

Management of Information And Records Under Right To Information Act, 2005 In India

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Abstract- The Right to Information has ushered a new era of transparency and accountability. The implementation of the Act is gathering impetus with each passing day. Government, civil societies and the media have gained momentum and are doing their best for the realization of this act. Right to Information is not only a human right, but an important right to promote good governance and fight corruption. An important aspect of the act is the proper management of records for proper delivery of information. The present article tries to elaborate the concept of management of records and information and its efficacy for the better implementation of the Right to information Act in the India.

Index Terms- Democracy, Governance, Information, Mandatory disclosure, Right to Information, Records, and Records Management

INTRODUCTION

Good governance has four basic elements—transparency, accountability, predictability and participation. Right to Information promotes transparency and accountability in the functioning of government institutions and enables the citizens to participate in the democratic process. The Right to Information, thus, ushers in good governance. In modern democracy, good governance is essential and it can be best ensured only when information is available abundantly and as speedily as possible. Therein rests the significance of the right to information. Flow of information can help promote a culture of responsibility, accountability and credibility at decision-making levels. Information sought by the citizens should be provided to them at the earliest possible. The Right to Information Act, 2005 provides both information upon request and proactive publication of certain information in chapter II called “Right to Information and Obligation of public Authorities”. A government sharing information proactively, without being asked for it, is a true indication of a democratic and transparent society. It marks a paradigm shift from the culture of secrecy to transparency. This proactive role of the state is of special significance to a society like ours, where due to social and educational reasons, many people are not able to exercise the right provided to them.

1. RIGHT TO INFORMATION ACT, 2005 IN INDIA

The act guarantees the right to have access to information held by the government. This information could be in the form of records, files, registers, maps, data, drawings, etc. The Right to Information Bill, 2005 was passed by the House of Parliament and received the assent of President of India on 15.06.2005. It was published as “Right to Information Act, 2005” in the Gazette of India vide No.25 on 21.06.2005 and it has come into force with effect from 15.06.2005.

1.1 Main Features of the Right to Information Act, 2005

All citizens have the Right to Information. The Act extends to the whole of India except the State of Jammu and Kashmir. The Act defines information in very broad manner. It includes any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force;

The Act defines ‘**record**’ as

- i. any document, manuscript and file;
- ii. any microfilm, microfiche and facsimile copy of a document
- iii. any reproduction of image or images embodied in such microfilm (whether enlarged or not); and
- iv. any other material produced by a computer or any other device.

“**Right to Information**” means the right to information accessible under this Act which is held by or under the control of any public authority and includes the right to—

- i. inspection of work, documents, records;
- ii. taking notes, extracts or certified copies of documents or records
- iii. taking certified samples of material;
- iv. Obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode.
- v. It prescribes the process for obtaining information and disposal of requests. The application under RTI can be submitted either in writing or

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electronically in English, Hindi or the official language of the area in which the application is being made, along with the prescribed fee to the Public Information Officer (PIO) or Assistant Public Information Officer (APIO).

- i. Information is to be provided within 30 days (35 days if sent to APIO)
- ii. 48 hours where life or liberty is involved
- iii. The period can extend to 35 days where request is given to the Assistant PIO

However, the time taken for intimation and payment of fees is excluded from the above time frame. If no action is taken within the stipulated time, it is deemed as a refusal. It constructs a two-tier mechanism for appeal. The first appeal lies to an officer within the organisation who is senior in rank to the PIO. The second appeal lies to the Information Commission. The Right to Information Act, 2005 of Government of India lays emphasis on the following points:

- By providing freedom to every citizen to secure access to information under the control of public authorities, in order to promote openness, transparency and accountability in administration and in relation to matters connected therewith or incidental thereto, the Act underlines the importance of having an effective records management program in every Government office.
- Every Public Authority shall maintain all its records in such a manner and form consistent with its operational requirements duly catalogued and indexed.
- A person desirous of obtaining information shall make a request in writing or through electronic means to the concerned Public Information Officer specifying the particulars of the information sought by him, provided that where such request cannot be made in writing the Public Information Officer, shall render all reasonable assistance to the person making the request orally to reduce it in writing.
- Where a request for access to information is rejected or the concerned applicant is aggrieved, the citizen has a right to appeal.

2. RECORDS MANAGEMENT

2.1 Meaning of Records:

There is sometimes lack of clarity about what is meant by 'records' in relation to the more general term 'information'. There are many definitions of the term record however the most convenient and wide ranging definition is 'Records include all the documents that institutions/ organisations create or receive in the course of administrative and executive transactions'. It is a document or other electronic or physical entity in an organisation that serves as evidence of an activity or transaction performed by the organisation and that requires retention for some time period.

- The records themselves form a part of or provide evidence of such transactions. As evidence they are subsequently maintained by or on behalf of those responsible for the transactions. While all records convey information, not all sources of information are necessarily records.
- For example, a published book or an externally provided database will not be a record, although

information selected from it and reused in a new context may itself become a record.

- Records arise from 'actual happenings'. They are a snap-shot of an action or event. They offer a picture of something that happened. To serve their purpose in providing reliable evidence for greater accountability, records in both paper and electronic format must be accurate, complete and comprehensive. While most records do not need to be kept permanently, small but significant portions have enduring value.

2.2 Meaning of Records Management:

Records management is the process by which an organisation:

- Determines what type of information should be considered records.
- Determines how active documents that will become records should be handled while they are in use, and determines how they should be collected once they are declared to be records.
- Determines in what manner and for how long each record type should be retained to meet legal, business or regulatory requirements.
- Researches and implements technological solutions and business processes to help ensure that the organisation complies with its records management obligations in a cost-effective and non-intrusive way.
- Perform records-related tasks such as disposing of expired records, or locating and protecting records related to external events such as lawsuits.

2.3 Improving Records Management

At the core of the right to information are records - papers, documents, files, notes, materials, videos, tapes, samples, computer printouts, disks and a range of other things. Without an effective system for creating, managing, storing and archiving records, implementation of RTI laws will be more difficult. It will be harder to reply to applications within the time limits set by the law, if the information requested cannot be located in a timely manner. It will also undermine the law if information has been stored so badly that the records are no longer in a fit state to be inspected or copied. It is clear that when preparing to implement an RTI law it will be essential to review the records management system in place to make sure that it is functioning properly and can meet RTI needs. Section 4(1) (a) of the Central Act specifically requires that records should be managed in a way that facilitates access. In practice, this will require regular review of current records management processes, not only in terms of collection and storage, but classification and archiving as well. The Central Act goes further and also requires that as many records as possible are computerised and connected through a network all over the country. Best practice requires that records are created and managed in accordance with clear, well-understood filing, classification and retrieval methods established by a public office as part of an efficient records management programme. With new technology being developed all the time, it is important that records management guidelines deal with how to manage electronic records as well. A good system will develop guidelines for all four stages in the 'life' of a record:

- The creation or acquisition of the record; its placement within a logical, documented system that governs its arrangement and facilitates its retrieval throughout its life;
- Its appraisal for continuing value, recorded in a disposal schedule and given effect at the due time by appropriate disposal action;
- Its maintenance and use, that is, whether it is maintained in the creating office, a records office, a records centre or an archival repository, and whether the use is by its creator or a successor in function or by a third party, such as a researcher or other member of the public.

Records Management is concerned with the effective management of records throughout their life cycle.

There are several benefits of having an effective records management programme. These are listed below:

- Facilitates effective performance of activity throughout an agency.
- Protects the rights of the agency, its employees and its customers.
- Provides continuity in the event of a disaster.
- Meets statutory and regulatory requirements including archival, audit and oversight activities.
- Provides protection and support in litigation.
- Allows quicker retrieval of documents and information from files.
- Improves office efficiency and productivity.
- Supports and documents historical and other research.

The table describes the various phases in the records management activity:

PHASE	ACTIVITY LEVELS	COMMENTS
Creation/Receipt		Records are created or received and captured into a record-keeping system
Maintenance and Use	High	Records are being used for the business purpose for which they were created
Semi-Current	Medium	Records are stored and maintained for reference purpose
Appraisal	Low	Survey methods and retention schedules are used to appraise records for their value
Disposal	Very Low/ Nil	Records are destroyed or sent to Archives

3. Records Management and Right to Information:

In order to make sure that information is available to the citizens as and when it is requested for, every Government office must have proper record management systems in place. The importance of Records management with respect to Right to Information can be summarised as follows:

“The effectiveness and efficiency of the public services across the range of government functions depends upon the availability of and access to information held in records. Badly managed records adversely affect the broad scope of public service reforms, and development projects are often difficult to implement and sustain effectively in the absence of good record management practices.”

Table below shows the relationship between the objectives and the records required for achieving them:

Governance Objective	Key Records required
Rule of Law	Legislative records, court records, police records, prison records
Accountability	Accounting records, procurement records, tax records, customs records, case files
Management of State Resources	Budget Papers, Policy files, accounting records, personnel records, payroll records, procurement records, property registers
Protection entitlements	Pension records, social security records, land legislation records, birth/death records
Services for citizens	Hospital records, school records, environmental records
Foreign relations and international relations	Treaties, correspondence with national and international bodies, loan agreements.

To make sure that the Government is documenting its functions it is very important to have good record management systems in place. In essence for the government to be able to fulfil any of the above governance objectives it needs to make sure that it has effective records management system in place in order to make sure that the right records are available. There is no point in having right to Information Act without there being proper availability of records. Even if the citizen is given access to records he/she might find it difficult to obtain the required information from the plethora of records available with the government. In order to understand the current reality of the record management systems, the current state of affairs with respect to records management systems are summarised below:

- In most Government offices record management systems are either non-existent or are not adequate. A lot of work needs to be done in improving record keeping systems in government offices. To be more precise the concept of records management has completely been forgotten in most government offices.
- Record rooms in many Government offices are typical dustbins, seen as garbage outlets by the men in authority and all and sundry items are dumped in these rooms. The persons deputed to maintain records have limited training or experience with record keeping work, and record keeping has deteriorated.
- File classification and indexing systems originally designed to meet the record keeping requirements of the olden days are unable to meet the complex needs of the development oriented modern governments.
- Despite the low usage of records, some records are not destroyed although they are of little or no use. In the absence of rules and guidelines, for what should be kept and for how long, staffs are reluctant to authorize destruction. Over time, registries have become severely congested, with older records.
- Record keeping has deteriorated so rapidly that it has gone largely unnoticed as a development activity. Administrators do not recognise the need and necessity to establish a good record management system and the connection between the breakdown of records system and the problem of public administration. The use of IT can definitely help in improving the present situation but it is not resorted to.
- This act proposes to establish the records and archives management department to provide for proper administration and better management of public records and archives throughout their life-cycle. It is necessary to improve the arrangement for the life cycle management of public records and archives of the Government as an essential component of effective administration and an accountable government. It is important to ensure that public offices create adequate records for their actions and transactions and those records are properly maintained for so long as there is continuing need for them.
- At the same time it is important to provide for the disposal of those records for which there is no further need in an authorized and timely manner and to identify and safeguard those records which are of enduring value and which should be preserved as archives and made available for public consultation.

4. CONCLUSION

After the passage of the Right to Information act the need to revise the entire process of records management has arisen. The current systems are not geared to handle the function of records management efficiently and effectively. With the passage of the Right to Information Act, the right to get information from the public authority is ensured by the statute. This obligation to share information with the citizens adds additional responsibility on the public officers to manage, maintain and monitor records efficiently and effectively. Records Management Implementation can ensure that record is sovereign, integral, usable and is definitely the key to success of RTI Act.

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