

RTI ACT AS AN EMPOWERING TOOL: ITS STATE OF AWARENESS AND IMPLEMENTATION IN HIMACHAL PRADESH

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Abstract: RTI (Right to Information) Act 2005, the most empowering and progressive legislation of Independent India has truly strengthened the democracy and made the freedom of expression a meaningful right for the citizens of India. This Act has empowered the citizens to actively participate in the democratic process and mandates the government to become more efficient, interactive, accountable, and transparent and corruption free. The implementation of this Act in true sense requires the equal participation of the repository of information i.e. 'Public authorities' (information suppliers) in terms of providing correct and time bound information to the applicants and the ultimate and end beneficiaries of the Act i.e. 'Citizens' (information seekers) in terms of becoming aware and utilizing this Act in proper way. Therefore in the present study an attempt has been made to assess the pattern emerged in implementation and usage of RTI Act through the study of all the annual reports of Himachal Pradesh State Information Commission (i.e. from 2006 to 2016). From the analysis of the reports it has been observed that with the passage of time, the RTI Act badly suffering in its implementation. The number of public authorities who submitted annual reports to the commission has decreased. The number of RTI applications received by the public authorities decreased, while the number of appeals in the Commission increased.

Keywords: Right to Information, Empowerment, Information suppliers, Information seekers, Awareness, Usage and Implementation.

Introduction: No doubt, Indian democracy is claimed to be the world's largest democracy but the enactment of RTI Act in 2005 has actually made this democracy more meaningful in terms of promoting transparency, accountability and responsiveness in the administration and in terms of empowering the citizens to actively participate in the governance process. There are several laws in the country but this legislation is unique in its own way. Now the authority is totally in the hands of the common masses wherein they can easily ask the government to provide information about its decisions and functioning and the government has to act in response to their ordinance. Now the citizens have the legal right to question, audit, review and assess the government work and to ensure more dynamic development in the society. Thus, it can be said that this Act has reversed the roles of the public and the government in democratic system. Before this Act, the situation was grim. People acted as the mute spectators, they had no legal right to know how their government functioned, what and how the programs and policies have been made and implemented for their benefits etc. The Government authorities were not accountable and transparent about their functioning; they used to maintain a culture of secrecy under the shelter of Official Secret Act 1923. But in 1996 a new paradigm shift took place, wherein one of the grass root organization named **Mazdoor Kisan Shakti Sangathan** successfully realized the importance of information in the lives of the people. From here the demand for implementing RTI law started. After the struggle of several years the government of India appointed H.D Shourie committee to draft the RTI law. In 2002 the draft called Freedom of Information was enacted by the Indian Parliament, but it was never notified due to some draw backs in it. On the demand of several NGOs and Civil society activists the freedom of Information bill was repealed. Thereafter the National Advisory Council deliberated on the issue and suggested certain important changes to the Union Government to incorporate in the existing Act. Finally in the year 2005, RTI Act came into power and was claimed to be

one of the best empowering mechanism in the hands of the common masses. Now it has been 13 years since the RTI was implemented. Hence it is enough time for us to evaluate the actual progress of RTI Act in Himachal Pradesh. As we know that the implementation of RTI Act is only possible by the equal contribution of public officials and the citizens. Thus keeping this thing in mind, in present study the annual reports of the Himachal Pradesh State Information Commission were reviewed to determine as to what extent the implementation of RTI Act has taken place in the state and to what extent this path breaking legislation has been used as an empowering tool. Based on the findings of the study certain recommendations were also given to safeguard the spirit of the Act.

Objective of the Study: To know the status of awareness and implementation of RTI Act in the state of Himachal Pradesh.

Research Methodology: For the purpose of the study, the data was collected from all the annual reports of Himachal Pradesh State Information Commission and it being in quantitative format is presented in graphs and tables.

Results and Discussion:

Submission of annual reports to the State Information Commission by the Public Authorities: From the year 2006 to 2012 it can be seen that the number of public authorities submitting annual reports to the Commission increased while this number started declining from 2013-2016 (**Refer Table 1 & Figure 1**). This could imply that as the time passes the Public Authorities have started becoming non serious in submitting the annual reports to the Commission. Supporting this finding, **Biswas (2016)** in his article highlighted that in Maharashtra many public authorities have failed to submit their annual reports to the State Information Commission.

Table 1: Public Authorities Submitting Annual Reports Pertaining to RTI Act

Financial Years	Number of Departments
1 st April 2005- 31 st March 2006	22
1 st April 2006- 31 st March 2007	110
1 st April 2007- 31 st March 2008	118
1 st April 2008- 31 st March 2009	124
1 st April 2009-31 st March 2010	134
1 st April 2010-31 st March 2011	125
1 st April 2011-31 st March 2012	132
1 st April 2012- 31 st March 2013	110
1 st April 2013- 31 st March 2014	110
1 st April 2014- 31 st March 2015	80
1 st April 2015- 31 st March 2016	62

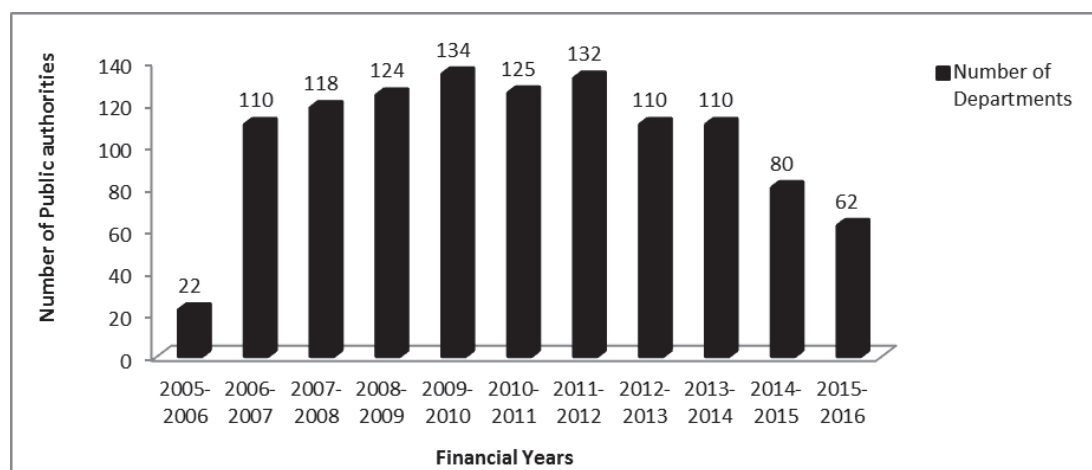


Figure 1: Trend in the frequency of Public Authorities who submitted Annual Reports to the SIC

Frequency of RTI applications received: The data with regard to the frequency of RTI applications filed by the citizens indicates that from the year 2006 to 2012 even though there was a steep rise in the number of RTI applications received by the Public Information Officers, but this number started declining from 2013 to 2016. This decreasing trend could be the result of citizens’ lack of awareness about the Act, lack of interest in knowing and using the Act, their failure to recognize the Act as an empowering tool, their frustration of its long procedure or their fear of being harassed (Refer Table 2 and Figure 2).

Frequency of First and Second Appeals: From the data it is observed that out of the total applications received, the percentage of first appeals filed by applicants decreased from 4.8% in 2007 to 1.9% in the year 2012. However an increasing trend was observed from the year 2013 to 2016. Similarly in case of filing second appeals also it was observed that the percentage had decreased from 1.2% in 2006-2007 to 0.6% in 2011-2012. However the reverse was observed from the year 2013 to 2016 which could be the result of lethargic attitude of the PIOs and first Appellate authority towards applicants. (Refer Table 2).

Table 2: Frequency of Applications Received by the PIOs

Financial years	Number of applications received by the PIOs	Number of first appeals	Number of Second appeals
1 st April 2005- 31 st March 2006	106	Not applicable	Not applicable
1 st April 2006- 31 st March 2007	2654	128	32
1 st April 2007- 31 st March 2008	10105	267	159
1 st April 2008- 31 st March 2009	17,869	338	184
1 st April 2009-31 st March 2010	43,835	706	270
1 st April 2010-31 st March 2011	55,463	1220	300
1 st April 2011-31 st March 2012	72,191	1381	451
1 st April 2012- 31 st March 2013	61202	1232	427
1 st April 2013- 31 st March 2014	63722	1716	670
1 st April 2014- 31 st March 2015	50675	635	615
1 st April 2015- 31 st March 2016	46430	1558	635
Total	424,252	9181	3743

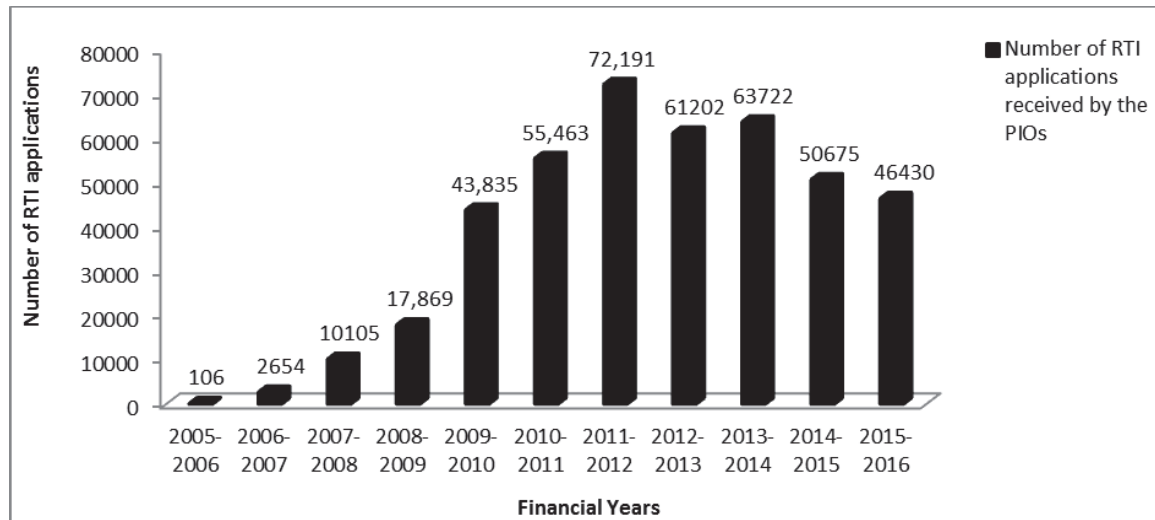


Figure 2: Trend in the frequency of RTI applications received by the Public Information Officers

Conclusion: From this study it is inferred that even after 13 years, this path breaking legislation is still suffering badly in its implementation. With the passage of time, Public authorities, Public Information Officers, have started becoming non serious about RTI Act, they have lackadaisical attitude due to which they have started violating this transparency law. On the other hand lesser number of RTI applications received by the various departments shows that people of this fast developing state are not yet aware about RTI Act and its importance. They seem to have low interest to know about the Act and to use it. They consider RTI Act as a long and tricky procedure for getting information and justice.

Recommendations for better implement of RTI Act:

1. It can be seen that, with the passage of time, the number of public authorities submitting annual reports to the Commission, decreased. This indicates that the Public authorities till now are not systematic in regard to timely submitting the annual reports to the Commission. This negligence on the part of the information suppliers makes it difficult for the Commission/Government/Pressure groups to assess the overall status of awareness and implementation of RTI in Himachal Pradesh. Thus, to deal with this issue, it is recommended that every year, government through official notifications, should remind the public authorities about the submission of annual reports. Secondly the State Information Commission must be given power to impose penalty or to take strict action against the Public authorities who violate the provisions of RTI Act in terms of not submitting annual reports.
2. The success of the Right to Information Act basically depends on the awareness of the people. Therefore it is recommended that the government should encourage the involvement of RTI activists & NGOs etc. to spread the awareness about the Act in the state as they have easy access to the far flung areas. With these pressure groups the government, should organize camps, workshops, door to door campaigns, and regular meetings at grass root level. Media can also play a very powerful and active role to implement this Act. Therefore it is recommended that government on a large scale should also involve all types of local, regional and national media in terms of giving advertisements, press releases, interviews, and participation in live programs and debates etc.

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