Journal of Psychology and Political Science
ISSN: 2799-1024
Vol: 02, No. 03, April -May 2022
http://journal.hmjournals.com/index.php/JPPS
DOI: https://doi.org/10.55529/jpps.23.37.42

RTI: A Powerful Tool for Promoting Transparency in Jammu and Kashmir

Showkat Ahmad Dar*

**Department of Political science and Public Administration Research Scholar of Annamalai University Tamil Nadu, India*

*Corresponding Email: *darshowkat41@gmail.com*

Received: 09 February 2022 **Accepted:** 25 April 2022 **Published:** 30 May 2022

Abstract: ***Kashmir, India's highest point is 566 kilometres away from the capital city of New Delhi. Visitors to this region, which is bordered by the Himalayan and Pir Panjal ranges, marvel at the breath-taking scenery. The RTI Act was implemented by the state government as a mechanism for resolving administrative complaints. Knowing that corruption can be a deadly disease, Indian-controlled Jammu and Kashmir state has taken steps to ensure citizens have access to reliable, up-to-date information about their government. This has been used a lot by citizens and the media to find out about corruption, government work, and how much money the state of Jammu and Kashmir spends. This is done to make sure that the state is transparent and has good governance. State law has changed since Article 370 was repealed. The Central RTI Act 2005 now rules in the state after that law was changed. This paper takes a gander at the adequacy of the right to information act in Jammu and Kashmir to check whether there is any defilement nearby. As the paper shows, the RTI Act has been truly adept at lessening contrasts in admittance to data and looking into corruption. The individuals who work for the public authority have become more responsive and responsible since the RTI Act was passed into regulation.***

Keywords: ***Jammu and Kashmir, Information, RTI, Purpose, Challenges and Transparency.***

1. INTRODUCTION

The right to information alludes to the capacity of people to acquire government data without paying for it. Residents and non-legislative associations should have sensible admittance to all records and archives connected with government tasks, choices, and execution under this regulation (Lakshimkanth, 2017). All in all, it alludes to the public authority's receptiveness and straightforwardness. Therefore, it goes against the mystery of the public authority. The

Copyright The Author(s) 2022.This is an Open Access Article distributed under the CC BY license. (http://creativecommons.org/licenses/by/4.0/)

Journal of Psychology and Political Science
ISSN: 2799-1024
Vol: 02, No. 03, April -May 2022
http://journal.hmjournals.com/index.php/JPPS
DOI: https://doi.org/10.55529/jpps.23.37.42

(Central) Right to Information Act, 2005, is a government regulation that covers the whole nation, including all states and association domains. The territory of Jammu and Kashmir (J&K) had the choice of deciding on if to take on the Act under Article 370. J&K chose to establish the RTI Act 2009 after much discussion, which is basically the same as the Central RTI Act 2009. The J&K RTI Act 2004 and the J&K RTI (Amendment) Act 2008 were active at that point. As Union Territories (UTs), Jammu and Kashmir and Ladakh are currently dependent upon the Central RTI Act 2005. Last week, the two places of parliament passed Bill 2019. It was endorsed into regulation by the two houses to rebuild the territories of Jammu and Kashmir and Ladakh. Every one of the regulations recorded in Table 1 of the Fifth Schedule to this Act that apply to the Union Territory of Jammu and Kashmir and the Union (Insights, 2019) Territory of Ladakh will apply on and after the date indicated in Section 95 of this Act. The RTI Act is one of 106 resolutions established by the central government that are recorded on the Schedule. The RTI Act didn't lay out another body liable for implementing the law. All things considered, it didn't just encourage authorities in that frame of mind to forsake mystery for transparency.

The Information Commission was appointed with care and purpose to be the country's highest body, with the power to order any office in the country to provide information in accordance with the Act's provisions. It also gave the Commission the authority to fine any official who disobeyed the order (Sentence Paraphrased). The right to know was seen as critical to encouraging participatory democracy and guiding people-centred governance. The poor and poorer segments of society will be able to demand and receive information about government policies and activities, thereby contributing to their well-being. It got off to a good start by exposing high-level corruption, such as in the Commonwealth Games organisation, and allocating spectrum and coal blocks for mobile broadband (Insights, 2019). The right to inspect government documents provides the public with a valuable tool for learning about what the government is doing and how effective it is, making the government more accountable. It improves decision-making in the public sector by removing unnecessary secrecy.

2. RESEARCH METHODOLOGY

The article is both descriptive and analytical in nature, and it makes extensive use of secondary sources such as newspaper articles, magazine articles, and investigation reports to support its claims.

Motive and objectives Behind the Research

1. Background of RTI Information Act.
2. To Analyse the Purpose Of Right to Information
3. To Explain the Challenges Associated with Right to Information.
4. To shed a light on legislative changes after Abrogation of Article 370 in Jammu and Kashmir.

Copyright The Author(s) 2022.This is an Open Access Article distributed under the CC BY license. (http://creativecommons.org/licenses/by/4.0/)

Journal of Psychology and Political Science
ISSN: 2799-1024
Vol: 02, No. 03, April -May 2022
http://journal.hmjournals.com/index.php/JPPS
DOI: https://doi.org/10.55529/jpps.23.37.42

3. DISCUSSION

Historical Background

Individuals began discussing the RTI Act after the Universal Declaration of Hunan Rights was passed in 1948, which said that everybody reserved the privilege to look for, get, and share information and thoughts regardless of where they resided for sure they seemed to be. The 1966 International Covenant on Civil and Political Rights says that everybody has the option to unreservedly talk. On the off chance that you need a sound common society, you really want to have a ton of information, he says. "Information is the money of democracy," he says. The RTI Act was passed by the Indian Parliament to make it simpler for citizens to get information as a right. In 1986, the Supreme Court said that Article 19 of the Constitution gives individuals the option to talk and compose, however not to get information**.**

(Paraphrased)

The RTI Act was enacted to inspire people, promote transparency, and accountability, and to increase citizen participation in democratic processes. Indian citizens have access to government information under the Right to Information Act. On June 15, 2005, the President signed the 'Right to Information' Bill. That was on October 12, 2005. Every day, over 4,900 RTI requests arrive. Following its implementation, the Act received over 1.9 million applications. Every Indian has the right to information. This right's main goal is to make information easy to obtain for all conscious citizens. Refusal to provide (Mander 2019) information can be reported to the Central Information Commission. Article 19A of the Indian Constitution declares it a Fundamental Right. Any citizen can learn about the government's work, role, and operations. The right of all citizens to information and to move the government towards more transparent and responsive governance. This is a significant effort to improve government and official functioning as well as transparency. The right to information will help fight corruption and reduce red tape among government officials. According to the Right to Information Act of 2005, the average Indian can obtain information from public authorities. The Act requires the government to inform Indians. There are Public Information Officers (PIOs) and Federal and State Information Commissions set up to control the flow of information. Section 18 empowers the Commissions to investigate complaints about information. This Act also sets a (Gopi, 2016) deadline for authorities to respond to such inquiries. It also protects the individual's right to privacy. The Right to Information Act allows Indians to access government data. On June 15, 2005, the President signed into law the 'Access to Information' Bill. Except in Jammu and Kashmir, this (Greater Kashmir, 2019) law took effect on October 12, 2005. This right's main goal is to make it easy for concerned citizens to obtain information. The Central Information Commission can file a complaint against a department or agency that refuses to provide information. Article 19A of the Indian Constitution declares it a fundamental right. Any citizen may obtain information about the government or institution's function, position, and operation. Using the right, everyone is (Singh, 2010) expected to carry out information, and to move the government towards open and sensitive governance. This is a positive step toward better government and increased transparency. The RTI would be a revolutionary step in reducing corruption and bureaucracy among officers. In a healthy democracy, elected

Copyright The Author(s) 2022.This is an Open Access Article distributed under the CC BY license. (http://creativecommons.org/licenses/by/4.0/)

Journal of Psychology and Political Science
ISSN: 2799-1024
Vol: 02, No. 03, April -May 2022
http://journal.hmjournals.com/index.php/JPPS
DOI: https://doi.org/10.55529/jpps.23.37.42

officials must answer for their actions. A citizen has a right to know **(Robert, 2010)** the government's plan for him. Is it worth the effort? Is the strategy correctly implemented? Which was spent within budget? In this case, the right to know is critical for accountability and transparency.

Challenges

To give citizens access to public records, the Right to Information Act of 2005 was enacted. As a result, it encourages transparency and accountability in government, improving India's democracy. The current Covid-19 pandemic has claimed thousands of lives and livelihoods. Open communication is critical in crisis management. The PM's office refused to provide information on the PM Cares fund, in violation of the RTI Act. The PM Cares fund was deemed a public authority. Also, the State Bank of India refused to (Paraphrased) reveals these details, claiming they belonged to a third party and thus exempt from disclosure. This is just one example of the RTI Act's flaws. The RTI Act must be implemented effectively in order (Insights, 2019) to ensure public access to information. Many abuse the RTI act because the locus-standi rule does not apply and there is no requirement to state a reason for seeking information. Non-serious information seekers can use this to further their own agendas at the public's expense. As a result, public servants' time is wasted and their productivity suffers. In India, people are unaware of their rights and responsibilities.

This may be due to a lack of knowledge and awareness. The level of awareness was also low in rural areas and among disadvantaged groups like women, SC/ST/OBC. The RTI Act was revolutionary in that it required a response (Baviskar, 2010) within a certain time frame or the government official responsible would be penalised. The Act's time-bound nature suffers due to a lack of Information Commissioners at the centre, causing a high backlog and delays in hearing cases. Poor quality, incomplete, and inaccurate information increases the likelihood of a First Appeal under the RTI Act. It also doesn't set a deadline for hearings on a Second Appeal to the CIC (CIC). As a result, applicants must wait months for CIC to hear their case. Inefficient record management systems and procedures (Borah, 2013) used to gather data from field offices cause RTI request delays. The RTI Act (Amendment) Act, 2019 allows federal and state governments to regulate terms and conditions of service for Information Commissioners at all levels. With this amendment, the federal government gains too much power over CIC. Their authority to enforce decisions under the Act is limited. However, the Information Commissions cannot take action if public authorities do not comply with their directives. The Official Secrets Act (1923) is one of several pieces of restrictive legislation restricting free flow of information in India.

Government websites should contain all non-public information. This gives petitioners immediate access to the data they request. As a result, the department's time (Paraphrased) will be better spent. As a result, many people seeking public records do so in multiple ways, adding to the workload of information departments. It's also necessary to (Gopi, 2016) eliminate duplicate cases. Making it mandatory to explain why you want to file a petition can prevent RTI abuse. There should be a fine for wasting the Information Commissioner's time by requesting irrelevant information. The right to privacy is also guaranteed by the

Copyright The Author(s) 2022.This is an Open Access Article distributed under the CC BY license. (http://creativecommons.org/licenses/by/4.0/)

Journal of Psychology and Political Science
ISSN: 2799-1024
Vol: 02, No. 03, April -May 2022
http://journal.hmjournals.com/index.php/JPPS
DOI: https://doi.org/10.55529/jpps.23.37.42

Constitution. Article 21 of the Constitution guarantees this right. As a result, the right to information must be (Insights, 2019) balanced with the right to privacy. In rural areas, radio, television, and print campaigns in regional languages can help. The RTI Act, 2005 should be taught in schools. The Central and State Information Commissions must promote the RTI Act 2005.

4. CONCLUSION

Office bearers must be held accountable for their positions in order for a democracy to function properly. Every ordinary citizen has the right to be informed about the government's plans for his or her future. Is it worthwhile to proceed with this plan? Is the strategy being carried out correctly? How much money has been spent in accordance with the budget? In such a case, the right to information becomes critical for ensuring accountability and transparent decision-making. Democracy is about government of, by, and for the people; this is its essence. To achieve the third paradigm, the state must first recognise the importance of an informed public and the role it plays in the overall development of the country. In this context, in order for the RTI Act to be effective in meeting the needs of the information society, it must address underlying issues.

Conflict of interest and Funding
Nil

Acknowledgement
I owe a debt of gratitude to each and every one of you for granting me the opportunity to complete this assignment. Thank you to all of the researchers and inspectors who worked tirelessly to prepare papers on topics related to the article and who collaborated with me to develop a strategy for effectively monitoring my work. I am extremely grateful to you all.

5. REFERENCES

1. Aamin Hussain, S. (2021). Abrogation of Article 370 and its Consequences:-An Analytical Study. International Journal of Creative Research Thoughts.
2. Agrawal, C. (2012). Right to Information: A Tool for Combating Corruption in India. Journal of Management & Public Policy, 3(2).
3. Ara, A. (2013). Right to information and its relation with good governance: A case of Jammu and Kashmir. International Journal of Physical and Social Sciences, 3(9), 142.
4. Arora, R. D. V., Ajnat, S., & Sampla, M. H. D. ABROGATION OF ARTICLE 370 OF THE INDIAN CONSTITUTION: AN ANALYTICAL STUDY.
5. Baviskar, A. (2007). Is knowledge power? The right to information campaign in India. London: Institute of Development Studies Working Paper.
6. Baviskar, A. (2010). Winning the right to information in India: Is knowledge power. Citizen action and national policy reform, 130-152.
7. Borah, S. K. (2013). Right to information act: A key to good governance. International Journal of Humanities and Social Science Invention, 2(2), 11-22.

Copyright The Author(s) 2022.This is an Open Access Article distributed under the CC BY license. (http://creativecommons.org/licenses/by/4.0/)

Journal of Psychology and Political Science
ISSN: 2799-1024
Vol: 02, No. 03, April -May 2022
http://journal.hmjournals.com/index.php/JPPS
DOI: https://doi.org/10.55529/jpps.23.37.42

8. Gopi, M. (2016). Right to Information Act in India (An Overview). J Pol Sci Pub Aff, 4(207), 2332-0761.
9. Jenkins, R., & Goetz, A. M. (1999). Accounts and accountability: theoretical implications of the right-to-information movement in India. Third world quarterly, 20(3), 603-622.
10. Kaushik, A. (2019). Constitutional Exceptionalism in Kashmir.
11. Laskar, S. M. (2016). Importance of Right to Information for good Governance in India. Bharati Law Review, October–December, 217-224.
12. Mahajan, K. (2020). The Abrogation of Article 370 and Bifurcation of Jammu and Kashmir-A Bridge Too Far. Indian J. Const. L., 9, 106.
13. Mander, H., & Joshi, A. S. (1999). The Movement for Right to Information in India: people's power for the control of corruption. Commonwealth Human Rights Initiative.
14. Mir, R. A. (2017). The Genesis and Evolution of the Right to Information Act in Jammu and Kashmir. Indian Journal of Society and Politics, 4(1), 7-18.
15. Naib, S. (2011). The Right to Information Act 2005: A Handbook. Oxford University Press.
16. Niranjan, O. (2005). Right to Information and the Road to Heaven. Economic and political weekly, 4870-4872.
17. Peisakhin, L. (2012). Transparency and corruption: Evidence from India. The Journal of Law and Economics, 55(1), 129-149.
18. Peisakhin, L., & Pinto, P. (2010). Is transparency an effective anti-corruption strategy? Evidence from a field experiment in India. Regulation & Governance, 4(3), 261-280.
19. Rather, T. (2020). Abrogation of Article 370 of the constitution of India: socio-economic and political implications on Jammu and Kashmir. International Journal of Research and Analytical Reviews, 7(3).
20. Roberts, A. (2010). A great and revolutionary law? The first four years of India's Right to Information Act. Public Administration Review, 70(6), 925-933.
21. Roberts, A. (2010). A great and revolutionary law? The first four years of India's Right to Information Act. Public Administration Review, 70(6), 925-933.
22. Roy, C. (2013). Right to Information and It's Significance to Ensure Good Governance in India. Available at SSRN 2343109.
23. Singh, R. (2010). Right to information and good governance. Concept Publishing Company.
24. Singh, S. (2007). Chapter One. India. Grassroots Initiatives. In The right to know (pp. 19-53). Columbia University Press.
25. Singh, S. (2010). The genesis and evolution of the right to information regime in India. Transparent Governance in South Asia, 43-78.

Copyright The Author(s) 2022.This is an Open Access Article distributed under the CC BY license. (http://creativecommons.org/licenses/by/4.0/)