

# Right to Information Act in India and the related issues of authority, devolution, and progress

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## Abstract

India's old hamlet groups are still around today, providing a type of municipal autonomy. Some governments, in the decades after their countries gained freedom, established locally accountable and effective government organizations. The three most prominent states in India to accept and execute transfer of authority to the lesser level were Andhra Pradesh, West Bengal, and Karnataka. Some have argued that the "Implementation processes," rather than planning and policy development, are the root of service delivery issues. Most problems at the grass-roots level could be due to people not knowing about available government services. When citizens are unprepared, they are easy prey for corrupt public servants. RTI is a game-changing law because it gives people the tools, they need to exercise their political rights and demand the advantages to which they are due.

The right to information (RTI) has been called "a road to the right to food" because it opens the door to other rights, including the Basic Privileged People (BPL) card, the distribution card, and other services. Like the "road to right to employment" moniker, RTI inquiries are used to inquire about the whereabouts of employment-related paperwork, as well as salary and jobless benefits. 9 Therefore, the technique is bound to give rise to worries about inaccuracies and delays. In light of the intertwined nature of RTI and decentralization discussed above, this section attempts to clarify the intersection of RTI and Panchayati Raj Institutions (hereinafter PRIs) in India, conducting an analysis of the links that

**highlight how RTI has been affecting people's lives at the grassroots level by fighting corruption and calling public authorities' accountability into question.**

## **I Introduction**

People's liberties would be more useful if they were provided a stronger platform from which to influence public policy. Citizens must demand the return of public funds that have been illegally siphoned off for private gain under the guise of welfare services. There have been numerous high- and low-profile instances of misconduct in the past, which is adequate reason for the general approval of the practice in public life. 5 In order to fully take advantage of these chances, citizens need access to information about their rights as well as the government's aims and policies. The interconnected nature of the rights, involvement, and information triad is reflected in its ability to strengthen each other. 6 Making government data gathering a two-way street, RTI equips individuals with the ability to request the release of information that has an effect on their daily existence. The RTI is a legal framework that allows the government to disclose information to the general populace. Maintaining an active policy necessitates routine reviews and updates to the policy's fundamental structure. Open for public scrutiny are the government's "People-welfare" and "rural development" programs.

RTI is an especially potent tool for the agricultural population, who depend on government support for their everyday existence. It is impossible to exaggerate the importance of RTI for marginalized communities. 7 This is a huge shift away from the prior "secretive culture" in government toward one that is more open to the public. In addition to being a force for positive change in government, RTI serves to uphold the rule of law. It's a way to make sure your resources are being used effectively and that you've selected the best course of action. Researching RTI from the perspective of a "people's-right" rather than a "law" reveals that it has far-reaching social and fiscal effects. As the bearer of a ration card or BPL card is guaranteed the "right to eat," the recipient of an MGNREGA job card is guaranteed the "right to work." In addition, RTI has been extensively used to question the practice of paying bribes to

obtain essential public services like electricity and road maintenance. 8 Even after a decade of widespread application, the fundamental advantages of RTI remain undeniable. Instead of considering the RTI's potential as a people's right to assert their rights, the focus thus far has been on its framework and function from a legal perspective.

In light of this clarification, this article will analyze and discuss: (a) RTI from the perspective of the newly emerging concept of rights-based approach; (b) the origin and historical background of RTI in India; (c) how RTI has been enhancing the spirit of transparency, accountability, and good governance; (d) how RTI is a culmination of the civil society movement and how it has been further gearing up the instrument of social audit; and (e) the role of RTI as a tool for social. We can't stress enough how crucial RTI is in the fight against graft. Since "the hidden culture of public offices is the citadel of corruption," RTI is an effective weapon in the war against bribery, as stated in the report from ARC-first II. Research into Practice (RTI) has proven to be an effective tool in the battle against crime by teaching both public authorities and people. The strength of the people's participation is what will make the Act's successful execution produce an environment of vigilance. 9 India's Right to Information Act (RTI) is historic because it challenges the country's pervasive culture of concealment and calls on its people to be "the stronghold of openness." Since the information is "secret or classified," the government has used it as a "instrument of control" for quite some time. By making all information related to government operations openly accessible online, RTI alters the mentality of public officials who have typically been instructed to safeguard and promote secrecy in public office.

Democracy requires a collection of individual-centered approaches, and RTI provides just that. All over the globe, from remote indigenous villages to impoverished metropolitan slums, its utility impacts the standard of life for the lowest people. There are several worries about necessary necessities that are brought up. RTI is critical to

open government and the responsibility of public decision makers, in addition to its significance in boosting transparency, citizen engagement, and the rule of law.

Citizen participation is crucial for a successful transformation from a representative to a participative democracy. Citizens' active engagement in politics is essential to the health of democracies. There should be more avenues for residents of a society to have their opinions heard than just voting. Participation as a daily, weekly, and monthly act is the foundation of contemporary democracies, while traditional watchdog groups, audit departments, and opposing parties are remnants of the past. Thanks to RTI, people can legally petition their government for explanations whenever they want. <sup>11</sup> Possibly the best RTI mechanism in the world can be found in India. <sup>12</sup> As an additional justification for the shift from representative to active democracy, those who descended on Bea war in April 1996 wisely timed the dharna to coincide with the campaign period of that year's national parliamentary election. Citizens of India had been stuck in a political limbo where they had to constantly pick between unfit candidates, but now they had a chance at change. During the Bea war electoral campaign, ideas about democracy were debated and reconsidered. Free expression was a central theme at the dharna, with attendees calling on government officials to address participants' concerns. It was the beginning of a movement toward a more inclusive form of democracy in which the working poor and marginalized could assert their rights to employment and self-governance.

A change from representation to direct democracy is symbolized by the right to know law. Various participation trials are carried out as part of participatory development, and many people think that RTI, which brings in people-centered government, is the key to strengthening participatory democracy. As the name implies, "participatory evaluation and monitoring" occurs when those being evaluated and tracked have some say in the process. With the Right to Information Act fully implemented, citizens will be more aware of government activities, which will assist the functioning of a more active democracy.

## II Decentralization Theory

The process of shifting political and managerial power from the federal government to state and local governments is known as devolution. Decentralization is both a "common" and "variable" approach used by most countries to achieve a broad range of change objectives in administration and public sector management.

In general, studies have demonstrated that dispersal is not a viable alternative to consolidation. According to UNDP research, it's crucial to strike a balance between centralized and decentralized decision-making. The roles of national and subnational actors can be strengthened by analyzing the most efficient approaches to achieving a common objective. For instance, the creation of a national transportation system necessitates both decentralized and concentrated approaches due to the need for input from all regions. It is possible to differentiate between DE focus, reassignment, and devolution by looking at the degree to which responsibilities are changed and moved.

The two forms that this official transfer of power can take have been outlined and explained in different settings. When authority is delegated to subnational administrations or other subnational groups that submit to the central government, this is known as DE consolidation or administrative decentralization. Various levels of government in this structure are responsible for different functions in accordance with the rules established by a constitution. Delegating power to locally chosen entities like city governments is an example of political devolution as opposed to managerial decentralization. Each level of government has the authority to make decisions that have far-reaching consequences for the people they serve.

Furthermore, fiscal devolution involves the distribution of formerly concentrated tax and revenue-generating capacities to other levels of government, such as municipal administrations, so that they may generate and keep financial resources in order to carry out their responsibilities. An illustration of market dispersal where government outsourcing or easing of private function has occurred is New Zealand's Forest sector.

13 "most of the schemes of decentralization contain a blend of the three forms of decentralization: administrative decentralization (or DE concentration)," fiscal decentralization, and autonomy, argues James Manor. (Or democratic decentralization). The emphasis placed on each of these elements, the relationships

between them, and the particulars of how systems are intended to function all vary widely.

### **III The UP Panchayats and the Current Political Crisis**

The current study examines the working of Right to Information at the gram panchayat level in Uttar Pradesh, which is crucial for understanding the problem of graft in the state at the local level. When different socioeconomic groups attempt to coordinate their efforts to deal with the panchayats responsible for doling out the money, tensions inevitably emerge. The poor and powerless have always been the first to feel the effects of war. The wealthy are able to exert their influence over the police and the courts through the use of intimidation and other forms of pressure in this society. Furthermore, this equation highlights the importance of communication between affluent villagers and state-level officials in guiding the development of farming production, control, and marketing. This process includes the entire farming value chain, from sowing to packing. Traders who work with the government to distribute seeds and harvests to prosperous farms are present, as are agencies dealing with property and electricity. A plot to keep people of lesser socioeconomic status in a state of perpetual ignorance, frailty, and subservience to those of higher socioeconomic status has been proposed as an explanation for the widespread lack of educational opportunities and reading rates among those at the bottom. The "mailbag" concept (which means "double good") is at work here.

Decentralization is a great example of an anti-corruption weapon, and as James Manor points out, the environment in which social capital develops is a vital factor in influencing the development of confidence, social capital between groups, and the fair working of organizations. What's more, the segmented-ness shape is not "fixed," but rather changeable in societies in transformation, which is essential for understanding the impacts of segmented-ness on social capital. Since independence, India has undergone rapid change as a result of the twin processes of democracy and development, which has resulted in the construction of new identities and shifts in the balance of power between caste and class groups, causing both fusion and fission and subsequently leading to horizontal and vertical Mobilization. Such an increase is

linked to reduced measures of social and economic mobility and societal division. Among the many contributions the socio-cultural movements of civil society made to the political gathering of the lower social movements, led by the movements' supporters in the political parties, was its facilitation. When compared to the Other Backward Castes, Dalits and those at the bottom of the social ladder tend to disagree. (MBCs). Political strife emerged at the same time as capitalist competition. They milk the designers of the assistance system for all the money they can get their hands on. Thus, the struggle-to-poverty equator has gained momentum not just between elites and the working poor, but also at the grassroots level.

#### **IV The Influence of MGNREGA in UP**

Guaranteeing a minimum of 100 days of wage employment in a financial year to a rural household whose adult members volunteer to do unskilled manual work, the Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS) aims to improve the financial stability of rural residents living in poverty (MGNREGA operational guidelines, 2012, MoRD). In this part, the chapter's author tries to evaluate the scheme's effects on low-income families and the growth of infrastructure in the district of Aligarh where the study was conducted. Assessing the correct implementation of MGNREGS in the studied region is vital for ensuring both immediate and long-term development benefits. The following major concerns were evaluated during the evaluation of the MGNREGS implementation process.

#### **Raising Rural Residents' Awareness**

Educating the rural populace is a crucial part of carrying out MGNREGS. The MGNREGS emphasizes the need of open lines of communication throughout the whole implementation process. Effective distribution of information regarding the Act and the plan is crucial, which is why awareness development via Information Education and Communication is included (IIM Lucknow, 2009, Dreze and Khera, 2011). The study analyzed the most efficient channels for spreading MGNREGS-

related news. Based on the data in table 4.6, it seems that Gram Pradhan is the most common means of disseminating MGNREGS-related news and updates. Over 90% of the respondents in the survey cite Gram Pradhan as their primary source of knowledge on the plan. via members of the Gram Panchayat, such as the Secretary, Rozgar Sahayak, and others.

**Table (4.6) Sources of MGNREGS Information**

<b>Sources of Information</b>	<b>Respondents</b>	<b>Percentage</b>
Gram Pradhan	540	90
G.P. Functionaries	24	4
Block Level Officials	6	1
Co workers	30	5
NGO workers	0	0
Others	0	0
<b>Total</b>	<b>600</b>	<b>100</b>

Officials at the Block level only notified 1% of respondents about the plan. Only 5% of those surveyed indicate they learned about MGNREGA via friends and family.

The following table displays respondents' levels of familiarity with a variety of provisions, as well as their familiarity with the rights and benefits to which they are entitled (4.7). Ninety percent or more of those who responded to the survey had heard of the 100-day job guarantee. Only 4% of those who took the survey were aware that



the plan offered unemployment benefits if jobs weren't available on demand. Education on the topic of the minimum wage and the laws requiring that it be equal for men and women

65%, 75%, and 86% of all respondents felt that the statutory salary and the payment of payments within 15 days after the completion of the projects were adequate.

Based on the data in Table 4.7, it seems that there is a middle level of understanding among recipients of the benefits of on-demand labor, quotas for women, and on-site amenities.

**Table (4.7) Awareness level wise distribution of respondents**

. N.	Various provisions and rights of workers in MGNREGA	Perctag of Respondents	No. of Respondents
	100 days guaranteed employment foreach household	90	540
	Unemployment allowance	4	24
	Work on demand	50	300
	33 percent work for women workers	55	330
	Equal wages for men and women	65	390
	Worksite facilities, i.e., drinking water, shades, crèche and first aids etc.	48	288
	Minimum statutory wages	75	450

	Payment of wages within 15 days	85	510
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## Conclusion

Based on these findings, RTI should exist at both the state and local levels in Uttar Pradesh. The accessible or accumulated RTI instances illustrate that individuals have attempted using RTI to acquire information from various government agencies or public authority, but have been met with a lackluster response from PIOs or state information commissions. There are challenges associated with RTI campaigns, which have until far been the exclusive purview of non-governmental organizations (NGOs). There has been no visible attempt on the side of the state to educate its citizens on the value of RTI in resolving everyday issues. The findings presented here also provide insight on why individuals are reluctant to file RTI applications: as a result of threats and attempted murder, many are hesitant to do so. We need significant actions from the government, citizens, NGOs, PIOs, SIC, and other parties in Uttar Pradesh to make RTI a reality.

In the next part, the research makes an attempt to comprehend and bring up a debate on the implementation and links between RTI, RTE, and MGNREGA. Primary data for the aforementioned discussion was gathered via surveys and interviews in different gramme panchayats throughout Uttar Pradesh. Hapur and Bulandshahr, two different districts in Uttar Pradesh, were selected for the research because of their parallels and contrasts. Surveys and in-person interviews with citizens, Right to Information Act (RTI) applicants and appellants, and gramme panchayat secretary who double as public information officials have been conducted throughout blocks and gramme panchayats in these two districts.

These surveys and interviews have shown a complex web of interdependencies between the three rights (RTI, RTE, and MGNREGA) and their respective implementations. It has been determined that RTI has been used to assert the socio-economic rights of RTE and MGNREGA. People have sought for details on a wide

range of topics concerning these two socioeconomic rights, especially when the problem has stalled due to the inaction of governmental officials. It has been discovered that while there are numerous obstacles that have been making it difficult to implement RTI, there are also many situations where individuals have obtained information and used it to get what is rightfully theirs, such as RTE and MGNREGA, using RTI.

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