

## **Voices of the Vanguard: RTI as a Catalyst for Social Justice and Administrative Reform in Rural India**

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### **Abstract**

The Right to Information (RTI) Act of 2005 marked a watershed moment in the history of Indian democracy, fundamentally changing the culture of administration that had long been associated with colonial rule and ushering in an era of transparency and accountability. The study explores the complex effects of the Act, especially in the realization of social justice and administrative reform in rural India that has turned into a powerful tool for social justice for the weak and the disadvantaged. The Act has provided citizens with a legal right to be “vanguards” of transparency by allowing citizens to seek to uncover the government's actions and to obtain public records, which was a culture of opacity once protected government mismanagement and corruption.

The study examines how RTI has helped the rural poor demand their basic rights (ration cards, pensions, fair wages, etc.) and also make the officials accountable for their actions and inactions. The study also uncovers key implementation challenges that limit the effective potential of the Act, such as entrenched opposition among officials, neglect in record keeping and a backlog of appeals before the Information Commissions. Moreover, it covers the growing danger to the information seekers and the abuse of exemption clauses to deny information of public interest. The paper finds that fulfilling the “right to know” as a “right to live” for the rural population requires institutional reforms, better digital infrastructure and a change in the attitude of the administration authorities to cultivate a participatory and inclusive democracy.

## **Introduction**

The Right to Information (RTI) Act 2005 was one of the most revolutionary and regressive piece of legislation to come into the modern democratic history of India. It was a legacy of British rule, reinforced by the Official Secrets Act of 1923, that Indian administrative culture had become very secretive after independence for more than six decades. It was the extreme lack of transparency that enabled the development of arbitrary administration, mismanagement and systemic corruption, while citizens were largely removed from the workings of the state. With the passage of the RTI Act there was a radical change from the old system of secrecy to one of transparency and accountability, and it was an impact on the very relationship between the government and the governed. In a thriving democracy, free flow of information is seen to be the basis of participatory governance. Transparency is characterised as open and readily accessible government operations, whereas accountability is the obligation of public officials to be accountable for their actions and results. These twin principles combine to advance the effectiveness of government and public confidence.

The RTI Act embodies these principles, and ensures that all citizens have the right to information that is held by the public authorities, thereby making information into a public good. This was not an initiative by the top, it was the result of sustained grassroots movements, including the fight led by the Mazdoor Kisan Shakti Sangathan (MKSS) in Rajasthan in the Nineties. The slogan of their campaign “the right to know is the right to live” was a strong statement that the right to information is necessary for human life and dignity. The importance of the RTI Act is that it allows common people to question, audit and evaluate the actions of those in power. It acts as a force to combat corruption, bringing the wrongdoings of government departments, welfare schemes and public-private partnerships to light. The Act requires that decisions are open to public criticism, thus reducing the risk of arbitrary use of power, and forcing public officials to make decisions in the public good.

Although the Act's enactment was a major milestone, implementation has faced serious challenges, such as the slow down in implementation, non-compliance with the Act (due to bureaucracy, inadequate records, and pendency of appeals), etc. The rural poor and the

marginalised communities are the ones who are the most affected by the lack of transparency, particularly in rural India, which are the 'vanguards' of transparency. This research essay looks at the various dimensions of the RTI Act's influence on administrative accountability and social justice in rural India, and analyzes its success in providing transparency and the ongoing obstacles to realizing the complete transformative potential of RTI as a means of grassroots empowerment and administrative reform. This essay will use case studies of effective interventions and an examination of structural barriers to implementation to demonstrate how RTI has become a vehicle for social change from a legal requirement to becoming a catalyst for change.

### **The Constitutional and Judicial Foundation of RTI.**

The RTI Act is not an independent Act, but embedded in the basic rights available under the Indian Constitution. The Constitution does not explicitly say the “right to information”, but it has always been understood as a natural corollary of the Right to Freedom of Speech and Expression guaranteed by Article 19(1)(a) of the Constitution. In 1975, the Supreme Court of India had laid the foundation for this right in the landmark case of State of Uttar Pradesh v. Raj Narain, which was presided over by Justice Mathew who made a famous statement that in a “government of responsibility like ours”, there can be but few secrets. The court claimed the people have the right to know every public act, and everything done in a public manner by their functionaries.

This argument was reinforced in subsequent rulings by judges, who said that without information, there could be no accountability. In S.P. Gupta's case, the court concludes that the disclosure of information concerning the working of government must be the rule and secrecy the exception and can be invoked only on the basis of the most compelling reasons of public interest. These decisions made the RTI a right, instead of a demand, and eventually resulted in the broad 2005 statute. This is a legal system that makes the state accountable not only in the elections, but all year round, in a process of constant questioning and explanations in public. The Act basically extends the right to life as laid down in Article 21, which is essential to access information on entitlements and health as it is often a matter of life and death for the poor.

### **Grassroots Revolution: MKSS and the Rural Vanguard**

The evolution of the RTI Act in India is closely linked with the fight of the poor of the rural majority. In the early 1990's, a movement started in Devdungri village of Rajasthan demanding fair wages during relief operations during famine to the local bureaucracy led by the Mazdoor Kisan Shakti Sangathan (MKSS) in Devdungri, Rajasthan. The villagers came to understand that corruption lurked in the muster rolls and records, which were kept in secret from the villagers by the officials. This resulted in the demand for access to these records, which was then part of the basic philosophy of “Hamara Paisa, Hamara Hisab” (Our Money, Our Account). The MKSS were instrumental in introducing the methodology of Jan Sunwais (public hearings) in which official expenditure statements were read out to the community.

The hearings have uncovered huge discrepancies between the government's “paper reality” and the reality of the people on the ground, with ghost entries and the diversion of public money. The Right to Information movement showed that the right was not just a tool for the elite intellectuals, but a weapon to save lives of the less privileged of the society. In the Rajasthan experience, even the most illiterate, most exploited workers could hold powerful officials to account when they had access to information. Eventually, this grassroots pressure led to the enactment of a state-level RTI law in 2000 which was later followed by the national law in 2005. The Act, therefore, is an extraordinary product of ordinary people, and is an unprecedented Act in Indian politics.

### **The Administrative Culture in Rural India: its transformation.**

The biggest effect of the RTI Act has been the end of the colonial tradition of secrecy that used to protect the bureaucracy from accountability. Prior to 2005, public officials enjoyed a level of impunity that was not shared by the general public, because their decision making procedures were poorly transparent and their records were difficult to find. With the implementation of RTI Act, a structural mechanism for answerability was introduced setting up Public Information Officers (PIOs) at every Government Department including at the Village level. These officers are legally bound to disclose the requested information within 30 days or else personal financial penalty will be given.

This fear of personal liability has resulted in a change in the behaviour of the bureaucracy. The results of the study conducted before and after the implementation of the RTI Act indicate that previously the staff was lazy and careless about their work, but after the introduction of the RTI Act they are more active and conscious. Since any action, any file noting, any expenditure can be audited by any citizen, it has made authorities alert themselves to avoid any future mismanagement. This is critical in the rural context because the gap between the centre of power and the village had led to neglect in many cases. Moreover, the Act calls for Section 4 – proactive disclosure, which requires public authorities to proactively place online their organizational structure, functions and financial profiles. This leads to a decrease in citizens having to submit requests and fosters a culture of openness with the information flowing out.

### **Mechanisms of Accountability and Appeals Process’.**

The RTI Act has created a strong institutional structure to make transparency a reality. Generally, this process starts with a citizen contacting a PIO in writing or electronically. The Act outlines procedures for two levels of appeal if the information is refused and/or the answer is inadequate. The First Appeal is made to an officer of higher rank in the same department. The citizen can appeal the same to the Central Information Commission (CIC) or to the corresponding State Information Commission (SIC) if he is still aggrieved.

The Information Commissions are independent, quasi-judicial bodies for enforcement of the Act. They have the same powers as a civil court to summon witnesses and examine records. These commissions are the final arbiters in disputes between citizens and public authorities and are a very important part of upholding the spirit of the law. The RTI Act gives citizens a voice to take their grievances to an independent forum, which protects against the high-handedness of the bureaucracy and which ensures that the right to information is not easily suppressed. But the effectiveness of these commissions is often questioned because of vacancies and massive volumes of cases pending.

The name may seem fishy enough, but it gets worse. The name is enough to make you think it's a scam, but it only gets worse.

The most visible effect of the RTI Act on administrative accountability is in the context of combating corruption. In the absence of transparency and accountability, corruption flourishes; and RTI's visibility has uncovered many cases of maladministration, embezzlement, and graft. There are famous cases to show this effect:

RTI applications by activists exposed potentially critical information that resulted in a massive public outcry after the death of an engineer in the Satyendra Dubey case that exposed corruption in the highway projects and forced the government to take accountability.

□ The “2G scam” involved irregular allocation of 2G licences, which was revealed in RTI filings, and resulted in the cancellation of licences and prosecution of key officials.

The Adarsh Housing Society Scam: The applications showed that the land meant for war veterans had been illegally allotted to politicians and bureaucrats and subsequently, there were widespread investigations and dismissals.

RTI applications revealed that embezzlement and poor management occurred during the 2010 games, and this resulted in a national scandal, with measures taken for accountability.

The Act has made the publishing of government records, such as contracts, payment estimates and audit reports, increasingly difficult for corrupt officials to do with impunity. Public spending transparency is also a disincentive, as the officials know that their signatures on fake files can be exposed years after.

### **Empowerment through Access: Reforming Rural Service Delivery**

The RTI Act has profoundly affected at the grassroots level and has empowered the most vulnerable sections of society, not only in the political and corporate world. The Act gives voice and platform to those who have been marginalised due to poverty and illiteracy, to make their legal claims. Citizens have used RTI to obtain basic services which were previously denied because of administrative apathy or demands for payments, including birth certificates, pensions, ration cards and passports.

The Act has played a key role in the monitoring of the implementation of the National Rural Employment Guarantee Act (NREGA) in rural India. Villagers have applied to

investigate ghost entries in muster rolls and to see that wages are paid to the true labourers. In states such as Odisha, the implementation of a single RTI application on the issue of job cards could lead to the release of hundreds of job cards on the spot, as the officials were not responding earlier. In the same way, RTI has helped to expose the diversion of food grains intended for the poor under the Public Distribution System (PDS), resulting in cancellation of fake ration cards. This implies that power is not centralized anymore, but that public resources are being used for the citizens' purposes and the citizens themselves are active in the governance process, moving from a “donor-recipient” model.

### **The affairs of administration and record management.**

One of the essential elements of accountability is keeping up to date public records, where the information is not recorded or organised, it cannot be retrieved. The RTI Act has paved the way for administrative modernization and has compelled the departments to shun from the chaotic filing system. Records shall be properly catalogued, indexed and computerized within a reasonable time as required by section 4(1)(a).

This drive towards digitisation has increased access to public data and, consequently, the efficiency of public services. The departments that have embraced Information and Communication Technology (ICT) and e-governance tools are more adept in handling the large number of RTI requests and giving accurate responses. That, however, is not the case across the board; urban-based departments are doing better than those in lower-tier or rural administrative regions whose infrastructure is still not very good. Nevertheless, the overall trend has been to a more disciplined and evidence-based administrative practice.

### **The issues involved in implementing the programme are identified and resolved.**

Although the RTI Act has transformative potential, its implementation is severely constrained by implementation bottlenecks which limit the extent to which it can really achieve accountability.

A major impediment continues to be Bureaucratic Resistance and Inertia. Some public officials are perceiving the RTI Act as an attack on their powers or harassment. Resistance can take the form of delays, the giving of misleading or incomplete information, or refusal

of requests on a flimsy basis. In several cases, the “phobia” of RTI has resulted in a hesitation for officials to take any action as they worry about potential future evaluation.

Another big challenge is Poor Record Management particularly in the rural office settings. PIOs frequently refuse to provide information because they say it is “non-available” because they do not have the infrastructure to find old and fragmentary physical records. This absence of systematic archival practices directly affects the time-based requirement of the Act.

The oversight mechanism often is paralyzed by Pendency and Backlog at Commissions. The Information Commissions are frequently under resourced and have huge volumes of pending appeals. Appeals in some states can take years to be heard, thereby dissuading citizens from seeking information and enabling rogue officials to get away with it.

One of the most frequent means of denying information by public authorities is by applying Exemptions under Section 8. There are clauses in public interest laws that are invoked and then denied requests of public interest without proper justification for national security, personal privacy and commercial confidentiality. Access has been complicated by judicial interpretations which have in some instances limited disclosure of information about public servants.

### **The safety measures that are available for RTI activists and whistleblowers.**

One of the dark side of the RTI regime is the growing risk to the information seekers' safety. RTI activists who report on sensitive corruption or the activities of powerful mafias are intimidated, harassed and physically attacked. Attacks have been on the rise since 2011, including the killing of prominent activists such as Satish Shetty and Amit Jethwa.

Without a robust legal protection regime for whistleblowers, it can be very dangerous for employees to rely on the Act in investigations of high consequence. Law enforcement officers can be accused of being “hand in glove” with the ones threatening activists and there is no obligation on the part of the Information Commissions to provide protection. The culture of fear makes many citizens afraid to use the RTI to call into question the status quo in terms of the power dynamics, creating what could be called a “dark side” to transparency.

**How will the Digital Divide affect the future of RTI? What does the Digital divide mean for the future of RTI?**

In today's world of change in both legislation and technology, the future of administrative accountability in RTI is at a critical juncture. The Right to Information (Amendment) Act, 2019, which empowers the central government to set salaries and terms of office for all Information Commissioners, has been much debated. Critics say that this compromises the independence and autonomy of the Commissions and makes them more vulnerable to political pressure.

At the same time, new opportunities for bolstering accountability through technology. RTI Portals have been launched online to make application easier and facilitate tracking of real time. Programs such as the Jan Soochna Portal in Rajasthan are the future of transparency, and the government has made a conscious effort to make available the huge amount of information about welfare programs, thus minimizing queries at the individual level. But the digital divide is a huge obstacle in the rural India where many people due to less availability of internet and lack of digital literacy have not been able to use these new platforms.

**Strengthening Accountability: There are recommendations for strengthening accountability.**

Several reforms are needed to rejuvenate the RTI framework and to keep it as the basis for democratic governance:

**Mandatory Training:** The need for comprehensive and regular training of PIOs and staff to enhance quality and timeliness of responses should be institutionalised.

**Penalties are to be strengthened:** Information Commissions have to be vigilant about the penal provisions of the Act and end the culture of impunity among errant officials.

**Reduce Pendency:** Vacancies in the CIC/SIC should be filled on a timely basis to achieve proper disposal of cases and decongest the existing staffing.

**Protecting Activists:** Need for a strong legislated protection against retaliation for whistleblowers and RTI applicants.

- Fast Digitization: Full digitization of record and expansion of multilingual websites will make the Act more accessible to the rural poor.
- Enhancing Proactive Disclosure: Departments should be audited on their Section 4 compliance each year, so that they are not just paying “lip service” to transparency.

### **Conclusion**

The Right to Information Act has indeed brought a transformation in the governance of India by ushering the “darkness of secrecy” in the “dawn of transparency”. It has transformed the administration from a command and secretive institution to one of service and accountability, and is the biggest change in public administration in the past 60 years. The Act has brought to light the longstanding corruption, prevented multi-crore scams, and given the “last man in the line” his entitlements. The Act has shed light on the deep-seated corruption, prevented multi-crore scams and ensured that the 'last man in the line' gets his entitlements. It has enhanced the grassroots democracy and helped people to become more informed and supervise the behavior of the state.

But full administrative responsibility is still a long way off. However, the long-standing challenges of administrative and legal restrictions, and the lack of infrastructure are likely to render such a right a “procedural formality”. The escalating violence towards RTI users is a serious issue and is a threat to the spirit of RTI. In order that the RTI Act can achieve its maximum potential, the political will to support the Act, its system and the culture of bureaucracy, which was accustomed to concealing information as a “burden”, must change. But the effectiveness of the Act will ultimately hinge on the citizens' watchfulness and action; after all, the right to know is not merely a statute but a means of empowerment and social transformation.

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