



# Significance of RTI in Gram Panchayat

Bhagirati N<sup>1\*</sup> & Dr. Shivalingappa B.P<sup>2\*</sup>

<sup>1\*</sup>Ph.D Research scholar, Department of Studies in Social Work, Shivagangotri Davangere University  
Davangere Karnataka, India.

<sup>2\*</sup> Associate Professor Department of Studies in Social Work, Shivagangotri Davangere University Davangere  
Karnataka, India

## Abstract

The Right to Information (RTI) Act grants access to information stored by all "public authorities," including those established or constituted under the Constitution. This means that the Act covers Panchayati Raj Institutions (PRIs), which are stated in Part IX of the Indian Constitution, offering citizens another mechanism to acquire information from these local authorities. PRIs operate at the village (Gram Panchayat) and district levels (Zilla Panchayats). The 73rd Constitutional Amendment Act authorised decentralised governance in rural areas through PRIs. The right to information imposes a positive duty on government to disseminate information to the people, and extends the right to the people to seek and receive information held by government bodies (and some information from private bodies). Information is disclosed to the public in two different ways - proactively and upon request. The Act provides citizens the right to access government-held information, which includes panchayat information. The right to information provides that people should be able to access information from PRIs upon request, and that PRIs have a duty to proactively publish important information.

**Key Words: Participation, Accessibility, Transparency**

## Introduction

The Right to Information Act Democracy entails meaningful citizen participation in public affairs. A democratic administration must be attentive to popular opinion, and information must be made available to the people in order for this to happen. The Right to Information necessitates people's participation in the unavoidable process of governance and administration. The Right to Information is India's only legitimate law. This is most popular, citizen centric and change oriented law in Indian administrative history. The Right to Information (RTI) Act influences the people and impact on Indian Administration in greater transparency in functioning of public authorities; disclosure of information regarding government rules, regulations and decisions, every public authority is mandated to maintain all records duly catalogued and indexed in a manner and the form which facilitates the information right under the act. Information is nothing but knowledge, the

knowledge make man strong and powerful. If the Information should be related to Government and Administration, the person becomes active in good governance and self-defensive and growing nature. The RTI act empowers the people of India against administrative corruption, irregularities and irresponsible attitude of administrative machinery. The Right to Information promotes transparency and accountability in the working of every public authority. In other words through this act, the citizens of India have been empowered to question, audit, review, examine and assess the government acts and decisions so as to ensure that these are consistent with the principle of public interest, good governance and justice.

## Implementation of the Right to Information Act

India always took pride in being the largest democracy, but with the passing of the Right to Information Act 2005, it has also become an accountable, interactive and participatory democracy. This Act is applicable to the whole nation except the state of Jammu and Kashmir. The United Progressive Alliance (UPA) Government headed by Dr. M Manamohan Singh got the approval by the Parliament after speedy and marathon discussion.<sup>3</sup> The earlier freedom of information act 2002, has got the assent of the President of India, but did not notify and finally replaced with the RTI act, it came in to force on October 12, 2005 and on the same day Mr. Shahid Raza Burney filed the very first RTI application in Pune Police station.<sup>4</sup> The RTI act successfully completed ten years in 2015. Popularity of this act and users of this law is rapidly increasing year by year. Concept of Right to Information started taking shape in 1970's by liberal interpretation by the judiciary in various Fundamental Rights specially the right to freedom of speech and expression. In the case of Bennete Coleman and co versus Union of India in 1973, the majority opinion of the Supreme Court then put it "Freedom of speech and expression includes within it compass the right of all citizens to read and be informed" In 1975 during National Emergency, Supreme Court of India dictate in a case judgement, Information gathering is a right to every person. The 1981 court judgement in Manubhai Shah versus Life Insurance Corporation of India (LIC) reaffirmed the point. Basic purpose of freedom of speech and expression is that all members should be able to form their beliefs and communicate them freely to others. In sum the fundamental principle involved here is the people right to know. There have been numerous cases favouring discloser of Government information and transparency. As a result of a lack of clear legislation on this, people had to knock at the doors of courts every time they wanted to enforce this right. Courts have almost and always responded positively. But this course at best restricted enforcement to the aware and the literate for their own limits concerns. The common citizen had neither the means nor the time and inclination to get into convoluted legal process and even PIL was a tool which could reach only few elite people. The movement for the RTI received a fresh impetus from the courageous and powerful gross roots struggle of the rural poor to combat rampant corruption in famine relief works. This struggle was led by Mazdoor Kisan Shakti Sangathan (MKSS). The reverberation of this struggle.

## Objectives of the RTI Act

1. Empower citizens to question the government.
2. The act promotes transparency and accountability in the working of the government.

3. The act also helps in containing corruption in the government and work for the people in a better way.
4. The act envisages building better-informed citizens who would keep necessary vigil about the functioning of the government machinery

### Important provisions under the Right to Information Act, 2005

- Section 2(h): Public authorities mean all authorities and bodies under the union government, state government or local bodies. The civil societies that are substantially funded, directly or indirectly, by the public funds also fall within the ambit of RTI.
- Section 4 1(b): Government has to maintain and proactively disclose information.
- Section 6: Prescribes a simple procedure for securing information.
- Section 7: Prescribes a time frame for providing information(s) by PIOs.
- Section 8: Only minimum information exempted from disclosure.
- Section 8 (1) mentions exemptions against furnishing information under the RTI Act.
- Section 8 (2) provides for disclosure of information exempted under the Official Secrets Act, 1923 if the larger public interest is served.
- Section 19: Two-tier mechanism for appeal.
- Section 20: Provides penalties in case of failure to provide information on time, incorrect, incomplete or misleading or distorted information.
- Section 23: Lower courts are barred from entertaining suits or applications. However, the writ jurisdiction of the **Supreme Court of India** and high courts under Articles 32 and 226 of the Constitution remains unaffected.

### Significance of the RTI Act

- The RTI Act, 2005 empowers the citizen to question the secrecy and abuse of power practised in governance.
- It is through the information commissions at the central and state levels that access to such information is provided.
- RTI information can be regarded as a public good, for it is relevant to the interests of citizens and is a crucial pillar for the functioning of a transparent and vibrant democracy.
- The information obtained not only helps in making government accountable but also useful for other purposes which would serve the overall interests of the society.
- Every year, around six million applications are filed under the RTI Act, making it the most extensively used sunshine legislation globally.
- These applications seek information on a range of issues, from holding the government accountable for the delivery of basic rights and entitlements to questioning the highest offices of the country.

- Using the RTI Act, people have sought information that governments would not like to reveal as it may expose corruption, human rights violations, and wrongdoings by the state.
- The access to information about policies, decisions and actions of the government that affect the lives of citizens is an instrument to ensure accountability.
- The Supreme Court has, in several judgments, held that the RTI is a fundamental right flowing from Articles 19 and 21 of the Constitution, which guarantee to citizens the freedom of speech and expression and the right to life, respectively.

### Recent Amendments

- The RTI amendment Bill 2013 removes political parties from the ambit of the definition of public authorities and hence from the purview of the RTI Act.
- The draft provision 2017 which provides for closure of case in case of death of applicant can lead to more attacks on the lives of whistle-blowers.
- The proposed RTI Amendment Act 2018 is aimed at giving the Centre the power to fix the tenures and salaries of state and central information commissioners, which are statutorily protected under the RTI Act. The move will dilute the autonomy and independence of CIC.
- The Act proposes to replace the fixed 5-year tenure with as much prescribed by the government.

### Criticism of RTI Act

- One of the major set-back to the act is that poor record-keeping within the bureaucracy results in missing files.
- There is a lack of staffing to run the information commissions.
- The supplementary laws like the Whistle Blower's Act are diluted; this reduces the effect of RTI law.
- Since the government does not proactively publish information in the public domain as envisaged in the act and this leads to an increase in the number of RTI applications.
- There have been reports of frivolous RTI applications and also the information obtained have been used to blackmail the government authorities.

### Participation

The participation of both men and women is essential to healthy administration. Representative democracy does not imply the rule of a select few; it must consider the interests of all sections of society, particularly the most vulnerable. The Right to Information Act allows citizens to engage not just once every five years, but every day, and to challenge any decision. The right to information act empowers ordinary people to participate in governance, reducing power imbalances, providing a tool to protest injustice, and allowing collective spirit to make democracy work for everyone. Right to information act also strengthen grassroots democracy and ensures peoples participation in local governance and development activities.

## Accessibility

The right to information allows all segments of the community to have easy access to information from government departments, documents, records, services, finances, and policies. The Right to Information Act, by making information more accessible, bridges the customary gap between individuals and government, assisting in the nation-building process. The right to know and simple access to government information assist citizens in understanding the limitations of government at all levels. The availability of information also contributes to the development process and is a sign of a true and mature democracy.

## Transparency

Transparency is the milestone of good governance. Transparency means that decisions taken and their enforcement are done in a manner that follows rules and regulations. It also means that information is freely available and directly accessible to those who will be affected by such decisions and their enforcement. Transparency and accountability is possible only when the public have access to information. The enactment of Right to Information act 2005, people are now able to seek information from any government department with a definite time frame. The Right to Information act is intended to promote accountability and transparency in government by making the process of government decision making more open. Though some departments of the Union government are exempted from this act but the information can be sought if it is concerned with violation of human rights. Even the information from the private authority can be sought only through the controlling authority and controlling authority will send the notice to the institution concerned under section 11 of the act. In addition to this, the citizens are taxpayers, so they have every right to ask the government.

We can also say that after the RTI Act came the provisions in it have also give some rules and regulations that which information should be disclose and which should not under Section 8 and 9 and Section 24 also provide which organizations should be exempted . So we can say that RTI is definitely a helping hand of Government and it helps to make Government more Transparent and Accountable under some rules and regulations

## Gram Sabah

The aim of Panchayati Raj isto empowers people at the grassroots level so that they participate in the developmental process. Gram Sabah, the general assembly of the village (consisting of all eligible voters), has been made the soul of the panchayat institutions. It is the Gram Sabah, which based on needs assessment, decides what developmental work is to be undertaken by panchayats. The Gram Sabah members can question and scrutinise the decisions of the panchayats in their meetings and discuss the annual financial statements of accounts and expenditure of GramPanchayats.

## Gram Panchayat

The Gram Panchayat is an elected body constituted by the Gram Sabamember'sfrom amongst themselves. It consists of a Pradhan and number of Panches (ranging from nine to fifteen). The number of Panches is dependent on the population taking Gram Sabha to be a multi-member single constituency, namely:

For the purpose of election of Gram Panchayat members, every Gram Panchayat area is divided into territorial constituencies. Each territorial constituency is represented by one member in the GramPanchayat.

Every Gram Panchayat must constitute the following Committees in order to provide support in carrying out its functions:

## Conclusion

- The Right to Information Act has not achieved its full objectives due to some impediments created due to systematic failures. It was made to achieve social justice, transparency and to make an accountable government.
- This law provides us with a priceless opportunity to redesign the processes of governance, particularly at the grassroots level where the citizens' interface is maximum.
- It is well recognized that the right to information is necessary, but not sufficient, to improve governance. A lot more needs to be done to usher in accountability in governance, including protection of whistleblowers, decentralization of power and fusion of authority with accountability at all levels.
- As observed by Delhi High Court that misuse of the RTI Act has to be appropriately dealt with; otherwise the public would lose faith and confidence in this "sunshine Act".

Thus it can be rightly mentioned that Right to Information act is an agent of good governance and transparent government .It makes administration more accountable to the people. It makes people aware of administration and gives them an opportunity to take part in decision making process. It promoted democratic ideology by promoting openness and transparency in the administration. It reduces the chances of corruption and abuse of authority by public servants. Since the act is prepared for people's interest, hence it success also depends on how they exercise the act. Moreover, there is need active participation from people, NGO's, civil society groups, coordination among RTI officials, integrity among government departments and political will from government and elected leaders

## References

<https://www.manupatrafast.com> (last seen at 10th June 2019)

<https://timesofindia.indiatimes.com/defaultinterstitial.cms> (last seen at 10th June 2019)

<https://indiankanoon.org> (last seen at 10th June 2019)

<https://www.livelaw.in> (last seen at 10th June 2019) Right to Information Act 2005

Chaudhry, Sharmendra, Right to Information in India (February 8, 2011). Available at SSRN: <https://ssrn.com/abstract=1758022> or <http://dx.doi.org/10.2139/ssrn.1758022>

