CHAPTER- VIII
ANALYTICAL ASSESSMENT OF
LEGISLATIVE FEATURES AND
PROCEDURES OF RIGHT TO INFORMATION
ACT IN THE CONTEXT OF RURAL
DEVELOPMENT GOVERNANCE

I – Introduction:

The present chapter is divided in three parts the first part gives overview of the provisions of the Right to Information Act, the second part of this chapter is an attempt to examines the process by which this phenomenon of Peoples right to information emerged and the means by which it pursues its goals. It then analyses the implications of the Right to Information, and the trend it has benchmarked, for contemporary debates in the area of rural development particularly three major areas of rural development: human rights, participatory development and, of course, anti-corruption. It also tries to examine the Relevance of Right to Information with regard to contemporary theory of rural development governance and the third part brings out the importance of Right to Information in Context of Rural Development.
II – Analytical Assessment of Right-to-Information

Object of the Right to Information Act:
The basic object of the Right to Information Act is to empower the citizens, promote transparency and accountability in the working of the Government, contain corruption, and make our democracy work for the people in real sense. It goes without saying that an informed citizen is better equipped to keep necessary vigil on the instruments of governance and make the government more accountable to the governed. The Act is a big step towards making the citizens informed about the activities of the Government.

What is Information:
Information is any material in any form. It includes records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form. It also includes information relating to any private body which can be accessed by the public authority under any law for the time being in force.

What is a Public Authority:
A “public authority” is any authority or body or institution of self government established or constituted by or under the Constitution; or by any other law made by the Parliament or a State Legislature; or by notification issued or order made by the Central Government or a State Government. The bodies owned, controlled or substantially financed by the Central Government or a State Government and non-Government organisations substantially financed by the Central Government or a State Government also fall within the definition of public authority. The financing of the body or the NGO by the Government may be direct or indirect.
**Public Information Officer:**
Public authorities have designated some of its officers as Public Information Officer. They are responsible to give information to a person who seeks information under the RTI Act.

**Assistant Public Information Officer:**
These are the officers at sub-divisional level to whom a person can give his RTI application or appeal. These officers send the application or appeal to the Public Information Officer of the public authority or the concerned appellate authority. An Assistant Public Information Officer is not responsible to supply the information. The Assistant Public Information Officers appointed by the Department of Posts in various post offices are working as Assistant Public Information Officers for all the public authorities under the Government of India.

**Right to Information under the Act:**
A citizen has a right to seek such information from a public authority which is held by the public authority or which is held under its control. This right includes inspection of work, documents and records; taking notes, extracts or certified copies of documents or records; and taking certified samples of material held by the public authority or held under the control of the public authority. It is important to note that only such information can be supplied under the Act which already exists and is held by the public authority or held under the control of the public authority. The Public Information Officer is not supposed to create information; or to interpret information; or to solve the problems raised by the applicants; or to furnish replies to hypothetical questions. The Act gives the citizens a right to information at par with the Members of Parliament and the Members of State Legislatures. According to the Act, the information which cannot be denied to the Parliament or a State Legislature, shall not be denied to any person. A citizen has a right to obtain information from a public authority in the form of diskettes,
floppies, tapes, video cassettes or in any other electronic mode or through print-outs provided such information is already stored in a computer or in any other device from which the information may be e-mailed or transferred to diskettes etc. The information to the applicant should ordinarily be provided in the form in which it is sought. However, if the supply of information sought in a particular form would disproportionately divert the resources of the public authority or may cause harm to the safety or preservation of the records, supply of information in that form may be denied. In some cases, the applicants expect the Public Information Officer to give information in some particular proforma devised by them on the plea that they have a right to get information in the form in which it is sought. It need be noted that the provision in the Act simply means that if the information is sought in the form of photocopy, it shall be provided in the form of photocopy, or if it is sought in the form of a floppy, it shall be provided in that form subject to the conditions given in the Act. It does not mean that the PIO shall re-shape the information. This is substantiated by the definition of the term ‘right to information’ as given in the Act, according to which, it includes right to obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through print-outs provided such information is already stored in a computer or in any other device. Everywhere in the Act, the word ‘form’ has been used to represent this meaning. Some Information Seekers request the Public Information Officers to cull out information from some document(s) and give such extracted information to them. A citizen has a right to get ‘material’ from a public authority which is held by or under the control of that public authority. The Act, however, does not require the Public Information Officer to deduce some conclusion from the ‘material’ and supply the ‘conclusion’ so deduced to the applicant. It means that the Public Information Officer is required to supply the ‘material’ in the form as held by the public authority, but not to do research on behalf of the citizen to deduce anything from the material and then supply it to him.
**Right to Information Vis-à-Vis other Acts:**
The RTI Act has over-riding effect vis-à-vis other laws inasmuch as the provisions of the RTI Act would have effect notwithstanding anything inconsistent therewith contained in the Official Secrets Act, 1923, and any other law for the time being in force or in any instrument having effect by virtue of any law other than the RTI Act.

**Supply of Information to Associations etc:**
The Act gives the right to information only to the citizens of India. It does not make provision for giving information to Corporations, Associations, Companies etc. which are legal entities/persons, but not citizens. However, if an application is made by an employee or office-bearer of any Corporation, Association, Company, NGO etc. indicating his name and such employee/office bearer is a citizen of India, information may be supplied to him/her. In such cases, it would be presumed that a citizen has sought information at the address of the Corporation etc.

**Fee for Seeking Information:**
A person who desires to seek some information from a public authority is required to send, along with the application, a demand draft or a banker’s cheque or an Indian Postal Order of Rs. 10/- (Rupees ten), payable to the Accounts Officer of the public authority as fee prescribed for seeking information. The payment of fee can also be made by way of cash to the Accounts Officer of the public authority or to the Assistant Public Information Officer against proper receipt. The applicant may also be required to pay further fee towards the cost of providing the information, details of which shall be intimated to the applicant by the PIO as prescribed by the Right to Information (Regulation of Fee and Cost) Rules, 2005. Rates of fee as prescribed in the Rules are given below:
(a) rupees two (Rs. 2/-) for each page (in A-4 or A-3 size paper) created or copied;
(b) actual charge or cost price of a copy in larger size paper;
(c) actual cost or price for samples or models;
(d) for information provided in diskette or floppy, rupees fifty (Rs. 50/-) per diskette or floppy; and
(e) for information provided in printed form, at the price fixed for such publication or rupees two per page of photocopy for extracts from the publication.

A citizen has a right to inspect the records of a public authority. For inspection of records, the public authority shall charge no fee for the first hour. But a fee of rupees five (Rs. 5/-) for each subsequent hour (or fraction thereof) shall be charged. If the applicant belongs to below poverty line (BPL) category, he is not required to pay any fee. However, he should submit a proof in support of his claim to belong to the below poverty line. The application not accompanied by the prescribed fee of Rs. 10/- or proof of the applicant’s belonging to below poverty line, as the case may be, shall not be a valid application under the Act. It may be pointed out that there is no bar on the public authority to supply information in response to such applications. However, provisions of Act would not apply to such cases.

**Format of Application:**
There is no prescribed format of application for seeking information. The application can be made on plain paper. The application should, however, have the name and complete postal address of the applicant. Even in cases where the information is sought electronically, the application should contain name and postal address of the applicant. The information seeker is not required to give reasons for seeking information.

**Information Exempted from Disclosure:**
Sub-section (1) of section 8 and section 9 of the Act enumerate the types of information which is exempt from disclosure. Sub-section (2) of section 8,
however, provides that information exempted under sub-section (1) or exempted under the Official Secrets Act, 1923 can be disclosed if public interest in disclosure overweighs the harm to the protected interest. The information which, in normal course, is exempt from disclosure under sub-section(1) of Section 8 of the Act, would cease to be exempted if 20 years have lapsed after occurrence of the incident to which the information relates. However, the following types of information would continue to be exempt and there would be no obligation, even after lapse of 20 years, to give any citizen:

(i) information disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interest of the State, relation with foreign state or lead to incitement of an offence;

(ii) information the disclosure of which would cause a breach of privilege of Parliament or State Legislature; or

(iii) cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other Officers subject to the conditions given in proviso to clause (i) of sub-section(1) of Section 8 of the Act.

**Record Retention Schedule and the Act:**

The Act does not require the public authorities to retain records for indefinite period. The records need be retained as per the record retention schedule applicable to the concerned public authority. Information generated in a file may survive in the form of an OM or a letter or in any other form even after destruction of the file/record. Section 8(3) of the Act requires furnishing of information so available after the lapse of 20 years even if such information was exempt from disclosure under sub-section(1) of Section 8.
**Assistance Available to the Applicant:**
If a person is unable to make a request in writing, he may seek the help of the Public Information Officer to write his application and the Public Information Officer should render him reasonable assistance. Where a decision is taken to give access to a sensorily disabled person to any document, the Public Information Officer shall provide such assistance to the person as may be appropriate for inspection.

**Time Period for Supply of Information:**
In normal course, information to an applicant shall be supplied within 30 days from the receipt of application by the public authority. If information sought concerns the life or liberty of a person, it shall be supplied within 48 hours. In case the application is sent through the Assistant Public Information Officer or it is sent to a wrong public authority, five days shall be added to the period of thirty days or 48 hours, as the case may be. Further details in this regard are given in the chapter, ‘For the Public Information Officers.’

**Appeals:**
If an applicant is not supplied information within the prescribed time of thirty days or 48 hours, as the case may be, or is not satisfied with the information furnished to him, he may prefer an appeal to the first appellate authority who is an officer senior in rank to the Public Information Officer. Such an appeal, should be filed within a period of thirty days from the date on which the limit of 30 days of supply of information is expired or from the date on which the information or decision of the Public Information Officer is received. The appellate authority of the public authority shall dispose of the appeal within a period of thirty days or in exceptional cases within 45 days of the receipt of the appeal. If the first appellate authority fails to pass an order on the appeal within the prescribed period or if the appellant is not satisfied with the order of the first appellate authority, he may prefer a second appeal with the Central Information Commission within ninety
days from the date on which the decision should have been made by the first appellate authority or was actually received by the appellant.

**Complaints:**
If any person is unable to submit a request to a Public Information Officer either by reason that such an officer has not been appointed by the concerned public authority; or the Assistant Public Information Officer has refused to accept his or her application or appeal for forwarding the same to the Public Information Officer or the appellate authority, as the case may be; or he has been refused access to any information requested by him under the RTI Act; or he has not been given a response to a request for information within the time limit specified in the Act; or he has been required to pay an amount of fee which he considers unreasonable; or he believes that he has been given incomplete, misleading or false information, he can make a complaint to the Information Commission.

**Disposal of Appeals and Complaints by the CIC:**
The Central Information Commission decides the appeals and complaints and conveys its decision to the appellant/complainant and first appellate authority/Public Information Officer. The Commission may decide an appeal/complaint after hearing the parties to the appeal/complaint or by inspection of documents produced by the appellant/complainant and Public Information Officer or such senior officer of the public authority who decided the first appeal. If the Commission chooses to hear the parties before deciding the appeal or the complaint, the Commission will inform the date of hearing to the appellant or the complainant at least seven clear days before the date of hearing. The appellant/complainant has the discretion to be present in person or through his authorized representative at the time of hearing or not to be present.
Third Party Information:
Third party in relation to the Act means a person other than the citizen who has made request for information. The definition of third party includes a public authority other than the public authority to whom the request has been made.

Disclosure of Third Party Information:
Information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, is exempt from disclosure. Such information should not be disclosed unless the competent authority is satisfied that larger public interest warrants the disclosure of such information. In regard to third party information which the third party has treated as confidential, the Public Information Officer should follow the procedure as given in the chapter ‘For public information officers’. The third party should be given full opportunity to put his case for non-disclosure if he desires that the information should not be disclosed.

Suo Motu Disclosure:
Section 4(1)(b) of the Act, in particular, requires every public authority to publish following sixteen categories of information:
(i) the particulars of its organisation, functions and duties;
(ii) the powers and duties of its officers and employees;
(iii) the procedure followed in the decision making process, including channels of supervision and accountability;
(iv) the norms set by it for the discharge of its functions;
(v) the rules, regulations, instructions, manuals and records, held by it or under its control or used by its employees for discharging its functions;
(vi) a statement of the categories of documents that are held by it or under its control;
(vii) the particulars of any arrangement that exists for consultation with, or representation by, the members of the public in relation to the formulation of its policy or implementation thereof;
(viii) a statement of the boards, councils, committees and other bodies consisting of two or more persons constituted as its part or for the purpose of its advice, and as to whether meetings of those boards, councils, committees and other bodies are open to the public, or the minutes of such meetings are accessible for public;
(ix) directory of its officers and employees;
(x) the monthly remuneration received by each of its officers and employees, including the system of compensation as provided in its regulations;
(xi) the budget allocated to each of its agency, indicating the particulars of all plans, proposed expenditures and reports on disbursements made;
(xii) the manner of execution of subsidy programmes, including the amounts allocated and the details of beneficiaries of such programmes;
(xiii) particulars of recipients of concessions, permits or authorisations granted by it;
(xiv) details in respect of the information, available to or held by it, reduced in an electronic form;
(xv) the particulars of facilities available to citizens for obtaining information, including the working hours of a library or reading room, if maintained for public use;
(xvi) the names, designations and other particulars of the Public Information Officers.

Dissemination of Information:
The public authority should widely disseminate the information. Dissemination should be done in such form and manner which is easily accessible to the public. It may be done through notice boards, newspapers, public announcements, media broadcast, the internet or any other means. The public authority should
take into consideration the cost effectiveness, local language and most effective method of communication in the local area while disseminating the information.

**Publication of Facts about Policies and Decisions:**
Public authorities formulate policies and take various decisions from time to time. As provided in the Act, while formulating important policies or announcing the decisions affecting the public, the public authority should publish all relevant facts about such policies and decisions for the information of public at large.

**Providing Reasons for Decisions:**
The public authorities take various administrative and quasi-judicial decisions which affect the interests of certain persons. It is mandatory for the concerned public authority to provide reasons for such decisions to the affected persons. It may be done by using appropriate mode of communication.

**Transfer of Applications:**
The Act provides that if an application is made to a public authority requesting for an information, which is held by another public authority; or the subject matter of which is more closely connected with the functions of another public authority, the public authority, to which such application is made, shall transfer the application or relevant part of it to that other public authority within five days from the receipt of the application. The public authority should sensitize its officers about this provision of the Act lest the public authority is held responsible for delay.

**Imposition of Penalty:**
An applicant under the Act has a right to appeal to the Information Commission and also to make complaint to the Commission. Where the Information Commission at the time of deciding any complaint or appeal is of the opinion that the Public Information Officer has without any reasonable cause, refused Part IV
- For Public Information Officers 32 Guide on Right to Information Act, 2005 to receive an application for information or has not furnished information within the time specified or malafidey denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall impose a penalty of two hundred and fifty rupees each day till application is received or information is furnished subject to the condition that the total amount of such penalty shall not exceed twenty-five thousand rupees. The Public Information Officer shall, however, be given a reasonable opportunity of being heard before any penalty is imposed on him. The burden of proving that he acted reasonably and diligently and in case of denial of a request that such denial was justified shall be on the Public Information Officer.

**Disciplinary Action against PIO:**

Where the Information Commission at the time of deciding any complaint or appeal is of the opinion that the Public Information Officer has without any reasonable cause and persistently, failed to receive an application for information or has not furnished information within the time specified or malafidey denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it may recommend disciplinary action against the Public Information Officer.

**Protection for Work Done in Good Faith:**

Section 21 of the Act provides that no suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under the Act or any rule made thereunder. A Public Information Officer should, however, note that it would be his responsibility to prove that his action was in good faith.
III – Theoretical Implications of the RTI for Rural Development

IN INDIA RTI has BORN OUT OF RURAL DEVELOPMENT PRACTICE:

The MKSS’s interest in the right to information arose from its work in the late 1980s and early 1990s on livelihood issues in rural areas, such as the failure of the state government to enforce minimum-wage regulations on drought-relief works, to ensure availability of subsidized food and other essential commodities through the Public Distribution System (PDS), or to prevent the illegal occupation of government land by powerful local interests. Though the MKSS is also active on a number of other fronts – for instance, protesting atrocities against lower castes, religious minorities and women – it is particularly the efforts around wages and prices which generated a belief that access to official documents was an essential part of the struggle to demand accountability from local authorities. Its work on minimum wages, for instance, highlighted the role of corruption in the underpayment of wages, as it became clear that local authorities were billing the central and state governments for the full amount. This led to greater awareness of other malpractices which local workers had observed first- and, but had no method of documenting. These included inflated estimates for public-works projects, the use of poor-quality materials, and over-billing by suppliers. To combat these forms of fraud, it became clear that access was required not only to balance sheets, but also to supporting documentation which could be cross-checked by workers organised through the MKSS – for instance, employment registers and bills submitted for the purchase of materials.

As for the Public Distribution System (PDS), the main problem was the diversion of food grains and other commodities by “ration shop” owners to the open market, where they fetch much higher prices. This severely depleted the stocks
available for poorer people, who should have been able to purchase food and other essentials (like kerosene) at government-determined subsidized prices through the ration shops. The MKSS came to the conclusion that such malfeasance could not be traced without access to official documentation indicating how much of each subsidized commodity had been delivered by the government’s civil supplies department to each licensed ration shop, and access to the shop-level sale registers which furnish the names and ration-card numbers of those who purportedly purchased these goods at the official, subsidized price. In theory, the amount delivered to the shop by the government should match the amount sold to ration-card holders. In practice, bogus names (or inflated quantities for genuine names) are listed in sale registers to make up for the amounts illegally diverted by shop-owners to the open market.

While the nexus between local politicians, local officials, and local contractors was well known, it continued to thrive under an veil of secrecy. Hence the focus on information, which provided a rallying point for resistance among poorer groups and the basis for a larger campaign addressed at the state government, which is responsible for framing rules to govern the procedures of local authorities.

One of the MKSS’s most important innovations has been the development of a collective method for analyzing the official information it has been able to obtain by persuading sympathetic bureaucrats, or by putting pressure on those who were less forthcoming. In a series of jan sunwais – or "public hearings" – detailed accounts, derived from official expenditure records and other supporting documentation, are read aloud to assembled villagers. These meetings are organised independently, not through the official, statutorily recognised village assemblies (or gram sabhas), but elected representatives and local government officials are also invited to attend. These orderly hearings are presided over by a panel of respected individuals from within and outside the area. Local people are invited to give testimony which highlights discrepancies between the official
record and their own experiences as labourers on public-works projects, applicants for means-tested anti-poverty schemes, or consumers in ration shops. Through this direct form of "social audit", many people discovered that they had been listed as beneficiaries of anti-poverty schemes, though they had never received payment.

Others were astonished to learn of large payments to local building contractors for works that were never performed. This approach depends upon a principle of collective and very local verification of official accounts, as it is only at the local level that the many small diversions of funds, which go unnoticed in massive formal audits, can be detected. These jan sunwais not only exposed the misdeeds of local politicians, government engineers, and private contractors – in a number of cases leading to voluntary restitution – but also demonstrated the potential for collective action among groups that tend to shun organized "political" activity.

While the amounts diverted through such means may seem insignificant to anti-corruption activists pursuing cases of high-level corruption, the cumulative diversion of resources intended specifically for the poor, or for local public goods more generally, is enormous. A hint of the scale of misappropriation in local development schemes is evident from the outcome of a January 1998 jan sunwai for five gram panchayats (village councils), where at least Rs 100,000 (US$ 2,500) was unaccounted for in each village. In one village the amount was estimated at Rs 500,000 (US$ 12,500). This is just a tiny snapshot of fraud at one point in time on one set of relief schemes in one locality. Exposure of the mechanics of these everyday forms of corruption through access to government documents and cross-checking them in public hearings has helped to fuel local discontent and a willingness to engage in organised protest against both the specific cases of corruption and the continued refusal of officials to release information. Indian Administrative Service (IAS) officer Amitabh Mukhopadhyay
has argued that public hearings have an important educative function: the struggle for access to information challenges the obscurantist and remote culture of the bureaucracy, and reinforces democratic notions regarding the obligations of government officials and elected representatives as public servants.

Although successful in exposing corruption in a number of localities, jan sunwais have been relatively rare because of the difficulty in obtaining certified copies of government accounts from reluctant officials. In response, the MKSS and its allies in Rajasthan’s large and diverse voluntary sector developed a parallel strategy involving large-scale public protests extending over weeks. The objective: legislative and regulatory reforms to provide a legal basis for local efforts to obtain official documents. The main demand is that citizens be entitled to photocopy government documents, except those with national-security implications. The state government has vacillated in response to this demand. In April 1995 the state’s chief minister made a dramatic promise on the floor of the state legislature to give citizens the right to photocopy documents relating to local development works. But the order which followed this after a one-year delay only granted inspection rights, not permission to photocopying documents. This made it next to useless for social audits, since certified copies of documents are needed for use as evidence when registering prima facie cases of corruption. Photocopying is also a key requirement where illiterate people need time and assistance to interpret the sometimes technical detail in official documents.

Both independently, and in emulation of the MKSS, organisations in other parts of India have also begun to focus on the role of information as a weapon in the battle for government accountability. Few have been able to go as far as replicating the jan sunwai method. Nevertheless, the MKSS has had an impact out of proportion to its size. In mid-1996, local associations engaged in anti-corruption struggles joined with other interested groups across India, including the Press Institute of India and senior faculty members of the National Academy
of Administration (which trains IAS officers), to establish the National Campaign for People’s Right to Information. This seeks reform of legal provisions relating to the accessibility of government documents, which continue to be governed by the Official Secrets Act of 1923. Two draft Freedom of Information Bills were produced in early 1997, one by a committee appointed by the United Front coalition government, and the other by the Press Council of India. The collapse of the United Front government in late 1997 postponed the introduction of the proposed right-to-information legislation, and the way finally RTI got enacted with the demand of the Rural Development.

RELEVANCE TO RURAL DEVELOPMENT DEBATES:
The idea that in Rural Development decision-making should be transparent is nothing new. A range of factors – some of them contradictory – have pushed it to the centre of contemporary Rural Development debates. For instance, the concern with transparency is a reaction against both the arbitrary decision-making found in state-dominated Rural Development approaches and the often secretive processes by which participatory Rural Development policies are introduced. The link between transparency and the cognate concept of accountability is, on an abstract plane, unassailable. In operational terms, however, the connection is far from obvious. Transparency does not automatically result in accountability. Moreover, neither term on its own is self-explanatory. Transparency is often conceived of in terms of making procedures clear and removing discretionary control, but without a corresponding elaboration of the preconditions necessary for making clarity produce the desired results. Accountability itself can mean any number of things: that officials must explain – ie, "account for" – their actions (which makes accountability almost synonymous with transparency); that officials must "take responsibility" for their actions (but whether this is to be judged on procedural grounds or in terms of impacts is unclear); that elected officials will be made accountable by voters through elections; and so on. It is the range of meanings to which the two concepts lend
themselves, individually and in tandem, that perhaps explain their ubiquity that, as well as their utility as a euphemism for "means of combating corruption". Government policy-makers, and aid agencies sensitive to their feelings, are reluctant openly to admit the existence of corruption. They increasingly refer to the "transparency and accountability dimensions" of policy initiatives.

These sorts of ambiguities, alongside buzzword fatigue, make it easy to dismiss movements for transparency as so much repackaged liberal-pluralist theory – a neutered conceptual form which does nothing to address existing power inequalities, the tenacity of bureaucratic cultures, and the impact of trends which have increased the influence of far-away events on once fairly insulated local politics – in short, globalization. But like democracy itself, the idea of transparency maintains its grip on the popular imagination – or at least the intellectual inclinations of political analysts. The RTI has proved to be catalyst amongst activists, non-governmental organisations, the media, and even bureaucrats and politicians – has the capacity to breathe new life into a concept which is in danger of withering from under-specification and over-use. When trying to make sense of the Right to Information – particularly the way in which information and its link to the idea of transparency is characterised – one is inevitably drawn to several related debates, if for no other reason than to situate this experience within a comprehensible frame of reference. For reasons of space and clarity, we will focus on three areas, each of which has spawned its own voluminous and often inward-looking rural development literature: human rights, participatory development, and anti-corruption.

**Human Rights:**
It must first be recognized that almost any enumeration of desirable rights usually lists the importance of the right to information, the right to know, or some such related formulation. There is a perceptible lack of excitement about the value of this entitlement, however. It is invoked dutifully rather than passionately. The
right to information has an undeniably old-fashioned ring to it. It is, to use the jargon, a "first-generation" civil-political right, one which elaborates, but does not appear to redefine, the individual citizen’s relationship to the state. It is understandable that rights advocates, steeped in the rhetoric of "ground realities", should be less than enthusiastic about something which lacks the immediacy of struggles to obtain "second-generation" rights, such as demands that the state recognize a right to basic economic necessities like food, shelter, education and healthcare. The right to information is too abstract for this constituency. It is, in a different way, just as understandable that rights theorists, concerned above all with intellectual novelty and sophistication, find it more appealing to probe the limits of democratic theory by elaborating "third-generation" rights – that is, "group rights", particularly those which accord communities an entitlement to cultural preservation and autonomy. These still-evolving concepts stretch the definition of rights themselves, in that they question the notion of the rights-bearing individual as the essential unit of the political community. The right to information cannot compete in such an alluring marketplace of ideas. It has thus become damaged goods, branded as quintessentially liberal – the intellectual equivalent of the death sentence.

The right to information is portrayed as something of little practical relevance to poor and marginalized people, since they do not possess the means required to actualize it: time, literacy, appropriate forms of collective action, and so forth.

Public debate on issues of transparency in rural development in India now routinely refers to the central importance of the right to information. More importantly, people are far more aware of the potential of this right to contribute to the concerns of ordinary people – that is, they have grasped the relationship between opacity and the perpetuation of everyday forms of corruption. The right to information has leapt into the national spotlight from time to time over the past 25 years, most notably at times when centre-left coalitions have edged aside the
Congress party to take power in New Delhi. The right to information is something which can be sought and used by ordinary people – and in a collective fashion – has brought about a marked transformation in its perceived status and importance.

**Participatory Development:**
The literature on participatory rural development, depicts, some of the sentiments and concerns of participatory development seem to parallel aspects of the participatory approach: the validating of local knowledge, the ethics of "putting the last first", the focus on development programmes which target the poor. This large contemporary literature on methods for increasing the voice of poor and marginalized people is thus seemingly inextricable from notions of transparency and accountability. The underlying assumption is that if more people participate in decision-making, there will be greater information-sharing, and greater chances that citizens will detect and oppose the pilfering of resources meant for them. However, the literature on participatory rural development rarely applies itself directly to anti-corruption strategies, nor does it take the same kinds of risks as the right-to-information approach in challenging the prerogatives of local authorities by demanding open accounts. Instead the focus both in theory and practice is on the bottom-up generation of information to provide planners with better, more "authentic" sources of information, as well as involvement of people from planning, implementation and continuous monitoring to evaluation and impact assessment.

Within the domain of participatory rural development, the nearest approximation to the approach – which for the purpose of narrowing the terminological gap we can call "participatory auditing" or to say “social auditing” – is what is known as "participatory monitoring and evaluation". Participatory monitoring and evaluation elicits people’s perceptions of the utility of development interventions initiated on their behalf. The purpose is to illuminate gaps between people’s expressed needs and project responses, and the differential impact of such projects on
diverse social groups. Here, as with the rights literature, the right to information has tended to be seen, when considered at all, as rather behind the times. There are two lines of critique, one ideological and one practical. First, the idea of gaining access to official documentation to audit accounts is considered a mechanical exercise, focused on questioning developmental statistics rather than the objectives and meanings of development itself. Second, auditing is seen as a prerogative of liberals and literates – of people able to engage in technical details, or in legal tussles over information-release – but not of much use to poor and often illiterate people.

Four aspects of participatory monitoring and evaluation contrast with the more confrontational approach to accountability.

First, participatory monitoring and evaluation exercises originate from outside the community – from funders seeking to replace expert analysis with local opinion – and are viable only when the assent of dominant local interests is obtained.

Second, it is usually applied to discrete projects, not to large-scale government programmes or the procedures used in the management of local-government resources.

Third, the emphasis in participatory monitoring and evaluation, as in the participatory development literature more generally, is on the generation of information from the grassroots; there is less emphasis on direct confrontation between people’s knowledge and official accounts. The involvement of people in generating information about their own lives, perceptions, and needs, and the evolution of ever-more-ingenious methods for enabling illiterate people to keep records about their natural-resource endowments, time-use patterns, community relations, expenditure priorities, and so on, is of course a radical departure from top-down development planning. But there is a big difference between providing
a resource map of a community, or an opinion about the impact of a project, and demanding access to detailed expenditure records and subjecting these to collective verification – checking, for instance, whether regulations governing the award of contracts have been violated or whether money has been spent on sub-standard materials or diverted to officially prohibited uses. To do this implies direct confrontations with authorities – both to gain access to documentation, and to demand an explanation from officials for apparent discrepancies.

This leads to the fourth important contrast between the two approaches: participatory techniques are remarkably apolitical in their implicit assumptions that the generation of information will actually flow ‘from the bottom up’ – that policy makers will be moved to respond to the alternatives presented in grassroots-generated information. The indifference of policy-makers to the perspectives of the poor is acknowledged in the writings of participation gurus like Robert Chambers. But the proposed solution – changing the elitist culture of the bureaucracy through training and inculcation of new pro-people values – hardly offers a viable replacement for the inducements bureaucrats earn from looking the other way when regulations are violated and mediating the access of politicians and local business elites to state funds. It is hard to see how people’s knowledge can translate into power without critical engagements with the bureaucracy, or exposure and prosecution of corrupt practices – all supported by a social movement to protect the poor from the inevitable backlash.

Another area in which participatory approaches have been demonstrated to be apolitical is in their general assumption of consensus in the nature of participatory exercises. In assuming consensus, different perspectives can be silenced a problem which has been observed with regard to the subtle filtering-out of dispense along gender and class lines. Perhaps it is precisely because participatory methods lend themselves, in practice, to non-confrontational applications that they have been adopted by institutions as remote from the
grassroots as the World Bank. There, as many have pointed out, such methods are often stripped of their originally subversive content to become a cost-saving strategy.

**Corruption and Anti-Corruption:**
A right to information – even if well-crafted legally, used widely, and enforced rigorously – is not the sole answer to corruption. It is necessary, though not sufficient. However, some initiatives and campaigns for regulatory change it has inspired provide a valuable new perspective from which to assess the literature on corruption and anti-corruption and Rural Development. Most studies of corruption focus on its causes or consequences, rather than methods of combating it. The cause most often cited is a policy environment that bestows undue discretion to state officials, while consequences are usually measured in terms of overall economic efficiency. There is undoubted merit to this logic. However, its main implication is that policy reforms which transfer power from state to market agents will suffice to combat corruption. Evidence from a wide range of countries which have liberalised and deregulated their economies over the past twenty years indicates that policy reform, while helpful in some cases, has fallen well short of original expectations. Moreover, states still have major functions to perform – at the very least, protecting poorer and vulnerable sections of society from the dislocations that liberalization can generate. State officials will, for instance, continue to enjoy great discretion in implementing anti-poverty programmes as well as in enforcing environmental and labour regulations. Corruption will thus remain one of the greatest obstacles to the efficient delivery of development resources to the poor in developing country like India. The scope for subjecting the management of anti-poverty programmes to competitive pressures is severely limited, especially in such inherently statist interventions as employment-generation schemes or means-tested food subsidies. As a result, the emphasis in the policy literature has been on establishing means of "restraint", particularly civil-service reforms which provide for punishing errant
officials while adequately remunerating those who perform their jobs effectively. Hence, the continued stress on such public-administration mechanisms as ombudsmen, independent inspector-generals, and quasi-judicial vigilance commissioners. These are potentially valuable, but they are not enough.

Given the high profile which the notion of civil society has been accorded in the literature on democratic accountability, it is somewhat surprising that it has been assigned such a low profile in official reports on how to restrain corrupt activity. The World Bank’s 1997 *World Development Report* (WDR), to take perhaps the most egregious example, devotes only a small section at the end of the chapter on combating corruption to the role of civil society organisations. This prioritization is based on a seemingly unassailable political logic: the marginalized groups which suffer from these forms of corruption – particularly the rural poor and women – tend to be weakly organised, if at all; they are thus fairly unlikely candidates for the formidable job of holding government officials accountable.

The organisational dynamics and political tactics of India’s right-to-information movement also furnish at least two new perspectives on the diverse forms and differential impacts of corruption. First, while pursuing rights which alter the governance framework – rather than simply protesting individual acts of government malfeasance – the movement has progressed well beyond the focus on accountability in government expenditure. As a by-product of both the coalition-building exercise which forged the movement, and the utilization of the social-audit technique, the multifaceted nature of corruption has been highlighted. For instance, activists working on issues of violence against women, who have become central to Rajasthan’s right-to-information campaign, contributed to the movement a greater sense of the sorts of corruption that plague the law-enforcement and criminal-justice systems. Similarly, the harassment of those involved in the village-based public hearings by local
officials highlighted the extent to which various arms of the state administration are routinely subjected to interference by those with political power. Second, the right-to-information movement focuses attention on the complex impact of corruption on the poor. It is useful to conceive of these effects as operating along three dimensions of citizenship. Each corresponds to a critical relationship in which citizens must engage – with the state, with the market, and with civil and political society. The three overlap substantially, and it is through such spillover effects that they have their most damaging impact on the poor.

Pilfering of state resources intended to benefit the poor (such as subsidized food) is the most obvious culprit. And indeed, as we have seen, the Rajasthan right-to-information movement originated in part from localised efforts to confront corruption in the Public Distribution System, through which essential commodities are distributed at subsidised prices. The coalescence of the Rajasthan movement was also instrumental in increasing popular awareness of the linkage between different forms of corruption. Resources available for targeted schemes, for instance, are reduced *ex ante* through tax evasion by the rich. And when resources devoted to programmes intended for universal provision (for poor and non-poor alike) are diverted through corrupt practices, this has a disproportionately negative impact on the poor, since unlike many other segments of society they are ill-prepared to substitute private provision.

The ability of the poor to achieve market gains is also impaired by corruption. Not only does the draining of public resources for such public goods as education and healthcare impair the market prospects of the poor, but the failure to enforce laws regulating market behaviour – which is due more to corruption than administrative incompetence – has dire consequences for many of their number. In the industrial sector, these largely concern labour and environmental-health standards. In rural settings, the problems centre on land-tenure guidelines, credit-market regulations, minimum wages for agricultural workers, and the collusive practices of officials charged with enforcing standards in the buying and
selling operations of market centres. While these examples concern the economic relationships of the poor as producers, it is essential to recognise the ill effects that can also befall them as consumers. When policing of the market is lax, collusive relationships between firms and other organised economic agents (such as agricultural cooperatives) can impede whatever scant benefits poorer citizens may have been able to derive from their productive activities or from redistributive programmes implemented by the state.

The third dimension of citizenship through which corruption affects the poor concerns participation in civil and political society. This is clearly related to the first two dimensions insofar as these forms of participation are impeded by resource deprivation and a hostile market environment. For instance, state officials whose services have been bought to rig agricultural markets and evade taxation are not likely to call out the police against their powerful accomplices when they engage in violence or intimidation to prevent poorer people from attending village assemblies or organising their own public meetings. It is through such sustained relationships between local elites and the state administration that networks of corruption – spanning the domains of developmental activity, market transaction and organised politics – have their most devastating impact on the poor.

The most common conceptual link between information and accountability in the international literature on corruption is through the idea of information-generation. As with participatory development techniques, this strand of thinking prioritises the need for eliciting information from the public at large. World Bank staffers Gray and Kaufman argue that anti-corruption "practitioners need to search for the information gathering and dissemination methods that can have the quickest and most direct impacts". They cite in this connection – as do a great many surveys on corruption – the work of the Public Affairs Centre (PAC), an NGO based in the south Indian city of Bangalore founded by Samuel Paul, himself a former World
Bank employee. The PAC’s method involves surveying citizens’ levels of satisfaction with public services and their perceptions of corruption. The result is a "report card", which is then widely publicised through the press. This is clearly a good idea, but with severe limitations.

IV – Importance of the Right to Information in Context of Rural Development

The state has spread its tentacles to virtually every aspect of public life. The person on the street is condemned to grapple hopelessly with corruption in almost every aspect of daily work and living. Most government offices typically present a picture of a client public bewildered and harassed by opaque rules and procedures and inordinate delays, constantly vulnerable to exploitation by employees and touts.

In the quest for systemic answers to this chronic malaise, it is important to identify the sources of corruption inherent within the character of the state machine. These include a determined denial of transparency, accessibility and accountability, cumbersome and confusing procedures, proliferation of mindless controls, and poor commitment at all levels to real results of public welfare.

Information is power, and that the executive at all levels attempts to withhold information to increase its scope for control, patronage, and the arbitrary, corrupt and unaccountable exercise of power. Therefore, demystification of rules and procedures, complete transparency and pro-active dissemination of this relevant information amongst the public is potentially a very strong safeguard against corruption. Ultimately the most effective systemic check on corruption would be where the citizen herself or himself has the right to take the initiative to seek information from the state, and thereby to enforce transparency and accountability. It is in this context right to information is so important.
A statutory right to information would be in many ways the most significant reform in public administration in India in the last 60 years. This is because it would secure for every citizen the enforceable right to question, examine, audit, review and assess government acts and decisions, to ensure that these are consistent with the principles of public interest, probity and justice. It would promote openness, transparency and accountability in administration, by making government more open to continuing public scrutiny.

Information is the currency that every citizen requires to participate in the life and governance of society. The greater the access of the citizen to information, the greater would be the responsiveness of government to community needs. Alternatively, the greater the restrictions that are placed on access, the greater the feelings of ‘powerlessness’ and ‘alienation’. Without information, people cannot adequately exercise their rights and responsibilities as citizens or make informed choices. Government information is a national resource. Neither the particular government of the day nor public officials create information for their own benefit. This information is generated for purposes related to the legitimate discharge of their duties of office, and for the service of the public for whose benefit the institutions of government exist, and who ultimately (through one kind of import or another) fund the institutions of government and the salaries of officials. It follows that government and officials are ‘trustees’ of this information for the people. The Right to Information has enabled members of the public to obtain access under the law to documents that may otherwise be available only at the discretion of government.

There are numerous ways in which government information is at least in theory already accessible to members of the public. The parliamentary system promotes the transfer of information from government to parliament and the legislatures, and from these to the people. Members of the public can seek information from
their elected members. Annual reporting requirements, committee reports, publication of information and administrative law requirements increase the flow of information from government to the citizen. Recent technological advances have the potential to reduce further the existing gap between the 'information rich' and the 'information poor'. However, in practice the overwhelming culture of the bureaucracy remains one of secrecy, distance and mystification, not fundamentally different from colonial times. In fact, this preponderance of bureaucratic secrecy is usually legitimized by a colonial law, the Official Secrets Act, 1923, which makes the disclosure of official information by public servants an offence.

The right to information is expected to improve the quality of decision making by public authorities, in both policy and administrative matters, by removing unnecessary secrecy surrounding the decision making process. It would enable groups and individuals to be kept informed about the functioning of the decision making process as it affects them, and to know the kinds of criteria that are to be applied by government agencies in making these decisions. It is hoped that this would enhance the quality of participatory political democracy by giving all citizens further opportunity to participate in a more full and informed way in the political process. By securing access to relevant information and knowledge, the citizens would be enabled to assess government performance and to participate in and influence the process of government decision-making and policy formulation on any issue of concern to them. The cumulative impact on control of corruption and the arbitrary exercise of power, of the availability of such information to the citizen, would be momentous. This information would include, for example in the context of maximum interface of the ordinary citizen with government, the following:

- All estimates, sanctions, bills, vouchers and muster rolls (statements indicating attendance and wages paid to all daily wage workers) for all public works.
- Criterion and procedure for selection of beneficiaries for any government programme, list of applicants and list of persons selected.
- Per capita food eligibility and allotments under nutrition supplementation programmes, in hospitals, welfare and custodial institutions.
- Allotments and purchase of drugs and consumable in hospitals.
- Rules related to award of permits, licenses, house allotments, gas, water and electricity connections, contracts, etc., list of applicants with relevant details of applications, and list of those selected, conditions of award if any.
- Rules related to imposition of taxes such as property tax, stamp duty, sales tax, income tax, etc., copies of tax returns, and reasons for imposition of a particular level of tax in any specific case.
- Copies of all land records.
- Statements of revenue, civil and criminal case work disposal.
- Details of forestation works, including, details of land/sites, species and numbers of plants, expenditure on protection.
- List of children enrolled and attending school, availing of scholarships and other facilities.
- Rules related to criterion and procedure for selection of persons for appointment in government, local bodies or public undertakings, copy of advertisement and/or references to employment exchange, list of applicants with relevant details, and list of beneficiaries elected.
- Prescribed procedures for sending names from employment exchanges, relevant details of demands from prospective employers, list of candidates registered and list referred to specific employers.
- Rules related to criterion and procedure for college admission, list of applicants with relevant details, and list of persons selected.
- Copies of monthly crime report.
- Details of registration and disposal of crimes against women, tribals and dalits (literally the oppressed, groups traditionally subjected to severe
social disabilities) and other vulnerable groups, crimes committed during sectarian riots and corruption cases.

- Number and list of persons in police custody, period of and reasons for custody.
- Number and list of persons in custodial institutions including jails, reasons for and length of custody, details of presentation before courts etc.
- Mandatory appointment of visitors committees to every custodial institution, with full access and quasi-judicial authority to enquire into complaints.
- Air and water emission levels and content with regard to all manufacturing units, coupled with the right of citizens’ committees to check the veracity of these figures; copies also of levels declared safe by government authorities, to be published and made available on demand.

Even a short random listing such as this would demonstrate the enormous potential power of information, if it be placed in the hands of citizens, to combat corruption that they experience in their daily lives. There is no doubt that the Right to Information is a revolutionary instrument in the hands of citizens to make the rural governance system transparent and participatory.

**V – Points of Excellence**

Analytical assessment of Right to Information act with reference to Governance in general and governance of rural development in particular brings out the following points of excellence that can accelerate the process of participatory rural development.

First of all it helps citizens of the country in enjoying their rights given by the constitution of the country. Constitution provides for Sovereign Socialist, Secular Democratic Republic accountable to citizens. Accountability is based on the premise that citizens have access to information on the basis of which they can
determine the justness, or otherwise, of actions of the State. Hence, the criticality of the right to information and this Act is but the means for accessing it. These means have been kept simple, with overriding importance given to “public interest”, sweeping aside much of the legacy of colonialism. The provisions for Freedom of Speech and Expression (Article 19), or Protection of Life and Personal liberty (Article 21), or Protection against arrest and detention in certain cases (Article 22) guaranteed by our Constitution. These rights can be exercised by the citizens only if they have adequate information about the factors which threaten the enjoyment of these rights. Through this piece of legislation as effective instrument in the hands of citizens people can track the leakages, loopholes and discrepancies in the implementation of the constitutional provisions. Constitution gives certain guarantees which are to be executed by legislature, judiciary and executives. This act provides avenues to the citizens by empowering them with the right to information through which they can avail the guarantees guaranteed to them by the constitution.

Another important point of excellence about this act is that it promotes a culture of vibrant democracy and way it ultimately leads towards democratic upgradation. Democracy as a set of values which govern the way people interact with each other on a daily basis, values such as equality, participation, influence, decency, fairness and accountability - values which are inherent in the concept of democracy. These values are not abstract concepts but are expressed as behaviours either at the individual, institutional or structural level. The extent to which these values are embedded in individuals and institutions can have a great impact on how people experience personal relations and indeed their society as a whole. This refers to the constitution, laws and regulations which determine how a society is run. There is a clear link between access to information and strengthening of local democracy; it is because of this act that people can ask for the information about decisions taken for them, on behalf of them. Information works as oxygen for democratic governance and this act ensures the oxygen
kind of importance as far as democracy is concerned. There is a growing realization within the bureaucracy that it can no longer be opaque in its functioning. The tendency to hide information and take refuge under the Official Secrets Act 1923 is being slowly eroded. For the first time, officials are being forced to be accountable to the citizens.

The act has potentials not only that of transparent governance but also that of participatory governance. Using this act people can participate in the process of decision making, planning, implementation, monitoring and evaluation of government policies actually meant for the people. RTI fosters an informed citizenry and better democratic dividends. An informed community can participate in the decision making process as well as monitor progress. In fact, RTI is a critical factor that is needed for moving from a representative to a participatory democracy, and in creating space for participation from groups hitherto excluded from the policy making processes. The need to provide information on a regular basis is also likely to catalyse the development of an efficient information collection and management system within government agencies.

Some legislation proves as tigers without teeth but the key strength of the Right to Information Act pertains to administrative and adjudicative autonomy of Information Commissions. The Central and State Commissions have identical powers and responsibilities, and exercise exactly the same authority, in respect of institutions within the jurisdiction of each. The Act clearly defines the role, responsibility and jurisdiction of the national and sub-national bodies, the Central Information Commission and the State Information Commissions. Each is independent of the other.

Another important point of excellence of this revolutionary legislation or we may call it a byproduct of this act is record management system. Smooth and prompt flow of information from the Public Authorities depends basically on a good
system of record management. In this regard, RTI Act lays down an ambitious mandate for fulfillment by all Public Authorities in the country. This envisages nothing less than total administrative reform in so far as record management is concerned, especially the utilization of Information Technology. There are some provisions that compels the authority to keep the records up to date. And there are certain circumstances that are opening because of this act that the offices have to maintain the records up date not because the act is meant for record management we may say that the act is not RECORD MANAGEMENT ACT but the authority has to provide information and hence they have to update the records.

The civil society is playing an important role in ensuring the implementation of the Act. There have been pressure groups which have constantly advocated better implementation. At the local level, many NGOs have done good work to build awareness and capacity among people. NGOs have also led by example by filing RTI applications in important areas.

The most important lesson which people in power in the government have learned is that in a democracy information belongs to the people and not to the government. The doctrine “everything about the government is secret unless there are strong reasons for releasing it”, is replaced by the new doctrine “all information should be made available to the people unless there are strong reasons for denying it”.

VI – Areas of Concern

Analytical assessment of the act in light of participatory rural development process reveals that there is no doubt about the potentials of this act. But there are certain following mentioned areas that required concern which are either related to provision or related to the implementation and interpretation of this act.
There are certain organizational issues with regard to implementation and interpretation of this act is appointment of PIOs/APIOs especially as observed in case of the village level institutions like Gram Panchayat or schools either the PIOs are not appointed or the PIOs themselves are not aware about act or the fact that they are designated as PIO under this act.

Another point of concern related to the interpretation is that the public authority itself believes that they don’t come under the preview of the Right to Information.

One of the most worried area of implementation and use with regard to poor rural citizens is that they don’t have to pay fees for the information as they are exempted from the fees for that. But after filing the application they don’t receive the information so they have to go for first appeal with the first appellate authority designated under the act. The first appellate authority’s headquarter is generally at district head quarter so the citizen has to bear the to and fro and other expenditure to attend the appeal and not only that he or she may lose one day labor. This is about first appeal now if he applicant doesn’t get the information even after first appeal then he/she has to appeal to Information commission which is generally at state head quarter which is rather again more difficult almost impossible kind of affair for the rural poor citizen.

“Justice delayed is justice denied” the well known quote doesn’t require any further explanation and this legislation is not an exception even in this regard. Because the time limit for providing information is prescribed for the public authority as well as first appellate authority but in case if the citizen doesn’t receive information or received incomplete or incomplete information and goes for appeal with Information commission. It is not sure when he/she will get the information because time limit is not prescribed for information commission to dispose the appeal. Such situation undermines the appeal regime. Even the role and functioning of State Information Commissions has been hampered by lack of
financial and manpower resources. In addition, the performance of State Information Commissions in terms of disposal of appeals and complaints, and quality of decision-making varies substantially from state to state.

There are provisions in national laws with regard to the powers of state governments to make rules under the law and likewise Right to Information Act also provides for such provision. Some state governments and competent authorities under section 27 of this act have tried to frame rules that make accessing information difficult for the common man even if ensued by the actual legislation. Although information commissions are there to take care of such incidents but the point of concern here is that it creates confusion amongst the implementers as well as citizens.

The act provides for the penalty to PIOs and Deemed PIOs but the head of departments are generally the appellate authority there is no provision of penalty for them hence there are chances that this loophole may allow the heads of departments to sit endlessly on these complaints without deciding the appeals within the stipulated 60 days.

There are not uniformity as far as the charging of fees and its mode is concern. Even there are cases and chances of cases wherein the fees is 10 rupees but if the applicant pay it through demand draft the has to pay 35 rupees commission.

In certain institutions there are chances that the head of the office is not PIO or there is elected body and the PIO pays secretarial role. Act provides for providing information but the information is such that the boss doesn’t want to reveal and he is not ready give in written order not to give such information but forces the PIO orally to deny the information. In case subordinates denies for the information there is a provision for deemed PIO but if boss gives oral order the
PIO either has to obey as a part of working culture or has to be ready for being penalized for not providing the information.

One of the major concerns with regard to inadequate provision of the act is that very often the information provided is turning out to be incomplete, misleading and unclear. The citizens complain with information commission he commission impose penalty and gives order for giving information but The government departments don’t always comply with the orders of the Information Commission. The process to be adopted by the Commission to enforce its orders is unclear in this act.

Though the act empowers common citizens to monitor the governance but the inbuilt monitoring mechanism in this act is not very effective section 25 of the act provides for preparation of annual report but annual reports are either not prepared or are based on information furnished by the government departments without benefit of any cross check.

Pro active disclosure is essence of the act wherein public authorities have to proactively disclose maximum possible information so as the citizens need not have to apply for information under RTI. But there are chances either of not preparing the proactive disclosure itself or preparing incomplete useless proactive disclosure because there is not provision for penalty for that. Laid down processes & mechanisms for information disclosure are not standardized. This also relates to the poor quality of proactive disclosure and limited dissemination efforts

Another issue of concern with regard to interpretation of the act is that the Act marks those organizations for public scrutiny that are funded by “substantial” public money. However it doesn’t specify how much is exactly substantial funded. This may lead to curious situation. Many of the organization seeking exemption
from the act are public-private partnership (PPPs). By their nature, these exist in a sort of gray area between the public and the private.

The maintenance and retrieval systems for official records are primitive. As a consequence, whenever any demand for information is received, the offices concerned expend their energies in freshly locating and retrieving record for serving every individual request for information. The record itself does not generally lend itself to convenience in retrieval, since the arrangement for maintenance is poor.

A key reflection on the quality of implementation of the RTI Act is the level of awareness among the general populace. A study across 12 states by PRIA, an NGO, suggests that more than 90% of the general population is not aware of the RTI Act. This reflects the inadequacy of the efforts that state governments have made to educate the public on their right.

According to Section 26 of the Act, the entire responsibility for spread of public awareness and training of officials lies with the State Governments concerned. Both these areas are considerably neglected.

**VII – Concluding Note:**

The first part of this chapter describes the legislative features of Right to Information Act. The objective of right to information is mainly to empower the citizens by providing them the right to ask for the information. The definition of the information under this act, roles of different authorities under this act mainly PIO, APIO and Information commissioner. Attempt has been made in this part to describe the whole process the citizen has to follow in getting the information. Information exempted under this act, certain features of the act like period of
The second part dealt with the theoretical implications of RTI for Rural Development. In India RTI has born out of rural development practice so there is a basic link between the methods of rural development practice and Right to Information. Theory of participation is at core of rural development and without information participation is not possible, thus this is the basic link between the two. A range of factors – some of them contradictory – have pushed it to the centre of contemporary Rural Development debates. For instance, the concern with transparency is a reaction against both the arbitrary decision-making found in state-dominated Rural Development approaches and the often secretive processes by which participatory Rural Development policies are introduced. The link between transparency and the cognate concept of accountability is, on an abstract plane, unassailable. In operational terms, however, the connection is far from obvious. Transparency does not automatically result in accountability. Moreover, neither term on its own is self-explanatory. Transparency is often conceived of in terms of making procedures clear and removing discretionary control, but without a corresponding elaboration of the preconditions necessary for making clarity produce the desired results. The relation of RTI with basic practices and principles of Rural Development are well established in through his chapter.

The third part of the chapter dealt with clarifying and describing the importance of RTI in the context of rural development. In this part a detailed list of information that can be asked under to make the rural governance efficient and corruption free are described in details. This is really a very exhaustive list that can make wonders if asked under RTI especially to monitor the rural development process. In the concluding part of the chapter points of excellence and points of concerned are presented. RTI helps the citizens of the country in enjoying their rights given
by the constitution of the country. It promotes the culture of vibrant democracy. The act has potential not only that of transparent governance but that of participatory governance also. It establishes that in democracy information belongs to the people and not to the government. Along with these areas of appreciation there are several areas of concern like village level institutions have not appointed PIOs. As far as the rural poor are concerned it is meaningless for them even they have not to pay any fees because they can’t afford for appeal and complain up to information commission level. The level of awareness and capacity to interpret and analyze the information is another challenge for rural poor and hence area of concern. One more issue of concern is chances of the act being misused by the persons having malafied intention.