RIGHT TO INFORMATION IN HUMAN RESOURCE

Sneh Bairwa

4th semester, BALLB

Vivekananda law school, Vivekananda institute of professional studies, pitampura

GGSIPU,DELHI

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I. ABSTRACT

The paper is an attempt to determine the role and implementation of RTI in human resource development by studying the number of RTI application received by the ministry of human esource development and its respective departments in the year of 2015-16. The paper also focuses on the application received by particular states in India, and what are the information sought by the applicants regarding the ministry.

II. INTRODUCTION

The right to information act was passed in the year 2005. This law empowers Indian citizens to seek any accessible information from a Public Authority and makes the Government and its functionaries more accountable and responsible. During the period of the implementation of the RTI Act i.e. October 2005 onwards, it has become evident that there are many issues to be addressed at various ends for effective implementation of the Act.[1] This law was passed by Parliament on 15 June 2005 and came fully into force on 12 October 2005. This live action research aims to make the RTI systems across states and centre consistent in their functioning and also improve their information quality, digitally connected, intuitive, self serviced and seamless . For many policy frameworks and its implementation states and centre work together in tandem. Subjects like healthcare, education, civil rights, projects with environmental impact, interstate sharing of resources and much more have shared responsibility and operational boundaries, with data flowing between them [2]. Information is the key of democratic process, good governance, poverty eradication, human development, and realisation of human rights. Right to information obtains its basis from the constitution of India. Article 14 Right to equality -equal treatment before law, Article 19(1) a) right to freedom – freedom to speech and expression and Article 21 Protection of life and personal liberty**.**

1. Improving transparency & accountability in the government through effective implementation of the Right to Information Act, Aditya Vikram Yadav and Rahul Chaudhary,2012

2.ballotboxindia.com

In **S.P. Gupta v. Union of India [1982] 2 SCR 365** - The citizen's right to know the facts, the true facts, about the administration of the country is thus one of the pillars of a democratic State. And that is why the demand for openness in the government is increasingly growing in different parts of the world."

"It is the common man or common woman who is the fulcrum of our democratic system, as an observer, as the seeker of information, as the one who asks relevant questions, as the analyst and as the final judge of our performance." As quoted by former Prime minister Dr. Manmohan singh.

1994 - Mazdoor Kisan Shakti Sanghatan (MKSS) started a grassroots campaign for right to information – demanding information concerning development works in rural Rajasthan. This movement grew and the campaign resulted in the government of Rajasthan enacting a law on Right to Information in 2000.

The demand for RTI laws has been growing with time. While there have been some significant developments at the state level, the central government has been dragging its feet on the issue. Prior to the Rajasthan Act, as early as 1997, Tamil Nadu and Goa became the first states to enact laws on Right to Information. Maharashtra and Karnataka also enacted their respective RTI law in 2000.

The most recent entrant in this league has been the National Capital Territory of Delhi, which enforced the Delhi RTI Act in 2001.In 1998, the Madhya Pradesh government enacted a law on the Right to Information, which did not get enforced as the Presidential assent was denied to it. Subsequently, the government has issued executive orders to more than 50 government departments directing them to provide access to information to the people. Uttar Pradesh government has also issue similar orders on a pilot basis, restricting them to a few departments.[3]

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3. Humanrightsinitiative.org

III. Ministry of Human Resource Development

India is a nation of young people out of a population of about 1.2 billion, 0.672 billion are in the age group of 15 to 64 which is usually treated as the working age population which are called human resource that should be provided with the necessary skills so as to empower them to lead to a purposeful life and contribute to our national economy.

This responsibility rests on the shoulders of the Ministry of Human Resource Development whose aim is to realize India's human resource to its fullest in the education sector with equity and excellence. Since the constitutional amendment of 1976 which brought education in the concurrent list the Union Government accepted a larger responsibility of improving the national and integrated character of education, accentuating quality and standards at all levels in addition of its mandate of coordination and determination of scientific, professional, vocational and technical education in the country.

As per the annual report 2015-16 by the central information commission, Total number of request or application received by the ministry in the year of 2015-16 was **65869** and the number of request or application rejected by the ministry was **809.** Data complied with NGO commonwealth human rights initiative finds that there has been as many as 289 attacks on RTI activist in India the number could be higher.

Table showing applications, 1st appeal and 2nd appeals filed against the Ministry of HRD in the year 2015-16

Total number of RTI application	Total number of 1'st appeal	Total number of 2'nd appeal	Total number of application rejected
65869	7106	1408	809

Under the ministry of human resource development there are two departments:

 1) **Department of school education and literacy**
 2) **Department of Higher education**

1. Department of school Education and literacy

The essence and role of education articulated in the National Policy on Education (NPE), 1986/92 continues to be relevant even 25 years after its formulation. In 2010 the country achieved a historic milestone when Article 21-A and the Right of Children to Free and Compulsory Education (RTE) Act, 2009 became operative on 1st April 2010. The enforcement of Article 21-A and the RTE Act represented a momentous step forward in our country's struggle for universalizing elementary education. The RTE Act is anchored in the belief that the values of equality, social justice and democracy and the creation of a just and humane society can be achieved only through provision of inclusive elementary education to all[4]. The department received total number of **15355** and rejected **165** RTI applications during the year of 2015-16. Education in India is provided by the public sector as well as the private sector, with control and funding coming from three levels: central, state and local. Under various articles of the Indian Constitution, free and compulsory education is provided as a fundamental right to children between the ages of 6 and 14. The ratio of public schools to private schools in India is 7:5. According to current estimates, 29% of Indian children are privately educated. With more than 50% children enrolling in private schools in urban areas, the balance has already tilted towards private schooling in cities; and, even in rural areas, nearly 20% of the children in 2004-5 were enrolled in private schools [5].

a) Division of department: Department of School education and literacy have been divided into sub-departments namely Elementary education, secondary education, adult education, vocational education and teacher education.

i) Elementary education: The role of Universal Elementary Education (UEE) for strengthening the social fabric of democracy through provision of equal opportunities to all has been accepted since the inception of our Republic. The Sarva Shiksha Abhiyan (SSA) is being implemented as India's main programme for universalizing elementary education. Its overall goals include universal access and retention, bridging of gender and social category gaps in education and enhancement of learning levels of children.

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4. mhrd.gov.in

5. Over a quarter of enrolments in rural India are in private schools, Anita joshua, 2014, The Hindu

ii) Secondary education: The policy at present is to make secondary education of good quality available, accessible and affordable to all young persons in the age group of 14-18.

iii) Adult education: Adult Education aims at extending educational options to those adults, who have lost the opportunity and have crossed the age of formal education, but now feel a need for learning of any type, including literacy, basic education, skill development (Vocational Education) and equivalency.

iv) Vocational education: Under the scheme of vocationalisation of secondary and higher Secondary Education, vocational education is imparted from classes IX to XII m composite government secondary and higher secondary schools. Till now, the students se ect a particular job role in class IX, whose curriculum was spread over 4 years (till class XII), irrespective of the course content and number of notional hours. required for completing the course. Thus, the student studied and trained in a single job role in 4 years.

v) Teacher education: Within the federal structure of the country, while broad policy and legal framework on teacher education is provided by the Central Government, implementation of various programmes and schemes are undertaken largely by state governments. Within the broad objective of improving the learning achievements of school children, the twin strategy is to (a) prepare teachers for the school system (pre-service training); and (b) improve capacity of existing school teachers (in-service training).For pre-service training, the National Council of Teacher Education (NCTE), a statutory body of the Central Government, is responsible for planned and coordinated development of teacher education in the country.

2. Department of Higher Education

The aim of the department is to improve the access to higher quality education by investing in infrastructure and faculty, promoting academic reforms, improving governance and institutional restructuring with aims of improving quality and inclusion of the hitherto deprived communities. Bodies such as the University Grants Commission, The Indian Council for Research etc. come under this department. The department received total number of **50514** applications and rejected **644** applications during the year of 2015-16. The department does not have an official RTI cell but has a RTI facilitation centre and one section

for overseeing the RTI related work of the department. The Suo-Moto disclosure is updated yearly (on their website education.nic.in) and provides information regarding all 17 points as required by RTI Act. This responsibility is vested in one nodal officer. There is an electronic record regarding the statistics relating to the RTI of each CPIO which are put on the Central Information Commission's website. For the purpose of answering or replying to RTIs adequate infrastructure is available in terms of availability of a photocopy machine, scanner, CD writer etc with the CPIO.

A) Divisions of department: The department of Higher Education are divided namely in Technical Services I, Distance Learning, Languages, Indian Council For Research and University.

i) Technical Services I: It is the nodal agency for IITs and makes policy decisions for the same. It releases grants for the IIT and also overlooks their administration in terms of appointment of directors, constitutions of the court of directors etc.

ii) Distance Learning: Makes policy, financial and administrative decisions regarding institutions which offer distance learning courses, such as Indira Gandhi National Open University.

iii) Languages: This division is concerned with the promotion and development of Hindi and 21 Indian Languages listed in Schedule VIII of The Constitution of India. Bodies such as the Central Hindi Directorate, the National Commission for Promotion of Urdu Language are administered under this division.

iv) Indian Council for Research: The Indian Council for Research formulates policies, overlooks grants and administers bodies such as the Indian Council for Historical Research, Delhi, National Council of Rural Institutes, Hyderabad etc.

v) Universities: This division deals with all matters related to State Universities and pay scales of teacher in Central Universities. It has been instrumental in formulating bills such as the Foreign Education Provider Bill, Unfair Practices Bill etc.

S.no	Ministry and department	Ministry of Human Resource Development	Department of School Education and literacy	Department of Higher Education
1	**Total number of RTI received in 2015-16.**	65869	15355	50514
2	**Number of total appeal.**	7106	1155	5951
3	**Number of application rejected.**	809	165	644

The above table shows the total number of RTI application and appeals received and dispose off during the year of 2015 to 2016 by the ministry of human resource development and its department. This can be depicted in the form of pie chart as under:
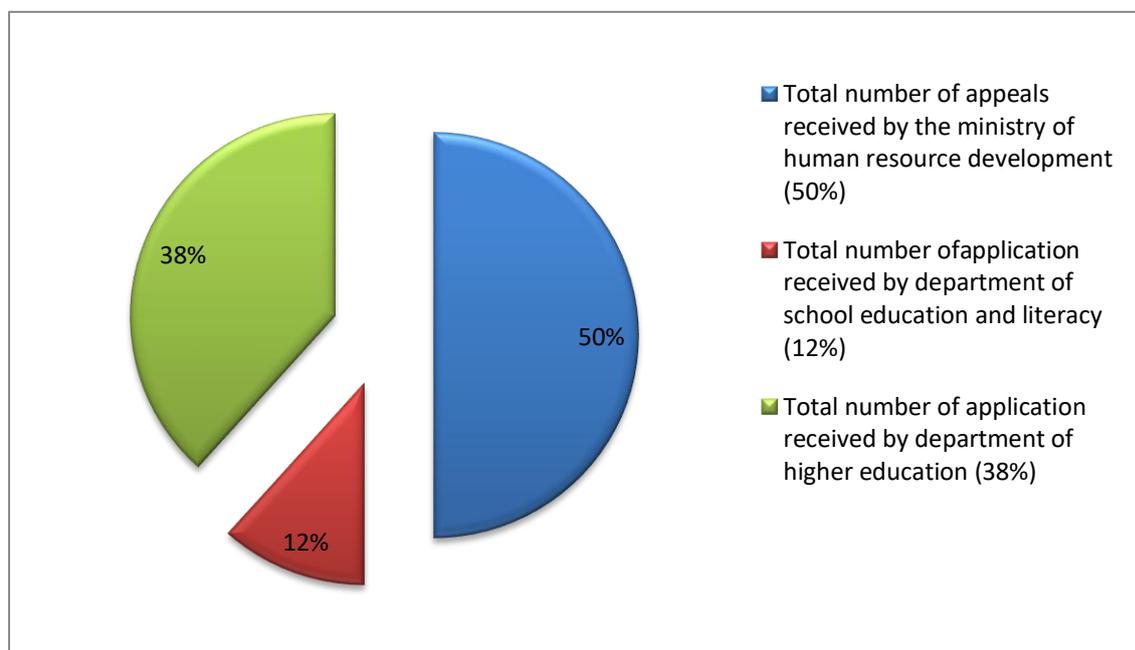
From the above chart it can easily be seen that the number of application received by the department of higher education is higher than the department of school education literacy under the ministry of human resource development.

Table showing data of appeals and complaints received and rejected in the commission during last five years
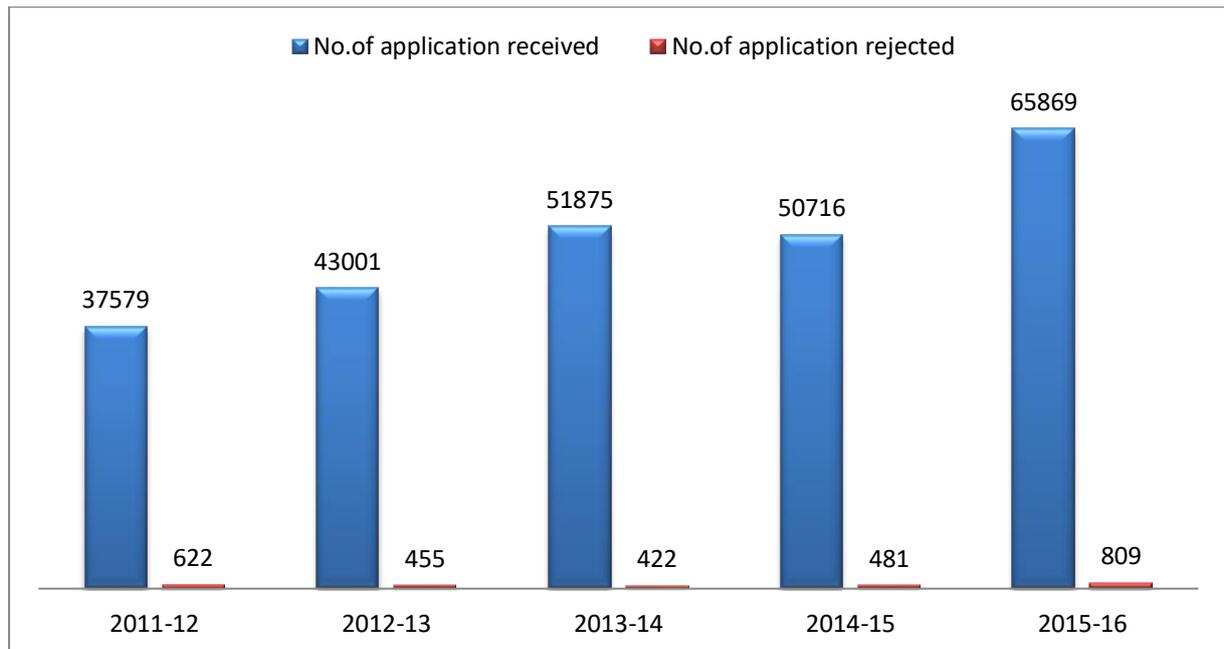
As per the annual report from 2011 to 2016 of the central information commission, states the total number of RTI application received and rejected by the ministry of human resource development over the five year. There is a significant increase in the number of application received. The number increased by **15153** application from 2014-15 to 2015-16, which shows two aspects negative and positive. The positive aspect is that the awareness amongst the people has raised significantly about the RTI and hence the increased number of application shows the level of awareness but on the other side the increased application also shows that the dissatisfaction among the masses on the working of public authorities.

## IV. RTI on human resource in different states of India

Every public authority under the right to information act 2005, has to submit a annual report concerning the expenditure, resource allocation, achievements and progress of the department. Each state in India has a state information commission (SIC) which keep a record of RTI application of each public authority in that particular state. The State

Information Commission is constituted by the State Government with one State Chief Information Commissioner (SCIC) and not more than 10 State Information Commissioners (SIC) to be appointed by the Governor. The Commission and commissioners exercises its powers without being subjected to any other authority under RTI act 2005. The State Information Commission sends annual a report to the State Government. Directing the Centre to amend the RTI Act in this regard, the court stated that the functions of the Chief Information Commissioner and Information Commissioners can be "better performed by a legally qualified and trained mind possessing the requisite experience".[6]

S.no	Name of states	No. Of application received by ministry of human resource development	No. Of application rejected by the ministry of human resource development
1	Goa	367	Data not available
2	Assam	5188	4
3	Gujarat	3952	121
4	Jammu & Kashmir	2074	Data not available
5	Meghalaya	286	Data not available
6	Haryana	4291	0
7	Himachal Pradesh	3326	0
8	Karnataka	22465	186
9	Maharashtra	24725	Data not available
10	Mizoram	34	Data not available
11	Rajasthan	8025	Data not available
12	Punjab	4414	23
13	Sikkim	136	0
14	West Bengal	110	0

6. General knowledge today ,basics-of-the-central-and-state-information-commissions, 2013

Table showing number of RTI application filed against Ministry of Human Resource Development in different states of India
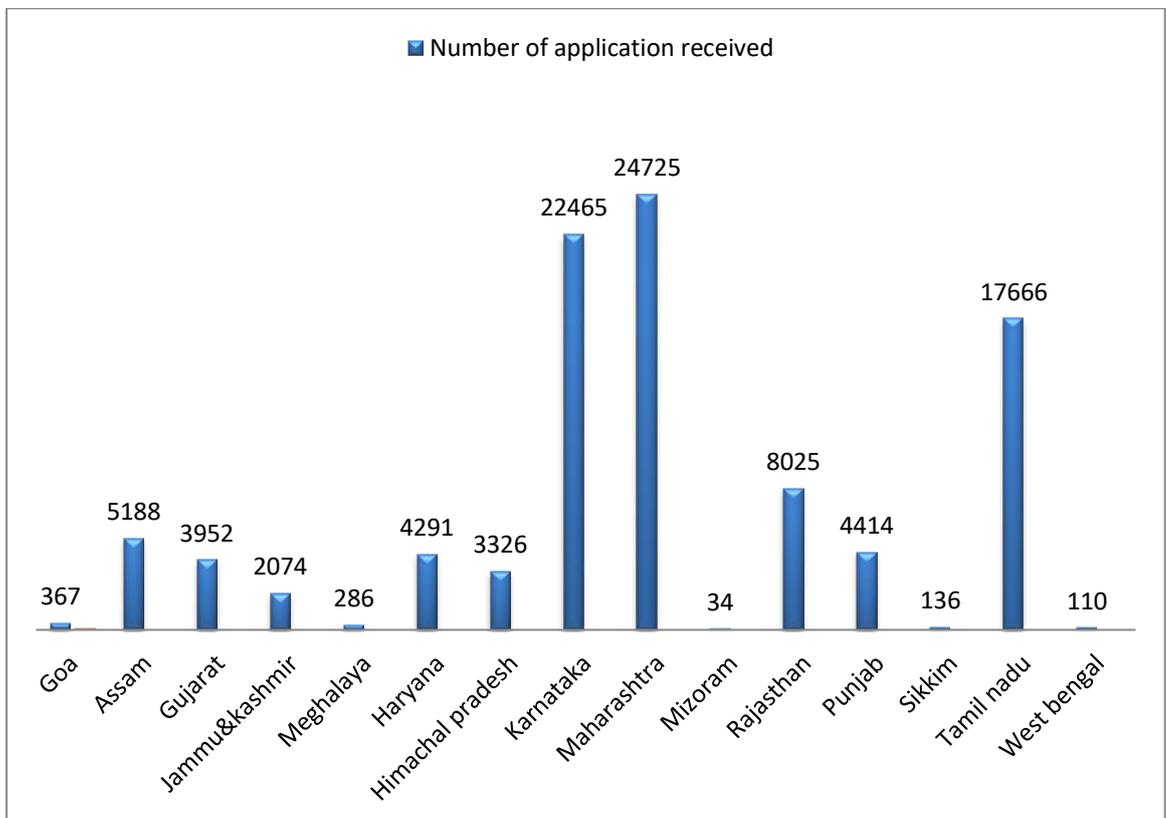
 According to the data provided above defines the number of application received by the department under the ministry of human resource development. The highest number of application received is by the state of Maharashtra which is 24725 and the least by the state of Mizoram which is only 34.

V) General information sought by applicants

Under the ministry of human resource development, in the year of 2015-16 total no of 65869 RTI application were filed, for the purpose of study100 application which were filed in the commission against the ministry of human resource development in the year 2015-16 had been analyzed, from the study the most common information sought by the applicants are as under :

1) Employee directory and related matters

2) Courses offered by the universities

3) Procedure of appointment of principles/professors of colleges and school

4) Salary and related information of teachers

5) Procedures of admission into schools, colleges and universities

6) Criteria for selecting and rejecting candidates

7) Pay fixation and queries

8) Information regarding paternity and maternity leave, MACP of teachers, vacation, salary etc

9) Information about Grant in aids

10) Copy of estimates, survey report, NIT etc.

11) Action taken on complaints.

12) Minutes of committee meetings

13) Information regarding education qualification, eligibility, screening committee reports of candidates for the vacant posts.

14) Information for admission made under for SC, ST, OBC category students.

15) Rules and regulation and related information

VI) Conclusion and Suggestions

As a result of the research certain conclusions can be drawn. One important conclusion drawn is that there is an urgent requirement for awareness to be spread with regard to the Right to Information Act and its procedure. This has been inferred on the basis of the fact that the population type that tends asking for information is limited to a male, urban population. This is not a positive trend since such a population comprises only a minority in India. There is an urgent requirement to spread awareness in society. This can be done through awareness programmes that can be conducted by the government. Another area that requires awareness is with regard to the functions of the various divisions under each public authority. Though the Department of Higher Education and School Education and Literacy and its constituent bodies have done a commendable job by putting up all the information regarding their functions on the web, in a brief and concise manner, people are still not aware of the

functions of each division, and end up sending their applications to the wrong division. Such ignorance has been the main cause for the large number of applications that have been transferred from one division to another. This trend of transferring applications has slowed down the process of providing the information to the applicants and has also unnecessarily increased the burden of work with the CPIOs. So it is recommended that the ministry, on its main website, under its suo moto disclosure, give a chart showing the basic functions of each division, so that the prospective applicants can find all information in one place.

Moreover from the information which is generally sought by the applicants are mostly about the appointment, admission procedure and salary queries which are not made clear by the public authority. Every public authority under the department should make reports more preciously and in simple manner so that each information provided by the authority should be clear to people. The authority should timely put notice for the general public for any change in their policies or in the working of the authority so that each individual or concerning individual must be aware of the change. Also in number of application it is seen that the information about the action taken by the public authority on previous complaints has sought by the applicants again and again, which shows the non working or slow working of the department which leads to dissatisfaction amongst the masses. There has been a question mark on the operation of the Right to Information Act regarding the disposal of complains within the scheduled time. It supports the fact that „justice delayed is justice denied". It depicts the slow rate of disposal of the complaints within the stipulated time[7]. All the public authorities under the ministry should make rule of disposing complaints within 10 to 30 days of spam so that the information is provided to the applicants on time.

To accelerate the effective implementation of the Act the awareness among the people is necessary. Awareness depends on the high rate of literacy and minimum education available to the people. It has been observed that the rate of literacy have rise over the years which can be seen from the aspect that the number of application received by the departments has significantly raised over the years. Which shows that the ministry of human resource development has done their job effectively . But it can also be observed that even after their effective working the ministry has received a huge number of application which shows dissatisfaction among people on the working of the public authorities.

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7. Conclusions and findings, Shodhganga

There are many loose ends in the Act. The phrases used under section 4 for maintenance of records like „subject to availability of recourses", „in a reasonable time", „local language", „cost effective manner", and some provision of section 8 for exemption, section 9 for ground for rejections, section 10 for severability, and section 11 for third party information may create confusion and controversy and may provide flimsy grounds for refusal of information to the unread and gullible masses that will be the against objective of Right to Information Act. Problems like delay in receiving the information, supply of incomplete or wrong information, denial of information, etc may be faced by the people while seeking information under the Act. Though a majority of the citizens received information without any problem, the number of citizens who went to through problems to get the information is also higher [8].

8. Conclusion and suggestions, shodhganga