

RIGHT TO INFORMATION ACT, 2005

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Introduction:

- RTI is an act of the Parliament of India “to provide for setting out the practical regime of right to information for citizens”.
- Right to information is at present, a fundamental right in most of the states in the world including India.
- Universal Declaration of Human Rights and International covenant on Civil and Political Rights were emphasized the significance of freedom of information.
- RTI Act, 2005 of the UPA government is a very effective framework for materializing the right to information provided under Art. 19(1) of the Constitution.
- It is a landmark legislation for transparency, accountability and good governance in India in the recent past.
- The RTI 2005, extends to the whole of India except the J&K

Objectives of RTI Act, 2005:

- Its main objectives are –
 1. To make the right to information more meaningful and progressive.
 2. To ensure greater and more effective access to information.
 3. To establish an appellate machinery with investigating power to review the decisions of public information officers, penal provisions for failure to provide information as per law.
 4. To have provisions to ensure maximum disclosure and minimum exemption consistent with the constitutional provisions.
 5. To provide an effective mechanism for access to information and disclosure by authorities.

Meaning of Right to Information:

- According to this Act, the right to information means the right to obtain information that is held by any public authority or under the control of any public authority. It includes the right to –
 1. Inspect the work, documents or records held by any public authority or even by any private authority which is under the control of public authority.
 2. Take notes, extracts or certified copies of records and documents.
 3. Take certified samples of materials used in government construction.
 4. Obtain information in any electronic mode like cassettes, or in the print out forms.

Salient features of RTI Act, 2005:

- Some of its main features are –
 1. It provides for a separate machinery which ensures the citizens their right to demand information from the government which is under the control of the public authorities
 2. It has provided for the constitution of Central Information Commission and State Information Commission for this purpose.
 3. Under this Act one can seek information from any department of the Central or state government, from Panchayath Raj institutions and from other organizations and institutions including NGOs that are established, constituted, owned controlled financed by the state or central government .

Features

4. In each department, one or more officers have been designated as public information officers (PIOs). The PIOs accept the request forms and provide the information sought by the people.
5. In addition, in each sub-district level, there are assistant Public Information Officers (APIOs) who receives requests for information.
6. Only citizens of India are entitled to obtain information under this Act. That means non-citizens cannot obtain information under this Act.

Features

7. Any person seeking information should file an application in the prescribed format with PIO or APIO.
8. The applicant is not required to give any reason for requesting the information or any personal details.
9. A reasonable application fee as prescribed, will be charged for each applicant and for supply of information.

Features

10. Information sought from PIO has ordinarily to be provided or refused within 30 days. The information sought from the APIO has ordinarily to be provided or refused within 35 days.
11. If a PIO fails to furnish the information asked for or fails to communicate the rejection order within the time specified, he will be liable to pay a penalty of Rs. 250 per day for each day of delay, subject to the maximum of 25000.

Grounds on which information sought can be Rejected:

- They are as follows-

1. Information that affects the security, sovereignty and integrity of the country.
2. Information that affects strategic, scientific or economic interest of the state.
3. Information which may affect the relation with foreign states or lead to inducement of an offence
4. Information which is expressly forbidden by the courts or tribunals.

Features ..

5. Information which causes a breach of privilege of parliament or state legislature.
6. Information received in confidence from foreign government.
7. Any information if disclosed may endanger life or physical safety of any person.
8. Information which is personal in nature and has nothing to with any public activity.
9. Cabinet papers including records of deliberations of the council of ministers, secretaries and other offices.
10. Any information which impedes the process of investigation or prosecution of offenders.

Benefits/importance of RTI Act:

- This Act is of great importance and offers a number of benefits like –
 1. It **promotes openness, transparency and accountability in administration** and subjecting the government to more public scrutiny.
 2. This Act will **help to expose corruption and nepotism and ensure a clean administration.**
 3. It provides for wide **pro-active disclosure of information by public authorities** through media and public announcements.

Benefits

4. This Act makes it obligatory on the part of the **public authorities to maintain all its records** duly catalogued and indexed in a manner which will facilitate computerization of records held by public authorities.
5. This Act provides for **the provision of information at a reasonable charge or at no charge** for applicants below the poverty line.
6. The RTI Act, 2005 has **reduced the number of exemptions from disclosures**.

Benefits

7. To **ensure timely provision of information** by public authorities, this Act has provided for a system of penalties and disciplinary action against public information officers who fail to provide the information sought.
8. This Act provides for **an independent mechanism for provision of information** through the constitution of a Central Information Commission as well as the State Information Commission.

Benefits ...

8. RTI helps **individuals and groups to protect their rights** and guards against abuses, mismanagement and corruption by providing access to records held by public authorities.
9. RTI is the Key to **strengthening participatory democracy** and good governance. Access to information can empower the poor and weaker sections of the society to demand and get information about government policies and programmes. RTI allows public scrutiny of government records which makes the government more effective and accountable.

Impediments in the implementation of RTI:

- Some of the problems relating to the effective implementation of the RTI are –
 1. There is the lack of proper awareness and preparedness among officials about their roles and duties regarding the RTI.
 2. The non availability or physical absence of PIOs when the applicant visited their offices.
 3. There is also the attitude of resistance and refusal to accept applications.
 4. There is also lack of adequate resources for the proper implementation of RTI.

Impediments

5. There is also non availability of sufficient data base with the government departments to supply the information sought.
6. PIOs have often over charged the fees to citizens which are more than the prescribed amount.
7. Several instances of harassment and threat have come to light which are faced by citizens who tried to file information requests.

Conclusion:

- The RTI, 2005 is a landmark Act passed by the UPA government to make the administration more transparent and accountable to the people.
- It allows the people to protect their rights from corruption and mismanagement by public authorities and thus paves the way for meaningful practice of democracy in our country.
- The right to information is meant for the good of all because, today information is power. It empowers the people to fight against the misrule of those in the positions of power.
- However, there are certain challenges that come in the way of the effective implementation of the Act.