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RTI Role has Made, RTI the Most Fundamental Law in the Country

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ABSTRACT

Effective government requires involvement, transparency, legitimacy, and responsiveness. Good governance in India was formed in 2005 with the RTI Act and the 73rd and 74th constitutional amendments.

Since its introduction a decade ago, the RTI Act has transformed government operations and governance discourse. Corruption has decreased as government employees are more involved, conscientious, and accountable. The Act empowers citizens and deters large-scale scandals, enabling them to hold public leaders accountable.

The RTI Act gave voice to citizens' governance concerns, changing the power balance between ordinary citizens and authorities in India. It allows citizens to influence government programmes and policies and scrutinise government activities and choices to ensure public interest and justice.

The Act has also boosted public participation in governance by allowing individuals to directly question officials about their job. Participatory democracy has improved elective democracy and made government more responsible and transparent.

This essay will discuss how the Right to Information Act promotes good governance by increasing openness and accountability in our system. It will also study how civil society, social activists, ordinary citizens and organisations use the right to know and support this legislation. It will also examine E-governance's rise as a tool for transparency, accountability, and good governance. It will then address the risks of RTI in India and how it promotes good governance.

Keywords: *Right to Information Act (RTI), Transparency and Accountability, Good Governance, Participatory Democracy.*

I. INTRODUCTION

India is a republican democracy. In this case, the people run the government and it is of, for, and by the people. As a result, the citizens of our nation are entitled to information on governmental matters. Information freedom fosters administration openness, which in turn keeps the government more accountable, encourages transparency in state affairs, and

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eventually lowers corruption. A democratic society needs unrestricted access to knowledge because it fosters growth and a culture of ongoing discourse among its members. Before 2005, the public had no legal right to know about official policies and expenditures that affected their legal entitlements to subsidised services including wage employment, food for work, health care and basic education. Finding out the decision-making process details that could have hurt them was also tough. Before 2005, public authority information was inaccessible. Because of this, it was impossible for the average person to watch and evaluate public acts in order to offer suggestions for improving policy planning and programmers' execution.³

It was extremely ironic that those who helped finance the enormous expenses of public activities and elected those in charge of formulating policy were unable to obtain the essential data.⁴ The UPA Government proudly passed the Right to Information Act, 2005 after a decade of grassroots and civil society effort. It hailed the Act as a turning point in Indian democracy. Since then, Indians have used the powerful Right to Information Act to obtain entitlements, address grievances, and expose government corruption and mismanagement.⁵

RTI Act stands as a cornerstone in fostering good governance within our nation. It's widely recognized as a fundamental essential for ensuring transparency, accountability, and responsiveness in governance. From human security to basic necessities like shelter, food, and employment opportunities, the RTI Act intertwines with various aspects of citizens' lives. Without access to pertinent information, individuals are deprived of living a dignified life and risk being marginalized within society.

Indian Parliament created the RTI Act in 2005 to enable individuals to hold the government responsible and promote openness, efficiency, and responsibility. It strengthens democracy by symbiotically linking the right to knowledge and effective governance.

Public access to information is essential for successful government. The RTI Act has evolved into a vital component of participatory democracy, acknowledged worldwide for its role in ensuring accountability and fostering effective governance.⁶

II. RIGHT TO INFORMATION ACT, NO. 22 OF 2005

India became a republic on January 26, 1950, with Republic Day. Power shifted to the people at this crucial period. Citizens entrust their chosen representatives in the Lok Sabha and Vidhan

³ Ansari, M. M. "Impact of Right to Information on Development: A Perspective on India's Recent Experiences".

⁴ Roy C., "Right to Information and its significance to ensure Good Governance in India".

⁵ Srivastava S., RTI in India, 1 (2010), No. 1, Quarter IV, Volume 1 Afro Asian Journal of Social Sciences.

⁶ Qureshi. P. A, Right to Information: "A Tool of Good Governance, Asian Journal of Multidisciplinary Studies, 6 (2014)", Volume 2, No. 4.

Sabha to manage government funds. These officials are supposed to serve the public, but self-interest has blurred this idea for 60 years. Given their entrenched interests, some have purposefully kept residents in the dark, allowing lawmakers and state bureaucrats to seize power. RTI Act empowers citizens to demand transparency, shifting the tide. This act has transferred power, requiring government entities to follow the law and allowing citizens to hold them accountable. Democratic nations worldwide value citizen information. The RTI Act, in effect in India for a decade, supports democracy by stating that informed citizens are necessary. It emphasises that citizens are the ultimate authority in a democracy, and public servants must inform them as guardians of their data. Citizens must take back their democracy.

The preamble of the RTI Act underscores its aims of curbing corruption, enhancing transparency, and ensuring accountability among public servants by empowering citizens to access information. Lawmakers recognized the pervasive corruption in the country, acknowledging that achieving progress hinges on fostering a culture of good governance among public servants.⁷

It establishes the framework for a brighter future. As a matter of fact, all citizens now possess the same power to seek information that was formerly reserved for politicians. Just this one feature ought to inspire a new generation of citizens to demand effective government. The poorest should benefit from this instrument. In order to assist the poorest, corruption must be eradicated from its core. In its current form, the RTI Act is robust enough to even target the causes of corruption. As long as corruption originates at the top, it will always exist at the lower levels. These seeds of corruption can be exposed through the RTI Act, which will help to reduce corruption at the lowest levels.⁸

Today, alongside this legislation, we harness the power of the internet. Moreover, a significant portion of today's youth no longer resort to bribery for employment opportunities. If even a small cohort proficient in technology is inspired to combat corruption, the potential is immense. Such optimism was unimaginable just a few years ago. The combination of the RTI Act, the youth demographic, and the internet holds the promise of true liberation for all. This stands in stark contrast to Mahatma Gandhi's era when he relied on physical mobilization and rudimentary communication methods. Thus, we enjoy a distinct advantage through technological empowerment. Despite India's consistent ranking as one of the most corrupt nations globally, our efforts against corruption pave the way for a brighter future.⁹

⁷ Ibid

⁸ Ibid

⁹ Ibid

The RTI Act acknowledges that citizens should have access to information in any form, including samples of materials used. It empowers citizens by allowing access to information concerning third parties, even if previous laws prohibited it, as long as it serves the public interest. Moreover, individuals can obtain government-held information, including personal data, without having to justify their request. This legislation not only benefits citizens but also supports whistleblowers. Identifying genuine whistleblowers is facilitated by reviewing their past file handling. However, since whistleblowers typically keep their activities private, it's essential to gather opinions and compile a potential whistleblowers' list. The mere existence of such a list encourages more information about whistleblowers to surface.¹⁰

The RTI is a crucial human entitlement, granting access to public records, firmly entrenched in both legislation and practical implementation. Its widespread adoption across the globe reflects its efficacy in bolstering participatory democracy, fostering transparency, combating corruption, and safeguarding various rights, ultimately fostering open and accountable societies. Consequently, billions worldwide now exercise their right to access government and public agency information. Millions have leveraged these statutes to uncover corruption, engage more actively in public matters, enhance service delivery, and defend human rights, ensuring fairness and justice prevail.¹¹

III. GOOD GOVERNANCE

Strong, capable institutions, a basic willingness to act morally, and transparency and accountability are the cornerstones of good government. These are the things that make it possible for a government to effectively provide services to its citizens.¹² For effective governance, stakeholders need the capacity to fulfill their roles, supported by incentives and accountability mechanisms. Political parties, leaders, parliament, bureaucracy, business sector, court, civil society, and media all have interests.

The Right to Information Act aims to promote transparency, accountability, and citizen engagement in governance, reducing corruption and empowering the public. It facilitates access to information, enabling citizen participation and fostering initiatives for good governance. Information access is vital for realizing the principles of good governance, meeting public demands for accountability, transparency, and involvement. Stated differently, it improves the standard of citizen engagement in governance by advancing it from simple voting to active

¹⁰ Ibid

¹¹ "K. Sapkota, SAARC: Potential Global Champion of Right to Information",

¹² Ibid

participation in decisions that impact the individual's life.¹³

IV. GOOD GOVERNANCE RTI ACT

Good governance leads to development that prioritizes the underprivileged, promotes women's rights, protects the environment, and generates work opportunities and other means of subsistence. The eight specific characteristics that UNDP uses to define good governance¹⁴

The RTI Act, 2005 and the 73rd and 74th constitutional amendments promoted good governance in India. The access to information is essential to good government, and the Act has promoted accountability and openness.¹⁵

Participation and empowerment fuel democracy. The RTI Act has strengthened democracy by decentralising authority and promoting good governance. The RTI Act has democratised governance by allowing regular persons to shape government plans and policies. This law expresses citizens' governance goals. Make the Act unnecessary to address these issues and improve government. Instead of waiting for requests, governments should release all information. This strategy improves governance and builds confidence between the government and its citizens.¹⁶

The RTI Act empowers citizens to influence governance, allowing them to shape policies and scrutinize government actions for alignment with public interest. It enhances government responsiveness to community needs and combats corruption by fostering openness and accountability. Access to information enables citizens to exercise their rights effectively and make informed decisions. Moreover, it enables individuals to directly seek answers from officials regarding their actions or inactions, thereby encouraging greater participation of the public in the governance process. In essence, the RTI Act democratizes information and decentralizes power, making it equally accessible to all citizens rather than being confined to a select few.¹⁷ Transparency and accountability are vital for good governance. Encouraging widespread participation with informed knowledge is key to ensuring these qualities in governance.¹⁸

V. RTI ACT AS AN EMPOWERMENT TOOL FOR GENERAL PEOPLE

The RTI Act gives individuals and groups of individuals the ability to contact the relevant

¹³R. Rani, "RTI in Practice: Mapping its Effectiveness in Urban Slums of Delhi".

¹⁴ S. K. SHARMA, T. RAJ, "From Good Governance to Clean Governance, SocialSciences"

¹⁵ Ibid

¹⁶ "N. Hazra, RTI, A Right to Good Governance, Vol 57, Yojana Journal, p.55 (2013)".

¹⁷ Ibid

¹⁸ Ibid

department and request a detailed review of the development and planning permissions, in order to determine if all relevant considerations were taken into account or whether any particular group was given preferential treatment.¹⁹ Individuals are empowered to request inspections of buildings or trade premises from relevant departments to ensure compliance with permissions and conditions. Citizens can use the Act RTI to appeal to authorities regarding development activities and deviations from approved plans. They can obtain environmental data and information on site maintenance, development regulations, and conduct social audits to identify discrepancies. Furthermore, citizens and groups can effectively utilize the RTI Act to ensure that self-employment benefits reach their intended recipients and are utilized for generating employment. The RTI Act can also aid in ensuring that unemployed and underemployed individuals gain livelihoods and employment through skill enhancement programs. In the absence of sufficient employment opportunities, people can use the RTI Act to request employment generation programs from local authorities. Additionally, the RTI Act can be a powerful tool in ensuring that proposed incentives for women's groups are delivered as intended, leading to their social and economic empowerment. Undoubtedly, the RTI Act serves as a significant empowerment tool for the common people.²⁰

VI. RTI AS A TOOL FOR ENCOURAGEMENT OF EXCELLENT GOVERNMENT

(A) People's Participation

To guarantee effective government by encouraging citizen engagement, the 73rd and 74th constitutional amendments were enacted. Both good governance and decentralization—the latter of which entails the spread of democracy—can be accomplished in this way.²¹

The public is the largest stakeholder in governance and may play a vital role in advancing good governance in the nation. The goal of participation is to include every member of society in government. Good administration is built on the shoulders of both men and women. Representative democracy requires that all groups in society, especially the most vulnerable, have their interests taken into consideration. It does not imply the rule of a select few.²²

In the absence of public involvement, the Right to Information will fail to gain momentum. There are many different ways to define participation. Certain scholars see participation as limited to the act of participating in any given activity; others characterize it as

¹⁹ “NIA team, The Right to Information Act, 2005- A Guide for Urban Local Bodies (ULBs), available at <https://www.cgg.gov.in/publicationdownloads2a/RTI-ULBs.pdf>.”

²⁰ Ibid

²¹ Ibid

²² “S. K. Borah, Right to Information Act: A Key to Good Governance, (2013) VOL -2, Issue- 2, International Journal of Humanities and Social Science,” p.11.

a process that allows individuals to share and exert influence over development endeavors.²³ The government and the public are connected through the Right to Information Act. In order to ensure good governance, communities and groups that will be directly impacted by programs and initiatives must be given the chance to participate in their design as well as the development of development plans. There should be a consultation procedure that considers the opinions of localities or demographic groups affected by initiatives, even if those impacts are incidental. People can participate in government business and share their opinions on matters that impact their lives if they are aware of public affairs and what the government is doing. Citizens' ability to make political and economic decisions is facilitated by their right to knowledge, which supports democracy.²⁴ The RTI Act makes it easier and more appealing for regular people to get involved in the process of advancing governance. In the past, individuals have the desire, but not the means, to engage in what were considered official affairs. However, the RTI Act opened the door for regular citizens to actively support effective governance.²⁵

Politics interest people, and they want to learn about things that affect their lives. Citizens might request a clear, brief response from government personnel under the RTI Act. Eight to 10 times more RTI petitions are filed each year. In the Act's first three years, two million RTI inquiries were made nationwide, according to a 2009 poll. The right to know is extensively utilised. Fewer than 5% of the millions of information requests have been denied for various reasons. Accountability has always led to government officials' effectiveness and obligation.²⁶

(B) Accountability and Transparency

The 73rd and 74th constitutional amendments encourage citizen engagement to improve governance. This can accomplish decentralisation, which expands democracy, and effective government.²⁷

Countries have found that providing citizens with more information increases government transparency, leading to quicker resolution of public complaints and fostering positive sentiments toward the government.²⁸ Democratic nations and capitalist economies generally exhibit more openness compared to authoritarian regimes. However, complete government

²³ Arnstein 1971; Shand & Arnberg 1996; World Bank 1996, available at https://vuir.vu.edu.au/16003/1/Thesis_3619041_Waheduzzaman.pdf.

²⁴ "M. K. Chaubey, Right to information-Variou Dimensions, Regal Publications, New Delhi, p.24".

²⁵ Ibid

²⁶ "M. D. Surie, Right to Information in India: An Effective Tool to Tackle Corruption, available at <https://asiafoundation.org/in-asia/2011/09/28/right-to-information-in-india-an-effective-tool-to-tackle-corruption/>, last seen on 28/09/2022".

²⁷ Ibid

²⁸ "A. Chaba, S. Shukla & S. Kalra, Right to Information: Step towards transparent governance".

transparency is absent globally.²⁹

India passed the RTI Act in 2005. Since then, civil society organisations, social activists, and ordinary people have used the Act to fight corruption and strengthen government accountability and transparency. Many people and organisations have used this tool to promote accountability and transparency. RTI is mostly used by NGOs, activists, and organised citizen organisations. Statistics on ordinary citizen use are unimpressive. RTI is underutilised by the public, according to trends. This consequence is undesirable because the RTI attempts to empower the average man regardless of citizen group or non-governmental organisation affiliation.

Citizen access to information lets people observe government operations. Future and past events are publicly known.

When the people doesn't want information, mudslinging and score-settling dominate RTI. Indiscriminate and impractical application demands that have nothing to do with transparency, openness, or corruption are counterproductive. Administrative efficiency is reduced by inefficient executive branch and government tasks.

Transparency in the system has also been improved by RTI. Transparency International ranked 176 countries in 2012, with India coming in at number 94. Additionally, the survey found that 54% of Indians had paid bribes at least once to get things done. Following the passage of this Act, numerous instances of corruption were exposed. RTI requests have been the first step toward the discovery of numerous recent instances of corruption, ranging from the 2G scam to the Commonwealth Games. It is the most potent tool at the average person's disposal to breach the insurmountable barrier of officialdom.

VII. THE RTI ACT'S IMPACT ON PROMOTING GOOD GOVERNANCE

Actively used by activists, NGOs, and people, the RTI Act reduced high-profile corruption. It reduced corruption by 18.5% in 20 states, according to studies. This drop is attributed to India's recent 8-9% economic growth, according to national surveys. The Act promotes transparency and accountability.

Due to their efforts, RTI petitions empower India's underprivileged and needy. K.S. Sagaria of Kushmal village in rural Orissa requested the government's national wage employment project's pond count in 2010 via RTI. He was shocked to learn the ponds were never built despite money wasted. The local government suspended pond scam authority after villagers protested.

²⁹ "V. Joseph, Right to Information on a Broad Canvas, Volume 17, No.2, The Indian journal of public administration, p.269 (2001)".

Civil society organisations have also helped people request information and educated them about RTI. Statewide public awareness trips. Many towns host public speeches and college student events. Print and distribute thousands of posters, banners, and booklets. All of this has raised awareness of citizens' right to information. Delhi's Satark Nagarik Sangathan (SNS) has advocated for better public services like water, the public distribution system, sanitation and local elected members' performance. SNS also helps slum dwellers and locals submit RTI applications at its information centre.³⁰

Along with these attempts, the use of the law to combat high-profile corruption is growing. RTI was used to uncover a large amount of information on corruption in the distribution of contracts and tenders for the Commonwealth Games last year. An NGO located in Delhi, Housing and Land Rights Network, filed a series of RTI inquiries in 2010, revealing that the Delhi government had taken money out of its social welfare programs to build infrastructure for the Commonwealth Games.³¹

To promote good governance in remote areas, the RTI Pahal promotes information availability local government empowerment and government service delivery. Fund distribution is monitored by social audits and citizens' charters for fair development. Together with TII and local partners, villages fight corruption, recover monies, and punish corrupt authorities. Villagers promote democracy and transparency by participating in village assemblies and elections.³²

RTI is being used by residents of Mochha, Chhattisgarh's model district to obtain jobs, pensions for the old, and scholarships. Additionally, they put pressure on government physicians and educators to frequently attend work. Using RTI, villagers in Bihar's Madhubani area exposed a solar-light fraud that resulted in 200 dishonest officials being charged.³³

This Act has the ability to reduce corruption by 80–85% if it is implemented in every town and home. Only 10% of the actual recipients of the poverty alleviation programs were able to receive assistance earlier due to corruption. The remaining funds seeped into the pockets of dishonest police personnel and politicians. Now that the RTI Act has been passed, the underprivileged villagers will participate fairly in the process of development. Since the Act, the caliber of project work has begun to rise.³⁴

³⁰ Ibid

³¹ Ibid

³² "Sowing the Seeds of Good Governance, Indian Development And Relief Fund, available at <https://www.idrf.org/sowing-the-seeds-of-good-governance/>".

³³ Ibid

³⁴ Ibid

The RTI Act's effectiveness is exemplified by a slum-dweller's quest for a ration card. Initially asked for a bribe of Rs 2,000, he opted to pursue the card without bribery. Monitoring those who paid bribes, he filed an RTI request after waiting four weeks. With a simple application and Rs 10 fee, he sought clarification on ration card applications from the PIO at the Food and Supply office. This action rattled corrupt officials, as it would provide documented proof of preferential treatment to others who applied after him, thus exposing their unjustifiable delay in processing his application. Consequently, the ration card was promptly issued to him without resorting to bribery, endless visits, or pleading with corrupt officials. Through the strategic use of RTI, our empowered citizen upheld the primacy of citizen rights and challenged corruption.³⁵

The Right to Information (RTI) affects women empowerment, youth development, democratic rights, underprivileged rights, and participatory government. Influential personalities like Aruna Roy have led it to serve varied interests. However, politicians, corporations seeking commercial advantage, and individuals simulating activism for personal gain have increasingly used it for political disputes. When public interest in information is low, RTI applications devolve into personal vendettas and mudslinging. This diversionary focus loads the executive and government apparatus with unnecessary activities, ultimately limiting administrative efficiency. Despite RTI's initial objective of empowering marginalized groups such as Dalits, minorities, and the economically disadvantaged, its current trajectory predominantly revolves around exposing politicians and government officials. This departure from the foundational principles outlined in the preamble of the Right to Information Act signals a troubling trend.³⁶

VIII. RTI SUCCESS STORIES PROMOTE GOOD GOVERNANCE

On December 21, 2004, AMC Commissioner Gajananrao Ghate penalised five Akola Municipal Corporation (AMC) officers approximately Rs.1.50 lakh under the Maharashtra RTI Act, 2002, for failing to submit sought information on time. Their salary will be reduced for the fine. Ordinary citizens petitioned for this. In December 2002, New Delhi NGO Parivartan used the Delhi RTI Act to reveal MCD wrongdoing in public works. They audited 68 projects and found Rs.70 lakhs in theft, demanding accountability from officials and legal action. "RTI Assessment & Analysis Group (RaaG) and National Campaign for People's Right to Information (NCPRI) surveyed over 35,000" people and inspected 1,027 public authority offices in ten states and Delhi, finding discrepancies between government-reported success rates and citizens' experiences. The survey found a 55/100 information provision rate and 40%

³⁵ S. Gandhi, RTI- a fading ray of hope? Deccan Herald,.

³⁶ Ibid

prompt response rate, compared to official claims of 70/100 and 90%. RTI data in 2007 forced citizens to challenge elected officials and stop a Rs. 6,000 crore Crawford Market redevelopment scam in Mumbai.³⁷

The RTI Act's NREGA linkage simplifies implementation. NREGA is streamlined by RTI. Elengabalsa village residents in Bandhugaon Gramme Panchayat, Koraput district, used RTI to ask about job card issuance, delays in distributing them to eligible families, and Act violations. Panchayat authorities miraculously provided 40 employment cards in seven days after receiving the RTI application and promised to distribute the remainder soon. After receiving an RTI request, the Kandhamal district Tumudibandh Block Development Officer provided 500 job cards and promised more. NREGA has lifted hundreds of families above Rs. 28,000, reducing poverty.³⁸

IX. USING RTI – FULL OF RISKS

In India, transparency and accountability campaigners suffer threats and violence, making RTI risky. About 40 RTI activists have been killed and 300 others have been assaulted or harassed for raising unpleasant concerns through RTI applications across the country in the previous decade. Civil society organisations are alarmed by these incidents. Many victims investigated corruption and irregularities in mining, land, and local elections, where corruption is widespread. Thus, pressure is mounting on the government to safeguard RTI whistleblowers.

NHAI's "Golden Quadrilateral," led by Satender Dubey, found malpractices and reported them to the Prime Minister. His letter about the "loot of public money" was leaked, and he was shot and died. This event highlights the dangers RTI advocates confront when challenging corruption and misconduct.³⁹

Individuals across India have tragically suffered for exercising their right to information. Many residents have paid a high price for pursuing transparency, including Ram Vilas Singh in Lakhi Sarai, Bihar, who questioned police about a murder case, Niyamat Ansari in Jharkhand seeking MGNREGS information, and Amit Jetwa in Gujarat investigating illicit mining in the Gir forest. "Satish Shetty in Pune found land grabbing, while Shimbu Ram Bishnoi in Jodhpur studied MGNREGA and PDS. Nandi Singh of Bishnu, Assam, probed PDS abuses in his community". Citizens and activists have supported the RTI Act despite the hazards. Activists disagree on

³⁷ "S. Gandhi, Government, The Key to Speeding Up languishing RTI Appeals, India Together, digital edition".

³⁸ "P. Baisakh, Human Rights, Villagers push for work benefits in Orissa, India Together, digital edition, last seen on 27/02/2022".

³⁹ Ibid

whether the RTI has reduced corruption in India, but all agree it was a major step forward. The New York Times said that RTI campaigner Shekhar Singh said the law made it possible for citizens to hold their government responsible. He stressed that this empowerment is huge.⁴⁰

X. CONCLUSION

Since its inception in 2005, the Right to Information (RTI) Act has made significant strides, shaping the functioning of governmental bodies and reshaping the discourse on governance over the past decade. Notably, staff members have exhibited heightened levels of activity, conscientiousness, regularity, punctuality, accountability, and responsibility. Concurrently, instances of corruption within these institutions have notably dwindled, with RTI often being hailed for preempting major scandals. The populace, in turn, feels increasingly empowered, as their capacity to engage with public officials has markedly improved. This transformative process signifies just the beginning, and if sustained and bolstered, could propel India's flawed representative democracy towards becoming a genuinely participatory one within the forthcoming one or two decades. The palpable influence of RTI in fostering good governance is incontrovertible.

⁴⁰ Ibid