

Right To Information and 21st century: Can civil society have a new lease of life?

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Abstract: The twenty-first century establishes the groundwork for a successful global modern democratic system, paving the way for a flourishing global modern democratic structure. Civil society is the most essential element in the formation of a thriving democratic society.. Such a vibrant democratic society will be characterised by a social order that is transparent, responsible, and prudent. In order to achieve this objective, the Right to Information for every citizen is unavoidable, and all nations are in the process of granting this right to the citizens of their countries. The right to information will be a component of every individual's right to life.

Keywords: Right to information, Civil movement, Democracy, Civil society, Poverty, Corruption, Unemployment, Empowerment.

I. INTRODUCTION

RTI and 21st century: Can civil society have a new lease of life?

The RTI Act will have been in effect in India for seventeen years on October 12, 2005. Second, the length of time appeals and complaints languish in information commissions is detrimental to the pursuit of openness and access to justice. Vacancies and pending business prevent the commissions from meeting their deadlines. There is no disclosure deadline. Approximately 40,000 appeals and complaints are still pending at the CIC, while approximately two lakhs are pending at the state ICs. The RTI Act is a key tool for a robust civil society and provides new life in its struggle for a transparent, accountable, and corruption-free nation. *“The Democracy requires an informed citizenry and transparency of information, which are vital to its functioning and also to contain corruption and hold Governments and their instrumentalities accountable to the governed” – RTI Act 2005*

Historical Background of RTI:

India is a unique nation that has historically campaigned for the fulfilment of responsibility rather than the assertion of rights. If everyone executes their responsibilities, the rights of others will be naturally protected and carried out. Justice of the Supreme Court and eminent jurist, V. R. Krishna Iyer, locates the source of the "right to information" in Rig Veda and the Bible with considerable accuracy: He says From the Rig Veda onward, the Indian legacy has been an electrifying universality and cultural welcome for innovative ideas and enlightening information (Rigveda, 1-891)

Globally, the right to information has evolved in response to conditions that have produced specialised campaigns. Some nations have adopted it to make their governments more responsive, while others have used it as an effective tool to combat corruption and other scandalous occurrences. The purpose of recognising the right to information is to stop the era of secrecy and authoritarian rule, which reigned for centuries in the majority of the world, and to compel the government to respond to the people by fostering a culture of openness and transparency in the system of governance. Throughout the 20th century, social and political movements led to the widespread adoption of the democratic system of government, which requires sharing information with citizens. Internet development has introduced new aspects to the dissemination of information. Some nations have enshrined the right to knowledge into their constitutions, while others have established it through a separate law.

Consensus exists that the right to knowledge can never be absolute or unrestricted and is always subject to certain limits or limitations based on each society's sociopolitical structure and conditions. Right to information also has a rights viewpoint since accurate information reduces the likelihood of resource mismanagement and corruption when things are done at the appropriate time. In addition, it improves the functioning of governance, makes service providers accountable for their actions, and encourages a participatory and open environment in which anyone may contribute to creating the rule of law and formulating laws. Additionally, it provides individuals with the legal ability to request benefits and monitor how their money is spent. The right to information law is another instrument the Government utilises to educate and enlighten the impoverished about safety-net activities and accommodative policies.

Movement from Civil liberties to Right of Information:

The transition from civil rights to the right to information is a concept explored previously, as it must be acknowledged. In fact, it has been in existence ever since the 18th century. The Swedish Parliament "Riksdag" approved the freedom of Press Act 1766 in 1766, making Sweden possibly the first nation in the world to enact act on information freedom. The Act mandated that official documents and records of the government are made instantly and free of charge available upon request. The Act, which was subsequently incorporated into the Swedish constitution, stipulates that "every Swedish citizen shall have unfettered access to official papers" and that public bodies must reply promptly to requests for access to such documents.

Commenting on the global perspective of the freedom of information law, Thomas Blanton observed, "Today, as a consequence of globalisation, the very concept of freedom of information is expanding from a purely moral stance as an indictment of secrecy to include a moral value-neutral meaning as another form of more efficient administration of the government as a contributor to economic growth and the development of information industries".

The right to know the law is one of the most ingenious methods for preserving public health and the environment. These information laws support essential societal interests. Right-to-know legislation protects fundamental liberty and improves consumer and investor decision-making. They offer individuals information about the risk associated with a choice and allow them to determine whether or not to take these risks. In the case State of Uttar Pradesh v. Raj Narain 49, decided in 1975, the Supreme Court stated that freedom of speech and expression includes the right of citizens to know every public Act and everything done

publicly by their public officials. "The Court also ruled that in a government of responsibility, in which all agents of the public are accountable for their actions, there can be few secrets. The citizens of this nation have the right to be informed of all public acts and actions taken by their public servants. They have the right to know the specifics of every public transaction.

The Indian Constitution has an extensive list of essential and inalienable rights, and the right to information is included among them. Over the years, the Supreme Court has continuously interpreted these guarantees differently, and they have served as the basis for the development of India's legal system.

The right to access information is crucial to democracy:

In *People's Union for Civil Liberties v. Union of India*, the Supreme Court ruled that the right to engage in the country's affairs is meaningless unless citizens are adequately informed on all sides of the issues they are invited to voice their opinions. True democracy cannot exist without the right of citizens to participate in government matters. Uninformed citizens render democracy a farce when the channel of information is monopolised by a central partisan authority or by private individuals and oligarchies.

In a democracy, the right to information is a fundamental right that follows the concept of a representative government at every turn. The requirement for well-informed citizens in a democratic society is the foundation of the public interest in free speech. The deeply ingrained culture of secrecy must be replaced by maximum dissemination of information; only then can the broader perspective envisioned by Article 19 (1) and Article 21 be achieved, and the law becomes an effective instrument to protect the right of the citizen and the culture of transparency and openness in the country's system of democratic governance. On October 12, 2005, the Right to Information Act (RTI Act) became effective law. It is a brief and straightforward Act with 31 sections, but it is immensely potent, the likes of which India has never seen before. The RTI Act celebrated the recognition of citizens' rights and made participatory democracy feasible. If properly applied and utilised, true swaraj will emerge.

The Right to Know Act and the New Political Civil Society:

The Right to Information Act of 2005 is among the most popular, revolutionary, and ambitious laws in Indian political and administrative history. In 2005, the United Progressive Alliance-1 (UPA) government, led by Prime Minister Dr Manmohan Singh, established the Right to Information Act. (14th Parliament) The Right to Information Act empowers Indian individuals to challenge administrative corruption and inefficient/erratic government. This act provides information to the general public regarding government and administrative operations, programmes, and procedures.

In a democracy, the government should be accountable to the people. Consequently, the government discloses and gives the information of documents, files, and samples that persons require upon request. Article 19(1)(a) of Part 3 of the Indian Constitution, as determined by the Supreme Court in *Raj Narayan v. Uttar Pradesh Government*, recognises information rights as a fundamental right. The Right to Information Act inaugurated a new era in the political development of the Indian Democratic Republic.

Following a statewide campaign spearheaded by grassroots and civil society organisations, the Indian government passed the 2005 Right to Information Act due to a landmark initiative. Since then, social activists, civil society organisations, and ordinary citizens have utilised the Act effectively to combat corruption and increase government transparency and accountability.

The Right to Information Act replaced the Freedom of Information Act 2002 and repealed the "Official Secrets Act-1923" and other British Raj laws and Union Legislative guidelines. The Right to Information Act replaced the Freedom of Information Act 2002 and repealed the "Official Secrets Act-1923" and other British Raj laws and Union Legislative guidelines.

The Right to Information Act requires every governmental authority and private aided and unaided educational institution to appoint a Public Information Officer (PIO) and an Assistant Public Information Officer (APIO). PIOs and APIs must reply to public information requests within thirty days. If they fail to provide the application with the relevant information, the PIO and APIO are subject to a fine of up to two hundred and fifty thousand rupees (Rs. 250).

Pre-RTI and Civil Society:

The pre-RTI movement in India had a vital part in the formation of the RTI act if we trace the historical political events of the RTIA movement that began after India's independence.

The growth of information openness in Indian society is not the result of a single day's work; revising RTIA 2005 required a massive process involving civil society, political parties, and policy circles. Prior to the passage of the Official Secrecy Act in 1923, some bureaucratic divisions voiced opposition to secrecy. Similarly, the Appleby report of 1953 and the CCS behaviour standards of 1964 sparked opposition to more secrecy and concerns around the right to access information.

The political commitment to the concept of openness on increased transparency and a deeper push for greater legalisation has become part of mainstream politics, and the progression of consolidated ideas on openness in state thinking created a conducive environment in 1989 through the National Front's coalition politics (NF). The rapid development of ideas during the coalition prepared the ground for establishing a 25-member committee led by the MHA Joint Secretary to evaluate the viability of revising the Official Secret Act and introducing the right-to-information bill. In addition, it established an inter-ministerial committee on the subject mentioned above to comprehend the ground reality of implementing the new right. However, it lost its position of authority to Congress. Congress, for the first time since independence, acknowledged the FOI as a valuable act and pledged to pass a law between 1991 and 1996; under this process, Congress MP Suresh Pachauri introduced a second private members bill in the upper house on FOI in 1992, which was later introduced as the RTI Bill.

In 1996, under the auspices of the United Front coalition, the working committee on the right to information and transparency, also known as the Suresh Pachauri Committee, acknowledged that "transparency and openness have a purifying effect on government and functioning" and recommended that legislation be enacted to ensure uniformity of application of the said Act across the country. In contrast, the committee presented the government with a draught FOI law and its recommendations, which became the basis for subsequent negotiations on state policy and legal requirements. This is the first time that the government machinery has enacted the FOI bill in its entirety, as opposed to the previous operational states' concealment in performing government business. Again, however, the efforts of the united front (UF) have yet to realise the Act fully.

The final legislative enactment of the RTI Act, which accelerated the policy trajectory, proceeded with considerable vigour under the BJP and UPA governments from 1998 to 2004. After the BJP NDA regained power in 1998, the FOI Act 2002 was amended with broad support; GoMs were established, and the draught bill was referred to a cabinet, departments, and various ministries, as well as a parliamentary standing committee to examine each clause of the proposed bill had reached its final stage.

As a model policy, a number of state actors have initiated a number of experimented policy measures, such as the right to see and copy any file under the ministry of urban affairs and employment in disseminating information to residents for 10 rupees.

Several state agencies concurred with the planning commission that the RTIA was necessary "Institutional adjustments to increase programme implementation and operation transparency. To achieve this, impediments to the free flow of knowledge must be eliminated". In the same vein, wane's tenth five-year plan (2002-07) stated that "the RTIA must be rapidly implemented in letter and spirit." In 2000, the NDA-formed GoM approved clause 26, which said that "the official secret act and any other act should cease to be in effect if they are inconsistent with or contradict the terms of the proposed action." In addition, several sub-national levels at concrete policy norms on the right to information had been initiated in several states, such as Rajasthan's reforms in the Panchayat Raj system in 1995; Madhya Pradesh's right to information in the public distribution system in 1996; Karnataka's display of records on completed projects of rural and urban local bodies in 1997; and Tamil Nadu and Goa's passage of the first model RTI Act in 1997, which expanded the scope of the right to information as

After assuming power in 2004, congress (UPA-I) established the National Advisory Council (NAC) to monitor the progress of the standard minimum programme (CMP), provide policy inputs, and support the legislative business of their government. The UPA-I also finalised the draught bill of the National Democratic Alliance (NDA) and proposed four amendments to the Freedom of Information Act of 2002. In August 2004, different state and non-state actors, including civil society, academicians, legislators, and bureaucrats, participated in three discussions to reach a final consensus on the issue of information as a right. Sonia Gandhi, the chairperson of the UPA, led these discussions. To replace the word "freedom" with "right", to include a punishment provision, to introduce the principle of full disclosure, and to create an appeals procedure are significant revisions advocated for the RTI draught bill. In 2005, the "Citizens' Right to Information" (RTI Act) gave natural substance to the concept of openness even in the judiciary due to additional amendments. Thus, the final promulgation of the RTI Legislation 2005 under section 22 superseded any act conflicting with it. It completed the institutional transition from a state's secrecy regime to citizens' right to access information.

Civil society and RTI:

People suffering from several vows could not have envisaged the miracles the RTI Act brought to the common public. Yes, the passage of the RTI act gave new life to the thoughts of people on the verge of resigning themselves to the fate of lousy governance and oppression at the hands of the governing elite.

There is not a single case of the RTI act reorienting the public toward constructing a nation that stands for justice, accountability, transparency, and honesty. Instead, there are several instances.

Instance: A schoolgirl cleans up a rubbish pile.

Aishwarya Sharma (Parashar) Delhi, Uttar Pradesh 2009, Eight-year-old Lucknow fourth-grade student Aishwarya Sharma (Parashar) used RTI to transform the garbage dump in front of her school into a public library:

Aishwarya is likely the youngest RTI applicant. In 2009, as a fourth-grade student at the Rajajipuram branch of the renowned City Montessori School in Lucknow, she successfully used RTI for a public cause. Aishwarya was dismayed that she and her classmates had to traverse an overflowing garbage dump on their way to school. Additionally, they were susceptible to stray dogs looping around the garbage. Several residents have previously requested that the municipal body relocate the rubbish dump, but their requests should have been addressed.

Using RTI;

Aishwarya then talked with her mother, who is an RTI user. On October 26, 2009, she wrote to the Chief Minister's Office, underlining the risk that the waste dump caused to the school children and demanding that the municipality relocate the garbage dump. She still needs to be given a response. She submitted a request under Section 6 of the RTI Act to the office of the Chief Minister on November 30, 2009. She handwrote the application in her school notebook. She withdrew the necessary funds from her piggy bank to pay the Rs. 10 RTI application cost.

Aishwarya requested information on the following areas in her application: Whether it was legal to locate a waste disposal station close to a school. What was the land's intended purpose? Who would be held accountable if her school's students contracted an ailment from the rubbish dump?

The Victory:

Aishwarya received a letter from the Lucknow Municipal Corporation in February 2010 stating that the land had been earmarked for a public library. Therefore, the Mayor ordered the place to be cleaned. Soon after the landfill was eliminated, a public library containing books, newspapers, and periodicals was constructed.

Can RTI create a new Lease on life?

RTI's effectiveness must be maintained. The political establishment is the state's supreme authority. For an extended period, the subjects of the state are mute and silent observers with no questioning rights. Even while countries across the globe are in transition and moving toward democratic fervour, the people's ability to question the ruling class is limited. The right to information revolutionises in one way or another the fundamental spirit of democratic rule, regardless of the sort of monarchy in power—presidential, autocratic, or dictatorial.

In the case of India's world's largest and youngest democracy, with a considerable number of illiterates, it is unquestionably challenging to construct a strong nation based on the democratic values of accountability, transparency, and a people-centred government. In general, it will take longer; the fight for information began in the early 21st century in response to rising levels of reading and awareness. Even though it takes a considerable amount of time to bring action for the Right to Information for all people, it is more crucial that seeds are planted sooner or later.

The website of the Central Information Commission contains the success stories of more than one hundred individuals, as well as the website's cascading effects on the well-being of society and its government. States have taken unique steps to reach out to the public and facilitate RTI use.

- **Social media to address public grievances Government of India**, Railways Ministry The Indian Railways addresses public complaints via Twitter and Facebook for speedier resolution. As a result, it has amassed over 1.5 million followers.
- **Web portals and mobile applications for openness Government of India, Power Ministry**. Whether it is rural electrification, digital initiatives in metropolitan areas, IT web/mobile platforms to offer the status of Intra-State

Transmission Projects, or the financial turnaround of power distribution businesses, transparency is the cornerstone of the Ministry of Power's operation. GARV (Grameen Vidyutikaran App), URJA (Urban Jyoti Abhiyan), UJALA (Unnat Jyoti),

- **E-auction for coal industry transparency. Government of India, Coal Ministry:** As a result of the 2014 Supreme Court judgement that voided the allocation of 204 coal blocks on arbitrariness, the coal ministry held an e-auction and subsequently implemented many initiatives to increase the openness of its governance.
- **Citizens can access around-the-clock data Administration of Odisha:** The award-winning online RTI-Central Monitoring Mechanism of the government of Odisha offers a single point of access for all information under the RTI Act. It also supports online RTI application receipt, destruction, and transfer.
- **Establishment of Information Committees Government of Chhattisgarh:** Information on Districts. The committee in Bilaspur, Chhattisgarh, is an innovative endeavour to bring together government officials, renowned people, activists, and college students to promote RTI Act knowledge.
- **To make an RTI request and report threats to the Bihar government, dial:** Bihar is the first state in India to establish 'Jaankari,' a government-initiated call centre that accepts RTI petitions, first and second appeals over the phone. In addition, it includes a hotline where residents can report receiving threats due to using this transparency law.
- Through RTI, all previously inaccessible information regarding the state's general administration is now available to the public. The state cannot discriminate against any individual, and the bare essentials of numerous programmes are readily available. Incalculable sorrows can be addressed, reasoned, and resolved; nothing can enter a dormant state. This gives the general public a fresh lease on life in terms of better governance.
- The story has yet to conclude. India is a federal union comprising 36 entities, including 28 states and eight union territories. Districts and other smaller administrative units further subdivide the states and union territories. India ranks 85th on Transparency International's corruption index. According to the index, one hundred eighty countries and territories are assigned a perceived level of public sector corruption. While the nation's ranking has remained stable over the previous decade, fundamental safeguards that may be used to combat corruption have deteriorated. As institutional checks and balances and fundamental freedoms weaken, there are concerns for the nation's democratic nature.

Significant issues facing the Indian nation:

- Corruption is the most ubiquitous endemic in India, and it must be addressed expeditiously and rationally.
- Sanitation is one of India's most pressing issues, despite being another. Approximately 700 million homes lack access to toilets. No restrooms exist in slum neighbourhoods. As a result, people are forced to urinate in the open, resulting in various diseases such as diarrhoea, cholera, dehydration, etc. Many rural schools lack bathrooms, discouraging parents from sending their children, particularly girls, to school. Gandhiji brought sufficient attention to this subject, yet only some actions were taken. The primary cause of these problems is a growing population.
- Indeed, the democratic nation with the most significant population in the world cannot provide all its residents with decent healthcare services. India is becoming a medical tourism hub, but the country's disadvantaged citizens need access to these services. In India, 36% of the population does not have access to toilets, the infant mortality rate (IMR) is 34 per 1000 live births, 50% of all infants have stunted growth owing to hunger, and 50% of all villages do not have access to healthcare providers.
- The percentage of persons living in poverty in India declined from 37% in 2004–2005 to 22% in 2011–12. (Planning Commission data). In 2011–12, one in five Indians, or 22 per cent of the population, lived in extreme poverty. According to the World Poverty Clock, this number will reduce to 5% by 2022.
- Pollution: Among the other concerns India's faces are pollution and environmental issues. India is exerting great effort, but much work remains. As a result of pollution, the deterioration of land, the depletion of natural resources, and the loss of biodiversity are the key concerns. Untreated sewage is the leading source of water pollution. The Ganga and Yamuna rivers are among the most polluted waterways in India.
- While men and women have equal access to opportunities, India lags in terms of women's liberty and security. The representation of women in the media, domestic violence, rape, and other concerns must be addressed immediately.
- Infrastructure: In order to have better roads, more affordable housing, and other utilities such as primary healthcare, water, and sanitation, India must construct its infrastructure rapidly. According to the Union Budget 2021, the government has allocated Rs 233,083 crore to develop the transportation infrastructure. In addition, the Indian government is expected to invest \$1 trillion in infrastructure improvement while expanding the National Infrastructure Pipeline (NIP).
- Unemployment: Unemployment is prevalent among today's youth. This occurrence is also known as unemployment. In addition, it refers to circumstances in which a physically fit individual actively pursues a job but is unsuccessful. By dividing it by the total number of currently employed individuals, we may establish the fraction of prominent jobless individuals in the economy.

The list of problems is exhaustive, and we are not suggesting that RTI is the panacea for all problems; however, better governance in addressing long-standing problems is urgently required. The RTI act is crucial in facilitating the system's movement toward a more transparent, accountable, and non-discriminatory governing body. Several RTIs have been filed regarding the aforementioned issues, and the government has replied favourably and taken immediate action to remedy these issues. The public distribution system is a fundamentally important organisation that has been rebuilt in response to frequent RTI requests. It plays a significant role in supplying basic essential rations for survival. Public service delivery has been vastly enhanced without any bureaucracy, unlike in the past when every institution suffered from this ailment.

The healthcare system is progressing significantly. There are programmes that provide health insurance, all employment-related notifications are available online, public infrastructure is expanding rapidly, and poverty is being tackled directly and indirectly. However, the result still needs to be adequate.

Conclusion:

The major objective of the Right to Information Act of 2005 (RTI Act) is to allow the public to request information from governmental agencies. This promotes transparency and accountability in government operations and places the Indian people at the centre of the democratic process.

To achieve the RTI Act's objective, the Government's **Open Data Policy** must take the following steps:

- **All publicly accessible information** should be provided on government organisation websites. The petitioners will then have immediate access to the required data. In addition, this will save the amount of time the agency must spend supplying information.
- **Against RTI abuse:** By enforcing the rule requiring petitioners to state the basis for their request, RTI misuse can be prevented. In addition, there should be sanctions for wasting the Information Commissioner's time with unnecessary or unjustified demands for information.
- **Increasing Public Knowledge:** In rural locations, regionally-specific radio, television, and print media can be utilised to begin awareness campaigns. Schools and colleges' curricula should include a chapter on the RTI Act of 2005. It is essential to provide adequate money to the Central/State Information Commissions in order to promote the RTI Act of 2005.
- **The essence of democracy is governance by the people**, for the people, and on behalf of the people. To accomplish the third paradigm, the state must recognise an educated citizenry's significance and role in national progress. In this context, it is essential to fix the RTI Act's fundamental flaws so that it can satisfy the needs of information societies. Overall, if the RTI Act is utilised more effectively, it improves civil society and makes it more lively and robust. Such a civic society will play a crucial role in developing a nation with a strong government that stands tall in every way for the people.

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