

**SUBSTANTIVE DEMOCRACY THROUGH THE RIGHT TO
INFORMATION: A COMPARATIVE ANALYSIS**

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Requirements for the Award of**

DOCTOR OF PHILOSOPHY

In

POLITICAL SCIENCE

By

Yarraguntla Suresh Babu



**Department of Political Science
School of Social Sciences
University of Hyderabad
Hyderabad-500046
August 2019**



DECLARATION

Department of Political Science
University of Hyderabad
August 2019

I hereby declare that the research embodied in the present thesis entitled “***SUBSTANTIVE DEMOCRACY THROUGH THE RIGHT TO INFORMATION: A COMPARATIVE ANALYSIS***” carried out under the supervision of Prof. I Ramabrahmam, Department of Political Science, University of Hyderabad, Hyderabad, for the award of Doctor of Philosophy in Political Science, is an original work of mine and to the best of my knowledge no part of this thesis has been submitted for the award of any research degree or diploma at any University. I also declare that this is a bonafide research work which is free from plagiarism. A report on Plagiarism statistics from the University Librarian is enclosed. I hereby agree that my thesis can be uploaded in Shodhganga/INFLIBNET. A report on Plagiarism statistics from IGM Library, University of Hyderabad, is enclosed.

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**Department of political science
University of Hyderabad**

August 2019

This is to certify that YARRAGUNTLA SURESH BABU (Reg. No. 09SPPH05) has carried out the research work in the present thesis entitled ‘SUBSTANTIVE DEMOCRACY THROUGH THE RIGHT TO INFORMATION: A COMPARATIVE ANALYSIS’ in partial fulfilment of the requirements for the award of Doctor of Philosophy degree in Political Science, under the supervision of **Prof. I Ramabrahmam**. This thesis is an independent work and does not continue part of any material submitted for any research degree here or elsewhere.

Prof. I Ramabrahmam
Research Supervisor

Prof. ManjariKatju
Head, Department of Political
Science

Prof. P. Venkat Rao
Dean, School of Social Sciences



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A. Research Papers published in the following publications.

1. “The Role of Proactive Disclosure of Information under section 4 of RTI Act: A Road to Substantial Democracy”, *International Journal of Academic Research*, Vol.6, Issue 6 (1), June 2019, ISSN: 2348- 7666, pp. 59- 64
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Research Supervisor

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Head, Department of Political
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Dean, School of Social Sciences

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ABBREVIATIONS

AA	Appellate Authority
AC	Appeal Cases
ADB	Asian Development Bank
AIR	All India Reporter
AKRUTI	Advanced Knowledge and Rural Technology Implementation
AP	Andhra Pradesh
APIO	Assistant Public Information Officer
ARC	Administrative Reform Commission
BARC	Bhabha Atomic Research Centre
BPL	Below Poverty Line
CADA	Command Area Development Authority
CGG	Centre for Good Governance
CHRI	Commonwealth Human Rights Initiatives
CIC	Central Information Commission
CJ	Chief Justice
CLD	Centre for Law and Democracy
CPIO	Central Public Information Officer
DIT	Department of Information Technology
DOPT	Department of Personnel & Training
ECHR	European Court of Human Rights
ECOSC	Economic & Social Council (United Nations)
EU	European Union
EV	Electronic Voting
EVM	Electronic Voting Machine
FAA	First Appellate Authority
FOI	Freedom of Information
FOIA	Freedom of Information Act
GOI	Government of India
HC	High Court
IC	Information Commissioner

ICCPR	International Convention on Civil & Political Rights
ICT	Information & Communication Technology
IT	Information Technology
J & K	Jammu & Kashmir
JILI	Journal of the Indian Law Institute
LBSNAA	LalBhadurShastri National Academy of Administration
MHC	Madras High Court
MIA	Moore's Indian Appeals
MKSS	MazdoorKisan Shakti Sangathan
MLA	Member of Legislative Assembly
MP	Member of Parliament
MRIA	Maharashtra Right to Information Act
NCA	National Advisory Council
NCPRI	National Campaign for the People's Right to Information
NGO	Non-Government Organization
NHRC	National Human Rights Commission
NIC	National Information Commission
NREGA	National Rural Employment Guarantee Act
OAS	Organizations of American State
OSA	Official Secrets Act
PA	Public Authority
PCI	Press Council of India
PIO	Public Information Officer
PRI	Panchayati Raj Institution
PSU	Public Sector Undertaking
PUCL	People's Union for Civil Liberties
PUDR	People's Union Democratic Rights
RIO	Rio de Janeiro (Name of Place)
RTI	Right to Information
RTIA	Right to Information Act
SAA	Second Appellate Authority
SAPIO	State Assistant Public Information Officers
SC	Supreme Court

SCA	Supreme Court Appeals
SCC	Supreme Court Cases
SCIC	State Chief Information Commissioner
SCJ	Supreme Court Journal
SCR	Supreme Court Reports
SCW	Supreme Court Weekly
SIC	State Information Commission
SPIO	State Public Information Officer
TI	Transparency International
UDHR	Universal Declaration of Human Rights
UK	United Kingdom
UN	United Nations
UNCED	United Nation Conference on Environment & Development
UNCHR	United Nation Commission on Human Rights
UNDP	United Nation Development Programme
UNECE	United Nation Economic Commission for Europe
UNESCO	United Nation Educational, Scientific & Cultural Organization
UP	Uttar Pradesh
US	United State
USA	United State of America

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CHAPTER -1

INTRODUCTION

“The success of a society is to be evaluated primarily by the freedoms that members of the society enjoy.”

– Amartya Sen

Introduction:

Human beings are always curious to know. To know everything about others, around them and in the world. It makes people happy when they know some secrets or facts or truths. Information is power. Here, I bring a context in Mahabharata where both Arjuna and Duryodhana approaches Lord Krishna just before the war of Kurukshetra. Somehow, Duryodhana gets to talk to Krishna first and asked for help. Krishna divided his army, wealth and everything one side and he himself on the other side. Duryodhana delighted to have the first choice and chose the army and wealth. But, Arjuna is happy with getting Krishna himself by his side. The fact is that Krishna is the whole difference between success and failure, glory and destruction. Why Krishna was a difference? Because he had information. He knows every secret and he revealed every secret to Arjuna to defeat enemies from time to time. So, information played a great part in Mahabharata. We are now in the information world. Information is playing a great role in our day to day life. India as known very popularly as the largest democracy enacted information law in 2005. The RTI Act 2005 is a unique, extraordinary, outstanding and unambiguous act implemented in the Republic of India to empower and transform Indian citizens to access proper, relevant information. It offers sufficient space jointly to ensure transparency between the government officials and each individual member of the country.

While the RTI act's key focus is on bringing transparency and accountability, reduction of corruption is yet another and a bigger goal. It is usually timed quite appalling to

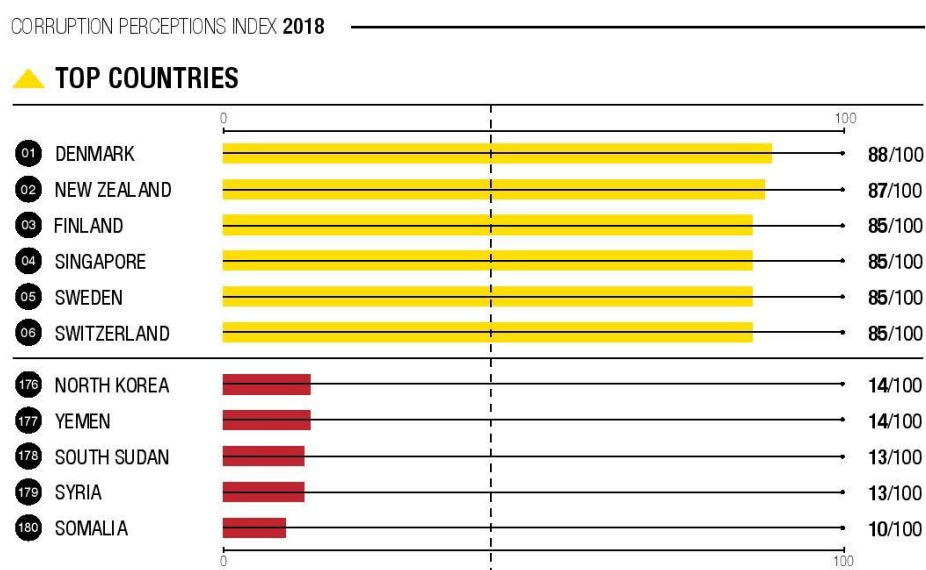
ascertain that the public either not specific or bored with varied problems associated with government's authorities. The explanation being is that the dearth of information can be of the prime reason. In a democracy, individuals ought to be the heart of everything as far as the question of government and governance. Individuals ought to be sceptre, educated and informed by its governments. Democracy ought to offer individuals with such freedom.

As Amartya Sen delineates, 'transparency guarantees' is a significant component in his book 'Development as Freedom.' He says, "In social interactions, people modify each other on the premise of some presumption of what they're being offered and what they'll expect to induce. During this sense, society operates on some basic presumption of trust. Transparency guarantees modify the requirement for openness that people will expect the freedom to modify each other underneath guarantees of speech act and lucidity. Once that trust is seriously desecrated, the lives of the many individuals each direct parties and third parties—may be poorly full of the dearth of openness. Transparency guarantees will so be a crucial class of instrumental freedom. These guarantees have a clear semantic role in preventing corruption, monetary untrustworthiness, and underhand dealings." (Amartya Sen, 1998).

The basic elements in any system of government are that it includes the government with its legislative, executive, and judicial branches, political parties, candidates for public offices (representatives, directors, judges, and different civil servants), and common citizens. Within the form of government, we tend to obtain transparency concerning resources and expenditures, decision-making processes, implementation, and results of all the plans. What means that might guarantee transparency in these areas? It is thus obvious that every government system must ensure that Citizens are informed of every decision that affects them.

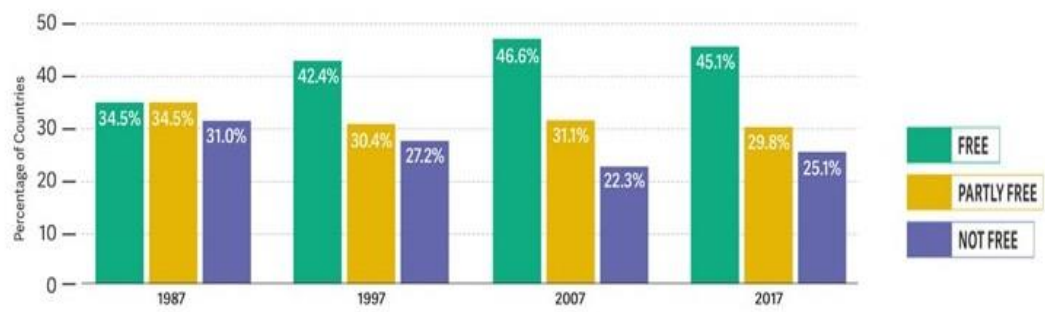
The problem of the Study:

India's RTI Act listed as one the best laws in the world with the second rank among the world countries in 2011 (Centre for Law and Democracy, 2011). The parameters they used are right to access, scope, requesting procedure, exemptions and refusals, appeal, sanctions, protection measures and promotion measures etc. The Economist Intelligence Unit in its 'democracy index' report, placed India at 39th rank and gets rank 41 in 2018. They used some indicators like Participation, Decision- Making, Governance, Transparency, Accountability, Representation etc. Transparency International is an Independent NGO which releases the world's corruption perception index (CPI) every year. In CPI 2011, India stands at 95th rank and in 2018 at 78th Rank. In human freedom Index, it gets 110th rank and world freedom index, which released by freedom house, says that India is a free country but democracy with a flaw, unlike other high democracies.



F.1. Corruption Perception Index, 2018.

Source: Transparency International.



F.2. Freedom in the world index, 2018.

Source: Freedom House

The world's strongest democracies

1. Norway
2. Iceland
3. Sweden
4. New Zealand
5. Denmark
- 6= Canada
- 6= Ireland
8. Switzerland
9. Finland
10. Australia

Source: Democracy Index, Economist Intelligence Unit

F.3. Democracy Index,

Source: Economist Intelligence Unit.

While going through all these reports, indexes & other books, I observed a fact that those countries which are known to be either the best democracies or high democracies are more open governments with proper laws like the right to access or freedom of information etc. Also, it is true that these high democracies are less corrupted and more transparent. Proactive disclosure is one of indicator to alert such change. There are several studies on democracy. There are enough studies on the functioning of RTI. But, there are hardly any studies on how the correlation between democracy and freedom of information can deepen democracy. This gap I found to be the right foundation to carry my research.

The RTI Act, 2005 is, indeed, a revolutionary enactment ever made in India. The RTI Act has the astounding ability to transform administration and generate accountability & transparency in the framework of the administration at all ranks from grassroots to national. It, without a doubt, is the most compelling indicator of interest in our system of democracy where people can participate all the while. The RTI Act, 2005 has been equipped with creating a sense of overall accountability & transparency in the functioning of government bodies. A crux of the RTI Act is to make a framework where any citizen approach to seeking any information in an appropriate way. Notwithstanding, it isn't vague that democracy is as a rule, so dynamic as far as results, at the same time, most public institutions/authorities were futile to disseminate the relevant information proactively and many state governments have confined to just principles, which, rather than empowering people to get information, have made access to Information unreasonably expensive and troublesome.

On one hand, the RTI Act 2005, has become so powerful, productive and empowering institution in terms its functions and resolving people's issues, on the other hand, it is becoming another bureaucratic body that is moving aloof from the common citizen. Access to a common citizen is reducing day-by-day. The RTI

Act provides power to people to influence policy issues like framing the policy, making a plan and providing the best alternatives through decision making. It is true that without strengthening the democracy at the grassroots level, the true manifestation of democracy as a robust system at the national level is just a daydream. Without much robustness of local-level functionaries' participation in every other aspect and in the decision-making process particularly, it can make no sense to assume is as the largest democracy. The question is, 'Is that kill a dream of transparency and accountability in a system even after the advent of RTI Act?'

Review of Literature

It is not a wonder to mention that there is a democracy in each popular state in one or the other form. We are able to observe the success of democracy in some states and the failure in other states. There are several reasons for each success and failures in these states. There are the high democracies and there are democracies with a flaw. There are questions which puzzle us what makes the best democracy is different from the worse democracies? Is it good governance that differentiates between the two? Is it participation? Is it the idea of transparency? Is it people access to decision making? Is it less corruption or more accountability? One can see a mix of these parameters makes the whole difference between the best and the worst in terms of its functioning.

Perpetually developing several ideas, theories, and laws in each kind of government, recently, the RTI Act is one such has been created a right to strengthen democracy. The RTI Act is fundamental and essential for democracy to confirm the participation of people in administration and its activities. Among the various styles of government that currently exist in the world, democracy is considered one of the most popular. The country has clear benefits in terms of the sovereignty of individuals, the

government of legislators, the responsibility of the leaders and the independence of the judiciary.

Significant participation in governance must be a very important element of democracy. In this sense, the opening and access to facts on government functioning & the provisions of compensation to people is another very important element of democracy. In other words, a republic requires informed voters & transparency in administrative activities that are essential to its functioning. This contributes jointly to decrease corruption which helps to build government accountable as best as possible. In the words of the late Mohandas Karamchand Gandhi, “the Swaraj can be recovered by not acquiring authority from a few but acquiring the ability of all to resist authority once abused.” (Young India, 1925) It is believed that information plays an important role. It guarantees transparency, responsiveness, openness, healthy governance, voter management and avoidance of corruption.

A well-known pioneer who worked in the information movement is Aruna Roy. She is a firm believer in a democratic regime in which much information goes to public proactively. In her words, ‘In a democracy, the individuals are imagined being the sovereign. However, we have no systems to enforce this sovereignty....true democratic dialogue has to open access to Information and Informed citizen.... (Roy A, 2000). In a democracy, individuals participate actively in daily activities of the movement that is feasible once there are awareness and necessary information obtainable to the public. Making awareness and diffusive necessary information are the activities of public authorities. They ought to encourage individuals and other vigilante groups raise inquiries on the wide-ranging activities of the government and individuals ought to have the right to quest for answers. Policies and activities should choose a modification in step with the wants and interest of the common people.

In one of the most popular the case, *S.P. Gupta v. Union of Republic of India*, former justice P N Bhagwati, expressed that “Open Government is that the new democratic culture of a society toward which each liberal democracy is moving and our country ought to be no exception.” (AIR 1982, SC 149). The idea is that the open government is one of the best ways in which any system can provide the accountable methods of achieving development. Human rights are natural. The state is not a provider of rights but a protector of such rights. In the popular case of *M Nagaraj vs Union of India* (2007), “It is a fallacy to regard fundamental rights as a gift from the state to citizens. Individuals possess the basic human rights independently of any constitution by reason of the basic fact that they are a member of the human race. These fundamental rights are important as they possess intrinsic value. Part III of the constitution does not confer fundamental rights. It confirms their existence and gives them protection.” (*M Nagaraj vs Union of India* (2007)). Arvind Kejriwal, who was a civil servant and current chief minister of Delhi, in his article "RTI Aspirations and Challenges" insisted that people are uplifted from the RTI Act. However, several officers are corrupt, inefficient, and sloppy and non-cooperative as a result of that no big change is taking place as expected. (Kejriwal Arvind, 2006)

Democracy, in general, is known to be a style of government that is subject to spread sovereignty. It is primarily a rule of the common people that are in distinction to monarchies or aristocracies. “A democratic system will run to its utmost potential once there is wide participation on the part of the public. This is often impracticable when individuals are not knowing concerning varied problems. Reliable information forms a crucial constituent of any democratic society.” (Habermas, 2006). Freedom of expression and the RTI Act are thought of to travel hand in hand in any democracy. There has been a global trend towards the popularity of the RTI Act and freedom of expression among people in all nations. “Greater is access to information is a foundation for

nations to become better democracies. The RTI Act and freedom of expression have been granted the standing of being the basic right. This ensures that the dignity of the person.” (Siva Kumar, 2013).

Madhu R. Sekhar in her article "Towards a vivacious democracy" concludes that The RTI Act and freedom of expression are recognized as basic human rights. Each voter of the country ought to keep in mind that their rights don't seem to be unlimited, with the changes Republic of India, as a vivacious economy and democracy are getting into a brand new era, wherever she goes to be a worldwide power. There is no stop currently or no trying back. (Madhu R. Sekhar, 2004) Shyamalima Banerjee in her article, 'Towards good Governance', finished that active governance could be a part of a development method. It has argued that “corruption is checked by systematic participation, transparent, responsible and integrity in administration. The Right to sensible governance is thought of as necessary as the citizen's rights that one will expect from the govt.” (Shyamalima Banerjee, 2005)

Charulata Singh in his article "New life for democracy" opined that Republic of India, the world's largest democracy has invariably been an example for the complete world for its success. It has invariably tried to evolve ways in which to create a lot of purposeful and accountable means to achieve democracy. The RTI Act, that was passed on October 2005, after, long deliberations and struggles, was an enormous step within the direction of providing openness and accountability from government's functioning so as to usher a democratic system empty corruption, inaction, wrong action or inefficient performance. (Singh Charulata, 2006)

Angela Wadia has fully supported the possibility of the accuracy of the RTI Act, 2005. He critically explained the duties and responsibilities of the PIO, powers they enjoy & various functions of CIC and SIC. He also emphasised the key role of administration in

promoting democracy. He also briefly outlined the procedure for requesting information. (Wadia Angela, 2006) P K Das offers the easy that means and interpretation of the words employed in Article 19 and clause (1) (a) of the Constitution of India. He explains, however, the govt. functions should be clear and therefore the three divisions i.e. legislative, executive & judiciary of the state ought to stand to preclude dishonest individuals. He so explains, however, “One-sided Information, misinformation, Information, and non-Information all equally produce unenlightened subject.” As per the author, there is one necessary feature that ought to be notably noted by the Information seekers. They will raise solely information on what exists with the general public Information Officer or copies of documents that the information officer has in his possession or that he may have necessitated. (Das P K, 2006)

N K Acharya commented thoroughly on the procedure to search for Information and, therefore, the structure of the tariffs to exploit the Information. He gave the format of the application, the first and second appeal to get information. He has clearly answered several queries followed by judicious statement associated with The RTI Act that will increase the understanding and knowledge of the individuals as regards in this act. He writes concerning cases wherever appellant authorities’ obligatory penalties on the frail information officers must be given the fine, and pay information seekers prices and compensation likewise. (Acharya, N. K, 2007). S Goel had deepened the understanding of the concept that the RTI from completely different angles varying from historical to legal to institutional, & political. The book is not simply a mere statement about the freedom of Information law of 2005 with introductory information, it addresses many issues in broadways. The author's exposition emphasizes in a perceptive and genuine way that the RTI Act is not just an instrumental but has become a democratic value in itself. Besides secondary informative and elaborated preface, he outlines the wide problems, then he

discusses the democratic endeavour for and analysis of the RTI Act and good governance. He discusses the scope of the law, the structure for execution and therefore the restricted expertise gained throughout the operating of this Act. He has tried to create full use of the matter. The information has been created accessible thus far on the operating of the new Information regime and has raised bound problems himself. (Goel S. L, 2007)

Sharman & Saxena brings out the importance of the Right to Education Act and democracy within the implementation of RTI. He says that “declaring information to people is that the basic premise of a democracy.” The state must educate individuals, within the democratic set-up of the country, so that they will exercise rights within democracy and The RTI Act framework. It reflects the total management over governmental officials, the individuals, in a straight line by the role of the opposition, all political parties and indirectly by the general public opinion and collective efforts by the individuals of a free country. Real democracy is one where everybody has the right to education, and where individuals perceive what's sensible and dangerous. The important value of a democracy depends upon however, the educated individuals of that democracy who enjoy such freedoms. (Sharman & Saxena, 2013) M Nagraj considered several elements of the RTI Act 2005, which was developed throughout the government of an Indian State where prominent personalities contributed their ideas on the subject. The book inclines the matter in a comprehensive manner in a way that supports good governance which is the final finish of democratic polity, the right information could be a valuable instrument to realize it. (Nagraj M. N, 1998)

Sudhanshu Mishra has given analytical sketch on the theme that provides the scope of RTI legislation, different provisions, strengths and weaknesses. In addition, the book provides valuable suggestions for making human companions within the development efforts of the rural Indian. It highlights the development of RTI which is necessary to

understand the need of common people and analyses the movements of RTI law in the Indian state. An essay was made on the RTI law to explore the origins and temporal development of the law and critically analyse its impact on Indian democracy. In view of the importance of RTI law for the development of rural areas, many social scientists from completely different groups have expressed their well-rounded views on various problems related to the rural economic phenomenon. Supported by each primary and secondary information for research and analysis, this book describes various aspects of RTI legislation and its important role in growing the rural economy. (Mishra Sudha, 2009)

In a democracy, accessing information can be seen as one of the main indispensable factors. Sanctioning people get accessing information through various channels is a method of combating corruption, allowing people to participate effectively in public life, creating an additional governmental economy, encouraging investment and offering services to people who exercise their basic human rights. (Drew, 2003).

Krishna Arora summarized all sections of the RTI Act of 2005 which appears within the nature of clean law. In addition, it provides rules on the accuracy of the information in 2005. Given the importance of RTI law for the development of a rural property, many social scientists from many universities expressed their views on many different aspects related to the event in the rural areas. Supported each secondary and first information for research, this book portrays its vital role in increasing the various aspects of the RTI Act and the rural economy. The author has commented that the law on the official rule does not prohibit the delivery of copies of the witnesses to the witness statement, investigator jurist or judiciary filed by the police. They say that the lawyer has not been refused permission to inspect the file and has revised several articles on the RTI Act of 2005, which includes the introduction of the RTI Act and each preliminary clause. The book also advances the procedural aspect of RTI law. (Arora Krishnan, 2004)

Acharya K commented on The RTI Act with examples of questions and answers. Furthermore, the book offers explanations on the obligations of public authorities and, therefore, on the procedure for the request for Information. There are some examples of Information asked and therefore the Information provided underneath the Act. In step with the author the entire critics, United Nations Organisations, otherwise at risk of criticizing adversely any new enactment, have welcome it. None have expressed any reservations or urged any amendments of importance. The very fact that a number of the critics wished that the Official Secrets Act mustn't come within the Act, solely creating mere suggestions that they grasp doesn't seem to be doable within the context of the requirements of free, temporary and economical administration. (Acharya N. K, 2007)

Noorani contributed to the article "On the RTI Law", which provides the background of the law and details of information act. The essay contains several sections of RTI law. He assessed the RTI in the legal framework (Noorani G, 2006). Jain NK wrote a book with the idea of generating awareness on RTI so that the common people should use in a simple etymological sense in which it can be understood by more people. His work seeks to establish the importance of RTI, in particular, to train the common people to fight against corruption and play an important and active role in democracy. The authors have made efforts to give the argument in a clear, systematic and logical manner. He has briefly discussed the development of RTI and its status in different countries. With the exception of these aspects, all relevant legislation and, therefore, constitutional aspects are included. It deals with the legal aspects related to the FOI and the related legislation is related to it. (Jain, N.K., 2007) The author tries to raise a problem that needs to be solved as soon as possible. The central government and the authorities grant the power to create rules at the same time and individually. The RTI law can be central legislation and should be applied uniformly throughout India. Once this is the case, the legislative authority granted to state

governments must be created based on the principles the centre can create and any rule once created by the state, if it conflicts with the central rule, must have an endorsement of the central government.

With a law on access to information, governments must be able to devise a more apparent resource of archiving more efficient official documents, reducing the discretionary apparatus and allowing them to make better decisions based on unprejudiced information. The greater the transparency, the greater the trust between government and the public. Bringing a change can be difficult but not impossible. One of the foremost phases is to increase public awareness on right to information. He says that “it is important that legislatures approve inclusive laws that establish the procedural framework for requesting and receiving information. The development of a culture of access to information can be divided into three phases: the approval of the law, its implementation and its application.” (Malik, 2013).

Agarwal H.O has expressed the issue of all kinds of human rights. He referred to international measures for the application for all kinds of human rights. He pointed to judicial measures that can be adopted worldwide for implementation of human rights and various suggestions have been offered. The author has closely examined the provisions of human rights in collaboration with the RTI Act of 2005 and adequately addressed the measures taken at the regional level for social control of those rights. (Aggarwal, H. O., 2006). He makes it clear that these rights which are not specifically conferred as "Fundamental Rights" in the Constitution are considered primary.

Kumar P explains wide-ranging indicators in an effective and authentic way to confirm that the RTI Act is not just instrumental merit but has become a democratic value in itself. Besides a deep analysis of information and careful preface, he summaries the

extensive glitches then he discusses the democratic endeavour for and analysis of RTI Act and governance process to make it meaningful. (Kumar P. S, 2004). Verma Anuradha offers a comprehensive guide to the RTI law for public Information officials, first instance authorities and several government officials. The author explains the RTI law, its origin, the criticism and the role of the officials in the implementation of the RTI law. The book offers clear & careful evidence which scrutinise various things like receipt of an application, process of right to application and invoking exemptions. It explains corruption. It's also sorts & offers illustrative cases on corruption and human rights. (Verma Anuradha, 2011)

“Information is commonly withheld even once an individual's engaged in workout their most elementary right of democracy, the votes. Within the absence of a regular flow of knowledge that specifically reveals the functioning of the ministries, the performance of the politicians or perhaps the expertise and qualifications of the candidates, election might find promoting solely thin interest and therefore the people fall back on their social group, faith or category affiliation for his or her selection. Higher wise to people mean better-informed decisions, additional responsive legislators, and higher governances and therefore the degree of success of this method would successively depend upon the extent of awareness that people have regarding the candidate. Their right to achieve material Information regarding the candidate is so intrinsic to the democratic method.” (M Sarojanamma, 2012). Verma, R. K. (2008) provided much understanding into the functional aspects of The RTI Act commenting exactly on the wants of the general PIO's. The book has been written in a very straightforward and elliptic manner. The book is additionally helpful to non-public organizations to determine their liabilities underneath the act and therefore the pertinence to them.

Puri K wrote a plain manuscript on RTI Act, explaining the law and procedure about The RTI Act. The book explains the theme with the help of examples & references, etc. in places where it is needed. Readers are kept informed of the basic concepts prompting the law and, therefore, the function & its activities of the several authorities under the law, in particular, the information commissions. The book is valuable as it deals with the matter with regard to various public authorities involved in executing the act in its various jurisdictions. (Puri V. K, 2006)

Transparency is that the important proportion to the administration that has constitutional dimensions and this significance embodies a further justification of The RTI Act. It holds that anti-corruption laws facilitate in rising transparency and thus it also generates overall welfare. The constitutionality of access to Information in this sense does not relate to its nature as a right, however to its nature as a very important element of governance in any democratic regime. As is accepted, The RTI Act not solely protect the rights however conjointly determines the structure of the govt. of the country. It conjointly helps to shield individuals from the governments making an attempt to threaten or take undue advantage of the public (Peled & Rabin 2008).

Paul Prophet has given intensive comments in EPW on The RTI Act for people of the country. His comments opinion the review of the Supreme Court verdict that defends people's constitutional right to know the background of electoral candidates that has been well received across the country. There are several steps to give a specific meaning to the right to information. (Paul prophet, 2003). As Pandey Ajay narrates, “the aspirations of the law on the ownership of the Information that has brought accountability and transparency between governmental organizations. The author states that the law must be amended to get rid of unforgivable provisions, as well as include the necessary provisions. The law in its type of donation can frustrate the goals of excellent governance.” (Pandey Ajay, 2004)

The former Prime Minister of India, Manmohan Singh in his speech on, 11 May 2005 at Lok Sabha, enunciated, "the key to the functioning of the democratic politics is the ability of a subject to judge the performance of the elected representative and it is prudent to judge his own performance. This analysis is based on the simple availability of the Information requested by the people for evaluation." (Manmohan Singh, 2015). However, Guhan S explains that dealing with corruption is not achieved in one fell swoop, but through an incessant effort. He emphasizes four ways to deal with corruption. One consists of elementary amendments within the Constitution, which could include the controls and balances applicable to the abuse of political power. The second would emphasize the complete release and privatization of the operation of the public bodies. The third would advocate intensive decentralization of governance to enhance accountability and transparency at the grassroots levels to examine corruption. The fourth would alarm the common lots related to ethical values among individuals in the giant that begins with youth and focuses specifically on politicians and officials. (Guhan, S, 2007). Kurien Jessy answered several rare questions about the constructive use of the RTI Act 2005 in India to promote transparency. A series of consultations on the act of speaking of information by the public information officer and the appeal against this officer for the information commission. It highlights the origin and history of the RTI Law necessary to understand the need for a community and analyses the movements for the RTI Law in India. An effort was created to trace the origin and chronological history of the RTI law and critically analyse its impact on the Indian democratic system. (Kurien Jessy, 2006)

Pankaj Sharma points out that, "along with the official statistics displayed by staff, public complaints and the ministry of pensions, the funds allocated for the dissemination of the RTI issue are highly underutilized. The disbursement in the spread of RTI has revealed a uniform decrease. This is part of the growing hype within a government district

to the revisable law. The RTI law, which was enacted in 2005, was the main reason to expose some of the highest scams in recent years. Expressing concern about the underlying use of the funds, Information Commissioner M. L. Sharma called for an increase in the allocation of funds for the propagation of the Act to point out its true potential. He said that relevant data on the law and its use should be the highest priority to confirm that the law reaches the goal of each country.” (Sharma Pankaj, 2011). Harish Gupta, highlights that members of the NAC have powerfully criticized the govt. for keeping the CBI out of the reach of The RTI Act. Aruna Roy, a member of the council headed by Sonia Gandhi, tenaciously fought for the enactment of the RTI, which in turn was angered government call to exempt CBI to produce Information. She lamented that on one hand the govt. talks regarding transparency responsibility and on the contrary, it creates such amendments to an existing law without any consultations with the public who affected by it. (Gupta Harish, 2011)

Objectives of the Study:

Democracy has been the foundation stone for modern nation-states especially in the post-globalization world. However, instead of mere assertion, scholars have been evaluating democratic practices and institutions in various countries giving rise to classifications like formal and functional democracy, procedural and substantive democracy, etc. Democracy is now considered a continuous process rather than an attainable status. Like many other countries around the world, India also has been undergoing the process of democratisation and legislations like Right to Information are considered to be instrumental in strengthening the democratic process and system in the country. With this background, the present study attempts to accomplish certain objectives.

These are:

- To study various connotations of democracy in general and substantive democracy in particular
- To understand the link between freedom of information and substantive democracy
- To examine the concept of freedom of information with special reference to proactive disclosure of information globally.
- To evaluate how the Right to Information Act in India can strengthen democratic practices towards substantive democracy.

Research Questions:

- What are the various connotations debated on the concepts of Democracy and substantive democracy?
- How the link between the freedom of information and level of democracy be measured to understand the real democracy?
- What is the role of proactive disclosure of information in bringing substantial democracy into existence?
- What are the possibilities of the RTI Act in directing the political systems to strengthen the substantive democracy?
- Is it possible to achieve accountability, participation, transparency through the system of proactive disclosure?

Hypothesis:

Freedom of Information is a necessary component of and a catalyst for substantive democracy.

Methodology:

To carry out this research, I chose to use mixed methods research in which I took the liberty to use both the primary and secondary data. In secondary sources, books, articles and journals etc... were used to explore various thoughts. In the primary source, I used three methods of research at three different phases in order to assess democracy. First, I used content analysis. In the content analysis, I read various reports released by many organisations which helped me shape my research problems and gaps. Then, in the initial phase, I started using purposive sampling. As part of the purposive sampling, I used to visit information commission offices both in Hyderabad and Kolkata. I interviewed several information commissioners and also common people who visit these officer with different issues. I used to observe the process and get some interaction with common people. In purposive sampling, I interviewed a total of 60 respondents. In the third and final phase of my survey, I used 'Stratified Random Sampling' for online google form survey. I collected details (phone numbers, address, emails) of 600 plus people who are involved in the RTI matters. I sent them an online form. I received only 60 responses from all over India. With this, the total sample size comes at 120. I stratified the target groups as three different groups as variables. I have interviewed RTI activist, several commissioners & PIO's and common people (teachers, students & illiterates). Even though they are different from the other strata in terms of many parameters, but, my intention is that my objectives push me to check and explore those parameters which assess the democratisation process from each strata I chose. I have used tools like SPSS, MS Excel, and MS Word to analyse and present the collected data.

Chapterization:

1. Introduction:

This chapter deals with the whole research design which consists of the problem of the study, review of the literature, objectives of the study, research questions, hypothesis, methodology, Chapterization, limitations of the study.

2. Democracy and Transparency Guarantees: Conceptualization

In this chapter, I traced various theories of democracy and its perspectives. I tried to explain various meanings, perspectives, & criticisms of democracy. Another important idea that has been discussed in the chapter is 'Transparency Guarantees' in connection with both democracy and freedom of Information.

3. Freedom of Information: A Global Scenario:

The central focus in this chapter is on the origin, meaning, and history of the RTI/FOI in various countries. I explained the functioning and shortcoming of freedom of information in most of the popular democracies along with few democracies with flaws.

4. Path to the RTI Act: A Journey in India:

This chapter attempts to address the history of the RTI Act in India. In addition, I tried to explain many state laws on RTI. The crucifixion of the chapter is that it shows a great movement behind the battle and a movement behind RTI enactment & campaign.

5. Proactive Disclosure of Information (Section 4 of RTI Act)

In this chapter, the focus of the interpretation of Section 4 (1) (B) of the RTI Act, 2005 has been given attention. However, in spite of many sections and duties, Section 4 of the RTI

Act of 2005 is the heart of the law. This chapter will explain what is included in Section 4 and why it is so important.

6. Democracy & RTI: Fieldwork Analysis:

This chapter will consist of the analysis of the data which I collected as part of the survey. Special focus was on that parameter of Democracy and its connection with freedom of information. It will explain many questions from success to failures to the current condition on how RTI water-downed by various elements.

7. Conclusion:

The concluding chapter summarises the whole theme and it shows research findings and observations. Also, it explains the possibilities for further research on the area and possible suggestions.

Limitations/Scope:

Since democracy is a huge topic, it is difficult to study everything in democracy. Many studies on democracy used different parameters to assess democracy and its role in human wellbeing. Like democracy, RTI is also another huge area which is difficult to study by taking every parameter. There are studies and reports on RTI and each of them used different methods and different variables. In this research, my key focus is on testing democracy through information act as a tool. I used several parameters which are a combination of democracy and RTI like Participation, Decision- Making, Governance, Transparency, Accountability, Representation, and corruption, freedom of expression, access, awareness, and levels of disclosures. Proactive disclose is the primary focus of the study to assess democracy along with the aforementioned parameters.

CHAPTER 2

DEMOCRACY AND TRANSPARENCY GUARANTEES:

CONCEPTUALIZATION

“Transparency in government, no less than transparency in choosing government, remains a vital national interest in a democracy.”

- Merrick Garland

Democracy has been very much characterized by several perspectives by several individuals. Democracy, as defined by Abraham Lincoln, “is a government of the people, by the people, for the people.” (Abraham Lincoln, 1864) The ostensible definition alludes to what has been joined by society, by a particular system or by a political scientist who envisages and portrays the development. Despite the fact that the ostensible definitions prompt the develop structure, it cannot decide its measure of development. Even though the RTI Act/ FOI laws fall into the category of procedural democracy, the beauty of democracy is just going beyond the rules and rule books. If one can’t see the real change in the society, the real difference in the peoples’ lives, then, one is settled with a procedural model as per as the definition is concerned. Substantive model dares to go beyond such a mechanism to promote tangible experience in society. In the words of Adam Przeworski, “The form of democracy termed substantive corresponds to that which goes beyond the political sphere and extends to the social life.

- 1) The capability of generating socio-economic equality,
- 2) Promoting the participation of the greatest possible number of people in public questions,

3) Creating mechanisms that make the governments work for people and not for their personal interest or de facto powers,

4) Promoting order without intervening in the private life of individuals.” (Adam Przeworski, 2010)

In the words of Whitehead, “For a substantive viewpoint, it is difficult to accord the status of democracy to any society in which most women are confined to the domestic sphere, or most unskilled workers lack the autonomy needed to explore and promote their own interest. Yet in procedural terms, it is perfectly possible to envisage a democratic decision to reinforce such restrictions.” (Laurence Whitehead, 2001)

Giving the basic premises & meaning of the substantive democracy, various theories of democracy and substantive democracy has been discussed. Within the substantive democracy, there are other models participatory democracy and its proponents Anthony Giddens John Dewey, Carole Pateman, liberal democracy and its theorists like Alexis de Tocqueville, John Stuart Mill, Jeremy Bentham, Thomas Paine, James Madison, Montesquieu, John Locke, Isaiah Berlin, Ronald Dworkin, Sartori Giovanni, Carlos Santiago Nino & John Rawls and deliberately democracy, in which some principle theorists such as Jurgen Habermas, John Elster, Joshua Cohen, Carlos Santiago Nino, John Rolla etc. have discussed besides tracking the meanings. And the principle of democracy since ancient Greece has been discussed.

The indispensable implication of democracy originates from two Greek words: “demos and Kratos.” Demos mean that common people and Kratos mean the rule. Therefore, democracy primarily suggests that it is a govt. of common people.

"Democracy is formed once belief, by ceasing to be tolerant of the possession of political power by a person or by many, moves to a vigorous resolution that this power

ought to be owned by the people and, therefore, so much, divided among the people.” (Brown I, 1920). Therefore, MacIver observes, "All the characteristic systems of democracy that the globe has seen have evolved through processes during which the instruments of the presidency have step by step been anaesthetize the management of the people as a whole" (MacIver, RM, 1957). Democracy, therefore, suggests a style of freedom of the people and a government that aims at society. The ability that the people have can solely be used properly if we have a tendency to take under consideration that democracy is not one. Additionally, the good life pursued by democracy must not be lived by the few, however by all members of society.

Democracy demands an "equitable division of power and therefore the distribution of rights" (Brown I, 1920). Democracy, to see in its authentic sense, should be supported by the belief of equality. The bigger the quantity of equality in a state, the people will make use of freedom. Wherever freedom is moving towards its selected groups/ few, it is necessary that there should be equality. (Laski, H.J, 1948) The sole sensible technique of dividing power and sovereignty among people in a democracy relies on equality. In Hobhouse's opinion, "liberty without equality could be a name of the noble sound and squalid result." As a result of equality, it provides the idea that freedom which contains a positive meaning. A contemporary democracy, therefore, aims at freedom, equality, justice, and social equity. Democracy is probably the sole construct of politics that has arisen from condemnation to glorification. The construct has taken a protracted time to succeed in the present height of recognition.

Thucydides has declared during a passage the meaning of democracy for thoughtful Athenians. (Sabine G H, 1971) This can be the illustrious observance prayer of solon, who was the leader of the then democratic sect. In his speeches to the Athenians, he spoke concerning democracy proudly and was applauded by his listeners. The pride with that he

appreciated his participation in his civic life and also the ethical significance of democracy written in every line of the passage. The observance prayer is the best example of affection for the country and also the ethical importance of Athenian democracy. "Our constitution," aforementioned solon, "is stuck during a democracy as a result of it's within the hands not of a number of however of many" (Mayo H. B, 1967).

Thucydides says that any system that replaces democracy, tend to be unstable because of various rivalries among the groups. "For all the new rulers, they instantly refuse to think about themselves to be equal and every one affirms that their claim is that the initial. However, underneath a democratic constitution, once the leaders no appointive, the one who ignores accepts the result." (Sinclair, T. A, 1952). However, Thucydides, towards the tip of his unfinished history, says that the simplest a part of the constitutional reform that the Athenians had undertaken throughout his life was the proposal to interchange the political system of the four hundred by a changed democracy. The Athenians had prospered underneath a moderate democracy.

Democracy implies the cooperation of a large assortment of people within the active work of the govt. The Athenians were the primary to realize this and found a very democratic regime underneath which the governing assembly or the Ecclesia effectively exercised sovereignty. (Hattersley Alan, 1927) The participation or active cooperation of all people within the government of the state was the start of democracy. The Greeks knew that "government doesn't include rights, despite their exercise, however one thing rather more practical" (Zimmem, 1952). The democracy of ancient Ellas (the classical Greek) is exclusive as a result of it not solely guarantees in style administration over officers however additionally ensured the active participation of a bigger proportion of people within the government and judicial branches of state than even several modern democracies have achieved. Greek democracy differs from modern democracies "in

recruiting not nearly a far bigger proportion of their representatives in active public work". In modern democracies "the few do the work for several, in Ellas, the various did it themselves". Zimmern identifies two essential characteristics of the Athenian government: initial, the individuals were sovereign and also the individuals was supreme and accountable to nobody. Second, the work of the individuals should be "performed by representatives, as several as potential, handily subject, at established intervals, to their own approval and correction." the perfect was complete autonomy. The attention-grabbing issue concerning the Athenian government isn't the Assembly of the full individuals, however, the political means that by that the magistrates and also the officers were command responsible before the body of people and accountable before their management. Most sorts of the Greek government, whether or not gentle or democratic, enclosed some form of people's assembly, though their participation in government would possibly really be tiny. This was, you'll recall, just like the recent monarchical governments of Indian that employment with some quite consent from the individuals. Direct democracy may be a rare development. In ancient classical Greek times, there wasn't any direct democracy outside of Athens. Real political democracy grew solely in Athens and within the few alternative democratic states in Greece; Democracies emerged as a result of "external and typically Athenian pressure". It's for this reason that solon with pride declared that his state features a constitution that "does not envy others, however, may be a model for them." (Greene David, 1967)

In the middle of the thirteenth century, civil or Roman lawyers were unanimous in stating that the sole supply of political authority was the desire of the whole community. Though Rome was less democratic than most Greek states, it has, in addition, supported the principle that the Roman individuals as an entire state were the sole true source of law. Though Rome began its political career as a monarchical city-state, it earned greatness as

a Republic. The Roman theory of law Affirmed that laws weren't obligatory on individuals by an external authority. The legislative authority of the emperor may solely be exercised with the recommendation.

All kinds of government not mixed, in step with Polybius, characterized by the tendency to degenerate and also the strength of Rome lies within the incontrovertible fact that it's unconsciously adopted a mixed constitution which can be "adjusted exactly and in specific equilibrium". These factors within the government of checks and balances and, therefore, avoid the natural tendency to degenerate. The Stoics instructed for the primary time the philosophy of the natural equality of humanity. They instructed that each man had a spark of divine reason with the assistance of that he may apprehend the basic principles of the ethical life and also the principles of law. The philosophy of equality was given, deeper and more practical by Christianity. Civil law was influenced all told varieties of ways in which by the Christian philosophy of equality.

An additional democratic spirit prevailed in Rome in recent days. Cicero rejected the philosophy of inherent difference of individuals or categories. Cicero wasn't glad about the 3 kinds of government, the autarchy, the aristocracy, the democracy and was in favour of a mixed constitution composed of the 3 straightforward ones. Thus, Cicero approached the Aristotelian thought of class politics, albeit in a very covert manner. Seneca conjointly followed philosopher once he refuted the concept of natural slavery or slavery by birth. Though it's not the place to debate the impact of a philosopher on Roman thought, it will be noted that the indirect Aristotelian heritage contributed considerably to the preparation of the intellectual foundations of democracy within the last days of Rome. Political philosophers normally were hostile to democracy. Democracy was mockingly criticized by the sophists. Thucydides aforementioned that democracy was characterized by instability and instability, and also the failure of the Syracuse expedition was attributed to

democracy. Aristophanes, the nice comedian, ridiculed Euripides and Athenian for being democratic-minded and also the people banished Euripides and killed Athenian.

Plato was unquestionably against democracy. He thought-about democracy to be the worst type of government. It absolutely was impossible to Plato that the lots ever had the kindness and intelligence to rule. Plato thought-about the fundamental principles of democracy as equal rights for all, freedom of expression and action as one thing fully wrong. Freedom and equality, in step with him, were harmful to the unity of the state. Democracy would cause the disorder. Plato believed that freedom degenerates into disorder as a result of with the extension of freedom conjointly extends the fervour for equality, because of that all types of distinctions eliminated and "will not have dominion over them in something ...But Sinclair argues that a careful reading of the Republic of Plato triggers some characteristics, among that, is that the rule should be exercised for the profit not of the ruler however of the ruled. This reminds one among the traditional Indian benevolent autarchy. This characteristic is extremely necessary in regard to democracy. In the book *Laws*, Plato says that the new town shouldn't be beneath personal rule, however beneath the rule of law. One among the necessary principles for the development of a state of the law is that the true laws those which publicized for the good.

For Aristotle, the sentiments were, as already noted, mixed, but, in general, they were not appallingly favourable for democracy. He thought-about democracy to blame for the defeat of Athens at the hands of urban Sparta and was condemned within the resultant space. The distinctive characteristics of democracy, in step with him, are the ascendance of individuals, reign of the poor, and that results in equality, freedom, and principle of majority. Aristotle appears to possess and be afraid by the very fact that a small number may be exploited by a large group. Among the classical thinkers, Aristotle investigated the principles of classification of types of government. Take the plain and current triple

distinction expressed by the terms Monarchy, Aristocracy or Oligarchy and Democracy, which mixes with a principle derived from Socrates: "the true ruler is one who seeks to push, not their own interest, however the interest of the governed". Its classification is predicated on two criteria: one, the number of individuals United Nations agency even have the supreme power in an exceeding state, and two, the aim that the supreme power is exercised. In step with the primary criterion, the government is classified in 3 ways; autocracy or royalty: the rule of a private of pre-eminent merit; Aristocracy: the govt. of the simplest qualified individuals to govern. Arid polity that he calls constitutional government within which the supreme power is within the hands of the few people. On the contrary, a government degenerates into a perverted type if it seeks to satisfy the self-serving interests of the upper class. The degenerate variety of the primary is tyranny, the self-serving rule of one, the second is an Oligarchy, the self-serving rule of a moneyed minority and also the degenerated variety of the third is a democracy, the self-serving rule of the many. Democracy as a political association is predicated on political freedom and doctrine. In step with the Democrats, all those who are equally free have the identical right within the distribution of advantages and privileges of fights. Aristotle, however, favoured the rule by several. His argument was that the mass of standard people if properly trained will have a larger ethical and intellectual virtue and maybe conjointly wiser than one or many individuals. Consequently, in constructing his ideal state, he set that each one voter ought to participate in government. Even in an exceedingly preponderantly farming society wherever most people cannot exercise direct management, one will notice some vital options of democratic government like The Right to elect officers and hold them responsible and also the right to sit down as judges or juries.

On the premise of the identical argument, Aristotle suggested, as already noted, politics because the best variety of government, since it avoids extremes and runs the centre

course between the political system and democracy, however leaning towards democracy, that he is known as the govt. Constitutional. What he knew as the constitutional government was planned by him as a form of an even-handed mixture of the qualities of democracy and political system and its rulers are composed of the centre category, neither too made nor too poor. Aristotle was of the opinion that a robust socio-economic class in democracies is seemingly to emerge. It is same, then, that Aristotle has indicated popular moralist democracy.

However, from the attitude of types of government, the classification of Aristotle suggests a general condemnation of democracy. Despite this, Athenian democracy is recorded because the most practical example of Greek democracy, that functioned because of the source of Western democracy. During this sense, we will talk to the opinions of rhetorician Socrates commented: "A bad democracy is a less evil than an oligarchy ". However, the existence of the gentle component at intervals a democracy appears to be an elementary necessity then. Even in Athens, it might hardly be same that the complete body of people has determined the policy. Since the Middle Ages in Europe, people began to be thought of the source of political authority. People, within the course of time, began to voice their rights over the govt. The beginnings of this political development reached by England return to the Magna Carta in 1215. This political development of England continuing for nearly seven centuries and has created an interesting system of democratic establishments, the foremost vital of that is that the Common, that was the matrix of recent democracy. There have been added several experiments of illustration within the Councils of the Church, within the native councils, within the direction of the affairs of the guilds and in jury trials within the middle Ages.

In the sixteenth century, in North-Western Europe and later in America, faith began to be organized by tiny teams of freelance peers for themselves. Christians believed that,

in a very bound sense, power derives from God which, in a very bound sense, power comes from people. The principle that authority comes from the people step by step reached universal acceptance and have become a typical political plan within the middle Ages. Machiavelli argued that the govt. is stable once shared by several and most popular the election to inheritance as some way of selecting rulers. He was in favour of the freedom to propose measures for the general public and for the freedom of dialogue.

Some non-secular teams disbursed, as an example, some new experiments in "popular government" in Suisse and in England. Democracy received constructive reactions in seventeenth-century England, as an example, by the Levelers. The Levellers tried to interchange Parliament with a king. For a short time, this cluster shaped one thing a sort of a real organization and planned to structure the constitution on liberal lines. The greatest leader of the Levellers, John Lilburs, was a logo of freedom. "When others mentioned the individual right of the king and parliament, he perpetually spoke of the rights of the people." The Levellers needed the independence of the parliament since it absolutely was the representative of the people. They additionally demanded equal illustration in parliament and thought that, unless the law is completed with the consent of the people which the person has not been depicted within the body, what he did, can't be justly obligated to adjust him. The levellers were, therefore, an early example of a radical bourgeois democracy with political ends.

However, the seventeenth-century English thinker Hobbes, in his Leviathan, was against democracy as a result of he thought it absolutely was against the sovereignty of the state. A state "would be sophisticated in terms of progress once ruled by one person, though it admits that there is also three kinds of government or Commonwealth: monocracy, aristocracy, and democracy, counting on the number of individuals. Though Hobbes wasn't in favour of democracy, he believed that the govt. is for the welfare of the people. "The

workplace of the Sovereign, (be it a Monarch or Assembly), consists within the finish, that the sovereign power was entrusted to him, that is, the acquisition of security. Of the people, to what's certain by the law of Nature, and responsible to God, the author of that law, and to refine it.

John Locke, belonged to a similar seventeenth century Hobbes, so to the philosopher, however, contradicted Hobbes's read that a state governs itself best once it's it, one ruler. John Locke follows the Aristotelian tradition of division of state sorts into three. Locke's society may be a society of equals and its government is predicated on consent. The legislative and govt power employed by the govt. to safeguard property is nothing quite the natural power of every man resigned "in the hands of the community" or "renounced to the public". It's a stronger thanks to defending natural rights. This can be the "original pact": an agreement by that men unite in a very political society or kind of community. The consent by that every person agrees with the others to make a political body is, for Locke, the consent to abide by the bulk call and once the bulk forms a government, the facility of the community resides within the majority. Civil society, therefore, implies the govt. of the bulk. It absolutely was John Locke ordered the theoretical foundations of the constitutional autocracy that exists nowadays in England. He was in favour of the reign being enthusiastic about in style consent and insistence on the separation of powers.

The types or species of state, in keeping with a philosopher, fastened and changed just by the influence of their surroundings. Governments of three types: republicans (a combination of democracy and aristocracy), monarchical and despotic. Despotism is bigoted and capricious, whereas the democracy may be a constitutional government "in accordance with the law and needs the continuation of" intermediate powers ", like nobility or communes, and therefore the individuals." In government depends on the civil virtue of

public Spirit of the individuals. In his Spirit of the Law, he attributed the freedom in the European nations to the separation of the legislative, govt and judicial powers, and to the balance of those powers among themselves, however, he wasn't in favour of the associate absolute separation of the three powers.

The French thinker Rousseau accepted the division of government. Once the collapse of the recent regime in France, Rousseau was the first good prophet of the new democracy. In keeping with him, the truth of democracy is wherever individuals directly ruled, that is, direct democracy. Though Rousseau has distinguished the importance of direct democracy, it's a somewhat eccentric development and even in ancient Ellas, there wasn't direct democracy outside of Athens. In his opinion, no real democracy has existed or can exist, since "it is contrary to the creation that an outsized range of individuals govern and some ruled," And "such an ideal government isn't acceptable or isn't acceptable for Men. in keeping with him, as long as individuals were gods may they be ruled democratically, it had been for this reason that he attributed sovereignty to the "General Will", that is that the best can of all. The general can, in keeping with Rousseau, is often correct as a result of the "will" General represents the social sensible, that in itself is that the commonplace of law. What's not right isn't complete. "Absolute power isn't given to an individual or body of individuals, however too general whole group/community. For Rousseau, individuals as a corporation body form a complete society. The unity of all men as people is that the solely true sovereign of the state, whereas the govt. is a sole agent that has delegated powers, which may be withdrawn or changed at the need of the individuals. Rousseau provides the name of "Republic" to "all states that ruled by the laws, in spite of the shape of their administration: as a result of solely then governs the general public interest."

Tocqueville thought that democracy was inevitable, however, he checked out his approach with distrust and concern. However, I couldn't deny that the eagerness for equality and freedom may be a natural self-generated demand of a private.

The opinion that democracy is desirable would have appeared a contradiction in terms of some century's agony. The democratic theory had its starting in America, in a comparatively direct agricultural society, nearly untouched by the economic Revolution. The first democratic theories forbade the restrictions of state power, with controls and therefore the separation of powers. "The Federal Republic of the US thought that the democratic type of government was rare in political history and characterized by extreme fragility: the Bill of Rights establishes some principles during which the fundamental principles mirrored of democracy The Declaration says: "That all power is endowed and, consequently, springs from the people; that the magistrates their trustees and servants and in any respect times pleasurable for them.

That government is, or ought to be, instituted for the common profit, protection and security of the individuals, the state or the community; Of all the varied styles of government, the simplest is that that is capable of manufacturing the best degree of happiness and security, and is most effectively protected against the danger of mismanagement; which once a government is insufficient or contrary to those functions, the bulk of the community has associate undisputed, inalienable and impossible right to reform, alter or get rid of it, within the manner deemed most causative to the general public sensible. .

At the early stage of the French Revolution in 1789, the National Assembly revealed a "Declaration of the Rights of Men and Citizens" nearly within the same line because of the American Declaration. The Declaration points out, among different points

that the acts of the legislative and government powers of the govt will invariably tend towards the upkeep of the constitution and general happiness. The primary article says that men are born and still be free and equal to relevancy their rights. Once the success of the American Federation, democracy came to be bestowed as "the government of the Commonwealth by the numerous." The modern democratic state is that the results of the impact of two nice forces of the seventeenth and eighteenth centuries: the gradual strengthening of democratic principles and social changes created by the Industrial Revolution. Democratic principles found their expression in a seventeenth-century European country, in America, and in France. The opinion that democracy is irresistible is of French origin. Because the French Revolution gave world prominence to democratic principles, these principles are typically known as the principles of the French Revolution or early '89. It's the French Revolution of 1789 that mixed up democracy with its locution "Freedom, equality and fraternity". He gave the basic doctrines of human equality and freedom a generality. French democracy had to revolutionize the society during which it appeared. The French Society had granted to the 'the people dignity of their own that has elevated them on the dimensions of humanity' '... France believes that it's been organized to facilitate all members of their society a full and free growth "and became the guideline of continental democracy, as a result of France, culturally was the foremost advanced country in Europe, the impact of the French Revolution modified the western world and two vital forces began to realize strength: nationalism and democracy.

A discussion regarding the character of Puritan democracy could also be attention-grabbing during this regard. The Puritans started with the expertise of operating within the Puritan congregation that may be a little democratic society. The autonomous congregation was for them the church and everybody contributed equally to the "common discussion regarding the aim and actions of their society". His democracy wasn't politics, however,

the "democracy of a voluntary society, a society that failed to use force within the implementation of its choices, however, it absolutely was a community of debate." The Puritans, therefore, enjoyed a democratic life which supported the consent of people and free discussion among them. The democracies of the European country and America follow the puritanical pattern since each believes the importance of free associations.

The Industrial Revolution had an excellent impact on democracy. It absolutely was England, that became the main centre of the Industrial Revolution, and this European country was the primary to realize success within the field of democracy. Member at urban centre believes that the industrial revolution had reworked a "marginal" democracy into a "substantial" democracy. Technical progress had created a democratic government.

Both American and French democracy owed their origin to English democracy and English writers, particularly to a class of philosophers. They were conjointly influenced by the parliamentary government system of the UK. Though the American and French democracies were in debt to English democracy. The French were among the founders of contemporary democracy. The French version of democracy has been additional important in different from other models.

The philosophers of the Revolutionary era, initially enunciated by Locke and incarnated in good political manifestos just like the declaration of independence of people and also the declarations of rights of France took the shape of progressive political ideals within the nineteenth century. These ideals included civil liberties such as freedom of thought, expression, and association, the security of ownership and control of political institutions by public opinion and these ideals became reality everywhere through the adoption of constitutional government. Freedom, therefore, became the hallmark of the nineteenth century, which came to be referred to as the age of liberalism...

English liberalism pointed to the overall sense of the national community. The common welfare would be achieved through the pursuit of every of their individual well-being. Democracy in England was bitten by bit known with economic liberalism. This ism of the classical economists received a brand new flip of the utilitarian, crystal rectifier by the jurist. Jurist, when 1808 became a Republican an inexorable Democrat Bentham, claimed that governments that had the essential characteristics of democracy were rather freer than different governments of what he referred to as "evil" influences. It cited an evil influence, a motive that a government go from the interest of a small community to the interest of the larger community. Because of his democratic sentiment, he adopted the principle of "the greatest happiness of the best number".

John Stuart Mill in his essays on freedom says that democracy will become a majority tyranny when they don't respect rights of a minority, therefore, the opinion and the right of the minorities shouldn't be eliminated. He affirmed that troublesome queries within the government need to do with proscribing power that the rulers should have. Mill was a defender of freedom and democracy and for him, the freedom of thought and investigation, the freedom of debate and also the freedom of autonomous ethical judgment and action were sensible in themselves. In line with him, the rights and interests of the individual safe in democracy, thus he prompts that a representative government is fashioned supported representation. Mill recognized that behind a liberal government there should be a liberal society.

T H Green defends liberal democracy. Political establishments, in line with him, should be judged in line with their contributions to the event of citizens' character. People should have some freedom of action to realize their objectives that are feasible once the members of society acknowledge that this freedom is for the good. The action of the State is legitimate to that degree because it promotes individual freedom. Green, however, gave

the state a positive role as a result of the believed that the performance of the state is to forestall obstacles to individual development. An ethical community, from Green's purpose of reading, "is one during which the individual responsibly limits his claims of freedom within the lightweight of general social interests and during which the community itself supports its claims as a result of the overall welfare will solely be completed through His initiative and his freedom. " A liberal government is not possible, except in a society wherever legislation and public policies unceasingly reply to opinion. A liberal government aims to reduce coercion.

It was within the nineteenth century once democracy overcame unfavourable reactions and started to consolidate its position. Social freedom, equality and democracy: these the native impulses of attribute and are gaining extra strength. Though equality and freedom were the characteristics of the traditional Greek democracy, Christianity made a brand new conception of equality and a brand new conception of freedom that the characteristic options of the modern democratic state.

In the half of the nineteenth century, however, democracy unfolds all over. The new kingdom of Italy and also the third Republic in France adopted the principle of accountable government. Starting in 1905 in Russia, the Duma, electoral assembly, began to get a desire for freedom of expression. The progress of the Industrial Revolution contributed to the advancement of the democratic movement. Though Parliament before the tip of the nineteenth century principally expressed the views of the landowners and merchants, it later became the forum for the expression of a typically shared opinion. The English Parliament established the "rule of law", that is an expression of "civil freedom", that is one in every one of the essential components of democracy.

As already aforesaid, within the initial stages of the political study, democracy was condemned because of the worst variety of government. Later, democracy is taken into account not solely because of the best variety of government, however, because of the social ideal that foresees the progress of humanity.

There could also be completely different types of democracy, that is decided by the character of the link between the "immediate sovereign and also the final sovereign." Democracy is direct once these two coincide; it's indirect or representative once they disagree. An ideal democracy might solely be achieved once the aspiration of the constitutional sovereign was clearly developed and dead with exactitude by the Royal Sovereign. The essence of democracy is that the combination in one body of ultimate General Sovereignty and Legal Sovereignty.

In ancient Ellas, democracy was direct, not representative. This allowed the Greeks to attain a lot of complete identification of the subject with the state than the other later system. At an equivalent time, the representative principle wasn't fully unknown. The representative system was, however, standard to the Romans. Direct democracy postulates the existence of some conditions that failed to exist in modern states. A state with small body people is postulated. "A pure democracy is practicable in comparatively little underdeveloped communities where it's physically doable for the complete citizens to satisfy during a given place and wherever the issues of the state few and straightforward." Some traces of direct democracy will be found in little cantons in Swiss Confederation nowadays, wherever direct democratic controls, like the vote and also the initiative, operative, though representative democracy operates in those states.

Thus, the nation system may be a mixture of direct and indirect democracy. However, in massive modern societies, representative democracy has become the

dominant political culture. Representative democracy has its roots within the middle Ages. During this variety of democracy, there's a distinction between the immediate and also the last sovereign and also the citizens is that the most sovereign, whereas the law-makers is that the immediate sovereign. Another experiment that has been tried during this direction is thought because of the vote. State capital argues that democracy "properly suggests that a style of government, that is, any government within which the government may be a relatively massive fraction of the complete nation"

Democracy is, therefore, an institutional arrangement that guarantees the free participation of the people within the management of political power. Thus, democracy implies the govt. of the bulk. however once investigation of the number of heads, the essence of democracy cannot be realized: within the words of Gladstone: "No people of a magnitude which will be known as a nation has ever ruled itself, strictly speaking; "The most that appear to be accomplishable, underneath the conditions of human life, is that it should select its governors."

"Democracy may be a force within which the concert of a massive range of men compensates for the weakness of every man taken by himself: democracy accepts a relative increase in its condition, which may be obtained during this concert for an outsized range, as one thing fascinating in itself." Maurice Duverger in his Political Parties says that the phrases like "Government of the people, by the people" and "Government of the state by their representatives" He writes: "No people have ever been identified to control themselves and no-one can ever have it away." All governments are oligarchic: it essentially implies the domination of the many as per as the number is concerned."

In the opinion of MacIver "Democracy is not how to control, either by majority or minority, however chiefly how to see the public can govern and, in general, for what

functions ... People, let's repeat. They manage the govt. "Democracy may be a style of government and all expressed government's acts of state determined by a trial of will". Consistent with Iver, the exercise should mean that "a sizable amount of individuals, in a very amount of queries, will return to an even conclusion concerning it."

The idea of the good of the people has emphasised in Schumpeter's definition of democracy: "The democratic methodology is that the institutional arrangement to gain political choices that become a reality of the good by creating people decide the issues through the election of individuals to assemble to meet their concerns ". The fundamental principle of democracy, consistent with Sedgwick, is that "the government should think about the active consent of the ruled." By active consent, it suggests that "the absence of any acutely aware want to alter the structure or modify the action of the govt. ..." which "they exercise a unique act of election" within the government.

Democracy is considered the condition that there will be no complete fulfilment for the individual but, it helps realise people their best potentials. Within the course of evolution through the ages, indisputable structures have disappeared, whereas others have evolved. So there are different styles of government emerged in the world. You will realize that democracy as the government has totally different forms looking on the various varieties of conditions in many countries. However, the required conditions on that the democratic methodology of the state depends are:

- (1) The existence of ideas or parties;
- (2) The Right to the free discussion;
- (3) Universal adult right to vote and
- (4) Periodic elections.

The basic characteristics of democracy social freedom, freedom, equality, social justice.

Democracy as a perfect refers not solely to a democratic government however additionally to a democratic society. Democracy, therefore, isn't merely a variety of government, however, maybe a social plan. "It is merely beneath a representative democracy and with the sincere cooperation of all people, that the task of reconstruction may be applied confidently for fulfilment."

Robert Dahl is another foremost theorist on democracy. He describes five essential principles of democratisation or the level of democracy a country enjoys.

According to him, "Effective Participation before the association adopts a policy, all members must have equal and effective opportunities to share their views with alternative members on what the policy should be. Electoral equality once the time has come to finally create the political invitation, each member must have equal and effective voting opportunities and all votes must be considered equal. Illuminated understanding: At reasonable time intervals, each member must have equal and actual opportunities to be informed about the different relevant policies and their possible consequences. Controlling the agenda: Members should have the exclusive opportunity to decide how and if they wish, what issues should be included in the agenda. Therefore, the democratic process required by the three criteria above never closes. Association policies are always open to changes by members if they wish. Inclusion of adults: All or at least the majority of adult permanent residents must have all the rights of citizens involved by the first four criteria. Before the twentieth century, this criterion was unacceptable to most democracy advocates." (Dahl R, 1971)

Why popular government/ popular democracies important?

Popular government produces intriguing outcomes like:

- It maintains a strategic distance from the oppressive nations and its tyrant leaders. Basic rights can be guaranteed to every citizen, and fair opportunity can be provided to all and it also helps to the principle of self-assurance
- It helps to build independence, human advancement respect individual interests and it helps to build a fair society.
- Popular governments with democracy help stop the administration with unfeeling and merciless dictators.
- Majority rules system ensures its kin a more extensive assortment of opportunities
- Democracy ensures its constituents advancement of basic rights like fundamental rights in the Indian context.
- One cannot raise any objection when someone violates their rights but, in democracy, it enables every individual to shield their fundamental rights.
- Democratic governments only will give more noticeable & plausible outcomes to practice a moral obligation.
- Just a good government can provide people with an implausible chance to observe the chance of self-assurance
- Just an equitable government will advance a similar state of political fairness and equality
- Democratic governments advance human improvement in an aggregate method
- Nations with popular democracies will, in general, be more prosperous than nations with authoritarian governments
- Popular representative majority rules systems don't wage wars with each any other countries unless it is threatened by the one.

With these benefits, democracy is, for many people, a far higher counted thing than the other realizable different systems.

Therefore, since democracy has been improving its scope and meaning and the demand for it in the various societies of the world has been consistently increasing. The characteristics of democracy that may connect the past with posterity are that the growing participation and participation of individuals every of society. Thus, I conclude the chapter by saying that democracy emerged as a new system of government. As believed by many philosophers and theories that democracy can empower people and it can facilitate them the best possible freedoms to develop human potentials as a community. Such freedom, substantial development can be real once a system allows individuals to enjoy the power of electing their representatives and be part of the decision making the process through participation. From Athens to modern days, people have been at the centre of every government.

CHAPTER 3

THE RTI ACT: A GLOBAL SCENARIO

“Democracy cannot meaningfully function without an informed citizenry, and such a citizenry is impossible without broad public access to Information about the operations of government.”

-Ryan Shapiro

The RTI Act is universally recognized as a fundamental right and a requirement for any responsible governance. Several countries have enacted laws to administer their people access to information. The foundation for FOI is growing from internal and external pressure on governments. In most countries, civil society, the media, human rights teams and pressure groups, as well as several other organisations, have contended a vast role within the promotion and adoption of such laws. The driving force behind these laws was the primary legislation known as FOI within the world, the Swedish parliamentarian Anders Chydenius. Then, the legislation at a world level, several international and regional organizations enacted. FOI was recognized as a basic right within the USA. In 1946, the final Assembly of the UN adopted a resolution 59 (1) that established that FOI can be an elementary right and also the standard of all freedoms for the international organization to be consecrated. To guarantee international human rights instruments, the FOI has established itself as part of the fundamental right to freedom of expression, with the equal freedom of expression, the ability to receive, receive and transmit information. In 1948, the last assembly of the United Nations adopted the Universal Declaration of Human Rights (UDHR), which guarantees freedom of expression and expression. “Freedom of Information is a fundamental human right and the touchstone of all freedoms to which the UN is consecrated.”

After the international organization, the UDHR announced, followed by the adoption of the International Covenant on Civil and Political Rights (ICCPR) of 1966. The Convention explicitly recognizes The RTI Act as a fundamental right under Article 19 which establishes that "Everyone shall have the right to freedom of expression. This right shall embody the freedom to hunt, receive and divulge Information and ideas of every kind, in spite of frontiers, either orally in writing in print, within the style of art or through the other means that of their alternative." Together with these international human rights instruments, the "European Court of Human Rights" ordered a convention on human rights in 1950 that offers the freedom to preserve, receive and import concepts and opinions. The American Convention on Human Rights of 1969 conjointly supports The Right to Information indirectly, virtually 100 countries within the world have already enacted the FOI law, that authorizes The Right information to people.

Declaration of UNESCO & Rio De Janeiro:

United Nations Educational Scientific and Cultural Organization declaration of 1978 acknowledges that freedom of opinion, expression and information is integral a part of the right and basic freedom. It committed to serving all barriers in free-flowing Information.

Along with all this, the adoption of the 1992 Rio de Janeiro Declaration on Environment and Development was an important milestone during this methodology. This places great pressure on international establishments to adopt policies that promote access to information. Since the adoption of the Rio de Janeiro Declaration, RIO declaration, the World Bank and all four regional development banks; the inter-American Development Bank, the African Development Bank Group, Asian Development Bank and the European Bank for Reconstruction and Development have also adopted and implemented disclosure law policies. "In 1998, following the Rio de Janeiro declaration, the UNCED member

states and also the international organization signed the legally binding convention on access to Information, public participation in decision-making and access to justice in the matter environmental. (Convention of the port). The port convention was the spectacular most important elaboration of Principle 10 of the Rio de Janeiro Declaration, which emphasizes the participation of subjects in environmental problems and access to information. The environmental issues are best managed with the participation of all interested people, at the relevant level. At the national level, each individual must have adequate access to environmental Information that public authorities have, along with Information on unsafe materials and activities in their communities, and also the opportunity to participate in decision-making processes. States can facilitate and encourage public awareness and participation by creating accessible Information around the world. Effective access to judicial procedures and body procedures must be provided, along with repair and appeal. (Principle 10, UNCED, 1992) States shall give previous timely notification and relevant Information to doubtless affected States on activities which will have a major adverse trans-boundary environmental result and shall refer to those States at an early stage and in honesty.” (Principle 19, UNCED, 1992).

The commonwealth:

Commonwealth countries adopt vital measures to recognize human rights. In 1980, Commonwealth ministers met in Barbados and declared that “Public participation in the democratic and governmental process would be most meaningful when citizens had adequate access to official information.” In addition, the Commonwealth has taken many steps to develop this right. In 1999, Commonwealth secretaries met with a bunch of common heritage consultants to debate the correct Information. The cluster of consultants that established a collection of principles and pointers on freedom of Information that was

approved by the customary law ministers in 1999. It includes freedom of Information that has got to guarantee a legal and enforceable right.

The Commonwealth Freedom of Information Principles were supported by the recommendations of the consultants' 1999 report and these principles endorsed by The Commonwealth Law Ministers at their Meeting in 1999 knew the Principles at their meeting at Trinidad in 1999.

Freedom of Information Principles of the Commonwealth state that:

- “1. Member countries should be inspired to consider Information freedom as a legal and viable right.
2. There should be a presumption in favour of the linguistic act and governments should promote a culture of openness.
3. Correct access to Information is also subject to limited exemptions, however, these should be established in a very limited way.
4. The government must maintain and maintain records.
5. In theory, selections to refuse access to records and information should be subject to independent review.” (CHRI)

SWEDEN:

In Sweden, the press freedom act of 1766 gave the public access to government documents. Therefore, it became an integral partner in a part of the Swedish Constitution and, therefore, the first legal recognition that governs the RTI in the world. This is often referred to as the "principle of public access". In 2009, the law was passed on the public use of information and privacy, which had amended the provisions of the Press Freedom Law before 1766 and included the provisions of attraction process etc. to all Swedish

people. And foreigners have the right to consult the documents requested by the public authorities. However, this right is restricted in two ways. Within the first place, the general public has the right to inspect the documents that are official documents. In fact, the law says that not all documents of a public authority are thought-about official documents. Thus, for example, a draft of a decision, written communication or the like in a matter is not an official document if the draft is not used when the matter is finally determined. Second, a series of official documents are reserved. This suggests that the public does not have the right to examine documents and public authorities prohibited from creating them publicly. In some cases, public documents can also be uninterrupted secrets, once a secret is required to protect the interests of the state or security or any other sovereign state or its relationship with alignment. National Affairs, Financial or Financial Policy or Control. And alternative supervision operations distributed by the protection of public officials or lawyers or the general public's crimes or economic interests or the protection of the economic and non-public status of people or the protection of animals or plant species. If the secret information will be filed or presented in court proceedings, then the court can take action in the executive session. People under the age of fifteen or those with some kind of mental disorder can also be heard in the executive session.

“Sweden has a long history of information. In Sweden, the culture of openness is strong and enthroned after over about 245 years of experience with the right to information. World’s first FOI Act was the Riksdag’s (Swedish Parliament) Freedom of the Press Act of 1766, which is now part of the constitution.” The latest revision of the Act took place in 1976. In Sweden, the right to access and to correct personal data is provided for by ‘Personal Information Act’, which comes into force on 24 October 1998. The Secrecy Act 1980 is also effectively incorporated into the RTI law as the regime of exceptions and it contains various provisions implementing the right to information.

. The last revision of the Law passed in 1976. In Sweden, the "Right of private Information", that came into force on the day, 1998, has the Right to access and proper your personal information. The Secrets Act of 1980 is additionally effectively incorporated. Within the RTI law because the regime of exceptions and contains many provisions that implement the RTI Act. "Sweden has in-depth constitutional protection for adequate Information". The first article of the second chapter of the government. The tool guarantees that each of the people has what is right for "freedom of Information: it is the freedom to obtain and receive Information and, otherwise, become familiar with the expression of others". (Sudhir N, 2013)

United Kingdom:

The law on freedom of Information in the United Kingdom was approved by its parliament in 2000 and came into force in 2005. It's the results of the labours' party election declaration of the 1997 elections. Once an extended amount of conservative rule, the party came to power and consummated its promise to adopt legislation on the RTI Act. The Law was approved in 2000 and came into force once after five years because it was subject to a delay for the authorities to possess time to organize for its implementation and also the September four attack on us. UU delayed its implementation. In the United Kingdom, FOI legislation is regulated by two laws of the UK FOI Act and the Scottish FOI Act of 2002. Both laws are effective as on 1 January 2005. Certain types of information can only be obtained under the Environmental Information Regulations. FOI Act 2000 applies to United Kingdom government departments and public authorities in England, Wales and Northern Ireland. In addition to departments, public authorities, the law also applies to the House of Commons, the House of Lords and the Welsh and Irish Legislatures. If any efforts were made in the form of the McLean bill to get Parliament out of the purview of the law, it was heavily criticized and now appears dead.

In the United Kingdom, the law covers any Information command registered by a public authority in England, Wales and the European nation and by public authorities throughout the United Kingdom, mainly based in European countries. The law does not guarantee people access to their personal information, such as their medical records or their credit reference life. If a member of the public needs to verify the command of Information by a public authority, it is necessary to create a request for subject access in accordance with the Information Protection Act of 1998.

In the UK, “freedom of Information legislation came into force for the UK and Wales for the first time on Jan one, 2005. This Act referred to as the freedom of The RTI Act 2000, applies to government departments and authorities public of England. Though the Law had been approved four years earlier, the implementation of the Law was delayed for four years in order that the authorities had time to organize for its implementation. The Law additionally applies to the House of Commons at the U.K. the House of Lords and also the assemblies of Wales and European nation. An analogous act, referred to as the freedom of The RTI Act (Scotland) of 2002, offers similar rights to the Information command by the Scottish government and also the Scottish public authorities and also the Scottish Parliament.” (Baniser, 2006)

There are three types of discounts. Completely exempt, court records, most personal information, information related to security services, confidential information obtained or information protected by any other law cannot be disclosed. Under "Exception by the qualified category", the information will be collected if it is considered within a broad range of exemptions. This includes the information obtained from the creation of the President's policies, the security of national security, investigation, true communication, legal privilege, public safety or distant government. There may be a large number of exemptions for third-class restricted categories in which the government agency has to

show bias for specific interests to protect the information. This includes information related to defence, negotiation and economy, interference with a crime, industrial interests, or information that disturbs the effective conduct of public affairs or impedes the free and explicit provision of recommendations. A "public interest test" applies to the last 2 sections and states that the information will only be held in the interest of maintaining the class of the general public or exempt from prejudice will outweigh the general public interest in disclosure. Selection in PIL can also be made at the opposite end of the 20-day limit of the law, provided that they are within the "reasonable amount depending on the circumstances". Public authorities should also develop publication plans that provide information about their structures and activities and the types of information that will be mechanically disclosed. The Official Secrets Act of 1989 penalizes unauthorized disclosure of presidential information by officials. It has also often been used against government complainants and the media to print information related to security services.

In the UK, the justice committee has concluded that when ten years "the law has contributed to a culture of greater openness among public authorities ... several public officials not only implement the law, yet add the spirit of FOI to obtain greater openness " (Justicia 2012, 11). The United States government in its response, the "Law has contributed to a culture of greater openness among public authorities" (Ministry of Justice 2012, 4). Other studies have shown that FOI "has not consumed the best hopes or the worst fears" (Hazell et al, 2010, 255). At the central and national level, the law created the government. Further opening as "FOI offers greater transparency through the linguistic act of knowledge and responsibility in the right circumstances, questioning and receiving a response that supports this Information." (Worthy 2010, 577). An identical conclusion was offered to the authorities (Worthy 2013). Within the UK there is a variation between government

departments or totally different native councils in terms of performance, perspective and 'openness'.

In the UK, "there is evidence that the FOI will have an impact on systems and procedures, resulting in a change in behaviour and even facilitating smart practices through "smart" regulation. Officials from each central and indigenous government have spoken on the subject. However, FOI has professionalized the decision and record-keeping and created other open cultures." (Hazell et al 2010: Worthy 2008). "Some officials have spoken, however, FOI has improved relations with the press and stakeholders." (Hazell et al 2010). However, "the exact impact of the FOI will be evaluated only on the basis of the possible modification of previous practices many other officials believe they have already operated under scrutiny from many sources." (Worthy, 2008).

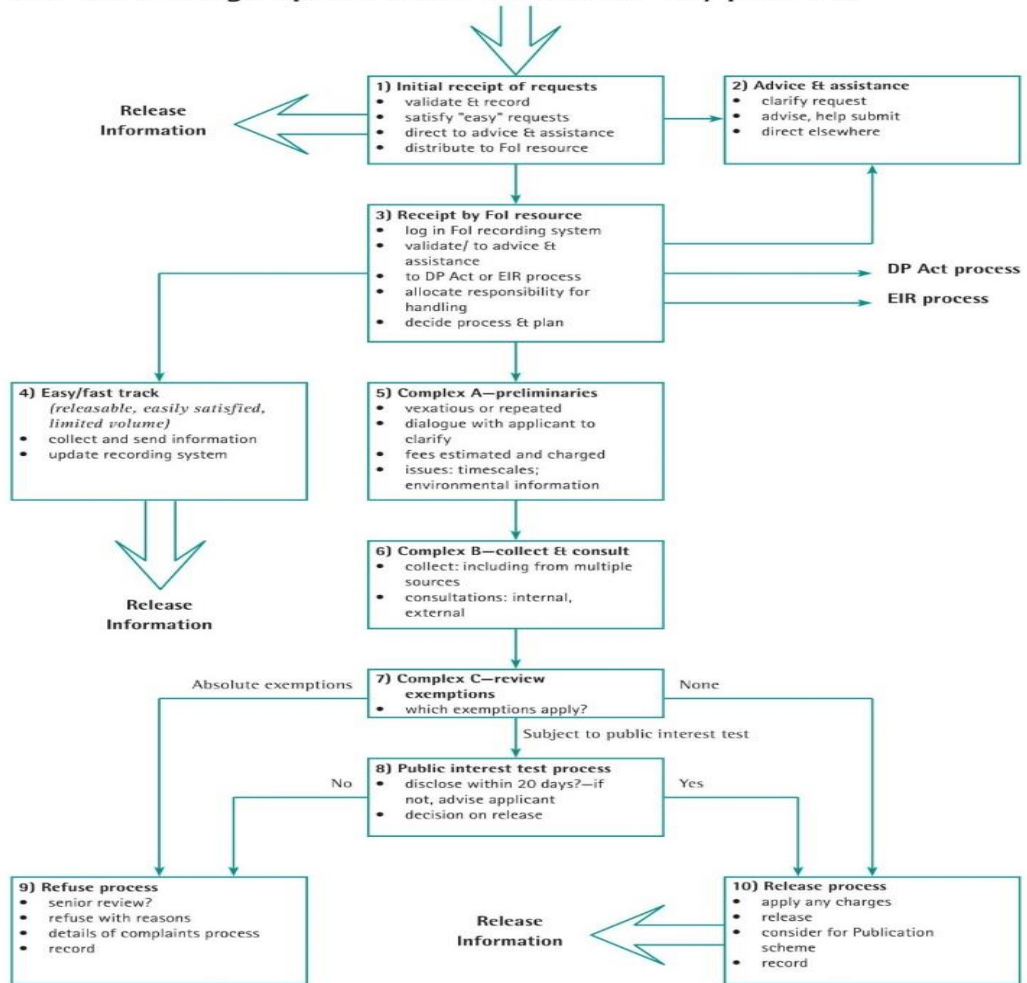
"A more difficult question is whether access to Information laws has had a negative impact on the behaviour of officials. The potential for exposure will cause deceptive representations or "avoidance" rather than improvements." (Hood 2007). A harmful consequence that is usually stated is that such laws have created a "chilling effect" because the records are not stored or distorted at any time to block future publications. Within the United Kingdom, the justice committee "could not conclude, with any certainty, that a chilling impact is the result of the FOI law" (Justice, 2012). Several analyses have found a marginally negative impact, however, with some factors (for example, more officials involved than the results of not having a record and, therefore, the effects of FOI) forced to balance these considerations with different Interests, since there are fewer resources for record-keeping or loss concerns (Worthy, 2008).

The right of access applies to "any person". This might be a natural or legal person, as an organization. The Law doesn't distinguish between a resident, an area elector, a national of the UK or a national of the other country. Somebody doesn't need to provide a reason for his or her request. The correct applies to any written request for information, that is created to the authority, whether or not or not the author mentions the FOI Law. The application will be in electronic format. It applies to register information in any kind that's within the possession of the authority at the time of the request. This includes information that is maintained by another body on behalf of the authority, for instance, a contractor.

Proactive publication:

Publication schemes a central feature of the law. They supply a chance for authorities to clarify to the general public and stakeholders however the FOI works and applies in follow and create an oversized quantity of information on the market proactively. The Law needs that every public authority adopts and maintain a publication theme, approved by the information commissioner. All authorities should have their plans approved and operational by June 30, 2004. In step with the Law, they need to conjointly sporadically review their systems.

Chart: Handling requests under the Fol Act—key processes



F.4 Process of FOI in the UK.

Source: CHRI

UNITED STATES OF AMERICA:

USA enacted the FOI Act in 1966. It had been one among the primary countries to enact the RTI when Scandinavian country and Republic of Finland have amended the United States of America legislation. UU Since it had been adopted. Some amendments relating to the exemptions enclosed within the FOI Act happened in 1976. In 1996, the draft law amending the Electronic FOI Act provides records in electronic format. The recent modification to the FOI Act was dole out in 2007 once amendments to the law were adopted within the sort of the "Open Government Act" of 2007. within the US there are 3

laws that support freedom of the press and Information, one is that the FOI Act, the second is Privacy The 1974 Act protected individual privacy against the misuse of federal records whereas granting access to records that concern them, and therefore the third is that the 1976 Sunshine Act, that opens conferences of state agencies to the general public.

“The FOI Act makes speech act a rule non-disclosure an exemption. People are granted the right to access information and, if the information is withheld, the govt should justify the rationale for withholding documents. In the event that access to documents is denied, individuals have the right to request a period of prevention. However, all states, in addition, because the District of Columbia and a few territories, embrace similar legislation that needs the FOIA by state and native government agencies. However, all people UN agency have U.S. citizenship has the right to FOI beneath the Act.” (Shveta Dhaliwal, 2009)

President Lyndon B. Johnson, on July 4, 1966, signed the FOI Act, which came into effect from there and entered into force the following year in 1967. FOIA could be federal FOI law. Information that enables the total or partial speech act of antecedent unpublished Information and documents controlled by the govt of the U. S. The law defines the agency registers subject to the linguistic act as required by law and describes the necessary procedures of the linguistic act and grants nine exceptions to the law. The Law applies solely to federal agencies established beneath the U.S. federal. However, the majority of states have enacted similar statutes to demand freedom of information by state agencies and native governments. The enactments vary in nature between states and a few are considerably broader than others.

Virtually each record control by a federal branch agency should be offered to the general public in one type or another unless it's specifically exempt from speech act or particularly excluded from the coverage of the Act within the first place. The freedom of The RTI Act was amended by the Intelligence Authorization Act of 2003, which became effective as of Nov twenty-seven, 2002. The freedom of The RTI Act currently contains a language that stops the agencies of the community of intelligence disclose records in response to any Freedom of The RTI Act Request created by any foreign government or international governmental organization, either directly or through a representative. The term IC means it specifies federal agencies and subparts of agencies that are thought of the intelligence community.

CANADA:

In Canada, the 'Access to The RTI Act provides Canadian people et al the right to access records control by governmental or federal establishments. Canada's Access to The RTI Act "came into result in 1983 and also the Privacy Act was introduced within the same year. The privacy law extends the current law of the American nation to produce personal information about people. In Canada, each province and territory has its own access to information legislation.

The Access to The RTI Act was amended as a part of the coercion Act on Nov 2001. The government's original proposals have licensed the professional General of North American nation to "at any time in person issue a certificate prohibiting the speech act of Information with the two guard international organizations. "Relations of defence or national security ". The Information Commissioner or the federal courts didn't review this order. This provision was powerfully criticized. The ultimate modifications permit the professional General to ban the speech act of Information antecedent.

The 1983 Access to The RTI Act allows its people to request registrations from federal departments. The law came into force in 1983, which allowed Canadians to retrieve Information from the archives of presidential departments and establish what Information could be consulted, with adequate deadlines for the response. The law establishes an establishment known as the Canadian Information Commissioner for the application of Information.

In 1983, a complementary Privacy Law was introduced to forestall sure Information from being created public. the greatest determination of the ‘privacy act’ was to increase this law of North American nation that defends the privacy people with relevancy personal Information regarding them maintained by a federal establishment which provides people with a right of access to its Information. Any criticism regarding attainable violations of the Law is also according to the Privacy Commission of North American nation, is to blame of the protection of the non-public rights of Canadians. “Canadian Information access laws distinguish between accesses to records in general and access to records containing personal information about the person making the request. People have proper access to records that contain their personal information under the privacy law, however, the general public does not have access to records that contain personal information of third parties in Access to Information. Each province and territory of the North American nation has its own access to Information legislation.” (Gigimon. 2009)

IRELAND:

According to 1997, the Irish FOI Act, the interest of the public and the right to privacy of everyone, each member of the community are at the highest goal to make possible the great extent and access to official information. It jointly creates rights that allow people to

have personal information in an amended record where it is incorrect, incomplete or misleading; and to get reasons for selections that have an effect on a person's privacy. It is also necessary that public bodies publish information about themselves on their websites in relation to the information they need and to the rules and internal advice they use in the decision-making process. The law is administered by the Government's Department of Finance. The law establishes that the establishment of the associated independent workplace of the information commissioner will examine most of the selections made by public bodies under the Law as an attractive appeal authority and allow the nation's Investigator to be appointed Commissioner under the law. The 2003 Freedom of Information (Amendment) law imposed fees for the creation of information requests and requests for review. Options have taken by government agencies. As a result of the change, someone has to pay € 240 to access the information.

PAKISTAN:

The former President of Pakistan state, Pervez Musharraf, has made the freedom of information ordinance in 2002. Although the term of this order should expire in a period of six months, the President issued a constitutional decree that guarantees the ordinance of continuance. The ordinance allows anyone with access to public records by a public institution of the nation, as well as departments, ministries, councils, boards of directors, courts and courts. It does not apply to government companies or provincial governments. By law, departments must respond within twenty-one days from the date of receipt. After Amendment 18 in 2010, Article 19A was incorporated into the Constitution of the Indian state. It confers the right of people to use the information on the status of a primary constitutional right. It allows anyone to access official documents of a national public body as well as ministries, departments, councils, courts and tribunals. It does not apply to government companies or provincial governments. The bodies must answer within twenty-

one days. However, to date, there is no alternative legislative law to provide complete information to the people and there are no rules or regulations in force.

BANGLADESH:

The article 39 of the Bangladesh Constitution guarantees freedom of expression and freedom of the press. Provided that the correctness of the Information is a requirement for civil liberties, the government. Bangladesh promulgated the RTI Act in 2009. The most objective of this Law is to scale back corruption and guarantee good government, transparency and responsibility altogether in public spaces. And personal organization. Consistent with section four of the Law, each subject can have the right to receive information from the authority, and the authority, at the request of a subject, is going to be obligated to supply the information. Section VI of the law requires all authorities to publish and disclose all information associated with any call, currently or actively performed or projected once it is shared in the simplest way that is accessible to people and once the publication Information and publication can't do it. Hide any Information or limit its easy accessibility. Each authority may publish an associated annual report each year that contains details of its structure, activities, responsibilities, etc., Decision making process decide | superior cognitive method}, lists of laws, laws, ordinances, rules, rules, notifications, directives, manuals, etc. the terms and conditions below that a person will receive services from the authorities to obtain any license, permit, grant, consent, approval or different borders, etc.; details of the structures that guarantee the correct Information of the people and each of the lower-case letters of the assigned official. The law imposes jointly the duty that if the authority frames a policy or makes a vital call, it will publish all the policies and selections and, if necessary, defend the explanations and the causes that support these policies and selections...

NEPAL:

The Constitution of the Nepal State, 1990, in its 16th article, states that "Every citizen has the right to request and receive information on any matter of public importance, provided that nothing in this article obliges a person to provide information on any related issue The key must be maintained by law." In addition, the Interim Constitution of 2007 recognized The RTI Act underneath basic rights, Article twenty-seven of the revisionary Constitution guarantees The RTI Act. right to seek and receive information of a private nature or associated with matters of public importance, if nobody is needed to supply Information on that confidentiality should be maintained in accordance with the law This provision is a clone of Article 16 of the Constitution 1990. Article twenty-seven says that each nation shall have the Right to demand or (seek) to get information on any issue that issues itself or the general public. If nothing during this Article is deemed to obligate a person to supply information on any matter on that confidentiality should be maintained by law.

AUSTRALIA:

Legislation on The RTI Act exists in Australia at the extent of the Commonwealth and at the state level. The most purpose of the Commonwealth FOI Act of 1982 is to increase the right to each person to access information, which controls by the Commonwealth government. The Law subject to exemptions acknowledges the requirement to shield confidential personal and business information and a few government records. Additionally, the Law applies to documents control by most Australian government agencies. The Law conjointly applies to documents control by ministers that relate to the affairs of Australian government agencies.

An administrative body should create selections on document requests among thirty days. However, this could also be extended if the consultations needed by the aforesaid agency. An information requestor should pay an application fee and process fees to get Information, however, each will be reduced or eliminated for reasons that embrace difficulties or the general public interest concerned within the request. The Australian Law provides for 3 kinds of remedies for disgruntled applicants: The Right to request an indoor review by the centre to get a freelance review of the choice of the executive Appeals judicature implanted by the govt to complain to the Commonwealth investigator. The investigator appointed in accordance with the Act, alongside different functions, has the ability to analyse the actions of the agency underneath Australian Law, together with selections, delays, and refusal or failure to act on appeals in the court.

CHAPTER – 4

PATH TO THE RTI ACT: A JOURNEY IN INDIA

“The Constitution of India has established democratic Republic, and whereas 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.” -The preamble to The RTI Act, 2005

Although we, in India, have a propensity to be slow in terms of enacting The RTI Act compared to few Western countries, however, the thought and debate on RTI itself are a not new here. There were debates about secrecy in the public institution. There were dialogues that took place to create institutional transparency. Indian Supreme Court has always been keep enlighten us with various rulings for a long time. Within the case of the *State of UP vs. rule Narain in 1975*, the Supreme Court aforementioned that "in a government of responsibility like ours, wherever all the agents of the general public should be answerable for their conduct, there are solely many secrets. The individuals of this country have The Right to understand each public act, everything that was done in public, by their public officers. They need The Right to understand the main points of every public group action all told its aspects. The Right to understand, that springs from the construct of freedom of expression, though it's not absolute, could be an issue that ought to create one cautious, once the key is demanded transactions that, at least, can't have a bearing on the general public security ." (The State of UP against the rule Narain case, January 24, 1975).

The RTI, famously know as freedom of Information in the western nations, has now turned into a major wedge of reasonable governments and is significant for advancing "open government" and, hence, the obligation of public servants, just as advancement

openness, increasing participation and enhancement of transparency, and, in this manner, the rule of law as a basic norm. The RTI is not merely a principle for an open and law-based society, be that as it may, however, it is a key weapon in the battle against a great challenge called corruption, and in due course leading to prompt human progress and development. The RTI law is the most revolutionary law that authorized Indian people to request information directly from government / public authorities. According to the RTI law, it is mandatory that public authorities provide the Information requested by the people at intervals of prescribed amount (within thirty days), alternatively, there are provisions for financial fines / other fines.

EVOLUTION OF RTI IN INDIA

Phase-I

- 1975 State of Uttar Pradesh vs. Raj Narain. For the first time RTI got legal support.
- 1978 RTI in demand against Motor Vehicle Act in Gujarat.
- 1981 S.P.Gupta vs. Union of India case. Peoples Right to Know and Right to Speech and Expression demanded the existence of open governance.
- 1982 Amendment of Official Secrets Act (OSA), 1923, to reduce hindrances towards peoples right to know.
- 1989 V.P.Singh's national government decided to make RTI a fundamental right.

Phase-II

- 1994 Majdoor Kishan Shakti Sanghatan (MRS'S) campaign for justice in wages, livelihood and land.
- 1995 First blueprint of Freedom of Information (FOI) Bill was made by Press Council of India.
- 2000 FOI bill was passed in Indian parliament.
- 2002 The FOI Act came into existence.
- 2005 The term FOI has been changed to RTI (Right to Information)

Source: (Patra, 2009)

F.5. Timeline of RTI.

Source: Patra, 2009.

The RTI law is the most revolutionary law that authorized Indian people to request information directly from government / public authorities. The three fundamental parts of The RTI Act, 2005, measure responsibility, transparency and accountability. According to the RTI law, it is mandatory that public authorities provide the Information requested by the people at intervals of prescribed amount (within thirty days), alternatively, there are provisions for financial fines / other fines.

1. Universal Declaration of Human Rights:

Universal Declaration has acted directly and indirectly as a model for various national laws, laws, laws and policies that protect the basic national human rights. "These national direct constitutional demonstrations incorporate references to the Universal Declaration or the incorporation of its provisions; reflection on the substantive articles of the Universal Declaration in national legislation; and, therefore, the judicial interpretation of the national law (and of the applicable international law) with the connection of the Universal Declaration. Many of the provisions of the Universal Declaration have been united by customary law, which is binding on all states. This development has been confirmed by states in intergovernmental and diplomatic circles, in cases before courts presented by the actions of intergovernmental organizations and law students." (Hannum H, 1995). According to article nineteen of the law on the Declaration, "everyone has the right to freedom of opinion and expression, together with the right to freedom to transmit opinions without interference and to seek, receive and disperse Information and ideas, without importing the media, this and despite the borders ". (UDHR)

2. Indian constitution and right to know:

The preamble to the Constitution describes the Republic of India as a democratic sovereign republic country. The interpretation of the rights bestowed by the Constitution should, therefore, take its colour from the democratic character of the Republic of our political body. The Constitution is an instrument designed to make sure the govt. of the country as the Democratic Republic, our rights beneath the Constitution should receive steering and that means which will facilitate and do this elementary premise.

“Article 19, section 1, subsection (a), of the Constitution guarantees fundamental rights to the freedom of expression and expression, which implicitly includes the right of access to Information. The need to enjoy this right is Information and knowledge. Therefore, the correctness of the Information becomes a right of the Constitution, as it is an aspect of the right to freedom of expression and expression, which incorporates the right to receive and collect information. However, article nineteenth (2) allows the state to enact any law to the extent that such law imposes accessible restrictions on the exercise of rights granted by article nineteen (1) (a) of the Constitution.” (D D Basu, 2011)

The RTI Act derives from Article 21 of the Constitution on the right to life and liberty, which incorporates the right to know with respect to the elements that have an effect on our lives. The expression "right to life and personal freedom" is broad, incorporating a series of attributes and rights. To sustain and nurture this belief, it's necessary to accept information laws. Thus, Article 21 confers on all individuals the right to know, which incorporates the right to receive information. In this way, the scope of Article 21 is far broader compared to Article 19 (1) (a).

Articles 32 and 226 of the Constitution guarantee the "right to constitutional remedies" by that a nation has the right to seek a charm within the Supreme Court and

therefore the Superior Courts if their elementary rights desecrated. In line with Article 253, Parliament has the facility to form the law effective international agreements and, beneath Article 51, the State has the obligation to push respect for law and therefore the obligations of treaties in relations between other international organizations. The Constitution establishes the duties that each one voter should fulfil beneath Article 51 A. A thoroughly informed national is best equipped to perform these duties. Access to information would facilitate people to fits these obligations. Additionally, Article 361 A, that deals with the "Protection of the publication and procedures of the Legislatures of the Parliament and therefore the State creates protection against defamation actions that arise from legitimate and correct parliamentary reports. This suggests that the media will Information individuals regarding what's happening within the legislatures without worrying about being sued.

3. Mazdoor Kisan Shakti Sangathan

The Mazdoor Kisan Shakti Sangathan is a group that works for the management of employees (Mazdoor) and farmers (Kisan) in Rajasthan. This grassroots organization was registered on 1st May 1990. It established within the village of Devdungri and is under the direction of Aruna Roy, a former government official. The region was environmentally degraded and susceptible to chronic drought. Land possession was restricted and therefore the rural poor had to appear for non-agricultural activities for his or her support, particularly within the summer. With the intention of serving to the poor, the govt of Rajasthan initiated a series of famine relief programs, involving the participation of the agricultural population within the construction of roads and water tanks. These were meant to produce jobs for the poor by reassuring those daily wages, additionally to rising rural infrastructure. However, in most cases, such initiatives didn't serve the poor thanks to high levels of corruption.

“Despite the existence of the Right to Minimum Wages Act in Rajasthan, the salaries paid to employees were generally lower than those shown in official documents were. Employees were not paid on time. The MKSS has decided to challenge these corrupt practices. When there was a fight, MKSS was able to obtain photocopies of the relevant documents during which the diversion of funds was clearly demonstrated. Organizations in alternative states have followed their example and requested the implementation of a law on The RTI Act in alternative contexts.” (Kumar A, 2008). “A written legal account from the early ’90s that details the efforts to institute the RTI as a right is abundantly documented within the comments of the MKSS.” (Mazdoor Kisan Shakti Sangathan) Other organisations like the NCPRI that was formed in 1996, the Commonwealth Human Rights Initiative (CHRI) and specific state organizations and movements concerned within the fight for RTI. The method of construction of the law has generated substantial writings. The creation of a national law on RTI arose in a meeting of public officials, lawyers and social activists in the Lal Bahadur Shastri National Academy of Administration, Mussoorie in October 1995, initiated by some officials of this institute on the RTI. The proceedings of the India Press Council workshop in 1996, derived from the previous meeting, gave rise to the primary RTI bill. Special attention was given not solely to the Information that might be sought-after below the law, however additionally to what it could not. At that point, the bill contemplated the relevancy of RTI not solely to the state however additionally to the company and nongovernmental organization sectors. A draft of the patron Consumer Education Research Council (CERC) followed, proposing the overall repeal of the official Secret Act of 1923. In 1997, the govt of India shaped a committee below the billet of shopper activist H.D. Shourie to draft the legislation. During this report, the committee improved the draft of the Press Council by creating the judiciary and legislative assemblies

make up the scope of the planned legislation, however, diluted its provisions in most alternative crucial aspects.” (Aruna Roy, 2018)

Standing in the background with a dynamic guard in the middle of rapid succession, H.D. Shourie's project was reborn in 2000 in an excellent weak type due to the Freedom of Information Act (FOI) project. It was certainly approved as per the tenure of the NDA government in 2002, had never been notified & the new UPA government, in its common minimum program, received a welcome to make it as a powerful RTI Act. The advisory council gave the government its draft in August 2004, during which the Department of Personnel and Training worked. Bureaucrats may finally be provided to the Parliament in December 2004 as a Right to Information Bill. Both the FOI Bill 2002 and the draft RTI Bill 2004 evoked criticisms in their own right, in so far as they violated the basic tenets of a strong and tenable right to information law (of maximum disclosures, independent appeal, penalties and effective mechanisms for access to information). Although the latter leapt ahead for FOI in many respects, it significantly restricted the relevance of the legislation employed for central government offices. Of course, on every occasion, the work of inconvenient bureaucrats ensured that the bill went through similar dilution procedures. However, as mentioned earlier, no opposition to the RTI Act came down. Meanwhile, some state governments initiated the passage of RTI laws or orders, which contained safe provisions to disclose. When individuals were asked for information, the laws were also strong or were effectively enforced. The 2004 RTI bill was noted in a Parliamentary Standing Committee, which submitted its report on April 2005. Its commendable recommendations are requested to return the detailed bill. When the bill finally came up for discussion in Parliament on 11th May, 2005, it looked fairly close to the original NAC draft and was passed in this form. Reading into these different versions

of the clearly reveals a bargaining process what dilutions were attempted, and how they were checked.

4. Parivartan:

"Parivartan, for a decade and half has been active for social transformation, wherever marginal sectors of the community have the social, economic and political power to lead a life of security, dignity and prosperity". Parivartan is working to strengthen grassroots organizations to specify their struggle for basic human rights and to provide democratic development models for economic and social development. Parivartan works intensively with girls as her philosophy believes that property development is still incomplete and there is no dynamic participation of women.

The negotiations to specific the judgement of the community littered with the economic project, the struggle for the institution of their basic rights and therefore the strengthening of cohesive federations to boost the scope of feminine leadership to initiate and monitor the method of even-handed development within the villages , blocks and districts are a number of Parivartan's key promotion executions. Parivartan considers: "While a part of our nation lives at the end of the twentieth century, another half still lives in the medieval age and no nation will advance much in the national extreme." To channel a great scientific and technological effort towards the event of the regions and underdeveloped sectors of society, Parivartan is extending the scientific methodology through education to any or all sectors of society, in the simplest way that is absorbed by culture. This is often done through the AKRUTI (Advanced Knowledge and Rural Technology Implementation) in collaboration with BARC (Bhabha Atomic Research Centre), a multidisciplinary association of analysis and development within the Department of Energy, the Government of India. Parivartan's AKRUTI centre can be a

management model that presents the guiding principle: "What is there in the need for integral rural development and how to achieve this goal".

Will the community's sustaining manifestations highlight the desires and demands of all the parts of the community to which they have been told, with particular attention to disadvantaged communities, will put Parivartan to develop an innovative model? This model simply brought requests to the panchayats agenda and opposed the village government for its transparency and accountability. It was an honest signal to advance with the values of justice, freedom and equality.

Parivartan is a corporation primarily based in the city that began in January 2000. As a well-liked movement to strengthen democratic values, it strives to strengthen practices and systems that foster democratic democracy by guaranteeing transparency and answerability. Parivartan's initial activity was providing relief to taxpayers from immoderate corruption within the tax department. Primarily in the city, Parivartan additionally filed Public Interest proceeding within the jurisdiction of Supreme Court in order that bound procedural changes introduced within the department to cut back corruption. Since then, the department has issued directions to all or any of its officers to implement the measures urged by Parivartan.

But soon, Parivartan accomplished that through these activities they supply immediate relief to the general public full of corruption, they are doing not permit people to resolve their complaints directly within the future while not the help of Parivartan, nor do they create permanent general changes. Parivartan then began victimisation the city The RTI Act to an oversized extent to resolve public complaints. The act proved to be terribly effective with the active participation of Parivartan. Now, Parivartan is devoted to educating the general public on a way to use this law to resolve their various claims rather

than intervening directly on behalf of people. The full focus of Parivartan now's a way to use The Right information to ensure transparency and answerability in governance.

Parivartan controls the primary urban Jansunwai in the city on 14 December 2002. Another public hearing was organized in Sundernagari underneath the collective initiative of Parivartan, the National Campaign People's RTI (NCPRI) and MKSS to in public discuss the works. audited The conference discovered the misappropriation for Rs 1.3 million rupees in sixty-four works out of a complete of sixty-eight works audited by the public audience. Parivartan policy verified the matter of misuse of funds. He felt that the matter of corruption may be effectively addressed by encouraging the general public to form use of the RTI. It had been clearly incontestable that the majority of the time, it's not the insufficiency of the funds, however, rather the leaks, that accountable for the poor provision of the services. The Parivartan was ready to unearth with success the nexus between the native administration, the native politicians, the native contractors and therefore the city administration. Before the enactment of a special law on RTI law, several laws and laws have been made against speech information laws in the country, such as the Indian Evidence Act, 1872, the Official Secrets Act, 1923, etc. In addition, the Constitution of India also protects the types of communication between high-level constitutional authorities. Article 74 (2) states that the recommendation made by the ministers to the President shall not be examined by any court. Similarly, Article 163 (3) states that no council shall consult the recommendations made by the ministers to the Governor. This privilege not only spreads to the matter but also the interpretation of the proposed recommendation and the background. Any legal document or information to any government official or another person who is not authorized to speak about the said document or information, directly or indirectly, in honest fulfilment of the tasks assigned to the particular user. The RTI incident suffered another setback with the imposition of the

National Emergency in the 1970s. The ban on media freedom was inevitable, and not even the judiciary was spared. Justice A. N. Ray became the President of the Supreme Court of India, replacing the 3 oldest judges. However, once future general elections and, therefore, the arrival of a new government, the branch emerged with a new policy and to allow accountability to be comprehensively interpreted, to promote accountability. Governance and, therefore, freedom of information. In 1999, the RTI emerged as an authority under Article Nineteen (1) of the Constitution of India.

The Constitution of India has a specific sanction for fundamental rights which contained in Chapter three. “These include the Right to Equal Protection of the Laws and the Right to Equality before the Law (Article 14), the Right to Freedom of Speech and Expression (Article 19(1) (a)) and the Right to Life and Personal Liberty (Article 21). These are backed by the Right to Constitutional Remedies in Article 32, that is, the Right to approach the Supreme Court, the highest court in the land, in case of infringement of any of these rights.” (D D Basu, 2018) These rights have received a dynamic interpretation by the Supreme Court over the years and can be considered as an idea of the rule of law in the Indian state. Article nineteen (1) (a) of the Constitution of the State guarantees the primary rights of expression and expression of freedom. The need to enjoy this right is information and knowledge. The lack of authentic information on matters of public interest can only encourage wild rumours and speculations and avoidable complaints against people and establishments. Therefore, what is appropriate for information becomes a constitutional right, because it is a part of the expression of freedom of speech and expression that is suitable for gathering and collecting information. It can also make it easier for people to fulfil their primary duties, as enshrined in Article 51A of the Constitution. A fully recommended topic is more equipped to do these tasks. Therefore,

access to information will make it easier for people to fulfil these obligations. Information for the functioning of real democracy is indispensable.

People should be constantly informed about current and common issues: political, social and economic. Free exchange of ideas and independent discussions and debates mainly measure the quality of the government of independency of a country. During this information age, its value as an important consideration about socio-political, economic and political development is being felt. In an extremely fast developing country like the Indian state, the provision of information must be guaranteed quickly and easily. This may be necessary because each development method depends on the provision of information. The right to know is closely related to alternative basic rights, such as the right to expression and freedom of expression, as well as the right to education. Its independent existence cannot be discussed as an associated feature of freedom. Viewed from this angle, information becomes an important resource. An unbiased access to the existing resource should be guaranteed...

THE SCOPE OF THE LAW:

The Act has some robust arguments in its favour

“These are:

- The act relies on smart intentions and encompasses an integral potential to act against secrecy publicly administration.
- Provides a voice to the poor and neglected sectors of society with respect to the public comes, that have an effect on their approach of life.
- Section three of the law advocates equal standing and opportunities for all people of the state.

- The law is applicable to any or all governmental and non-governmental organizations that act within the public interest.
- Section five of the law permits associate degree non-reader to submit verbal requests for Information to the general public Information Officer.
- In the event that the information requested affects the life and freedom of someone, the information is removed among forty-eight hours once the request. A really short and stratified chain ought to be followed to induce eliminate the requested Information.” ((Jena & Das, 2009).

In step with section twelve and section fifteen of the law, the Central and State Information Commission has been given exclusive autonomy to place the law into follow. However, the applying of the act and also the functioning of the commission subject to legislative management.

One of the crucial aspects of this law is section 4 (1) b. This section deals with the idea that every public authority must publishes the seventeen categories of information to the public proactively.

Pro-Active Disclosure:

Right to information and obligations of public authorities

- 3 Subject to the provisions of this Act, all citizens shall have the right to information.
- 4 (1) Every public authority shall—
- (a) maintain all its records duly catalogued and indexed in a manner and the form which facilitates the right to information under this Act and ensure that all records that are appropriate to be computerised are, within a reasonable time and subject to availability of resources, computerised and connected through a network all over the country on different systems so that access to such records is facilitated;
 - (b) publish within one hundred and twenty days from the enactment of this Act,—
 - (i) the particulars of its organisation, functions and duties;
 - (ii) the powers and duties of its officers and employees;
 - (iii) the procedure followed in the decision-making process, including channels of supervision and accountability;
 - (iv) the norms set by it for the discharge of its functions;
 - (v) the rules, regulations, instructions, manuals and records, held by it or under its control or used by its employees for discharging its functions;
 - (vi) a statement of the categories of documents that are held by it or under its control;
 - (vii) the particulars of any arrangement that exists for consultation with, or

representation by, the members of the public in relation to the formulation of its policy or implementation thereof;

- (viii) a statement of the boards, councils, committees and other bodies consisting of two or more persons constituted as its part or for the purpose of its advice, and as to whether meetings of those boards, councils, committees and other bodies are open to the public, or the minutes of such meetings are accessible for public;
- (ix) a directory of its officers and employees;
- (x) the monthly remuneration received by each of its officers and employees, including the system of compensation as provided in its regulations;
- (xi) the budget allocated to each of its agency, indicating the particulars of all plans, proposed expenditures and reports on disbursements made;
- (xii) the manner of execution of subsidy programmes, including the amounts allocated and the details of beneficiaries of such programmes;
- (xiii) particulars of recipients of concessions, permits or authorisations granted by it;
- (xiv) details in respect of the information, available to or held by it, reduced in an electronic form;
- (xv) the particulars of facilities available to citizens for obtaining information, including the working hours of a library or reading room, if maintained for public use;
- (xvi) the names, designations and other particulars of the Public Information Officers;
- (xvii) such other information as may be prescribed and thereafter update these

publications every year;

- (c) publish all relevant facts while formulating important policies or announcing the decisions which affect the public;
 - (d) Provide reasons for its administrative or quasi-judicial decisions to affected persons.
- (2) It shall be a constant endeavour of every public authority to take steps in accordance with the requirements of clause (b) of sub-section (1) to provide as much information suo motu to the public at regular intervals through various means of communications, including internet, so that the public have minimum resort to the use of this Act to obtain information.
- (3) For the purposes of subsection (1), every information shall be disseminated widely and in such form and manner which is easily accessible to the public.
- (4) All materials shall be disseminated taking into consideration the cost-effectiveness, local language and the most effective method of communication in that local area and the information should be easily accessible, to the extent possible in electronic format with the Central Public Information Officer or State Public Information Officer, as the case may be, available free or at such cost of the medium or the print cost price as may be prescribed.

(Right to Information Act, 2015)

Proactive information allows people to get as much information as possible without any request for information. Looking at the above arguments and rule has clearly said that the RTI Act is the key to democracy and development, therefore, it can do few wonders like Make democratic democracy meaningful, promoting trust within the government, supporting people-centred development, facilitate the fair economic process, & dealing with corruption. In recent years, there has been a strong global trend towards the popularity of access to Information by countries, intergovernmental organizations, civil society and, therefore, people. The RTI Act has been recognized as a fundamental right, which defends the intrinsic dignity of personalities. Access to Information is the fundamental basis of democratic democracy since it is essential to guarantee responsibility and sound governance.

Realizing the urgent need, the Parliament of India has enacted and place into result The RTI Act, 2005. The Law endeavours to harmonize conflicting interests between the right of people to the transparency of information in body functioning and therefore the confidentiality of economical government in sensitive matters. At the start, it ought to be understood that the RTI Act isn't a present presented on people of India by 2005 The RTI Act, however, could be a pre-existing basic right that's granted to people and might be copied to articles 19 and 21 of the Constitution of this country, as explicit by many rulings of the Supreme Court of India. This law is at the start the results of a vigorous judicial approach and a campaign of familiar people. This comprehensive legislation has provided a procedural manner for the exercise of existing basic rights and has expedited someone forcing the state machinery to supply Information. It offers people the right to seek information from the administration with sure exemptions.

In India, like England, the rule is secrecy associate degree revelation is an exception. As S.P. Sathe, discerned that “the colonial culture of secrecy and alienation from the people remains the spirit of the Indian administration. It’s argued that brass ought to be open, frank, complete and skilled once discussing body policies or at the time of the higher cognitive process. If such notices are created public, brass might not discuss body matters freely. This is often the explanation, which might be as a secret.” (Singh D, 2006) However, by observant the exemptions and secrecy provisions, it may be seen that just about everything under the sun may be enclosed within the scope of those provisions through manipulation and to serve unconditional interests. This suggests that the choice to disclose or not the information depends solely on the govt... A common Indian has neither the knowledge of intricacies of law nor the means or intention to gain such kind of knowledge. The attitude of our people together with their poverty and illiteracy fails our Constitution and therefore the progressive laws. We want guides just like the MKSS to educate and empower people fight corruption directly and effectively.

Legislation at the state level, RTI

Unlike any other country, in the Indian context, it is the sufferings and grievances of those who have led to the freedom of information campaign. It is also clear that Indians are becoming aware of this supervisory role of the government. They are more interested in knowing about the income earned from them and spending on their behalf. “The comparative review of those state laws on The RTI shows that many adopted models have different types of benefits and downsides. A number of these state laws have a protracted list of exceptions and few have adequate provisions to impose liability for failing to supply information. The RTI Acts at the state level were with success approved by the subsequent state governments.” (Malik K P, 2013)

I. Tamil Nadu RTI Act, 1997

In the state, there's the state The RTI Act, 1997. This Law is narrower to outline information for the needs of the Law. The legislation stipulates that authorities should discard information among thirty days. The Law doesn't give for a judicial or quasi-judicial forum to listen to appeals within the event that an individual has been aggravated by order of the competent authority concerning the refusal of any information and establishes that the appeal is created to the govt. This provision, therefore, excludes review and turns the govt into a decision for its own cause that violates a basic principle of the natural justice of the law. All public distribution system stores within the state were asked to indicate the small print of the on the market stock. All government departments conjointly submitted subject letters with Information regarding what the general public was entitled to grasp and acquire. The Law of the state contains twenty-one classes of exceptions. A long list of exceptions has created this law quite a week. There's no criminal provision that gives for crimes. The absence of those provisions within the Law makes it a mockery on The Right information. This law doesn't contain any provision for the proactive revealing of information by the govt.

II. Freedom of RTI Act of Goa, 1997

The general assembly of Goa is that the 1st among the opposite states in India pass The RTI Act of Goa, 1997. This is, so far, the simplest of the laws passed in any state of the Indian State, though still, it's flawed. The objects and reasons that stressed during this Law the requirement for long demands for openness, transparency and responsibility within the administration. The RTI Act laws of the states that operative has outlined "public authorities" in a very similar method. However, the laws of Goa have another to the higher than. In Goa, the RTI law conjointly acknowledges a citizen's right to seek information

from a place of work that dead construction or services on their behalf or as approved by the govt. One of the oldest and most progressive laws, has the smallest amount various and cheap exception classes, a provision for the pressing procedure of requests associated with life and freedom and a penalty clause. The Goa Law states that if an individual is injured by associate degree order from the competent authority concerning the refusal of any Information, he could charm to the executive court ingrained below the Goa body Court Act. The Act conjointly establishes that if an individual obtains Information consistent to the present Act for functions of unhealthy religion or publishes in any method the information that he believes is fake, he is sanctioned with a fine that may not be but 10 thousand ruptures. This law doesn't give for the proactive revealing of information by the govt.

III. Rajasthan RTI Act, 2000

The general assembly of Rajasthan passed The RTI Act of Rajasthan of 2000 (Act No 13 of 2000) and received the consent of the Governor in 2000. The most purpose of the Law was to ascertain The RTI to people on the affairs of the State and public bodies. This law has thirteen sections in total. Within the RTI of Rajasthan, "Information" means that any material or information associated with the affairs of the State or of a public body. This Law contains ten main clauses of exceptions. The Law of Rajasthan contains provisions for the speech act of suo-moto Information by the authorities and Public Bodies, as deemed applicable for the general public interest. The availability relating to the penalty clause beneath this Act is quiet weak.

IV. Karnataka RTI Act, 2000

The RTI Act of the province received the consent of the Governor in 2000. During this law, the information refers to any matter relating to the affairs of the administration or

to the elections of a public authority. The legislation on what is appropriate for Information contains normal exception clauses covering twelve types of information. These are limited provisions for the proactive speech act, contain a penalty clause and provide a charm to an independent court.

V. Delhi RTI Act, 2001

The Delhi Legislative assembly approved The RTI Act of 2001 in Delhi and received the consent of Governor of the Delhi in 2001. This law has sixteen sections in total. This law was in line with the law of the province, which contains quality exceptions and offers a charm to an independent body, in addition to the establishment of an advisory body, the State Council for Information. The residents of Delhi will look for any kind of information, with some exemptions, and even the civil organization that will pay a nominal fee. The company must grant it at one-month intervals; otherwise, the official in question can be punished and is obliged to pay Rs 50 a day for any delay after 30 days of the request. Furthermore, he had clearly stated that whenever the information is false or has been deliberately manipulated, the official is faced with a penalty of Rs. 1000 per request.

VI. Assam RTI Act, 2002

Assam was until recently the only state in the Northeast that enacted a law on the right to information. The approval of Assam's Right to Information Act, 2002 was most surprising. The state law was introduced so quietly that there was almost no discussion of its contents. The Legislative Assembly of Assam passed the Law on Assam's Right to Information, 2001 (Act No. IX of 2002) and obtained the consent of the Governor on 1 May 2002. This law has a total of 11 sections. The law does not have a standard format of exceptions, but there are provisions relating to appeals to supervisory authorities and the Administrative Court. The Assam Act establishes that when no office manager, without

reasonable cause, provides the information sought within the period specified in this Act or provides information that is false in relation to any material and he knows Or has a reasonable reason for assuming that it is false, shall be subject to disciplinary measures by the disciplinary authority, subject to the relevant service standards Accordingly will be an officer of the services will operate.

VII. Maharashtra RTI Act, 2002

In 2000, a continuous campaign by social activist Anna Hazare forced the Maharashtra government to pass the Right to Information Act of 2000. However, civil society groups were not happy with the law, as it is criticised for being too weak and demanding it is made a better law. In 2001, the government formed a committee of senior officials and retired bureaucrats, such as the Union Interior Secretary, Drs. Madhav Godbole, eminent jurist and Mr Anna Hazare, for drafting the Freedom of Information Bill. Before the committee could publish its bill, the Maharashtra government repealed the Maharashtra Right to Information Act of 2000 and replaced it with the Right to Information Ordinance of 2002. The ordinance was repealed on 23 September. Of 2002. However, the ordinance expired on 23 January. 2003, because according to Article 213 (2) of the Constitution of India, an ordinance should be made within 6 weeks after the commencement of the next session of the Legislative Assembly after the promulgation of the ordinance. In this case, the Maharashtra government did not change the ordinance on the right to information in the winter session of the Legislative Assembly. Therefore, it ended. Public pressure remained a law on the right to information. Consequently, in the budget session of the legislature in March 2003, the Maharashtra government passed a law on Maharashtra's Right to Information, which is then sent to the President of India for approval. The law came to a standstill as no measures were taken for months. Finally, on August 1, 2003, Anna Hazare gave Mr L.K. Wrote a letter to Advani, the Deputy Prime

Minister of India, asked him to advise the Honourable President to give his assent to the Right to Information Act of Maharashtra. When such an action failed, Mr Hazare warned that a fast would begin until death. No action was taken, and on August 9, 2003, Anna Hazare began her fast. In one day, the government responded. On August 10, 2003, the President of India gave his assent to the Maharashtra Right to Information Act of 2002 and on August 11, 2003, the Government of Maharashtra notified the law in the Official Gazette. The Maharashtra Right to Information Rules, which were initially formulated under the Maharashtra Right to Information Ordinance, are applicable in the same manner as the Maharashtra Right to Information Act, 2002 (Website of Human Rights Initiative). The Maharashtra Right to Information Act has a total of nine clauses and appears to be the most restrictive state law. The law includes not only government and semi-government agencies within its scope, but also public sector units, cooperatives, registered societies (including educational institutions) and public trusts. This means that the law has expanded the reach of public authorities and its definition includes bodies that have received government land at a discounted rate or have received monetary concessions such as tax exemptions. The law also establishes that IOPs who do not fulfill their obligations have to pay Rs. Fines up to Rs. 250 for each day's delay in the provision of information. When an information officer has intentionally provided false or misleading information or information that is incomplete, the appellate authority who hears the matter will pay Rs. Fines up to Rs. 2000. The information officer under consideration may also be subject to internal disciplinary measures. The law also provides for the creation of a council to oversee the operation of the law. The council will be made up of senior members of the government, members of the press and representatives of NGOs. They should review the operation of the law at least once every six months. The exclusion clause has been reduced to just ten.

VIII. Madhya Pradesh RTI Act, 2003

Madhya Pradesh was the first state in India to participate actively in getting the right to information for the public. In October 1996, Mr. Harsh Mander, Commissioner of the Bilaspur Division, issued Executive Orders to grant grants to individuals in Bilaspur, Raigad and Surguja, the authority to examine government records relating to the public distribution system. In May 1997, at the same time as Tamil Nadu and Goa were passing legislation on Right to Information, the Government of Madhya Pradesh also drafted a Bill on Right to Information. On 30 April 1998, the Assembly approved the bill by voice vote. Significantly, after approving the bill in the state assembly, the government decided to send the bill to the President of India for approval. Unfortunately, it seems that due to disagreements about whether the states or the Centre have the authority to enforce the law on the right to information, the President's consent was denied and filed. As a solution, the state government issued several executive orders since February 1998 which operated to allow information to be obtained from about 50 departments. The series of executive orders have been compiled by the General Administration Department in a book entitled "The Right to Generate". The executive orders specifically identified a range of issues on which departments should provide information to the public. The orders established appeals on non-disclosure decisions and penalties in accordance with the 1965 MP Civil Service Rules and the 1966 Civil Service Classification Control and Appeals Act. Out of the executive orders despite the existence, the Government of Madhya Pradesh again decided in 2003 to seek legislation on the right to information to establish a more complete system of information usage. Finally, on January 24, 2003, the Madhya Pradesh People's Independence Code, 2002, received the Governor's approval and on January 31, 2003, it was published in the Gazette of Madhya Pradesh (HR Initiative). There are a total of 14 sections in this law. Madhya Pradesh law does not provide for a judicial or quasi-judicial

forum to hear appeals in cases such as the person of an authority at a disadvantage from the rejection of any information and establishes that the appeal is presented to the government state May go. This provision violates a fundamental principle of natural justice of administrative law. There are provisions for disciplinary measures against erring officials.

IX. Jammu and Kashmir the RTI Act, 2004

The Law on the right to the Information of Jammu and Kashmir of 2004 (Act No. one of 2004) was approved by the State general assembly on Gregorian calendar month eighteen, 2003 and notified within the Government Gazette on Jan seven, 2004. Especially, thanks to the special constitutional position occupied by Jammu and Kashmir, the Central the RTI Act of 2005 isn't applicable in Jammu and Kashmir. Civil society teams, activists and advocates for transparency and responsibility had been advocating the adoption of a progressive law on access to Information in J & K. CHRI has worked closely with civil society organizations and activists within the campaign to enact an Access to The RTI Act in J & K. This law has fifteen sections in total. Anyone chargeable for providing any Information beneath this Act is going to be in person chargeable for providing Information at intervals the amount per this Act. This Act has a normal format of exceptions, third party Information. During this Law, there appellant provisions for the management Officers, further as for the govt. The province Act provides that once any workplace Charge, while not cheap cause, fails to supply the requested Information at intervals the amount per this Act or provides Information that's false with regard to any material which is aware of or has cheap cause to believe that's false shall be to blame for disciplinary action for the imposition of such sanction as determined by the Disciplinary Authority beneath such rules.

Again, the State legislative assembly passed the RTI Act of Jammu and Kashmir in 2009 that received the Governor's approval in March 2009. This law replaces earlier law referred to as the RTI Act of Jammu and Kashmir approved by the State. Legislative assembly in 2003 and notified within the Government Gazette in, 2004. Undoubtedly, these states like a province, Tamil Nadu, Karnataka, Rajasthan, Delhi and Maharashtra have passed the RTI laws in their states, however, there are several criticisms that the work has not been satisfactory.

To sum up the chapter, the journey of RTI in India started in a remote village in Rajasthan. Common people like farmers, daily wage labours continued to fight until the act gets consent in the parliament. I discussed all the details from movements in Rajasthan to enactment in the parliament and also I discussed the enactment of RTI in different states to see some differences in terms of some of its provisions.

CHAPTER 5

PROACTIVE DISCLOSURE OF INFORMATION (SECTION 4 OF RTI)

This chapter would deal with few basic premises of proactive disclosure of information act with its correlation to democracy. Organisations like the Centre for Good Governance have prepared a tool kit on how to assess the public authorities in terms of their functioning. As the RTI Act, 2005 mandates, every public authority must disclose seventeen categories of information proactively. This disclosure in a sense makes the system more transparent.

Transparency and openness have emerged for constructions describing democracies around the world. Open and transparent governments are more accountable to citizens and less corrupt. Furthermore, the inauguration establishes confidence in the government and sets the path for meaningful participation of citizens and more informed and better policies. The basis of any open government is based on people's freedom of access to information. The right to information is the herald of openness. Based on the use of the right to information laws of a country, citizens have the right to know what their government is doing on their behalf. Over the years, there has been a significant change in the reflection on the right to information. So far the freedom of information laws was considered as a means of good governance. Now, access to information is accepted as a right for all human beings and governments are asked to be the guardians of the information that ultimately belongs to us, the public. The number of countries with the right to information is increasing and the number of international treaties and conventions that encourage nations to adopt them. About 90 countries already have existing RTI laws, but the African continent and the Middle East region have obvious drawbacks. The need for a model of right to information in these areas is quite surprising.

“Suo Moto, as the sentence says, "on its own motion" is an Indian legal term, which corresponds exactly to the English word ‘Sua Sponte’. The simple standard of the RTI Act is the idea that the individual is fully sovereign and is the owner of the government. All classic definition of democracy is demonstrated democracy as people’s government. At present, the information provided to the public is the power granted to people. The central mechanism that will be taken into consideration later will be transparency, corruption and arbitrariness in government within an institution.” (The FOI Act)

The Government has obtained distinctive instructions to ensure that public divisions disclose information under Suo Moto. These instructions are based on the suggestions of the commissions established by the government to strengthen compliance with the provisions for the dissemination of Suo Moto as required by Section 4 of the RTI Act, 2005.

The benefits of openness. “Transparency and openness based on access to information have significant advantages for governments and citizens.” (Derbosjore, H 2010): Participation is the prime benefit of the information. Without any doubt, freedom of information favours participation in the democratic system. Allowing the public to access information about decisions, activities and policies is a substantial step to enable them to participate in political dialogue and decision-making processes.

It is also possible that it can enhance responsibility. In a democracy, governments must be responsible for their actions and expenses which in turn, show us the way to minimize corruption. Allowing access to this information puts the government under the control of people and reduces corruption. Decisions are much more likely to be objective instead of benefiting specific interest groups. Transparency not only creates controls on what is spent and where, but it can also generate competition in procurement and make

spending on public resources more efficiently. People's trust in the government is the another parameter in the democracy model of government. Public disclosure of information means nothing to hide from the government. Being able to access this information significantly reduces suspicion and builds trust in the government. In countries that pass from repressive regimes to democracies, the opening of information also creates an obvious and necessary break from the past. The publication of information on laws and policies is the key to ensuring that people understand and obey them; Openness in this regard has a direct impact on the rule of law. The process of organizing information and making it accessible really helps the management of general information since it requires good internal information systems. In a secret government, public officials have no idea what information the administration has, which increases the transaction costs of government activities. An effective information system means that governments have better information management in their possession. Therefore, policies and decisions are more informed and adapted to the needs of the population. Governments can better inform citizens about the services they provide so that citizens know what these services are and how to access them. This not only benefits individual citizens, but it is also a way for the government to show the tangible steps it is taking for its constituents, and this is evidence of a positive change for voters.

Proactive Disclosure

“Allowing citizens to request information could be described as a reactive disclosure system: the individual requests information and the government or public agency provides this information in response. This places the burden on the individual and not on the public body. However, much of the government's opening is facilitating people's access to information. As a result, many governments and public agencies now recognize that they have a responsibility to publish information on their own initiative without the public

requesting it first. The publication of information on government actions and expenditures subjects the government and public officials to constant public vigilance, which allows them to control what resources are spent, what contracts are granted, etc.? Revealing this type of information forces governments to be more responsible and less corrupt. The publication of information on acquisitions also increases the efficiency of spending because the opening of contracts and prices can generate competition. Proactive disclosure plays an important and practical role in the rule of law. Ensures that the public knows and understands the laws and policies that must be followed.” (Surie, M. D, 2011)

Proactive disclosure is also important for encouraging citizen participation in the decision-making process at all levels of government. By providing the public with the necessary information to participate in these processes, decisions and policies are more likely to be benefited and encouraged by special interest groups. Of course, participation is more than a unidirectional channel of information from government to citizen, it is a two-way exchange, a dialogue process and more mechanisms are needed for this. Better access to services: The Company should also be aware of the services provided by its government. This not only benefits the person who needs access to these services but is also a way for the government to take concrete steps for its constituents. Service information is not information that can be published individually; it should be made a scale. Active disclosure provides information to the public, not the person. It works to meet the needs of more than one information. It also means that the costs and inconveniences associated with requesting file information are avoided. Publishing of information also protects people's safety within the company. Requesting information for some people can sometimes be dangerous, especially if it threatens the powerful interest groups. Publishing of information provides anonymity to those trying to eliminate cases like corruption. Proactive disclosure is also a more effective means for information dissemination of

information about the processing of personal requests, both in terms of the number of people arriving and the burden of public administration. In any new regime focused on the openness of the government, active disclosure is an effective way to anticipate and satisfy the requests of citizens for information. It also helps to speed up the process of reactive disclosure because the authorities have information available to handle the requests. In the end, the active publication of information provides a greater understanding of the society that wants to inform. It allows other actors, such as educational institutions or other civil society institutions to reuse information, develop it and generate more information. Open Data Initiatives, whose next section will be examined in more detail, is an important method of reusing and interpreting it that is relevant to the public. In turn, this information can be used by public bodies to inform decisions and policies and to have significant political value in any democracy where votes are received through measurable progress and policies that react to the needs of citizens.

The following table will explain to us proactive disclosure will reduce the burden of more RTI applications. Various studies have been done and the results of these studies show that half of the applications are seeking information, which comes under Public Information. The following tables are taken from Transparency International Reports and Central Information Commission report (2018)

**Total RTI Applications Received by PIO of different Departments of the State/Union
under Section 25(2) of the RTI Act (Financial Year)**

S.N.	State Information Commission	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	Total	Remarks
1	Central Govt.	24436	171398	263261	329728	529274	417955	629960	811350	834183	755247	976679	917009	6660480	
2	Assam	3250	3784	4021	4902	1485	15497	15577	17073	19284	16926	25989	18260	146048	
3	Bihar	-	3448	50190	97001	109321	99527	129807	133718	126271	114939	-	-	864222	
4	Gujarat	8433	76957	94218	70759	70256	72804	55074	101521	172981	161405	152097	-	103650	
5	Himachal Pradesh	106	2654	10105	17869	43835	55463	72191	61202	63722	50675	46430	60104	484356	
6	Jammu & Kashmir	-	-	-	-	741	3110	12136	27619	29846	-	-	-	73452	
7	Karnataka	10014	40092	57804	93112	172847	221716	293405	418863	425475	544754	-	-	2278082	
8	Kerala	590	26890	109675	120946	158185	177546	227088	250846	373078	373756	373971	-	2192571	
9	Mizoram	-	476	371	177	695	741	1045	1316	1750	1593	2144	1642	11950	
10	Nagaland	-	46	187	399	590	1105	2206	3042	4217	4234	-	4344	20370	
11	Odisha	447	4618	9772	37997	42036	35649	52305	43011	60126	-	-	-	285961	
12	Rajasthan	N/M	9140	19846	28790	45610	75577	71243	94257	140539	170809	199866	196447	1052124	
13	Tripura	47	235	1088	2012	3940	5123	3801	2302	2757	-	-	-	21305	
14	Uttar Pradesh	-	-	-	-	-	-	-	-	-	-	-	-	-	
15	Uttarakhand	1385	9691	15640	23832	27311	37976	69088	87691	114790	122056	104258	-	613718	
Total														14808289	

(Source: Annual Reports & RTI reply sent to TII)

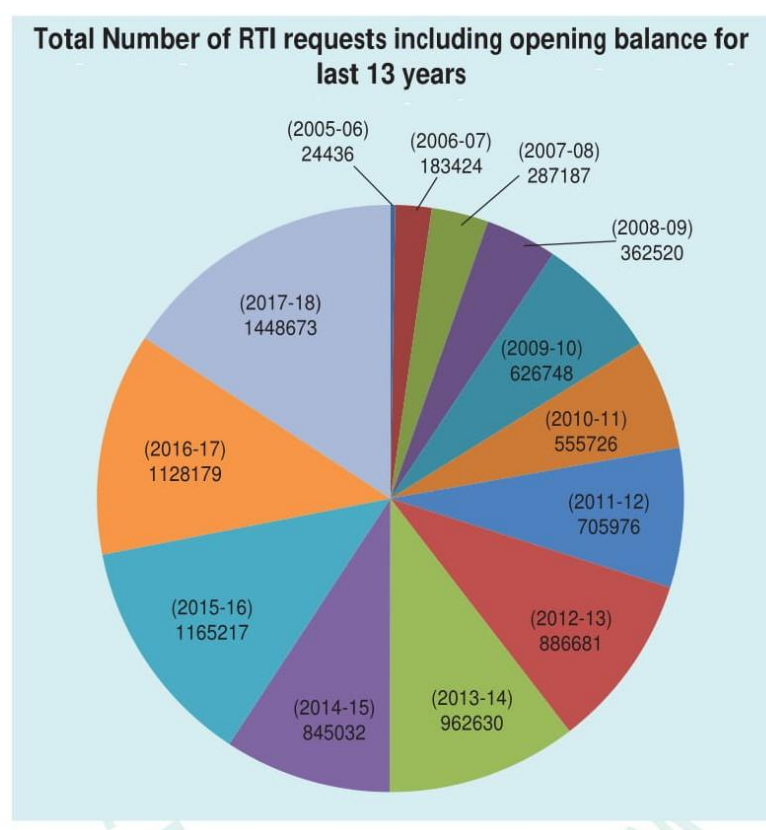
**F. 6 Annual Report showing the number of RTI request.
Source: TII.**

Disposal of RTI Applications by Public Authorities during 2005-06 to 2017-18.

Year / Key Aspects	Number of Public Authorities registered with the Commission	Opening Balance of RTI Requests	No. Of RTI Requests Received	Total number of RTI requests = Opening Balance of RTI Request + No. Of RTI Requests Received	Number of requests for information rejected	Percentage of rejection vis-à-vis number of applications received during the reporting year
2005-06	938	0	24436	24436	3387	13.9
2006-07	1412	12026	171398	183424	15388	9
2007-08	1597	23926	263261	287187	18966	7.20
2008-09	1770	32792	329728	362520	23954	7.26
2009-10	1847	97474	529274	626748	34057	6.43
2010-11	2149	137771	417955	555726	21413	5.1
2011-12	2314	76016	629960	705976	52313	8.3
2012-13	2333	75331	811350	886681	62231	7.70
2013-14	2276	128447	834183	962630	60127	7.21
2014-15	2030	89785	755247	845032	63351	8.39
2015-16	2024	188538	976679	1165217	64666	6.62
2016-17	2092	212430	915749	1128179	60428	6.59
2017-18	2079	215466	1233207	1448673	63206	4

**F. 7. Disposal of RTI applications,
Source, ICI, 2018**

Proactive disclosure of information by public authorities can bring few changes not only in the society but also in their organisation as well. We can see the one clear change in both centre and state commissions that the decreasing rate of the number of RTI application in the year 2014-15 and 2016-17 (See, F.6). This is possible that people will stop asking for information which is already disclosed in the public domain. Chart F.7 show us that the total public authorities registered and the number of applications rejected etc.



F. 8. A number of RTI applications.
Source, ICI, 2018.

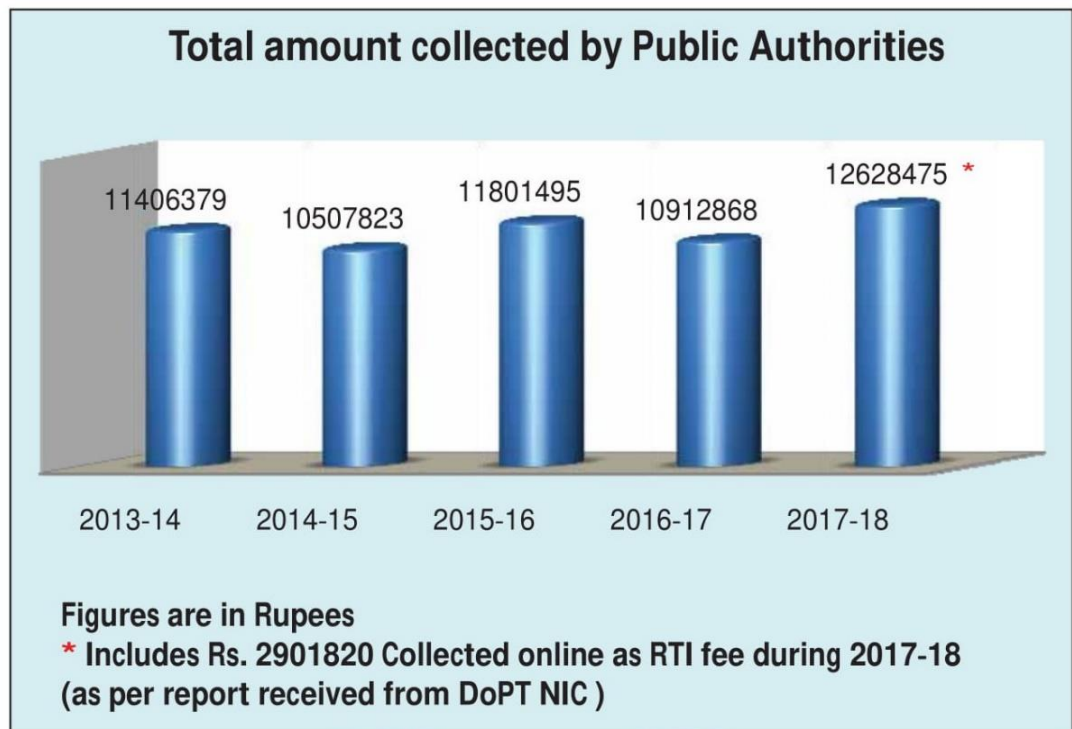
Chart 9. & 10 gives us the number of register public authorities and their compliance with the requests and the total amount collected by public authorities.

No. of Public Authorities registered and percentage compliance in last 13 years.

Year	Total PAs registered (No.)	PAs who submitted returns (No.)	PAs who did not submit returns (No.)	Percentage Compliance
2005-06	938	837	101	89.23
2006-07	1412	1168	244	82.72
2007-08	1597	1382	215	86.54
2008 -09	1770	1528	242	86.33
2009-10	1847	1427	420	77.26
2010-11	2149	1452	697	67.57
2011-12	2314	1593	721	68.84
2012-13	2333	1864	469	79.9
2013-14	2276	1651	625	72.54
2014-15	2030	1528	502	75.27
2015-16	2023	1903	120	94.07
2016-17	2092	1964	128	93.88
2017-18	2079	2079	0	100.00

F. 9. Public Authorities registered,

Source, ICI, 2018



F. 10. The total amount collected by PA.

Source: ICI, 2018

What is the Methodology to assess Public Authority?

Since public disclosure is both necessary and important, the study of public authorities also important. To study the level of Information disclosure by the public authorities, the Centre for Good Governance has developed a Methodology, which is ‘Audit of Proactive Disclosure under the RTI Act, 2005 – A Tool Kit’.

The items require to be proactively disclosed under the RTI Act are segregated into three basic categories. Based on the relative importance of the three categories, the different weight has been accorded to the different categories as follows.

SL No	Category	Importance	Reasons Why	Weight
1	A	High	Information on these parameters has high relevance for the public	0.5
2	B	Medium	Information on these parameters may have reasonable importance for the public	0.3
3	C	Low	Information on these parameters has relatively low or limited relevance for the public (or both)	0.2

F. 11. Scoring methodology to assess PA,
Source: CGG

After getting the weighed category percentages, the final score is obtained based on which the grade is identified. The table below provides the grading methodology.

Grading Methodology

GRADES	FINAL SCORE	WHAT DOES IT MEAN
A	81%-100% of maximum possible	Highly transparent and RTI complaint
B	61%-80% of maximum possible	Reasonably transparent and RTI complaint
C	41%-60% of maximum possible	Limited transparency and compliance with RTI
D	0-40% of the maximum possible	Poor level of transparency and compliance with RTI

Evaluation Parameters

A Category Indicators (High Importance)	B Category Indicators (Medium Importance)	C Category Indicators (Low Importance)
1. Language in which information Manual/handbook available	1. Form of accessibility of Information manual/handbook under Sec 4(1)(b)	1. Particulars of its organisation, functions and duties. [sec 4(1)(b)(i)]
2. When was the Information Manual/Handbook last updated	2. whether Information Manual/handbook is available free of cost	2. Powers and duties of its officers and employees [Sec. 4(1)(b)(ii)]
3. Dissemination of information widely and in such form and manner which is easily accessible to the public [Sec 4(3)]	3. Rules, regulations, manuals and records for discharging functions. [sec 4(1)(1)(v)]	3. Particulars of any arrangement for consultation with or representation by the members of the public in relation to the formulation of policy or implementation thereof. [Sec 4(1)(b)(vii)]

4. The procedure followed in the decision-making process [Sec 4(1)(b)(iii)]	4. Categories of documents held by the authority under its control. [Sec 4(1)(b)(vi)]	4. Boards, councils, committees and other bodies constituted as part of the public authority [Sec 4(1)(b)(viii)]
5. Norms for discharge of functions [Sec 4(1)(b)(iv)]	5. The information available in electronic form. [Sec 4(1)(b)(xiv)]	5. Directory of officers and employees
6. The budget allocated to each agency including all plans proposed expenditure and reports on disbursements made etc. [sec 4(1)(b)(xi)]	6. Particulars of facilities available to citizens for obtaining information. [Sec 4(1)(b)(xvii)]	6. Monthly remuneration received by officers and employees including the system of compensation. [Sec 4(1)(b)(x)]
7. Manner of execution of subsidy programmes. Sec 4(1)(b)(xii)]	7. Such other information as may be prescribed under Section 4(1)(b)(xvii)	7. Names, designations and other particulars of public information officers [Sec 4(1)(b)(xvi)]
8. Particulars of recipients of concessions, permits or authorizations granted by the public authority Sec 4(1)(b)(xiii)]	8. Details regarding receipt and disposal of RTI applications	
9. Are important policies or decisions, which affect the public, informed to them? [Sec 4(1)(c)]		
10. Are reasons for administrative or quasi-judicial decisions taken, communicated to affected persons [Sec 4(1)(d)]		

F.12. Assessment method of PA,
Source: CGG

Thus, I discussed the role of proactive disclosure of information and its relation with democracy with various benefits it produces to society. I tried to explain the various

methods to assess the public authorities. Also, this chapter discussed the role of proactive disclosure in the process bringing both the work burden and number of applicant requests.

CHAPTER 6

DEMOCRACY & RTI: FIELDWORK DATA ANALYSIS

Introduction:

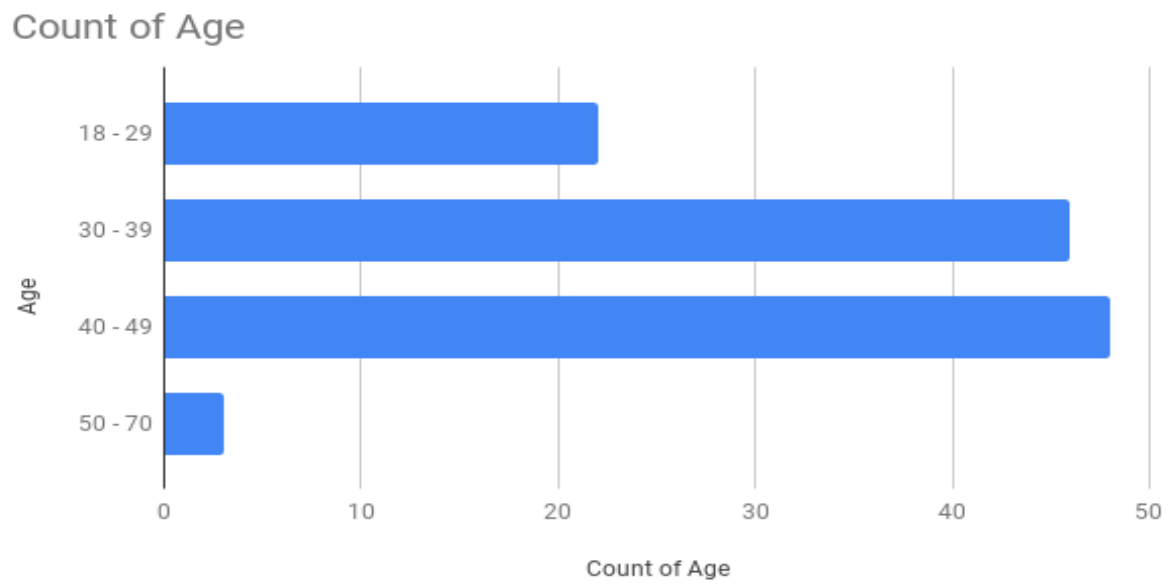
It is not easy to test the very idea of democracy and its process. There have been a thousand studies and thousands of parameters to explore the function of democracy. I chose to explore and test the idea of democracy through RTI act. As Robert Dahl and many others explained, for any democracy there are certain features, which explain the nature of democracy and level of its working. Some of these features are like participate, decision-making, people's centric government, empowerment, voting, freedom of expression and speech. Similarly, theorists like Amartya Sen believed that transparency is one of those guarantees, which citizens must enjoy, in a substantial democracy. This could be a convergence point between a few common threads of democracy and RTI.

The research has been conducted to test various elements of democracy and RTI. I have used both the primary source and secondary sources. A lengthy questionnaire prepared to cover as much scope as possible in order to draw inferences, which exists out there. Questions have been asked on various dimensions within the idea of democracy and RTI. First, I used content analysis. In the content analysis, I read various reports released by many organisations which helped me shape my research problems and gaps. Then, in the initial phase, I started using purposive sampling. As part of the purposive sampling, I used to visit information commission offices both in Hyderabad and Kolkata. I interview several information commissioners and also common people who visit these officer with different issues. I used to observe the process and get some interaction with common people. In purposive sampling, I interviewed a total of 60 respondents. In the third and final phase of my survey, I used 'Stratified Random Sampling' for online google form

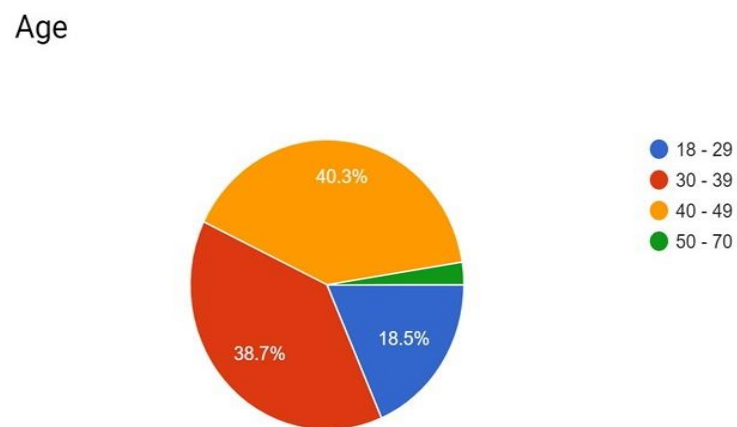
survey. Since the inception of my research, I attended more than seven national and international conferences in India on RTI, which in turn helped me to meet many people who are, experts in the area. In the first phase, I could interview common people and RTI commissioners from Telangana (former United Andhra Pradesh) and West Bengal. In the second phase, I collected more than 600 contacts from RTI activists across India. It is difficult to meet everyone to know some real experiences. I could meet many both in Telangana state and West Bengal state. I still felt expanding the possibility of knowing more experience of these people who involve very much in RTI related activities. I conducted an online survey that helped to get a reasonable response from all over India. I used MS Excel, Word and a little of SPSS to quantify the data and created a clear, easily understandable charts both in terms of the number of respondents to each question and the percentage level for each question.

My research analysis:

The questionnaire starts with a few basics questions, which deals with the profile of the respondents. As shown in chart F1. A., 119 respondents answered his or her the age profile. The study revealed that people of 40 to 49 age group with 40.3% are engaging in RTI requests or related matters and the age group 30 to 39 (As shown in figure F1.B) become the second-highest age group, with 38.7 % who actively engage in RTI matters, which is almost close the first list. The young profile group age between 18 to 29 comes around 18.5 % only. This explains that the age group 18 to 29 is very much less in their participation in RTI matters relatively with other age groups.

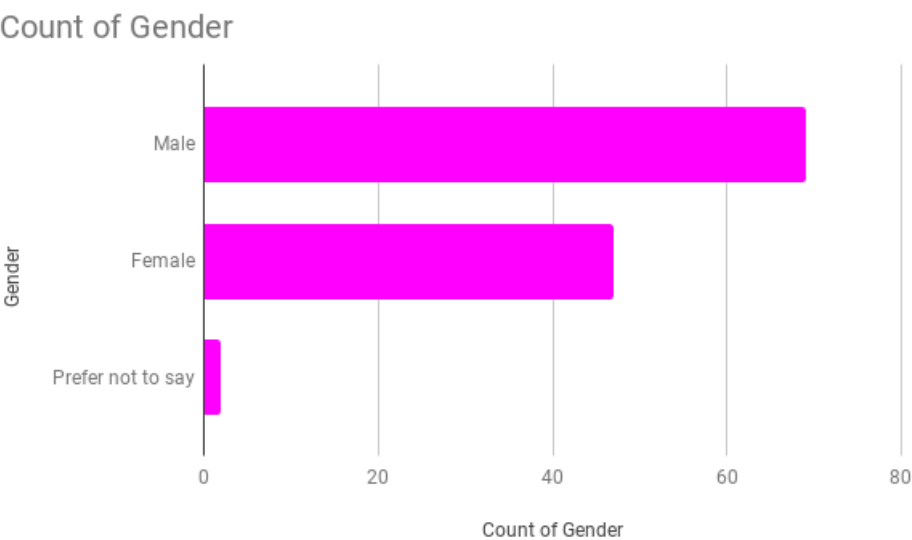


F 1. A Total count of Age of respondents

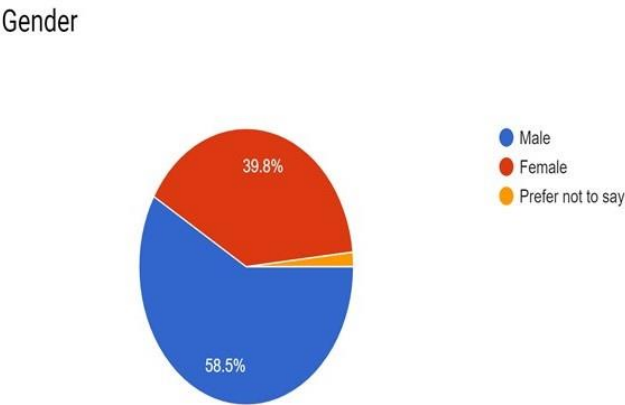


F 1.B Percentage of Respondent's Age groups

When looking at the gender profile of the respondent, 118 people preferred to answer male or female choices. As figure F2.B shows, 58.5% male, 39.8 female and just 1.7% not revealed his or her gender choice.

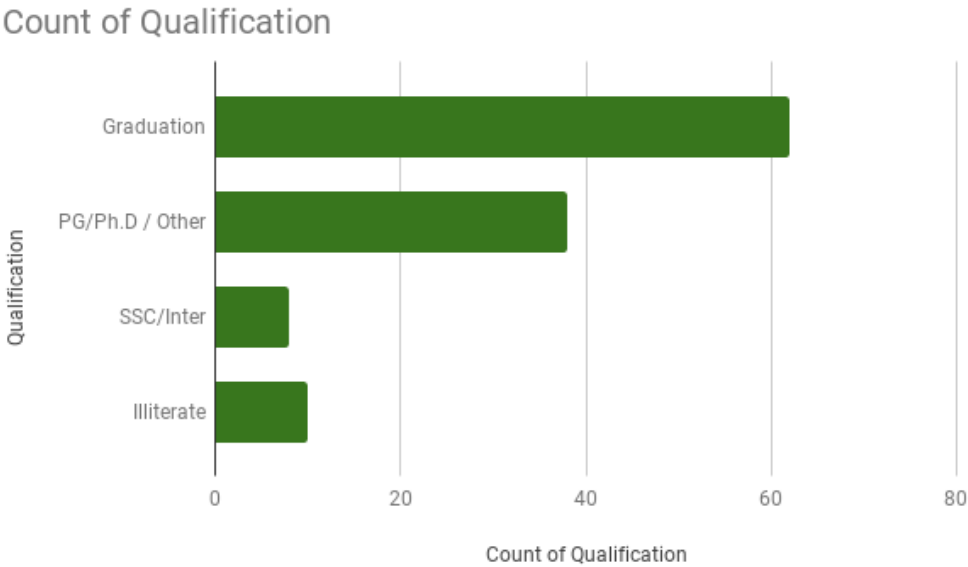


F 2. A: Number of the Gender profile

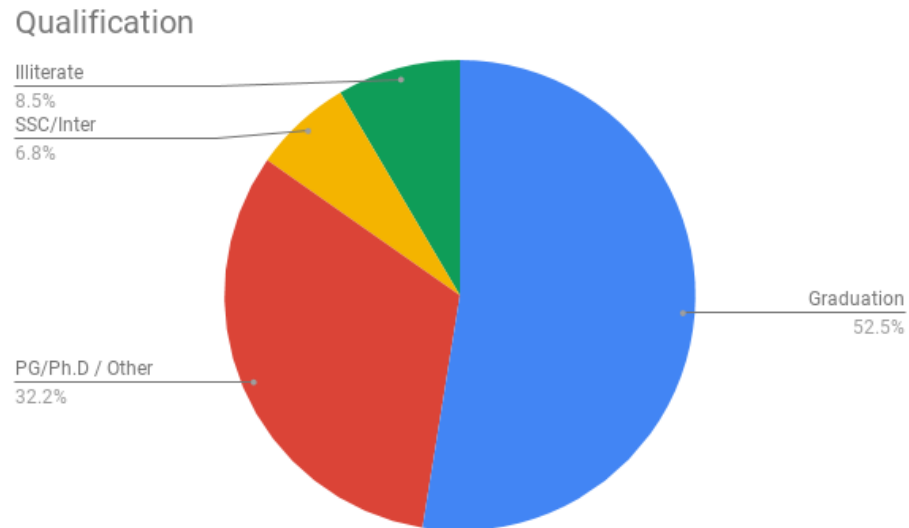


F 2. B: Percentage of Gender

The survey also chose a mix of all categories when it comes to the educational qualifications of the respondents. The data in F3. A shows that 118 people responded and of which, 52.5% of respondents are graduates in different streams. 32.2% in either post-graduation or completed graduation and some of them completed higher degrees like PhD etc. Looking at the individual profiles of each respondent, I notice that most of the RTI activist are well qualified. In addition, 8.5% illiterates and 6.8% of people completed either tenth standard or inter.



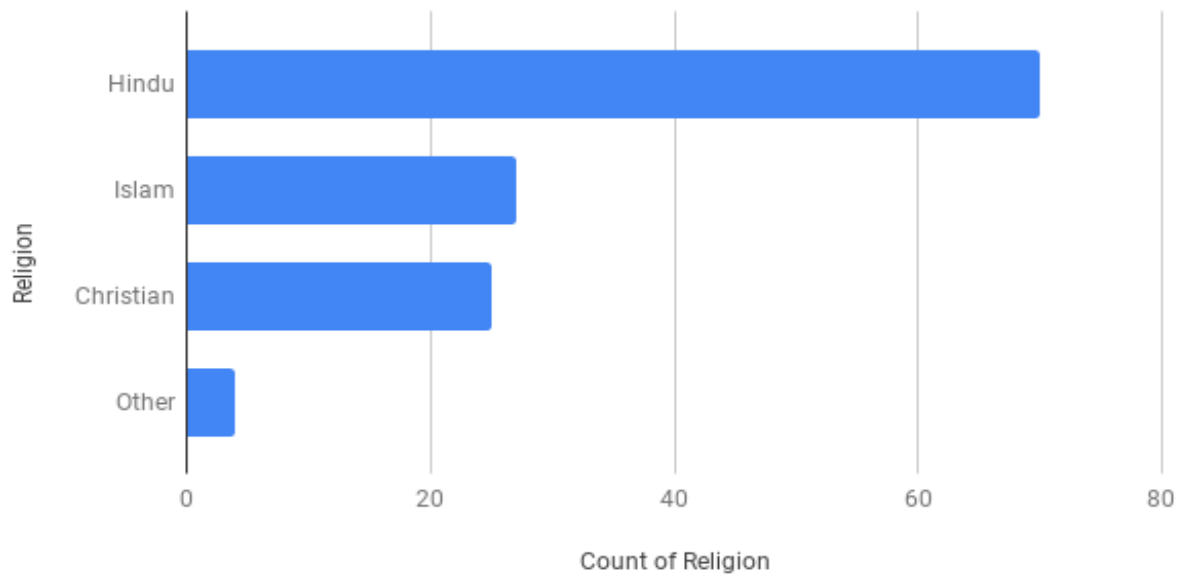
F 3. A: Showing educational classification wise total count



F 3. B: Percentage of Qualification Profile

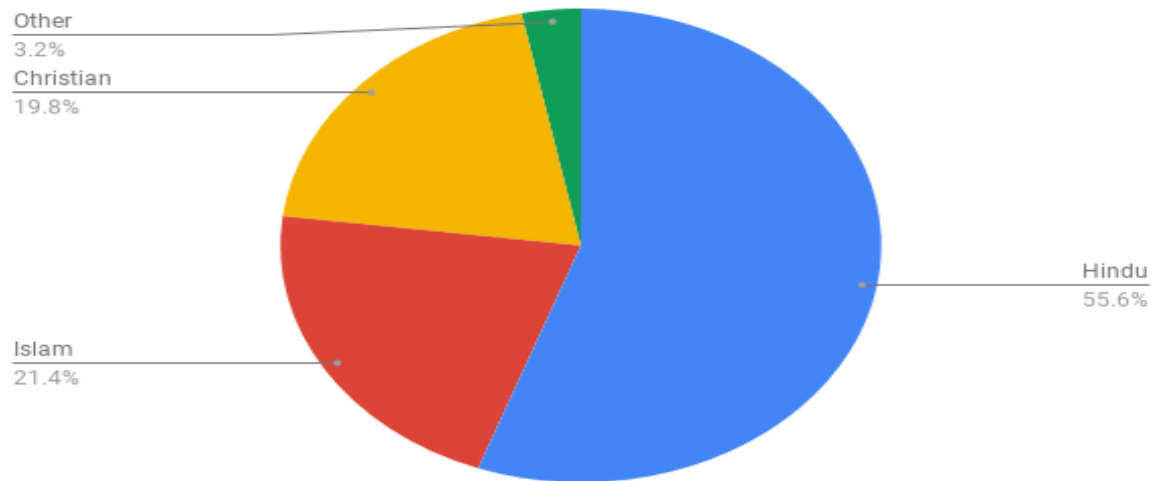
This survey got good responded from each religion. However, data show, as shown in F4. A and F4.B, that some respondents prefer not to reveal the religious identity. 55.6% of Hindus, 21.4% of Muslims, 119.8% of Christians, 3.2% of people belongs to other religious identities like Buddhists, Sikhs etc.

Count of Religion

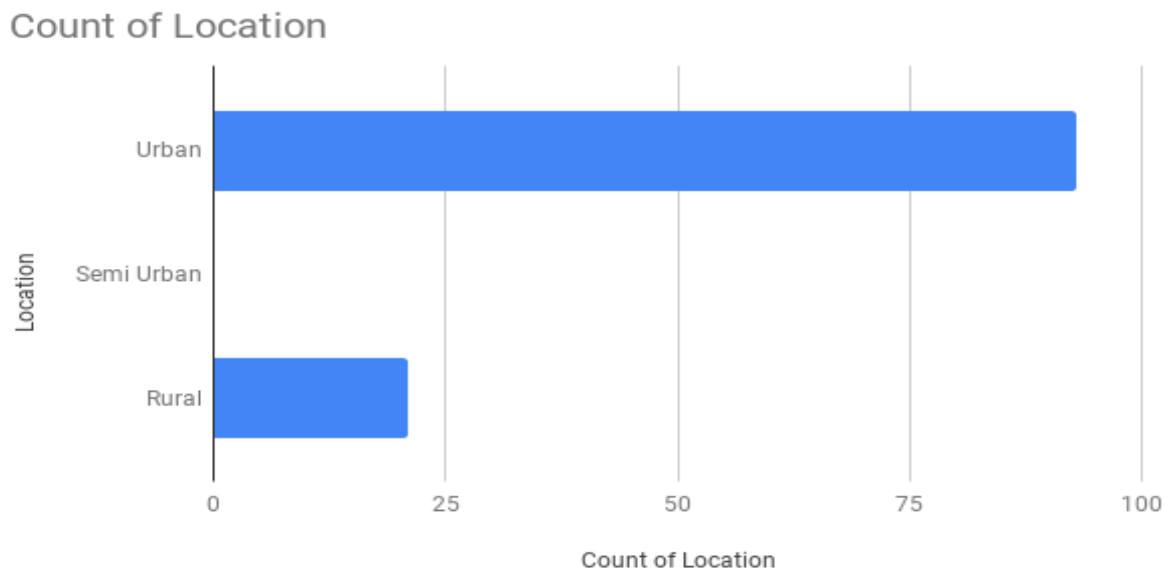


F 4.A, Chart shows religious profile

Count of Religion



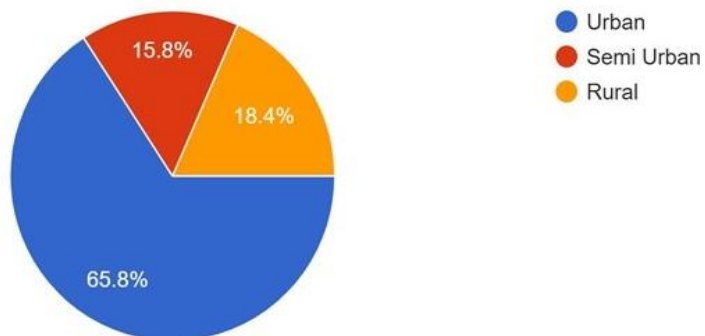
F 4. B: Percentage-wise profile of religion



F 5. A: Location Classification Chart

It is clear that like many other studies, my survey also draws somewhat similar results in term of location. Though it been more than 14 years since the RTI Act came to existence, people from rural areas are not much active to use the benefits of Information and RTI act. Figure F5. A explains to us the number of respondents and their percentage is shown in Chart F5. B. 65.8% of people from Urban or major cities and 15.8 % comes from Semi-Urban. 18.4% are actually, people from rural areas.

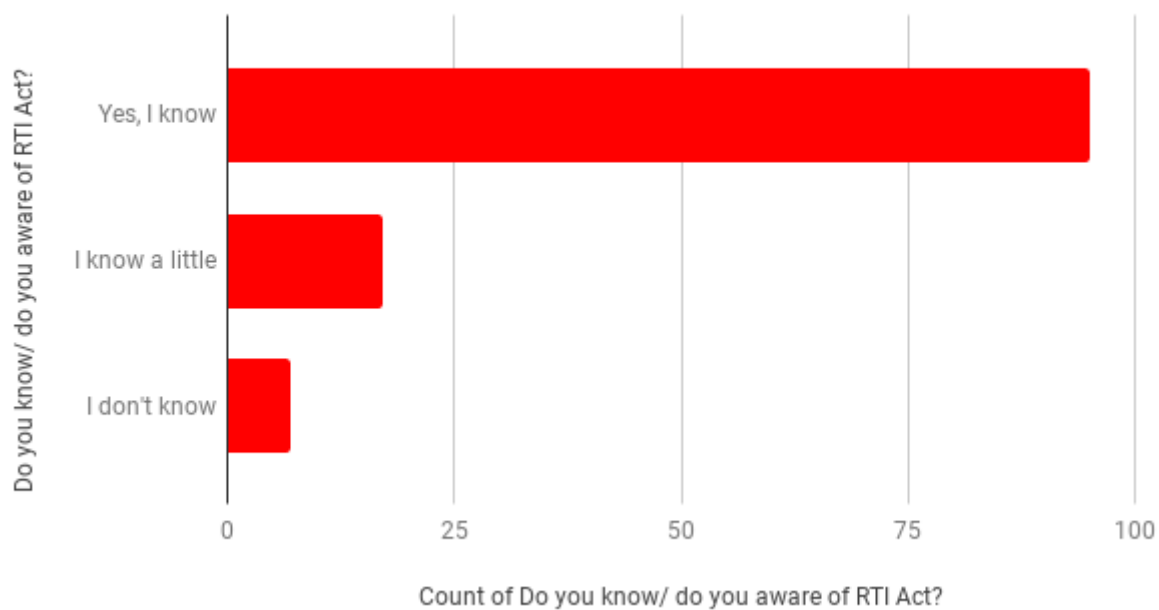
Location



F 5. B, Location in Percentage

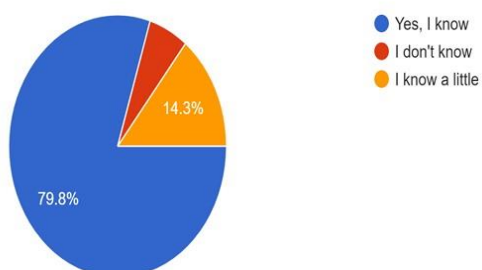
An important part starts from here. 119 people, as displayed in F6.A, responded to this simple question about whether they know about the RTI Act or not. Figure F6.B shows us that 79.8% responded very positively and 14.3% know a little about RTI act but they do not know much details. People not knowing about RTI is very less than 6%.

Count of Do you know/ do you aware of RTI Act?



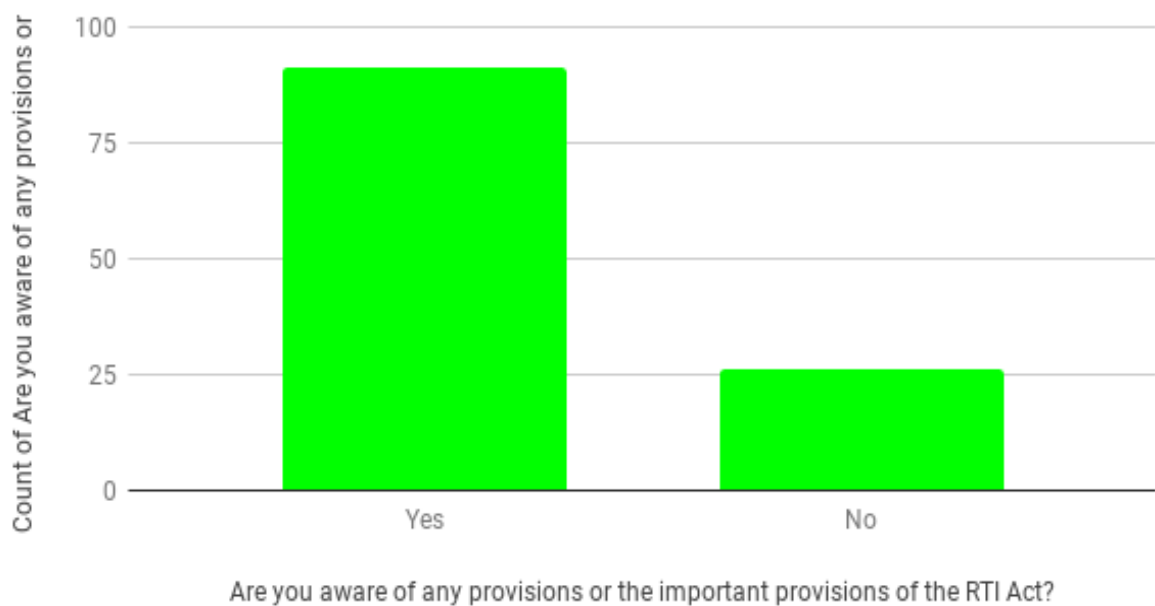
F 6. A Chart shows the level of awareness about RTI

Do you know/ do you aware of RTI Act?



F 6.B Percentage of People's awareness about RTI

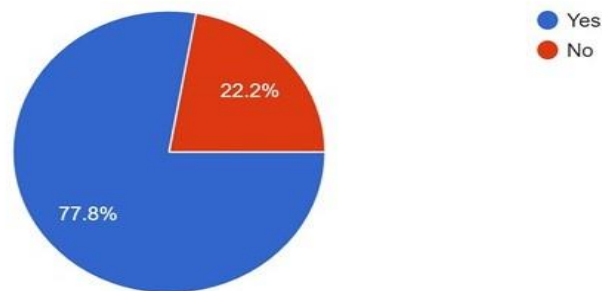
Count of Are you aware of any provisions or the important provisions of the RTI Act?



F 7.A Chart shows the details about the respondent's information of the provisions of RTI

As figures, F7. A and F7.B throw some light on how much people know about the RTI act. 77.8% of people know some sections in the RTI Act. Since it is an open-ended question, people wrote many sections like section 1, 2, 4, 7, 8 and a few other sections randomly. Surprisingly, most people answered that they know section 4. Only 22.2% of people know about RTI but they do not know many details within the RTI.

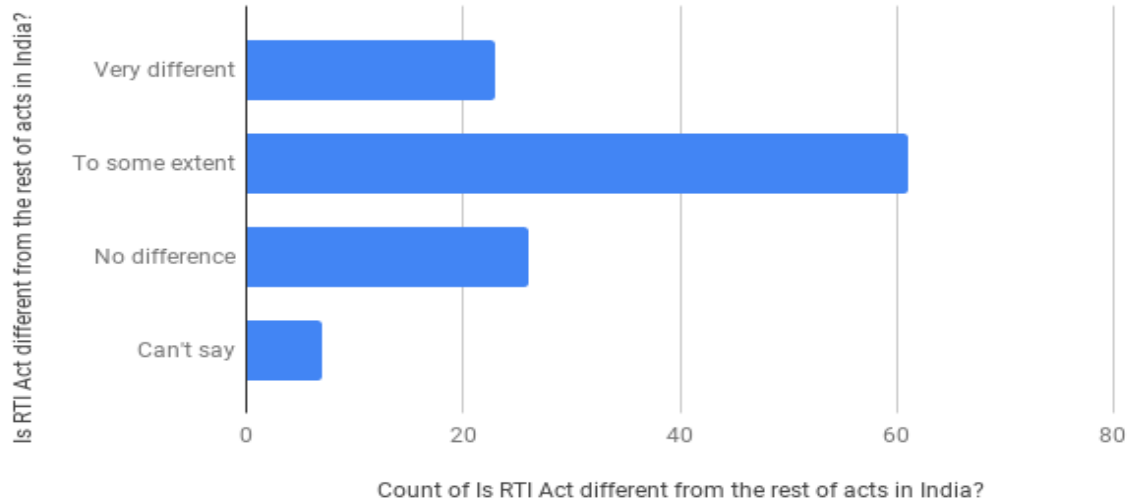
Are you aware of any provisions or the important provisions of the RTI Act?



F 7. B Percentage details about respondents information of the provisions of RTI

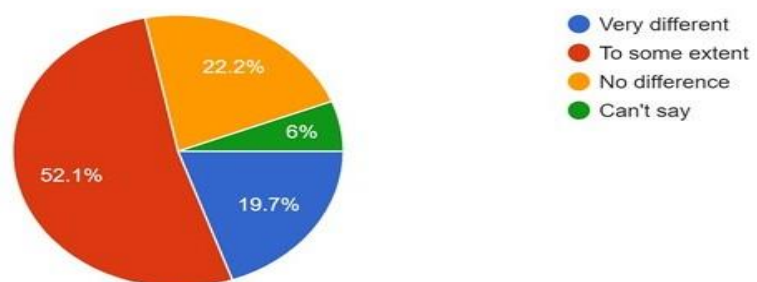
There are various opinions about how the RTI act differently from the other laws made in India. In fact, a few provisions, as expressed by the respondents, are very both different and unique. Out of 117 respondents as shown in F8.A, in the next page, and 19.7% of people believe (See F8.B) that the RTI act is very different from other laws while 52.1% of people believe that it is definitely different. However, surprisingly another opinion can be seen from the same chart that 22.2% of people believe that it is not different from the other laws made in India while 6% of people believe that they cannot say. In summary on this question, I can say that the majority people who are directly or indirectly engage in RTI believe that it is a different law in terms of its various provisions like section 4 and punishments if one fails to disseminate Information within 30 days of timeframe.

Count of Is RTI Act different from the rest of acts in India?



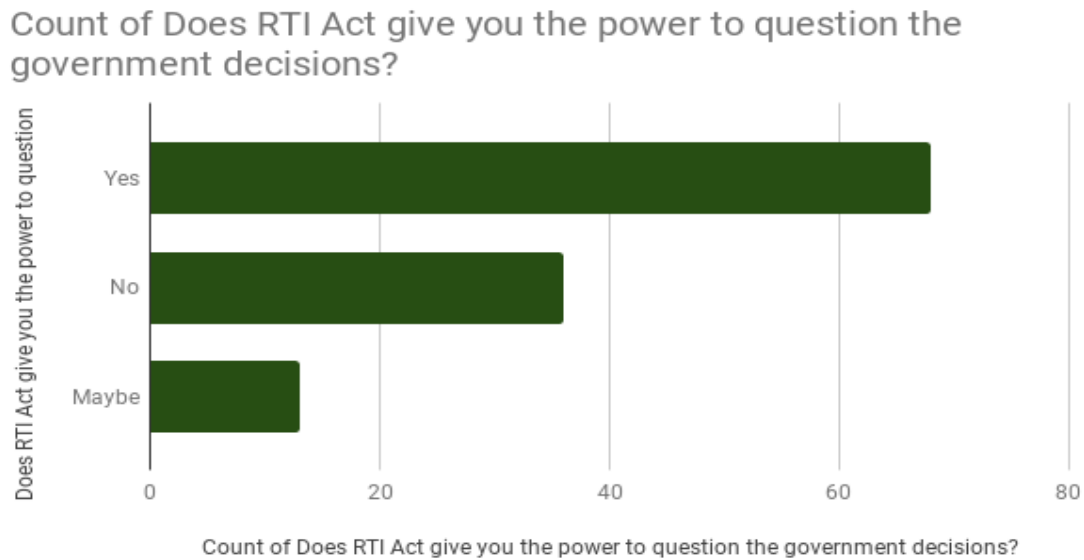
F 8. A: Chart shows respondents view on RTI and other laws

Is RTI Act different from the rest of acts in India?



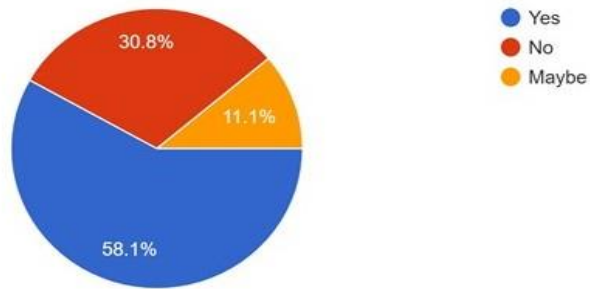
F 8. B: Percentage of respondent's views on RTI and other laws

In any democracy, it is not enough that one should merely participate in vote and elections. Of course, free and fair elections are one of those criteria to show how best a country can be known as democracy. Nevertheless, the most important feature of any democracy is that the power of decision-making. Are people have access to important decisions? Is there a mechanism for people to participate in governmental activities, which affect them? People believe that no act as good as the RTI act in term of facilitating some kind of mechanism when a common man can question any decision. Chat F9. A and F9. B tells us that 58.1% of people out of 117 respondents says that RTI gives them the power to question governmental decisions. In contrast to 58.1% of those express positive beliefs in RTI, 30.8% of people still believe that it cannot give such power to the people.



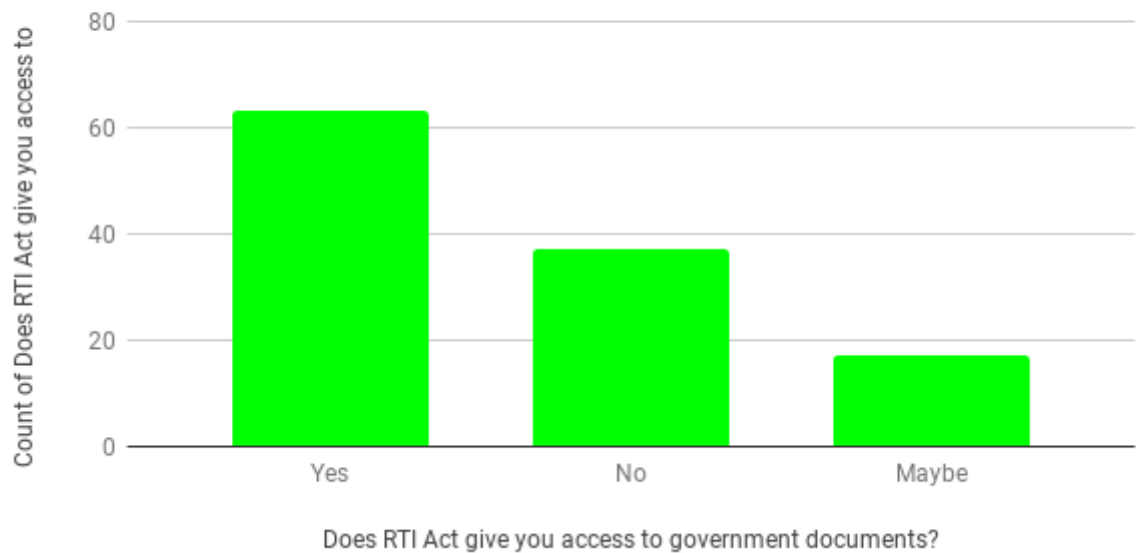
F 9. A: This chart shows ‘governmental decisions’.

Does RTI Act give you the power to question the government decisions?



F 9. B: Percentage-wise chat shows 'governmental decisions'.

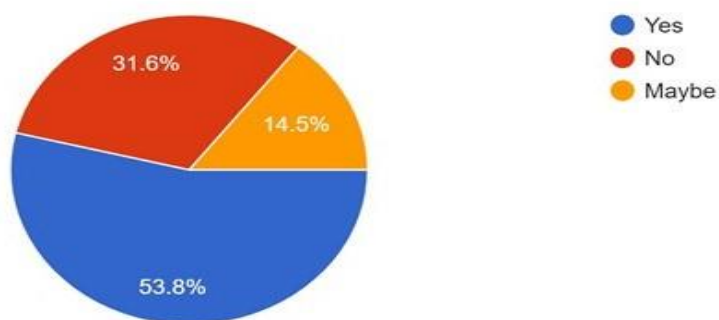
Count of Does RTI Act give you access to government documents?



F 10. A: Show 'Access to Government Document'

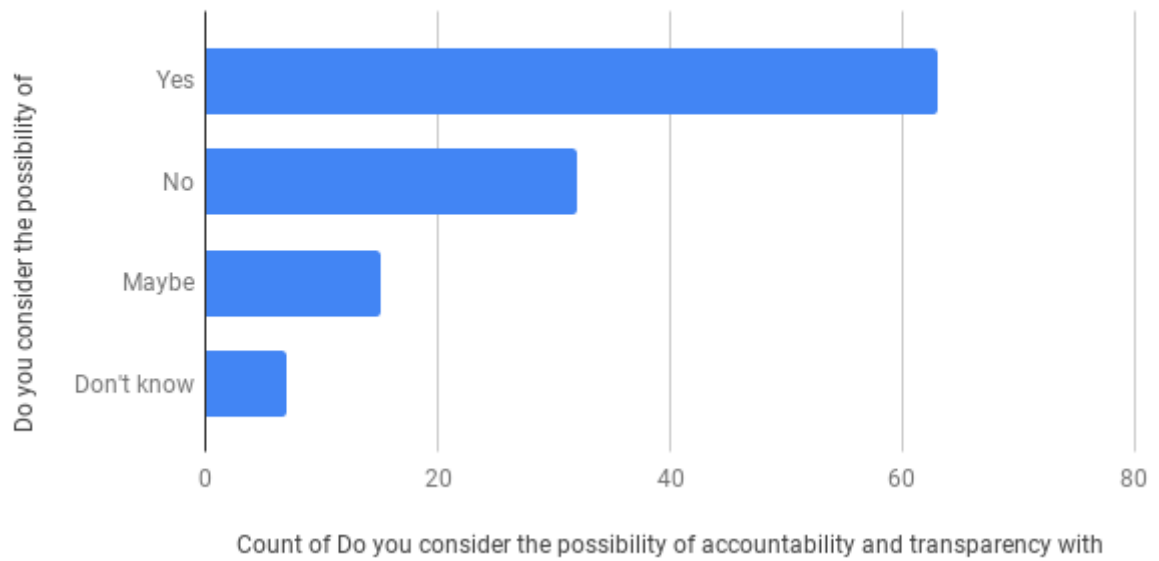
Access to Government documents or important document that contain some important Information which affect public life must have access to the public in one or the other form. But, the situation wasn't the same when it comes to the access of any kind of documents. As per the provision of RTI Act, the public is entitled to have such access. 53.8 % (See both F10 A and F10 B) of people responded with yes, which draw our attention that majority people who participate in RTI matters, believe that RTI give the public access to governmental document except those document, which comes under the section 8 of RTI. People who faced such problems like lack of Information and no access to Information etc. believes that it is really not possible in the real sense. People of this kind comes around 31.6%. They say that their experiences are tough while dealing such matters.

Does RTI Act give you access to government documents?



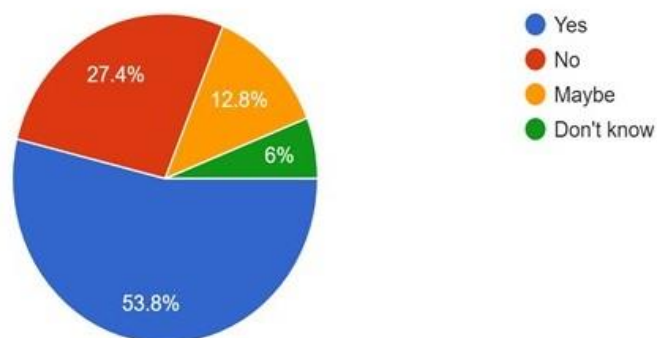
F 10. B: Showing of the percentage of respondents views on 'Access to Government Documents'

Count of Do you consider the possibility of accountability and transparency with proper implementation RTI Act?



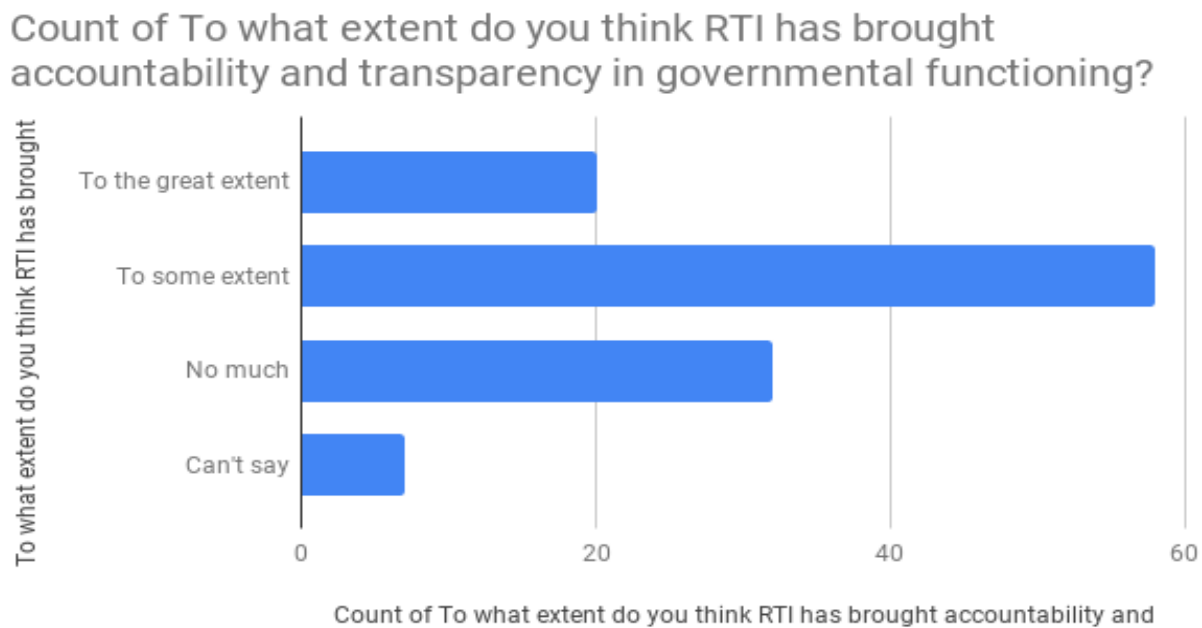
F 11.A: Chart of Accountability and Transparency

Do you consider the possibility of accountability and transparency with proper implementation RTI Act?



F 11. B: Percentage chart of Accountability and Transparency

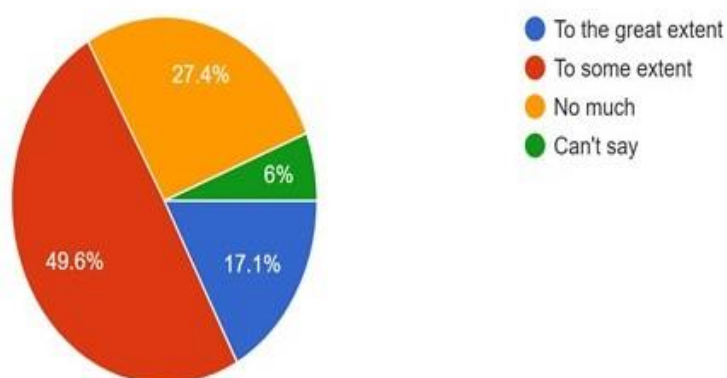
Without proper accountability, no government achieved a high level of democracy. Without proper transparency levels, no government achieved great ideals of democracy. Accountability and transparency play a great role in terms of governance to achieve all the goals of democracy. As seen in chart F11. A and F11. B, 53.8% of people expressed that accountability and transparency possible with RTI while 12.8% of people expressed a sort of agreement with a bit doubt. 27.4% of people say that it is not possible due to too much corruption. This is the finest understanding one can see that there is always a possibility of a reduction in corruption levels when you bring forth accountability and transparency into proper functioning. As per the data, it is possible.



F 12. A: On Accountability and Transparency

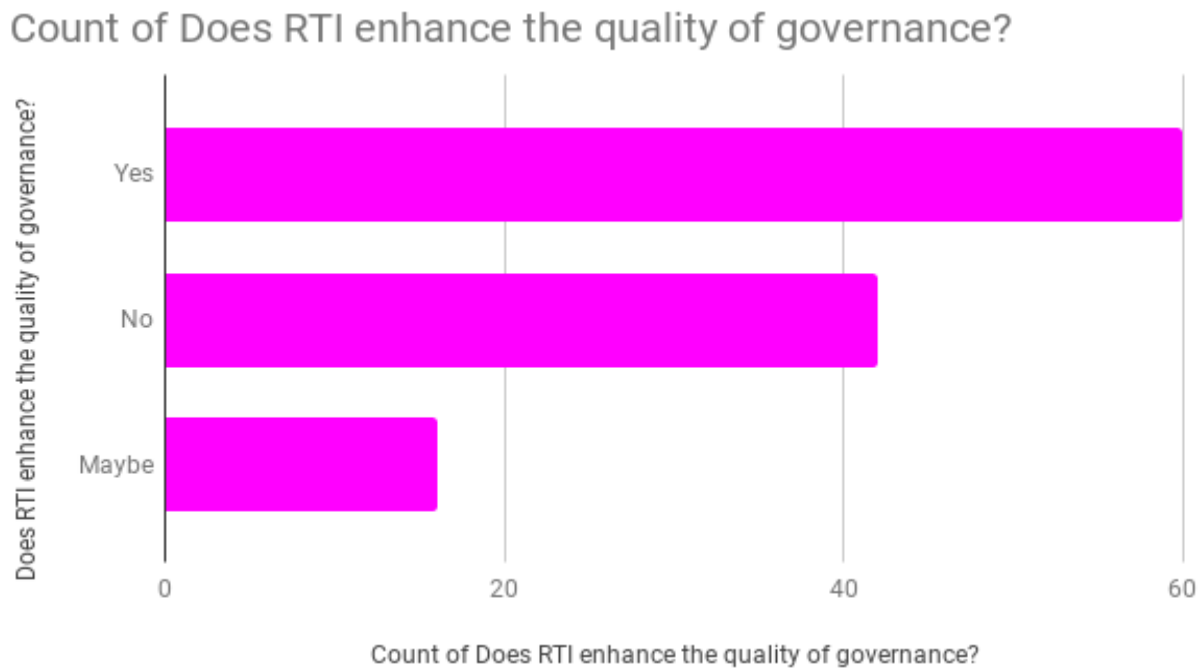
In connection and continuation of the previous question, a question was posed on to what extent it is possible and to what extent the idea of accountability and transparency that RTI has already brought in to the picture. 17.1% (See F12. A and F12. B), of people, believed that it has brought changes to the great extent while 49.6% of respondents believed that it has brought accountability and transparency to some extent. 27.4% still believe that no big change in spite of RTI act implementation since 2005.

To what extent do you think RTI has brought accountability and transparency in governmental functioning?



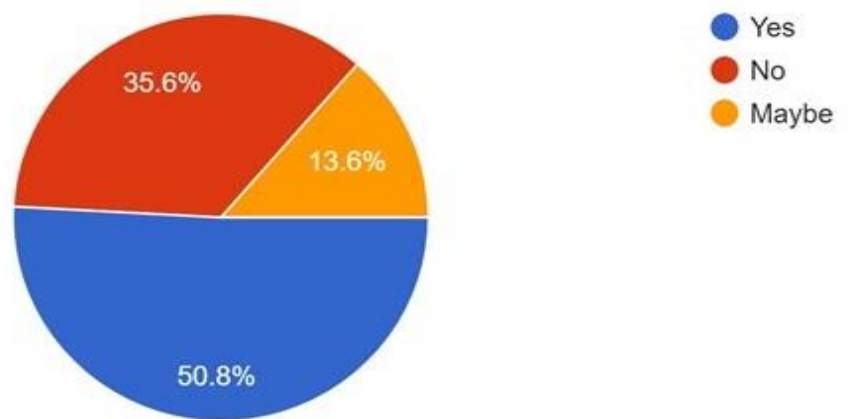
F 12. B: On Accountability and Transparency

On the question of governance, most of the respondents, as it makes it clear in charts F 13. A and F 13. B, are very hopeful about RTI help enhancing the quality of governance. 50.8% of respondents confidently believed in that The RTI Act may strengthen governance while 13.6% of people partially confident to achieve the same. Good governance is one of the features of modern democracies. Good governance help achieving a vision or idea of substantial democracy. RTI is the best tool, provided that it is properly implemented, to achieve the desired goal. There is a concern though. It is a thoughtful and alarming issue when 35.6% of respondents said ‘no’. My observation says that these people experience a different type of mechanism when they raised RTI requests. They went through a regular mechanism of governmental functioning style.



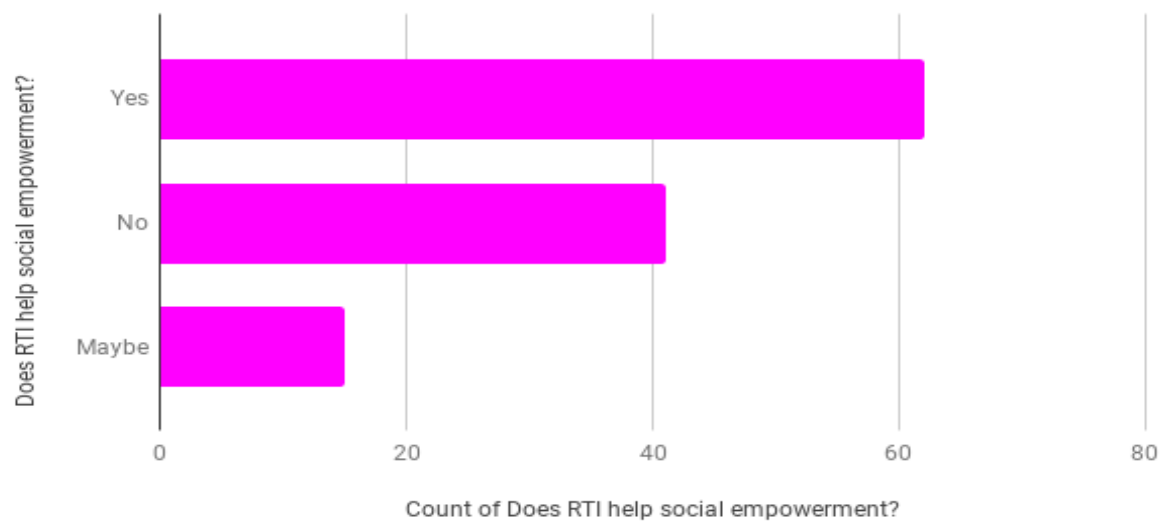
F 13. A: Quality of Governance

Does RTI enhance the quality of governance?



F 13. B: Quality of Governance

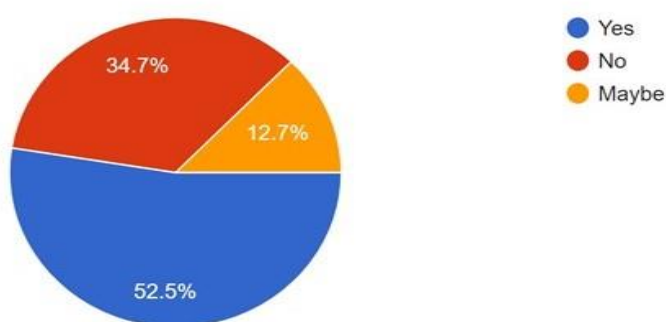
Count of Does RTI help social empowerment?



F 14. A: Social Empowerment

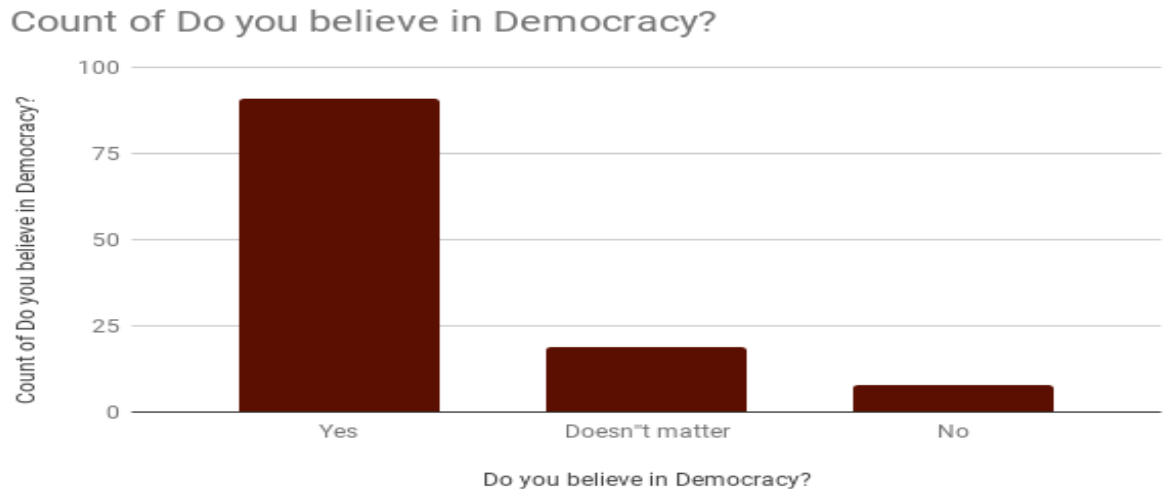
To both democracy and RTI, the social aspect is something which one should concern in order to make a system better and make it available to the public as best as one can do. The idea social empowerment, a sense that I would like to address as is all about how best citizens are aware of their governments, policies and consequence of that decision taken by their representatives... Absolutely, it may be not possible to make every citizen participate in every aspect of government. But, it is very much important that every citizen must be informed about what helps them become a better citizen and what benefits them and society if they are aware of certain things. It is the failure of the system when citizens fail to sense that they are part the society and they are entitled certain rights and responsibilities etc. Developing a sense of confidence among the people and giving them various tools to achieve a real sense of democracy. As diagrams F 14. A and F 14 B show us that RTI surely helps social empowerment of various sections of people.

Does RTI help social empowerment?



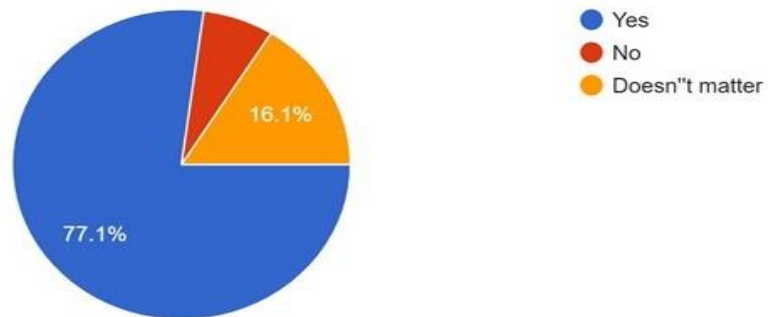
F 14. B: Percentage, Social Empowerment

On one hand we see the kind of developments taking place like new technological solutions, new level of market societies, good governance to e-governance etc.... on the other hand, there are various disturbing incidents are happening like too much corruption, not implementing any law which has development elements, killing of people, particularly, RTI activists across the states, changing or amending various provisions of RTI etc... makes people to lose faith in the very idea of democracy. It is no wonder that 77.1%, (See F 15. A and F 15. B), respondents strongly believe that democracy is the only system which helps everyone to flourish without any restriction on rights and freedoms. For 16.1% of people are not hopeful about democracy. The reason being is that either this category lost faith in democracy or it doesn't matter what kind of government they see as long as they survive.



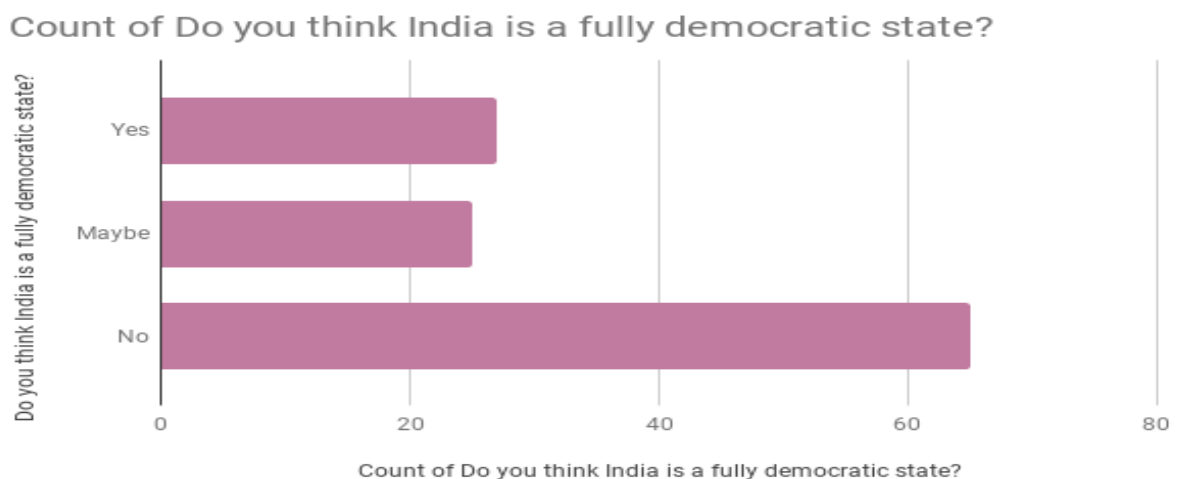
F 15. A: Belief in democracy

Do you believe in Democracy?



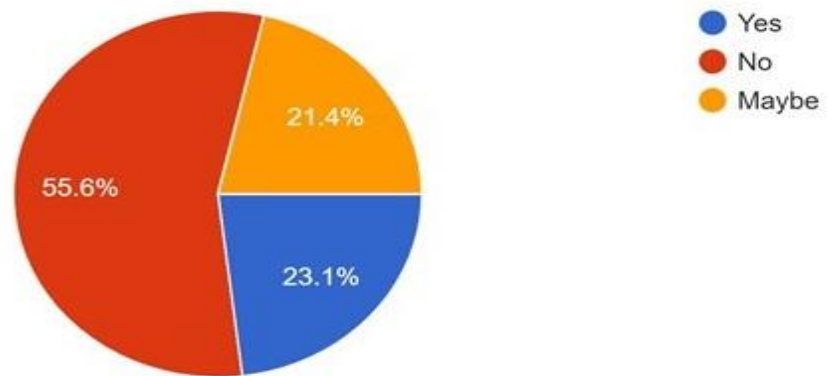
F 15. B: Belief in democracy in terms of percentage

From figures F 16. A and F 16.B, it is very surprising that majority of the respondents believe that India is not fully a democratic state. 55.6 % of 117 respondents believe that India is a democracy, but not a full model of its kind.



F 16. A: The levels of Democracy

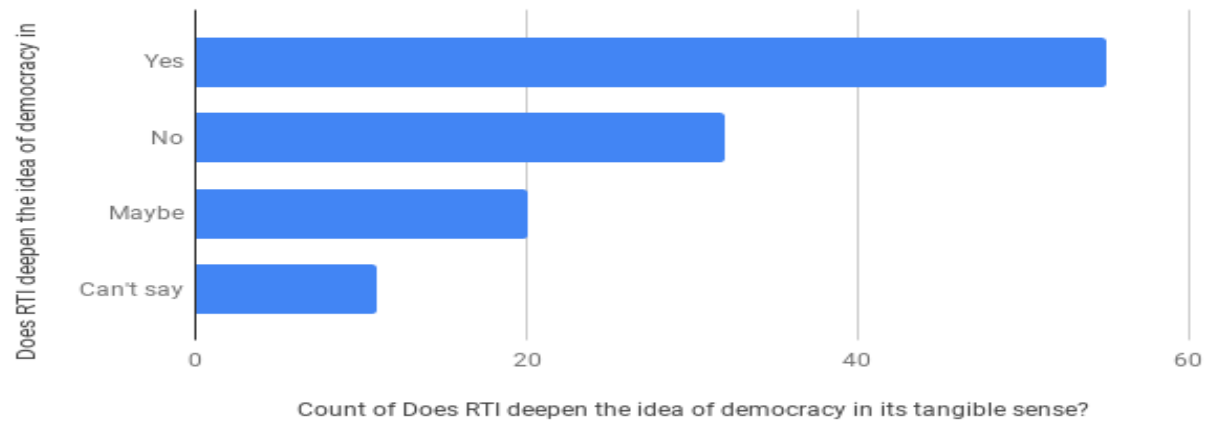
Do you think India is a fully democratic state?



F 16. B: The levels of Democracy in percentage

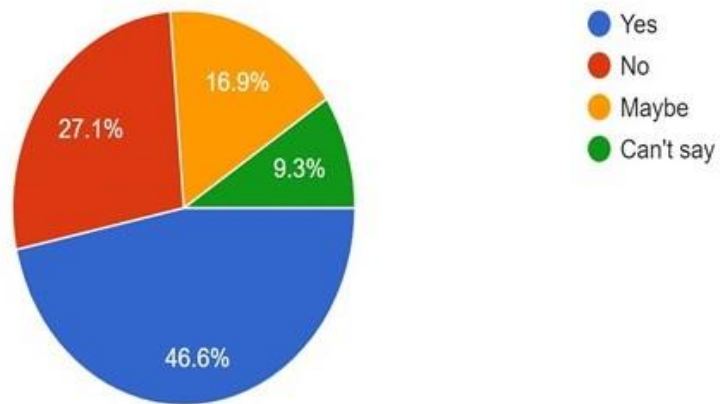
Majority of respondents expressed an optimistic view that it is possible for RTI to deepen the idea of democracy. Democracy not in a general sense but in a substantial sense. 46.6 % of people expressed complete agreement, 16.9 % in agreement with the majority but partially, while 27.1% don't believe in it, and 9.3 % of are clueless of how RTI can deepen the democracy in its tangible sense.

Count of Does RTI deepen the idea of democracy in its tangible sense?



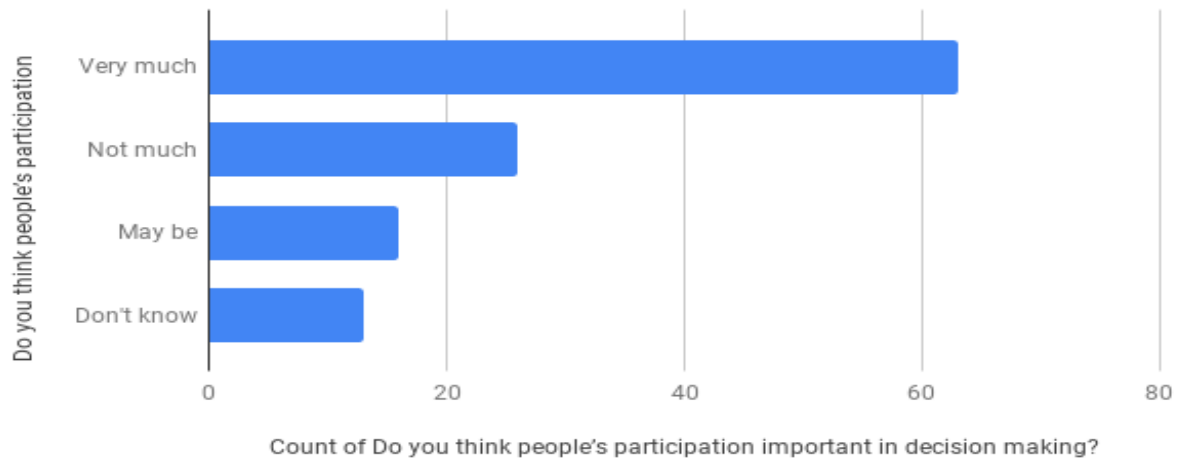
F 17. A: RTI and Democracy connection

Does RTI deepen the idea of democracy in its tangible sense?



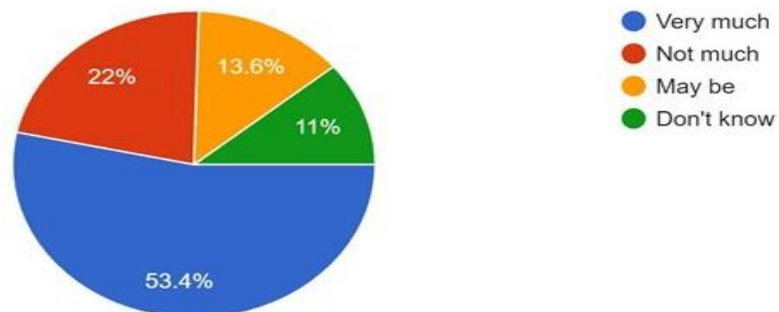
F 17. B: RTI and Democracy connection percentage

Count of Do you think people's participation important in decision making?



F 18. A: Participation in decision-making

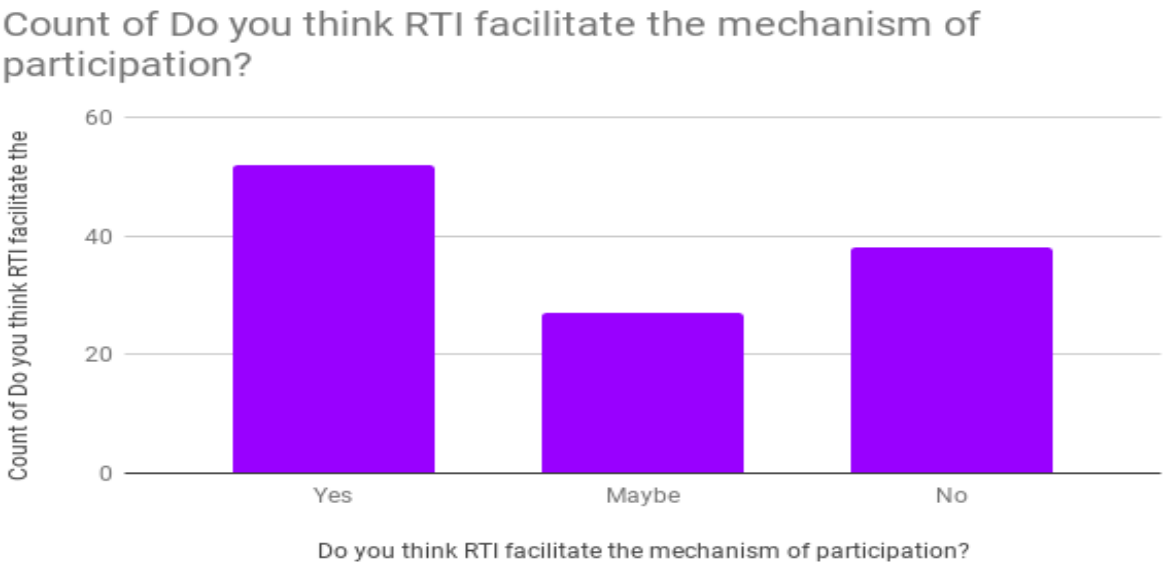
Do you think people's participation important in decision making?



F 18. B: Participation in decision-making

As data in both F 18. A and F 18. B reveals that 53. 4% strongly agree to the question about people's participation in decision making. Participation is one of the major element for any modern and model of democracy. 22% of people are not clear about it while 13.6 %

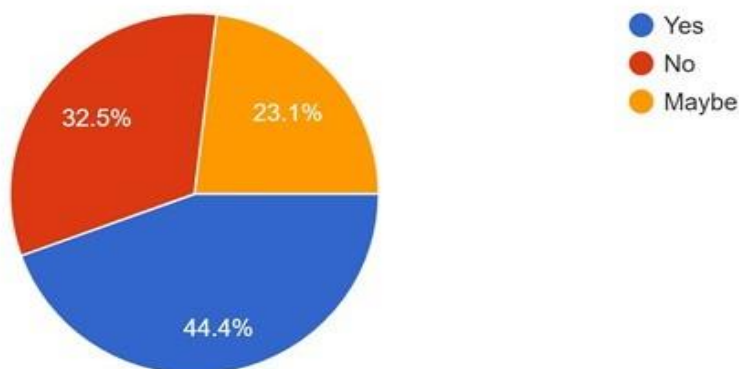
agreed but with doubt and 11% of people just don't know about it or can't decide at the moment.



F 19. A: RTI and Participation

Chat F 19. A and F 19.B shows another disheartening version of the system. In the previous response, it is certain that participation is important for a democratic system. However, what is missing is, as data shows that lack of a proper mechanism for people to participate other than mere voting. 32.5% of respondents believed that there is no proper mechanism for citizens to participate in the decision-making process. But, the other side of the coin is that 44.4 % of respondents are hopeful about RTI creating a mechanism where both government and the public can come together. 23. 1 % of people partially agreed.

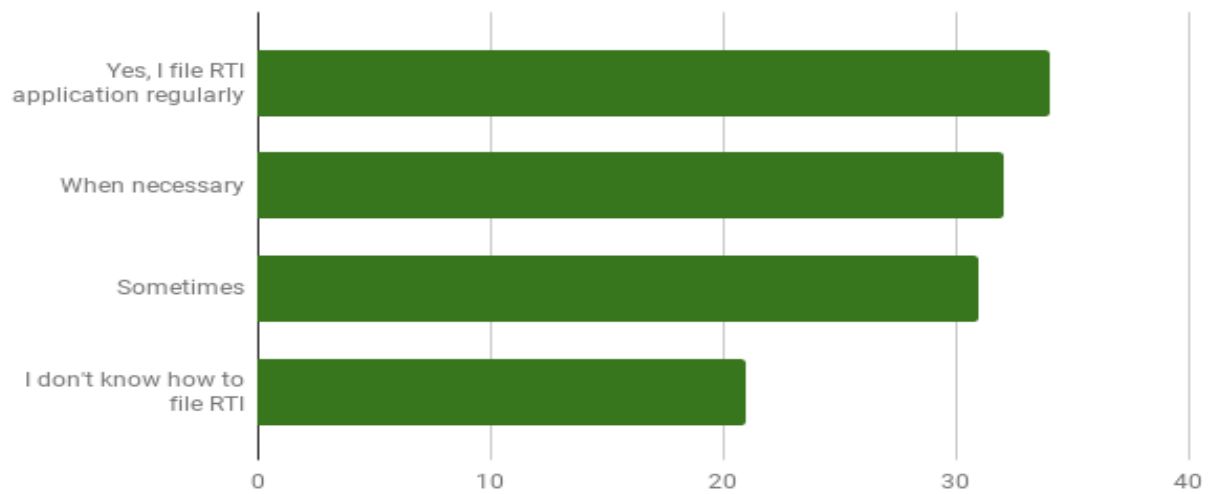
Do you think RTI facilitate the mechanism of participation?



F 19. B: RTI and Participation

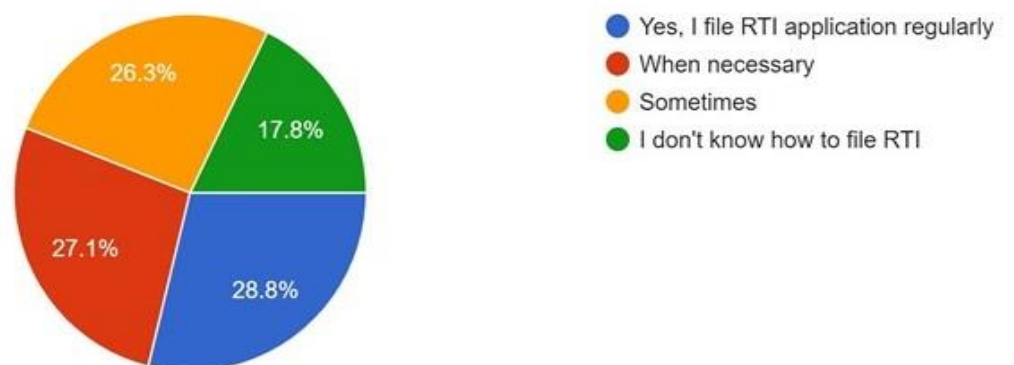
It is not always possible to keep up hopes on the government to establish the best democracy and strengthen it day by day. Ultimately it is the people who establish such a condition. Why people go for RTI? Why they file repeated requests? Is it one or the other of participation? Is it about their curiosity to know what is going on out there? Is it their good intention to create a better world? Or is it their selfish motive behind filing RTI request? The intention could be anything but somehow the goal is to reduce corruption, make the system as transparent as possible which I think everyone surely believes in. If that is so, the basic question is to ask is if people file a request ever or how frequently they do. A mix of opinions came in the survey. As shown in chart F 20.A and F 20. B, 28.8 % of people file RTI application regularly and 27.1 % people file RTI request when necessary. 17.8 % of people don't know how to file RTI application.

Count of Have you ever filed an RTI application?



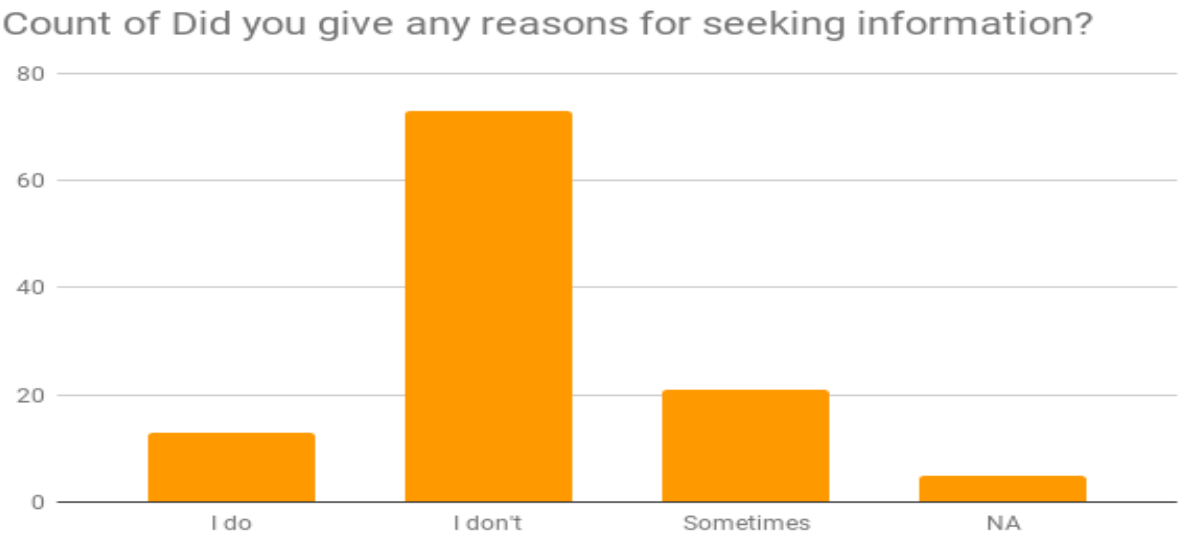
F 20. A: Filing an application under RTI

Have you ever filed an RTI application?



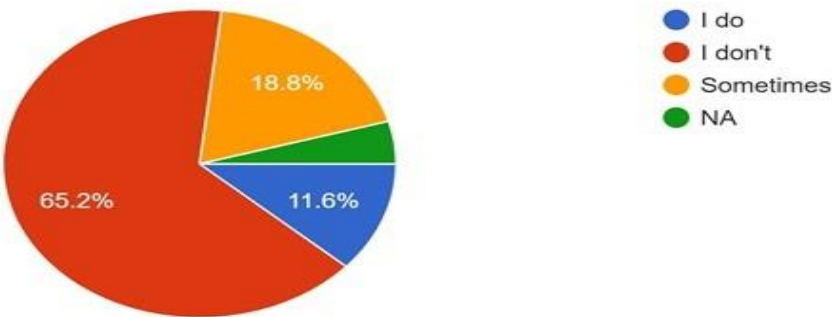
F 20. B: Filing an application under RTI

As per the provision of the RTI Act, Information seeker need not mention any reasons for asking Information. Yet, there are times when you see application are rejected or delay in the dissemination of Information etc. are taking place frequently. There is worry that sometimes it is an opinion that the public is forced to give a reason. But my survey data show (See F21. A and F 21. B) 65.2% of respondent never provide any reasons for why they want to seek Information.



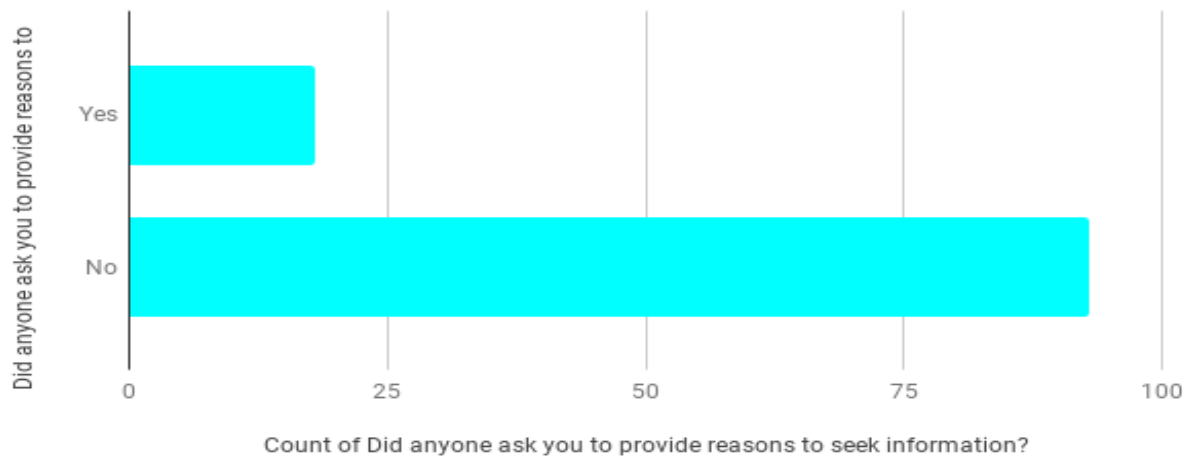
F 21. A: Reasons to seek Information (self-analysis)

Did you give any reasons for seeking information?



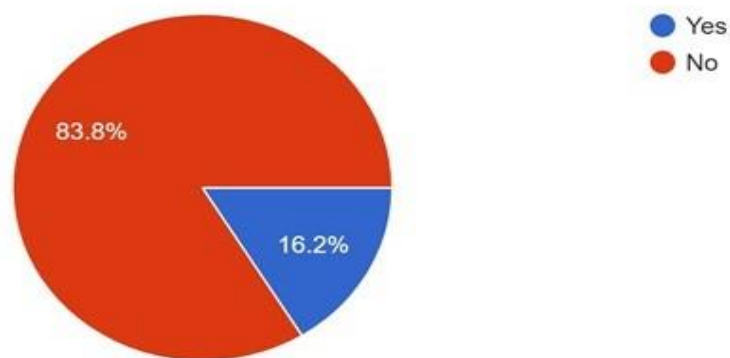
F 21. B: Reasons to seek Information (self-analysis)

Count of Did anyone ask you to provide reasons to seek information?



F 22. A: Others asking/forcing to give reasons for seeking Information

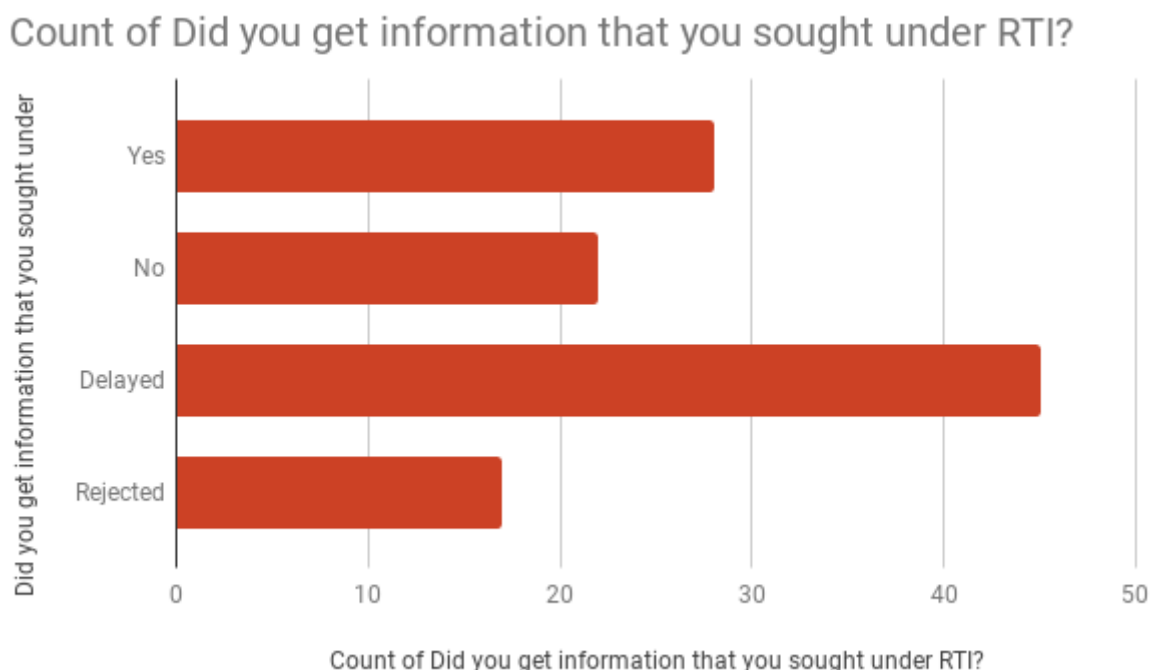
Did anyone ask you to provide reasons to seek information?



F 22. B: Others forcing to give reasons for seeking Information

This is the impressive element that 83.8% of respondents say that they were never forced by any public authority or public Information commissioners to mention the reason for seeking Information. However, as the data shows in F 22. A and F 22. B, 16.2% of people had this experience of someone asking them to provide a reason for why they need

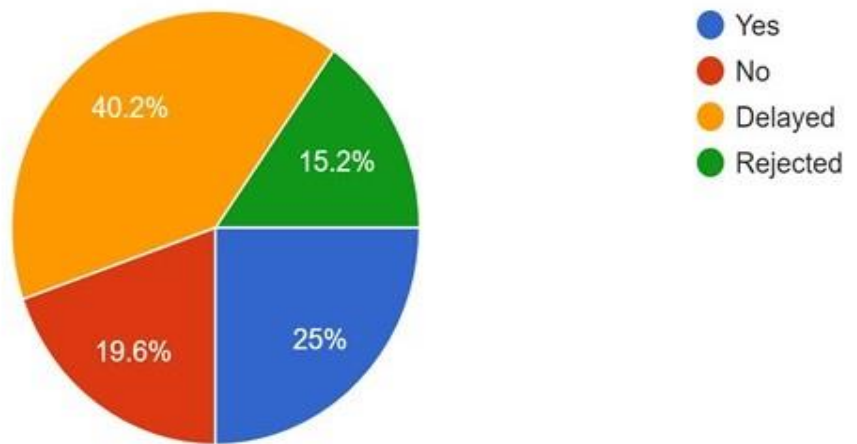
requested Information. It is a great thing that public authorities are following certain norms of RTI.



F 23. A: Getting Information under RTI

Since 2015, there is a clear trend in increasing number of RTI request until 2016 -17 and also there is a rise in a number of rejected applications. Looking at the both F 23. A and F 23. B, only 25 % of the respondents get proper Information after they file a request. In spite of a fixed time frame as per the RTI Act, it is quite shocking to see 40.2 % of people experienced the delay of their request. 19.6 % of people get no Information at all while 15.2 got rejected. The reasons for getting irrelevant Information or delay is because the observation says that it happens so due to lack of Information or missing Information or no proper maintenance of records.

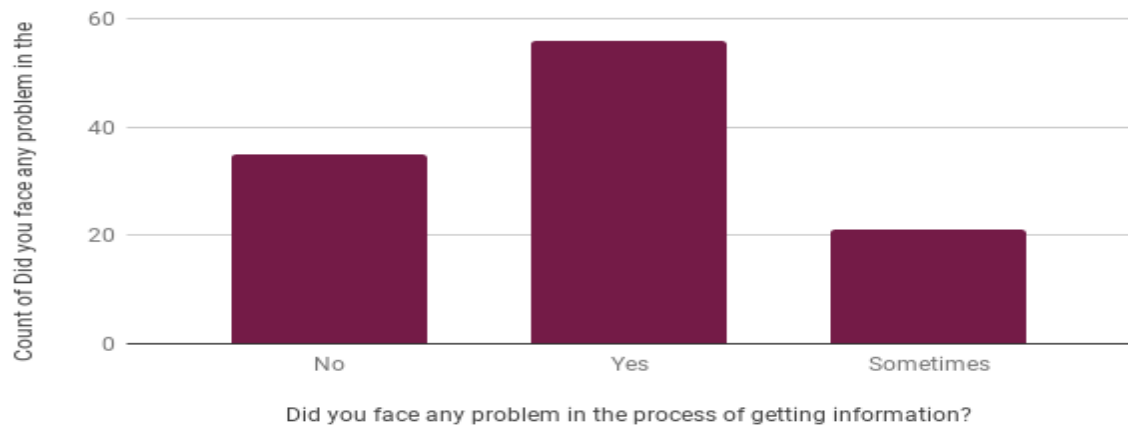
Did you get information that you sought under RTI?



F 23. B: Getting Information under RTI

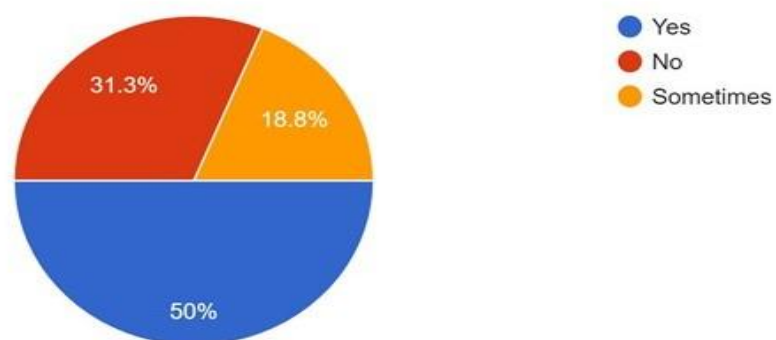
After filing a request under RTI, it is not that people get information so easily. There are challenges that they have to face. Details can be seen in figures F 24.A and F24.B how frequently people face issues in the process. Half of the respondents which is nothing less than 50% have responded that they faced various challenges in the whole process of getting Information under RTI. 18.8% of people faced challenges sometimes, while only 31.3% of people hardly faced any such challenges. This explains to us that there should be more flexible and easy ways of accessing Information must be maintained.

Count of Did you face any problem in the process of getting information?



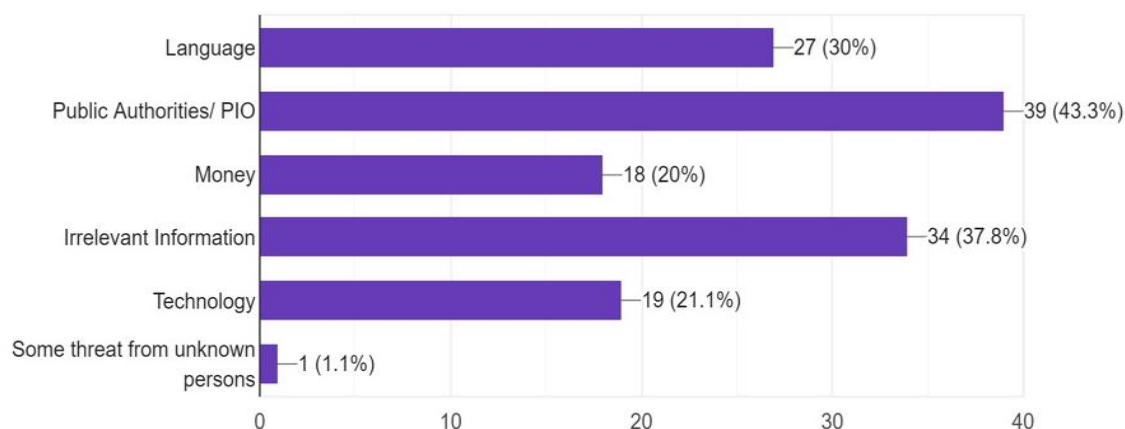
F 24. A: Problems people face to getting Information

Did you face any problem in the process of getting information?



F 24. B: Problems people face to getting Information

If yes, what kind of problems you faced?

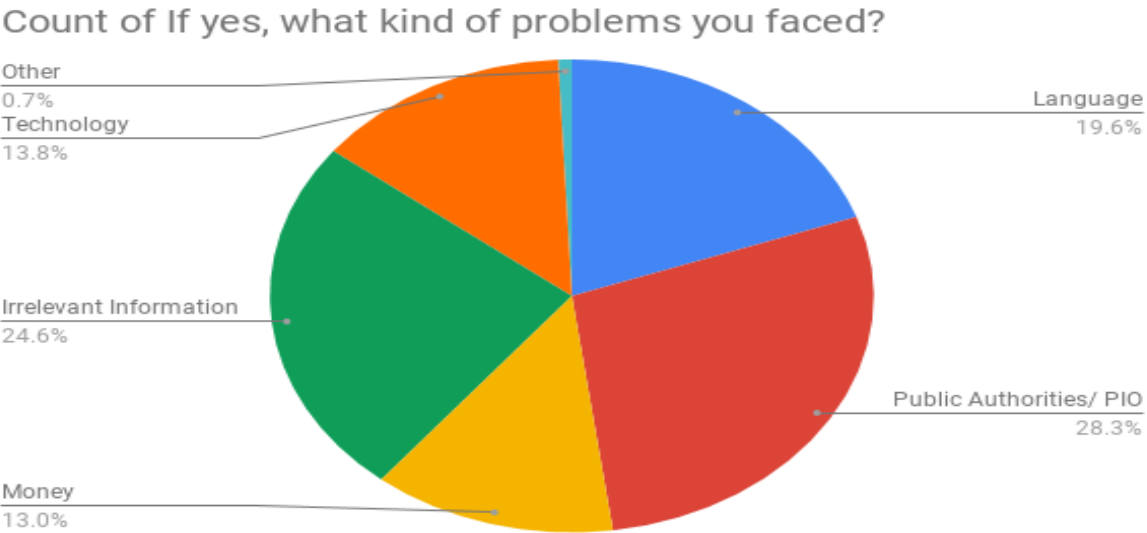


F 25. A: List of Problems

As data reveals in F 25.A and F25. B, There are various kinds of problems people come across during their RTI application process. Majority of respondents faced the problems with concerned PIO or public authorities. This number comes around 28.3%. The second highest issue is getting irrelevant Information. 24.6% of people got irrelevant Information to their RTI request. Other problems are like Language problems with 19.6%, Technology with 13.8%, financial problems with 13%, and less than 1% of other problems.

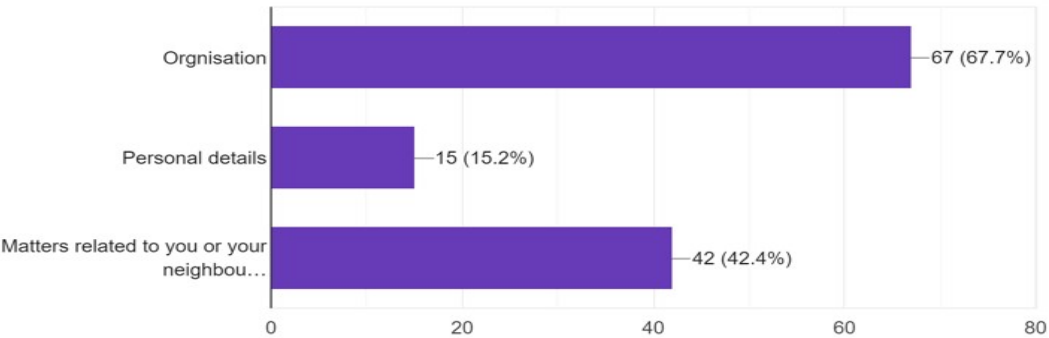
Another observation is that chart F 26.A shows us the kind of Information people generally look for through RTI request. 67.7% of respondents seek Information which comes under the details of the organisation. The details of the structures of the organization, various officers in the organisation, their duties and responsibilities, salary issues and personal details etc... most of these things come under section 4 (b) while some them may come under the matters of highly sensitive and confidential. 42.4% of people look for matters related to them or their neighbours who live nearby. Matters can be varied here from water

tap issue in street to street light condition to ration cards. These are very common problems people come across day to day or every day.



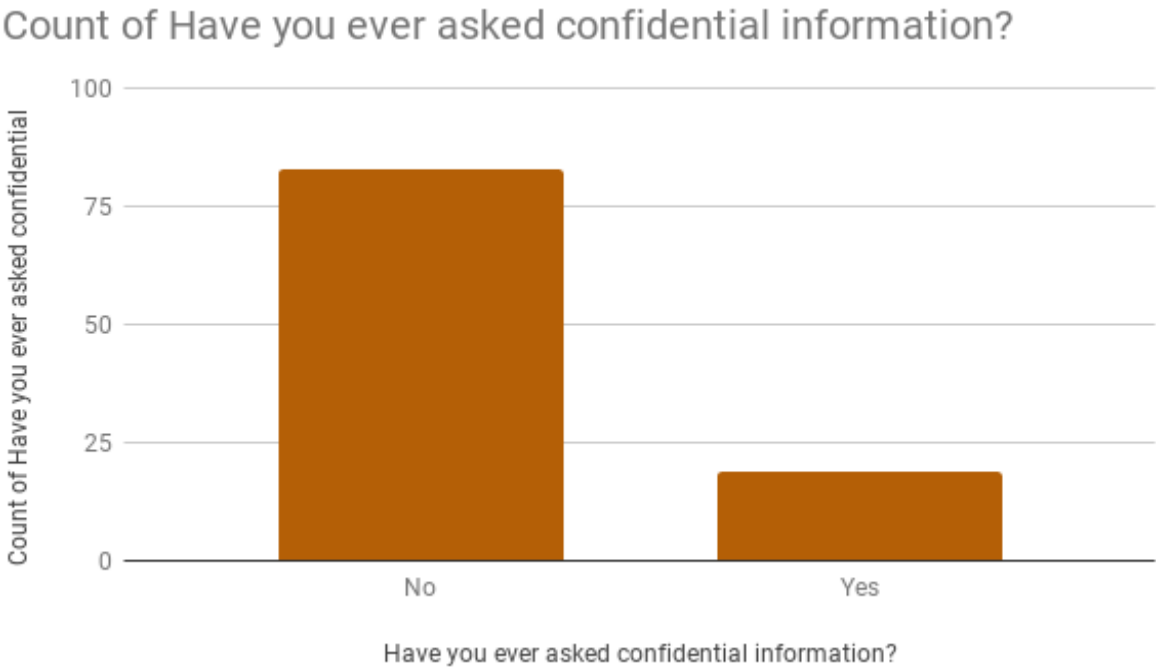
F 25. B: List of Problems in percentage

What kind of information do you seek generally?



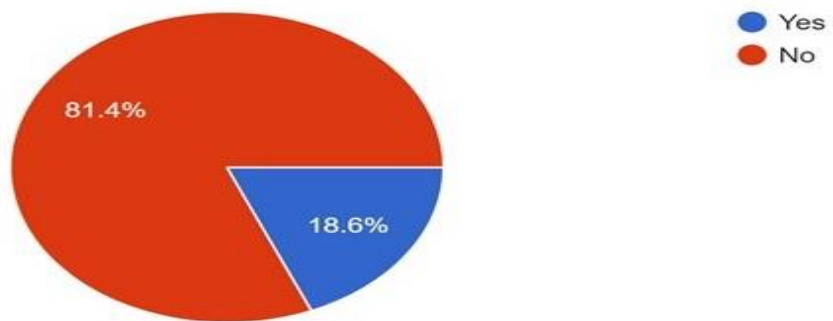
F 26. A: Kinds of Information people seek

Apart from the problem they face and the issues they got, are people free to ask for any Information because we live in a democracy? When I spoke to a few Information commissioners and public Information officers, the common statement they give you is that too much personal information was requested. This is the other reason for the rejection of RTI applications. Looking at the people’s perspective, it is said that 81.4% of respondents never requested any confidential matters while 18.6% of respondents agreed that they requested confidential Information.



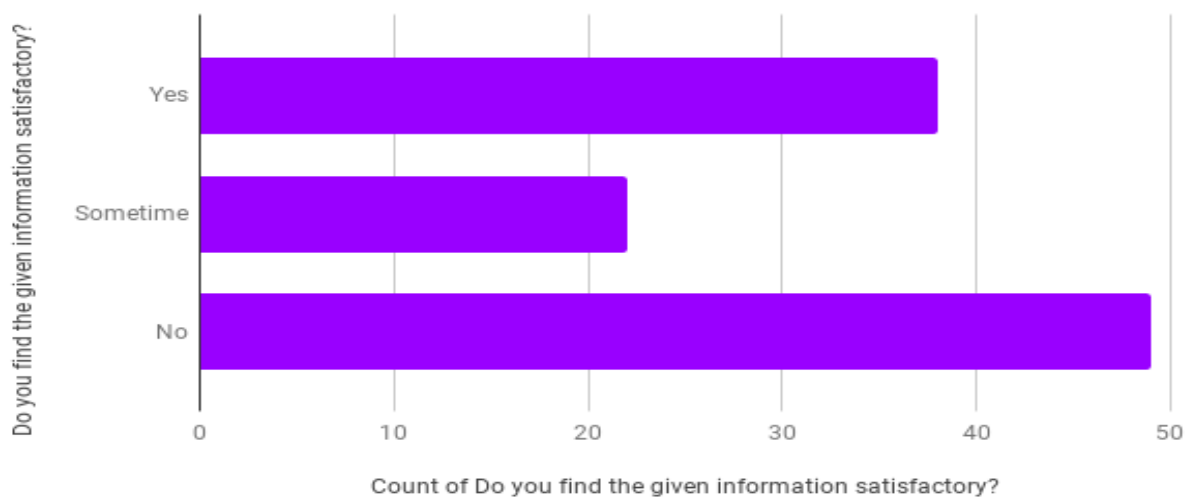
F 27. A: On confidential Information

Have you ever asked confidential information?



F 27. B: On confidential Information

Count of Do you find the given information satisfactory?

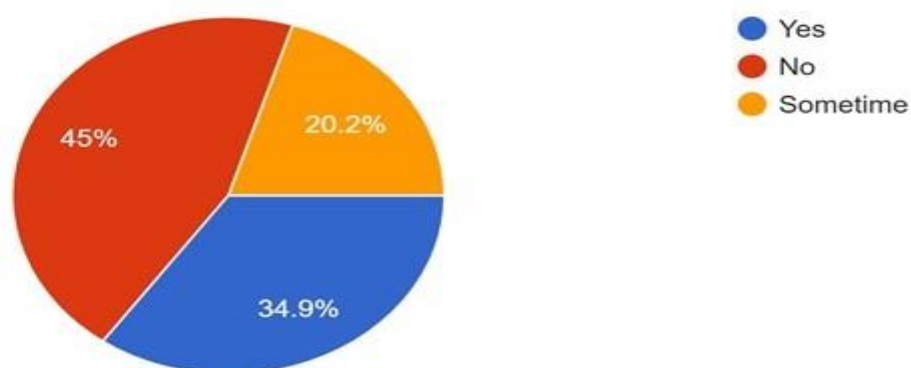


F 28. A: Respondent's satisfaction on Information they got

RTI Act clearly states that Information should be clear, relevant and must be available in every local language. However, most of the times, the situation is different. Let's draw out attention to chart F 28. A and F 28. B. These charts give of a gloomy picture about what kind of Information most of the times people get. 45% of respondents are not satisfied with

the Information provided to them. 20.2% of people were not satisfied sometimes and only 34.9% of people were satisfied with the Information supplied to them.

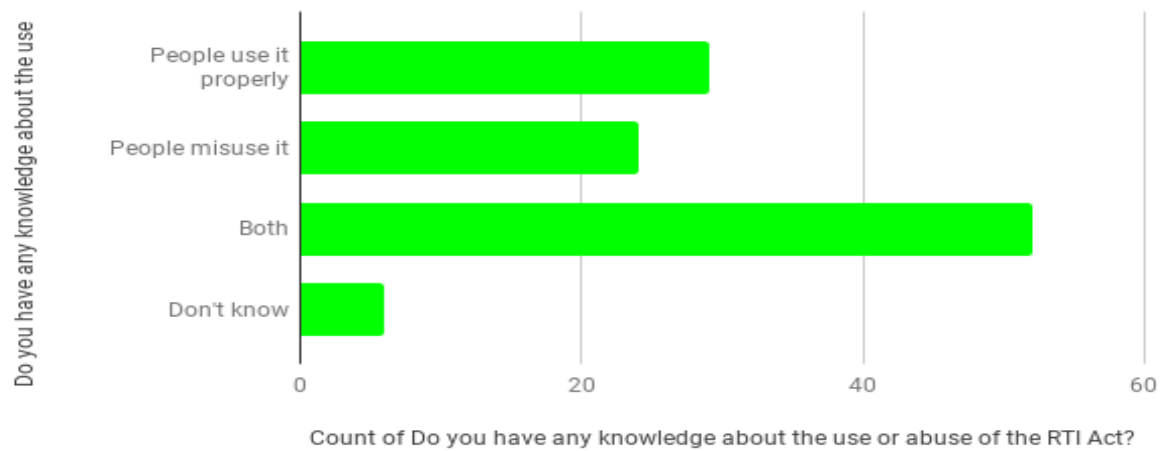
Do you find the given information satisfactory?



F 28. B: Respondent's satisfaction on Information they got

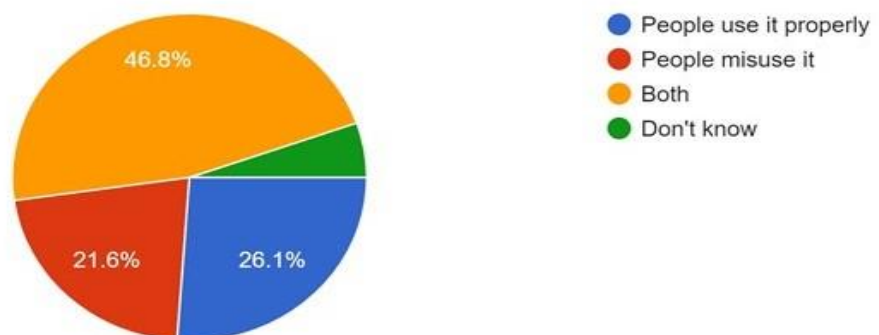
There has been some debate about the use and abuse of the RTI. There are many people who use RTI to bring justice and to see accountability and transparency taking place while there are many people who abuse RTI just to target a few persons in power. 26.1% believes that RTI can be used in the right way and 21.6 % of people say that it is abused than used for various reasons. 46.8% of people believed that it can both used and misused. (See F 29.A and F 29. B)

Count of Do you have any knowledge about the use or abuse of the RTI Act?

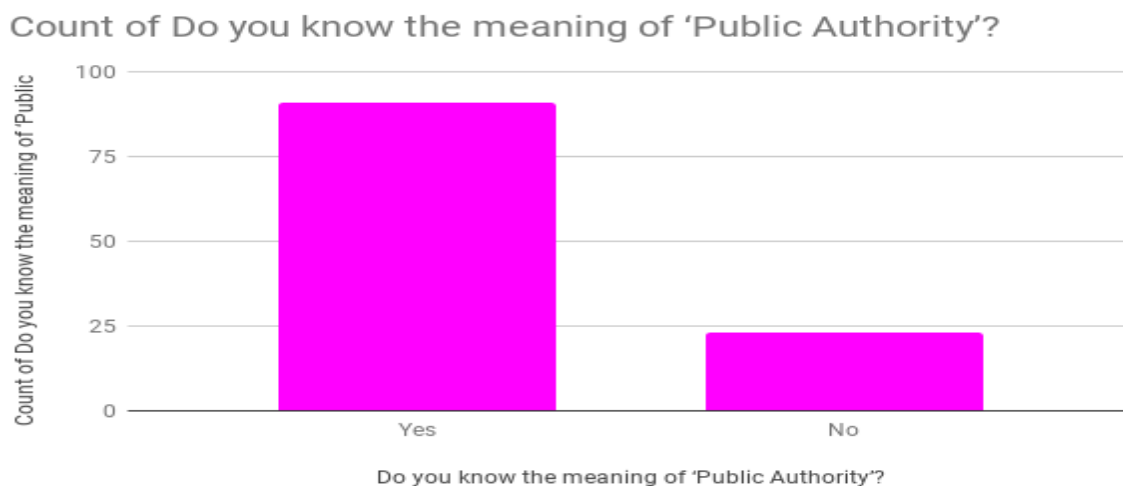


F 29. A: Use and abuse of RTI

Do you have any knowledge about the use or abuse of the RTI Act?



F 29. B: Use and abuse of RTI

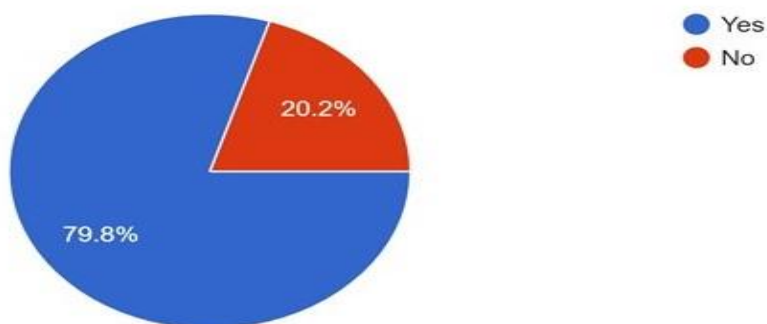


F 30. A: On Public Authority

When it comes to RTI, the crucial body is a public authority. Under section 2 of RTI, it is clearly defined as the meaning of Public Authority. It a body or institution created by constitution or parliament or state legislature and also, owned, controlled and financed fully or partially by the government.

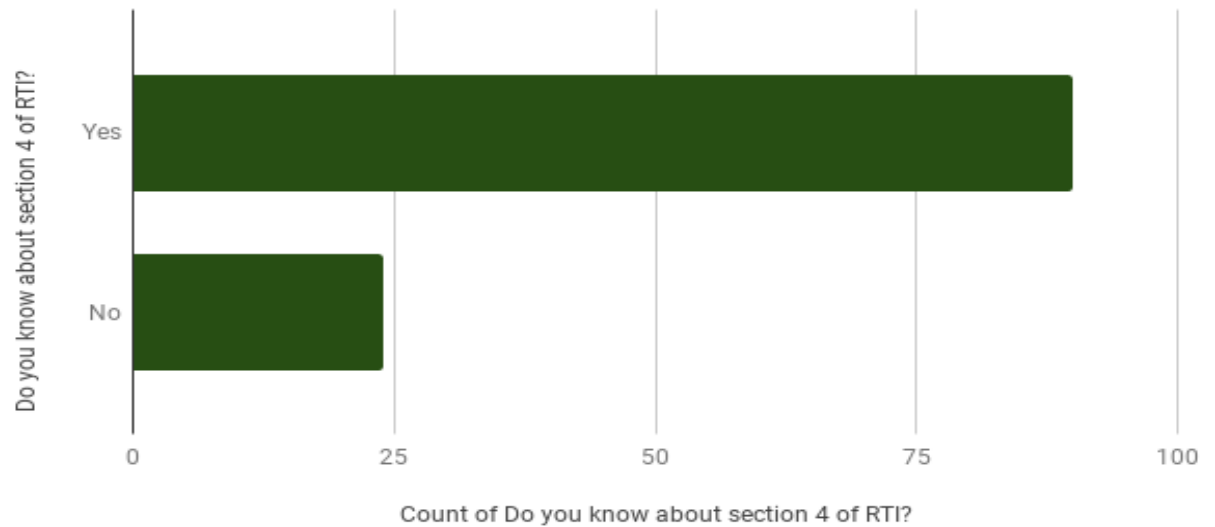
As seen in chart F 30. A and F 30. B, it can be understood that 79.8% knows the meaning of public authority while 20.2% of people do not understand the meaning of it.

Do you know the meaning of 'Public Authority'?



F 30. B: On Public Authority

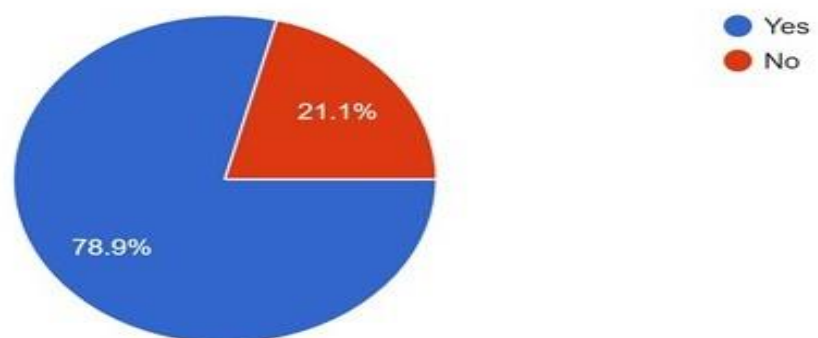
Count of Do you know about section 4 of RTI?



F 31. A: Response on Section 4 of RTI

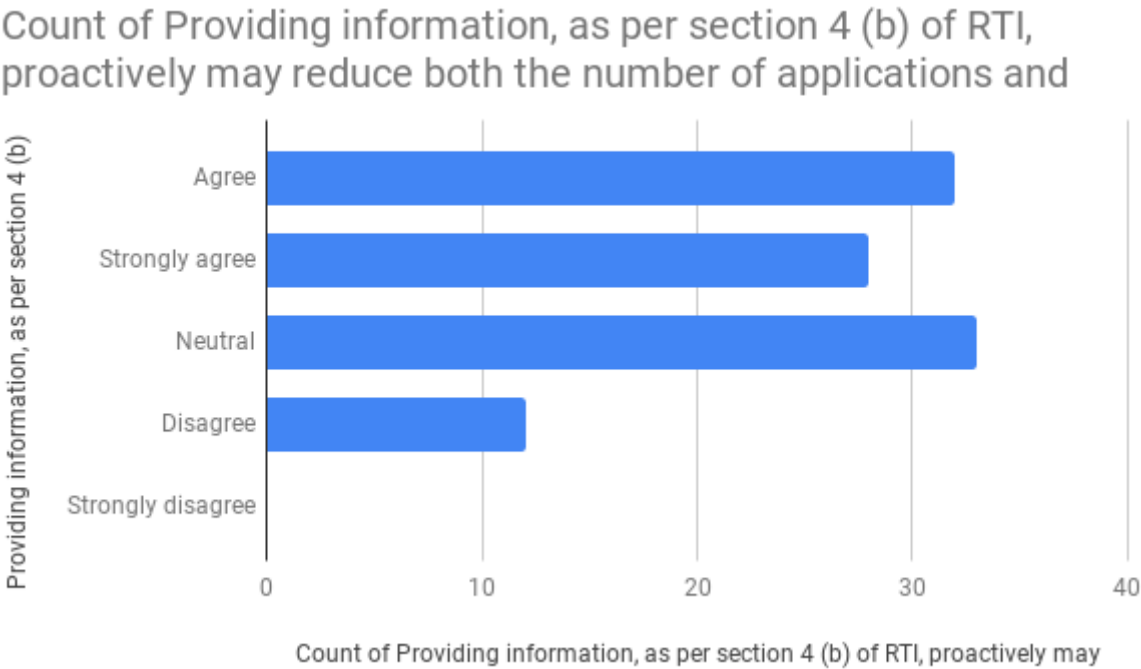
Section 4 is very crucial and heart of the RTI Act. Across the world, the new trend has been started that all governments are trying to be open democracies when much of the Information is published to the public. In this survey is found that most of the respondents know section 4 of RTI. 78.9% of respondents believe that they know section 4 under RTI. Only a small group with 21.1% do not know the section 4. (See F 31.A and F 31.B)

Do you know about section 4 of RTI?



F 31. B: Response on Section 4 of RTI

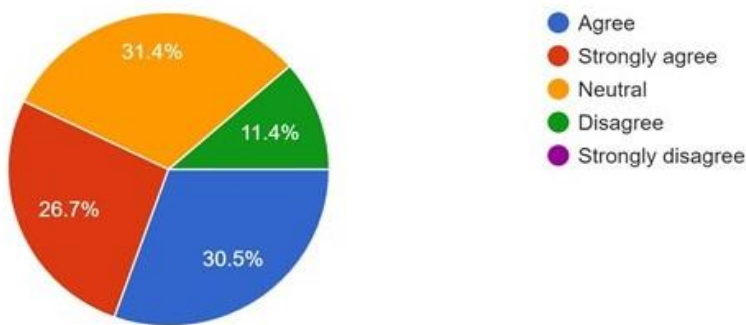
If one looks at the various studies and annual reports released by the Central Information Commission, it is clear that the rise in the number RTI request every year. This creates many issues like overburden of the work of Information commissioner, other officers with the governmental institutions, and also it leads to too much delay in accessing Information. In this survey, it is found that if government bodies publish the data, it is possible to reduce the number of RTI queries drastically. Taking the view from chart F 32.A and F 32. B, it is true that 26.7% of people strongly agreed to the fact that it is possible to reduce the number of RTI queries if government institutions proactively publish the Information.



F 32. A: Proactive disclosure can reduce the number of RTI requests

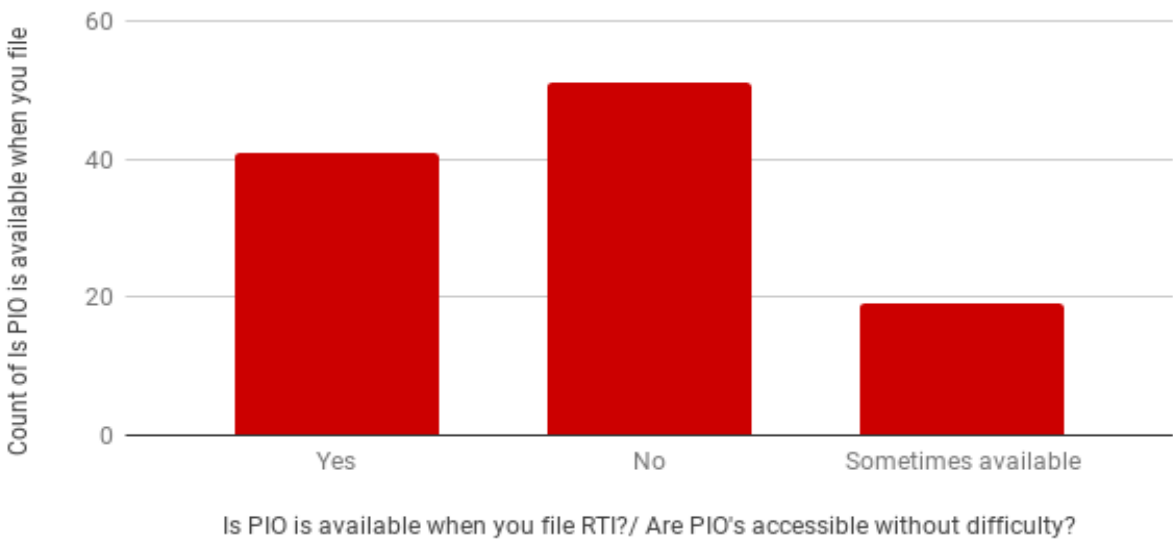
And 30. 5% of respondents agreed very positively to the fact discussed above. 31.4 % maintained a neutral view. Only 11.4% of responded with disagreement.

Providing information, as per section 4 (b) of RTI, proactively may reduce both the number of applications and wo... of public authorities. Do you agree?



F 32. B: Proactive disclosure can reduce the number of RTI requests

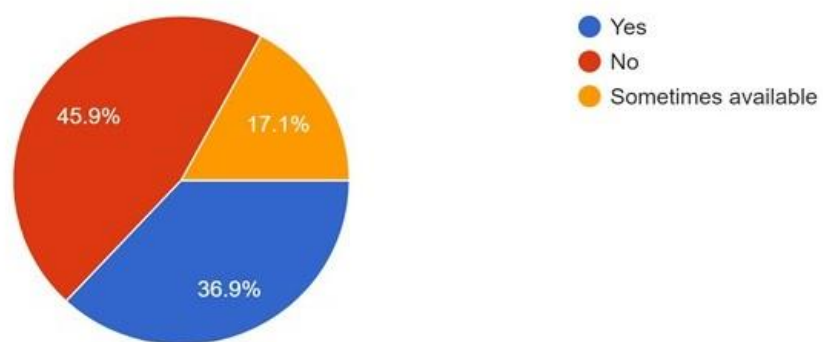
Count of Is PIO is available when you file RTI?/ Are PIO's accessible without difficulty?



F 33. A: Availability of Public Information Officers

As per the provisions of RTI Act, every public institution must appoint an officer called, 'public Information officer' to help in maintaining records and help people whenever they approach him/her in the process of applying RTI queries or seek some Information.

Is PIO is available when you file RTI?/ Are PIO's accessible without difficulty?



F 33. B: Availability of Public Information Officers

It is a mixed response with regard to the availability of the Information officers. As respondents express, there are many public institutions that never appointed or not functioning properly in spite of such an appointment. Only 36.9% of people say that PIO's are available and easy to meet or communicate while 45.9%, as shown in F33. B, are of the opinion that the availability of PIO is rare and it is also difficult to get access to them for any kind of help.

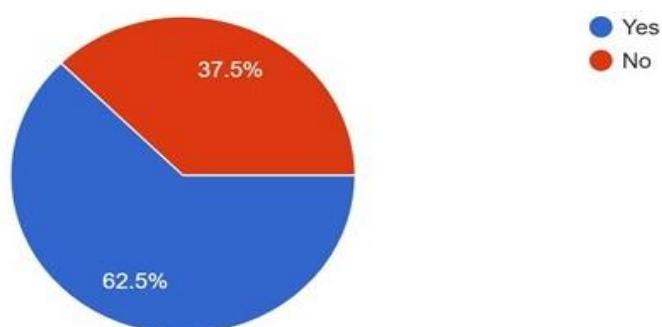
Count of Do you know what provisions, under RTI, are exempted from seeking Information?



F 34. A: Awareness about exemptions under RTI

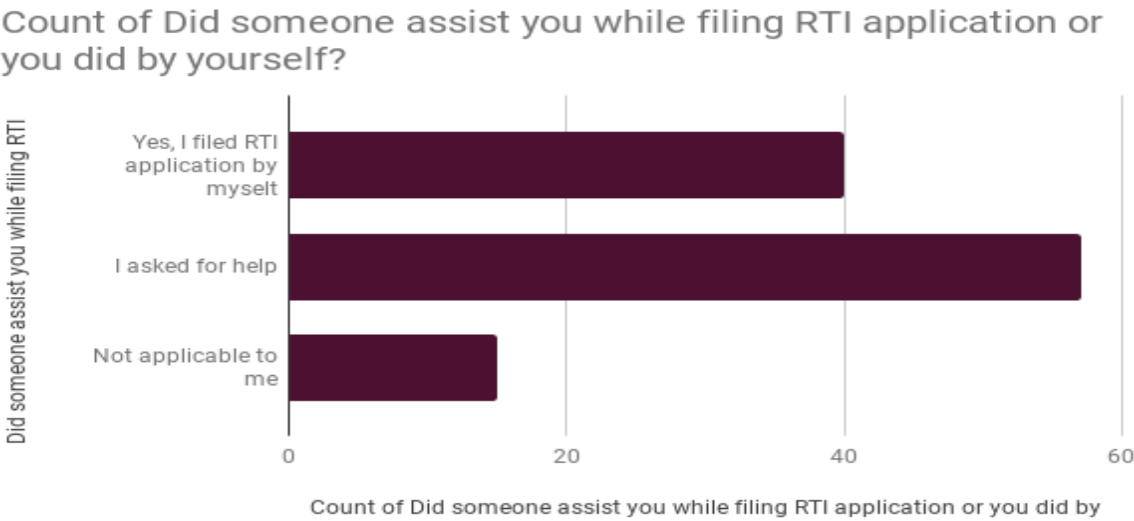
Section consist of exemption is one of another crucial part of the RTI Act. This question is important because there is a link between knowing or not knowing some section and requesting such Information which is exempted under a few sections like 8 and 9. As it is displayed in chat F 34. A and F 34.B, 62.5% of respondents are aware of these provisions in the RTI Act. 37.5% people know about RTI but they don't know what section guide authorities to disclose the information or not to disclose etc.

Do you know what provisions, under RTI, are exempted from seeking Information?



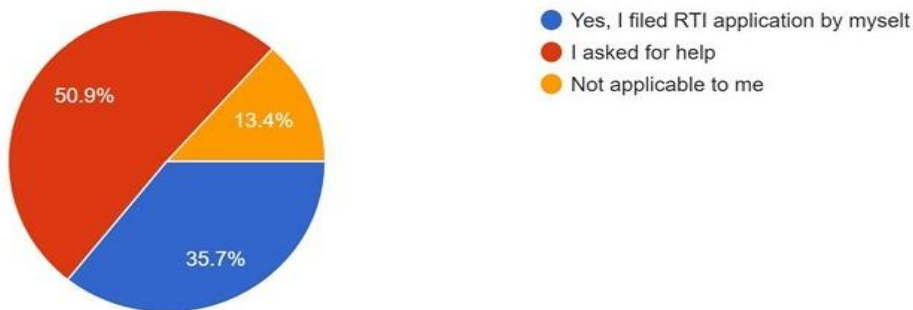
F 34. B: Awareness about exemptions under RTI

Since the act is pretty much new to India, nothing much has done to bring awareness among the people to independently apply for Information. When I asked them how independent they are as far as the question of whether they file RTI alone and take help from someone. See chart F 35. A and F 35.B shows that 50% of the people asked for help. 35.7% of people did not seek any help from anyone and they filed without any sunspot. 13.4 % of the respondents never applied even though they know much about RTI.



F 35. A: Assistance while requesting Information

Did someone assist you while filing RTI application or you did by yourself?

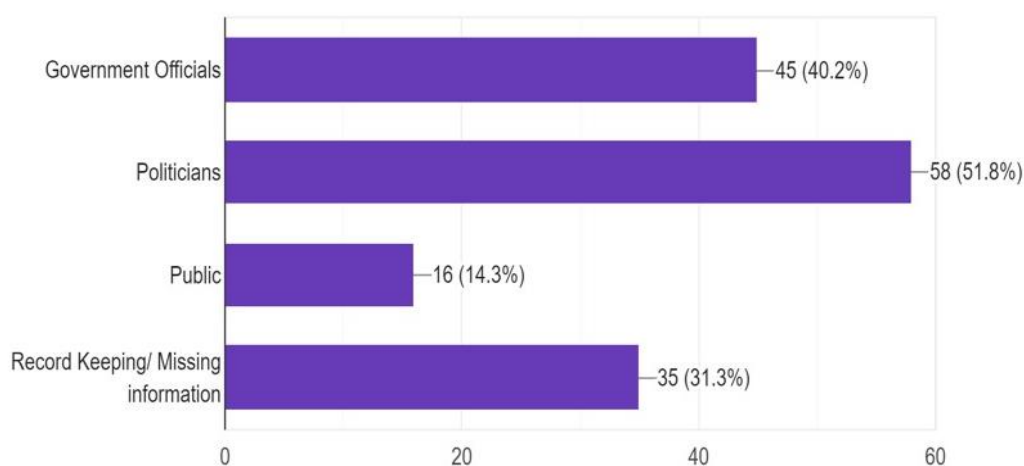


F 35. B: Assistance while requesting Information

As my readings, studies, debates and reports doubt about the implementation of RTI due to various challenges from every side. This study also observes that it has not been able to go with great success. What challenges coming across? The opinions vary from study to study and report to report. The opinion among the civil society groups and activists as well. The chart F 36. A gives us a detailed picture of how many challenges coming in the way of RTI implementation. With the highest number, 51.8% of respondent believe the biggest challenge in the process of RTI implementation is politicians. Next, to them, the second-highest goes to government officers (includes, all PIO's and other public authorities).

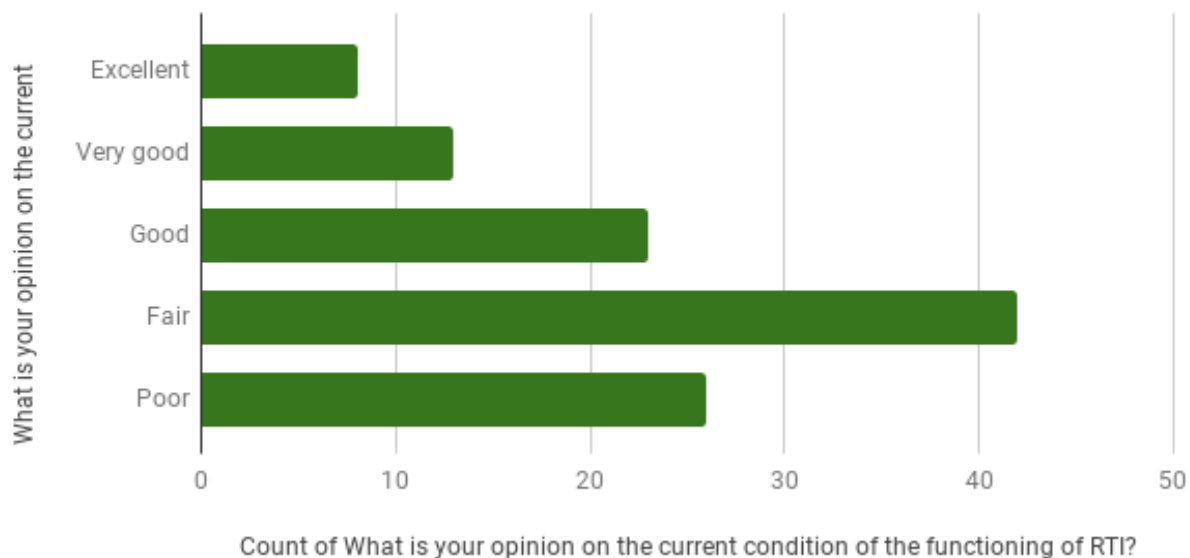
31.3% of people believe that many public institutions do not maintain records or they say files are missing etc... these excuses for them in order to escape from providing Information. In the long run, their intention is clear. They want to ruin the RTI Act.

What are the challenges do you see to implement RTI Act?



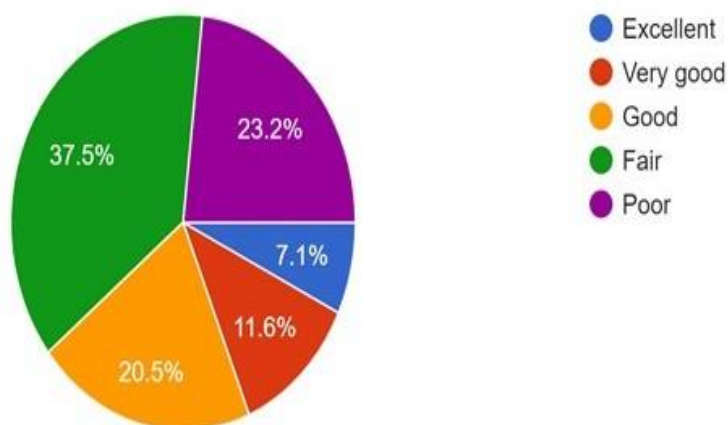
F 36. A: Challenges in implementation of RTI

Count of What is your opinion on the current condition of the functioning of RTI?



F 37. A: The status of working of RTI in India

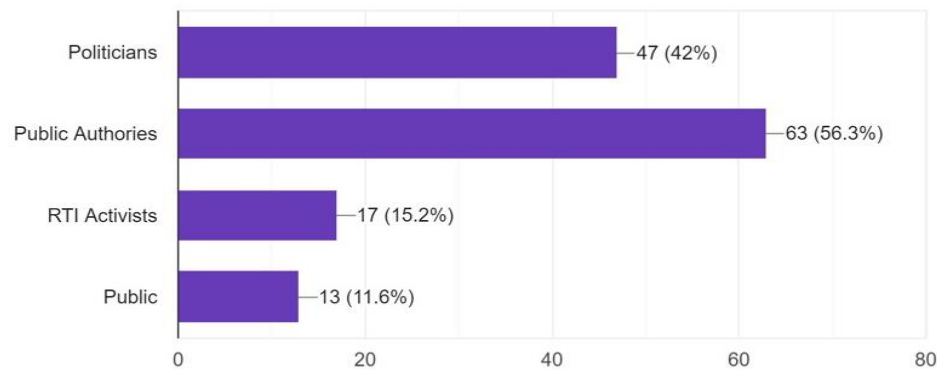
What is your opinion on the current condition of the functioning of RTI?



F 37. B: The status of working of RTI in India

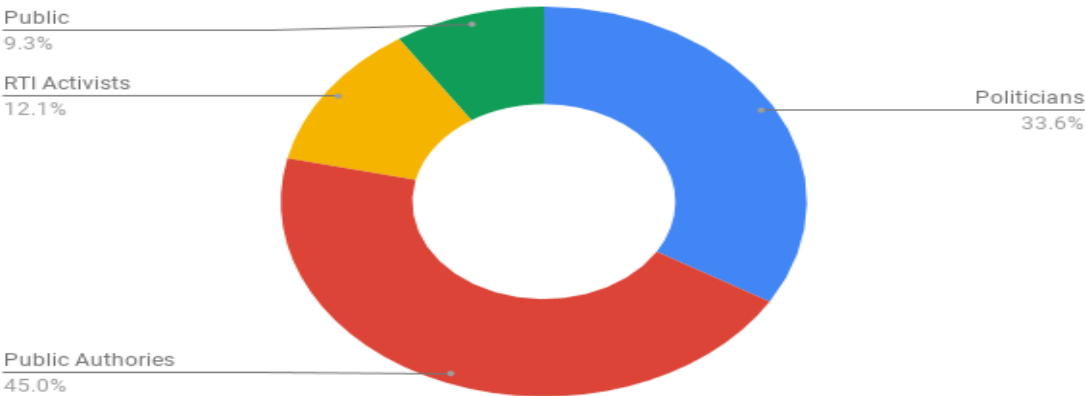
In spite of a lot of challenges that RTI facing in terms of its functioning, 37.5 % of respondent believes that RTI working fairly in India. 11.6% thinks that it is working more than fair, 20.5% believes as good. Only 7.1% of people answered as excellent while 23.2% of people think it as poor. Overall, the majority of respondents optimistically answered that it is functioning better. (See F 37.A and F 37. B).

Whom you think is the reason for dwindling of RTI Act?



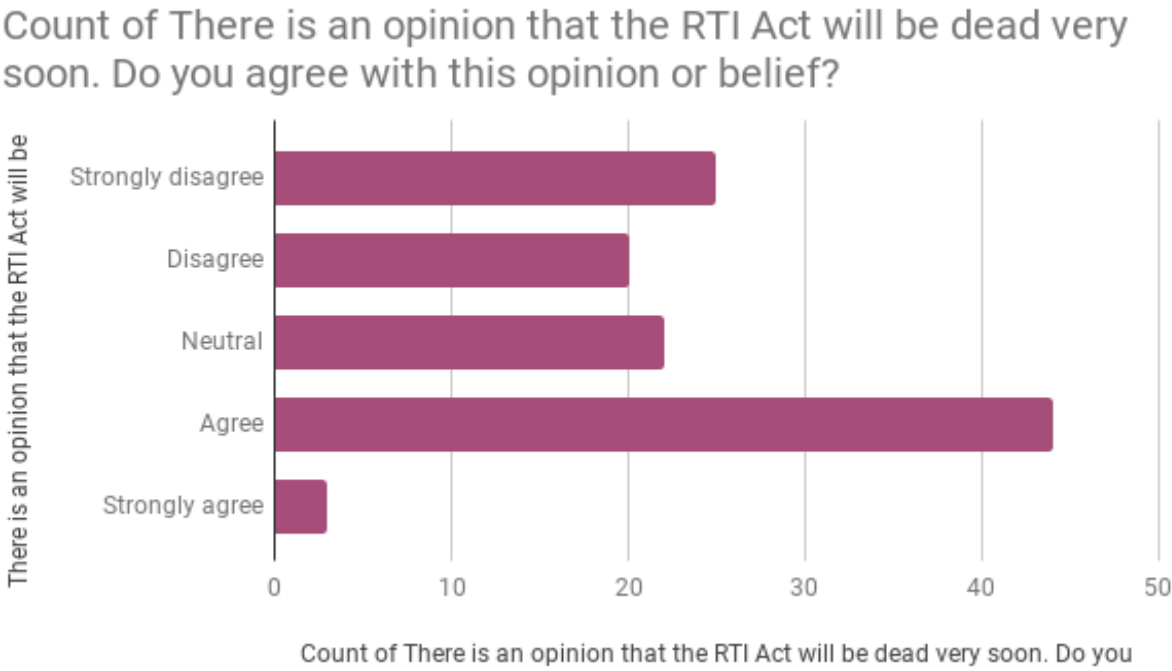
F 38. A: Why RTI is becoming weak

Count of Whom you think is the reason for dwindling of RTI Act?



F 38. B: Why RTI is becoming weak

To refer to chart F 38.A, and F 38 B, it directs us few thoughts about who could the major cause of water downing the RTI. 45% of respondents think that it is because of the work style of the public authorities. Respondents with 33.6 % believe that it is the politicians who never intend to make RTI work better. As some of them also say that politicians make sure that RTI will become irrelevant in the near future. 12.1% people also believe that it is the RTI activists who use and misuse the act for wrong reasons and 9.3% of people believe that there is a good number of common public also cause the RTI becoming the weak.

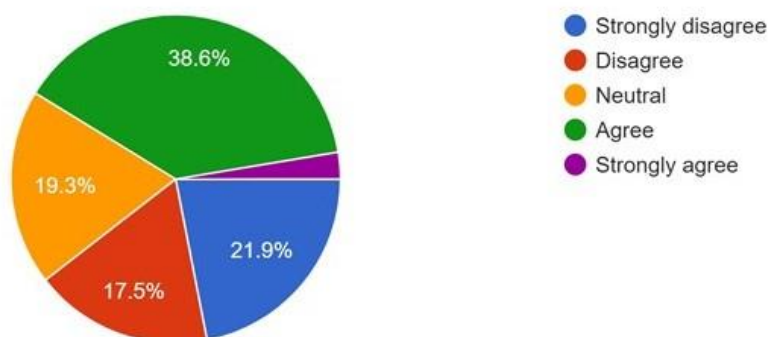


F 39. A: The future of RTI and its survival

It, as the date guide us, is true that there are challenges, and there is hope that people keep in RTI. There is also an opinion that RTI becomes weak year by year. Will the RTI act be dead soon? Will it irrelevant. Taking this question and looking at the observation of other countries, there is no question RTI becoming irrelevant. However, this survey suggests that around 38.6% of people think that it will be destroyed and will become irrelevant. It is

thought-provoking that 21.9% of the people strongly disagree with the opinion that RTI becomes weak and irrelevant and 17.5% also disagree with the same opinion. It means that there, more or less, are equal number falling on both sides of the coin. (See F 39. A and F 39. B)

There is an opinion that the RTI Act will be dead very soon. Do you agree with this opinion or belief?

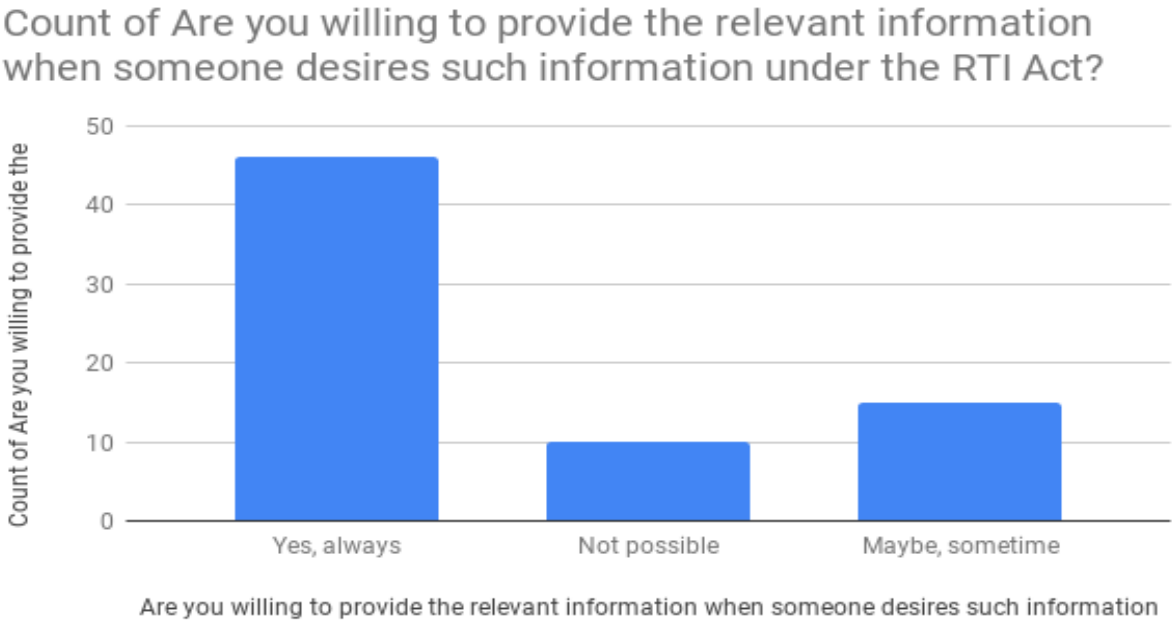


F 39. B: The future of RTI and its survival

Other Perspective: Supply Side: PIO's, Information Commissioners and Other Officers

This segment will see the other side of the coin as it is particularly directed to perceive what public authorities and other concerned officers think about a few aspects the RTI and dissemination of Information. There are stories people share that most of them are not getting relevant information. Sometimes, their requests are rejected without any reason. However, when I asked a question about their willingness for giving relevant information,

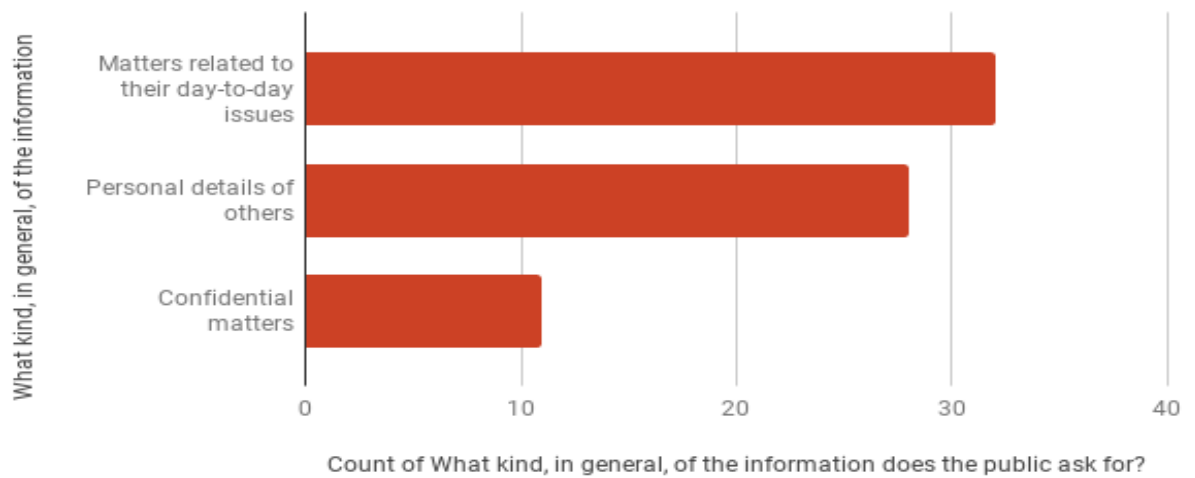
as shown in chart F 40.A, majority of the public authorise are willing to provide relevant information to the public.



F 40. A: Willingness of PIO/ PA to provide Information

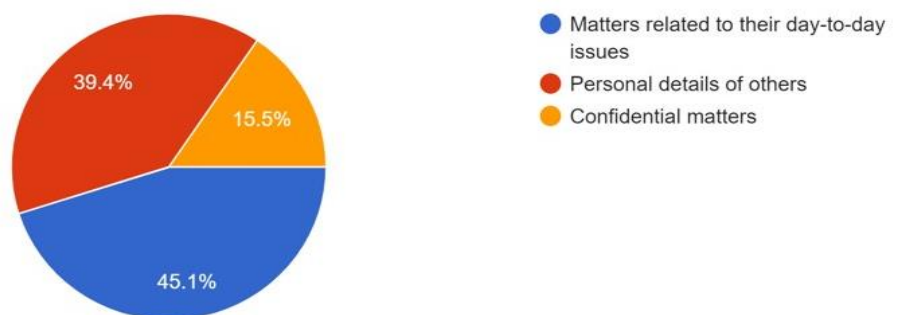
There is a slight difference in the opinions when it comes to the question, which deals with what kind of Information do people seek out? Chat F 41. A and F 41. B, give us some facts that 45.1% of Public authorities think that the public always seeks for the Information which is something to do with the day to day affair whereas 39.4% of Public authorities thinks most people always ask personal detail for no reason or targeting someone in the power. 15.5 % of PA agreed that most of them ask for confidential information.

Count of What kind, in general, of the information does the public ask for?



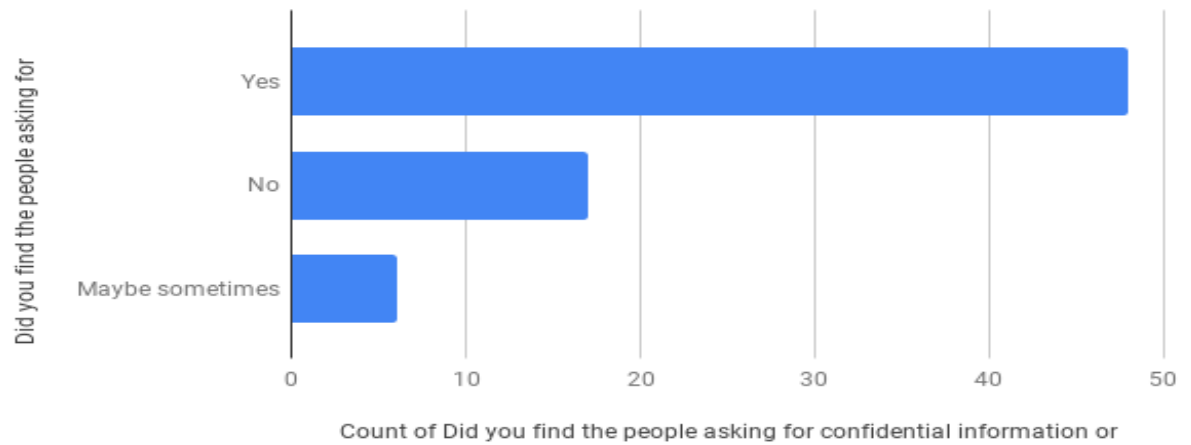
F 41. A: What PA/PIO thinks about the public and their request for Information?

What kind, in general, of the information does the public ask for?



F 41. B: What PA/PIO thinks about the public and their request for Information?

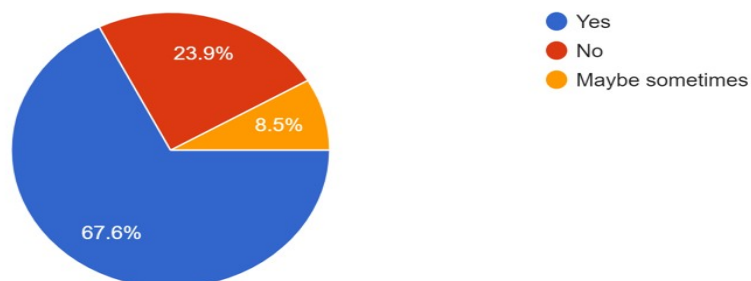
Count of Did you find the people asking for confidential information or information exempted under some provisions?



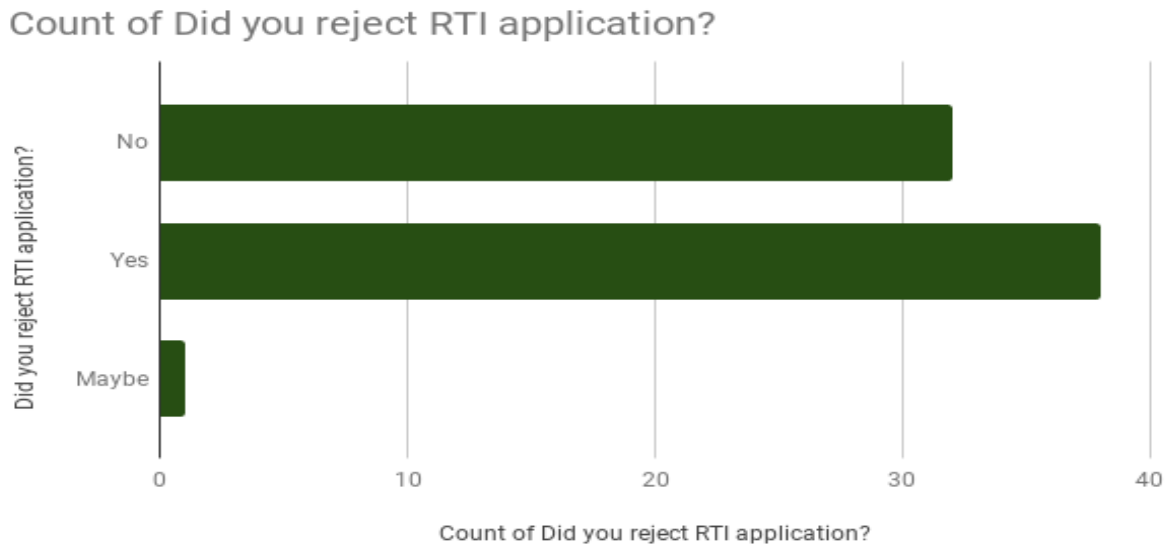
F 42. A: Supply-side version of the public seeking confidential Information

Do people ask confidential Information? There are two versions of answers available here. Most of the RTI activists and people who use RTI on daily basis agreed that they do not ask confidential Information. But, it is totally a different observation that most of the public authorities, as shown in chat F 42. B, 67.6% of public authorities agree that most people request for confidential matters while 23.9% disagree with the question and 8.5 % have mixed response.

Did you find the people asking for confidential information or information exempted under some provisions?



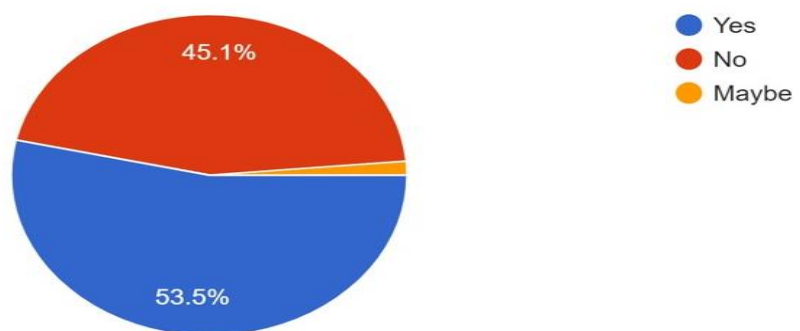
F 42. B: Supply-side version of public seeking confidential Information



F 43. A: Rejection of requests

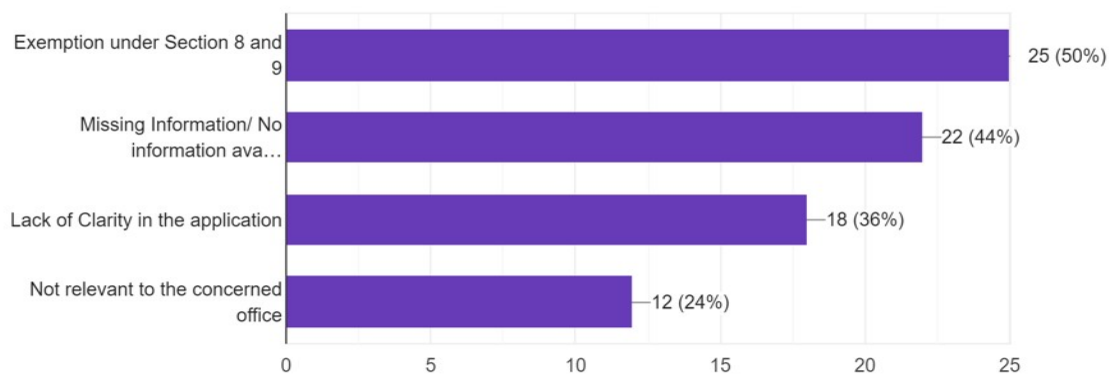
As shown in the chart, F 43. A and F 43. B, the number of requests are being rejected by public authorities is a bit higher, 53.5% of them says that they don't have any other option other than rejecting such requests which deal either with confidential or personal information.

Did you reject RTI application?



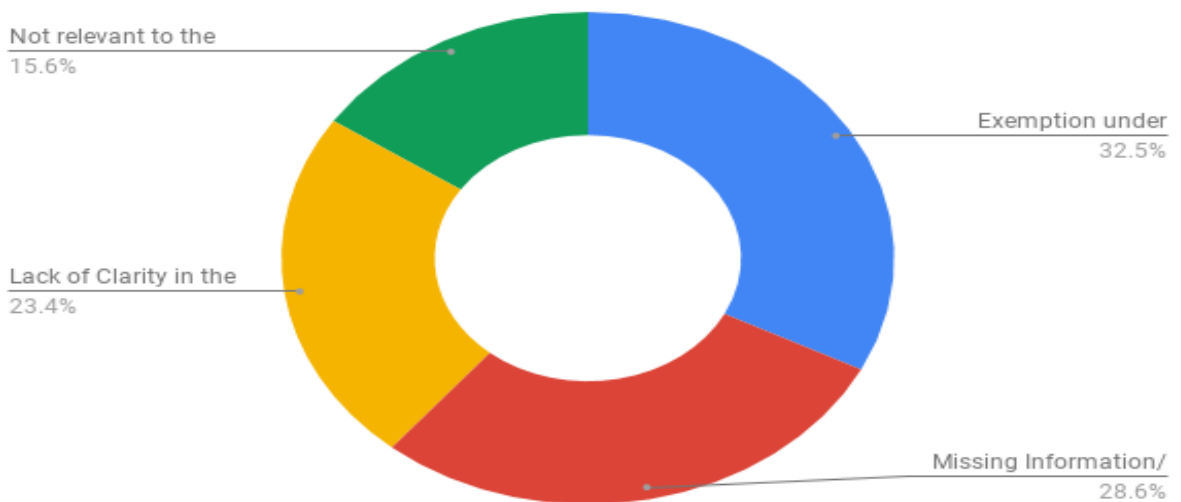
F 43. B: Rejection of requests

If so, on what grounds?



F 44. A: Reasons for rejection of RTI requests

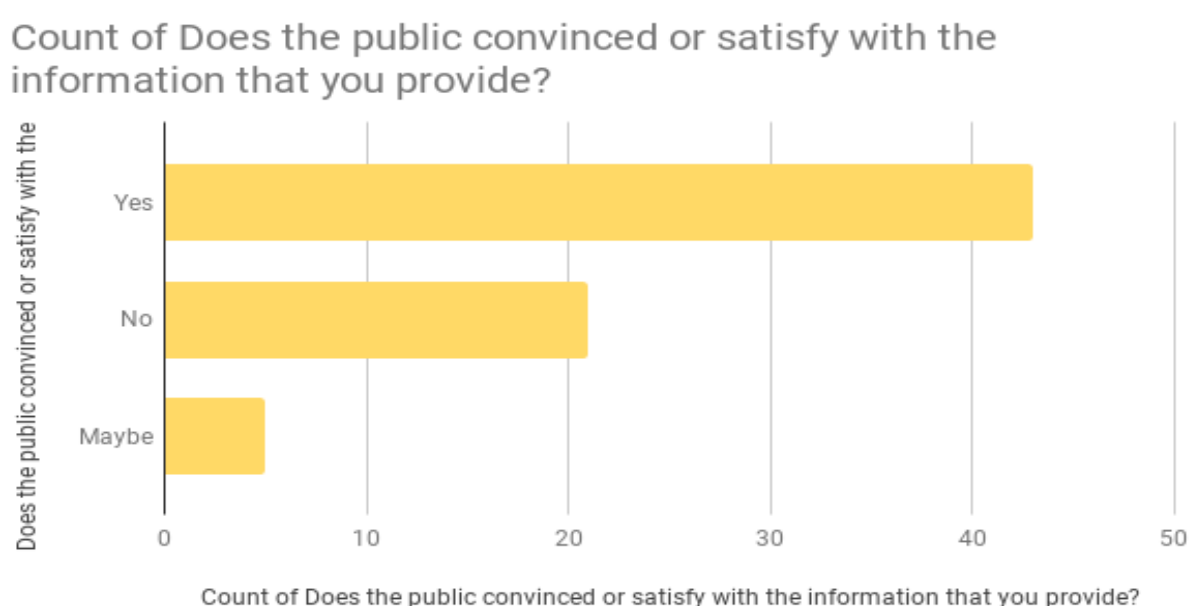
Count of If so, on what grounds?



F 44. B: Rejection of requests

There are various types of reasons for rejection of any RTI request. As a common man, I wonder why many RTI requests are rejected? But, in my survey, it is revealed that 32.5% of public authorities stated that the primary reason for rejection of RTI is that the public

asks Information which comes under those sections which are exempted in the RTI Act. Moreover, 23.4% of authorities believe that there is no clarity in the requests they raised. The very shocking fact is that 28.6% believe that they can't give Information because it is not available with them. One of the State Chief Information Commissioner told me when I asked him about their delay in update annual report that it is not possible for him to update as he joined recently and most of the records are missing. (Look at the pic F 44. A and F 44. B for the details)



F 45. A: Supply-side views of public satisfaction on Information provided

In spite of what they do, most of the public authorities are happy with their style of functioning. It is quite natural that the public blame the officers and public authorities blame the public. However, there are cases where public authorities helped people to achieve many things. Apart from the flaws, there is a clear phenomenon that they all together make democracy more substantial.

CONCLUSION

Like any other high democratic countries, people in India believe in the democratic system with open government. More than 46.6% of respondents think that RTI can bring democracy in a substantial sense. Also, 16.9% partially believe in the same principle.

People in Norway, Sweden, Switzerland and most of the European countries highly participate in the day to day affairs of government. There is a mechanism which their governments facilitate them... like using technology, campaigns, awareness programmes, online voting etc. In India, people desire to participate in the policymaking process. However, there is no such mechanism.

It, from this study, is clear that principles like Accountability and Transparency can always strengthen not only peoples' faith in the system, but it also strengthens the idea of democracy.

Indian RTI may vary from the other countries in terms of its mechanism of access to information, the kind of fee and method of payment, promotional measures, protection measures and appeals etc..... But when it comes to the idea of corruption, most of the respondents said that the levels of corruption can be brought down with proactive disclosure. Proactive disclosure of information also can engage citizens' participation with the process of governance.

Also, people in western countries believe that they have decision making power. They also believe that freedom of information can allow them both in the decision-making the process and availing their freedom of expression without any restraints. This they believe as one of the fundamentals of democracies. But, in India, people expressed that they want participation in decision making. What they miss are opportunities.

It is important to provide access to information in the form in which it is requested. Every public authority must publish credible information by taking active measures / full disclosure pursuant to 4 (1) (b) of the RTI law. Make the necessary changes to existing records storage, management and destruction systems. It won't improve the system if we keep telling that there are no files or no records are available etc. Proper training must be given to all the organization of officials for effective implementation. Every public authority and all commissions must publish the annual reports. There is either delay in appointment or no appointment at all. It should not be kept like that so concerned governments must make all the necessary arrangement to appoint PIOs / APIs. Designate PIOs that are relatively high-ranking with seniority as a principle so that their experience and knowledge can be utilized. Uniformity among public authorities in publishing and cost of the material for easy access to information. Sometimes, there are no written rules for PIO's. The government must give properly written rules like a rules guide/manual for PIOs, APIs and appellate authorities. A simple list of "Things to do and not to do" can be prepared by each public authority to be used as a checklist by APIO, PIO and AO. Ensure that information is readily available with the IOP to enable citizens to provide information. The RTI application/appeal should be standardized in a uniform manner. Various payment options for the RTI registration fee must be explored and such options must place before the public through a proper awareness campaign. The different States follow different criteria for a fee etc. However, each state must clearly inform the public about the kind of method and required fees & it should be established according to the requirement. The convenience of videoconferencing in the commission office should be maintained as the technology has its own essence to resolve issues as best as it can. It is very surprising that most of the information commission websites show that a lot of vacancies to be filled. This

is a serious threat to RTI. The vacancies of the Information Commissioners should be filled from time to time without any delay.

In western countries, they use technology for most of their needs like requesting information or expressing opinions or another type of participation in government policies. The one way we can bring such practice by establishing a strong centralized online RTI request/appeal mechanism. Along with helplines, the Government must make all efforts to bring awareness among the common people by taking intensive RTI campaigns.

With proper implementation of the RTI Act, it is possible to bring accountability, transparency, and bring down corruption. It facilitates participation so that citizen can engage in the process of governance. Hence, the implementation of freedom of information can transform any system into substantive democracy.

Recent happenings:

The RTI Amendment Bill, 2019 proposes to amend Sec. 13, 16, and 27 of the RTI Act, 2005. Sections have fixed the duration and salary of the Chief Information Officer and Information Commissioners the same as with SIC. However, the RTI Amendment Bill proposes that the Central Government determines the duration, salary and functions of all the information commissioners.

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Questionnaire on RTI and Democracy

Dear Madam/Sir,

This is Yarraguntla Suresh Babu, pursuing PhD from the University of Hyderabad, would like to request you to kindly go through the questionnaire, which I prepared to know the functioning of RTI and Democracy in India. This is my third phase of the survey on RTI and its Functioning in India. This research is part of my doctoral thesis writing. Please, kindly fill-up the form as much as you can. Your personal details and this questionnaire is completely confidential and will not be used by any third party. Please, answer the question or section, which you think relevant to you. Your invaluable inputs will be highly appreciated. Your inputs, insights and experience will enrich my knowledge and thesis writing with better knowledge and first-hand information. I will be highly grateful to you if you kindly do the needful. Thank you.

Best Regards

1. Name

2. Age

- ☐ **18 - 29**
- ☐ **30 - 39**
- ☐ **40 -49**
- ☐ **50 -70**

3. Gender

- ☐ **Male**
- ☐ **Female**
- ☐ **Prefer not to say**
- ☐ **Other**

4. Qualification

- ☐ **Illiterate**
- ☐ **SSC/ Inter**
- ☐ **Degree**
- ☐ **PG /PhD/ Other**

5. Caste

6. Religion

- ☐ **Hindu**
- ☐ **Islam**
- ☐ **Christian**
- ☐ **Other**

7. Location

- ☐ **Urban**
- ☐ **Semi-Urban**
- ☐ **Rural**

8. State

9. Do you know / aware of RTI Act?

- ☐ **Yes, I Know**
- ☐ **I don't know**
- ☐ **I know a little**

10. Are you aware of any provisions or the important provisions of the RTI Act?

- ☐ **Yes**
- ☐ **No**

11. If so, can you name a few provisions?

12. How do you know about the RTI Act?

13. Is RTI Act different from the rest of the acts in India?

- ☐ **Very different**
- ☐ **To some extent**
- ☐ **No difference**
- ☐ **Can't say**

14. Does RTI Act give you the power to question the government decisions?

- ☐ **Yes**
- ☐ **No**
- ☐ **Maybe**

15. Does RTI Act give you access to government documents.

- ☐ **Yes**
- ☐ **No**
- ☐ **Maybe**

16. Do you consider the possibility of accountability and transparency with proper implementation of the RTI Act?

- ☐ **Yes**
- ☐ **No**
- ☐ **Maybe**
- ☐ **Don't know**

17. To what extent do you think RTI has brought accountability and transparency in governmental functioning?

- ☐ **To the great extent**
- ☐ **TO some extent**
- ☐ **No much**
- ☐ **Can't say**

18. Does RTI enhance the quality of governance?

- ☐ **Yes**
- ☐ **No**
- ☐ **Maybe**

19. Does RTI help social empowerment?

- ☐ **yes**
- ☐ **No**
- ☐ **Maybe**

20. Do you believe in Democracy?

- ☐ **Yes**
- ☐ **No**
- ☐ **Doesn't matter**

21. Do you think India is a fully democratic state?

- ☐ **Yes**
- ☐ **No**
- ☐ **Maybe**

22. Does RTI deepen the idea of democracy in its tangible sense?

- ☐ **Yes**
- ☐ **No**
- ☐ **Maybe**
- ☐ **can't say**

23. Do you think people's participation important in decision-making?

- ☐ **Very much**
- ☐ **Not much**
- ☐ **Maybe**
- ☐ **Don't know**

24. Do you think RTI facilitate the mechanism of participation?

- ☐ **Yes**
- ☐ **No**
- ☐ **Maybe**

25. Have you ever filed an RTI application?

- ☐ **Yes, I file RTI application regularly**
- ☐ **When necessary**
- ☐ **Sometimes**
- ☐ **I don't know how to file RTI**

26. Did you give any reasons for seeking information?

- ☐ **I do**
- ☐ **I don't**
- ☐ **Sometimes**
- ☐ **NA**

27. Did anyone ask you to provide reasons to seek information?

- ☐ **Yes**
- ☐ **No**

28. Did you get the information that you sought under RTI?

- ☐ **Yes**
- ☐ **No**
- ☐ **Delayed**
- ☐ **Rejected**

29. Did you face any problem in the process of getting information?

- ☐ **Yes**
- ☐ **No**
- ☐ **Sometimes**

30. If yes, what kind of problems you faced?

- ☐ **Language**
- ☐ **Public Authorities/ PIO**
- ☐ **Money**
- ☐ **Irrelevant Information**
- ☐ **Technology**
- ☐ **Other:**_____

31. What kind of information do you seek generally?

- ☐ **Organization**
- ☐ **Personal details**
- ☐ **Matters related to you or your neighbors**
- ☐ **Other:**_____

32. Have you ever asked confidential information?

- ☐ **Yes**
- ☐ **No**

33. Do you find the given information satisfactory?

- ☐ **Yes**
- ☐ **No**
- ☐ **Sometime**

34. Do you have any knowledge about the use or abuse of the RTI Act?

- ☐ **People use it properly**
- ☐ **People misuse it**
- ☐ **Both**
- ☐ **Don't know**

35. Do you know the meaning of 'Public Authority'?

- ☐ **Yes**
- ☐ **No**

36. Do you know about section 4 of RTI?

- ☐ **Yes**
- ☐ **No**

37. Providing information, as per section 4 (b) of RTI, proactively may reduce both the number of applications and workload of public authorities. Do you agree?

- ☐ **Agree**
- ☐ **Strongly agree**
- ☐ **Neutral**
- ☐ **Disagree**
- ☐ **Strongly disagree**

38. Is PIO available when you file RTI? / Are PIO's accessible without difficulty?

- ☐ **Yes**
- ☐ **No**
- ☐ **Sometimes available**

39. Do you know what provisions, under RTI, are exempted from seeking Information?

- ☐ **Yes**
- ☐ **No**

40. Did someone assist you while filing RTI application or you did by yourself?

- ☐ **Yes, I filed an RTI application by myself**
- ☐ **I asked for help**
- ☐ **Not applicable to me**

41. What are your suggestions to make RTI more relevant?

42. Can you name any arrangements or facilities created by the government to spread awareness about the RTI Act among the public?

43. What are the challenges do you see to implement RTI Act?

- ☐ **Government Officials**
- ☐ **Politicians**
- ☐ **Public**
- ☐ **Record Keeping/ Missing information**
- ☐ **Other:**_____

44. What is your opinion on the current condition of the functioning of RTI?

- ☐ **Excellent**
- ☐ **Very good**
- ☐ **Good**
- ☐ **Fair**
- ☐ **Poor**

45. Whom you think is the reason for the dwindling of RTI Act?

- ☐ **Politicians**
- ☐ **Public Authorities**
- ☐ **RTI Activists**
- ☐ **Public**
- ☐ **Other:** _____.

46. There is an opinion that the RTI Act will be dead very soon. Do you agree with this opinion or belief?

- ☐ **Strongly disagree**
- ☐ **Disagree**
- ☐ **Neutral**
- ☐ **Agree**
- ☐ **Strongly Agree**

Untitled Section 2, For Information Commissioner's/ Public Authority Only:

47. Are you willing to provide the relevant information when someone desires such information under the RTI Act?

- ☐ **Yes, always**
- ☐ **Not possible**
- ☐ **Maybe, sometime**
- ☐ **Other:_____**

48. What kind, in general, of the information does the public ask for?

- ☐ **Matters related to their day-to-day issues**
- ☐ **Personal details of others**
- ☐ **Confidential matters**
- ☐ **Other:_____**

49. Did you find the people asking for confidential information or information exempted under some provisions?

- ☐ **Yes**
- ☐ **No**
- ☐ **Maybe sometimes**

50. Did you reject RTI application?

- ☐ **Yes**
- ☐ **No**
- ☐ **Maybe**

51. If so, on what grounds?

- ☐ **Exemption under Section 8 and 9**
- ☐ **Missing Information/ No information available**
- ☐ **Lack of Clarity in the application**
- ☐ **Not relevant to the concerned office**
- ☐ **Other:_____**

52. Does the public convinced or satisfied with the information that you provide?

- ☐ **Yes**
- ☐ **No**
- ☐ **Maybe**

53. Can you mention some common category of RTI applications which you frequently receive?

54. What are the challenges you face when providing information?

55. Under which provision of the RTI Act, requests for information is increasing?

56. Under which provision of the RTI Act, requests for information is decreasing?

57. As a public authority, what are your suggestions to make the RTI Act more relevant.

THE RIGHT TO INFORMATION ACT, 2005

No. 22 of 2005

[15th June, 2005]

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 Information Commission and State Information Commissions and for matters connected therewith or incidental thereto.

Whereas the Constitution of India has established democratic Republic;

And whereas 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;

And whereas 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;

And whereas it is necessary to harmonise these conflicting interests while preserving the paramountcy of the democratic ideal;

Now, therefore, it is expedient to provide for furnishing certain information to citizens who desire to have it.

Be it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

CHAPTER I

Preliminary

- 1 (1) This Act may be called the Right to Information Act, 2005.
- (2) It extends to the whole of India except the State of Jammu and Kashmir.
- (3) The provisions of sub-section (1) of section 4, sub-sections (1) and (2) of section 5, sections 12, 13, 15, 16, 24, 27 and 28 shall come into force at once, and the remaining provisions of this Act shall come into force on the one hundred and twentieth day of its enactment.
- 2 In this Act, unless the context otherwise requires,—
- (a) "appropriate Government" means in relation to a public authority which is established, constituted, owned, controlled or substantially financed by funds provided directly or indirectly—
- (i) by the Central Government or the Union territory administration, the Central Government;
- (ii) by the State Government, the State Government;
- (b) "Central Information Commission" means the Central Information Commission constituted under sub-section (1) of section 12;
- (c) "Central Public Information Officer" means the Central Public Information Officer designated under sub-section (1) and includes a Central Assistant Public Information Officer designated as such under sub-section (2) of section 5;

- (d) "Chief Information Commissioner" and "Information Commissioner" mean the Chief Information Commissioner and Information Commissioner appointed under sub-section (3) of section 12;
- (e) "competent authority" means—
- (i) the Speaker in the case of the House of the People or the Legislative Assembly of a State or a Union territory having such Assembly and the Chairman in the case of the Council of States or Legislative Council of a State;
 - (ii) the Chief Justice of India in the case of the Supreme Court;
 - (iii) the Chief Justice of the High Court in the case of a High Court;
 - (iv) the President or the Governor, as the case may be, in the case of other authorities established or constituted by or under the Constitution;
 - (v) the administrator appointed under article 239 of the Constitution;
- (f) "information" means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force;
- (g) "prescribed" means prescribed by rules made under this Act by the appropriate Government or the competent authority, as the case may be;
- (h) "public authority" means any authority or body or institution of self-government established or constituted—
- (a) by or under the Constitution;
 - (b) by any other law made by Parliament;

- (c) by any other law made by State Legislature;
- (d) by notification issued or order made by the appropriate Government, and includes any—
 - (i) body owned, controlled or substantially financed;
 - (ii) non-Government organization substantially financed, directly or indirectly by funds provided by the appropriate Government;
- (i) "record" includes—
 - (a) any document, manuscript and file;
 - (b) any microfilm, microfiche and facsimile copy of a document;
 - (c) any reproduction of image or images embodied in such microfilm (whether enlarged or not); and
 - (d) any other material produced by a computer or any other device;
- (j) "right to information" means the right to information accessible under this Act which is held by or under the control of any public authority and includes the right to—
 - (i) inspection of work, documents, records;
 - (ii) taking notes, extracts or certified copies of documents or records;
 - (iii) taking certified samples of material;
 - (iv) obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device;
- (k) "State Information Commission" means the State Information Commission constituted under sub-section (1) of section 15;

- (l) "State Chief Information Commissioner" and "State Information Commissioner" mean the State Chief Information Commissioner and the State Information Commissioner appointed under sub-section (3) of section 15;
- (m) "State Public Information Officer" means the State Public Information Officer designated under sub-section (1) and includes a State Assistant Public Information Officer designated as such under sub-section (2) of section 5;
- (n) "Third party" means a person other than the citizen making a request for information and includes a public authority.

CHAPTER II

Right to information and obligations of public authorities

- 3 Subject to the provisions of this Act, all citizens shall have the right to information.
- 4 (1) Every public authority shall—
 - (a) maintain all its records duly catalogued and indexed in a manner and the form which facilitates the right to information under this Act and ensure that all records that are appropriate to be computerised are, within a reasonable time and subject to availability of resources, computerised and connected through a network all over the country on different systems so that access to such records is facilitated;
 - (b) publish within one hundred and twenty days from the enactment of this Act,—
 - (i) the particulars of its organisation, functions and duties;
 - (ii) the powers and duties of its officers and employees;

- (iii) the procedure followed in the decision making process, including channels of supervision and accountability;
- (iv) the norms set by it for the discharge of its functions;
- (v) the rules, regulations, instructions, manuals and records, held by it or under its control or used by its employees for discharging its functions;
- (vi) a statement of the categories of documents that are held by it or under its control;
- (vii) the particulars of any arrangement that exists for consultation with, or representation by, the members of the public in relation to the formulation of its policy or implementation thereof;
- (viii) a statement of the boards, councils, committees and other bodies consisting of two or more persons constituted as its part or for the purpose of its advice, and as to whether meetings of those boards, councils, committees and other bodies are open to the public, or the minutes of such meetings are accessible for public;
- (ix) a directory of its officers and employees;
- (x) the monthly remuneration received by each of its officers and employees, including the system of compensation as provided in its regulations;
- (xi) the budget allocated to each of its agency, indicating the particulars of all plans, proposed expenditures and reports on disbursements made;
- (xii) the manner of execution of subsidy programmes, including the amounts allocated and the details of beneficiaries of such programmes;

- (xiii) particulars of recipients of concessions, permits or authorisations granted by it;
 - (xiv) details in respect of the information, available to or held by it, reduced in an electronic form;
 - (xv) the particulars of facilities available to citizens for obtaining information, including the working hours of a library or reading room, if maintained for public use;
 - (xvi) the names, designations and other particulars of the Public Information Officers;
 - (xvii) such other information as may be prescribed and thereafter update these publications every year;
- (c) publish all relevant facts while formulating important policies or announcing the decisions which affect public;
- (d) Provide reasons for its administrative or quasi-judicial decisions to affected persons.
- (2) It shall be a constant endeavour of every public authority to take steps in accordance with the requirements of clause (b) of sub-section (1) to provide as much information suo motu to the public at regular intervals through various means of communications, including internet, so that the public have minimum resort to the use of this Act to obtain information.
- (3) For the purposes of sub-section (1), every information shall be disseminated widely and in such form and manner which is easily accessible to the public.
- (4) All materials shall be disseminated taking into consideration the cost effectiveness, local language and the most effective method of communication

in that local area and the information should be easily accessible, to the extent possible in electronic format with the Central Public Information Officer or State Public Information Officer, as the case may be, available free or at such cost of the medium or the print cost price as may be prescribed.

Explanation.—For the purposes of sub-sections (3) and (4), "disseminated" means making known or communicated the information to the public through notice boards, newspapers, public announcements, media broadcasts, the internet or any other means, including inspection of offices of any public authority.

- 5 (1) Every public authority shall, within one hundred days of the enactment of this Act, designate as many officers as the Central Public Information Officers or State Public Information Officers, as the case may be, in all administrative units or offices under it as may be necessary to provide information to persons requesting for the information under this Act.
- (2) Without prejudice to the provisions of sub-section (1), every public authority shall designate an officer, within one hundred days of the enactment of this Act, at each sub-divisional level or other sub-district level as a Central Assistant Public Information Officer or a State Assistant Public Information Officer, as the case may be, to receive the applications for information or appeals under this Act for forwarding the same forthwith to the Central Public Information Officer or the State Public Information Officer or senior officer specified under sub-section (1) of section 19 or the Central Information Commission or the State Information Commission, as the case may be:

Provided that where an application for information or appeal is given to a Central Assistant Public Information Officer or a State Assistant Public Information Officer, as the case may be, a period of five days shall be added in computing the period for response specified under sub-section (1) of section 7.

(3) Every Central Public Information Officer or State Public Information Officer, as the case may be, shall deal with requests from persons seeking information and render reasonable assistance to the persons seeking such information.

(4) The Central Public Information Officer or State Public Information Officer, as the case may be, may seek the assistance of any other officer as he or she considers it necessary for the proper discharge of his or her duties.

(5) Any officer, whose assistance has been sought under sub-section (4), shall render all assistance to the Central Public Information Officer or State Public Information Officer, as the case may be, seeking his or her assistance and for the purposes of any contravention of the provisions of this Act, such other officer shall be treated as a Central Public Information Officer or State Public Information Officer, as the case may be.

6 (1) A person, who desires to obtain any information under this Act, shall make a request in writing or through electronic means in English or Hindi or in the official language of the area in which the application is being made, accompanying such fee as may be prescribed, to—

(a) the Central Public Information Officer or State Public Information Officer, as the case may be, of the concerned public authority;

- (b) the Central Assistant Public Information Officer or State Assistant Public Information Officer, as the case may be, specifying the particulars of the information sought by him or her:

Provided that where such request cannot be made in writing, the Central Public Information Officer or State Public Information Officer, as the case may be, shall render all reasonable assistance to the person making the request orally to reduce the same in writing.

- (2) An applicant making request for information shall not be required to give any reason for requesting the information or any other personal details except those that may be necessary for contacting him.
- (3) Where an application is made to a public authority requesting for an information,—
- (i) which is held by another public authority; or
- (ii) the subject matter of which is more closely connected with the functions of another public authority,
- the public authority, to which such application is made, shall transfer the application or such part of it as may be appropriate to that other public authority and inform the applicant immediately about such transfer:

Provided that the transfer of an application pursuant to this sub-section shall be made as soon as practicable but in no case later than five days from the date of receipt of the application.

- 7 (1) Subject to the proviso to sub-section (2) of section 5 or the proviso to sub-section (3) of section 6, the Central Public Information Officer or State Public Information Officer, as the case may be, on receipt of a request under section 6 shall, as expeditiously as possible, and in any case within thirty days of the receipt of the request, either provide the information on payment of such fee as may be prescribed or reject the request for any of the reasons specified in sections 8 and 9:

Provided that where the information sought for concerns the life or liberty of a person, the same shall be provided within forty-eight hours of the receipt of the request.

- (2) If the Central Public Information Officer or State Public Information Officer, as the case may be, fails to give decision on the request for information within the period specified under sub-section (1), the Central Public Information Officer or State Public Information Officer, as the case may be, shall be deemed to have refused the request.
- (3) Where a decision is taken to provide the information on payment of any further fee representing the cost of providing the information, the Central Public Information Officer or State Public Information Officer, as the case may be, shall send an intimation to the person making the request, giving—
- (a) the details of further fees representing the cost of providing the information as determined by him, together with the calculations made to arrive at the amount in accordance with fee prescribed under sub-section (1), requesting him to deposit that fees, and the period intervening between the despatch of the said

intimation and payment of fees shall be excluded for the purpose of calculating the period of thirty days referred to in that sub-section;

- (b) information concerning his or her right with respect to review the decision as to the amount of fees charged or the form of access provided, including the particulars of the appellate authority, time limit, process and any other forms.
- (4) Where access to the record or a part thereof is required to be provided under this Act and the person to whom access is to be provided is sensorily disabled, the Central Public Information Officer or State Public Information Officer, as the case may be, shall provide assistance to enable access to the information, including providing such assistance as may be appropriate for the inspection.
- (5) Where access to information is to be provided in the printed or in any electronic format, the applicant shall, subject to the provisions of sub-section (6), pay such fee as may be prescribed:

Provided that the fee prescribed under sub-section (1) of section 6 and sub-sections (1) and (5) of section 7 shall be reasonable and no such fee shall be charged from the persons who are of below poverty line as may be determined by the appropriate Government.

- (6) Notwithstanding anything contained in sub-section (5), the person making request for the information shall be provided the information free of charge where a public authority fails to comply with the time limits specified in sub-section (1).
- (7) Before taking any decision under sub-section (1), the Central Public Information Officer or State Public Information Officer, as the case may be,

shall take into consideration the representation made by a third party under section 11.

(8) Where a request has been rejected under sub-section (1), the Central Public Information Officer or State Public Information Officer, as the case may be, shall communicate to the person making the request,—

- (i) the reasons for such rejection;
- (ii) the period within which an appeal against such rejection may be preferred; and
- (iii) the particulars of the appellate authority.

(9) An information shall ordinarily be provided in the form in which it is sought unless it would disproportionately divert the resources of the public authority or would be detrimental to the safety or preservation of the record in question.

8 (1) Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen,—

- (a) information, disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interests of the State, relation with foreign State or lead to incitement of an offence;
- (b) information which has been expressly forbidden to be published by any court of law or tribunal or the disclosure of which may constitute contempt of court;
- (c) information, the disclosure of which would cause a breach of privilege of Parliament or the State Legislature;
- (d) information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, unless the competent authority is satisfied that larger public interest warrants the disclosure of such information;

- (e) information available to a person in his fiduciary relationship, unless the competent authority is satisfied that the larger public interest warrants the disclosure of such information;
- (f) information received in confidence from foreign Government;
- (g) information, the disclosure of which would endanger the life or physical safety of any person or identify the source of information or assistance given in confidence for law enforcement or security purposes;
- (h) information which would impede the process of investigation or apprehension or prosecution of offenders;
- (i) cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other officers:

Provided that the decisions of Council of Ministers, the reasons thereof, and the material on the basis of which the decisions were taken shall be made public after the decision has been taken, and the matter is complete, or over:

Provided further that those matters which come under the exemptions specified in this section shall not be disclosed;

- (j) information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information:

Provided that the information which cannot be denied to the Parliament or a State Legislature shall not be denied to any person.

(2) Notwithstanding anything in the Official Secrets Act, 1923 nor any of the exemptions permissible in accordance with sub-section (1), a public authority may allow access to information, if public interest in disclosure outweighs the harm to the protected interests.

(3) Subject to the provisions of clauses (a), (c) and (i) of sub-section (1), any information relating to any occurrence, event or matter which has taken place, occurred or happened twenty years before the date on which any request is made under section 6 shall be provided to any person making a request under that section:

Provided that where any question arises as to the date from which the said period of twenty years has to be computed, the decision of the Central Government shall be final, subject to the usual appeals provided for in this Act.

9 Without prejudice to the provisions of section 8, a Central Public Information Officer or a State Public Information Officer, as the case may be, may reject a request for information where such a request for providing access would involve an infringement of copyright subsisting in a person other than the State.

10 (1) Where a request for access to information is rejected on the ground that it is in relation to information which is exempt from disclosure, then, notwithstanding anything contained in this Act, access may be provided to that part of the record which does not contain any information which is exempt from disclosure under this Act and which can reasonably be severed from any part that contains exempt information.

(2) Where access is granted to a part of the record under sub-section (1), the Central Public Information Officer or State Public Information Officer, as the case may be, shall give a notice to the applicant, informing—

- (a) that only part of the record requested, after severance of the record containing information which is exempt from disclosure, is being provided;
- (b) the reasons for the decision, including any findings on any material question of fact, referring to the material on which those findings were based;
- (c) the name and designation of the person giving the decision;
- (d) the details of the fees calculated by him or her and the amount of fee which the applicant is required to deposit; and
- (e) his or her rights with respect to review of the decision regarding non-disclosure of part of the information, the amount of fee charged or the form of access provided, including the particulars of the senior officer specified under sub-section (1) of section 19 or the Central Information Commission or the State Information Commission, as the case may be, time limit, process and any other form of access.

11 (1) Where a Central Public Information Officer or a State Public Information Officer, as the case may be, intends to disclose any information or record, or part thereof on a request made under this Act, which relates to or has been supplied by a third party and has been treated as confidential by that third party, the Central Public Information Officer or State Public Information Officer, as the case may be, shall, within five days from the receipt of the request, give a written notice to such third party of the request and of the fact that the Central Public Information Officer or State Public Information Officer, as the case may

be, intends to disclose the information or record, or part thereof, and invite the third party to make a submission in writing or orally, regarding whether the information should be disclosed, and such submission of the third party shall be kept in view while taking a decision about disclosure of information:

Provided that except in the case of trade or commercial secrets protected by law, disclosure may be allowed if the public interest in disclosure outweighs in importance any possible harm or injury to the interests of such third party.

- (2) Where a notice is served by the Central Public Information Officer or State Public Information Officer, as the case may be, under sub-section (1) to a third party in respect of any information or record or part thereof, the third party shall, within ten days from the date of receipt of such notice, be given the opportunity to make representation against the proposed disclosure.
- (3) Notwithstanding anything contained in section 7, the Central Public Information Officer or State Public Information Officer, as the case may be, shall, within forty days after receipt of the request under section 6, if the third party has been given an opportunity to make representation under sub-section (2), make a decision as to whether or not to disclose the information or record or part thereof and give in writing the notice of his decision to the third party.
- (4) A notice given under sub-section (3) shall include a statement that the third party to whom the notice is given is entitled to prefer an appeal under section 19 against the decision.

CHAPTER III

The Central Information Commission

- 12 (1) The Central Government shall, by notification in the Official Gazette, constitute a body to be known as the Central Information Commission to exercise the powers conferred on, and to perform the functions assigned to, it under this Act.
- (2) The Central Information Commission shall consist of—
- (a) the Chief Information Commissioner; and
 - (b) such number of Central Information Commissioners, not exceeding ten, as may be deemed necessary.
- (3) The Chief Information Commissioner and Information Commissioners shall be appointed by the President on the recommendation of a committee consisting of—
- (i) the Prime Minister, who shall be the Chairperson of the committee;
 - (ii) the Leader of Opposition in the Lok Sabha; and
 - (iii) a Union Cabinet Minister to be nominated by the Prime Minister.

Explanation.—For the purposes of removal of doubts, it is hereby declared that where the Leader of Opposition in the House of the People has not been recognised as such, the Leader of the single largest group in opposition of the Government in the House of the People shall be deemed to be the Leader of Opposition.

- (4) The general superintendence, direction and management of the affairs of the Central Information Commission shall vest in the Chief Information Commissioner who shall be assisted by the Information Commissioners and may exercise all such powers and do all such acts and things which may be

exercised or done by the Central Information Commission autonomously without being subjected to directions by any other authority under this Act.

(5) The Chief Information Commissioner and Information Commissioners shall be persons of eminence in public life with wide knowledge and experience in law, science and technology, social service, management, journalism, mass media or administration and governance.

(6) The Chief Information Commissioner or an Information Commissioner shall not be a Member of Parliament or Member of the Legislature of any State or Union territory, as the case may be, or hold any other office of profit or connected with any political party or carrying on any business or pursuing any profession.

(7) The headquarters of the Central Information Commission shall be at Delhi and the Central Information Commission may, with the previous approval of the Central Government, establish offices at other places in India.

13 (1) The Chief Information Commissioner shall hold office for a term of five years from the date on which he enters upon his office and shall not be eligible for reappointment:

Provided that no Chief Information Commissioner shall hold office as such after he has attained the age of sixty-five years.

(2) Every Information Commissioner shall hold office for a term of five years from the date on which he enters upon his office or till he attains the age of sixty-five years, whichever is earlier, and shall not be eligible for reappointment as such Information Commissioner:

Provided that every Information Commissioner shall, on vacating his office under this sub-section be eligible for appointment as the Chief Information Commissioner in the manner specified in sub-section (3) of section 12:

Provided further that where the Information Commissioner is appointed as the Chief Information Commissioner, his term of office shall not be more than five years in aggregate as the Information Commissioner and the Chief Information Commissioner.

(3) The Chief Information Commissioner or an Information Commissioner shall before he enters upon his office make and subscribe before the President or some other person appointed by him in that behalf, an oath or affirmation according to the form set out for the purpose in the First Schedule.

(4) The Chief Information Commissioner or an Information Commissioner may, at any time, by writing under his hand addressed to the President, resign from his office:

Provided that the Chief Information Commissioner or an Information Commissioner may be removed in the manner specified under section 14.

(5) The salaries and allowances payable to and other terms and conditions of service of —

(a) the Chief Information Commissioner shall be the same as that of the Chief Election Commissioner;

(b) an Information Commissioner shall be the same as that of an Election Commissioner:

Provided that if the Chief Information Commissioner or an Information Commissioner, at the time of his appointment is, in receipt of a pension, other than a disability or wound pension, in respect of any previous service under the Government of India or under the Government of a State, his salary in respect of the service as the Chief Information Commissioner or an Information Commissioner shall be reduced by the amount of that pension including any portion of pension which was commuted and pension equivalent of other forms of retirement benefits excluding pension equivalent of retirement gratuity:

Provided further that if the Chief Information Commissioner or an Information Commissioner if, at the time of his appointment is, in receipt of retirement benefits in respect of any previous service rendered in a Corporation established by or under any Central Act or State Act or a Government company owned or controlled by the Central Government or the State Government, his salary in respect of the service as the Chief Information Commissioner or an Information Commissioner shall be reduced by the amount of pension equivalent to the retirement benefits:

Provided also that the salaries, allowances and other conditions of service of the Chief Information Commissioner and the Information Commissioners shall not be varied to their disadvantage after their appointment.

- (6) The Central Government shall provide the Chief Information Commissioner and the Information Commissioners with such officers and employees as may be necessary for the efficient performance of their functions under this Act, and the salaries and allowances payable to and the terms and conditions of

service of the officers and other employees appointed for the purpose of this Act shall be such as may be prescribed.

- 14 (1) Subject to the provisions of sub-section (3), the Chief Information Commissioner or any Information Commissioner shall be removed from his office only by order of the President on the ground of proved misbehaviour or incapacity after the Supreme Court, on a reference made to it by the President, has, on inquiry, reported that the Chief Information Commissioner or any Information Commissioner, as the case may be, ought on such ground be removed.
- (2) The President may suspend from office, and if deem necessary prohibit also from attending the office during inquiry, the Chief Information Commissioner or Information Commissioner in respect of whom a reference has been made to the Supreme Court under sub-section (1) until the President has passed orders on receipt of the report of the Supreme Court on such reference.
- (3) Notwithstanding anything contained in sub-section (1), the President may by order remove from office the Chief Information Commissioner or any Information Commissioner if the Chief Information Commissioner or a Information Commissioner, as the case may be,—
- (a) is adjudged an insolvent; or
 - (b) has been convicted of an offence which, in the opinion of the President, involves moral turpitude; or
 - (c) engages during his term of office in any paid employment outside the duties of his office; or

- (d) is, in the opinion of the President, unfit to continue in office by reason of infirmity of mind or body; or
 - (e) has acquired such financial or other interest as is likely to affect prejudicially his functions as the Chief Information Commissioner or a Information Commissioner.
- (4) If the Chief Information Commissioner or a Information Commissioner in any way, concerned or interested in any contract or agreement made by or on behalf of the Government of India or participates in any way in the profit thereof or in any benefit or emolument arising there from otherwise than as a member and in common with the other members of an incorporated company, he shall, for the purposes of sub-section (1), be deemed to be guilty of misbehavior.

CHAPTER IV

The State Information Commission

- 15 (1) Every State Government shall, by notification in the Official Gazette, constitute a body to be known as the (name of the State) Information Commission to exercise the powers conferred on, and to perform the functions assigned to, it under this Act.
- (2) The State Information Commission shall consist of—
- (a) the State Chief Information Commissioner, and
 - (b) such number of State Information Commissioners, not exceeding ten, as may be deemed necessary.

(3) The State Chief Information Commissioner and the State Information Commissioners shall be appointed by the Governor on the recommendation of a committee consisting of—

- (i) the Chief Minister, who shall be the Chairperson of the committee;
- (ii) the Leader of Opposition in the Legislative Assembly; and
- (iii) a Cabinet Minister to be nominated by the Chief Minister.

Explanation.—For the purposes of removal of doubts, it is hereby declared that where the Leader of Opposition in the Legislative Assembly has not been recognised as such, the Leader of the single largest group in opposition of the Government in the Legislative Assembly shall be deemed to be the Leader of Opposition.

(4) The general superintendence, direction and management of the affairs of the State Information Commission shall vest in the State Chief Information Commissioner who shall be assisted by the State Information Commissioners and may exercise all such powers and do all such acts and things which may be exercised or done by the State Information Commission autonomously without being subjected to directions by any other authority under this Act.

(5) The State Chief Information Commissioner and the State Information Commissioners shall be persons of eminence in public life with wide knowledge and experience in law, science and technology, social service, management, journalism, mass media or administration and governance.

(6) The State Chief Information Commissioner or a State Information Commissioner shall not be a Member of Parliament or Member of the Legislature of any State or Union territory, as the case may be, or hold any

other office of profit or connected with any political party or carrying on any business or pursuing any profession.

- (7) The headquarters of the State Information Commission shall be at such place in the State as the State Government may, by notification in the Official Gazette, specify and the State Information Commission may, with the previous approval of the State Government, establish offices at other places in the State.

- 16** (1) The State Chief Information Commissioner shall hold office for a term of five years from the date on which he enters upon his office and shall not be eligible for reappointment:

Provided that no State Chief Information Commissioner shall hold office as such after he has attained the age of sixty-five years.

- (2) Every State Information Commissioner shall hold office for a term of five years from the date on which he enters upon his office or till he attains the age of sixty-five years, whichever is earlier, and shall not be eligible for reappointment as such State Information Commissioner:

Provided that every State Information Commissioner shall, on vacating his office under this sub-section, be eligible for appointment as the State Chief Information Commissioner in the manner specified in sub-section (3) of section 15:

Provided further that where the State Information Commissioner is appointed as the State Chief Information Commissioner, his term of office shall not be more than five years in aggregate as the State Information Commissioner and the State Chief Information Commissioner.

(3) The State Chief Information Commissioner or a State Information Commissioner, shall before he enters upon his office make and subscribe before the Governor or some other person appointed by him in that behalf, an oath or affirmation according to the form set out for the purpose in the First Schedule.

(4) The State Chief Information Commissioner or a State Information Commissioner may, at any time, by writing under his hand addressed to the Governor, resign from his office:

Provided that the State Chief Information Commissioner or a State Information Commissioner may be removed in the manner specified under section 17.

(5) The salaries and allowances payable to and other terms and conditions of service of—

(a) the State Chief Information Commissioner shall be the same as that of an Election Commissioner;

(b) the State Information Commissioner shall be the same as that of the Chief Secretary to the State Government:

Provided that if the State Chief Information Commissioner or a State Information Commissioner, at the time of his appointment is, in receipt of a pension, other than a disability or wound pension, in respect of any previous service under the Government of India or under the Government of a State, his salary in respect of the service as the State Chief Information Commissioner or a State Information Commissioner shall be reduced by the amount of that pension including any portion of pension which was commuted and pension

equivalent of other forms of retirement benefits excluding pension equivalent of retirement gratuity:

Provided further that where the State Chief Information Commissioner or a State Information Commissioner if, at the time of his appointment is, in receipt of retirement benefits in respect of any previous service rendered in a Corporation established by or under any Central Act or State Act or a Government company owned or controlled by the Central Government or the State Government, his salary in respect of the service as the State Chief Information Commissioner or the State Information Commissioner shall be reduced by the amount of pension equivalent to the retirement benefits:

Provided also that the salaries, allowances and other conditions of service of the State Chief Information Commissioner and the State Information Commissioners shall not be varied to their disadvantage after their appointment.

- (6) The State Government shall provide the State Chief Information Commissioner and the State Information Commissioners with such officers and employees as may be necessary for the efficient performance of their functions under this Act, and the salaries and allowances payable to and the terms and conditions of service of the officers and other employees appointed for the purpose of this Act shall be such as may be prescribed.

- 17 (1) Subject to the provisions of sub-section (3), the State Chief Information Commissioner or a State Information Commissioner shall be removed from his office only by order of the Governor on the ground of proved misbehaviour or incapacity after the Supreme Court, on a reference made to it by the Governor,

has on inquiry, reported that the State Chief Information Commissioner or a State Information Commissioner, as the case may be, ought on such ground be removed.

(2) The Governor may suspend from office, and if deem necessary prohibit also from attending the office during inquiry, the State Chief Information Commissioner or a State Information Commissioner in respect of whom a reference has been made to the Supreme Court under sub-section (1) until the Governor has passed orders on receipt of the report of the Supreme Court on such reference.

(3) Notwithstanding anything contained in sub-section (1), the Governor may by order remove from office the State Chief Information Commissioner or a State Information Commissioner if a State Chief Information Commissioner or a State Information Commissioner, as the case may be,—

- (a) is adjudged an insolvent; or
- (b) has been convicted of an offence which, in the opinion of the Governor, involves moral turpitude; or
- (c) engages during his term of office in any paid employment outside the duties of his office; or
- (d) is, in the opinion of the Governor, unfit to continue in office by reason of infirmity of mind or body; or
- (e) has acquired such financial or other interest as is likely to affect prejudicially his functions as the State Chief Information Commissioner or a State Information Commissioner.

- (4) If the State Chief Information Commissioner or a State Information Commissioner in any way, concerned or interested in any contract or agreement made by or on behalf of the Government of the State or participates in any way in the profit thereof or in any benefit or emoluments arising therefrom otherwise than as a member and in common with the other members of an incorporated company, he shall, for the purposes of sub-section (1), be deemed to be guilty of misbehaviour.

CHAPTER V

Powers and functions of the Information Commissions, appeal and penalties

- 18** (1) Subject to the provisions of this Act, it shall be the duty of the Central Information Commission or State Information Commission, as the case may be, to receive and inquire into a complaint from any person,—
- (a) who has been unable to submit a request to a Central Public Information Officer or State Public Information Officer, as the case may be, either by reason that no such officer has been appointed under this Act, or because the Central Assistant Public Information Officer or State Assistant Public Information Officer, as the case may be, has refused to accept his or her application for information or appeal under this Act for forwarding the same to the Central Public Information Officer or State Public Information Officer or senior officer specified in sub-section (1) of section 19 or the Central Information Commission or the State Information Commission, as the case may be;
- (b) who has been refused access to any information requested under this Act;

- (c) who has not been given a response to a request for information or access to information within the time limit specified under this Act;
 - (d) who has been required to pay an amount of fee which he or she considers unreasonable;
 - (e) who believes that he or she has been given incomplete, misleading or false information under this Act; and
 - (f) in respect of any other matter relating to requesting or obtaining access to records under this Act.
- (2) Where the Central Information Commission or State Information Commission, as the case may be, is satisfied that there are reasonable grounds to inquire into the matter, it may initiate an inquiry in respect thereof.
- (3) The Central Information Commission or State Information Commission, as the case may be, shall, while inquiring into any matter under this section, have the same powers as are vested in a civil court while trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely:—
- (a) summoning and enforcing the attendance of persons and compel them to give oral or written evidence on oath and to produce the documents or things;
 - (b) requiring the discovery and inspection of documents;
 - (c) receiving evidence on affidavit;
 - (d) requisitioning any public record or copies thereof from any court or office;
 - (e) issuing summons for examination of witnesses or documents; and
 - (f) any other matter which may be prescribed.

- (4) Notwithstanding anything inconsistent contained in any other Act of Parliament or State Legislature, as the case may be, the Central Information Commission or the State Information Commission, as the case may be, may, during the inquiry of any complaint under this Act, examine any record to which this Act applies which is under the control of the public authority, and no such record may be withheld from it on any grounds.

- 19** (1) Any person who, does not receive a decision within the time specified in sub-section (1) or clause (a) of sub-section (3) of section 7, or is aggrieved by a decision of the Central Public Information Officer or State Public Information Officer, as the case may be, may within thirty days from the expiry of such period or from the receipt of such a decision prefer an appeal to such officer who is senior in rank to the Central Public Information Officer or State Public Information Officer as the case may be, in each public authority:

Provided that such officer may admit the appeal after the expiry of the period of thirty days if he or she is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

- (2) Where an appeal is preferred against an order made by a Central Public Information Officer or a State Public Information Officer, as the case may be, under section 11 to disclose third party information, the appeal by the concerned third party shall be made within thirty days from the date of the order.
- (3) A second appeal against the decision under sub-section (1) shall lie within ninety days from the date on which the decision should have been made or was

actually received, with the Central Information Commission or the State Information Commission:

Provided that the Central Information Commission or the State Information Commission, as the case may be, may admit the appeal after the expiry of the period of ninety days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

- (4) If the decision of the Central Public Information Officer or State Public Information Officer, as the case may be, against which an appeal is preferred relates to information of a third party, the Central Information Commission or State Information Commission, as the case may be, shall give a reasonable opportunity of being heard to that third party.
- (5) In any appeal proceedings, the onus to prove that a denial of a request was justified shall be on the Central Public Information Officer or State Public Information Officer, as the case may be, who denied the request.
- (6) An appeal under sub-section (1) or sub-section (2) shall be disposed of within thirty days of the receipt of the appeal or within such extended period not exceeding a total of forty-five days from the date of filing thereof, as the case may be, for reasons to be recorded in writing.
- (7) The decision of the Central Information Commission or State Information Commission, as the case may be, shall be binding.
- (8) In its decision, the Central Information Commission or State Information Commission, as the case may be, has the power to—
 - (a) require the public authority to take any such steps as may be necessary to secure compliance with the provisions of this Act, including—

- (i) by providing access to information, if so requested, in a particular form;
 - (ii) by appointing a Central Public Information Officer or State Public Information Officer, as the case may be;
 - (iii) by publishing certain information or categories of information;
 - (iv) by making necessary changes to its practices in relation to the maintenance, management and destruction of records;
 - (v) by enhancing the provision of training on the right to information for its officials;
 - (vi) by providing it with an annual report in compliance with clause (b) of sub-section (1) of section 4;
- (b) require the public authority to compensate the complainant for any loss or other detriment suffered;
- (c) impose any of the penalties provided under this Act;
- (d) reject the application.
- (9) The Central Information Commission or State Information Commission, as the case may be, shall give notice of its decision, including any right of appeal, to the complainant and the public authority.
- (10) The Central Information Commission or State Information Commission, as the case may be, shall decide the appeal in accordance with such procedure as may be prescribed.

20 (1) Where the Central Information Commission or the State Information Commission, as the case may be, at the time of deciding any complaint or appeal is of the opinion that the Central Public Information Officer or the State

Public Information Officer, as the case may be, has, without any reasonable cause, refused to receive an application for information or has not furnished information within the time specified under sub-section (1) of section 7 or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall impose a penalty of two hundred and fifty rupees each day till application is received or information is furnished, so however, the total amount of such penalty shall not exceed twenty-five thousand rupees:

Provided that the Central Public Information Officer or the State Public Information Officer, as the case may be, shall be given a reasonable opportunity of being heard before any penalty is imposed on him:

Provided further that the burden of proving that he acted reasonably and diligently shall be on the Central Public Information Officer or the State Public Information Officer, as the case may be.

- (2) Where the Central Information Commission or the State Information Commission, as the case may be, at the time of deciding any complaint or appeal is of the opinion that the Central Public Information Officer or the State Public Information Officer, as the case may be, has, without any reasonable cause and persistently, failed to receive an application for information or has not furnished information within the time specified under sub-section (1) of section 7 or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing

the information, it shall recommend for disciplinary action against the Central Public Information Officer or the State Public Information Officer, as the case may be, under the service rules applicable to him.

CHAPTER VI

Miscellaneous

- 21** No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rule made thereunder.
- 22** The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in the Official Secrets Act, 1923, and any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.
- 23** No court shall entertain any suit, application or other proceeding in respect of any order made under this Act and no such order shall be called in question otherwise than by way of an appeal under this Act.
- 24 (1)** Nothing contained in this Act shall apply to the intelligence and security organisations specified in the Second Schedule, being organisations established by the Central Government or any information furnished by such organisations to that Government:
- Provided that the information pertaining to the allegations of corruption and human rights violations shall not be excluded under this sub-section:
- Provided further that in the case of information sought for is in respect of allegations of violation of human rights, the information shall only be provided

after the approval of the Central Information Commission, and notwithstanding anything contained in section 7, such information shall be provided within forty-five days from the date of the receipt of request.

(2) The Central Government may, by notification in the Official Gazette, amend the Schedule by including therein any other intelligence or security organisation established by that Government or omitting therefrom any organisation already specified therein and on the publication of such notification, such organisation shall be deemed to be included in or, as the case may be, omitted from the Schedule.

(3) Every notification issued under sub-section (2) shall be laid before each House of Parliament.

(4) Nothing contained in this Act shall apply to such intelligence and security organisation being organisations established by the State Government, as that Government may, from time to time, by notification in the Official Gazette, specify:

Provided that the information pertaining to the allegations of corruption and human rights violations shall not be excluded under this sub-section:

Provided further that in the case of information sought for is in respect of allegations of violation of human rights, the information shall only be provided after the approval of the State Information Commission and, notwithstanding anything contained in section 7, such information shall be provided within forty-five days from the date of the receipt of request.

(5) Every notification issued under sub-section (4) shall be laid before the State Legislature.

- 25 (1) The Central Information Commission or State Information Commission, as the case may be, shall, as soon as practicable after the end of each year, prepare a report on the implementation of the provisions of this Act during that year and forward a copy thereof to the appropriate Government.
- (2) Each Ministry or Department shall, in relation to the public authorities within their jurisdiction, collect and provide such information to the Central Information Commission or State Information Commission, as the case may be, as is required to prepare the report under this section and comply with the requirements concerning the furnishing of that information and keeping of records for the purposes of this section.
- (3) Each report shall state in respect of the year to which the report relates,—
- (a) the number of requests made to each public authority;
 - (b) the number of decisions where applicants were not entitled to access to the documents pursuant to the requests, the provisions of this Act under which these decisions were made and the number of times such provisions were invoked;
 - (c) the number of appeals referred to the Central Information Commission or State Information Commission, as the case may be, for review, the nature of the appeals and the outcome of the appeals;
 - (d) particulars of any disciplinary action taken against any officer in respect of the administration of this Act;
 - (e) the amount of charges collected by each public authority under this Act;
 - (f) any facts which indicate an effort by the public authorities to administer and implement the spirit and intention of this Act;

- (g) recommendations for reform, including recommendations in respect of the particular public authorities, for the development, improvement, modernisation, reform or amendment to this Act or other legislation or common law or any other matter relevant for operationalising the right to access information.
- (4) The Central Government or the State Government, as the case may be, may, as soon as practicable after the end of each year, cause a copy of the report of the Central Information Commission or the State Information Commission, as the case may be, referred to in sub-section (1) to be laid before each House of Parliament or, as the case may be, before each House of the State Legislature, where there are two Houses, and where there is one House of the State Legislature before that House.
- (5) If it appears to the Central Information Commission or State Information Commission, as the case may be, that the practice of a public authority in relation to the exercise of its functions under this Act does not conform with the provisions or spirit of this Act, it may give to the authority a recommendation specifying the steps which ought in its opinion to be taken for promoting such conformity.
- 26** (1) The appropriate Government may, to the extent of availability of financial and other resources,—
- (a) develop and organise educational programmes to advance the understanding of the public, in particular of disadvantaged communities as to how to exercise the rights contemplated under this Act;

- (b) encourage public authorities to participate in the development and organisation of programmes referred to in clause (a) and to undertake such programmes themselves;
 - (c) promote timely and effective dissemination of accurate information by public authorities about their activities; and
 - (d) train Central Public Information Officers or State Public Information Officers, as the case may be, of public authorities and produce relevant training materials for use by the public authorities themselves.
- (2) The appropriate Government shall, within eighteen months from the commencement of this Act, compile in its official language a guide containing such information, in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right specified in this Act.
- (3) The appropriate Government shall, if necessary, update and publish the guidelines referred to in sub-section (2) at regular intervals which shall, in particular and without prejudice to the generality of sub-section (2), include—
 - (a) the objects of this Act;
 - (b) the postal and street address, the phone and fax number and, if available, electronic mail address of the Central Public Information Officer or State Public Information Officer, as the case may be, of every public authority appointed under sub-section (1) of section 5;
 - (c) the manner and the form in which request for access to an information shall be made to a Central Public Information Officer or State Public Information Officer, as the case may be;

- (d) the assistance available from and the duties of the Central Public Information Officer or State Public Information Officer, as the case may be, of a public authority under this Act;
 - (e) the assistance available from the Central Information Commission or State Information Commission, as the case may be;
 - (f) all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by this Act including the manner of filing an appeal to the Commission;
 - (g) the provisions providing for the voluntary disclosure of categories of records in accordance with section 4;
 - (h) the notices regarding fees to be paid in relation to requests for access to an information; and
 - (i) any additional regulations or circulars made or issued in relation to obtaining access to an information in accordance with this Act.
- (4) The appropriate Government must, if necessary, update and publish the guidelines at regular intervals.
- 27** (1) The appropriate Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.
- (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—
- (a) the cost of the medium or print cost price of the materials to be disseminated under sub-section (4) of section 4;
 - (b) the fee payable under sub-section (1) of section 6;

- (c) the fee payable under sub-sections (1) and (5) of section 7;
- (d) the salaries and allowances payable to and the terms and conditions of service of the officers and other employees under sub-section (6) of section 13 and sub-section (6) of section 16;
- (e) the procedure to be adopted by the Central Information Commission or State Information Commission, as the case may be, in deciding the appeals under sub-section (10) of section 19; and
- (f) any other matter which is required to be, or may be, prescribed.

28 (1) The competent authority may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (i) the cost of the medium or print cost price of the materials to be disseminated under sub-section (4) of section 4;
- (ii) the fee payable under sub-section (1) of section 6;
- (iii) the fee payable under sub-section (1) of section 7; and
- (iv) any other matter which is required to be, or may be, prescribed.

29 (1) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such

modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

- (2) Every rule made under this Act by a State Government shall be laid, as soon as may be after it is notified, before the State Legislature.

- 30** (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removal of the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date of the commencement of this Act.

- (2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

- 31** The Freedom of Information Act, 2002 is hereby repealed.

THE FIRST SCHEDULE

[See sections 13(3) and 16(3)]

**Form of oath or affirmation to be made by the Chief Information
Commissioner/the Information Commissioner/the State Chief
Information Commissioner/the State Information Commissioner**

"I,, having been appointed Chief Information
Commissioner/Information Commissioner/State Chief Information
Commissioner/State Information Commissioner swear in the name of God
solemnly affirm that I will bear true faith and allegiance to the Constitution of
India as by law established, that I will uphold the sovereignty and integrity of
India, that I will duly and faithfully and to the best of my ability, knowledge
and judgment perform the duties of my office without fear or favour, affection
or ill-will and that I will uphold the Constitution and the laws."

THE SECOND SCHEDULE

(See section 24)

Intelligence and security organisation established by the Central Government

- 1. Intelligence Bureau.**
- 2. Research and Analysis Wing of the Cabinet Secretariat.**
- 3. Directorate of Revenue Intelligence.**
- 4. Central Economic Intelligence Bureau.**
- 5. Directorate of Enforcement.**
- 6. Narcotics Control Bureau.**
- 7. Aviation Research Centre.**
- 8. Special Frontier Force.**
- 9. Border Security Force.**
- 10. Central Reserve Police Force.**
- 11. Indo-Tibetan Border Police.**
- 12. Central Industrial Security Force.**
- 13. National Security Guards.**
- 14. Assam Rifles.**
- 15. Special Service Bureau.**
- 16. Special Branch (CID), Andaman and Nicobar.**
- 17. The Crime Branch-C.I.D. - CB, Dadra and Nagar Haveli.**
- 18. Special Branch, Lakshadweep Police.**



The role of Proactive Disclosure of information under section 4 of RTI Act: A road to substantial democracy

Yarragutla Suresh Babu
Assistant Professor, Presidency University
Kolkata

Abstract:

Suo Moto disclosure is the heart of any information act in any part of the world. Right to Information Act, 2005 of India, provides suo moto disclosure under section 4 (1) (b). When public authorities disseminate as much as information to the public through websites or any other channels which helps individuals to access the information as easy as conceivable, the possibility of a reduction in a number of RTI applications would be much higher. The truth is that it helps not only a reduction in a number of applications but it strengthens the very idea of open government with good governance as a principle, which in turn help the government to achieve the real senses of democracy. People in power always complain about the rise in a number of RTI application year by year. What perhaps they miss to understand is or unwilling to admit the fact that they have been sloppy in providing relevant information in time bound manner under section 4 of the information act. Under suo moto disclosure (section 4), it is the Obligation of Public Authority to publish and maintain records and relevant facts. It is also an obligation that they should disseminate the information as widely as possible while focusing on cost-effectiveness and local language, and so on.

Keywords: Open government, Proactive Disclosure, Right to Information, Substantial Democracy, and Transparency.

INTRODUCTION

As Aruna Roy rightly said, "As a citizen in a democracy, it is our responsibility to be involved with politics. If we abdicate our responsibility, we will be victims of a peculiar perversion". (Aruna Roy, 2000). The real question is how powerful or resourceful the citizen is in order to engage with day-to-day affairs of the government to make the idea of democracy as a best practice. In India, many laws have been made, amended and amended over and over again in case of some of those laws. However, the right to information is a different kind of law with a new flavour in the sense that it helps the common citizen as no other law

does. Information is power. Access to relevant information always makes the citizen participate better. Lack of awareness, lack of access to information may not be two different worlds. Across the globe, most of the countries believed to achieve true democracy by being proactive governments. Most people in the world believe that the information world needs not merely giving access to information but proactively dissemination of information so that citizens need to request for ever few basic details public organizations. What is the difference between access to information and proactive disclosure? The difference between active disclosure and the right to

FREEDOM OF INFORMATION AS DEMOCRACY: A GLOBAL PERSPECTIVE ON CORRUPTION & OPEN GOVERNMENT

Yarraguntla Suresh Babu

Assistant Professor, Presidency University, Kolkata – 73

ABSTRACT

This paper will explore recent global trends on corruption, open government and freedom of information as the key principle practice to restore faith in the idea of Democracy. Since the end of World War II, there has been drastic regime shift in many countries, mostly in Asian, Eastern Europe, Africa, Middle East, and Latin America, from an authoritarian model to democratic model. This trend, as perceived by one school of thought, believed to be a positive development in terms of human progress. Even though the change has taken place in terms of the system as a whole, but the functioning style and process of the governments remain so rigid and secret from the public. I will explore the role of corruption and the style of governance in the process of making open governments. Another crucial puzzle to unlock/ unleash is how freedom of information laws can strengthen people's participation in the process of decision making on the issues, which affect them.

Keywords: Corruption, Democracy, Open Government, Right to Information, & Secrecy

INTRODUCTION

Many theorists have been testing democracy and ideas on democracy both in theoretically and empirically. New meanings are being entrusted to democracy every next minute. The fact is that there is no single democratic theory but there are many democratic theories. Similarly, there is no single democratic country but there are democratic countries with the difference of levels of democratization. Robert Dahl, who known to be the esteemed theorist of our times, believed that institutionalization of the democratic process is crucial to any system, especially in Polyarchy. For him, no modern democracy qualifies as democracy in its full sense. He outlines five steps of institutional criteria. (R Dahl, 1989). One, Effective participation means that citizens must have opportunities to participate other than mere voting in the election. Expressing one's reasons on the outcome and express reasons on public agenda etc. is very much important. Two, voting equality. Voting equality at the decisive stage makes every citizen believe that she/he is part of the democratic system without parameter of different perceptions. Three, enlightened understanding by which Dahl means that in a system if at we want to believe that it is a complete

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by Yarraguntla Suresh Babu

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