

**ANALYZING OPENNESS: AN IN-DEPTH EVALUATION OF THE RIGHT TO
INFORMATION ACT AND ITS IMPACTS ON EFFECTIVE GOVERNANCE IN INDIA.**

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Abstract:

The Right to Information (RTI) Act serves as a fundamental pillar in the pursuit of openness and answerability within the governance structure of India. This article presents a critical examination of the RTI Act and its significant consequences for nurturing effective governance in the Indian context. Through a comprehensive review, the research explores the transformative potential of the RTI Act in reshaping governance dynamics, highlighting its achievements, obstacles, and broader impacts. Enacted in 2005, the RTI Act embodies the principle that access to information is an essential right crucial for a lively democracy. By empowering citizens to request and obtain information from public bodies, the Act strives to foster transparency and hold governmental entities accountable. However, the practical application of the RTI Act has been hindered by administrative barriers, insufficient proactive disclosure, and instances of non-adherence. This article critically evaluates these impediments and their consequences for achieving the Act's objectives. Additionally, the research examines the influence of the RTI Act on various aspects of governance, such as decision-making processes, service delivery mechanisms, and the overall administrative ethos. It identifies cases where the Act has heightened transparency, revealed instances of malfeasance, and enabled citizens to engage actively in governance procedures.

Furthermore, the article investigates the roles of civil society groups, media outlets, and legal interventions in shaping the implementation and enforcement of the RTI Act. Despite its potential for transformation, the RTI Act encounters inherent constraints, including unequal awareness and resource distribution, bureaucratic opposition, and the necessity for ongoing legislative and institutional enhancements. By critically analyzing these issues, this article provides insights into avenues for fortifying the RTI framework and augmenting its contribution to good governance in India.

Keywords: Right to Information Act, openness, answerability, effective governance, India.

1. Introduction:

1.1 Background and Context:

The enactment of the Right to Information (RTI) Act in 2005 marked a significant milestone in India's democratic journey, affirming citizens' fundamental right to access information held by public authorities. Built on the principles of transparency, answerability, and citizen empowerment, the RTI Act emerged as a potent instrument for advancing good governance and combating corruption. Its implementation represented a shift towards a more participatory and accountable governance framework, aiming to bridge the information divide between the government and its citizens.

India's pursuit of transparency and accountability predates the RTI Act, with early initiatives dating back to the enforcement of the Official Secrets Act in 1923. However, these endeavors lacked the legal foundation and institutional mechanisms necessary for effective execution. The call for a comprehensive Right to Information legislation gained traction in the late 20th century, driven by grassroots movements, activism from civil society, and judicial rulings acknowledging the right to information as an essential aspect of freedom of speech and expression.

In this context, the RTI Act emerged as a watershed moment, heralding a new era of transparency and citizen involvement in governance processes. Its enactment followed years of advocacy, public consultations, and discussions, resulting in a legislative framework poised to redefine the interaction between the state and its citizens. The Act not only conferred upon citizens the authority to request information but also mandated public authorities to proactively disclose specific categories of information, thus fostering a culture of openness and answerability.

1.2 Objectives of the Study:

This research aims to conduct a critical evaluation of the Right to Information Act and its impact on fostering good governance in India. By scrutinizing the development, execution, and outcomes of the RTI Act, the study intends to:

1. Evaluate the efficacy of the RTI Act in enhancing transparency and answerability within India's governance structure.
2. Identify the principal hurdles and impediments obstructing the complete achievement of the Act's goals.
3. Assess the consequences of the RTI Act on various dimensions of governance, including decision-making processes, service delivery mechanisms, and citizen engagement.
4. Suggest recommendations for fortifying the RTI framework and amplifying its role in promoting good governance in India.

Through a comprehensive analysis, this study aims to contribute to the ongoing dialogue on transparency, answerability, and citizen empowerment in the Indian context. By critically scrutinizing the RTI Act's function as a catalyst for transformation, the research seeks to offer insights into pathways for advancing democratic governance and upholding public welfare.

2. Evolution of Right to Information in India:

2.1 Historical Perspective:

The pursuit of transparency and answerability in India can be traced back to its pre-independence era, with the roots of the right to information planted during the struggle against colonial rule. Early movements for independence and self-rule underscored the significance of information access as a tool to challenge oppressive regimes and empower the populace. Following independence, endeavors to institutionalize the right to information gained traction, albeit in a fragmented manner, with occasional legislative measures and administrative directives aimed at fostering openness in governance.

A pivotal moment in India's progression towards acknowledging the right to information occurred with the passage of the Freedom of Information Act in 2002. While this legislation was limited in scope and application, it laid the groundwork for a more comprehensive legal framework that would later evolve into the Right to Information Act. The Freedom of Information Act represented a significant departure from the preceding culture of secrecy, asserting the principle that citizens possess the right to access government records and information held by public entities.

2.2 Legislative Framework: Enactment of the RTI Act:

The Right to Information Act of 2005 ushered in a fresh era of openness and answerability in India's governance landscape. Enacted on October 12, 2005, the RTI Act marked the culmination of decades of advocacy, public consultations, and judicial rulings recognizing the right to information as an essential right crucial for a robust democracy. The Act aimed to institutionalize the right to information, establishing it as a legally guaranteed entitlement accessible to every individual.

The legislative process leading to the enactment of the RTI Act was characterized by extensive discussions, consultations with stakeholders, and amendments aimed at striking a balance between the imperative of transparency and the legitimate concerns of public authorities. The Act underwent multiple revisions before its eventual passage, reflecting the intricate interplay of political, social, and administrative dynamics shaping India's governance structure.

Key aspects of the RTI Act include provisions for the appointment of Public Information Officers (PIOs) in public bodies, the establishment of Information Commissions at both central and state levels, and mechanisms for submitting and resolving RTI requests. Additionally, the Act outlines categories of information exempt from disclosure, balancing the necessity of transparency with the imperative to safeguard sensitive information in the public interest.

3. The Right to Information Act: A Critical Overview

3.1 Scope and Provisions of the Act:

The Right to Information (RTI) Act, enacted in 2005, embodies the principle that access to information is an essential right crucial for a lively democracy. The Act's ambit is extensive, encompassing all public entities at the central, state, and local levels, including government departments, ministries, state-owned enterprises, and independent bodies. It applies to both the executive and legislative arms of government, as well as any entity substantially financed by the government.

Central to the RTI Act is the provision granting individuals the right to obtain information held by public entities. Section 2(j) of the Act defines "information" broadly to include records, documents, memoranda, emails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form, and information concerning any private entity that can be accessed by a public entity under any other regulation. This expansive delineation ensures that individuals have the right to request information on a broad array of subjects related to governance, administration, and public policies.

The Act outlines a simple process for individuals to exercise their right to information. Any individual can submit a request for information to the designated Public Information Officer (PIO) of the relevant public entity, either in writing or electronically. The PIO is obligated to furnish the requested information within thirty days, subject to certain exceptions and restrictions stipulated under Sections 8 and 9 of the Act. These exemptions encompass information that may adversely affect the sovereignty and integrity of India, the security, strategic, scientific, or economic interests of the state, or information explicitly prohibited from publication by any court of law or tribunal.

3.2 Institutional Framework: Roles and Responsibilities:

The RTI Act establishes a sturdy institutional structure to facilitate the execution and enforcement of the right to information. At the national level, the Act mandates the establishment of the Central Information Commission (CIC) and State Information Commissions (SICs) at the regional level. These quasi-judicial entities are entrusted with the duty of resolving appeals and grievances stemming from the refusal of information by PIOs or inadequate responses.

The Act also outlines the duties and obligations of various stakeholders engaged in implementing the RTI regime. Public authorities are mandated to appoint PIOs at different tiers to receive and handle RTI requests, manage records in a manner conducive to access, and proactively disclose specific categories of information through obligatory publication schemes. PIOs are accountable for processing RTI requests, furnishing information to applicants, and ensuring adherence to the Act's provisions.

3.3 Access to Information Mechanisms:

Apart from the reactive method for obtaining information through RTI requests, the Act also encourages the proactive disclosure of information by public entities. Section 4 of the RTI Act mandates every public entity to uphold records, proactively publish specific categories of information, and disseminate information through diverse channels, including websites, public notices, and media releases. This proactive disclosure requirement aims to bolster transparency, alleviate the workload on PIOs, and foster increased public awareness and engagement in governance processes.

Moreover, the RTI Act acknowledges the significance of utilizing technology to facilitate information access. It permits the submission of RTI requests and appeals electronically, via online platforms and email, thereby simplifying the process and improving efficiency. The Act also promotes the digitization of records and the utilization of electronic methods for record-keeping and dissemination, ensuring that information is readily accessible to citizens across various locations.

Overall, the RTI Act establishes a resilient framework for advancing transparency, answerability, and citizen empowerment in India's governance structure. Nonetheless, its effective execution depends on addressing challenges such as bureaucratic opposition, lack of awareness, and insufficient infrastructure. By critically assessing the scope, institutional structure, and information access mechanisms of the Act, this overview aims to provide insights into its implications for promoting good governance and democratic engagement in India.

4. Challenges in Implementing the RTI Act:

4.1 Bureaucratic Opposition and Institutional Obstacles:

One of the primary hurdles in executing the Right to Information (RTI) Act in India arises from bureaucratic opposition and institutional barriers within government agencies and public entities. Despite the legal requirement to furnish information to citizens, numerous public officials are hesitant to embrace transparency and perceive the RTI Act as a challenge to their power and independence. This opposition frequently results in delays, refusals, and evasion tactics employed by Public Information Officers (PIOs) when handling RTI requests.

Bureaucratic challenges such as excessive bureaucracy, complex procedures, and the absence of mechanisms for accountability further hinder the efficient operation of the RTI system. PIOs might employ delaying tactics, such as requesting unnecessary clarifications or transferring requests to multiple departments, in an attempt to discourage applicants and dissuade them from pursuing information. Additionally, the lack of standards for proactive disclosure and a culture of secrecy perpetuates a mentality of opacity and non-cooperation within bureaucratic circles, heightening the difficulties associated with implementing the RTI Act.

4.2 Insufficient Proactive Disclosure:

Another notable obstacle facing the enforcement of the RTI Act in India is the insufficiency of proactive disclosure by public entities. While the Act mandates public entities to proactively disclose specific categories of information through obligatory publication schemes under Section 4, adherence to these requirements remains inconsistent and irregular. Many public entities perceive proactive disclosure as a mere procedural requirement rather than a substantial duty, resulting in incomplete or selective disclosure of information relevant to the public.

The lack of a comprehensive framework for proactive disclosure, alongside inadequate supervision and oversight mechanisms, undermines the efficacy of the RTI system in advancing transparency and answerability. Public entities often neglect to update their websites regularly, publish outdated or incomplete information, or omit critical details concerning decision-making processes, public spending, and policy formulation. This deficiency in transparency not only diminishes public confidence in government institutions but also obstructs informed citizen engagement in governance processes.

4.3 Legal Interventions and Enforcement Mechanisms:

In the absence of robust enforcement mechanisms, legal interventions play a vital role in ensuring adherence to the provisions of the RTI Act and protecting citizens' entitlement to information. The judiciary has taken an active stance in interpreting and upholding the principles embedded in the Act, including the right to access information as a fundamental entitlement and the obligation of public entities to furnish information promptly and transparently.

However, reliance on legal interventions as the primary method of enforcement highlights the shortcomings of the current institutional structure for addressing grievances and holding public entities accountable. The legal adjudication process is often lengthy, resource-intensive, and inaccessible to marginalized communities and individuals with limited resources. Additionally, the backlog of cases in front of Information Commissions and the absence of effective penalties for non-compliance weaken the deterrent impact of legal interventions and perpetuate a culture of impunity among non-compliant PIOs.

In summary, tackling the hurdles of bureaucratic opposition, inadequate proactive disclosure, and deficiencies in enforcement mechanisms is crucial for realizing the transformative potential of the RTI Act in advancing transparency, accountability, and good governance in India. Effective reforms aimed at nurturing a culture of transparency, bolstering institutional capabilities, and promoting citizen involvement are imperative for overcoming these obstacles and advancing the goals of the RTI regime.

5. Implications for Good Governance:

5.1 Transparency in Decision-Making Processes:

The Right to Information (RTI) Act has significant implications for cultivating transparency in decision-making processes within the Indian governance structure. By granting citizens access to information held by public entities, the Act fosters openness and answerability in the formulation and

execution of policies, statutes, and administrative determinations. Transparency in decision-making ensures that governmental actions adhere to principles of impartiality, fairness, and public welfare, thereby bolstering public trust and confidence in the democratic system.

Through the RTI Act, citizens gain insight into the reasoning behind government decisions, the considerations involved in policy formulation, and the influences shaping legislative and executive measures. This transparency acts as a check against the arbitrary exercise of authority, graft, and undue pressure, enabling citizens to scrutinize the decision-making process and hold public officials responsible for their conduct. Furthermore, access to information empowers citizens to actively engage in democratic discourse, contribute to policy discussions, and advocate for reforms that address their interests and grievances.

5.2 Accountability in Public Service Delivery:

The RTI Act plays a crucial role in fostering accountability in public service provision by enabling citizens to hold government entities and officials accountable for their performance and behavior. Through RTI inquiries, citizens can request information on resource allocation, program implementation, and delivery of vital services, thereby overseeing the efficiency, efficacy, and honesty of public governance. This accountability mechanism acts as a deterrent against mismanagement, corruption, and misuse of authority, by exposing deficiencies, irregularities, and instances of failure to fulfill legal duties.

Moreover, the prospect of public scrutiny inherent in the RTI framework incentivizes public entities to enhance service provision mechanisms, augment transparency in their activities, and implement measures to prevent and address complaints. By making information on government initiatives and expenditures accessible to the public, the Act cultivates a culture of answerability and receptiveness, where public officials are answerable not only to their superiors but also to the citizens they serve. This cycle of accountability reinforces the tenets of effective governance, probity, and ethical behavior in public service delivery.

5.3 Civic Participation and Engagement:

One of the most notable consequences of the RTI Act for good governance is its role in encouraging civic participation and engagement in governance processes. By equipping citizens with the means and information necessary to actively engage in decision-making, the Act bolsters democratic structures, stimulates civic involvement, and bolsters the legitimacy of governmental activities. Citizens can utilize RTI requests to acquire information, raise awareness about matters of public interest, and rally support for policy changes and endeavors that mirror their hopes and principles.

Moreover, the RTI Act facilitates discussion, cooperation, and collaboration between government and non-governmental entities, by establishing avenues for constructive interaction and input. Citizens can leverage the information acquired through RTI requests to advocate for modifications in government policies, programs, and procedures, thus contributing to more receptive and inclusive governance. This participatory method to governance cultivates a sense of responsibility and belonging among citizens, fortifies social unity, and advances the realization of democratic ideals such as fairness, justice, and empowerment.

In summary, the Right to Information Act holds significant implications for promoting good governance in India through the enhancement of transparency in decision-making processes, the encouragement of accountability in public service provision, and the fostering of citizen participation and engagement in governance. Nonetheless, achieving the full potential of the Act demands concerted endeavors to tackle implementation hurdles, reinforce institutional capabilities, and instill a culture of transparency, honesty, and responsiveness within governmental institutions and society as a whole.

6. Strengthening the RTI Framework:

6.1 Legislative Reforms: Addressing Implementation Gaps:

A pivotal approach to fortifying the Right to Information (RTI) framework in India involves implementing legislative reforms aimed at rectifying implementation shortcomings and augmenting the efficacy of the Act. While the RTI Act has established the fundamental principles and mechanisms for advancing transparency and answerability, there persist various challenges and loopholes that

impede its optimal operation. Legislative reforms can help bridge these gaps and streamline the RTI system to guarantee broader access to information and enhanced governance outcomes.

One domain necessitating legislative attention is the matter of exemptions and exceptions under the RTI Act. Although the Act allows for specific exemptions to safeguard sensitive information, such as national security, personal privacy, and commercial confidentiality, there is a requirement for clearer and more consistent application of these exemptions. Uncertainties in interpreting exemptions have resulted in erratic decisions by Public Information Officers (PIOs) and Information Commissions, leading to arbitrary refusal of information and legal disputes.

Furthermore, the Act does not explicitly encompass certain categories of information held by private entities that execute public functions or receive significant funding from the government. Legislative reforms could broaden the ambit of the Act to encompass such entities, thereby bolstering transparency and answerability in their activities. Additionally, there is a necessity to reinforce penalties for non-adherence to the provisions of the Act and introduce more rigorous enforcement mechanisms to deter infringements and ensure prompt resolution of complaints.

6.3 Enhancing Awareness and Capacity:

Another crucial element of bolstering the RTI framework involves enhancing awareness and capacity among stakeholders, including citizens, governmental officials, and non-governmental organizations. Despite the progressive provisions of the RTI Act, lack of understanding of the Act's clauses, procedures, and advantages remains a significant obstacle to its efficient execution. Many citizens, particularly those from underserved communities and rural areas, are uninformed about their entitlement to information or lack the awareness and means to lodge RTI requests.

To tackle this hurdle, coordinated endeavors are necessary to heighten awareness about the RTI Act through targeted awareness drives, public enlightenment campaigns, and capacity-building initiatives. These initiatives should concentrate on simplifying the RTI process, providing guidance on formulating effective RTI requests, and empowering citizens to assert their entitlement to information. Public authorities should also receive training and assistance to fulfill their duties under the Act, including timely handling of RTI requests and proactive disclosure of information.

6.4 Involvement of Civil Society and Media:

Civil society organizations (CSOs) and the media assume a pivotal role in advancing transparency, answerability, and citizen empowerment through their advocacy, research, and oversight activities. Enhancing the RTI framework necessitates closer collaboration and interaction among civil society entities, media outlets, and governmental bodies to identify obstacles, oversee implementation, and advocate for changes. CSOs can leverage their networks and expertise to offer legal aid to RTI applicants, organize public forums on RTI-related issues, and campaign for policy adjustments to enhance the RTI regime.

Similarly, the media plays an indispensable role in uncovering corruption, misconduct, and misuse of authority through investigative reporting and coverage. Journalists and media outlets should be encouraged to utilize the RTI Act as a tool for investigative journalism, access governmental documents and data, and hold public officials accountable for their conduct. Strengthening alliances among the media, CSOs, and governmental entities can amplify transparency, facilitate information dissemination, and encourage increased public involvement in governance processes.

In conclusion, fortifying the RTI framework demands a multifaceted strategy encompassing legislative amendments, awareness-raising endeavors, and collaboration among governmental bodies, civil society groups, and the media. By tackling implementation shortcomings, enhancing capacity, and fostering increased transparency and answerability, these initiatives can bolster the efficiency of the RTI system and contribute to good governance and democratic empowerment in India.

7. Future Directions and Recommendations:

7.1 Policy Implications for Good Governance:

As India progresses in its efforts to promote transparency and answerability in governance, numerous policy implications emerge from a thorough examination of the Right to Information (RTI)

Act. These implications are vital for guiding future policy interventions aimed at reinforcing democratic governance and fostering citizen empowerment.

One notable policy implication is the necessity for ongoing legislative revisions to address evolving challenges and deficiencies in the RTI structure. This encompasses clarifying and rationalizing exceptions under the Act, broadening its applicability to encompass private entities executing public roles, and strengthening penalties for non-adherence. Moreover, policymakers should contemplate introducing measures to streamline the RTI procedure, alleviate bureaucratic obstacles, and encourage proactive disclosure of information by public entities.

Additionally, there is a requirement to embed transparency and answerability principles into broader governance overhauls and policy endeavors. This involves integrating RTI considerations into sector-specific policies and initiatives, establishing mechanisms for monitoring and assessing the effects of transparency measures on governance outcomes, and nurturing a culture of openness and receptiveness within governmental institutions. By ingraining transparency and answerability as fundamental tenets of governance, policymakers can ensure the efficient utilization of public resources, the effective delivery of public services, and the safeguarding of citizens' entitlements.

7.2 Strategies for Improving Transparency and Accountability:

Apart from legislative amendments, several tactics can be embraced to bolster transparency and accountability in governance, building upon the groundwork established by the RTI Act. Primarily, there's a necessity to enhance institutional capabilities for executing the Act, encompassing the training of Public Information Officers (PIOs), reinforcing the capacity of Information Commissions, and investing in information technology (IT) infrastructure for digitalizing records and facilitating online access to information.

Secondly, endeavors should be made to foster a culture of openness and answerability within governmental entities through awareness campaigns, workshops, and capacity-building initiatives. Public officials should be motivated to adopt transparency as a fundamental principle and recognize the significance of proactive disclosure in fostering public trust and faith. Likewise, citizens should be empowered to assert their entitlement to information, partake in governance processes, and hold public officials accountable for their deeds.

Furthermore, civil society groups (CSOs) and the media play a pivotal role in advocating transparency and answerability through their activism, studies, and monitoring activities. Policymakers should collaborate with CSOs and the media as collaborators in governance, leveraging their knowledge, networks, and resources to oversee implementation, identify deficiencies, and advocate for changes. Reinforcing collaborations among governmental entities, CSOs, and the media can amplify transparency, facilitate information dissemination, and stimulate increased public involvement in governance processes.

In conclusion, future strategies for advancing transparency and accountability in India's governance landscape demand a comprehensive strategy that incorporates legislative revisions, institutional fortification, and stakeholder engagement. By integrating transparency and accountability considerations into policymaking and execution, policymakers can progress toward the goals of good governance, democratic empowerment, and comprehensive development in India.

8. Conclusion:

The Right to Information (RTI) Act stands as a symbol of optimism in India's pursuit of transparency, accountability, and good governance. Through a critical examination of the RTI Act and its ramifications for governance, this study has illuminated the transformative potential of transparency initiatives in reshaping governance dynamics and enabling citizens to engage actively in democratic processes.

The enactment of the RTI Act in 2005 marks a significant milestone in India's democratic evolution, reaffirming citizens' fundamental right to access information held by public authorities. Over time, the Act has been instrumental in advancing transparency in decision-making processes, bolstering accountability in public service delivery, and encouraging citizen involvement and participation in governance. By enabling citizens to request information, scrutinize government

actions, and hold public officials accountable, the RTI Act has fortified the democratic framework of Indian society and underscored the principles of good governance.

Yet, the path toward fostering transparency and accountability in governance faces various challenges and impediments. Bureaucratic resistance, inadequate proactive disclosure, and deficiencies in enforcement mechanisms persistently obstruct the effective execution of the RTI Act, limiting its transformative impact. Overcoming these hurdles demands coordinated efforts from all stakeholders, including policymakers, public servants, civil society groups, and the media.

Looking forward, ongoing legislative reforms, capacity-building endeavors, and engagement with stakeholders are imperative to fortify the RTI framework and achieve its objectives. Policy measures should concentrate on clarifying and rationalizing exemptions, strengthening penalties for non-compliance, and integrating transparency considerations into broader governance overhauls. Additionally, initiatives to raise public awareness, enhance institutional capabilities, and foster collaborations between government entities, civil society, and the media are crucial.

In conclusion, the promotion of transparency and accountability in governance transcends mere legal obligations; it embodies a moral imperative and serves as a cornerstone of democratic governance. By embracing transparency, accountability, and citizen participation, India can forge a more inclusive, responsive, and participatory governance paradigm that serves the interests of all its citizens. Realizing this vision necessitates collective action, political determination, and steadfast commitment to the principles of democracy, justice, and good governance.

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