

## RTI Act 2005: A Harbinger of People's Right to Information

“Power tends to corrupt and absolute power corrupts absolutely”- Lord Acton<sup>1</sup>

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### Abstract

*Access to information held by a public authority was not possible until 2005. The common people did not had any legal right to know about the public policies and expenditures. Officials Secret Act, 1923 acted as a relic of colonial rule covering everything in secrecy. This culture of secrecy resulted in fertile growth of corruption. In face of non-accountability of the public authorities and lack of openness in the functioning of government, abuse of power and corrupt diversion of the public money was the order of the day.*

*It all began in 1990 when the Mazdoor Kisan Shakti Sangathan took bold initiative to arouse the people to assert their right to information by asking copies of bills and vouchers. It took more than a decade for the Government with lots of efforts and hues and cries made by the general people and group agitations to frame and bring into enforcement of Right to Information Act, 2005.*

*The researcher as an RTI Activist has been successful in revealing irregularities done at various level of the executives. In this paper the researcher has kept his focus on three case-studies revealing the blatant misuse or ignorance of the duties bestowed on the public authorities.*

**Keywords:** Public Authority, Information, Secrecy, Mazdoor Kisan Shakti Sangathan, Corrupt, Misuse.

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<sup>1</sup> Sir John Dalberg-Acton, 8th Baronet, from 1837 to 1869 and usually referred to simply as Lord Acton was an English Catholic historian, politician, and writer.; [https://en.wikipedia.org/wiki/John\\_Dalberg-Acton,\\_1st\\_Baron\\_Acton](https://en.wikipedia.org/wiki/John_Dalberg-Acton,_1st_Baron_Acton); last accessed on 12th February, 2016.

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## **Introduction:**

Access to information held by a public authority was not possible until 2005. Lack of information barred a person to realize his socio-economic aspirations, because he had no basis to participate in the debate or question the decision making process even if it was harming him or his interest was at stake.

Officials Secret Act, 1923 acted as a relic of colonial rule covering everything in secrecy. The common people did not had any legal right to know about the public policies and expenditures.

It was quite ironical that people who voted the persons responsible formation to power and contributed towards the financing of huge costs of public activities were denied access to the relevant information.

This culture of secrecy resulted in fertile growth of corruption. In face of non-accountability of the public authorities and lack of openness in the functioning of government, abuse of power and corrupt diversion of the public money was the order of the day. Limitations to the free flow of information led to the germination of feelings such as 'powerlessness' and 'alienation' among the citizens.

It has been realized by most of the countries that greater access of the citizens to information enhances the responsiveness of government to community needs. In turn, this facility provides a platform of public grievances and thus improves feeling of goodwill towards the government.

Under such circumstances, public and various NGOs demanded greater access to the information held by public authorities. The government approved to their demand by enacting RTI Act, 2005. Effective implementation of the Act will enhance the credibility and image of the civil services. RTI is a common cause and a shared responsibility between the Government and the Citizen.

## Background and Framing of RTI Act, in India:

It all began in 1990 when the Mazdoor Kisan Shakti Sangathan (MKSS), a collective of farmers and labourers, was formed in Devdungri, a remote rural area of Rajasthan<sup>3</sup> who took bold initiative to arouse the people in a very backward district of Rajasthan Bhim Tehsil to assert their right to information by asking copies of bills and vouchers and names of persons who have been paid wages in the construction of schools, dispensaries, small dams and community centers. Members of MKSS were working for a state employment generation scheme, yet were being paid considerably less than the guaranteed minimum wage. This persuaded them to demand their legal rights. In reaction they got an answer that the official documents are not consonant with the necessary work that ought to be done by them. Such official documents were wrapped with the bureaucratic 'secrecy' unavailable even to the persons, to which they were related. However, some clues by the compassionate officer indicated towards enormous irregularities. Tackling these discrepancies required some unique medium to sensitize the people directly and easily for this purpose, MKSS adopted the means of placing the disclosed information (whatever could be bring out) in the public domain through live wire village based public hearing colloquially referred as jan sunwais. This movement raised famous slogans like "**hamara paisa, hamara hisaab**" (our money, our accounts) and "**hum janenge, hum jiyenge**" (we will know, we will live).

On account of their intense pressure on the government, Press council of India prepared a draft bill in 1996 to make a provision for securing right to information known as right to information bill, 1996.<sup>4</sup> For the smooth functions of right to information bill, the government of India on January 2, 1997 appointed working group.<sup>5</sup> The working group recommended that the bill should be named as Freedom of Information bill as Right to information bill has now recognized as a part of freedom and expression.

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<sup>3</sup> Right To Information & It's Significance to Ensure Good Governance in India by Ceasar Roy; [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2343109](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2343109); last accessed on 14th February, 2016

<sup>4</sup> Right to Information Act: a key to good governance by Sri Keshabananda Borah, [http://www.ijhssi.org/papers/v2\(3\)/version-1/B231122.pdf](http://www.ijhssi.org/papers/v2(3)/version-1/B231122.pdf); last accessed on 14th February, 2016.

<sup>5</sup> Id

Overall it can be safely asserted that transparency and accountability were the two essential demands of the movement, which they wanted to be installed in the system as whole. Dawn of the RTI ushered with this movement, which made people realize that secrecy enabled corrupt officials to draw off minimum wages and other entitlements of the poor. A movement demanding the RTI was thus born and its first champions were the disempowered rural workers in the remote rural area of Rajasthan. Hence a need was being felt that a separate Act should be framed giving the citizens a right to information about the workings, activities and decisions of the Government both at the centre and the state level. A law was required to make information available when asked for.

The state of Tamil Nadu was the first state to introduce its Right to Information Act in the year 1996. Goa is the second state (1997), then Rajasthan (2000), Karnataka (2000), Maharashtra (2000), Delhi (2001), Assam (2001), Madhya Pradesh (2002) and Jammu and Kashmir (2004). The Delhi RTI Act is still in force. Jammu & Kashmir, has its own Right to Information Act of 2009, the successor to the repealed Jammu & Kashmir Right to Information Act, 2004 and its 2008 amendment.<sup>6</sup>

In the national level Government of India passed the Freedom of Information Act, 2002.<sup>7</sup> This Act, however, was found to be falling short of the expectations of the public and hence “The National Advisory Committee” (NAC) suggested certain important changes to be incorporated in the existing Act to ensure smoother and greater access to information. Having examined the suggestions made by the NAC and others, the Government decided to make number of changes in the law and Right to Information Act, 2005 was enacted and the Freedom of Information Act, 2002 was repealed. The Right to Information Act, 2005 fully came into force since 12th October, 2005.

### **Constitutional Aspects of the RTI Act:**

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<sup>6</sup> Right To Information & It's Significance to Ensure Good Governance in India by Ceasar Roy; [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2343109](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2343109); last accessed on 14th February, 2016

<sup>7</sup> Id

This Right to Information (RTI) is basically a derivative of the Article 19 (1) (a) of the Indian Constitution which deals with protection of certain rights regarding freedom of speech etc. it says, "All the citizens shall have the right to freedom of speech and expression."

Article 21 of the Indian Constitution deals with right to life of citizens. Constitution of India, 1950 stated that the court has recognized the right to access of information from government department is fundamental to democracy. However, the right to information does not mean the free flow of information without any restrictions. Like all other fundamental rights, the right to information has also certain reasonable restrictions.

Alongside Article 19(1) (a), Article 21, the other articles which secures right to information under Indian constitution are Articles 311(2) and 22(1). Article 311(2) provides for a government servant to make out why he is being dismissed or removed or being demoted and representation can be made against the order. On the other hand Article 22(1) a person can know the grounds for his detention.

In **Essar Oil Ltd v. Halar Utkarsha Samiti**<sup>8</sup>, the Supreme Court held that right to information emerges from right to personal liberty guaranteed by article 21 of constitution. In **Union of India v. Association for Democratic Reforms**<sup>9</sup>, the apex court held that the right of the voters to know about the antecedents including criminal past of the candidate contesting elections for MPs or MLAs is much more fundamental and basic for survival of democracy. Voters speak or express by casting votes and for this purpose, information about the candidates to be selected must be made public.

In **People's Union for Civil Liberties v. Union of India**<sup>10</sup>, a Division Bench of the Supreme Court of India constituted by **Justice S.B.Sinha** and **Justice B.M. Khare** held that "Right to Information is a facet of the freedom of 'speech and expression' as contained in Article 19 (1) (a) of the Constitution of India. Right to Information, thus, indisputably is a Fundamental Right."

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<sup>8</sup> AIR 2004 SC 1834.

<sup>9</sup> AIR 2002 SC 2114.

<sup>10</sup> AIR 2004 SC 1442

In **Central Board of Secondary Education & Anr. v. Aditya Bandopadhyay & Ors.**<sup>11</sup>, a Bench of **Justices R.V. Raveendran** and **Justice A.K. Patnaik** gave this ruling while allowing disclosure of answer sheets of students in public examinations. The Bench said the RTI Act provisions should be enforced strictly and all efforts made to bring to light the necessary information under Section 4 (4) (b) which “relates to securing transparency and accountability in the working of public authorities and in discouraging corruption.”

The Bench said: “The RTI Act should not be allowed to be misused or abused to become a tool to obstruct national development and integration or to destroy peace, tranquility and harmony among its citizens. Nor should it be converted into a tool of oppression or intimidation of honest officials striving to do their duty. The nation does not want a scenario where 75 per cent of the staff of public authorities spends 75 per cent of its time in collecting and furnishing information to applicants instead of discharging regular duties.”

On disclosure of answer books, the Bench said the provisions of the RTI Act would prevail over the provisions of the bylaws/rules of the examining bodies. As a result, “unless the examining body demonstrates that the answer books fall under the exempted category of information under Section 8 (1) (a) of the RTI Act, it will be bound to provide access to an examinee to inspect and take copies of his evaluated answer books, even if such inspection or taking copies is barred under the rules.”

On the contention that the examining bodies held the answer books in their fiduciary capacity, the Bench said: “Once the examiner has evaluated the answer books, he ceases to have any interest in the evaluation done by him. He does not have any copyright or proprietary right or confidentiality right in regard to the evaluation. Therefore, it cannot be said that the examining body holds the evaluated answer books in a fiduciary relationship, qua the examiner. As no other exemption under Section 8 of the RTI Act is available in respect of evaluated answer books, the examining bodies will have to permit inspection.”

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<sup>11</sup> (2011) 8 SCC 497

## CASE STUDY:

Here in this part the researcher will deal with his first hand experience in form of three different case studies and those are as follows:-

### Case Study 1: UCO Bank, Sambalpur

#### Gist of the Case:

Mrs. X procured a loan of Rs. **8,50,000** against her Fixed Deposit on **15th May, 2014** from the UCO Bank, Main Branch, Sambalpur and the said loan was sanctioned to Mrs. X on **15th May, 2015**. The Fixed Deposit stood in the name of Mrs. X (76 years old widow lady) and in her Son's Name, in E or S mode. Mrs. X procured the loan for purchase of a car and at the time of procurement of loan Mrs. X and her son time and again asked the banking authorities about the fate of the Fixed Deposit which was scheduled to be mature on **17th November 2014**. Both of them were assured that the F.D. will not be touched or harmed on the date of maturity and it will be auto renewed. It is not out of place to mention here that Mrs. X is a bonafide and loyal customer of UCO Bank for a period more than **4 decades** and even the said F.D. was more than a decade old. Unfortunately on **17th November, 2014** after giving assurance to Mrs. X's Son about the renewal of the F.D., the F.D. was illegally closed and the Loan was set-off charging an excess of Rs. **86,019**. The amount of Rs. **86,019** which was deducted wrongfully was credited only after a written complain to the Branch Manager, UCO Bank, Sambalpur on **20th November, 2014** after three days of illegal deduction.

Mrs. X approached the bank many times through her son and grandson but the bank paid a deaf ear to all her requests. She forwarded letters to the bank and finding no way out lodged a consumer case at the District Consumer Dispute Redressal Forum, Sambalpur on **15th January, 2015**. The case was registered with the **C.D. case no. 5/2015**. The Bank was noticed on **19th January, 2015** regarding the same from the Consumer Forum, Sambalpur. The Bank committed an illegality after getting the notice and withdrew an amount of Rs. **86,019** on **20th January, 2015**, from the Savings Bank of Mrs. X without any explicit permission or prior knowledge of her.

After the institution of the case, Mrs. X on **20th February, 2015** filed an RTI to the PIO, UCO Bank, Sambalpur to sought certain information i.e. the loan agreement executed in the month of **May, 2014**, Guidelines for exercising of Lien framed by RBI and UCO Bank, details of the statement of F.D. and Loan A/c. It is pertinent to mention here that, the F.D. of Mrs. X was matured having an amount of Rs. **12,85,331** on **17th November, 2014**. UCO Bank, Sambalpur Main Branch had deducted the pending loan amount of Rs. **7,93,154** and an additional amount of Rs. **86,019**, a total amount of Rs. **8,79,173** and the Balance amount of Rs. **3,91,665** was suo moto converted to a new F.D. and an amount of Rs. **14,493** was deducted as T.D.S.

On the response of the RTI application dated **20/2/2015** the PIO, UCO Bank, Sambalpur vide letter no. **SAMZ/OSD-RTI/415/2014-15** dated **18/3/2015** furnished documents as sought by Mrs. X. After a thorough perusal of the documents she was astonished and shocked to see that the bank had spuriously procured a signature of her son in the first page of the agreement which was having a clause of Irrevocable Authority, where as no other signatures of her son was taken in rest of the loan documents and the loan was solely disbursed to Mrs. X. She was further shock to see that the suo-moto created F.D. of Rs. **3,91,665** was forcefully closed on **20th January, 2015** by the bank without any prior notice or information to her and in this forceful closure a penalty of Rs. 183 was also charged by the bank from the money of Mrs. X.

Mrs. X had filed another RTI on **20th February, 2015** asking for the credit voucher dated **20-11-2014** by which the illegally deducted amount of Rs. **86,019** was credited to her Savings Bank A/c and the debit voucher of dated **20-01-2015** by which an amount of Rs. **86,019** was illegally deducted from her Savings Bank A/c. The PIO, UCO Bank, Sambalpur vide letter no. **SAMZ/OSD-RTI/414/2014-15** dated **18/3/2015** forwarded the photocopies of the voucher having the signature of Chief Branch Manager, UCO Bank in both the vouchers. It is pertinent to mention here that, the bank is only the custodian of the money but the bank has illegally deducted money from Mrs. X's Savings Bank A/c without any authority for the same.

Mrs. X received further deduction of amounts from her other accounts on **30/3/2015** for which she tried to gather information through a letter dtd **1/4/2015** from the UCO Bank, Main Branch, Sambalpur and the UCO Bank Zonal Office, Sambalpur regarding the enquiry of

transactions made in her A/c on **30/3/2015**. The Chief Branch Manager, UCO Bank, Sambalpur forwarded a letter to Mrs. X dated **10/4/2015** that as she has filed the **Consumer Case 5/2015** against the Bank, "**THE BANK IS NOT OBLIGED FOR EXPLANATION ON THE SAME MATTER**" and "**The letter under reference has been forwarded to the Bank's Lawyer to take steps on the matter and to file the same in the above case for necessary order**". The Chief Zonal Manager, UCO Bank, Sambalpur vide letter No. **SAMZ/OSD/15/2015-16** dated **10/4/2015** mentioned that as the case is pending and Mrs. X has filed the case, so they are unable to provide any information requested by her.

Mrs. X filed one new RTI on **18/4/2015** asking about the same transactions made in her A/c on **30/3/2015** and **20/1/2015**. The PIO, UCO Bank, Sambalpur vide letter no. **SAMZ/OSD-RTI/58/2015-16** dated **12/4/2015** furnished information as sought by the Citizen. The main mockery or irony of the whole incident in supplying information is that unless an RTI was filed the bank blatantly refused to supply information, as a case was instituted against the bank regarding the illegalities and deficiency of services from the bank and the information supplied carried the date of **12/4/2015** where as the application was filed on **18/4/2015**.

Mrs. X lately learned that a new Fixed Deposit and Loan Account was created in her name without her knowledge so she filed a fresh RTI on **22/1/2016** to fetch information and details about the same. The PIO vide Letter no. **SAMZ/OSD-RTI/407/2015-16** dated **01/02/16** supplied that the citizen has filed a complaint in Consumer Forum Sambalpur bearing **C.D. Case No. 5/2015** of District Consumer Disputes Redressal Forum, Sambalpur against UCO Bank, Sambalpur and Branch have appeared in the said C.D. Case before the Consumer Forum and filed show cause along with relevant documents as per list of documents dated **16/3/2015**, which covers all the information relating to the RTI application dated- **22.1.2016**. It is pertinent to mention here that how come the documents filed on **16/3/2015** will cover the information sought upto **21/1/2016**.

The PIO in the aforesaid letter also mentioned that the **C.D. Case No. 5/2015** is pending for disposal and is posted on **10.2.2016** for next hearing on the petition filed by Mrs. X, the RTI application dated-**22.01.2016** is not tenable. The PIO has further mentioned that there are exemptions from disclosure of information under **Section 8(1) (b)** of the RTI Act, 2005. It is

not out of place to mention here that there is no order passed by the Consumer Forum, Sambalpur to restrict the Citizen to get information relating to her accounts from the bank. The PIO in-order to deny the information sought the exemption under **Section 8(1) (b)** of the RTI Act, 2005, whereas the **Section 8(1) (b)** of the RTI Clearly speaks that the information should have been expressly forbidden to be published by any court of law or tribunal.

Against the denial of the Information, the Citizen has filed for the First Appeal on 4th February, 2016 and the said appeal was received by the First Appellate Authority, UCO Bank, Bhubaneswar on **5th February, 2016**. But, no communication has been so far received till today i.e. **18th February, 2016**.

### **Case Study 2: Land Acquisition Case, Sambalpur.**

#### **Gist of the Case:**

Mr. X is the recorded tenant & is the absolute title holder, owner in possession of the land in Pabpali Mouza, Dist- Sambalpur. The said land was acquired by the authorities concerned in the ongoing S.H. 10 Project, but notice regarding the acquisition has never been communicated to Mr. X by the authorities concerned. When Mr. X, came to know about the said acquisition, he inquired about the matter in the Land Acquisition Office, Sambalpur but the authorities concerned denied about the acquisition and assured that the same land has not been acquired. In the later stage, when Mr. X again tried to contact the authorities, to his utter surprise, it was informed to him that, the land has been acquired and the compensation amount of the land has already been disbursed to one Dharmu Naik.

After the said incident, Mr. X several times tried to contact the authorities concerned in the land acquisition office but they put a deaf ear to it. Mr. X being advised by a legal consultant, has asked for the entire case record regarding the acquisition of the said land under the RTI on dated **19/12/2015** asking about the details of the case record and also the amount disbursed and the relevant documents relating to the same. The office of the PIO, Collectorate, Sambalpur vide letter no. **1664** dt **23/12/2015** supplied the copy of one letter addressed to The Land Acquisition Officer, Collectorate, Sambalpur, for supply of information to the Citizen.

Mr. X also filed one petition about the acquisition of his land and payment being made to another person before the Land Acquisition Officer, Sambalpur on **22/12/2015**. It is pertinent to mention here that no action or case number has been tagged till date(18th February, 2016) for the said petition filed before the Land Acquisition Officer, Sambalpur.

After the letter no. **1664**, no other letter or communication was made by the PIO, Collectorate, Sambalpur. On being aggrieved, the Citizen filed a First Appeal before the First Appellate Authority on **28th January, 2016**. The Citizen received a letter No. **24** dated **2/2/16** from the Office of the District Magistrate and Collector, Sambalpur stating that his RTI Appeal Case No. is **05/2016** and he was asked to appear before the FAA on **16th February, 2016**. It was further stated that the L.A.O is requested to supply the information early.

On the date of the First Appeal Hearing, Citizen deposed before the Hon'ble F.A.A and A.D.M, Sambalpur about the entire incident and to the utter surprise of the Citizen it was submitted by the Land Acquisition Officer that the land of Mr. X has not been acquired or no money has been disbursed for the same. As per the Order of the F.A.A., the Citizen was supplied with a back dated letter from the Office of the District Magistrate and Collectorate, Sambalpur having Letter No. **42/LA** dtd **16.1.2016** having the initials of the LAO of dated **12/1/2016** in the court premises on **16th February, 2016** stating that his land has not been acquired for widening of S.H. 10 project.

It can be clearly seen that the Information, if generated on **16/1/2016** was retained and the Citizen was harassed by the authorities concerned and if the information supplied vide letter no. **42/LA** dtd **16/1/2016** was generated after the appeal then how come on **16/2/2016** a back dated letter of **16/1/2016** can be issued from the office of the District Magistrate and Collector, Sambalpur. This clearly speaks about the corruption at the public administrative office. In ground reality, the construction and widening of road over Mr. X's land has been started in the month of December, 2015 and the officials have furnished that his land has not been acquired which speaks about the working of the public office.

Mr. X had one more land which was acquired by the Land Acquisition Officer, for which the money has been disbursed on **30th January, 2015** and in the other land there was a mistake in the name of the father of Mr. X for which Mr. X filed an affidavit sworn before the

Executive Magistrate, Sambalpur having **C.F. No. 2752** dtd **2/12/15** before the Additional Tahsildar, Sambalpur and furnished the affidavit in original along with a photocopy of his bank passbook before the LAO Office, Sambalpur and the money was transferred to Mr. X's account without issuing of any letter or obtaining the signature of Mr. X in any of the legal document. This clearly shows how much legally the public offices are functioning without any proper documentation or paper work.

Mr. X on being aggrieved that his land has been acquired but the officials denied for the same acquisition has applied for the Demarcation of his land and the same has been allowed by the Office of the Tahasildar, Sambalpur vide **D.C. No. 130** dtd **16/2/16** and Memo No. **1710** dated **17/2/16** for the demarcation of the land.

### **Case Study 3: Sambalpur University Stadium Case.**

#### **Gist of the Case:**

Citizen was a student of Sambalpur University pursuing his Post Graduation in Law (LL.M.) in the P G Department of Law for the session **2013-15** and during the course of his LL.M, he came across certain facts relating to fictional construction of stadium in the Sambalpur University Campus for which a substantial sum of public funds had been spent. On physical verification, it was noticed no such structure exists in the designated place. On this issue various news articles were also published in leading local newspapers at different times in between **2012-13** regarding the theft of Stadium of Sambalpur University. It was reported in the newspaper that a whopping amount of Rs. **22-24 lakhs** were spent from the period **1991-2003**.

It is pertinent to mention here, that the letter No. **4022**, dated **14/9/2005** addressed to the Registrar, Sambalpur University, by the Executive Engineer, R&B Division Bargarh had mentioned that Rs. **29, 21,884** was received out of which Rs. **22, 22,682** was already spent. But, unfortunately there is no sign of any structure at the construction site for which such hefty amount was outlaid. Citizen being an ex-Senate member of Sambalpur University and also a bona-fide ex-student of the University strongly felt the necessity of initiating legal actions against such erring officials, who are part of this broad-day light looting of public fund.

By perusing the information as received under RTI, citizen came across Minutes of Meeting of Syndicate of Sambalpur University, held on **29/30-April-2005**, in which there is an admission of irregularities of expenses and execution of work in construction of stadium and further it was resolved in item no. 75 to refer the matter to the Vigilance Department for investigation. Citizen had enquired about the initiation of vigilance inquiry as mentioned above, under RTI, to which the University has not clarified its stance. Hence, citizen anticipating, no such matter was ever referred to the Vigilance Department lodged an FIR on dated **24/11/2015** to conduct a vigilance probe regarding the construction of Sambalpur University Stadium.

It transpires from the information supplied under RTI by the Sambalpur University, the Syndicate of Sambalpur University, sometimes back, resolved to constitute a technical committee consisting of three members to examine the matter. The above mentioned Technical Committee prepared, signed and submitted its report on **24/4/13**, wherein, the Committee opined that a high level departmental enquiry be made by the Works Department of Government of Odisha. This *per se* indicates as well as admissions about the serious malpractices in the said matter. Till date no such visible action has been initiated or it is officially reported to the Police or Vigilance Department to book such White-Collar Criminals who have swindle the public fund and indulge in broad day looting from an educational institution having the stature of University for which the Citizen lodged an FIR only on **24.11.15**.

In order to know the official stance of the Sambalpur University and other public authority (R&B Division Bargarh), citizen filed a series of RTI applications, before different public authorities. Unfortunately, the authorities were not transparent in their act and had either partly supplied information or not responded the RTI application in the spirit of RTI Act for which a Second Appeal was also filed in the month of January, 2015 before the State Information Commission, Bhubaneswar, Odisha, which is still pending. Citizen has filed two Second Appeal before the State Information Commission, Bhubaneswar, one is against PIO and FAA, R & B Division, Bargarh, as the Citizen had filed one RTI relating to the constuction of stadium of sambalpur university by R& B Division, Bargarh, on dated **24/7/2014** before the PIO, R& B Division, Bargarh for which no information was supplied and being aggrieved the

citizen filed the First Appeal before the FAA, R& B Division, Bargarh on **27/10/2014** against which no order was passed and accordingly Citizen filed the Second Appeal in the month of **Jan, 2015** which is still pending and no communication has been received from the State Information Commission, Bhubaneswar till date (18th February, 2016). One Second Appeal was also filed against the PIO, FAA of Sambalpur University for the same construction of stadium of sambalpur university, on dated **09/1/2015** which is still pending before the State Information Commission, Bhubaneswar and no communication has been received from the State Information Commission, Bhubaneswar till date (18th February, 2016). This speaks about the ground reality of the implementation of the RTI, when the Second Appeal is pending for more than 1 year and no formal communication or acknowledgement of same has been issued in the name of the citizen.

### **Suggestions:**

Following are few suggestions for improving of the RTI Act:-

- There should be speedy disposal of petitions in order to reduce the pendency of information cases. The manual for public authorities should also include the procedures for appearing for hearings before the Information Commissioner while dealing with the information cases.
- It is noted that most of the PIOs take this Act carelessly and have the less knowledge of the Act. It is suggested that a mandatory provision to establish a system of education on the RTI to be given to promote the freedom of information.
- Strict Measures should be implemented to maintain confidentiality of identity of information seekers and ensuring of their security.
- Appellate Authority is not covered under the penalizing provisions of the Act. It is highly desirable that the appellate authority should be included within the penalizing provisions and not to put PIO alone in the frame.
- A rule defining the powers and procedure of the first appellate authority is the need of the hour and also relating to imposing of penalty if any, for the negligence of the FAA in the Appeals, who are taking the RTI Act very lightly.

- The provision as mentioned in Section 8 of the Act relating to secrecy has become an exception under the RTI Act. This section is required to be made clearer. This can be done by giving guideline to illustrate the different aspects which are exempted.
- There should be efficient and scientific record keeping agency so that applicants can get accurate information. Without modernizing and digitizing management of information and record providing information would take several days often exceeding the legal deadlines
- It is the moral responsibility of the government to protect RTI activists and users and to take legal action against the attackers.
- Publicity is very essential for RTI implementation. NGO's and civil society groups can take initiative to make massive awareness campaign to educate citizen about RTI act. This awareness programme may be at national, state and block level. Before making awareness programmes, the NGO's and CSC groups must identify the target i.e. vulnerable categories of citizens specifically- women, farmers and families, middle and working class. In this regard media and newspaper can play an effective role.

## **Conclusion:**

“Power corrupts and absolute power corrupts absolutely” Lord Acton's above quote is absolutely correct for current Indian democratic phenomenon regarding corruption. The supreme court of India also stated that the corruption is just like a cancer for Indian democracy. It is the biggest challenge for development. The culture of corruption has become well entrenched in the society. The corruption is a main barrier for the accountability and effectiveness in Indian democratic, political, bureaucratic and social system. Now the time has come to pour the root of corruption by the appropriate acid for eradicate it. For this reference Right to Information Act is powerful weapon. We may fight against corruption by the proper use of Right to Information Act. The above mentioned three case studies clearly depicts the ground reality of the implementation of the RTI Act and the blatant misuse of the RTI provisions may it be for seeking exemption to avoid disbursing of information or may it be providing back dated information to evade their liabilities is being adopted by the public

authorities, so proper penalties and enhancement of punishment is desirable to bring complete transparency in the public offices.