

Right to Information Act 2005 - A Review

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Abstract – To ensure transparency in the administration, information must be made available to the people. Information and knowledge are instruments of transformation. Transparency, openness and accountability are the basic postulates to responsive, responsible and accountable government. In a welfare state, the functions and powers of the executive have grown manifolds in due course affecting every walk of life. Tackling the problem of high level political corruption in India has been a very important issue over which national debate is going on for the last many years. Somehow, incumbents have got the impression that they are unanswerable to any outside authority for their act of omission and commission.

Keywords : Transparency, Responsive, Political Corruption, Authority etc.

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MEANING OF RIGHT TO INFORMATION

According to Yajur veda, it means duty to be in full awareness of both Vidya (knowledge) and Avidya (ignorance or action). In other words a man should be a consignor to the total reality, both in its unitary foundational aspect as well as in its multitudinous differentiated forms. In modern times we can say that a man has to know the determining principles of the cosmos as well as the details of the natural, biological, humanistic and social sciences.

RESEARCH METHODOLOGY:

This study is exploratory in nature. It is based of secondary sources of data collected from various research journal, reports, newspapers and references book. To pace the study the researcher has some observational facts regarding the research problem.

Right to Information Act 2005:

The RTI Bill introduce in Parliament was referred to a parliamentary standing committee whose recommendations with ascertain change were introduced in Lok Sabha on March 21st, 2005. The RTI Bill was passed may 11th, in Lok Sabha and may 12th in Rajya Sabha with 146 amendments. On June 15th 2005, President of India gave his assent to the RTI Bill, 2005. The Act came into force on Oct. 13th, 2005 after notification Act, 2002 passed during NDA regime. Right to Information will give public spirited people and instrument to prevent misuse of public power and funds. He said that the intention of the Bill is to paralyze the administration. It seems that there is a general trend in the direction of freedom of information and secrecy as an administrative norms

seems to have lost lot of grounds in the secrecy in the recent past.

Definition of Right to Information

Right to Information under the act means the right of the citizens to seek information which is held by or under the control of any public authority and includes right to:

- a. Inspection of the work, documents, records.
- b. Taking notes extracts or certified copies of document or records.
- c. Taking certified samples of material.
- d. Obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is store in a computer or any other device.

PURPOSE OF RIGHT TO INFORMATION ACT

As per preamble of the Act, the aim is:

To provide the citizens right to information which will enable them to have access to information under control of the public authorities which will promote transparency and accountability in the working of every public authority; and to provide for the constitution of a Central Information Commission and State information Commission. Act will extend to whole India except the State of

J&K RTI section 1(2). Act gives every citizen of India a right to information.

OBJECTIVES OF THE STUDY:

To trace evolution of RTI Act 2005. To examine the parliamentary debate that took place at the time of enactment of RTI Act, 2005. To analyze the awareness campaign launched by government to aware the people about the various Provisions of RTI Act, 2005. To examine the various provisions of RTI Act, 2005 and their implementations establishing good governance. To analyze the various problems in the way of proper implement of RTI Act, 2005. To suggest measures how can RTI Act be made effective.

RESEARCH QUESTIONS:

1. Right to information has been recognized as one the important fundamental human right.
2. Through right to information is in vogue in 21st century but its foundation is in human history can be traced back to the time of Socrates.
3. The utility of the right to information lies both in its proper implementation and its proper use by the people.
4. The intention behind the law is good, there is now actually a law which, in true seems empowers the people to know, participate and make the government accountable but still there a big gap between the theory and actually practice of law.
5. India has the rare distinction in the world for being the largest democracy and right to information certainly epitomizes democracy spirit of the country.

Excluded Authorities under the Right to information Act, 2005

- Central intelligence and security agencies specified in the second schedule like IB, RAW, Directorate of revenue intelligence, Central Economic Intelligence Bureau, Directorate of Enforcement, Narcotics Control Bureau, Aviation Research Centre, Special Frontier Force, B.S.F, C.R.P.F, I.T.B.P, C.I.S.F, N.S.G, Assam Rifles, Special service bureau, special branch CID, Andaman&Nicobar, The Crime Branch-CID-CB, Dadra and Nagar Haveli and special branch. Lakshadweep Police are excluded from the purview of the Act. Agencies specified by the state government through notification will also be excluded.

- The exclusion, however, is not absolute.

RECENT CASES ON RIGHT TO INFORMATION

Latest judgement on RTI that Medical Expenses of judges of SC cannot reveal under RTI. In the case of Subhash Chand Aggarwal vs. Registrar General, Supreme Court of India, "held that medical expenses of judges are not qualified to come within the ambit of right to information Act. The apex court rejected an appeal against Delhi High Court decision which had held that information about Doctors's visit expenses of judges and their families cannot be recorded.

In recent case Jiju Lukose vs. State of Kerela, "a division bench of Kerela High Court comprising of Chief Justice Ashok Bhan and Justice A.M. Shafique. It was held that police authorities are obliged to provide the copy of FIR on an RTI application, unless an appropriate authority decides it is exempted under section 3 of RTI act. In recent case, Public Service Commission shall provide information about answer sheets and marks under RIT, In case Kerela Public Service Commission vs. State Information Commission", the Supreme Court held that the request of the information seeker about the information of his answer sheets and details of the interview marks can be and should be provided to him by Public Service Commission under Right to Information Act. It is also observed that since there is a fiduciary relationship between the PSC and the Examiners, any information about the examiners is not liable to be disclosed.

TERM OF OFFICES AND CONDITION OF SERVICE

The chief information commissioner shall hold the office as such after he has attained the age of 65, every Information Commissioner shall hold office for a term of five years from date on which he enters upon his office or till he attains the age of 65 years, whichever is earlier and shall not be eligible for reappointment as such Information Officer but he may be considered as CIC provided his term of office on appointment as CIC shall not be more than 5 years in aggregate as IC and the CIC.

STATE INFORMATION COMMISSION

Similarly every state government shall constitute State information commission, which shall be constituted by State Chief Information Commissioner and State Information Commissioner (hereafter referred SCIC and SIC) not exceeding 10 in number. Appointment shall be made by Governor of the state on recommendation of the committees consisting of the chief Minister, who shall be the Chairperson of the Committee, Leader of opposition in Legislative Assembly and

Cabinet minister to be Nominated by the Chief Minister.

APPLICATION PROCEDURE

- Apply in writing or through electronic means in English or Hindi or in the official language of the area, to the PIO, specifying the particulars of the information sought for.
- Reasons for seeking information is not required to be given.
- Pay fees as may be prescribed (if not belonging to the below poverty line category).

TIME LIMIT TO GET INFORMATION

- 30 days from the date of application
- 48 hours for information concerning the life and liberty of a person.
- 5 days shall be added to the above response time, in case the application for information is given to Assistant Public Information Officer.

APPELLATE AUTHORITY

First Appeal: First appeal to the officer senior in rank to the PIO in the concerned Public Authority be condoned by the Appellate Authority if sufficient cause is shown).

Second Appeal: Second Appeal to the central information Commission or the state information commission as the case may be, within 90 days on which the decision was given or should have been made by the first Appellate authority.

RIGHT TO INFORMATION IS NOT ABSOLUTE

As no right can be absolute, the right to information has to have its limitations. There will always be areas of information that should remain protected in public and national interest. Moreover, this unrestricted right can have an adverse effect of an overload demand on administration. So the information has to be properly, clearly by and appropriate authority.

OTHER SUGGESTIONS

The civil servants must be citizens otherwise there can be problem of law and order in the premises of institutions. There is however, considerable frustration and dissatisfaction amongst the people, especially the weaker sections of society, about the apathy, irresponsiveness and lack of accountability of public servants, even as the expenditure on staff

continues to increase. Their faith is the registration of offences, their timely investigation and the delivery of prompt justice has been corded. The civil servants must be polite and maintain co-ordinal relations with the citizens. For this, there is a need to provide training to the personnel in government so that they can understand the implications of RTI Act, 2005. Encouraging the people to develop themselves rather than depend upon the government for all activities and thus become a self-reliant which is the key to development. Administrative Machinery is an essential ingredient of the process of development. Organizations must classify the complaints received under RTI Act, so that rendering replies may be easy. The method of classification must be decided in advance. When any person arrested by any police authority or any other authority prescribed by law, the person has right to information to know on what grounds he is going to be arrested. Therefore a need of a neutral media for the betterment, so government should have create strict rules against violation of rights.

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