uk/servlet> referred (20.05.2023)

⁶ See some of the cases like Akadasi Padhans case, 1963 Supp.(2) SCR 691 and M.I. Builders Pvt. Ltd. v. Radhey Shyam Sahu, (1999) INSC 228.

⁷ Report of the Commission on Global Governance “Our Global Neighbourhood”, 1995.

⁸Sood R.P, ‘Right to Information’. Sublime Publications Jaipur, p.8.

Evaluation of Right to Information as a vital tool for good governance

On the introduction of the Right to Information Act, it was argued by experts that, the Right to Information will be proved a vital tool for good governance. Transparency and accountability are two components for good governance. If there is no transparency, then the accountability cannot be fixed. Therefore, for good governance, there should be maximum disclosure and minimum confidentiality. When we talk about transparency, if the candidates contesting elections are required to furnish the statement of their assets and even of criminal cases pending against them, there are no reasons as to why judges, bureaucrats and Government servants should not file their property returns and be in the public domain.

There has to be a vast difference in the treatment of personal information of a private person and a public servant. The exemption available to a private person may not be available to a public servant. Public servant cannot take shelter behind the right to privacy as is available to a common citizen. Privacy is notoriously difficult to define and narrowly as a right to control information about one's self. The sphere of individual autonomy is the field of action that does not touch upon the liberty of others. But, the privacy should be valued and it must not obstruct the flow of information if under laws that piece of information is required to be submitted to a public authority. A police officer while conducting some investigation may happen to acquire some information of a personal nature about a citizen that surely may not be disclosed unless its nexus with public interest is apparent.

To measure the governance, whether good or bad, after introduction of RTI, we have to analyze governing system before and after the introduction of Right to Information Act, and what transformation had taken place.

While interacting with PIOs, they say that Right to Information becomes a burden on them. But, the position is opposite to it, they (Public authorities) become a burden on RTI. If, all the public authorities follow section 4 of the Right to Information Act (proactive declaration of information), there will be rare application to access information from that public authority. If, we undertake a study on 'implementation of section 4 of the Right to Information Act and updating thereof', it will surely reveal that only a few authorities are maintaining their records according to the existing provisions.

If, you visit websites of judiciary, any Department of Central Government or State Government, any educational institution or Universities, District Collector offices or so-called civil societies those running Government project, either it is not updated or it is blocked by one or another reason. The Right to Information Act should be maintained by core of the heart, not otherwise.

Examples of Right to Information a tool of good governance

One of the very powerful example of use of the Right to Information is of a slum dweller, who had learnt the use of the Right to Information. When he applied for a new ration card, he was told that he would have to give a bribe of Rs. 2000 to the officials to obtain it. In such circumstances, one Right to Information activist had applied for the ration card without offering any bribes. This common citizen had decided to personally become the enforcer of good governance. He found out that the bribe-givers got their ration cards in about four weeks. He waited for an extra four weeks, and then applied for information under RTI. He had asked up to which date applications for ration cards had been cleared, and the daily progress report of his application. This shook up the corrupt officials, since the answer would reveal that they had given ration cards to others who had applied after him, which would be conclusive evidence that they had no justification for delaying his card. The ration card was given to him immediately. The applicant had been able to enforce the majesty of the citizen by using RTI. This story has been repeated many times in getting a road repaired, getting an electricity connection, admissions in educational institutions and so on.

In another case, a police inspector had raped a minor and was reinstated in service within five months. Using Right to Information as a pressure device resulted in the police inspector being dismissed from service. In another instance, proof has been obtained about political interference in police transfers, and Right to Information activist is using this to curb this nefarious practice. public lands are being given for a pittance in the name of 'caretaking'; lessees are allowed to continue illegal occupation of public lands with no legal entitlement. Right to Information activist has partial data on these obtained under Right to Information. where activist can calculate an annual loss of a few thousand crores. The primary power of Right to Information is the fact that empowers individual citizens to requisition information. Hence, without necessarily forming pressure groups or associations, it puts power directly into the hands of the foundation of democracy. Information obtained by activist using Right to Information shows undisputable proof of a loss of public money of over a thousand crores in Mumbai by

allowing the rich to continue to occupy public lands where they have no legal rights.⁹

1. Evaluation of Right to Information as tool to fight corruption

As democracy requires an informed citizenry and transparency of information, which are vital to its functioning and also to contain corruption to hold the Governments and their instrumentalities accountable to the governed; and revelation of information in actual practice is likely to conflict with other public interests. including efficient operations of the Governments, with a view to harmonise these conflicting interests, while preserving the paramountcy of the democratic ideal, the Parliament thought it expedient to provide for furnishing certain information to citizens, who desires to have it.¹⁰

Long back in 1973, the Supreme Court observed that "As long as an impression exists that corruption is prevalent and that unless one pays to somebody, things are not done, there would be always persons who would feel the urge to offer bribe. Bribe would be offered not only to get an undue favour but also to avoid unnecessary harassment and to see that no obstruction or delay is caused in getting the most legitimate work done. To prevent the repetition of crimes like the one of which the appellant has been found guilty, it is necessary to inculcate a general feeling that things are done in due course uninfluenced by extraneous considerations."¹¹

The Supreme Court observed that corruption appears to have spread everywhere. No facet of public function has been left unaffected by the putrefied stink of corruption. Corruption, they name is depraved and degraded conduct. Dishonesty is thine true colour; thine corroding effect is deep and pervasive; spread likes lymph-nodes, cancerous cells in human body spreading as wild fire eating away the vital veins in the efficacy of functions. It is a sad fact that corruption has its roots and ramification in as whole. In the widest connotation, corruption includes improper or selfish exercise of power and influence attached to a public office. The root of corruption is nepotism and apathy in control on narrow considerations which often extends passive protection to the corrupt officers.¹²

In another case, it was observed, it is sad but a bitter reality that corruption is corroding. like cancerous lymph nodes, the vital veins of the body polities. social fabric of efficiency in the public service and demoralising the honest officers. The efficiency in public service would improve Only when the public servant devotes his sincere attention and does the duty diligently, truthfully, honestly and devotes himself assiduously to the performance of the duties of his post. The reputation of corrupt would gather thick and unshakeable clouds around the conduct of the officer and gain notoriety much faster than the smoke.¹³

The Supreme Court while observing on corruption in judiciary observed that the source and succour for acceptability of the judgment to be correct. is the upright conduct, character. absolute integrity and displayed on and off the Bench becomes centre stage of the judicial officer. Fallen standard of rectitude is the bane for lost faith of the people, tending to defeat the constitutional scheme of conferment of the powers of judicial review or decision according to law unless checks and corrective measures are applied and enforced. The conferment of exclusive power of judicial review on the judiciary may become a means to personal gain or advantage. The lymph-nodes (cancerous cells) of corruption constantly keep creeping into the vital veins of judiciary and the need to stem it out by judicial surgery lies on judiciary itself by its self-imposed or corrective measures or disciplinary action under the doctrine of control enshrined in Articles 235 and 124(6) of the Constitution. It would, therefore, be necessary that there should be constant vigil by the High Court concerned on its subordinate judiciary and self-introspection.¹⁴

The Supreme Court suggested a scheme to control corruption in judiciary. What is most necessary is to stem out the proclivity of the corrupt conduct rather than to catch the corrupt demands made and acceptance of illegal gratification. Corruption in judiciary cannot be committed without some members of the Bar becoming privy to the corrupt. The vigilant watch by the High Court, and many a time by the members of the Bar, is the sustaining stream to catch the corrupt and to deal with the situation appropriately. At the same time the High Court is the protector of the subordinate judiciary. Often some members of the bar, in particular, in Muffasil courts,

⁹ Shailesh Gandhi, "Right to Information - A tool to improve the Governance of India", an article published in Citizen- Empowered by Right to Information.

¹⁰ S. Vijaylakshmi v. Union of India, IR 2011 Mad 275, 2011(5) CTC 376, (2011) 8 MLJ 173

¹¹ Mohandas Lalwani v. State of Madhya Pradesh. AIR 1973 SC 2679 at p. 2684.

¹² High Court of Bombay v. Shirish Kumar Rangrao Patil, AIR 1997 SC 2631, para 16.

¹³ Swatantar Singh v. State of Haryana, AIR 1997 SC 2105 at p. 2106.

¹⁴ High Court of Bombay v. Shirish Kumar Rangrao Patil, AIR 1997 SC 2631

attempt to take undue advantage of their long standing at the bar and attempt to abuse their Standing by bringing or attempting to bring about diverse-form of pressures and pin-pricks on junior judicial officers or stubborn and stern and unbendable officers. If they remain unsuccessful, to achieve their nefarious purpose, some members of the Bar indulge in mudslinging without any base, by Sending repented anonymous letters against the judicial officer questioning their performance/ capacity/ integrity. The High Court should, therefore, take care of the judicial officers and protect them from Such unseemingly attempts or pressures so as to maintain their morale and independence and support the honest and upright officers.¹⁵

In the very beginning of the Right to Information Act (October, 2006), the then Chairman of Administrative Reforms Commission Mr. M. Veerappa Moily has said that the Right to Information Act is an important weapon to fight corruption. The bureaucrats should not be worried about this Act and should be transparent in their work- He also said that if people make use of Right to Information properly; there is no need of Lokayukta or any other system. Administrative Reforms Commission, in its second report to the Centre, has clearly specified how to streamline administration at the State and district level. The bureaucracy must respond positively to the expectations of people. Common people must feel comfortable in Government offices. If not, they get the feeling that the Government does not belong to them.¹⁶

The Calcutta High Court in Pritam Rooj case observed that the Right to Information Act has been enacted by the Parliament, while repealing the Freedom of Information Act, 2002, for setting out the practical regime of right to information with a view to creating environment of transparency and sharing of information and providing to every Indian citizen the basic constitutional and democratic right to gain access to certain information that may be held by public authorities. It primarily seeks to encourage and enhance transparency and accountability while intending to curb corruption. It is well known that corruption thrives on secrecy. Transparency may lead to its eradication and right to information, in its undiluted form, would be essential tool to prevent corruption. The long title of the Right to Information Act emphasizes the need for transparency and accountability in the working of every public authority to keep the citizenry informed and to make the Government and their instrumentalities accountable to the governed. While transparent governance is essential to restore accountability and increase efficiency, accountability of the governor to the governed is an essential feature of good governance. It, however, needs to be borne in mind that while all confidential information pertaining to efficient and smooth functioning of the Government and matters of national security cannot be divulged to the masses, the Right to Information Act seeks to identify and classify such information that may be made readily available to the public and to which the average Indian Citizen has a right to ready access in order to preserve the true worth of the country's democratic ideals.¹⁷

The Supreme Court in CBSE case held that the right to information is a cherished right. Information and right to information are intended to be formidable tools in the hands of responsible citizens to fight corruption and to bring in transparency and accountability. The provisions of Right to Information Act should be enforced strictly and all efforts should be made to bring to light the necessary information under clause (b) of section 4(1) of the Act which relates to securing transparency and accountability in the working of public authorities and in discouraging corruption. But in regard to other information, (that is information other than those enumerated in section 4(1)(b) and (c) of the Act), equal importance and emphasis are given to other public interests (like Confidentiality of sensitive information, fidelity and fiduciary, relationships, efficient operation of governments, etc.). Indiscriminate and impractical demands or directions under Right to Information Act for disclosure of all and sundry information (unrelated to transparency and accountability in the functioning of public authorities and eradication of corruption) would be counter-productive as it will adversely affect the efficiency of the administration and result in the executive getting bogged down with the non-productive work of collecting and furnishing information. The Act should not be allowed to be misused or abused, to become a tool to obstruct the national development and integration, or to destroy the peace, tranquillity and harmony among its citizens. Nor should it be converted into a tool of oppression or intimidation of honest officials striving to do their duty. The nation does not want a scenario where 75% of the staff of public-authorities spends 75% of their time in collecting and furnishing information to applicants instead of discharging their regular duties. The threat of penalties under the Right to Information Act and the pressure of the authorities under the Right to Information Act should not

¹⁵ High Court Bombay v. Shirish Kumar Rangrao Patil, AIR 1997 SC 2631(Para 16).

¹⁶ Speaking in a workshop Source- <http://www.deccanherald.com>.

¹⁷ University of Calcutta v. Pritam Rooj, AIR 2009 Cal 97: (2009) ILR2 Cal 97 (Para 44).

lead to employees of a public authorities prioritizing “information furnishing”, at the cost of their normal and regular duties.¹⁸

The Rajasthan High Court in Rajasthan Public Service Commission case held that the provisions of Right to Information Act cannot be used as a tool to give vent to the frustration and dissatisfaction of a citizen as in the present case without anything more. The present case was relating to RAS Examination (2007); which has long been concluded and appointments made thereunder. A dissatisfied candidate, who is disbelieving in the process of a constitutional body, ought not to be allowed to continue pursuing the RPSC and seek information which can affect the efficient working and discharge of its constitutional obligations without any corresponding benefit or relationship to any public interest or activity.¹⁹

Mr. Pravin H. Parekh Senior Advocate, Supreme Court of India while delivering a lecture has mentioned that right to information is a tool for good governance and against corruption, Individuals and institutions become corrupt only when there is no public scrutiny of their actions. The more they operate in the public gaze, the less corrupt and more efficient they are likely to be. In this respect, the right to information can be utilised as a tool to fight the widespread corruption in India. In India, tax revenue meant for investment in public services is an attractive target for abuse. In addition, Indian citizens, especially the poor ones, frequently face corruption in public service delivery via the solicitation of bribes or speed money.²⁰

2. Right to know and the Representation of People Act

Democracy is a part of the basic structure of our Constitution and rule of law and free and fair election are basic features of democracy. Democracy postulates that there should be periodical elections so that people may be in a position either to re-elect the same representatives or choose new representatives. Democracy also contemplates that elections should be free and fair and the voters should be in a position to vote for the candidates of their choice. The pre-requisite of this is that the elections are not rigged and manipulated and the candidates or their agents are not able to resort to unfair means and malpractices.²¹

Sir Winston Churchill described the importance of vote in a democratic election in the following words: “At the bottom of all tributes paid to democracy is the little man, walking into a little booth, with a little pencil, making a little cross on a little bit of paper no amount of rhetoric or voluminous discussion can possibly diminish the overwhelming importance of the point.”²²

The Constitutional Bench after quoting the words of Sir Winston Churchill, proceeded to add ‘if we may add, the little, large Indian should not be hijacked from the course of free and fair elections by mob muscle methods, or subtle perversion of discretion by men ‘dressed in little, brief authority’. For ‘be you ever so high, the law is above you’.²³

In Lily Thomas case, the Supreme Court elucidated meaning of the term voting in the following words: “Voting is the formal action of will or opinion by the person entitled to exercise his right on the subject and issue in question. Right to vote means right to exercise the right in favour or against the motion. Such a right implies the right to remain neutral as well.”²⁴

The Supreme Court while dealing with the election expenses observed, “Flags go up, walls are painted and hundreds of thousands of loudspeakers play out the loud exhortations and extravagant promises. VIPs and VVIPs come and go, some of them in helicopters and air-taxis. The political parties in their quest for power spend more than one thousand crores of rupees on the General Election (Parliament alone), yet nobody accounts for the bulk of the money which is spent and there is no accountability anywhere. Nobody discloses the source of that money. There are no proper accounts and no audit. From where does the money come, nobody knows. In a democracy where rule of law prevails, this type of naked display of black money, by violating the mandatory

¹⁸ CBSE v. Aditya Bandopadhyay, 2011 (8) SCALE 645 (2011) 8 SCC 497 (Para 37).

¹⁹ Rajasthan Public Service Commission v. Ms. Pooja Meena, AIR 2012 Raj. 52 (Para 11)

²⁰ Parekh Pravin. H: (Senior Advocate, Supreme Court of India): Key note add delivered on “Role of Right to Information for Empowerment of Indian Democracy” Published on March 28, 2021 by News Desk, INVC, Delhi.

²¹ Justice H.R. Khanna, in his concurring judgment in Smt. Indira Nehru Gandhi v. Raj Narain, AIR 1975 SC 2299: (1975) Supp. SCC 1; and again, quoted by Justice G.S. Singhvi in People's Union for Civil Liberties v. Union of India, 2009 (3) SCALE 22, (2009) 3 SCC 200.

²² Sir Winston Churchill, quoted in Mohinder Singh Gill v. Chief Election Commissioner, (1978) 1 SCC 405; and also by Justice G.S. Singhvi in PUCL v. Union of India, (2009) 3 SCC 200:2009 (3) SCALE 22

²³ Mohinder Singh Gill v. Chief Election Commissioner, (1978) 1 SCC 405 (Para 18).

²⁴ Lily Thomas v. Speaker, Lok Sabha, (1993) SCC 234.

provisions of law, cannot be permitted.”²⁵

To combat this naked display of unaccounted/black money by the candidate, declaration of assets is likely to have check on violation of the provisions of the Act and other relevant Acts including Income Tax Act. Further, the doctrine of the Parliamentary sovereignty as it obtains in England does not prevail here except to the extent and in the fields provided by the Constitution. The entire scheme of the Constitution is such that it ensures the sovereignty and integrity of the country as a Republic and the democratic way of life by parliamentary institutions based on free and fair elections.

Parliamentary democracy is part of the basic structure of the Constitution. It is settled law that in interpreting the constitutional provisions the Court should adopt a construction which strengthens the foundation features and basic structure of the Constitution.²⁶

If the call for ‘purity of elections’ is not to be reduced to a lip service or slogan, then the persons investing funds, in furtherance of the prospect of the election of a candidate must be identified and located. The candidate should not be allowed to plead ignorance about the persons who have contributions and investments for the success of the candidate concerned at the election. But this has to be taken care of by the Parliament.²⁷

The Supreme Court held that fundamental right to ‘freedom of speech and expression’ includes within it right of a citizen as a voter to know the relevant antecedents of the candidate at the election.²⁸

Conclusion

The people's democratic responsibilities do not begin or end with casting their votes only, since they are also required to nurture the democratic system in the day-to-day functioning. The path breaking Right to Information Act, 2005 has been heralded as the most significant reform in public administration in India in the last six and half decades.

This far-reaching law is the light of hope which can dispel the darkness of secrecy and storms of corruption, and ensure transparency and accountability which are hallmarks of efficient governance. It can act as a catalyst to facilitate the onset of a new value system, rejuvenation of hope to establish a better society..

The Right to Information Act has proved good governance in the country. The credit for good governance goes to clarity of definitions given by the Act, like ‘information’ and ‘right to information’. Moreover, the Act puts time bond responsibilities on the authorities for giving information and on failure, individual becomes liable for penalties. Even first appellate authority has also declared the decision before the stipulated time. Yet it cannot be said that it is a weapon for good governance but I will not hesitate in declaring that it is a tool for good governance, if properly used by citizens. In its true sense, the Right to Information is a citizen's search for the truth about how his government functions.

It may be concluded that undoubtedly, right to information is a tool for good governance and to put the brake on corruption by officials in public authorities and will drag us towards transparent governance with its accountability and responsibility.

Right to information is not a weapon to provide access to the, information but it is a tool to access the information. Public authority has an obligation to provide such information which is recorded and stored, but not the thinking process. Access to justice cannot be allowed to be misused as a licence to file misconceived and frivolous petitions.

One must note that the Right to Information Act is not a remedial Act. Hence, it does not provide any procedure to take action on the information. provided under the Act.

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²⁵ Common Cause v. Union of India, (1996) 2 SCC 752.

²⁶ Sub-Committee on Judicial Accountability v. Union of India, (1991) 4 SCC 699; also P. V. Rao v. state (CBI/SPE), (1998) SCC 626.

²⁷ C. Narayanaswamy v. C.K. Jaffer Sharief, 1994 (3) SCALE 674: 1994 supp. (3) SCC 170 (Para 22).

²⁸ People’s Union for Civil Liberties v. Union of India, 2002 (5) SCC 294.

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