

# Determinants of R-ATI: A Conceptual Framework using Info Communication

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**INTRODUCTION** “The Information Commission is in a state of coma: too few support staff, no means to operate, modest funds, even no letterhead” Amount of information is a function of one's freedom of choice in selecting a Message (Shannon & Weaver 1975) that reduces uncertainty while information is perceived to be a semantic chameleon (Rene Thom) and a social construct (Cornelius, 2002; Day, 2001; Hayles, 1999; Rayward,1992) when it is thought in terms of its Access. Inadequate access to both information and knowledge makes life impoverished while access to both helps one exercise their rights. Human rights are those rights which belong to any individual as a consequence of being human, independently of Acts of law (Hersch, 1986). Access to Information (ATI) is one of

the constitutional rights of a citizen in ensuring transparency and accountability in government machineries that makes up a pulsating democracy with effective citizen participation and inclusion. ATI under citizen rights empowers the masses of various development schemes and programmes of both the central and state governments. A transparent government creates a less corrupted environment with greater accountability by empowering its citizen via freedom to obtain information to his/her benefits. Mander and Joshi (2006) quoted that the Right to Information is implicit in the Constitution of India, even so the dominant culture of the executive has been one of secrecy and resolute denial of access of information to the citizen.

Right to Information Act, October

2005 (RTI-2005) was formulated to provide a practical regime of citizens' Right to Information to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority, the constitution of a Central Information Commission and State Information Commissions. The Act also requires every public authority to computerize their records for wide dissemination and to provide certain categories of information so that the citizens need minimum recourse to request for information formally.

The RTI Act empowers citizens to get Information from any „Public Authority“. It is the responsibility of a Public Authority to supply correct and complete Information within the specified time to any person seeking Information under the RTI Act. There are possibilities that a Public Authority may not act as per provisions of the RTI Act or an applicant may not otherwise be satisfied with the decision of the Public Authority. The RTI Act contains the provision for two appeals to tide over such situations. The first appeal lies within the Public Authority itself which is made to an officer designated as the First Appellate Authority by the concerned Public Authority. The second appeal lies with Central Information Commission (CIC).

Right to Information under the Act  
A citizen has a right to seek information from a public authority held

under its control.

1. The public authority should not create or interpret information; solve the problems raised by the applicants; or respond to hypothetical questions.
2. A citizen has a right to obtain information in any form provided information is already stored to transfer.
3. The information to the applicant shall ordinarily be provided in the form in which it is sought. However, applicants may be deprived of information if it is found to disproportionately divert the resources of the public authority or cause harm to the safety or preservation of the records.
4. These rights are provided only to Indian citizens.

According to the CIC, 1,965 registered public authorities under the Central Government received a total of 9.17 lakh RTI applications in 2016-17, which is 6% lesser than the 9.76 lakh RTI applications reported by 1,903 public authorities in 2015-16. Exclusion of the Union Territories (1.07 lakhs), the statistical data on RTI dips at 5% in 2015-16.

Consequently, an overwhelming number, 33.5 lakhs, of RTI applications were received during a 12-month period across 16 jurisdictions (Central and 15 State Governments). On a national scale, about 0.4% - 0.5% of the population (of 127 crores/1.27 billion) constituted RTI users during a 12-month period between 2015-17 compared to 0.5% - 0.6% of the electorate (aged 18 years and above).

(source:humanrightsinitiative.org/.../rt

i/ICs-RapidStudy-finalreport-NDelhi-ATITeamJun15.pdf)

This Act is a complete Code in itself and as such covers both substantive law and procedural law. It provides the machinery for time bound supply of information. It also provides an effective grievance-redressal mechanism, when information is not provided. It is a major step in empowering citizens and promoting transparency. Such a legislation, which may have permanent impact on all agencies of government, is bound to face implementation related issues and problem areas. It is not the enactment of law which brings the fruits but it is the effective implementation which can make a difference. Through Information and Communication Technology (ICT), the government may come close to its public to understand their potential needs by empowering them with their rights to proactively participate in policy-making.

Need for the study

Our Indian constitution guarantees „Right to know“ and „Right of Access to Information“ to its every citizen, making it a democratic act by government. Hence, disallowing such information needs of citizens may prove fatal to the government. But the major issue remains with kind of accessible information is made available to the public by the authority as well as citizen rights to obtain information from the authorities. Transparency still remains a challenge that had actually led to initiation of the Right to

Information Act (RTI) in India. It is believed that an initiative of such a massive intensity may be effective only when citizens are aware of their rights, hence making „awareness“ the key to success. This research paper is an endeavour to explore the relevance of and interconnectedness between various parameters of „Right of Access to Information“ in this participatory democracy through The framework development of a conceptual framework based on infocommunication model proposed by the researcher based on conventional communication models will enable the researcher to examine and analyze the free flow of information in the management of access to information by the citizens.

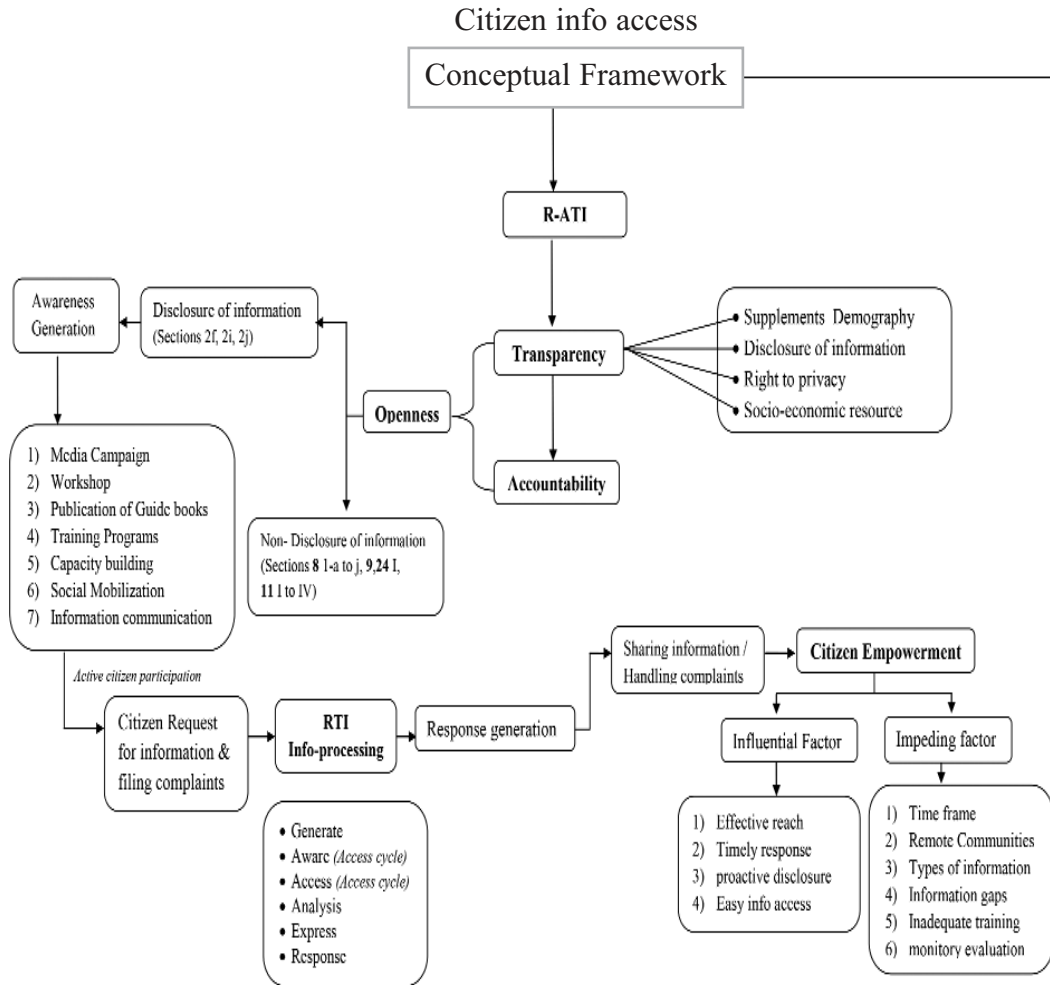
Objectives of the study

The prime (theoretical) objective of this paper is to explore determinants of “Right of Access to Information (RTI)” as a tool for good governance in the Information Society. Through a conceptual framework in terms of:-

1. To demonstrate information access variables regarding its use and dissemination.
2. To examine determinants of (R-ATI) as a Constitutional Right in terms of:
  - a. Transparency
  - b. Accountability
  - c. Information provision: Disclosure & non-disclosure
  - d. Awareness
  - e. Active citizen participation
  - f. Info processing cycle
  - g. Citizen empowerment

## Research Questions and Hypotheses

With an aim to enhance the objectivity and purpose of the present research after the formulation of a conceptual framework the researcher will make an attempt to tentatively formulate research questions to formally ensure the verification of the research outcome as hypothetical statements in later stages of his work. Logical grouping of attributes will provide accurate explanation of the relationship between variables



## Review of Literature

“All human beings by nature desire to know.” – Aristotle in Metaphysics  
Previous researches carried out by the

researchers on diverse aspects of Right to Information have been provided to furnish the objectives in the study.

Emergence of various social movements, communication theories and progressive legislations emphasized the need for Right to Information as an effective instrument of democracy (Calabrese, 2004) while examining the global movement for communication rights. Moreover, Sathe (2005) examined RTI as a fundamental right to information in a democratic country like India and instituting it as an Act in 2005 to stimulate society by building adequate awareness of its use as a powerful weapon against unethical practices in India. This ensures active participation of people in the process of governance besides promoting openness (Yashada, 2006) to make available information in the fastest way.

Venkatesu (2006) traced the RTI movement in India in 1990s making „information“ a fundamental right to promote transparent, accountable, responsible, participatory and decentralized democracy.

It is believed that one of the Indian states, Rajasthan, started the RTI movement at the grassroots (Roy, 1996). Additionally, Mander et. al. (1999) revealed that the reverberations of this struggle led to a nationwide demand for a law to guarantee the right to information to every citizen, with widespread support from social activists, professionals, lawyers, and persons within the bureaucracy, politics and the media, towards transparent and accountable governance. Further, Goetz and

Jenkins (1999) suggested intensifying participatory democracy in India by formulation of appropriate laws of RTI, highlighting global relevance of such legislations to combat corruption as well as accomplish participatory governance.

Slough and Rodrigues (2005) examined RTI movement in India wherein civil society played a major role in the enactment of the Act. Free flow of information and people's right to information in the global community was emphasized by Right to Information Forum (2012) that examined the RTI Act in Bangladesh to establish transparency and accountability in public institutions.

Contrarily, in facilitating transparency, the works of Baviskar (2006) observed that the vital elements of action-based knowledge were not accessible to the people despite the enactment of RTI Act. People have a right to information about the transactions and implications in both public and private sectors since it would ensure greater openness and protection of public interest (Singh, 2007). While examining the twenty years of RTI movement in India since its inception in Rajasthan, Singh (2015) observed that the people are still struggling to get transparency oriented administration in the country. Additionally, Gandhi (2007) noted that the constitution of central and state information commissions paved the way for good governance on the basis of active people's participation

in India.

In an attempt to examine the relationship between transparency and governance across the globe, Blumkin and Gradstein (2002) emphasized that stakeholders of good governance should play a responsible role in the enactment of right to information laws for protection of public interest. Banisar (2006) and Roberts (2006) noted that several countries adopted national regimes on access to information that heralded a new wave of good governance. Advancements in the electronic access to public services have resulted in anytime, anywhere provision of information to the public. This proactive disclosure has resulted from right of access to information (Darbishire,2009), which is an effective tool of social development, good governance and strong democracy that would exist only when all citizens have a right to participate in the affairs of the polity of the country (Tiwari,2010).

Das (2006) interpreted the Article 19 and clause (1) (a) of the Indian Constitution where Right to Information is the product and explained transparency in government functions in which the three instrumentalities i.e. executive, legislative and judiciary of the state should be disallowed to mislead people by generating uninformed citizens. The author emphasized that the information seekers can ask information on what exists with the Public Information Officer or ask for copies

of documents which the Information Officer has in his possession or which he could have called for. Kewlani (2009) observed that the necessary apparatus for providing information is still not in place, despite the enactment. Reasons cited include: PIOs yet to be appointed, lack of co-operation from the PIOs, misplacement of the appeal documents of applicants. The author further mentioned the following obstacles in the way of its implementation in a paper titled “Right to Information: A Legal Procedure for Social Facilitation A Sociological Interpretation and Analysis” that includes:

- ✓ Lack of awareness about the existence of the right.
- ✓ Lack of information about processes of the right to information.
- ✓ Lack of initiative on the part of the masses due to their psychological stagnancy.
- ✓ Excessive reliance and dependence on traditional justice seeking system of the nation, which somewhere prohibits effective functioning of the Act.
- ✓ Reluctance expressed by the authorities being asked for information.
- ✓ Lack of ‘Functional Literacy Campaigns’ for encouraging the grass-root application.
- ✓ Corruption entailed in the psyche, though sometimes failure in practice. Regarding the role and effectiveness of right to information with reference to print media in India, Chitra and

Neelamalar (2013) reported that media had a great responsibility of bringing social change by providing information to the people about various development programmes and curtailing corrupt practices in the name of development. Authors further noted that technology can help stabilize the society with free dissemination of information.

Gatty (2012) noted that due to lack of coordination observed among the members of marginalized communities and RTI facilitators, the marginalized groups need to be prepared to access Information and Communication Technology (ICT) to empower them with computer literacy. Similarly, Digambarrao (2012) examined the awareness of RTI among the college students in Aurangabad, Maharashtra and reported that the act had enabled the people to gain access to information held by or under the control of public authorities. The study further emphasized that access to information not only promotes openness, transparency and accountability in administration, but also facilitates active participation of people in democratic governance process.

#### Research Methodology

Methodology is the heart of a research format that fits all the research components together in a meaningful way. According to Polit et al (2001), research methodology is a technique used to structure a study, gather and analyze the data in the

course of the research investigation. In addition, it consists of a set of orderly disciplined procedures, steps and strategies to acquire and analyze information. Research design is a strategy for conducting the study systematically. Burns and Grove (2003) defined a research design as “a blueprint for conducting a study with maximum control over factors that may interfere with the validity of the findings” while Parahoo (1997) explained it as “a plan that describes how, when and where data is to be collected and analyzed” and Polit et al (2001) defined it as a “research investigation in a logical and systematic way”. Research design for this paper on Determinants of Right of Access to Information (RATI) comprises a descriptive research design to explain natural progression of phenomenon to be studied (Camp,2001) based on relevant literature resource in the field. A conceptual framework has been proposed by the researcher (Nithyan 2018) to easily specify and define the concepts within the problem of the study (Luse, Mennecke & Townsend 2012). Miles & Huberman (1994) opine that conceptual framework can be graphical or in a narrative form showing the key variables constructs to be studied and presented relationship between them.

#### Relevance and Anticipated Outcomes

Every citizen possesses Right to Information as his/her fundamental right for bringing transparency in Government administration and

accountability to minimize corruption and ensure peoples participation in governance. The present research will help to explore the relevancy of the concept of Right to Access to Information through the lens of a common man. The present study will inspect several documentation in this regard to understand the vitality of administration system in India. This path breaking endeavor by the researcher will uncover significance of on Access to Information as a fundamental right of citizens. The role of information as a currency for every citizen in participatory democracy will be signified in the study in congruence with Laskar (2016) who states that: the greater the access of the citizen to information, the greater would be the responsiveness of government towards its people.

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