Preface

The Right to Information was provided in the form of legislation to the people of India on 12th October 2005. In many ways than one, the struggle for accountability at the grassroot level, which is a perpetual struggle in a thriving democracy such as that exists in India, to effectively ensure the promulgation of this Act despite stiff resistance from the government and the bureaucracy, has been spectacular. It can be safely said that the Right to Information Act has created a social revolution of sorts in India as far as enforcement of the freedom of speech and expression are concerned. In the recent experiment with the democracy in India no other Act has been able to touch the lives of the common man so effectively than this Act which has turned the tables by making the government and bureaucracy accountable to the common people. However, the numerous debates and controversies that have arisen after the implementation of the Act and thereafter the frictions created between the affected parties i.e. the government, bureaucracy, judiciary etc. on one hand and the general public on the other hand in respect of disclosures and revelations under the Act primarily led to the need for initiating this research. The present work is an effort on exploring many legal lacunas which the new legislation works with and henceforth weakens the objectives prescribed to justify the need for such an Act for governance reforms.

In the attempt to provide a context for discussion of the Right to Information Act 2005, this thesis briefly delves into the history of the discourse for the freedom of speech and expression. This analysis draws into the colonial period from where the seeds of a closed bureaucracy were sown and the manner in which they were carried forward to an independent India. Taking its basis from history, the research then discusses the principles and major provisions of the Act with its normative structure.

The First and Second chapters of the thesis discuss the major theoretical perspectives which are finally critically examined in the last chapter in much detail. Most of the perspectives in the main body of the thesis are structured in terms of these perspectives. The thesis emphasizes on theory which is finely balanced by detailed consideration of the findings of a non-doctrinal field study. The methodology that is used in this research is discussed in the second chapter and in the chapter on the case
study wherein the methods of data collection and general assumptions of the research are stated.

The thesis comprises of six chapters. The first chapter provides a brief introduction to the research topic which is then followed by a review of literature and theoretical framework. The third chapter provides a legal framework for the research work which is followed by the fourth chapter in which the extant Right to Information system in India is placed in the global scenario which helps in drawing some very important conclusions. The fifth chapter is a case study of accountability and right to information in the Delhi Secretariat. The final chapter is the conclusion of the research.

The object of this research is not however to highlight the struggle of the masses to mobilize the implementation of the Act, though this aspect is equally important to understand the rationale behind the Act. The goal of this research is to analyse the results of the Act and its larger effect on the democratic framework of the country. While doing so, it is important to bear in mind that the Act under observation is barely 31 sections long and its analysis has raised such vociferous debates that have shaken the highest echelons of power. It is important to analyse whether this Act has been able to actually result in citizens empowerment by ensuring accountability.

While a lot has been said in praise and appreciation of the Act, it is important to examine whether the Act has actually been able to deliver all that it promised. It is a common critique of this Act that it has lead to an additional burden on a bureaucracy which is already crumbling under pressure. Also, this research initiates analysis into the debate of whether the Act leads to an actual redressal of grievances or is it merely an attempt to gather innocuous information which may not have further use; which leads this research into the third most important question i.e. whether the absence of an in-built redressal mechanism defeats the core purpose with which the Act was promulgated.

A quasi judicial system of addressing complaints regarding the denial of information has sprung up from the genesis of this Act. However, it seems that instead of reducing the burden on the judicial system of India, the Act has resulted in increasing the cases related to denial of information from public offices that have reached the courts of law.
In this context the present research has been undertaken to explore the aftermath of the implementation of the Right to Information Act 2005 and its consequential impact on strengthening accountability in a democracy as vibrant as India. In many ways, this research is the first of its kind that has been undertaken after the implementation of the Right to Information Act 2005. There have been many analysis of the need for the Right to Information Act, however, this research is probably the first that deals in the core areas of the exemption clause of the Act and how the Act affects the process of revamping of the bureaucracy in India. Most of the prior studies in this area have been limited to the raison de tere for the Act and the need for such legislation that enhances the principles of the freedom of speech and expression and transparency and accountability. Since this research deeply engages into the practical application of law at the operational level, it is very significant in the present times.

In the end I hope and envisage that this research will help in developing the Act into the instrument which it was intended to be i.e. a transparent and efficient information exchange mechanism.

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