

## 1. Details of Module and its Structure

<b>Subject Name</b>	<b>Political Science</b>
<b>Paper Name</b>	<b>Public Policy, Governance and Indian Administration</b>
<b>Module Name/Title</b>	<b>Right to Information</b>
<b>Pre requisites</b>	<b>Administration/ Public Administration</b>
<b>Objectives</b>	<b>To study the Right to Information Act, 2005</b>
<b>Keywords</b>	<b>Introduction, Indian Scenario, International Scenario, Provisions and Principles of the Act, Analysis of the Act</b>

### **Structure of Module/Syllabus of Module**

**Right to Information Act, 2005: Introduction, Indian Scenario, International Scenario, Provisions, Principles of the Act, Components of the Act, Analysis of the Research Studies on the Act, Impact of the Act.**

## 2. Development Team

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## Objectives of the Module

After reading this module, you will be able:

1. To identify information as a fundamental right in any developed society.
2. To analyze the reasons that led to the implementation of information acts as a prerequisite of governance.
3. To review its multiple dimensions and functionality.

## Summary

The Right to Information Act, 2005 is a revolutionary step as it not only brings transparency, but, it is also a vital step to ensure the exercise of socio-economic and political power. It not only promotes spread of information i.e. awareness but also serves as an important ingredient in the process of development, participatory governance, democratic governance and facilitation of effective means to boost the growth and nation building.

In a dynamic society being informed with the acquisition of knowledge and its application results in intense and invasive impact on the socio-economic processes for holistic productivity gains as the citizenry who have access to information and are aware of its appropriate utilization help not only in individual but rather community politico-socio-economic empowerment which leads to the development of the country. In anticipation to this, societies globally have made endeavours to democratize the resources of knowledge resultant being effective participation of the people in governance to provide them a standardized quality of life.

The Constitution of India has guaranteed us the Freedom of Expression but the ordinary citizen is completely unaware about its legality, hence it was not possible for him/her to have a stake in the development process resulting in the entire process of public service delivery being shrouded in secrecy, until 2005.

Thus the major task of this Act passed hereinafter is to dismantle the secrecy, to promote transparency and accountability of the government departments and to foster functional democracy embedded in the essentials of good governance and development.

### 1. INTRODUCTION

With the evolution of the concept of welfare state, the functions and powers of the state and its respective organs have increased impetuously. In anticipation to the government functioning amidst economic liberalization the array of powers in the hands of the executive are not always used purposefully in lieu of public benefit or public good; henceforth to ensure liberty and equality in the society arises the need of a potent tool which ensures the establishment of the contours of openness i.e. easy and speedy access to right to information in compliance with the concept of participatory democracy.

In India, the Right to Information Act, 2005 is emerging as an influential instrument in the hands of a common man as “at present where control over information assumes the dynamics of a distinct power

relation involving the abuse of position, money, muscle power; a right to information can serve as a tool of real power especially for those who suffer its constant denial on daily basis.”<sup>1</sup> In a nutshell, the Right to Information Act, 2005 empowers the weaker sections of the society to gain information about public policies and their actions, and establishes the principles of good governance. The edifice of good governance rests upon four elements, namely, transparency, accountability, predictability and participation; the steering wheel of the interplay of these elements is the Right to Information Act, 2005.<sup>2</sup>

## 2. History of the Right to Information Act, 2005

### 2.1 INTERNATIONAL SCENARIO

Today’s informative society is reverberating for a significant democracy backed by good governance in the state engine and amidst people’s right to access the information has gained the status of being an indispensable prerequisite. This need for right to information which derives its source from ‘Freedom of Expression’ has paved way for meaningful administrative reforms emphasizing policy performance and other government activities as a transparent and accountable government can only be established if the informed citizenry is well-equipped to keep a vigil on the state engine and its necessary associates.

In lieu of the above mentioned aspects of the social order, all governments practice the concealment of information from the people though the nature or degree thereof varies; with their main criterion being the satisfaction of public demands with transparency being established within the constitutional and parliamentary parameters. Thence, the Freedom Laws have been established which allow the access by general public to the data held by the national government. The foundational stone in this avenue was laid down by Sweden (1766) known as the Principle of Public Access, wherein, the general public are to be guaranteed an unimpeded view of activities pursued by the government and local authorities; all documents handled by the authorities are public unless legislation explicitly and specifically states otherwise, and even then each request for potentially sensitive information must be handled individually, and a refusal is subject to appeal.<sup>3</sup> Subsequently others were to follow such legislations to promote transparency for the mushrooming of participatory democracy.

#### Right to Information----An International Scenario<sup>4</sup>

<b>COUNTRIES</b>	<b>YEAR OF ENACTMENT</b>
Sweden	1766
Finland	1951
United States of America	1966 (amended in 1974)
Denmark	1970
Norway	1970
France	1970
Netherlands	1970
Thailand	1997
Bulgaria	2000
South Africa	Guaranteed by the Constitution
United Kingdom	2005

<sup>1</sup> Anil Monga and Akshat Mehta, “Right to Information Act,2005: Key for Effective Implementation”, Indian Journal of Public Administration, Vol. LIV, No.2, April-June, 2008, pp.298

<sup>2</sup> Sapna Chadah, “Right to Information Regime in India: A Critical Appraisal”, Indian Journal of Public Administration, Vol. LII, No.1, January-March 2006, pp. 1-2

<sup>3</sup> [http://en.wikipedia.org/wiki/Freedom\\_of\\_information\\_laws\\_by\\_country#Sweden](http://en.wikipedia.org/wiki/Freedom_of_information_laws_by_country#Sweden)

<sup>4</sup> Pooja Chanwaria, “Administration of Right to Information Act 2005 in the State of Haryana”, Synopsis submitted to the Department of Public Administration, Panjab University, Chandigarh

India	2005
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## 2.2 INDIAN SCENARIO

The Right to Information Act, 2005 is an outcome of the painstaking comprehensive efforts of the citizens of India to secure the access of reasonable and practicable information under the control of the government to promote transparency and accountability in the working of public authorities. This legislation is a pragmatic step from the relatively weak statute i.e. the Freedom of Information Act, 2002. This new improvement confers all citizens the right to access of information whilst disseminating an obligation over public authorities to render such information. A remarkable feature of the Act is the provision of autonomous bodies as Information Commission, both at the Central and State level; the constitution of such appellate structures have laid the foundation to abstain the public authorities from refusing to part the requisite information.

It owes its inspiration to the endeavours of the Mazdoor Kisan Shakti Sangathan (MKSS), Rajasthan, which initiated the movement for minimum wages against rampant corruption in rural India for development. It was found that that 85% of the rural budget remained unspent and instead of Rs 22 the labourers were paid Rs 10-14 per day, under the Jawahar Gram Samridhi Yojana and Employment Assurance Scheme. This gave birth to a national campaign for People's Right to Information in July 1997; thence, through this movement novel ways were devised to ensure accountability of public servants. On April 5, 1995 on the floors of the Rajasthan Assembly it was decided that all citizens have the right to access information but on June 15, 2005 the Act finally got passed at the central level under the United Progressive Alliance (UPA) Government headed by Dr. Manmohan Singh and came into force on October 12, 2005.

### 3. PROVISIONS OF THE ACT

The Right to Information Bill, 2005 introduced by the Union Ministry of Personnel, Public Grievance and Pensions was passed by the Lok Sabha on May 11, 2005 and by the Rajya Sabha on May 12, 2005 and it received the assent on June 15, 2005.<sup>5</sup>

The Act contains 31 sections which are divided into VI Chapters divided into Two Schedules with a Preamble<sup>6</sup>; wherein, the first chapter titled 'Preliminary' contains two Sections dealing with short title, extent and commencement and definitions; second chapter titled 'Right to Information and Obligations of Public Authorities' deals with obligations and designation of the authorities in retrospect, disposal of request, exemption from disclosure of information, grounds for rejection of information, severability; and third party information. The third chapter titled 'The Central Information Commission' deals with constitution and conditions of service of the Central Information Commissioner; chapter fourth 'The State Information Commission' deals with constitution and conditions of service of the corresponding authority at the State level. The fifth chapter titled 'Powers and Functions of the Information Commissions, Appeal and Penalties' deals with appeal, penalties, powers and functions of the Commission whereas the last chapter titled 'Miscellaneous' deals with protection of action taken in good faith, bar of jurisdiction of courts, monitoring and reporting, power to make rules by competent authority, laying of rules, etc. The First Schedule contains Oaths while the Second contains Intelligence and Security Organizations enlisted under the Central Government.

### 4. PRINCIPLES OF THE ACT

<sup>5</sup> Anil Monga and Akshat Mehta, "Right to Information Act, 2005: Key for Effective Implementation", Indian Journal of Public Administration, Vol. LIV, No.2, April-June, 2008, pp.298.

<sup>6</sup> P.K. Das, Universal's Handbook on Right to Information Act, 2005, Universal Law Publishing Company, New Delhi.

In the knowledge based world there are instances highlighting the worldwide trend about increasing openness in the system of governance; various factors have contributed to this development viz changing socio-economic milieu, increased awareness in the society about its rights, the growing need to have an accountable and responsive administration in lieu of growing chances of abuse of power by the authorities in government functioning, hence, leading to an increased demand for transparency in the state engine. Thereby, the importance of the Act can be understood by its underlying principles, namely----

- **Statutory:** provisions made for right to information; hence, all citizens possess the right to information.
- **Type of information:** Information includes any mode of information also in any form i.e. any form of record, document, e-mail, circular, press release, contract, sample or electronic data.
- **Scope:** Right to information covers inspection of documents, work, record and its certified copy of information in the form of diskettes, floppies, tapes and video cassettes in any electronic mode or stored information in computers, etc.
- **Time span:** Information can be obtained within 30 days from the date of request; if it is a matter of life or liberty of a person it can be obtained within 48 hours from the time of request. Hence, every public authority is under the obligation to render requisite information.
- **Limitations:** Certain information is prohibited and restrictions are also made for third party information. No court can entertain any suit, application or other proceedings in respect of any order made under the Act.
- **Appellate Authority:** Central and State Information Commissions are to be duly constituted by the respective governments; appeal can be made against the decision of the Central or State Information Commissioner to an authority higher in rank to him.
- **Penalty:** The penalty for refusal to receive an application is Rs 250/day but the total amount should not exceed Rs 25000.

#### 5. COMPONENTS OF RIGHT TO INFORMATION ACT, 2005

Particulars of the Component	Brief Description of the Component
Vision Statement	The first pivotal task under the Right to Information Act, 2005 is to establish transparency and accountability in the functioning of the organization. Accordingly specific rules, criteria and norms have to be laid down for every activity of the government; in context of this an equation between feasibility and desirability is to be maintained.
Mission Statement	The 'mission' statement provides with the definite objectives which impel the organization in tune with its visionary statement. Precise and clarity of 'mission' is important to enable the organisation to move towards its vision. Organisation needs to reflect in the manner in which the vision is to be grasped.
Identification of information (services)	To render the information as desired by the applicant, the organization needs to clearly demarcate the prohibited areas to its employees as it would steer clear the discrepancy between the desirable and feasible services and thus establish synchronization between its vision and mission.

<p>Identification of levels</p>	<p>An organization is a structure manned by different individuals working together towards the achievement of a common goal in lieu of which it is managed at various levels; hence within each organization there are various sub-organizations wherein the work, responsibilities, powers and ability delineates their performance.</p>
<p>Identification of Client/ Group/ Stakeholders</p>	<p>An apparent consideration of the client groups, stakeholders, users by the associations is worthy for a better link with these in matter of policy and administration. This will also facilitate the agency to fulfil the requirements of these groups in an organized manner.</p>
<p>Specification of Time frame for information delivery</p>	<p>The most important aspect of this potent tool is its assurance of being time bound and for this a period of 30 days from the date of application; 48 hours if the information pertains to life and liberty and 5 days may be added in case if the application is submitted to the Assistant Public Information; lastly, if the interests of the third party are involved then the time limit would a maximum of 40 days.</p>
<p>Dimensions of Public Authority</p>	<p>It refers to any authority or body or institution of self-government established or constituted:</p> <ol style="list-style-type: none"> <li>By or under the Constitution</li> <li>By or under the law made by Parliament</li> <li>By or any other law made by State Legislature</li> <li>By notification issued or order made by appropriate government and includes anybody owned, controlled or substantially financed.</li> </ol>
<p>Obligations of Public Authority</p>	<p>It shall publish within one hundred and twenty days of the enactment:</p> <ol style="list-style-type: none"> <li>The particulars of its organization, functions and duties.</li> <li>The powers and duties of its officers and employees.</li> <li>The procedure of decision-making, channels of supervision and accountability.</li> <li>Categories of documents held by it or under its control.</li> <li>The particulars of any arrangement that exists for consultation with or representation of the members by the public in context to policy formulation.</li> <li>A statement of boards, councils, committees and other bodies constituted by it.</li> <li>The monthly remuneration received by its staff, budget allocated to its agency, indicating the particulars of all plans,</li> </ol>

	<p>proposed expenditure, total expenditure and disbursements made.</p> <p>h) The manner of execution of subsidy programmes, including their details.</p> <p>i) Particulars of recipients of concessions, permits or authorizations granted by it.</p> <p>j) The names, designations and other particulars of the Public Information Officer.</p> <p>k) The particulars of facilities available to citizen for obtaining information including working hours of a library or reading room, if maintained for public use.</p>
<p>The procedure of obtaining the requisite information</p>	<p>The application for the desired information is to be submitted in writing or through electronic means in English or Hindi or in the official language of the area, to the Public Information Officer, specifying the particulars of the information sought for; reasons for seeking the information are not required to be given.</p>
<p>The charges prescribed for the information</p>	<p>a) A reasonable application fee is prescribed.</p> <p>b) If a further fee is required then the same is intimated through writing, also indicating as to how this amount was calculated.</p> <p>c) The applicant can seek review of the fee charged by the PIO by applying to the Appellate Authority.</p> <p>d) No fee is to be charged from people below the poverty line.</p> <p>e) If the Authority fails to deliver the information in the prescribed time, no fee is charged.</p>
<p>Information not open to disclosure</p>	<p>The following information is excluded from disclosure:</p> <p>a) The information which would prejudicially affect the sovereignty, integrity, security, strategic, scientific or economic interests of the State.</p> <p>b) Information which has been expressly forbidden to be published by any court of law or tribunal.</p> <p>c) Information, which upon disclosure would cause a breach of privilege of Parliament or State Legislature.</p> <p>d) Information including commercial confidence, trade secrets or intellectual property or disclosure of which would be hazardous to the competitive position of the third party.</p> <p>e) Information available to a person in his fiduciary relationship.</p>

	<ul style="list-style-type: none"> <li>f) Information received in confidence from foreign government.</li> <li>g) Information, the disclosure of which would endanger the life and liberty of a person or identity or assistance given in confidence for law enforcement or security purposes.</li> <li>h) Information which would impede the process of investigation or apprehension or prosecution of offenders.</li> <li>i) Cabinet papers including records of deliberations of the Council of Ministers, Secretaries, etc.</li> <li>j) Few agencies viz Central Intelligence, Security Agencies specified in the Second Schedule, namely, IB, R &amp; AW, Directorate of Revenue Intelligence, Central Economic Intelligence, BSF, CRPF, ITBP, etc. Agencies specified by the State Government through a notification. However, the exclusion is not absolute and these organizations have an obligation to the matters pertaining to allegations of corruption and human rights violations.</li> </ul>
<p>The procedure of reporting</p>	<p>The Central Information Commission will send an annual report to the Central Government on the implementation of the provisions of this law at the end of the year, whilst the State Information Commission will send a report to the State Government; each ministry has a duty to compile a report from its Public authorities and send it to their respective governments, wherein, each report will contain details of number of requests received by Public Authority, number of rejections and appeals, particulars of disciplinary action, etc.</p>

## 6. IMPACT OF RIGHT TO INFORMATION ACT, 2005 : THE INDIAN OVERVIEW

India is a developing country which is experiencing drastic changes due to the dynamic socio-economic scenario, amidst global development there arises a dire need for the government machinery to change its role from provider to that of the facilitator of the socio-economic practices, wherein, all the governments need to conceal certain aspects of their functioning whilst provide certain degree of openness, also. This has led to the creation of a responsive, accountable and transparent framework which not only helps the citizenry access the requisite information but also maintains a balanced approach to deliver feasible and desirable information.

The Right to Information Act, 2005 with its inception holds back to the long comprehensive struggle of the citizens of India but the first political commitment came on the eve of Lok Sabha elections in 1977 as a corollary to public resentment against suppression of information, press censorship and abuse of authority during the internal emergency of 1975-77. However, the final bid of commitment was laid down in June,

2005 to build a dynamic and prosperous society by involving people in the decision-making and governance process.

In an environment riddled with intrigue, secrecy and corruption, the RTI Act 2005 was promulgated by Government of India to bring transparency. Indian citizens have used this law very effectively to bring about changes that are both big and small. The RTI Act has fundamentally changed the power equation between the government and the governed – those who wield power of the state in any form on the one hand and millions of those who are affected by the decisions and working of the state machinery on the other. Thanks to the RTI Act, in India, real master –the proverbial ‘common man’ is finally being recognized by the ‘public servants’. No other law on India’s statute book gives citizens so much power, so simply, to question any public authority in the country.<sup>7</sup>

A detailed analysis of various studies being conducted to review the functioning of the impact of the Act has been summarized, hereunder:

Details of Research	Impact of Right to Information Act, 2005
<p><i>Anil Monga and Akshat Mehta, “Right to Information Act,2005: Key for Effective Implementation”, Indian Journal of Public Administration, Vol. LIV, No.2, April-June, 2008, pp.298</i></p>	<ul style="list-style-type: none"> <li>➤ This Act is a potent tool as it establishes transparency and accountability in administration.</li> <li>➤ It sheds the veil of secrecy of the State engine as it makes obligatory for the public authority to provide information.</li> <li>➤ As prescribed in Section 4 the Act assures timely access to information.</li> </ul>
<p><i>Deepak Sharma, “Right to Information: A Structural-Functional Analysis”, Indian Journal of Public Administration, Vol. LV, July-Sept 2009, pp.578-593</i></p>	<ul style="list-style-type: none"> <li>➤ The functional success of a public authority depends upon its ability to store and retrieve information.</li> <li>➤ Provisions of RTI help us in reviewing and facilitating new methodologies of record management.</li> <li>➤ Criterion based system of data management for public agencies country-wide.</li> </ul>
<p><i>Rakesh. K. Hooja, “The RTI Act and Training— Brief Comments on Capacity Building at the State Level”, Indian Journal of Public Administration, Vol. LV No.3, July-Sept, 2009, pp413-421</i></p>	<ul style="list-style-type: none"> <li>➤ Transparency oriented culture needs to be developed throughout the State engine.</li> <li>➤ To establish the system of openness, capacity building is the prerequisite.</li> <li>➤ The process of record management needs to be shifted from storage-driven to retrieval-oriented.</li> <li>➤ Tools of e-governance should be used to inculcate the knowledge of effective usage of the Act.</li> </ul>
<p><i>Namita Gupta, “Implementation of RTI Act: A Challenge to Government”, Right to Information Act, 2005 Implementation and Challenges, P.K. Saini and R.K. Gupta (ed.) (2009), Deep and Deep Publications Pvt. Ltd. New Delhi</i></p>	<ul style="list-style-type: none"> <li>➤ It is a potent tool to curb corruption and instill faith amongst the masses.</li> <li>➤ It is a concrete method to tackle unorganized and unsystematic maintenance of records.</li> </ul>

<sup>7</sup> Chetan Agarwal, “Right to Information: A Tool for Combating Corruption in India”, Journal of Management & Public Policy Vol. 3, No. 2, June 2012, pp. 26-38.

	<ul style="list-style-type: none"> <li>➤ Lack of proper allocation of resources leads to constraints in the implementation of the Act.</li> </ul>
<p><i>Abhishek and Aarushi Jain, "Optimising the Utility of Right to Information through e-governance", Management in Government, Vol.XX. No.4 Jan-March 2009, pp. 40-68</i></p>	<ul style="list-style-type: none"> <li>➤ E-governance aims at making the government-citizen interaction hassle free and RTI is the first law which acts as a facilitator.</li> <li>➤ True success of an information regime lies in diligent collection and storage of information.</li> <li>➤ Installation of 'Community Informatics' to develop new empowering systems at the community level.</li> </ul>

## 7. PROBLEMS /CHALLENGES IN IMPLEMENTATION OF RIGHT TO INFORMATION ACT, 2005

Although the Right to Information Act, 2005 has been implemented with high expectations pertaining to the development of an atmosphere based on accountability and transparency, however, the following constraints have been found during its implementation<sup>8</sup>:

- a. The deep vested interests of the bureaucracy do not allow the rendering of the requisite information to the social sector, especially, the NGOs and social activists.
- b. Due to haphazard maintenance of records and lack of computerization in various departments the delivery of information in the preliminary phase of the Act was difficult.
- c. The absence of training for the personnel in the departments has ruled out the possibility of easy information delivery.
- d. The creation of a separate department of information delivery can be done under various departments to reduce the burden within.
- e. An optimistic approach needs to be developed towards the Act, wherein, both the government and the citizenry need to deal with information delivery as a tool of accountability rather than misusing it.

## 8. CONCLUSION

In a nutshell, the importance of the Right to Information Act, 2005 can be judged by the fact that it is a barometric test of democracy. As the fundamentals of democracy are established with the appurtenances of transparency and people's participation; hence comes the need to usher in the paradigm shift of transparency in the ambit of a 'right', which if judiciously utilized can foster the nation building process. Since India is a nation with a significant urban-rural edifice, thence, its application is to be significantly monitored in both these sectors which require the equal reformation of our present systems and the operationalisation of Section 4, of the Act. Although, being accustomed with many challenges its crux lies in its availability and accessibility to every Indian citizen.

<sup>8</sup> Gupta Namita, "Implementation of RTI Act: A Challenge to Government", Right to Information Act, 2005: Implementation and Challenges, P.K. Saini and R.K. Gupta (ed.) ,2009, Deep and Deep Publications Pvt. Ltd., New Delhi.

## 1. Details of Module and its Structure

Module Detail	
<b>Subject Name</b>	Political Science
<b>Paper Name</b>	Indian Administration
<b>Module Name/Title</b>	Good Governance Initiatives : Right to Service Acts in India
<b>Module Id</b>	33 B
<b>Pre-requisites</b>	Concept of Good governance
<b>Objectives</b>	<p>The Objectives are to:</p> <ol style="list-style-type: none"> <li>1. Examine the paradigm shift in models of governance for provision of public services,</li> <li>2. Discuss genesis of Right to Service Acts in India, and</li> <li>3. Analyze the performance of Right to Service Act in India.</li> </ol>
<b>Keywords</b>	Reinventing Government, Good Governance, Citizen-Centric Administration, Accountability, Transparency

Structure of Module / Syllabus of a module	
<b>Good Governance Initiatives: Social Audit</b>	Introduction and Rationale, Good Governance and Right to Service Acts, Evolution and Features of Right to Service Acts in India, Performance of Right to Service Acts in India, Stumbling Blocks, Policy Prescriptions and Concluding Observations

## 2. Development Teams

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## Objectives

The major objective of this module is to introduce to its reader one of the recent initiatives undertaken by the Indian states namely, Right to Services Acts for fostering the elements of good governance in the provision of public services. The module also tends to analyze the performance of the Right to Service Acts and suggest policy prescriptions for improving the outcome of these Acts.

## Summary

Right to Service Acts enacted by various states in India to foster good governance in the provision of public services are based on the philosophy of citizen-charters. The Acts promote rights-based approach in the delivery of public services in a time-bound manner. The experiences from the states reveal that these Acts have been successful in ensuring time-bound delivery of public services in a transparent and corruption free manner. The provisions of grievance redressal mechanism in the form of Appellate Authorities and penalty to be levied on errant officials have instilled the element of accountability in the service delivery process. However, the Acts suffer from some teething problems such as lack of awareness about the Acts; the traditional mindset and attitude of employees involved in the service delivery; and slow and inadequate computerization of officials records. Improving awareness of citizens through information dissemination programmes, provision of sustained training efforts for officials and financing fast-track computerization of records are major prescriptions for improving the performance of Right to Service Acts in the states.

## 1. Introduction and Rationale

The traditional models of **governance** largely based on **Weber's ideal type bureaucracy** were evolved to deliver public services to the citizens in an impartial manner on the basis of framed rules and regulations. However with the passage of time these models became outdated and failed to meet the expectations of citizens. Rules and regulations treated as sacrosanct and aim of 'serving the citizen' got diluted<sup>9</sup>. The failure of these models led to citizens feeling alienated from administration and growing mistrust between citizenry and administration.

For making governance 'citizen- centric' rather than being 'bureaucratic- centric', developments such as **reinventing government**; business like reforms in public sector initiated under **New Public Management (NPM)** philosophy; ushering of good governance concept; and invent of citizen-centric administration have played a pivotal role. These developments have intended to infuse the elements, namely, transparency, accountability, responsiveness, corruption-free, efficiency and participation in the governance process<sup>10</sup>. These elements together constitute the core of good governance.

Learning from these developments, various policy initiatives had been undertaken globally for promoting elements of good governance in the service delivery processes. India is no exception to this trend. The major initiatives of Indian and states governments in this regard include introduction of citizen charters, regulatory institutions, e-governance programmes, Right to Information Act, 2005 and recently enacted Right to Service Acts<sup>11</sup>.

<sup>9</sup> Ghuman, B.S. and Sohail, Mohammad. "Application of Information and Communication Technology and Right to Service Act with Special Reference to the Indian State of Punjab". in Proceedings of the 2013 International Conference on Public Administration (9th). China: University of Electronic Science and Technology of China Press, 2013, p. no. 922.

<sup>10</sup> Ghuman B.S., Singh, Ranjeet, and Sohail, Mohammad. "Right to Public Service Act: A Tool of Good Governance in India" in Democracy and Good Governance: Reinventing the Public Service Delivery System in India, edited by Rumki Basu, M. Badrul Alam and Furqan Ahmad. New Delhi: Bloomsbury India, 2015, p.no. 34-35

<sup>11</sup> Ibid, p.no. 34

## 2. Good Governance and Right to Service Acts

Right to service Acts enacted by various states in India are based on the philosophy of citizen charters. Citizen charters' which were first introduced in UK in 1991 by John Major's government were aimed at making the public service delivery system time-bound, transparent, participatory, fair and accountable<sup>12</sup>. The success of citizen charters on account of improving the delivery of public services prompted other countries across the world to emulate the practice.

Citizen Charters were introduced in India in the late 20<sup>th</sup> century and lacked legal backing. Right to Service Acts are one step ahead than citizen charters as these Acts provide legal backing to ensure timely delivery of services in an efficient, accountable, transparent and corruption free manner. The Acts promote rights-based approach in the delivery of public services.

These features of Right to Service Acts clearly establish a relationship between right to service Acts and elements of good governance<sup>13</sup>. The relationship is further explained in Table 1.

**Table 1**  
**Good Governance and Right to Service Acts**

<p style="text-align: center;"><b>PARTICIPATION</b></p> <p style="text-align: center;"><i>Degree of involvement of stakeholders</i></p>	<ul style="list-style-type: none"> <li>• Enabling citizens to demand services</li> <li>• Making government responsible for service delivery within a time frame</li> </ul>
<p style="text-align: center;"><b>TRANSPARENCY</b></p> <p style="text-align: center;"><i>Degree of clarity and openness with which decisions are made</i></p>	<ul style="list-style-type: none"> <li>• Generating a Unique ID number for every application</li> <li>• Providing citizens with mechanisms for tracking applications</li> </ul>
<p style="text-align: center;"><b>ACCOUNTABILITY</b></p> <p style="text-align: center;"><i>Extent to which political actors are responsible to society for what they say and do</i></p>	<ul style="list-style-type: none"> <li>• Fixing responsibility on DO, FAO and SAO</li> <li>• Requiring a written explanation for rejection of application</li> <li>• Penalizing defaulting officers</li> </ul>
<p style="text-align: center;"><b>FAIRNESS</b></p> <p style="text-align: center;"><i>Degree to which rules apply equality to everyone in society</i></p>	<ul style="list-style-type: none"> <li>• Making efforts to reach the most marginalized, remote and poor populations</li> <li>• Generating awareness among citizens</li> <li>• Providing the Right to Appeal</li> </ul>
<p style="text-align: center;"><b>EFFICIENCY</b></p> <p style="text-align: center;"><i>Extent to which limited human and financial resources are applied without waste, delay or corruption</i></p>	<ul style="list-style-type: none"> <li>• Utilizing existing infrastructure for service provisions</li> <li>• Computerizing government records and data for quick access.</li> </ul>

Source: Government of India and UNDP, 2011

## 3. Evolution and Features of Right to Service Acts in India

Indian states took the lead in enacting Right to Service Acts. The Central government is yet to come up with a similar legislation. A Bill titled, 'The Right of Citizens for Time Bound Delivery of Goods and Services and Redressal of Their Grievances Bill, 2011' was pending in the earlier UPA government.

Madhya Pradesh was the first state to implement Right to Service Act (RTSA), namely, *Madhya Pradesh Lok Sewon Ke Pradan Ki Guarantee Adhinayan*, on 18 August 2010. States like Uttar Pradesh, Delhi, Jammu and Kashmir, Bihar, Rajasthan, Punjab etc followed the practice. Around 19 states have already enacted Right to Service Acts. Maharashtra is the new entrant in this list with promulgation of an ordinance namely Maharashtra Guarantee of Public Services Act on April 21, 2015<sup>14</sup>.

<sup>12</sup> Centre for Good Governance. Citizen's Charters – A Handbook. Hyderabad: Centre for Good Governance, 2008, p.no. 1.

<sup>13</sup> Government of India- UNDP. Report on National Consultation on Strengthening Delivery and Accountability Frameworks for Public Services. India: One World Foundation, 2011, p.no. 94

<sup>14</sup> Express New Service. "Government Brings in Ordinance on Right to Services", The Indian Express, April 22, 2015.

An overview of select Right to Service Acts in different states is given in Table 2.

**Table 2**  
**Features of Right to Service Acts (RTSAs) in Select States**

State	Name and Date of Implementation of RTSA	Number of Services Notified	Prominent Services	Institutional Structure
Madhya Pradesh	<i>Madhya Pradesh Lok Sewon Ke Pradan Ki Guarantee Adhinayan</i> , on 18 August 2010	52 services covering 16 departments	Issuing birth, caste, marriage, domicile certificates, drinking water connection, ration cards, copies of land records.	Network of 400 Lok Sewa Kendras to provide services from single window. Two tier appellate authority Public Service Management Department to monitor the implementation of Act.
Uttar Pradesh	<i>The Uttar Pradesh Janhit Guarantee Adhyadesh</i> on January 13, 2011	123 services covering	Issuing birth and death certificates, water connection, disability certificate and issue of APL ration cards, duplicate copy of driving license	Jan Suwidha Kendras (Single Window) are functioning in six districts of UP and the e-District project is being implemented in all the districts. Two tier appellate authority Department of Revenue to monitor the implementation of Act.
Delhi	The Delhi (Right of Citizen to Time Bound Delivery of Services) Act, 2011 on April 28, 2011	116 services covered over 24 departments.	Issuance and renewal of driving license, birth and death certificates, electricity connections	Provides services under the e-SLA or Electronic Service Legal Agreements. Two tier appellate authority. Department of Information and Technology is the nodal department.
Jammu and Kashmir	The Jammu and Kashmir Public Services Guarantee Act, 2011 on April 13, 2011	80 services covering around 12 departments	Birth, death, caste income certificates, issuance of ration cards, electricity and water connections, driving license registration of vehicles.	Two tier appeal system. Public services Management Cell, Department of General Administration to monitor the implementation of Act.
Bihar	Bihar Right to Public Services Act, 2011 on August 15, 2011	50 services covering 10 departments	issuance of driving license, shop-opening licenses, caste, birth and death, certificate, passports verification, arms license	Adhikar software, Jigyasa Call Centre and interactive Voice response system (Samadhan). Two tier appeal system. General Administrative Department is the nodal agency.
Rajasthan	The Rajasthan Guaranteed	153 services covering 18	Issue of birth, death, caste,	Uses Common Service Centre, through e-Mitra.

	Delivery of Public Services Act, 2011 on September 21, 2011	departments	domicile certificates, driving license. Sanctioning old age pension, land use conversion.	Two tier appeal system. Administrative Reforms Department is the nodal Department. Now established LokSeva Guarantee Commission for the Act
Punjab	The Punjab Right to Service Act, 2011 on October 20, 2011	149 services covering 11 departments	<i>Girdawri</i> , mutation, demarcation of land, sanction of water supply/sewerage connection, Copy FIR/ DDR, passport verification	Usage of ICT through network of <i>Suwidha</i> , <i>Saanjh</i> and <i>Fard Kendras</i> /Centers. Two tier appellate authority. Punjab Right to Service Commission for monitoring
Karnataka	The Karnataka (Right Of Citizens to Time Bound Delivery Of Services) Bill, 2011	265 services covering 19 departments	Issue of Birth and Death Certificates, new water supply connections, sanction of residential buildings.	Use of <i>SAKALA</i> for online, SMS and call centre facility to track application. Two tier appeal system. Mission has been constituted under Department of administrative Reforms to implement the Act.

(Source: Ghuman, Singh and Sohail, 2015)

Table 2 reveals that different states have different numbers of services notified under their respective Right to Service Acts. The number of departments covered under the Acts also varies in states. A common feature of these Acts is the provision of prescribed time limit and designated officer for providing the particular services. If the designated officer fails to provide the services within the permissible time limit, the citizen can approach the First Appellate Authorities for redressal of their grievances. The first Appellate Authority has the right to accept or reject the appeal. If a citizen is not satisfied with the verdict of first Appellate Authority, he/she can approach second Appellate Authority. The second Appellate Authority has the powers of levying penalty on the errant official<sup>15</sup>. The amount of penalty differs from state to state. The Appellate authorities have also been endowed with some powers of a civil court under Code of Civil Procedure, 1908, like production of documents and issuance of summon to the designated officers and appellants<sup>16</sup>. The states have evolved different institutional mechanisms for providing services under the Act as shown in Table 2. Some states like Punjab and Goa have constituted state level Commissions for steering the progress and implementation of their respective Right to Service Acts.

Procedure for receiving benefits under Right to Service Act is given in Figure 1<sup>17</sup>.

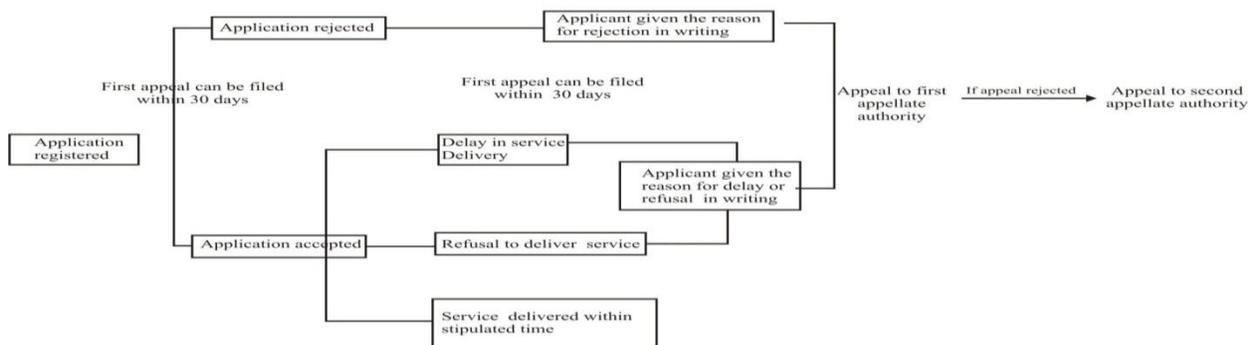
**Figure 1**

<sup>15</sup> Sircar, Ashok Kumar. "The Right-to-Public-Services Laws". Economic and Political Weekly 47, no. 18 (2012), p.no.23.

<sup>16</sup> Agarwal, S.K. Right to Public Services. New Delhi: Transparency International India, p.no. 8.

<sup>17</sup> OneWorld Foundation India. Citizens' Right to Public Service: Documentation of Best Practice. New Delhi: OneWorld Research Foundation India, p.no. 08.

## Process of application for service under RTS



Source: OneWorld Foundation India

### 4. Performance of Right to Service Acts in India

Right to Service Acts have been used as tools to revamp the service delivery mechanisms by the states. The analysis of the performance of RTSAs is undertaken as followed:

#### 4.1 Ensuring Time Bound Delivery of Notified Service

The Acts were enacted to ensure timely delivery of notified public services. However, recent data about the services requested and delivered is not available but the available data shows that the Acts have been successful in ensuring time-bound delivery of notified services. The data shows that in the state of Madhya Pradesh, 87 lakh applications were received till January 10, 2012, out of which 86.98 lakh (99.97%) services were delivered. Similarly in Uttar Pradesh 66 lakh (94.28%) out of total 70 lakh received applications were delivered till November, 2011. The percentage of services delivered was also high in case of Rajasthan as around 16.88 lakh applications out of total 17.52 lakh were disposed off between November 14, 2011 and January 15, 2012. Delhi has recorded similar findings as 6.92 lakh application constituting 98.43% of the total 7.03 lakh application were provided by January 2012<sup>18</sup>. According to the database of Punjab Right to Service Commission in Punjab, up to May 2014, around 2.37 crore applications under the Act have been received and out of which around 2.35 crore (99.15%) services have been delivered<sup>19</sup>. In all these cases the percentages of disposal of applications filed under the respective RTSAs have been very high suggesting that the Acts have been effective in ensuring timely delivery of services.

#### 4.2 Promoting Accountability

Ensuring accountability of officials for delivering services within the prescribed time limit is one of the major objectives of these Acts. Earlier culture of accountability was missing in the service delivery mechanisms. People used to roam around in public offices for getting desired services without even knowing the concerned authority for getting the particular service. Designation of officials for providing a particular service and making the official responsible for it was an exception. RTSAs have worked as a panacea to this problem. The designation of officers for providing particular services under these Acts has promoted accountability in service delivery mechanism.

Accountability of officials is further strengthened by the provision of grievance redressal mechanism in the form of Appellate Authorities. The provision of penalty for errant officials is another way to ensure that the officials stick to the adherence of prescribed rules while delivering the services.

#### 4.3 Fostering Transparency

<sup>18</sup> Mathur, Tina. Right to Public Services: A comparative Perspective of Implementation of Guarantee of Public Services in Select States of India. Hyderabad: Centre for Organization Development, 2012, p.no. 11.

<sup>19</sup> Ghuman B.S., Singh, Ranjeet, and Sohail, Mohammad. opp. cit. p.no. 42.

Various provisions of Right to Service Acts instill transparency in the service delivery mechanism. Placing display boards at service centres containing details about the time, cost, designated officer, appellate authority, documents required and procedure for requesting a particular service has made the service delivery mechanism transparent.

The experience of states namely Madhya Pradesh, Bihar and Rajasthan suggest that display boards were in place to make citizens aware about the various provisions of the Act<sup>20</sup>.

### 4.3 Mitigating Corruption

One of the major objectives of these Acts was to tame prevailing corruption the service delivery system. Punjab experience shows that more than 95% of the beneficiaries who sought notified services at the designated service centres opined that no service provider has asked for bribe or any favor from them for providing the services<sup>21</sup>.

### 4.4 Use of Information and Communication Technology (ICT) for efficient delivery of services

Most of the states have relied upon the use of information and communication technology for delivering the services in an efficient and cost-effective manner. The state of Bihar and Delhi initially took the lead in ICT based implementation of the Act. Delhi launched e-Service Level Agreement Monitoring System for tracking the status of the requested service. Bihar is implementing the application of ICT in a phased manner. In the first phase, Bihar has introduced Jigyasa Call Centre and the Samadhan Interactive Voice Response System (IVRS) for citizen to enquire about the various provisions of the Act. Citizens can also submit computerized applications at the designated offices. For monitoring the delivery of services, software namely Adhikaar has been put in place<sup>22</sup>. Punjab is another state which has utilized the application of ICT while implementing the Act. With fully computerized service centre to deliver services notified under the Act, The Government of Punjab is planning to introduce Right to Service Information System (RTSIS) software linked with Short Messaging Service (SMS). The citizens will be able to check the status of their service requests using the software. One of the revealing feature of this software is that it has inbuilt provision of auto escalation meaning thereby that if the service is not delivered within the prescribed time-limit, the service record will be automatically sent to appellate authority<sup>23</sup>. The government of Punjab in October 2014 has also constituted a Committee to look after the installation of RTSIS as a mechanism to monitor service requests and pendency position of services notified under RTS Act 2011<sup>24</sup>.

## 5. Stumbling Blocks

The successful implementation of Right to Services Acts is impeded by some stumbling blocks.

Citizens lack awareness about these Acts. Only an aware citizen can reap the benefits offered by these Acts. Low awareness about the Acts is thus preventing the Act to be a game changer in ensuring time-bound delivery of public services.

The Acts tend to bring a perceptible shift in the service delivery mechanism. The traditional mindset and attitude of employees have hampered the effectiveness of these Acts. Lack of sustained training efforts for bringing attitudinal changes in the mindset of employees and making them informed about procedures involved in the delivery of services under these Act has also worked as a deterrent in getting desired outcomes.

Slow and inadequate computerization of official records and documents such as land records followed by inadequate e-governance readiness of the government departments acted as major stumbling block. Shortage of funds and staff have also played havoc with the success of these Acts<sup>25</sup>.

<sup>20</sup> Mathur, Tina. opp. cit. p.no. 13

<sup>21</sup> Ghuman B.S., Singh, Ranjeet, and Sohail, Mohammad. opp. cit. p.no. 44.

<sup>22</sup> Government of India- UNDP, opp. cit. p.no. 12

<sup>23</sup> Ghuman B.S., Singh, Ranjeet, and Sohail, Mohammad. opp. cit. p.no. 42.

<sup>24</sup> <http://punjabxp.com/committee-web-suwidha-and-rtsis/>, accessed on June 22, 2015.

<sup>25</sup> GoI and UNDP. opp. cit. p.no. 12-13; Mathur, Tina. opp. cit. p.no. 16; Ghuman, B.S. and Sohail, Mohammad. opp. cit. p.no 928-929. ; and Ghuman, B.S., Singh, Ranjeet and Sohail, Mohammad. opp. cit. p.no. 46-47.

Display boards play a major role in making citizens aware about various details relating to procedure involved in getting the services under these Acts. It was experienced in Punjab that display board were not found in service centres posing a grim picture of sincerity of officials involved in the implementation of the Act<sup>26</sup>.

## 6. Policy Prescriptions

Right to Service Acts have potential to revive and revamp the service delivery mechanism and to make it transparent, accountable, corruption free and efficient. The necessary condition for this is to tackle the challenges facing the successful implementation of these Acts.

Spreading awareness about the Act and its various provisions holds the key. The respective state governments need to launch awareness campaigns by organizing information dissemination programmes, workshops and seminar. The role of media and civil society organizations in this regard deserve special mention. Both media and civil society organization can play pivotal role in improving awareness among the citizens about the Acts.

Capacity building of employees in order to bring desired mental and attitudinal change and to equip them with necessary skills and knowledge for delivering services notified under the Acts is the need of the hour. The governments need to assure financial and infrastructural support to the service delivery mechanisms for improving their performance. Fast-track computerization of official records and document can help a long way in delivering services in time-bound and efficient manner<sup>27</sup>.

In a number of cases like in Punjab, display boards displaying information regarding services, time required, cost, designated officers, appellate authorities and penalty provisions were not found at service centres. It is recommended that it should be made mandatory for all service centres to display boards at prominent places.

Another good governance initiative In India based on rights-based approach namely, Right to Information Act, 2005 to promote transparency and accountability in the functioning of public authorities was first implemented by the states. The experience shows that the state Acts were found weak in ensuring rights-based approach to access of information to citizen held by public authorities in a time-bound manner. The enactment of Right to Information Act, 2005 (a central legislation) worked as a boon to supplement the efforts of the states. The experience shows that Right to Information Act, 2005 has been largely successful in promoting transparency, accountability and taming corruption in the functioning of public authorities. The RTSAs of various states did yield good outcomes but enacting a central legislation will go a long way in making RTSAs a success story as it happened in case of RTI Act, 2005.

## 7. Concluding Observations

Public Service Acts are in infancy stage and their scope is gradually growing by adding more services and departments. With a view to make these Acts more effective, it is essential to spread awareness amongst the citizen; allocating more financial resources for overcoming impediments like shortage of staff and equipment; up-gradation of physical infrastructure; improving e-readiness of departments and changing attitude of service providers towards prompt service delivery through regular capacity building programmes. Enactment of Right to Service Act at central level will also bring uniformity to existing legislations.

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<sup>26</sup> Ghuman, B.S., Singh, Ranjeet and Sohail, Mohammad. opp. cit. p.no. 44.

<sup>27</sup> GoI and UNDP. opp. cit. p.no. 12-13; Mathur, Tina. opp. cit. p.no. 16; Ghuman, B.S. and Sohail, Mohammad. opp. cit. p.no 929-930. ; and Ghuman, B.S., Singh, Ranjeet and Sohail, Mohammad. opp. cit. p.no. 48-49.