

Right to information act, 2005 | analysis



RIGHT TO INFORMATION ACT, 2005

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INTRODUCTION:

The knowledge and the freedom of information are playing an important role in the society for the advancement. For a country like India, which is one of the biggest democracy in the world it is necessary to provide accountability and transparency in the governance. To achieve this there should be freedom of information to the citizens of the country and this as a right. It is the responsibility of the state. So, in the Indian constitution under the fundamental rights article 19 talks about protection of certain rights of all citizens. And article 19 (1) (a) talks about freedom of speech and expression. It is meaningless unless until it provide the access to get information. So, under this article the right to information emerged to facilitate the access to the information. Even though it is recognized as fundamental right we need a process through which we can exercise this there created a necessity for an act to come. As a result, The Right To Information Act came to exist in 2005 in India.

Various countries in the world have already been practicing this Act with different names for many years. This act is referred to as Freedom of Press Act in Sweden, in USA and UK this act is called Freedom of Information Act, in South Africa it is Promotion of Access to Info Act, in New Zealand it is Official Information Act, in Pakistan it is called Right to Information Act. 90 countries in the World have been practicing this Act.

Before this act was passed in the center different states of India have also been practicing this act. Tamil Nadu and Goa has been practicing this Act since 1997 and Rajasthan and Karnataka have been practicing since 2000. Delhi since 2001 and Maharashtra and Assam enacted this since 2002.

Actual journey of the Right to Information Act in India has started in 1923 through the Official Secret Act. Later in early 1990s it again gained some importance and in the year 2005 after repetitive petitions the RTI Act was passed.

ABOUT THE RTI ACT, 2005:

This Act was enacted by the permission and the authority of the President of India. In the Parliament, it was enacted in June, 2005. This Act is applicable to all the states in the country but not to Jammu and Kashmir. This Act main objective is to facilitate the access to get information to citizens of the country in a secure way and by this to encourage accountability and transparency in governance. Here the information seek by the citizens is may be in any form. It may be physical form like records, papers, documents, etc or it may be in digital form like e-mails or in any electronic form.

There are some exceptions to reveal the information in this Act also. Information that cannot have access to reveal is information related to sovereignty and integrity of India, information prevented by Courts, Cabinet papers, information related to issues under investigation, trade secrets, intellectual property, information related to fiduciary relationship. In Indian constitution, article 19 (2) talks about this.

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If anyone wants to get some information he/she has send a request to public authority with whatever the fees applicable. They can send their request by writing it on paper, letter or even by electronic media also. They have to mention the full address of the public authority.

After receiving the request by the Public Information Officer (PIO) he has to check whether the seeking information is allowed or not. If it is allowed then the PIO will send that information within 30 days. Otherwise it may reject due to some reasons like security, copyright, commercials, etc. If the person, who requested do not get the requested information or proper response from the public authority within 30 calendar days, the person has a chance to give a complaint either to Information Commission or to first appellate authority. This type of complaints can give due to various reasons like late response, demand of cost of information that is not at all reasonable.

For the first appeal, the applicant has to application fee along with his/her application. There is no fee when one appeals to Central Government offices. The officer senior to Public Information Officer is called first appellate authority. After one's appeal reached to this appellate authority they will ask an explanation from PIO. They might invite the person to hear. They will pass a reasonable order within 30-45 days. If the person is not satisfied then also he /she can file second appeal either with State Information Commissioner or with Central Information Commissioner, according to the case. There is no such given time limit for getting response at this level. Too many cases are filed up with these offices.

IMPORTANT SECTIONS OF RTI ACT:

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The RTI Act consists of more than 30 sections and its subsections. In order to get response every time, one has to know about all sections and amendments related to this act. Here are the some important sections of this act

Section 3 tells that all citizens have the right.

Section 4 tells about proactive disclosures by authorities.

Section 6 deals with the request for obtaining information.

Section 7 tells about how a person request will be treated.

Section 8 tells about exemptions.

Section 19 (1): First appeal

Section 19 (3): Second appeal

Section 20: Penalties and Disciplinary actions.

CRITICAL ANALYSIS:

This act has been utilized by the people to get information and acted as a tool for judicial approachability wherein the effectiveness may vary from state to state. It has always stood as the authentic means to get information in a formal way in various sectors from education to land. This has also disclosed the regularities to inefficiencies.

An empirical evidence for RTI success is the RTI filed by Activist Anil Galgali for Reliance Infra regarding meter connection details. Initially, he was denied

information that it was for the public authority, later he complained to the State Information Commission of Maharashtra for deny of information. Due to intervention taken by SIC even the case moved to Bombay High Court, stay was given by Bombay HC on the decision of SIC Maharashtra.

RTI has played a vital role and have attained success in various cases such as monitoring of attendance of village in UP school teachers, payment of pension dues from railways, corruption in the master of role in the employment guarantee schemes. RTI also gives the privilege of filing a case irrespective of age which was utilize by an 9 year old student to monitor over the over-speeding of vehicles.

Though the Central Information Commission as the power to penalize the politicians does not provide information about their assets and liabilities within stipulated prescribed time but until now this provision is not often used.

Our former Prime Minister had stated that even though the RTI Act had been working good there were few concerns regarding public servants expressions. Aruna Roy had criticized the former Prime Ministers view saying the Government has always been inefficient.

RTI has also resulted in violence like threatening and in some cases it has also costed lives about 250. The most famous killings were of Satish Shetty from Pune who exposed the land scam, Lalit kumar Mehta for exposing corruption in MGNREGA, and Shela Masood being shot dead at Bhopal.

Though the RTI was brought with a noble intention, it is also misuse by pseudo activist where they tend to get an incentive by blackmailing the people wherein it is further leading to ill practices in the society.

CONCLUSION:

The RTI has brought a sort of monitory and accountability to check the irregularities and inefficiencies in the government. The awareness regarding RTI is low in terms of how to apply, initiation, and some feel that the government is not towards the positive approach of it. The long urge of RTI activists were addressed through Whistle Blowers Protection Act in 2014 wherein it gives power to complainant to make complaint to Competent Authority.

For making RTI Act more feasible it has to adopt a type of single window clearance system through appointment of officers and staff for making the process and getting information quickly. Further, the government should show keen interest to protect the interest of whistle blowers and activists.

RTI can be seen as an ultimate tool for the public to make informed choices that would help to re-imagine future and build a better society.