

Evaluating the Role of Right to Information Act, 2005 on Good Governance in India

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ABSTRACT

Since times immemorial, human beings are struggling for the attainment of basic rights. There are political, social, economic and cultural aspects of man's life. Among them, the Right to Information is one of the crucial components of all the rights. With the passage of time, the information changes the mentality of individuals and it is competent enough to deal with the contemporary society. The open access to information and involvement of citizens in decision making process of the government transforms the governmental structure into good governance. The Right to Information is a basic human right of every human being. In this paper, an attempt has been made to explore the practical implications of Right to Information over the Good Governance in the democratic republic of India.

1. Introduction

The right to information act is a path making legislation which brings to light the secrecy of administration. It is an effective means to promote democratic ideology. The act is powerful instrument to fight against corruption. The renowned French philosopher Michel Foucault once opined, "Power is derived from knowledge and information is the basic component of knowledge. Information makes men wise and it is competent enough to cope up with the modern world". So, it is the duty of government to inform citizens about day to day happening whatever within the government. The transformation from governance to good governance is possible, if there is possibility of increasing participation of people in governance and free access of information. By realizing this fact, Indian parliament has passed Right to information act, 2005 to make government, accountable, efficient and transparent. This paper tries to highlight the basic guidelines of RTI act, the relationship between Right to information act and good governance and the issues relating to RTI act. Moreover, the paper raises some queries regarding the effective implementation of Right to Information Act, for tackling the corrupt practices in the governmental administration in India. How does the institutional framework will provide the information? To what extent, the state is successful to provide the information within a stipulated time limit? In concluding part, the paper provides some core recommendations for successful functioning of RTI act. In this regard, the government is duty bound to make aware the public about the day to day developments in the country.

2. Review of Literature

S. P. Sathe¹ presents a lucid and analytical commentary on Right to Information Act, 2005. He traces the history of this legislation and also the evaluation of Right to Information as a constitutional right. He also explains the administrative process, involved in the implementation of this act. Besides, the author also highlights judicial decisions on the act and the problems that might be faced while implementing that act.

¹ S. P. Sathe (2006), "Right to Information", 1st ed., Lexis Nexis Butterworths, New Delhi.

S. L. Goel² explores the Right to Information from different point of views such as historical, legal, political, institutional and administrative etc. It approaches the subject in extremely comprehensive manner. In the end, he concluded that while good governance is the ultimate end of democratic polity, the RTI is a valuable instrument to achieve it.

N. Bhaskara Rao³ examines the various aspects of corruption in the public services. India is passing through the unprecedented phase of corrupt machinery in different departments of the government. The author pinpoints that there is a need to build strong mechanism in order to curtail the misuse of power, thereby suggest remedial measures for tackling the scourge of corruption in the country. Finally, he also believes in the role of RTI Act, for augmenting an era of good governance.

Shalini Singh and Bhaskar Karn⁴ highlight the crucial factors of evolution of freedom of Right to Information in India as an instrument of good governance. The study also traces the origin of RTI from an international perspective, but the use of Information and Communication Technology (ICT) is confine to the urban and advance localities like metropolitans only. That is why there is a large scale problem to obtain the true information from the rural areas. This is one of the main drawbacks of the study.

3. Research Methodology

The study analyses the issues of corruption in the public institutions and tries to explore the reasons behind it, the working in different departments of the government. The secondary sources of data like books, magazines, newspapers and journals has been used in order to understand the real working of RTI Act, 2005 in India and its effects on good governance. Apart from this, the study focuses on the genesis of the RTI from a national as well as international perspective.

² S. L. Goel (2007), "Right to Information and Good Governance", Deep and Deep Publications, New Delhi.

³ N. Bhaskara Rao (2013), "Good Governance: Delivering Corruption-free Public Services", First Edition, Sage Publications, New Delhi.

⁴ Shalini Singh and Bhaskar Karn (2012), "Right to Information Act: A Tool for Good Governance through ICT", Journal of Information, Communication and Ethics in Society, Vol. 10, No. 4.

But, the use of RTI Act by the citizens, is primarily confine to the urban areas and metropolitan cities only, whereas the rural localities are far behind to avail the opportunities under this act.

4. Objectives of the Study

- To explore the different type of strategies for obtaining the correct and in time information from the public institutions.
- To make the government responsible for providing the better services to the citizens.
- To identify the causes regarding the delay of the information.
- To empower the citizens with transparency & accountability in the government institutions and greater inspire them to participate in the working of the government.
- To contain corruption and make our democracy to work in favour of the people in real sense.

5. Need of the Study

The study finds out the present realities about the working of government machinery after the enactment of RTI Act, 2005. The primary task of the administration is to provide the better opportunities to the public. The implementation of RTI Act further enhanced the activities of different departments of the governments, which is duty bound to provide the services to the public in a time bound manner. The purpose is to properly understand the complexities brought by the RTI Act and to understand the new working style adopted by the administration. With this, we will be able to know the outcomes of this new legislation on the citizens too.

6. Limitations of the Study

Despite the several advantages, the RTI Act has also serious limitations, which are as follows:

- The official behaviour is unpredictable.
- Illiteracy among the people.
- Several exemptions under the RTI Act.
- Lack of proper participation by the people.
- Legal language of the Act.

7. Design of the Study

The enactment of the Right to Information Act, 2005 proved the landmark milestone in the political history of India. It is an important weapon in the hands of the public for availing the basic rights in the democratic framework. Mahatma Gandhi once said, "The real Swaraj will come, not by the acquisition of authority by a few, but by the acquisition of capacity by all to resist authority when abused."⁵ In 1944 a mass based organization called the *Mazdoor Kisan Sagathan* took bold initiative to arouse the people in a very backward district of Rajasthan Bhim Tehsil to assert their right to information by asking copies of Bill and names of persons, who have been paid wages in the construction of schools, dispensaries, small dams and community centers. The RTI act is a powerful instrument to protect the fundamental rights of people. The problem of Indian bureaucracy lies in the corruption and criminalization.

⁵Hazra, N. (2013). RTI- A Right to Good Governance. *Yojana Journal*: p.56.

The overall responsibility of the government is to provide the clean and corruption free administration. For the smooth functions of right to information bill, the government of India on January 2, 1997 appointed working group. The working group recommended that the bill should be named as Freedom of Information bill as Right to information bill has now recognized as a part of freedom and expression.⁶ In this regard, media and newspaper can play an effective role. The people of this country have a right to know every public act, everything that is done in a public way, by their public functionaries. They are entitled to know the particulars of every public transaction in all its bearing.

However, the RTI like all fundamental rights is not absolute; instead it is subject to certain restrictions. This legislation was came into force since 13th October, 2005 and applies to union and state agencies, local governments and even societies and trusts, which receive public funds. The law provides for independent information commissioners, proactive disclosures and reporting mechanisms and has the potential to impact our governance process in a positive way by empowering citizens.⁷ In real sense, the concept of "good governance" originated as a model to compare ineffective economies or political bodies with viable economies and political structures.⁸ This concept further concentrates on the responsibility of governments and governing institutions to fulfill the needs of the public as opposed to partisan sections in the society. These tendencies are closely related with several provisions of international framework like the Universal declaration of Human Rights, the International covenant on civil and political rights and International Covenant on Economic, Social and Cultural Rights. The philanthropic organizations and the authorities of developed countries often will focus the meaning of "good governance" to a set of requirements that conform to the organization's agenda, making "good governance" imply many different things in many different contexts. Excellence in e-governance requires the initiative to be effectiveness-driven and not merely efficiency-driven. This will require the initiative to be led by "good governance".⁹ The good policy requires up-to-date information on the economic situation and also the sharing of information for better coordination, analysis and monitoring. A few studies have been conducted in Indian Perspective.¹⁰ Connectivity, community participation, and content are the prerequisites for designing effective governance. It is a well known fact that the first phase of e-governance is marked by web presence of public institutions and dissemination of information.¹¹ This will be facilitated by the Right to Information Act, 2005 (RTI) and this has been developed as a basic feature of all public services, where the service and service provider details are made

⁶Banerjee, R. (2012). Right to Information and Good Governance. Arise publishers: New Delhi. p.1

⁷Borah, S. K. (2013). Right to Information Act: A Key to Good Governance. *International Journal of Humanities and Social Science*: VOL -2, Issue- 2 p.11.

⁸<http://www.caluniv.ac.in/global-mdia-journal/WINTER%202010%20COMMENTARIES/Commentaries%201.pdf>.

⁹Joseph, V. (2001). Right to Information on a Broad Canvas. The Indian journal of public administration: vol. xvii. No.2. p. 269.

¹⁰ssrn.com/abstract=2343109. Caesar Roy. 2013.

¹¹<http://infochangeindia.org/right-to-information/features/without-peoples-participation-the-right-to-information-will-remain-a-non-starter.html> Vol-2 Issue-1 2016 IJARIE-ISSN(O)-2395-4396 Impact Factor: 4.06 6909 www.ijarie.com 897

available in a proactive manner. This information is also being integrated for citizen access through the National and State Portals, which provide basic information on Government programmes and services. The enactment of Right to Information Act 2005, people are now able to seek information from any government department with a definite time frame.

8. Significance of the Study

In simple connotations, the RTI and good governance are the important tools of ICT, which are characterized by transparency and accountability and the best way to ensure transparency and accountability in governance is through briefed and enlarged participation of the people. So, it is imperative that people must have the right to know the activities of government. It is generally desired for the purpose of parties and politics or personal self-interests of bureaucratic routine.

9. Promotes Transparency and Good Governance

Right to information enables citizens to see how governments, those in public offices are working. Public should openly come to know what is to be happened and what has happened. Transparency is the corner stone of any good government. Public has right, to know about the policies and programmes of the government.¹² The Right to Information act is intended to promote accountability and transparency in government by making the process of government decision making more open. In turn, this facilitates immediate redressed of public grievances and thus improves feeling of goodwill towards the government.¹³ The capitalists and democratic countries have a higher degree of openness vis-a-vis authoritarian regimes; nowhere in the world is government functioning totally open. Information is an inalienable and natural right of every human being. In a democratic country each person has the right to freedom of opinion and expression. This right includes right of holding public opinion and to seek, receive and impart information and ideas from the public authorities. The available and appropriate information helps citizen to live a dignified life in a civilized society.¹⁴ Moreover there is a close link between right to information and good governance. Good governance is characterized by transparency, accountability and responsiveness. Consequently, the citizen's right to information is increasingly being recognized as an important mechanism to promote openness, transparency and accountability in government administration. People are the sole part in a representative form of government. So it is necessary that they must have to know all the functioning of government activities to frame a practical regime of good governance in administrative process.

The right to information act is a path making legislation which brings to light the secrecy of administration. It is an effective means to promote democratic ideology. The act is powerful instrument to fight against corruption. By realizing this significance the Second Administrative Reform Commission

had prepared a detailed blueprint for revamping the public administrative system. The Second Administrative Reform Commission, Government of India has published its first report in —Right to Information: Master key to good governance. Through, this report the commission directly mentioned that access to information can empower the poor and weaker sections of society to demand and government information about public policies and actions, thereby led to welfare of all. Good governance and right to information are complimentary to each other. The responsibility of officials to explain and to justify their acts is the chief safeguard against oppression and corruption. In *Bennette Coleman v. Union of India*, in 1973, the Supreme Court of India ruled that the right to freedom of speech and expression guaranteed by Art. 19(1) (a) included the right to information. In *State of UP v. Raj Narain*, in 1975, Justice Mathew explicitly stated: It is not in the interest of the public to cover with a veil of secrecy the common routine business ... the responsibility of officials to explain and to justify their acts is the chief safeguard against oppression and corruption. What does information mean? 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 organizations substantially financed by the Central Government or a State Government also falls within the definition of public authority.

10. Promotes Accountability

Accountability is a key requirement of good governance. Without Accountability, the root of any development failure cannot be traced. Not only the government, the private sector institutions also be accountable to the people. Information is power and Right to information act brings accountability and transparency in the administration. Accountability involves the survival of a mechanism, which ensures that both political and officials are answerable for their actions, performances and use of public resources. If they fail to maintain accountability, their power and authority are finished. RTI Act empowered the people to seek definite and officials of their works or lack of it. So, accountability always led to effectiveness and sense of responsibility among government officials.¹⁵ The RTI Act is sufficiently strong in its present form to even attack the roots of corruption. There will forever be corruption at the lower levels as long as its seeds are sown at the highest level. In *S.P. Gupta v. Union of India*, in 1982, the right of the people to know about every public act, and the details of every public transaction undertaken by public functionaries was illustrated. In *People's Union for Civil Liberties v. Union of India*, in 2004,

¹²Chaubey, M. K. Right to information Various Dimensions. Regal Publications: New Delhi. p. 24.

¹³<http://fightcorruption.wikidot.com/knowrti>

¹⁴Shilpa. (2013). Right to Information Act: A tool to Strength Good Governance and Tackling Corruption. International Journal of Humanities and Social Science invention: p. 46.

¹⁵Kumar M. Public Administration, New Challenges, Regal publications. New Delhi: p.122.

the right to information was further elevated to the status of a human right, necessary for making governance transparent and accountable. The RTI Act empowers the people by removing unnecessary secrecy surrounding in decision making process of the government.

The research studies observe that the major sources of awareness are - (1) Mass media like- television channels, newspapers, magazines, journals etc. (2) Word of mouth. In spite of all this, some of the irritants are still there. (a) The nodal agency specifically the state government has not taken any potential step to promote Right to Information act. (b) Illiteracy and poverty is another major challenge before successful implementation of Right to Information act. Right to Information act has does not have any meaning for a Persons who does not have enough money to live, who is not educated and who does not have freedom. In fact, their first requirement is the right to live (right to eat, right to work and right to shelter) and then Right to Information. (c) Most of the uneducated even educated peoples do not have the proper knowledge about public Information officers, the procedure of paying fees and to get information. (d) Non-availability of user guide is another main challenge before successful RTI act implementation. Absence of user guide creates difficulty on the part of the Information seekers to gather knowledge about the process for submitting a RTI request. (e) Lack of commitment in efficient record management both state and central government instructions posing challenge before successful implementation of RTI act. (f) Due to the lack of efficient record management system, the public Information Officers face difficulty to get accurate and easy access of information from the concerned department, so that it can be provided to information seekers. (g) The non-cooperation from the part of bureaucracy is another major hurdle before RTI act implementation in India. (h) Bureaucracy also hides information for fear of criticism and to give a good image of them before public. (i) Lack of effective coordination and cooperation among state information commissioners and the noncooperation of departments with PIO hinder the process of smooth implementation of RTI act. (j) Lack of monitoring and review mechanism also hampers in successful implementation of RTI act in India. (k) The limited use of technology has hindered effective implementation of RTI act. Except in a few states no effective IT system have been establish to monitor and report on the disposal of application by public authorities. (l) The implementation of RTI act is uneven. It is not equally implemented to all the states. Therefore, awareness level also differs from state to state.

In states like Arunachal Pradesh, Uttarakhand and Punjab the awareness level about RTI act is high, on the other hand awareness of people in Gujarat, Madhya Pradesh, Jharkhand and UP is not high. Moreover different rules for different states especially on fees and costs make the RTI filing ineffective. (m) Generally, it is observed that retired bureaucrats are being appointed for the post of highest level of RTI officials i.e. the information commission at the central and state levels. These commissions are the independent of the government. Activists are of the opinion that these officials often show sympathetic attitude towards their fellow babus. Non-availability of basic infrastructure is another serious hurdle before RTI implementation. The smooth implementation of RTI act requires the Public Information Officers (PIO) to provide information to the applicant through photocopies, soft copies

etc. Though these facilities are easily accessible at districts level, but it is a challenge to get information from the block/Panchayat level.

11. Encourages Participation

In general connotations, participation envisages involvement of the entire society in governance. Both men and women is the cornerstone of good governance. Representative democracy does not mean the rule of chosen few; it must take into interest of all sections specially the most vulnerable sections in the society. Without people's participation, the Right to Information will remain a non-starter. Participation has a wide range of definitions. Right to information act creates a connection between people and government.¹⁶ Good governance requires that civil society has the opportunity to participate during the formulation of development strategies and that directly affected communities and groups should be able to participate in the design and implementation of programmes and projects. Even where projects have a secondary impact on particular localities or population groups, there should be a consultation process that takes their views into account. Citizens who understand public affairs and what government is doing can voice their opinion on issues that affect their lives: they can participate in the business of government.¹⁷ Good governance is the only avenue, which can provide guaranty the life of individuals. Good governance is characterized by- political accountability, availability of freedom, bureaucratic accountability, availability of information, effectiveness, efficiency, law abiding citizen and cooperation between government and society. As such the Right to information is a natural corollary of good governance. The enactment of RTI Act, 2005 introduces an open and transparent government and gives every citizen right to seek and receive information to make administration more responsible and transparent, which means good governance.

The RTI act facilitated and encouraged the participation of common people on the process of governance. Earlier people had the will, but did not have the way to take part in so-called official affairs. But RTI act smooth the way for active participation of the common people in governance.¹⁸ Accessibility Right to Information makes it possible to easy access of information from government departments, documents, records, services, finances and policies to all sectors of community. A common poor person interferes in the matter of government regarding development. The Right to Information act by providing easy access of information reduces the established long gap between citizens and administration and thus helps in nation building process. Every person becomes aware about day to day activities of the government. The intelligence and security organizations established by the central government not under the purview of the act. This includes-Intelligence Bureau, Research and analysis wings of the cabinet secretariat, Directorate of revenue Intelligence, Central economic intelligence bureau, directorate of enforcement, Narcotics control bureau, Aviation research centre, Special frontier force, Indo-Tibetan border police, Central Industrial security force, National Security guards, Assam rifles, Sasastra Seema Bal, CID special branch

¹⁶<http://cic.gov.in/CIC-Articles/ArunaChhaba-01.htm>

¹⁷Ibid, N1, p.18.

¹⁸Ibid, N2, p. 11.

(Andaman and Nicobar), the crime branch CID (Dadra and Nagar Haveli), Defense research and development organization. However, information concerning to the allegation of corruption and violation of human rights shall not be excluded under this section. If the information in respect of violation of human rights is there, after obtaining the approval of the central information commission such information shall be provided.

12. Empowerment

To ensure development in the local fields and peoples participation power must be decentralized. This is also called empowerment of people. Before enactment of Right to Information Act, participation in political and economic processes and the ability to make informed choices has been restricted to India. As a consequence, commoners remain ignorant of various schemes and are unable to resist when their rights become causality.¹⁹ At the same time, people remain ignorant in terms of the ways and means through they can obtain their entitled rights from the concerned departments legally. According to French philosopher Michel Foucault, power is derived from knowledge and information is the basic component of knowledge. So, in this age of technology driven information revolution, empowerment means access to information.²⁰ The first thing any tyrannical government does is to restrict the people's access to the resources of information and monopolize over it while the principle of good governance demands free flow of information. Concentration of information inevitability leads to centralization of power. Now with enactment of Right to Information act people can participate in decision making process and it enables the citizens to know about the government decisions. The Right to Information act empowering people by removing unnecessary secrecy surrounding in decision making process of the government. Equity and Inclusiveness It is another important feature of good governance. It implies everybody is a part of the governance and they don't feel expelled from the main stream of society. Every person should be same status in the government decisions. The Right to information act also does not make any discrimination between rich and poor and it covers all the citizens in India. It always plays a great role to fight against inequality, in justice and inhuman activity.

13. Combating Corruption

Corruption in India has become the most perplexing issue. It covers not only lower level but also upper level, where ministers and bureaucrats are involved. By promoting transparency and accountability through the Right to information Act, curbs such abuses. Corruption is a process, which perpetuates poverty and harms the poor. It creates an environment of distrust between the people and government, which impinge upon the development and jeopardize democratic governance.²¹ Under the RTI regime, there is an unprecedented transformation of transparency and accountability in the public institutions. As a result, there is better understanding of the decision making process and

greater accountability of government. This has led to reduction in corruption in country.²²

14. Findings of the Study

The Right to Information Act is an agent of good governance. It makes people aware about the administration and gives them an opportunity to participate in decision making process. The RTI promoted democratic ideology by promoting accountability and transparency in the administration. The findings are as follows:

- The governments, instead of waiting for the common people to seek the information, must voluntarily make all the information available to the people.²³ It will not only promote good governance, but also increase the trust between government and the people it governs. It makes administration more accountable to the people.
- It makes people aware of administration and gives them an opportunity to take part in decision making process.
- It promotes democratic ideology by promoting openness and transparency in the Public administration.
- It reduces the chances of corruption and abuse of authority by public officials.

15. Future Suggestions

- There is a need of active participation by ordinary citizen, NGO's and civil societies to coordinate with RTI officials, integrity among government departments and political will from government and elected leaders to make this act more successfully followed and implemented.
- E-governance is the revolution brought by ICT in this decade and India has been moving forward quite well in this technology. Instead of the conventional record keeping on papers, effort such as making offices paperless, moving digital files and executing signatures electronically, e-governance has lowered costs and improves speed and convenience in governance.
- There is a growing demand for transparency in governance and the Right to Information (RTI) Act and an activism surrounding it has helped to reveal information, from the concerned officials and making them accountable to the citizens and administration.
- The above measures should be effectively implemented to make the information system friendlier within the government and citizens.

16. Conclusion

In a nutshell, the RTI Act, 2005 is proved to be an important milestone for bringing the accountability and transparency in the administration, which is the vital component of the good governance. By providing these measures, the government should introduce the

¹⁹Ibid, N3, p. 11.

²⁰www.legalindia.in/wp-content/uploads/2013/03/RTI.pdf

²¹http://vuir.vu.edu.au/16003/1/Thesis_3619041_Waheduzzaman.pdf

²²Ibid, N1, p.17.

²³Nirmala. (2012). Right to Information and NGO's- A Study. Indian journal of Social science & interdisciplinary Research: Vol-1. Issue.12.

ethical practices into the system of governance. The government can win the confidence of people only, when it works for the welfare of the society as a whole in a diligent and honest manner. As per the requirements of time, there is a need to enhance the participation of the people in decision making process

of the government. The components like transparency and accountability is of no use, if the people are not well aware about their rights and duties towards their nation. Therefore, the awareness is the key for the progress, advancement and betterment of the people as well as administration.

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