



RIGHT TO INFORMATION ACT IN INDIA: A STUDY OF MIZORAM STATE

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ABSTRACT

India (as a country) has been facing many problems like nepotism, corruption, malpractice, etc. in the administration in the form of misuse of power, using power beyond one's jurisdiction, and neglecting the downtrodden and weaker sections of society in providing justice and equity. So, in order to improve governance in the society, and to make government transparent and accountable. The one tool which emerges as an effective tool to overcome bad governance is a law related to 'Right to Information (RTI) Act'. The RTI Act was implemented in 2005 in India as a tool in the hands of the citizens to bring about accountability and transparency which is very much necessary. Mizoram, one of the states in the North-East of India has also implemented the RTI Act on 29th June, 2006. Therefore, this paper will study about the RTI Act in the state of Mizoram since its inception, and also, the challenges along its way.

Keywords: Transparency, Right to Information Act, Citizens, Departments, Mizoram.

Introduction

Since pre-independence, malevolent practises like corruption and nepotism set its foot in Indian society. Even after independence also, it has been spreading like a disease and many challenges like misconduct of work in which corruption takes place, misuse of one's position, favouritism, and malpractice in the society impact the lives of the people resulting in a lack of good governance. A

new machinery was much needed which would change the outlook and services of the government and which will bring transparency, good governance and equity to various sections of the society. And then, in the 21st Century, a new hope was given to the citizens of India in providing an effective machinery for delivering information, services and equity in the society in the form of Right to Information Act hereinafter referred to as RTI Act. The RTI Act was passed by the Parliament of

India on 12th May, 2005 and assented by the President of India on 15th June, 2005. The freedom of speech and expression given in the Fundamental Rights of the Indian Constitution, can be exercised more effectively when people easily get access to information of their interests and for this, the Right to Information is very much necessary. It is a redressal of public grievances and it has played a prominent role in providing transparency and accountability to the citizens of India. Thus, this article tries to understand the functioning of the RTI Act in the state of Mizoram in India which is located in the North-Eastern part of the country (Gupta, 2009).

Concept and Historical Background of Right to Information Act

The Right to Information Act is an act that provides the citizens of India the right to access government documents and information including projects, works, schemes, etc. It is a redressal of public grievances and has played a prominent role in providing transparency and accountability to the citizens of India (Saini & Gupta, 2009). The information in the RTI includes different kinds of materials like documents, logbooks, contracts, reports, records, papers, reports, memos, e-mails, samples, orders, circulars, data, samples, models, opinions and press releases which are processed and saved in electronic form, and information regarding any private bodies can be retrieved by the public authority under the RTI Act (Jain, 2010). The act itself can be elaborated as to inspect government works whether it has been implemented or is in

process, documents and records, to take an informative note, and extract records including its copies, files and documents, to take a sample of the government material, and to acquire information by means of printouts, video cassettes, tapes or any other means of electronic mode (Saini & Gupta, 2009).

Historically, the Right to Information Act has been existing since the 18th Century when Sweden adopted the Freedom of the Press Act of 1776 in which citizens can access the government's documents including pictures, files, and any other readable written information, but strong punishments were imposed when the writings of the state or kings were kept (Freedom of Press Act of 1776). After many countries adopted the information law, India also adopted the information act as well. During the British rule in India, there was the Official Secrets Act, 1923. The Official Secret act was an anti-espionage act which put a barrier to information during British rule. The act was implemented because the Indian journalists and mass media were revealing the information and the secrets of the British government, which had a bad impact on the Indian citizens. Even after India's independence, the Official Secret Act continued. Thus, there arises a need to bring about transparency and good governance in the country, which sought to tackle corruption and malpractice in the society through effective machinery called the right to information. In this regard, the National Democratic Alliance (NDA) government led by the Bharatiya Janata Party (BJP) introduced the Freedom of

Information Bill-1999 under the Prime Ministership of Shri Atal Bihari Vajpayee.

The Freedom of Information Bill 2002 provides the citizens of India the right to access to the government's information including inspection of works, any documents of the public authorities, disc, floppies or any sorts of output devices of the computer where information is stored to the computer or in the internet, any sources of information held by the government regarding the projects, schemes, manifestos, agendas and operations, printouts of any government information which has been held by the ministry/departments of the government from time to time. The act includes every State and Union territory of India except Jammu & Kashmir (History of RTI Act 2005 in India). However, the Bill was never passed by the parliament. And as a result, the Right to Information Bill, 2004 became the successor of the Freedom of Information Bill 2002, making necessary steps to implement the Bill and thus, bringing all the drafts and outlines of the Freedom of Information Bill 2002 into fruition, bringing into life. As a result, the Right to Information Bill was introduced in the Lok Sabha on 23rd December, 2004. After this, it was passed by the Lok Sabha on 11th May, 2005 and again passed by the Rajya Sabha on 12th May, 2005. The then President of India, APJ Abdul Kalam assented to it on 15th June, 2005. After this, it was published in the Gazette of India on 21st June, 2005. Finally, the Right to Information Act, 2005 came into effect on 12th October 2005 (Chaubey, 2012).

Since pre-independence, many laws exist in the country, but many of them have defects and loopholes in their functioning. The RTI Act is one of the most prestigious laws that have been implemented by the Government of India. It is vital, transparent and progressive for a developing country like India. If the right information is not given by the officer in charge in due time, the Information Commissioner can impose a penalty of Rupees 250 per day, and if false information is provided, a penalty of Rupees 25000 can be imposed on him/her. Furthermore, if the officer in charge is not giving relevant information or if he/she is rejecting the application due to mala fide reasons, a fine can be imposed on the officer's personal salary (Sharma & Gopal, 2009).

The Mazdoor Kisaan Shakti Sangathan (MKSS) movement in Devdungri of Rajasthan in the early 1990s, was the first movement regarding RTI in India. According to the study conducted by the Commonwealth Human Rights Initiative (CHRI), on average every day, over 4800 RTI applications are being filed in India. It plays a crucial role in translating the right into a reality (Sharma & Gopal, 2009).

Right to Information Act in Mizoram

After several states in India passed the Right to Information Act, the Mizoram Right to Information Act was adopted on 29th June 2006, and started functioning on 5th July 2006. And since its inception, the RTI Act has been used by the citizens from time to time, retrieving information regarding the government's ongoing projects and schemes, retrieving papers from competitive

Table 1: Statistics about the status of RTI Act in Mizoram (2006-07 to 2020-21)

| Year | Application | First Appeal | Second Appeal | Complaints |
|--------------|--------------|--------------|---------------|------------|
| 2006-07 | 476 | 6 | 1 | 6 |
| 2007-08 | 371 | 2 | 5 | 9 |
| 2008-09 | 177 | 2 | 5 | 15 |
| 2009-10 | 695 | 8 | 3 | 13 |
| 2010-11 | 741 | 12 | 8 | 12 |
| 2011-12 | 1045 | 2 | 8 | 16 |
| 2012-13 | 1316 | 17 | 1 | 8 |
| 2013-14 | 1750 | 42 | 11 | 10 |
| 2014-15 | 1593 | 14 | 10 | 10 |
| 2015-16 | 2136 | 23 | 4 | 16 |
| 2016-17 | 1642 | 13 | 4 | 7 |
| 2017-18 | 2237 | 19 | 5 | 5 |
| 2018-19 | 1936 | 17 | 8 | 6 |
| 2019-20 | 2168 | 11 | 3 | 6 |
| 2020-21 | 779 | 2 | 3 | 2 |
| Total | 19062 | 190 | 79 | 141 |

Source: Mizoram Information Commission. Retrieved from: <https://mic.mizoram.gov.in/uploads/attachments/2022/04/1c4a6008e1a4030934e1991d62f0d7ae/annual-report-2020-2021.pdf>

examinations and entrance examinations. Like any other States in India, the Information Commission is the main hub in the process of the RTI Act in Mizoram. From **Table 1**, it is clear that from the period 2006-07 to 2020-21 (the latest available data) a total of 19062 RTI applications were filed in the state of Mizoram. The 2017-18 was the year where RTI was applied the most with 2237 applications submitted, and 2008-09 was the year where RTI applications were filed the least with only 177 applications submitted. The First Appeal was made 42 times during 2013-14 which is considered the most, whereas, in 2007-08, 2008-09, 2011-12, and 2020-21, the First Appeal was made only two times in each year. The Second Appeal was made 11 times in 2013-14 which is the most, whereas, in 2006-07 and 2012-13, it was

made only one time each year. There was a total of 16 complaints which is the highest during the year 2011-12 and 2015-16, whereas in 2020-21, there were only two complaints regarding their application of the RTI.

Challenges of Right to Information Act in Mizoram

As far as the regulations of the RTI Act is concerned, several offices/departments of Mizoram Government are not following the norms of the act in a judicious manner. As in accordance with Section 4 (1) (b) of the RTI Act, every department should put up on their websites about their work, power and responsibility, supervision, name of the officers and their designation, etc. which could be accessed by the citizens of India.

Table 2: List of 29 Offices/Departments of the Mizoram Government which do not comply with section 4 (1) (b) of the RTI Act

| | |
|--|---|
| Geology & Mineral Mineral Resources | Common Service Centre |
| DIET Lawngtlai | Accounts & Treasuries |
| Anti Corruption Bureau | Lunglei Govt College |
| Mizoram Power Bill Online Payment | Mizoram College of Nursing |
| Champhai RD Block | AMC Property Tax e-Filing System |
| Reiek RD Block | Parliamentary Affairs Department |
| Serchhip RD Block | Personnel |
| Khawzawl RD Block | Political & Cabinet |
| Thingsulthliah RD Block | PWD Architect Mizoram |
| Tlangnuam RD Block | Governor Online |
| West Phileng RD Block | Rashtriya Madhyamik Shiksha Abhiyan (RMSA) |
| Lawngtlai RD Block | Skills Development Society of Mizoram |
| Thingdawl RD Block | Mizoram State Wide Area Network |
| Tuipang RD Block | Community Health Care, Vairengte |
| Darlawn RD Block | |

Note: Section 4 (1) (b) of the RTI Act requires each department should put up on their websites about their work, power and responsibility, supervision, name of the officers and their designation, etc. which could be accessed by the citizens of India.

Source: The Frontier Despatch, April 29, 2022, Volume 7, Issue 9. Aizawl, Mizoram.

Table 3: Some of the Offices/Departments whose websites have not been updated in accordance with the citizen's needs

| | |
|---|------------------------------------|
| aizawlddam.mizoram.govt.in | assets.mizoram.govt.in |
| PHE Aizawl Water Distribution Division | Powermonitoring.mizoram.govt.in |
| Mizoram PHE Bill Online Payment | Chaltlang HSS |
| CCTNS | Clean Mizoram Movement |
| Chawngte RD Block | Central Silk Board Research Centre |
| CMO (website not available) | Govt Aizawl West College |
| Govt Kolasib College | Govt Zirtiri Residential |

| | |
|-----------------------------------|---|
| | Science College |
| Govt Johnson College | ICT |
| Institutional Finance And Lottery | Industrial Training Institute (ITI) |
| KVT Siaha | Land Records |
| Leave Application | Mizoram Science Congress |
| Nercnioh.mizoram.gov.in | let.mizoram.mizoram.gov.in |
| NIELIT | Propertyreturns.mizoram.govt.in |
| PTS Aizawl | School Education Department, Secretariat |
| Women Polytechnic | Mizoram Building And Other Construction Welfare Board |

Source: *The Frontier Despatch*, April 29, 2022, Volume 7, Issue 9. Aizawl, Mizoram.

However, (according to **Table 2**) 29 offices / departments did not comply with the order issued by the Mizoram Information Commission (MIC). And regarding this, the State Public Information Officer (SPIO) from the MIC announce that the State Public Information Officers of the 29 offices/departments should comply with the suo moto disclosure in due time. If they fail to do so, they will be penalized (Saprinsanga, 2022).

Furthermore, the MIC gave an order on 6th April, 2022 to different offices/departments to upload 17 points about their ongoing and latest works on their website. In regard to this, departments like Agriculture, Finance, Department of Personnel and Administrative Reforms, Police Headquarters, School Education, Higher & Technical Education, Health & Family Welfare Department, Public Works Department, Power & Electricity Department, and Social Welfare Department were called to the office of the MIC. Prior to

this, the MIC had given an order on 19th January 2022 in which every Departmental Appellate Authority (DAA) and State Public Information Officer (SPIO) should follow suo moto disclosure and they should submit the report to MIC Secretary. Regarding this, the MIC gave notification and order to 130 offices/departments, while only 40 offices/departments submit their reports to the MIC and those 10 big offices/departments which did not submit the report were called by the MIC on 6th April 2022. The Mizoram Chief Information Commissioner Lalnunmawia Chuaungo and Information Commissioner Zoramawia stated that very Head of the Department and SPIO should follow Section 4 (1) (b) and in it, public disclosure should be made in a fruitful manner. And also, (see **Table 3**) the offices/departments of Mizoram Government should put up their works and ongoing projects on their website and for this, a further inquiry will be made by the MIC to find out whether the

offices/departments are doing their work or not (Saprinsanga, 2022).

Key Forward

Though the RTI Act has been used in the state of Mizoram effectively to a certain extent. We can say some offices/departments are not fulfilling their obligations in which the sections of the RTI are to be implemented at all costs. Many offices/departments are not following section (4) (1) of the act in which they are requested to upload their works in the websites and keep their websites up to date. Many departments have not appointed Departmental Appellate Authority (DAA), State Public Information Officer (SPIO) and State Assistant Public Information Officer (SAPIO). And some departments who have DAA, SPIO and SAPIO failed to provide genuine and complete information to the complainants when they file an RTI. Some DAA, SPIO and SAPIO failed to issue a receipt which is a quintessential token for payment. This causes serious problems for the applicants since such documents are required when they approach the Commission. Furthermore, when the complainants and the appellants approach the MIC, many of them failed to bring indispensable photocopies of the Application/First Appeal submitted to the SPIO/DAA. Therefore, the Public Authorities should give such necessary information required to the applicants, and the applicants should also keep their documents, and never lose it since such documents are indispensable in approaching the MIC (Saprinsanga, 2022).

In a nutshell, the MIC have taken serious steps in embellishing the RTI Act in Mizoram, and has improved its servicing by leaps and bounds. The application of the RTI through online started in Mizoram in the month of July, 2022, and this has been a new milestone since RTI can be used with ease in Mizoram. But the Commission still needs to keep a close watch on those offices/departments who fail to comply with the sections of the RTI, and serious punishment and penalties should be given to those offices/departments concerned (Saprinsanga, 2022).

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