Towards Effective Implementation of Right to Information Act

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ABSTRACT

Right to Information Act, 2005 empower a citizen to access the information for disclosure from the public authority and bring transparency. Awareness of the people about the act has increased after the slow start. This research paper investigates the problems (if any) to the organizations due to the implementation of RTI Act, 2005 and the possible solutions. The organizations with high use of information technology are not facing difficulties where as the organizations with medium or low use of information technology are facing difficulties due to the implementation of RTI, Act, 2005. Information Technology is a significant tool for the effective implementation of Right to Information Act, 2005.

Keywords: Right to Information Act 2005, Information Technology,

1. Introduction

The national campaign for people's right to information was initiated by social activists, journalists, lawyers, professionals, retired civil servants and academics, in 1996 with the objectives of a national law facilitating the exercise of the fundamental right to information (www.righttoinformation.info). The Government introduced the Freedom of Information Bill in Parliament, in 2002. This bill did not meet the expectation of the people. Then after over a number of amendments an act titled "Right to Information Act 2005" was enacted on 15 June 2005 and was came into force from 12 October 2005. Right to Information Act 2005 is 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. As per the act Information means material in the form of documents, memos, e-mails, press release, circulars, orders, contracts, reports, data materials. The act covers central, state and local governments, and all bodies owned, controlled or substantially financed by the government or any non-government organization substantially financed, directly or indirectly by the appropriate Government. The information, which affect the sovereignty and integrity of India are not to be disclosed. 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 is also not supposed to be disclosed. The objective of the act is to hold government and their instrumentalities accountable to the governed and to contain corruption. With potential application in meeting government's obligations to provide information on request and proactively, e-governance is a viable option for public authorities to address the information needs of RTI Act (Devasher, 2005).

The act similar to RTI Act, 2005 also exists in other countries. In other countries the implementation of

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such act has taken more than one year (Table 1). However, In India the RTI Act, 2005 is implemented in just four months (Table 1). This fast implementation encourages to know the problems (if any) faced by the organization due to the implementation of RTI Act.

2. Status of RTI implementation in the year 2006

Study was carried out to know the status of RTI Act, 2005 implementation in the year 2006. It was studied in three organizations to know the status of implementation of the RTI Act, 2005. These organizations are (i) Department of Atomic Energy (ii) National Water Development Agency and (iii) Ministry of Information and Broadcasting. It was found that the request for the information is increasing after the slow start (Table 2, 3 and 4). This shows that the people's awareness about the RTI Act, 2005 is increasing.

Table 1: Global Implementation of RTI Act

Country \ Attributes	India	USA	UK	JAPAN
Title of the Act.	Right to information act.	Freedom of information act.	Freedom of information act	Freedom of information act
Date of enactment	15 June 2005	4 July 1966	30 Nov. 2000	May 1999
Date of Implementation	12 Oct. 2005	4 July 1967	January 2005	April 2001
Time in implementation	4 Month	1 Year	4 Year	2 Year
Delivery of information	30 Day	20 Day	20 Day	30 Day

(Source: www.freedominfo.org)

Table 2: Implementation of RTI Act in the year 2006 at *Department of Atomic Energy*

SN	Particulars	Jan- March 2006	April- June 2006	July- Sept. 2006	Oct.- Dec 2006
1	No. of requests received	1	1	3	1
2	No. of requests rejected, due to the non entitlement to access the information	0	0	0	0
3	Information made available	1	1	3	1

(Source: www.dae.gov.in)

Table 3: Implementation of RTI Act in the year 2006 at *National Water Development Agency*

SN	Particulars	Jan- March 2006	April- June 2006	July- Sept. 2006	Oct.-Dec 2006
1	No. of requests received	2	7	5	19
2	No. of requests rejected, due to the non entitlement to access the information	0	1	0	0
3	Information made available	2	6	5	19

(Source: http://nwda.gov.in)

Table 4: Implementation of RTI act in the year 2006 at *Ministry of Information and Broadcasting*

Sl.No.	Particulars	Jan- March 2006	April- June 2006	July- Sept. 2006	Oct.-Dec 2006
1.	No. of requests received	25	63	93	NA
2.	No. of requests rejected, due to the non entitlement to access the information	0	2	8	NA
3.	Information made available	25	61	85	NA

(Source: http://mib.nic.in)

3. Problems due to the implementation of Right to Information Act, 2005

Seeing the increasing trend of request for the information in the different organizations and the implementation of the RTI Act, 2005 in just four months, personal interview of the Public Information Officers (PIO) of different organizations were conducted with the objective to identify the problems (if any) faced by them due to the implementation of RTI Act, 2005 and the suggested solution. It was found that three types of organizations exist on the basis of use of information technology.

- *Low use of Information Technology:* In these organizations most of the records are maintained manually (paper work) and computer is not used to store information.
- *Medium use of Information Technology:* In these organizations moderate level of information technology is used. Some of the records are maintained in computer and some are maintained manually.
- *High use of information Technology:* In Such type of organizations high level of information technology is used and the computerized records are stored at central place.

It was found that the organizations with low or medium use of information technology are facing problems due to the implementation of RTI Act, 2005. The organizations with high use of information technology are not facing difficulties due to the implementation of RTI Act, 2005 (Table 5).

Table 5: Problems and suggested solutions due to the Implementation of RTI act, 2005.

Organization	Use of IT	Problems due to RTI Act	Suggested Solution
1.	Low	• Access to information • Time constraint • Lack of fully dedicated executive as PIO	• Integration of different department through IT • Fully dedicated executive as PIO
2.	Low	• Access to information • Time constraint • Lack of co-ordination from the other department. • Lack of fully dedicated executive as PIO	• Integration of different department through IT • Fully dedicated executive as PIO
3.	Low	• Access to information • Time constraint • Lack of fully dedicated executive as PIO	• Integration of different department through IT • Fully dedicated executive as PIO
4.	Medium	• Access to information • Time constraint	• Integration of different department through IT • Fully dedicated executive as PIO
5.	Medium	• Access to information • Time constraint • Difficulties in doing routine work	• Integration of different department through IT
6.	Medium	• Access to information • Time constraint • Difficulties in doing routine work	• Integration of different department through IT
7.	High	Nil	-
8.	High	Nil	-
9.	High	Nil	-
10.	High	Nil	-

From the interview conducted in the different organizations, the difficulties are identified due to the

implementation of RTI act, 2005. These difficulties are as follows:

- *Difficulty to access the information:* Public Information Officers face difficulties to access the required information from the concerned department in his organization so that it can be provided to the information seeker.
- *Time constraint:* It is mandatory to provide the information in the given time frame of 30 days. Since the information system of the organization is not integrated, therefore it becomes difficult to provide the information in the given time.
- *Lack of co-ordination from the concerned department:* Sometimes the different departments of the organization do not cooperate with the PIO, so it becomes difficult for him to get the information so that, it can be provided to the information seeker.
- *Difficulties in doing the routine work:* Different departments find difficulties in doing their routine job, because sometimes they are also asked to provide the information to PIO as per RTI Act, 2005.
- *Lack of preparedness for responses:* RTI Act, 2005 was implemented in a short time of just 4 months. Many departments couldn't prepare themselves to respond according to act.
- *PIO is an additional responsibility:* Additional responsibility of PIO is given to an executive from the organization and he/she is not fully dedicated to disseminate the information to the people as per the RTI Act, 2005.

5. Process of information gathering

In order to get the information as per the RTI Act, 2005 the information seeker has to send the request for information with the requisite fee to the Public Information Officer (PIO). Then the PIO gather the information from the concerned department. The PIO is facing difficulties in gathering the information where medium or low level of information technology is used. However, the PIO is not finding any difficulties in gatharing and dissiminating the information where high level of information technology is used. The process of information gatharing is shown in Figure 1.
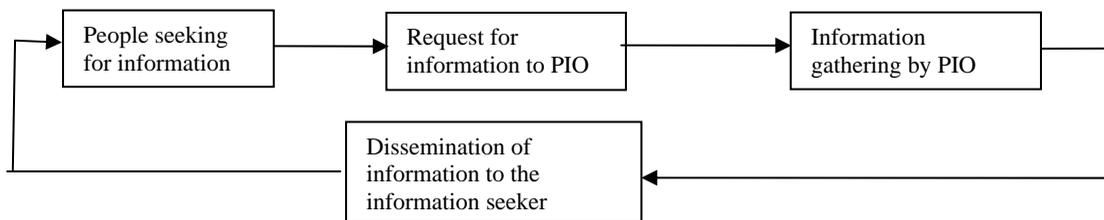

Figure 1 : Process of information gathering

6. Suggested Solution to overcome the problems due to the implementation of RTI Act, 2005

Through the personal interview of the PIO of different organizations it was found that the PIO of those organizations where medium or low level of information technology is used, are finding a lot of difficulties in gathering the information. To get the required information they approach different department. However those organizations where all the information is stored at the central place called Central Database Management System (CDMS), are not facing difficulties due to the implementation of RTI Act, 2005. Therefore, the integration of different department through the information technology was suggested by the PIO. Further it was also suggested by the PIO that they should be fully dedicated executive as PIO and not as the executive with additional responsibility.

PIO is unable to provide the required information to the information seeker on time, because they find difficult to access the required information from the concerned department. It was found in through the

personal interview that the organization where low or medium level of IT is used, PIO approaches the different departments to get the information (Fig 2) and then it is given to the information seeker. It is a time taking process. The organization where high level of IT is used, all the information is at Central Database Management System (CDMS), which can be accessed by the different departments as well as the PIO (Fig 3). Central Database Management System is a system of storage of information from different department. It is suggested by the PIO that this system (Fig 3) should be followed for the effective implementation of RTI Act, 2005.
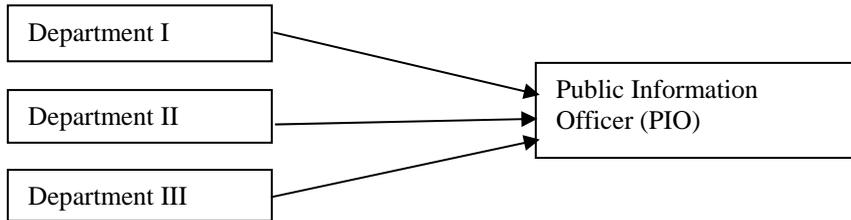

Figure 2: Organization with medium or low use of IT
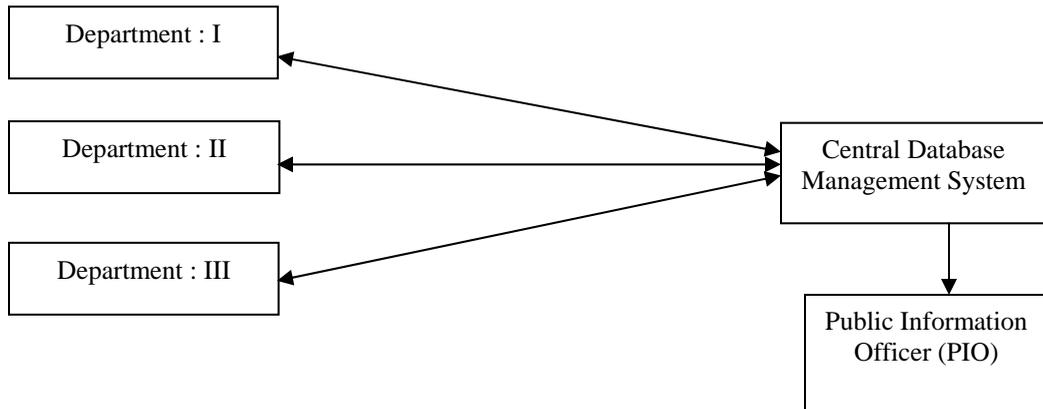

Fig 3: Organization with high use of IT

Public Information Officers (PIO) feels that they should be fully dedicated to collect and disseminate the information to the people as per the RTI Act, 2005. Separate infrastructure is also required for the PIO for the effectively implementation of the RTI Act, 2005.

7. Discussion and Recommendation

Right to Information Act, 2005 was enacted on 15 June 2005 and was come into force from 12 Oct.2005. In India the act is implemented in just 4 months, which is low as compared to the similar acts in other countries. The awareness of the people has increased about the act and the request for the information is increasing in various departments. Due to the increase in request for the information and the lack of preparedness for the act different types of organizations are facing difficulties due to the implementation of RTI Act, 2005. Organizations are divided in three categories on the basis of the use of information technology, which is as follows:

- *Low use of information technology:* In these organizations minimum level of information technology is used and these organizations are facing a lot of difficulties in collecting the information from the concerned department. Thus these organizations are facing many difficulties

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due to the implementation of RTI Act, 2005.

- *Medium use of information technology:* In these types of organizations information technology is used in different department but these departments are not integrated to share the information through the common platform. These organizations are facing fewer problems due the implementation of the RTI, Act.
- *High use of information technology:* In these organizations information technology is highly used in different department and these departments are integrated by Central Database Management System (CDMS). These organizations are not facing any difficulties due to the implementation of the RTI Act, 2005.

The organizations of high use of information technology are not facing any problem due to the implementation of RTI Act, 2005 where as the organizations with low or medium use of information technology are facing problems in collecting and disseminating the information due to the implementation of RTI Act, 2005. It is also suggested by the Public Information Officers that fully dedicated executive should be there for the smooth disseminations of information as per RTI Act, 2005.

8. Concluding Remarks

Awareness about the Right to Information Act 2005 is increasing among citizens. Some Government organizations are facing difficulties due to the implementation of RTI Act 2005.The organizations with high use of Information Technology are not facing problems due to the implementation of the RTI Act 2005. The organizations with medium or low use of Information Technology are facing problems due to the implementation of the RTI Act, 2005. The study concludes that Information Technology is a tool in effective implementation of RTI Act, 2005. Public Information Officers feels that they should be fully dedicated to collect and disseminate the information to the people as per the RTI Act, 2005.

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