

## Right to Information Act- 2005

Rajeev Verma

Lecturer in Pol. Sci. Education Department Haryana

**Abstract:** *People's participation can be effective and meaningful only when they are allowed access to information about the govt's day-to-day activities affecting the important aspects of public life. This makes democracy an important form of government because it believes in open govt. in which nothing shall be hidden from the people unless there are compelling reason to do so. People have a right to know the type of work that is being undertaken by public bodies. Also how much money is being spent by them on what. This is called the Right to Information.*

**Keywords:** Participation, Information, Democracy, RTI, Accountable.

### **Information & Development :**

Information is an important tool for development. The more information a society has, the more information a society has, the more developed it shall be. Development is possible if we assimilate new ideas and new ideas can grow and found in an atmosphere of freedom. Conversely, a society where ideas are not thrown into open and everything is shrouded in mystery, development cannot take

place because a debate on new ideas is not possible as most of the people do not know about them.

### **Information of Information :**

These days there is an emphasis on good governance. One of the important characteristic of good governance is open governance. An open govt. is one which does not hide anything from the people. People have the free access to any information about them. Information is an instrument which enables people to make choices, choices regarding what to do and whom to vote. It is an instrument to keep a watch on elected representatives and appointed officials. Thus, the right to information radically enhances both accountability and transparency.

## **Right to Information – Origin and Development:**

The Supreme Court has observed that Right to Information is a part of the Right to speech and Expression which is a Fundamental Right under Act 19 (1) (a) of the constitution of India. According to the Supreme Court, Right to Speech and Expression cannot be exercised without Right to Information.

In recognition of the need to promote transparency in public affairs and to curb corruption, the parliament enacted the RTI Act in 2005. It is a path breaking legislation to empower the people specially the weaker sections of the population while right to information is guaranteed by the constitution, the Act sets out the practical regime for citizens to secure access to information on all matters of governance. The Act is thus a landmark initiative to mark the public administration accountable and the decision-making process participatory.

This law is very comprehensive, covers almost all levels of governance and has the widest possible reach. It is applicable not only to Union, State and Local Govt. and the public authorities but also to the recipients of the government grants. It signifies that the Act

would include within its ambit private schools, hospitals, other commercial institutions getting subsidies in the form of land at concessional rate or tax concessions. It also covers private sector.

## **Right to Information Act 2005:**

The UPA Govt., in their common Minimum programme, provided that the RTI Act will be made more progressive, participatory and meaningful. This formed the basis of the subsequent Right to information Bill introduced in Parliament on December 22, 2004 and passed by Sabha on 11 May 2005 and by Rajya Sabha on 12 May 2005. Finally, it was received the assent of the President on 15<sup>th</sup> June 2005 and promulgated throughout the country on 13 October 2005. This can be called the moment of supreme importance of Indian democracy whose Parliament caused the executive to launch a formal order to make democratic governance participative in real sense. It places India among 55 countries that have enacted such legislation. The new law applicable all over India barring J & K., is meant to curb corruption and inefficiency in the government at various levels. It gives every citizen the fundamental right to seek information from any government department. It is aimed at bringing about transparency and

accountability in the working of public officers. Under the Act, the authorities are required to respond to queries in as little as 48 hours, it is a matter of live and liberty. Information as per the Act, includes records, documents, memos, e-mails, opinions, advices, circulars, orders, contracts, reports, papers, samples, models, data and material held in any electronic or printed form.

### **How to get Information?:**

The procedure for seeking information under the Act is very simple. A person seeking information from any office of the Govt. has to simply make a request to the concerned public information officer. The request has to merely indicate the information sought and address at which the information is required. The request can be sent either by post or submitted in person. It can be made in Hindi or English or in the official language of the area and can also be sent through e-mails.

The Act permits the applicants to inspect the official documents. It also permits the applicants to collect samples of various works.

If the applicant does not get the information within 30 days or the applicant is not satisfied with the reply given to him, he

can make a first appeal within 30 days to the appellate authority who is generally the officer immediately superior to the Public Information Officer. The Appellate authority has to decide the appeal within 30 days of the receipt of appeal.

If the applicant is not satisfied with the decision of the Appellate Authority, he can fill a second appeal to the Central Information Commission, as the case may be within 90 days. The Central Information Commission entertains appeals in case of offices, financial institutions, public sector undertakings etc. under the Central Govt. and the Union Territories while State Information Commission entertains appeals pertaining to the offices, financial institutions, public sector undertakings etc. under the concerned State Govt. These Commissions have also been granted the authority to impose a penalty on the defaulting Public Information Officer. The Act, however, exempts security and intelligence organizations from its purview.

### **Information Commission:**

The Act provides for establishment of Central Information Commission as well as State Information Commission through the country. The Commissioners will act as

independent bodies to handle appeals and monitor implementations. The general superintendence, direction and management of the affairs of the Central Information Commission shall vest in the Chief Information Commissioner who shall be assisted by the Information Commission and may exercise all such powers and do all such acts and things which may be exercised or done by the Central Information Commission autonomously without being subjected to directions by any other authority under this act.

The Chief Information Commissioner and Information Commissioner shall be persons of eminence in public life with wide knowledge and experience in law, S & T, social service, management, journalism, mass communication and government. But they shall not be a Member of Parliament or Member of Legislature of any State or UT as the case may be or held any office of profit or connected with any political party or carrying or pursuing any profession. The Head Quarter of the CIC shall be at Delhi.

### **How does the Law help us?**

Right to Information is a crucial as freedom of expression in any democracy. It is

only through information and resultant expressions that people can influence the govt. for the people, by the people and of the people. It helps in discovery of truth and transparency. It is an essential aspect of autonomy and individuality. It helps and adds momentum to the political process.

It can bring a sense of empowerment to the citizens of this country which is necessary to check the rapid downward side of government performance and standard and concurrent trend of declining public expectations.

People will be able to know/see that how much of their money gets illegally diverted.

It will ensure transparency accountability and responsibility in all the walks of public life for example remaining corruption from country, holding free and fair elections, check on bureaucracy, bringing efficiency in the Govt. projects etc.

Indian politics will hopefully mature as more information passes through the hands of political rivals, police, judiciary, media and the people. The Act will reveal who is exploiting whom and how one can get justice for the poor

and the how one can get justice will now have better data to decide against the corrupt.

### **Limitations and Misapprehensions:**

- Due to disclosure of file notings, the officials may hesitate to render honest advice.
- Public authorities may get overwhelmed by a large number of requests.
- The act may be misused or used to blackmail officials or other citizens.
- Only few states have promulgated necessary rules under the Act and made moves to set up Information Commissions.

The appointments of Bureaucrats as Information Commissioners go against the spirit of the Act. Thus there is a fear that RTI may become just another means for the bureaucracy to tighten its monopoly over govt.

### **Conclusion and Suggestions:**

There is little doubt that RTI Act 2005 is one of the most important and revolutionary pieces of legislation enacted in independent India. Some would regard it as “the most important”, since no other law has the potential to change the work culture of practically the entire Indian administration. Its impact is also likely to be widespread as it

places on instrument of power in the hands of every citizen of the country irrespective of his class or position.

In some of the cases, despite the RTI Act and its provisions, the problems regarding seeking information still often remain the same. In a country, where for the last more than 60 years people have been a source of only getting votes and paying taxes, if they are also given the right to ask questions, some people, especially those in power, would definitely feel bad and they to avoid giving answers to questions posed to them.

What perhaps is for more important is that the attitude and old mindsets have to change. The culture of secrecy will have to give way to one of openness and transparency.

The govt. Departments should comprehensively update website details of govt. schemes, programmes, their delivery systems, up from the sanctioning levels to the applications levels at the grassroot so that most of the information is available at the press of “button” only.

The govt. must ensure that the agencies responsible for the act are not starved of funds and facilities so that they can function to their full efficiency.

Thus, the parameters of the Act are amazing by any stretch of imagination. It used with zeal, this Act will make the real difference to way we live and behave in public and the way we use, misuse and abuse public money. The Act has transformed the regime of secrecy into regime of openness. It marks a significant shift in the Indian democracy and ushered a new era of empowerment of common man in India. So, RTI is the most effective instrument to check corruption where the citizen has the right to take initiatives, to seek information from the state and thereby enforce transparency and accountability.

#### **References:**

1. Indian Administration :- B.L. Fadia & Kuldeep Fadia.
2. Indian Polity :- M. Laxmi Kanth
3. Indian Constitutional Law :- M.P. Jain
4. Political Science :- TATA Mc Grawhill
5. Political Science :- An Overall study by Rajesh Mishra
6. The Right to Information :- A Global Propsective by K.M. Shrivastav.