



**A STUDY ON RIGHT TO INFORMATION ACT IN EDUCATIONAL
ADMINISTRATION**

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ABSTRACT

Government of India is continuously working towards empowering its citizens through various legislations, acts, rules, programmers and projects. Some of the most prominent ones introduced in the recent past are the famous and powerful Right to Information (RTI) and Right To Education (RTE) acts. As we are aware, it is very essential for a person to have knowledge about the subject of interest, especially related to the Government, RTI is towards this end. Similarly, literacy or lack of it is a key factor for development of any nation. Enhancement of literacy, hence, is one of the primary duties of the Governments at Centre as well as States. RTE is towards this goal so that no one is denied an opportunity to get basic education.

Keywords: *Educational, Administration*

INTRODUCTION

The Indian Parliament had enacted the “Freedom of Information Act, 2002” in order to promote, transparency and accountability in administration. The National Common Minimum Program of the Government envisaged that “Freedom of Information Act” will be made more “progressive, participatory and meaningful”, following which, decision was made to repeal the “Freedom of Information Act, 2002” and enact a new legislation in its place. Accordingly, “Right to Information Bill, 2004” (RTI) was passed by both the Houses of Parliament on May, 2005 which received the assent of the President on 15th June, 2005. “The Right to Information Act” was notified in the Gazette of India on 21st June, 2005. The “The Right to Information Act” became fully operational from 12th October, 2005. This new law empowers Indian citizens to seek any accessible information from a Public Authority and makes the Government and its functionaries more accountable and responsible

Right to Information Act (2005) for higher education institutions

All Universities and Colleges which are established by law passed by Parliament or by State Legislature or by notification by the appropriate Government or owned, controlled or substantially financed directly or indirectly by funds provided by the Government shall come within the meaning of a Public Authority under this Act. All universities and colleges are required to adhere to this Act and take necessary steps for implementation of various provisions including proactive disclosure of certain categories of information as defined u/s 4(1)(b) of the Act. Such information shall be made available to the public at large through the website by the concerned university/college. This means enough information should now be available to the students, parents (and society at large) to evaluate

the quality and capabilities of every higher education at institutions and help them make informed choices.

Right to Information: Concept

Right to information means the freedom of people to have access to government documents, records and other information. It implies that citizens and non-governmental organization should enjoy a reasonable free access to all files and documents pertaining to the government's operations, decisions and performance. In other words, it means openness and transparency is essential in administration to empower the citizens of a democratic state. A plenty of literature exists in favor of transparency and against the secrecy in the governmental functioning. Pares validates, "The secrecy is less for safeguarding public or safeguarding government's reputation, busying its mistakes, practices and manipulating the citizens." "Justice Douglas of USA," Secrecy in government is fundamentally antidemocratic, perpetuating bureaucratic errors. Open discussion based on full information and debate a public issue are vital to our national health. James Madison, "People who mean to be their governors must arm themselves with power which knowledge gives. A popular government without popular information or the mean of acquiring it is but a prologue to a farce or tragedy or perhaps both." Its relevance in the developing third world was aptly summarized by Kofi Annan, the former UN Secretary General, "The great democratizing power of information has given us the chance to effect change and alleviate poverty.....with information on our side, with information on our side, with knowledge a potential for all, the path of poverty can be reversed, its relevance hinges on the followings points .

- .Marginalized groups get a voice and can scrutinize development activities. ·
- . Promotes openness, transparency, and accountability in government administration. ·
- .Checks administrative arbitrariness ·
- .Bridges the gap between providers and receivers in Public services.
- .Makes government responsive ·
- .Strengthens democracy and national stability.

Why Right to Information

Right to Information is important because it is fundamentally related to citizen empowerment, good governance and development. Harsh Mander³ a government official and advocate of the Right to Information, had described the importance of this right as follows: 'Information is the currency of that every citizen requires to participate in the life and government of society. The greater the access of the citizen to information, the greater would be responsiveness of government to community needs. Alternatively, the greater the restrictions that are placed on access, the greater the feelings of 'powerlessness' and 'alienation.' Without information, people cannot adequately exercise their rights and responsibilities as citizens or make informed choice. Governmental information is a national resource.

Neither the particular government of the day nor public officials creates information's for their own benefit, this information is generated for purposes related to the legitimate discharge of their duties of office, and for the service of the public for whose benefit the institutions of government exists, and who ultimately (through one kind of import or another) found the institutions of government and the salaries of officials. It follows that government and officials are 'trustees' of this information for the people. Right to Information is important because of following principles

Role of Legislative Institutions in Right to Information

The campaign for Right to Information, which was being run by the people of civilized society for the protection of their right and interest, was at last accepted by legislature after a long struggle and gap. The legislature could not oversee the mass movement regarding Right to Information. The legislature tried to give an arranged and tangible form from time to time to the Right to Information movement due to mounting pressure of society for the building of healthy democracy. And because of this act different times the legislature made numerous attempts and finally we have before us an enactment which is Right to Information Act, 2005. Earlier in the Chief Ministers' Conference on Effective and Responsive Government held on May 24, 1997, it was realized that the citizens' freedom to access information is an important means to achieve accountable, transparent and participatory government. The Conference adopted an Action Plan to take initiatives in the following three areas: (i) Making administration accountable and citizen-friendly. (ii) Ensuring transparency and right to information. (iii) Taking measures to motivate civil services.

Thus the Action Plan included, among others, ensuring right to information. It called for amending laws that stipulate unnecessary restrictions on the free access of the public to information. Following the adoption of an action plan, efforts to legislate for the right to information, at both the state and national level, quickened. Even before the Government of India drafted its bill, a significant proactive step was taken in 1999 by the then Union Minister for Urban Development. He issued an administrative order empowering citizens to inspect and receive photocopies of any file in his ministry.

Disappointingly, the Cabinet Secretary did not permit this order to come into effect. This prompted the Centre for Public Interest Litigation and Common Cause to file a writ petition in the Supreme Court seeking relief that: (1) that the Cabinet Secretary's restraint on order be declared unconstitutional and violate of the citizens' right to information; (2) that section 5 of the Official Secrets Act, which makes it an offence for a public servant to disclose any information that has come to his knowledge in his official capacity, be declared unconstitutional; 3) that the Government of India be directed to frame and issue suitable administrative instructions on the subject. Eventually, the Shourie Committee draft law was reworked into the Freedom of Information Bill, 2000. This was less satisfactory bill than what was given by the Shourie Committee. The Freedom of Information bill was finally introduced in the Parliament in 2000. The bill remained pending for about two years. During this time it was referred to a Parliamentary Standing Committee. The report of the committee was presented to both houses in July 2001. It recommended that the government should address the flaws in the draft bill. Unfortunately, the Government did not implement the recommendation, to the detriment of the final content of the bill. However, the Freedom of Information law was passed in 2002 (in Lok Sabha on December 3, 2002 and in Rajya Sabha on December 16, 2002) after a long debate. But even before the Central Act was passed some of the States introduced their own RTI legislation. The first amongst these was Tamil Nadu (1997), Delhi (2001), Maharashtra (2002),

Assam (2002), Madhya Pradesh (2003) and Jammu and Kashmir I (2004). It is only with constant efforts that the revised Bill on Right to Information was reintroduced and was passed on 11th May, 2005 in Rajya Sabha on 12th May, 2005 in Lok Sabha. It received assent of the President on 15th June, 2005 and was published in the Gazette of India on 21st June, 2005. This new Act applies uniformly to all the States except the State of Jammu and Kashmir and makes all other state laws redundant. The Right to Information Act, 2005 is a milestone in India's progress as the biggest democracy in the world.

Right to Information and Secondary Education

Government is committed to provide minimum school infrastructure for universalization of education. In the absence of any question asked by the major stakeholders, mainly students or parents, quality of education was compromised and there was no check on drop-out of teachers' absenteeism. But, under the provisions of the RTI, the citizens have raised issues pertaining to management of the schools, mainly the availability of infrastructure support, teachers' attendance, students' enrolment and performance implementation of mid-day schemes, utilization of funds and process of recruitment of teachers.

The Government has been providing financial assistance, including scholarships to the students from deprived groups, mainly women, SC/ST, minorities and physically challenged persons. Through the use of RTI, the target groups are able to claim for their entitlements, which was, however, not possible before the implementation of the Act. The participation of deprived groups in the educational processes has thus been encouraged. In effect, thus, there are signs of improvement in the schools' performance since the parents and the civil society have asked the school authorities to provide explanations in respect of all those activities, which are contrary type accepted policies, norms and guidelines and people's expectations. In the areas of technical and vocational education, including higher education, the governments have articulated plans for expansion of facilities and improvement of quality of teaching and research.

Through the use of RTI, the progresses made are monitored by the information seekers, who have raised issues and sought for details relating to the expenditures on various educational activities, namely, admissions and recruitment processes, conduct of examinations including disclosure of answer sheets. The involvement of students and teachers have thus exposed the extent to which relevant policies, norms and guidelines are followed, which, in effect, have been helpful in improving both internal and external efficiency of education system. The education plays such a rudimentary role on our society that we cannot even imagine a life without it. It is a determined element for the civilization of human society. Not only does it helps us develop healthy surroundings but it also generates an advance community. As a matter of fact, everything we create today is based on the knowledge that we obtain throughout our life by way of education. This assists scientists in inventing equipment and devices, resulting in a high technology nowadays. The more developed life becomes, the more necessary education is for everyone. Hence, such kind of education we can get through formal education system which comes through schools. Secondary Education is a crucial stage in the educational hierarchy as it prepares the students for higher education. Classes 9th and 10th constitute the secondary stage, whereas classes 11th and 12th are designated as the higher secondary stage.

The normal age group of the children in secondary classes is 14-16 whereas it is 16-18 for higher secondary classes, The rigor of the secondary and Higher secondary stage, enables Indian students to

compete successfully for education and for jobs globally. Therefore, it is absolutely essential to strengthen this stage by providing greater access and also by improving quality in a significant way. Secondary education was not a thrust area during the Tenth Plan period. There were a few small schemes to enhance access and to improve quality, but the coverage was neither large nor comprehensive. The plan schemes concentrated on continuing the school systems run by autonomous organizations of MHRD and included efforts for integrated education for the disabled, girls' education through provision, of hostel facilities, use of ICT in schools, vocationalisation of higher secondary education and open and distance learning. Since universalisation of elementary education has become a Constitutional mandate, it is absolutely essential to push this vision forward to move towards universalisation of secondary education, which has already been achieved in a large number of developed countries and several developing countries. 35 However, secondary education is bridge between primary and higher education. It encourages students for higher education through skillful education system. Therefore, this area is selected for research work.

Review of Literature

Review of literature has helped the researcher to understand the research problem in a better way. The researcher has studied the literature from the sources like books, journals, newspaper articles, magazines, research/articles. Through review of literature, the researcher has made an attempt to study the various concepts and terminology of the research work carried out in the present study. Thus, in the present chapter various literatures related to the area of study have been reviewed to gain knowledge on the related aspects of the research problem so that the research study goes into the right direction.

Sathe, S. P (2006) has presented a lucid and analytical commentary on Right to Information Act, 2005. He has traced the history of this legislation and also the evolution of the right to information as a constitutional right. He has also described the administrative process involved in the implementation of this act. He has emphasized on the judicial decisions on the right and the problems that might be faced while implementing the Act.

Roy, Aruna (2006) in her article A fight for 'Right to Know' focused that the RTI Campaign has been initiated from Magdoor Kishan Shakti Sangthan than from Rajasthan in 1996. It has offered hope to people striving to generate the culture, institutions and principle necessary for a participatory democracy. The RTI is finally, a demand for an equal share of power.

Mistry, Indra, J. (2006) in her article "Braking the Bureaucratic Mould" opined that the appointment of former bureaucrats as Information Commissions has raised fears that the RTI regime may become just another means for bureaucracy to tighten its monopoly over government information.

Mukhopadhyay, Amitabh (2006) in his article —Information and Accountability opined that the enactment and Implementation of right to information has made the administration more accountable and people friendly. The simple reason behind it that if people wants to obtain the information from any public institution or Government department then the information is provided within prescribe time or they have to give the reason. Otherwise people can approach the first Appellate Authority or information commission.

Kathyayini, Kamaraj (2006) in her article "Exercising" the Right to Seek Information" indicates that citizens of Karnataka are getting more advantages and replies of their quires under Karnataka Right to information Act (KRIA). But central RTI Act, 2005 has a few stronger provisions than KRIA. If more and more citizens join the movement then, there is no doubt that governments will have to become more transparent and accountable.

Kejriwal, Arvind (2006) in his article "RTI Aspirations and Challenges" insisted that people have been boosted from RTI Act and redresses their grievances but officials are corrupt, inefficient, irresponsible and non cooperative because they know very well that nothing would happen to them .

Shekhar, Singh (2006) in his article "changing Governance forever" indicates that the RTI Act could start a process of transparent and inclusive governance that could gradually shift the Indian democracy from being almost totally a representative one to a vigorously one. It could bring a sense of empowerment that is necessary to check the rapid downward slide of government performance and standards, and the concurrent trend of dealing public expectations.

Madhu, R. Sekhar (2004) in her article "Towards a vibrant democracy" concludes that the right to information and freedom of expression have been recognized as fundamental human rights. Every citizens of the country should keep in mind that there rights are not unlimited, with these changes India, as a vibrant economy and democracy is entering a new era, where she is going to be a global power. There is no stop now or no looking back.

Roy, Aruna (2006) in her article "Secret Ballots and Transparent Campaigns" emphasized that corruption in electoral politics has for long been recognized as root cause for corrupt practices in governance. The day slogans translate in to a way at life, the face and fate of the panchayats and its politics will change

Wadia, Angela (2006) has comprehensively covered the Right to Information Act, 2005 and the challenges thrown by this Act. He has explained the duties and responsibilities of PIOs (Public Information Officers), the powers and functions of CIC (Central Information Commission) and SIC (State Information Commission) and the role of Government in promoting RTI Act. He has also described the procedure for request of Information.

Das, P. K. (2006) gives the simple meaning and interpretation of the words used in the Article 19 and clause (1) (a) of the Constitution of India of which Right to information is the product. He explains how the government functions must be transparent and the three instrumentalities i.e. executive, legislative and judiciary of the state should be prevented from misleading people. He thus explains how onesided information, disinformation, misinformation, and non-information all equally create uninformed citizen. As per the author there is one important feature which should be particularly noted by the information seekers. They can ask only 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.

Acharya, N. K. (2007) has commented in detail the procedure for seeking information and the fee structure to avail information. He has given the format of application, first and second appeal for obtaining information. He has replied answered many queries followed by wise commentary related to Right to Information which increases the understanding and wisdom of the people as regards this

act. He writes about cases where appellate authorities imposed penalties on the erring information officers granted to the offended information seekers costs and compensation as well.

Mishra, Sudhansu (2009) have presented research papers which give the scope, different provisions, strengths and shortfalls of the RTI Act. The book also gives valuable suggestions to make the common man partner in the development efforts for rural India. It brings out the evolution of the Right to Information necessary to understand the requirement for common masses and analyses the movements for right to information in India. An attempt has been made to trace the origin and brief evolution of Right to Information Act and to critically analyze its impact on Indian democracy. Considering the importance of RTI Act for sustainable rural development, many social scientists drawn from different faculties have presented their well considered views on different various issues pertaining to the development of rural economy. Based on both primary and secondary data for investigation and action research, this book portrays the different aspects of RTI Act and its vital role in accentuating rural economy.

Goel, S. L. (2007) A learned author has delved into the Right to Information from different angles - historical, legal, institutional, political, administrative and even futuristic. The book is not just a mere commentary on the Right to Information Act, 2005 with some introductory information; it approaches the subject in an extremely comprehensive manner. The exposition by author lucidly and authentically points out that right to information is not only of instrumental value, but has become a democratic value in itself. Besides an informative and detailed preface, he outlines the wide issues and then he discusses the democratic endeavour for and analysis of right to information and good governance. He discusses the scope of the law, the organizational structure for execution and the limited experience gained during the working of this Act. He has attempted to make full use of whatever information has been made available to date on the working of the new information regime and has also raised certain issues himself.

Jain and Khurana (2006) have explained different issues of right to information. The book covers historical development of right to information concept. It has clearly described explained historical background of right to information freedom of information act and the main features of enactment in India. The book covers state wise implementation right to information act and its benefits to the society.

Agarwal, H. O. (2006) has dealt with the question of enforcement of all categories of human rights. He has discussed international measures for implementation of human rights. He has referred to judicial measures which can be adopted at an international level for enforcement of human rights and offered various suggestions in the behalf including the creation of International Court of Human Rights and High Commissioner for Human Rights. The author has critically examined the provisions of human rights including RTI Act, 2005 and dealt adequately with measures adopted at the regional level for enforcement of these rights. The author throws light on many other rights including RTI which are contained in the covenant on civil and political Rights and are available to the citizens of India in spite of their not being specifically mentioned in the constitution. He informs that these rights which are not specifically provided in the constitution as 'fundamental rights' have been regarded as fundamental and are available to the individuals because of the bold interpretation given by the supreme court of those rights which are specifically provided in the constitution.

Times of India (2011) informs about the urban development ministry's reply to a query by RTI activist S. C. Agrawal on pending rent dues towards people having occupied government premises after losing entitlement. In response to an RTI query, the estates department said that the Lok Sabha speaker Meira Kumar had occupied the bungalow since 1986 after the demise of her father. The department gave a list of people and dues against them for occupation of bungalows. The list shows Kumar has a pending rent of around two crores for which a bill has been issued.

Objectives of the Study

1. To examine the institutional arrangement made for the implementation of Right to Information in the Department of Secondary Education.
2. To study the Administrative and procedural problems in the implementation of Right to Information Act, 2005.

Research Methodology

The present study assesses the working of the RTI Act, 2005 in the Secondary Education Department of Haryana State. Out of four divisions in Haryana, four districts have been selected on purposive random sampling basis i.e. Sonipat, Kurukshetra, Faridabad and Bhiwani. For the study both primary and secondary data have been utilized. Primary data has been drawn with the help of structured interview schedule and personal observation. Secondary data has been drawn from books, articles, journals, government reports and newspapers. The study shall be of great value for the education department in general and Secondary Education Department of Haryana in particular. It will definitely enable them to properly comprehend the problems and the prospective steps to be taken to eradicate the problems and constraints in the working of RTI Act and its institutions relating to the secondary education.

Data Analysis

The collected data was distributed among various tables and their mean standard deviation of subgroups were measured the analysis and interpretation have given.

Table 1 profile of the respondents

Profile	Category	No. of Respondents	Percentage
Age	Below 20	80	80
	Above 20	20	20
Gender	Male	50	50
	Female	50	50
Qualification	BA	30	30
	B.Sc.	60	60
	B.com	10	10
Locality	Rural	98	98
	Semi Urban	20	20
	Urban	12	12
Parent' s Income (Rs.)	Less than 50000	72	72
	50000-100000	16	16
	100000-200000	8	8
	Above 200000	4	4

Source: Primary Data

The above table 1 shows that the general profile of the respondents, the majority of the respondent belongs to the age

Group of below 20 (80%) and remaining 20% of the respondent belongs to the age group of above 20 categories.

50 percent of the respondents are male and remaining 50 percent of the respondents are female. 30 percent of the

Respondents are B.A. students. The majority of the respondents are B.Sc. students (60%) and 10% of the respondents are

B.Com. students.

The majority of the respondents (68%) are from rural area and remaining 20% of the respondents are from semi urban

area. Below 12% of the respondents are from urban mass area.

It may be observed from the above table that 72 per cent of the respondent's family income range is below Rs. 50,000-1,

00,000. 8 per cent of the respondents are having an income in the range of Rs. 1, 00,000-2, 00,000. Remaining 4 per cent

of the respondents are having an income of Rs. 2, 00,000 and above.

Conclusion

Right to Information Act is one of the most powerful weapons to the citizen of the country which make the transparent administration and democracy. If the Act must be effective and more useful, it should be properly utilized and enforced in a systematic manner. As a student community understand this Act in a detailed manner which help to guide their parents, relatives and villagers. With the help of this Act, anyone can claim any kind of information from Rastrabathi Bhavan to Panchayat Union Office. To create awareness about the RTI Act among the college students is one of the important efforts of the educational system. Hence, our educational system must provide an opportunity to include the RTI Act as a compulsory subject to all the undergraduate courses in colleges.

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