

"THE FOUNTAIN OF UNKNOWN INFORMATION GAINED BY USING THE RTI ACT-2005"- A STUDY HOW THE RTI ACT SUCCEEDED IN ACHIEVING ITS OBJECTIVES.

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Abstract

In order to fulfil the aims of good governance, it is increasingly crucial for the country's governance structure to be transparent and accountable. Over the past few years, RTI activists and citizens have submitted millions of applications to promote transparency and accountability in governance, oppose the exploitation of natural resources by politicians, bureaucrats, businesses, and the mafia, and help them in a variety of other ways to improve their daily lives, such as by giving them access to basic things like ration cards, pensions, the ability to look at land records, and exam answer sheets. The biggest success of RTI is that it reminds the most powerful people that they are within reach of regular people and that it just costs Rs. 10 to make things right. RTI has played a key role in exposing major scams in our country. They will benefit from having access to information about public welfare and how authorities carry out their tasks. It also increases the public authorities' accountability and transparency.

Keywords: Right to Information, Accountability, Transparency, Public authorities

Introduction

The RTI act's primary goals are to create a workable system for citizens that would enable them to access information held by public agencies. They will benefit from having access to information about public welfare and how authorities carry out their tasks. It also increases the public authorities' accountability and transparency. RTI has played a significant role in revealing the many frauds and acts of corruption committed by this country's politicians, bureaucrats, and wealthy businessmen.

Over the past few years, RTI activists and citizens have submitted millions of applications to promote transparency and accountability in governance, oppose the exploitation of natural resources by politicians, bureaucrats, businesses, and the mafia, and help them in a variety of other ways to improve their daily lives, such as by giving them access to basic things like ration cards, pensions, the ability to look at land records, and exam answer sheets.

It requires strong instinct and a lot of patience to solve a case that involves pursuing multiple applications over the course of a month, dealing with hostile officers, and reading a lot of government documents, according to RTI activists who have taken on legislatures, politicians, and business leaders. The biggest success of RTI is that it reminds the most powerful people that they are within reach of regular people and that it just costs Rs. 10 to make things right. RTI has played a key role in exposing major scams in our country. The 5 huge scams which came to light either because of RTI or law were critical to go through the dirt. In this research we will study about the unknown information gained by using RTI act and also how did RTI frutified its objectives.

ANALYSIS OF THE 5 BIGGEST SCAM CASE STUDIES:

- **ADARSH SCAM**

The Adarsh fraud is the first. For widows who lost their spouses in the Kargil War in 1999, the 31-story residential complex known as Adarsh Housing Society was constructed in Colaba, Mumbai. Instead, apartments were handed to officials, politicians, and their relatives who had no connection whatsoever to the Kargil War. Though the problem began to develop in 2003, it only came to media attention in 2010 after a list of the names of the flat owners revealed that they included politicians, their family, and bureaucrats. At first instance it appeared that it was only misuse of granted land but on further investigation it turned out that

it also had some serious security concerns and Navy has also objected to Maharashtra government regarding this because there was a 100 meter tall building which stood next to a planned military installations. It was found out that society didn't obtain NOC from ministry of forest and environment and forest moreover the permission was given to construct only 6 storey building.

The RTI application was filed by two activist Simpreet Singh and Yogacharya Anandji. Ashok Rao Chavan, the chief minister of Maharashtra, resigned as a result of their investigation into how politicians, military personnel, and bureaucrats obtain apartments at prices below market value. The RTI application filed by the two activist led to reveal several facts like the land on which building was constructed didn't belong to Maharashtra government but it belonged to the ministry of defence, the second fact which was revealed was that when the allots grew from 31 to 103 from 2003 to 2008 an environment clearance was also never released by Coastal regulation zone.

The most alarming feature of this scam was how ministers, bureaucrats, and politicians were renting apartments in a building that was intended for military widows from the Kargil conflict. Recalling the scam, one of the RTI activists, Mr. Singh, shared his personal experience by stating that, RTI was still in its early stage when the scam took place and whenever he went to the collector's office in Mumbai the concerned person used to disappear but he said that patience is the key, one must also know about low-level employees who can slip information. To gain a clear image, it may take months or even years, but once it becomes evident that something is wrong, things begin to come into focus. This case has aided in the corruption's exposure. Every time, there are only suspicions of corruption, but there is never any supporting data. However, this instance demonstrated the nature of corruption as well as the relationship between it and the enforcement of the law.

- **COMMONWEALTH GAMES-DIVERSION OF DALIT FUNDS**

The third case is included the diversion of cash in common wealth games. India was hit by the suspicious business transactions of Suresh Kalamadi, a Pune congressman in charge of making the 2010 Commonwealth Games a world-class event, as it was still getting over the 2G scam. However, it turned into a tool for shady deals and embarrassed the nation. Foreign observers noticed that the athletes' accommodations, which were close to the village near the Yamuna River, were filthy just one week before the Commonwealth Games began. There were dirty sheets with paw prints, paan stains on the walls, no electricity, no adequate water supply, and human waste on the sink and bathroom floors. However, Kalamadi was criticised for allegedly awarding a contract worth Rs. 141 Crore. The "beautification" of Delhi created by "no-tolerance zone", by sending beggars and homeless citizens, to their states of origin, were the most revolting steps taken by Delhi government. Another detail that was discovered by the RTI request made by the non-profit organisation "Housing and Land Rights Network" was that from 2005–2006 to 2010–2011, Delhi government transferred Rs. 744 Crore from social welfare initiatives including Dalits to the Commonwealth Games. The

Indian government launched the SCP, or special component plan, in 1979 to assist schedule castes with social and economic welfare. The RTI filled showed that from the very beginning the amount of social welfare and economic development of schedule cast was adopted by Delhi government in 2006-2007 and it continue to grow over time.

Using a database provided by budget documents, RTI, and the national coalition of SCSP-TSP legislation, which serves as an umbrella organisation for dalit and adivasi organisations, it was determined that the Dalit money that were diverted during the Commonwealth Games totaled a startling Rs. 527723. From the seventh to the twelfth year of the five-year plan, money totaling 72 crores were withheld from Dalits and tribals.

- **2G SCAM**

The second case is a telecom scandal or 2G fraud. It occurred in 2011 and earned a spot on Watergate's list of the "Top 10 abuses of power." The telecom ministry, led by Andimuthu Raja, was involved in the 2G scandal and gave licences to 9 corporations for frequency allotment, costing the Indian government Rs. 1.76 lakh billion. Vinod Rai, India's then-Comptroller and Auditor General, calculated the damage. It was dubbed the biggest CEO power abuse by Times magazine.

Subhash Chandra Agrawal, an activist, filed an RTI in October 2011 that eventually resulted in charges being filed in court under the Prevention of Corruption Act and the Indian Penal Code, which dealt with the offences of criminal conspiracy, forgery, misconduct by public servants, and accepting bribes. There were 17 people named on the list of those charged, including with the previous telecom minister. Kanmmozhi, a DMK MP, and a raja. Subhash Chandra Agrawal filed an application under the RTI Act (RTI) which resulted in some shocking revelations, such as the fact that the then-telecom minister Raja met with the then-solicitors general Goolam Vahanvati in 2007 for 15 minutes, during which only brief notes were prepared and distributed but no minutes were kept.

In response to then Prime minister Manmohan Singhs letter which encouraged on “ fairness and transparency” in the allocation, Raja responded by telling that, his meeting with then external affairs minister Pranab Mukherjee and then Solicitor general of India helped him further to take decision pro-actively. Vahanmati, who held the position of Attorney General of India from June 2009 to May 2011, has vehemently denied that Raja's conversation with Singh was related to their discussion over the prior three years. Another significant revelation occurred in the summer of 2011, when Vivek Garg, another RTI activist, received 600 documents in response to an application he submitted to the office of the prime minister. These documents also included a note from the finance minister that sparked significant controversy. The letter stated that if then finance minister P. Chidambaram would have insisted, 2G spectrum might have been auctioned at better prices.

- **BILLIONAIRES DREAM TO BUILD UNIVERSITY IN ORRISA**

The 5th case is of Billionaire Anil Agrawal university in Orrisa. Anil Agrawal, the head of the Vedanta Group, sought to purchase land totaling 15,000 acres for Rs. 15,000 crore in April 2006. This land was intended to compete with colleges like Stanford and Cambridge. The Naveen Patnaik administration agreed to provide an additional 7000 acres for the project, which is located along the Puri-Konark Marine Drive, in addition to the 8000 acres of property already allocated to Mr. Agrawal's foundation.

Challenging this decision in the Orrisa HC land owners obtained a document by using RTI that showed that the government never gave them an opportunity to be heard which was mandatory under the land acquisitions rule, 1963 before any land is acquired. A two judge bench of Orrisa HC headed by Chief justice V Gopala Gowda severely chastised Patnaik's government for violating environmental laws and for also breaking land acquisitions laws. Justice Gowda in his judgement wrote that the, “state government has violated the HR's and FR's of the thousands of the land

owners. The fiasco created by Naveen Patnaiks government in Orrisa showed how politicians and bureaucrats break rules and laws to accommodate powerful business leaders.

These were the top 5 scams where RTI was instrumental in bringing wrongdoers to justice by exposing their dishonest behaviour, whether it was on the part of officials, corporate leaders, or politicians. It demonstrated not just the corrupt behaviour of powerful individuals, but also how these individuals abused the law and endangered the environment in order to further their own interests.

- **INDIAN RED CROSS SOCIETY**

The fourth case is about Indian Red Cross Society was involved in the fourth case. Just two months after RTI was implemented, Hitender Jain, the founder of the Ludhiana-based NGO Resurgent India, launched an investigation into how the Indian Red Cross Society, a statutory organisation, was diverting funds intended for the victims of natural disasters and the Kargil war. 26 applications which were filled revealed, that IAS officers misappropriated relief funds intended for rehabilitation and used them for personal expenses instead, including the purchase of luxury cars, high-end smartphones, air conditioners, and refrigerators as well as the payment of LPG, electricity, restaurant, and other bills. Jain recalled how difficult it was to get response from the concerned authority who response from the concerned authority who were dealing with the RTI application, lot of pressure was put on him to meet the deputy commissioner and to not press for information further. But he was firm on his decision. According to law the information must be published in a month but it took 19 months since Jain petition was filed. He had to use his skills as a CA. The PM Relief Fund received over 5 million rupees that were intended for disaster relief funding for the Kargil war, the

Orrisa typhoon, and the Gujrat earthquakes. Additionally, departmental action was taken against the deputy commissioner. Jain here described RTI act as “game changer” and said that it changed the relations between the officials and the public. He further said that the officers who conceived to be public servant used to consider themselves as “Mai baap” understood this that they are meant to serve public and they should.

OTHER RELEVANT CASES WHERE RTI HAD A MAJOR IMPACT:

There are a few more instances where RTI made a significant difference, such as when demonetization took place without the formal sanction of the RBI. Two and a half hours before the prime minister announced demonetization on November 8, 2016, the central board of the RBI met with him. The demonetization was formally announced even before the RBI gave its formal sanction. An RTI request made by activist Venkatesh Nayak revealed that the 5:30 p.m. meeting didn't approve demonetization as a means of reducing black money. 38 days after the demonetization took place, the suggestion from the centres was accepted by the RBI governor Urjit Patel.

HOCKEY IS NOT A NATIONAL GAME OF OUR COUNTRY:

In another case, a class 7th student by the name of Aishwarya Parashar submitted a request in May requesting for details on a government directive pertaining to India's national sport. In response, the Ministry of Youth Affairs and Sports stated that no sport has been designated as the national sport. The question is especially significant because, despite the fact that we have all known since first grade that hockey is our national sport, the government has never issued an official order or notification stating as much.

GANDHI IS NOT OFFICIALY FATHER OF NATION:

Aishwarya Parashar also submitted an RTI request inquiring about Gandhiji's claim to be the "Father of the Nation." The government responded by stating that it is actually not possible to confer Mahatma Gandhiji with the title of father of the nation because the Indian Constitution only allows for the awarding of military and educational titles. A reference to Article 18 of the Constitution was made by the government, and the National Archives of India received the appeal of Parashar. According to Basant Seth, the Central Information Commissioner of India, there is no order, document, or record that refers to Mahatma Gandhiji as the "Father of the Nation" or "Rashtrapita." The entire nation reverently refers to him as the father of the nation, and this title is unrelated to the potential existence or nonexistence of official records. Aishwarya also sent a second RTI request to the PMO asking them to submit a copy of a document that lists the dates of national holidays. The document passed through several departments and then it finally reached to Department of Personnel and Training and they answered her query by telling that they didn't find any such order which stated that August 15th, January 26th and October 2nd were declared as government holidays. And thus through this we came to know that the above three days are not actually government holidays.

CASE STUDIES RELATED TO RTI WHERE IT HAS ALSO HELPED IN SCENARIOS RELATED TO EDUCATION AND HUMAN RIGHTS:

RTI has proven useful not only at the national level, but also in matters involving human rights, education, and how RTI has helped to resolve problems locally and removed many people's doubts. Like, an RTI complaint was filled to ‘Increase in web censorship.’ India is one of the worst countries when it comes to terms of internet censorship. The department of information technology's official data, which were made public through RTI, proved that the government had engaged in extra-legal censorship. The Department of Information Technology passed a rule in April 2011 allowing anybody to remove content from the internet by writing to the mediator within 36 hours without being asked a question or notifying the content owners, which also means that there is no legal basis for a dispute. In the second half of 2012, the Indian government increased the number of times it requested Google to remove content from its website, according to the internet giant's seventh transparency report. Most of the content that was instructed to be removed dealt with incidents of the

current administration's defamation and unrest in the North-Eastern areas. The Indian government was one of the 20 nations that requested the removal of the movie "Innocence of Muslims."

IIM STUDENT REVEALS ADMISSION CRITERIA:

An RTI application was filed by Vaishnavi Kasturi, a visually-impaired student. She was refused admission to India's top management institute, Indian Institute of Management, Bangalore, after earning an outstanding percentile in 2007. According to the CAT chairman's response to Vaishnavi's question, just one fifth of the CAT percentile will be used as a criterion for admission. Other factors, such as the grades from the 10th and 12th grades and the bachelor's degree score, are equally relevant and are given 40% weight. Work experience is taken into account and given preference, however group discussions and interviews only account for up to 35% of the total score. If a candidate is a chartered accountant by profession, that factor is also given 5% weight. Vaishnavi's questions about the admissions process were answered even though she wasn't admitted to any IIMs.

UNSOLVED MYSTERIES-SHASTRI'S AND BOSE'S DEATH:

A RTI complaint was also made in order to obtain information regarding the Unsolved Mysteries of Shastri and Bose's Death, one of the contentious cases. Through an RTI application, Lal Bahadur Shastri's son urged the government to solve the mystery surrounding his father's passing. In response, the PMO office said that it was not possible for them to release this material because doing so would harm the nation's relations with other countries and breach parliamentary privilege. Similar to this, Anuj Dhar, an RTI activist, asked the Prime Minister's Office for records and documentation about the mysterious disappearance of Netaji Subhash Chandra Bose. In response, the Joint Secretary of the PMO stated that it was not possible for them to release such material because doing so would damage the foreign relations of the nation and threaten parliamentary privilege. Consequently, this provides a strong unanimity and further resolves the mystery surrounding the deaths of the two leaders. that the Taipei plane disaster resulted in the deaths of Lal Bahadur Shastriji and Netaji Subhash Chandra Bose. It combined two possibilities, the other of which was that they were also the targets of some foreign assailants.

CASE STUDIES WHERE RTI HAS USEFUL AT LOCAL LEVELS LIKE IN VARIOUS VILLAGES AND SMALL TOWNS:

RTI has been an effective tool for the general public in the battle for their rights. It is therefore not surprising that RTI has been used locally, such as in situations where citizens had to fight for what is legally theirs. According to an investigation, the department that affects a citizen's quality of life fills out the majority of RTI petitions. RTI also has a remarkable effect at the local level. There are numerous instances where a community has finally experienced RTI's power. Suvarana Bhagyawant is one such case. Suvarana lives in the village of Ambhegaon. To obtain a death certificate for her grandfather, she planned to contact the appropriate authorities. However, each time she went to the panchayat office, she was required to pay a bribe of Rs. 500 to complete the task. Suvarana was in desperate need of the document because she planned to utilise it to apply for her grandmother's widow pension plan. She ultimately made the decision to submit an application under the RTI Act, and she soon after received the death certificate for her Grandfather. She claims that RTI has served as a weapon for her in her battles with strong and dishonest individuals. She continued, "For the people, it has been like rain that arrived in a region that is prone to drought." A woman from the same village named Archana filed a different lawsuit. When she went to the panchayat office to request a new ration card, the concerned officer demanded a payment of Rs. 150. After a year of waiting, she finally received her card after filing an RTI complaint and receiving a response within three weeks. She claims that when a government official refuses to do their job and demands payment, they threaten to file an RTI complaint and the person immediately turns their attention to their problems.

Another instance included overcrowding in prisons. This topic received a lot of attention, particularly in Uttar Pradesh's overcrowded jails. In jails, there were more prisoners than the facilities could hold. Because more than half of the prisoners were undergoing trials, there was also a breach of human

rights. A statistic showed that out of 81,027 inmates, 55,460 were undergoing court proceedings. In March 2013, the Supreme Court reportedly issued a notification in which it indicated that 64.7 percent of the prison's population consisted of prisoners who were awaiting trial. The SC gave the National Crime Record Bureau notice by informing them that the government should create a policy to provide bail to convicts who were being tried for crimes with sentences ranging from 3 to 7 years in duration.

Toufeeq, a native of Bagepalli town, filed another RTI request. The town is 100 kilometres north of Bangalore. The state government made the decision to add two roads and streetlights to Bagepalli town. The work was a huge mess when it began in March 2005 since the markings weren't done correctly and the dividers were constructed before the roads were laid out. This resulted in full chaos, which increased the risk of accidents in the region and made life tough for those who remained in that town. Thankfully, Toufeeq attended an RTI workshop held in the town and eventually filed an RTI against those responsible for the construction of the Bagepalli road. Then the entire story emerged, revealing that 1.32 crores of rupees were authorised for the project, of which 1.15 crores were really spent. After that, they went to JE and confronted him using the information they had obtained. Due to Taufeeq's RTI request, JE apologised to the villagers for the inconvenience and pledged to fix the roads. Toufeeq expressed gratitude to RTI for finally finishing the road work. Revat Ram and his friends from the Rajasthani village of Himmatsar filed an RTI complaint against the owner of the ration shop who used to sell grains at ration shops in Bikaner that were intended to be distributed to locals but were instead sold on the black market. The owner of the ration card lost his dealership as a result of the RTI complaint, and he was also required to pay back the Rs. 4 lakhs profit he had made by selling rations in the underworld. Villagers claimed that in the past they used to be frightened to criticise the Sarpanch because if they had, the Sarpanch would not have hired them as part of the drought relief programme. However, they now believe that they are equally strong and that no one with great power can restrict their rights or prevent them from putting an end to fraud activities occurring in the community.

Statement of the Problem

There are large number of information which are still unrevealed and there is need to know the information. The tool to get the authentic information is through the use of Right to information Act. Still large number of information are not available in public domain and due to which rampant corruption is prevailing in the society.

Objectives of the study

- Empower citizens to question the government.
- The act promotes transparency and accountability in the working of the government.
- The act also helps in containing corruption in the government and work for the people in a better way.
- The act envisages building better-informed citizens who would keep necessary vigil about the functioning of the government machinery.

Review of Literature

Mandakini Devasha Suries "RTI in India- An effective tool to tackle corruption" (2011) describes the RTI Act as the most fundamental law this country has seen as it can be used from the local Panchayats to Parliament, from non-descript village to posh RTI Fellowship Report: 2015, Delhi and from ration shop to 2 G scam. P.K Saini and R K Gupta in these paper titled RTI ACT 2005 objectives, challenges and suggestion have discussed about mas or obstracles in the effective implementation of the RTI ACT.

Sudhir Naib in his book "Right to Information in India" (2013) gives a short introduction analysis. The evolution of this landmark Act, the procedures in valued in seeking the information, the duties of information suppliers as also the kinds of information exempted from disclosure. Though in depth comparative analysis of the law in various part of the world. The book captures the strength and

drawback of the RTI Act narrates success stories and suggest policy measure to improve its implementation.

Research Methodology

The study focuses on the processing and performance condition of RTI in various Departments. Structured and semi structured Interview conducted with some randomly selected PIO's for the understanding the standing problems in RTI and interact with eminent RTI activities is the part of research agenda. The research program considers the experience from some RTI applicants and civil society groups.

Results and Discussion

Right to information basically means the citizen's right to get information from government and its various instruments at various levels which are substantially financed directly or indirectly by the government. These were the top 5 scams where RTI was instrumental in bringing wrongdoers to justice by exposing their dishonest behavior, whether it was on the part of officials, corporate leaders, or politicians. It demonstrated not just the corrupt behaviour of powerful individuals, but also how these individuals abused the law and endangered the environment in order to further their own interests.

Conclusion

The major goal of the RTI Act is to create a workable system for citizens that would make it easier for the general public to obtain information held by governmental agencies. They will benefit from having access to information about public welfare and how authorities carry out their tasks. It also increases the public authorities' accountability and transparency. RTI's greatest accomplishment is that it shows the most influential persons that they are within reach of regular people. And by using the act to uncover undiscovered information, the RTI legislation has achieved its goal.

Based on the number of complaints made under RTI and the actions taken after the complaints were made to the government authority, it is evident that there were numerous instances where villagers were successful. While this didn't have a significant impact on corruption, it did demonstrate how an informed citizen, even one who is marginalised or illiterate, can fight for his rights. Over the past few years, RTI has also developed into a significant tool that is used as a weapon.

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