

ABSTRACT

In the contemporary world, transparency, accountability and openness have become essential elements of democracy. A democracy where there is no difference between those who govern and those who are governed, where every person has the inherent right to participate and engage himself in the governance of his country, where every person is accountable and held responsible for all acts done by him if it concerns people at large. This is possible when there are vigilant citizens, free and independent press and active participation of civil society organisations ensuring free flow of information.

In the prevailing circumstances, when there is a growing discontent among the citizens of India over the diminishing faith in elections, invasion of privacy rights, burden of heavy taxes, impact of demonetisation drive, under performance of the Public sector banks and ambiguous policies of the government, the enforcement of our Right to Information becomes very much relevant.

The Right to Information Act, 2005 within a span of thirteen years has received equal amount of support and resistance from all sections of the society. Perhaps, no one expected the Act to enter into each and every sphere of governance. The Act has empowered the citizens to demand questions from the public authorities and mandated proper maintenance of records from them. It has protected the citizens from being refused to access such information by imposing penalty on the erring officials. In addition to this, the Act has established adjudicatory authorities to supervise and monitor the delivery of information.

From getting refund of taxes, verification of mark sheet, getting access to answer scripts, to ensuring attendance of teachers etc. the success stories of the Act is endless. However, the pertinent question that remains to be answered is – how many people are availing this right? Has it truly brought in transparency or its use is still restricted to use by a certain section of people of the country? The present research paper seeks to find answers to these questions.

Since inception, the Act has been a bone of contention for many and today with the opacity prevailing in governance where information has become subject to “partial” disclosure from every part of governance, there lies major challenges in its implementation. Globally recognised as a fundamental human right by the United Nations and thereafter being embraced by all other international and regional agencies, transparency has become a rule and secrecy an exception across all nations. Therefore, denial of information by those who are in power poses a threat to the most cherished right of the individual.

With the wave of transparency and pro active disclosure that has raised the benchmark and also with the contemporary legislations that promote voluntary disclosure as a norm, there can be no justification for confidentiality and secrets by government functionaries. India’s 78th position in the Global Corruption Index 2018 writ large about its worsening performance and also its failure to contain corruption which has been the foremost objective of the Right to Information Act, 2005. The present research work is a modest attempt to understand and summarise the various emerging trends that has hindered effective implementation of the Act and also to address the challenges that lie ahead and suggest measures to alleviate them.