

Relevance and Importance of Right to Information Act

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ABSTRACT

The current research article attempts to draw the Right to Information, RTI is an act of the Parliament of India which sets out the rules and procedures regarding citizens' right to information. It replaced the former Freedom of Information Act, 2002. Under the provisions of RTI Act, any citizen of India may request information from a "public authority" (a body of Government or "instrumentality of State") which is required to reply expeditiously or within thirty days. In case of matter involving a petitioner's life and liberty, the information has to be provided within 48 hours. The Act also requires every public authority to computerize their records for wide dissemination and to proactively publish certain categories of information so that the citizens need minimum recourse to request for information formally.

Keywords: *Right to Information, RTI, India, Right*

Every citizen has the right to know how the Government is functioning in a democracy. To get this information one has to ask the Government about its functions, but in Indian bureaucracy functions which were working on the mode of colonial British rules and regulations, where it was a practiced to suppress the information under the "Official Secrets Act, 1889", which was amended in 1923. After Independence same type of tradition continued for a long time. This act was enacted for non-disclosure of information regarding security, Sovereignty and relations of British India with other countries, but it was being misused by the bureaucracy for ulterior motive. After Independence this act was used by the Government Officials to hide the information from the public.

Although it is a fact that Right to Information is clearly mentioned in the Constitution of India, but because of the above rule the information was not being furnished to the public. Since generally the public does not have any access about the functioning of the Government and keeping in view the rampant corruptions in almost all the levels in the Government Offices, the nationwide demand to make a law to guarantee the right to information to every citizen so that public do not suffer. This was supported by the social activists, professionals, lawyers, media and intellectuals, who are committed to transparent and accountable governance and public participation in Government working. This pressure forced Govt. of India to introduce the Right

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to Information Act 2005, which empowers every citizen to get the information from the public authorities at any level.

Objective of the Right to Information Act

The basic details and the objectives of Right to information act are as follows:

- 1) Citizens have a Right to –
 - a) Request any information.
 - b) Get the photocopy of the documents demanded
 - c) Inspect documents, works and records and get the certified copies of these records
- 2) All the government offices to have a Public Information Officer to whom any person may contact for requesting information of the required records, and it is the duty of the officer to ensure that information is easily accessed by public/individual when requested.

RELEVANCE OF RIGHT TO INFORMATION ACT

A citizen has the Right to seek information from the Public authority or the organization that are under or controlled by the Government. Information which is held by the Public offices is available to disclose, the Public Information Officer is not supposed to create or generate or gather the information that is not a part of the record of the Public offices. The Public Information Officer is also not required to furnish information which requires drawing of inference and / or making assumptions; or to interpret information; or to solve the problems raised by the applicants; or to furnish replies to hypothetical questions.

A citizen has a right to obtain information from any public authority in the form of electronic mode such as diskettes, floppies, tapes, video cassettes or through print-outs provide.

Public Information Officer is required to reveal the information which is held by the Public authority office, but not to do research on behalf of the citizens to infer anything from the material and then supply.

What is an Information

Information is any material relevant in any form. It includes records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts report, papers, samples, models, data material held in any form. It also includes data relating to any private body which can be accessed by the public authority under the law.

Fee for Seeking the Information

Any person who desires to seek the information from a Public Authority is required to submit an application along with a demand draft or a banker's cheque or an Indian Postal order of Rs. 10/- to the Accounts Officer of the Public Authority for seeking the Information.

INFORMATION EXEMPTED FROM DISCLOSURE

- a. Disclosure of any information which can prejudicially affect the sovereignty and integrity of the nation, the security, strategic, scientific or economic interest of the State, relation with foreign state or lead to provocation of an offence.
- b. Disclosure of any information which can cause breach of privilege of Parliament or State Legislature.

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- c. Any Information containing cabinet papers including records of deliberations of the Council of Ministries, Secretaries and other officers subject to the conditions given in provisions to clause (i) of Sub- Section (1) of Section (1) of Section 8 of the Act.

Time Period for disclosure of the Information

In normal course, information to the applicant should be supplied within 30 days from the submission of the application to the Public Authority. If information sought concerns the life or liberty of a person, it has to be supplied within 48 hours.

Appeals

If an applicant is not provided information within prescribed time of 30 days or 48 hours as the case may be, or he or she is not satisfied with the information provided to them, he may prefer an appeal to the first appellate authority who is a senior officer in rank to the Public Information Officer. Such an appeal should be filed within a period of thirty days from the date on which the limit of 30 days of information earlier provided is expired or from the date on which the information or decision of the Public Information Officer is received. The appellate authority shall dispose of the appeal within a period of thirty days or in exceptional cases within 45 days of the receipt of the appeal.

Suo Motu Disclosure

Every Public authority should provide as much information suo motu to public through various means of communications so that public have minimum requirement or no requirement to use the Act to obtain information. Internet being one of the most effective means of communication, the information may be provided on the respective websites.

Transfer of RTI Applications

The Public Information Officer receiving the application should transfer it to the concerned Public Information Officer on an immediate basis , preferably on the very same day. Time period of five days is expected for transfer of the application from one public authority to another.

Importance of RTI Act:

Although the act has been enforced into 2005 but still the public do not know the benefits of the Act or they try to use the Act to settle the scores against their enemies or competitors. There are many cases where personal information is being asked which does not have anything to do with the public activities or public interest. Fortunately, the Act has got teeth against these types of questioning & they cannot be replied unless the third party agrees for the disclosure. Similarly, especially in government offices, this act is being used to harass the government officers or to prevent any developmental activity which the particular concerned group does not want to continue the activity.

These issues can be settled but it causes delay in the process of activities. On the other side there are many success stories like refund of income tax paid, refund from the builder for not honoring the original contract, suspension of government officers for not following due procedures and also for corruption getting long overdue promotions, pensions & other due benefits.

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Beside the government, there are many NGOs who have popularized the benefits showing the ways by which the Act be used by the public.

IMPACT OF RIGHT TO INFORMATION ACT:

a. Administration

The Right to Information is one of the friendliest legislations. Large number of people has been profited from it. This act has made both tangible and intangible impact in the system and the people. Citizens are using this act as a tool to get their passport, ration card, pension, birth and death certificate and income tax returns. Several people who are disabled, old and people below the poverty line have utilized this act to get aids.

b. Accountability and performance of the Government

The RTI provides citizens the mechanism to access information. In addition, every public authority is required to provide motives for its administrative or quasi-judicial decisions to the affected people. Until the implementation of the RTI Act, it was not possible for an ordinary citizen to seek the detail of a decision, which was mostly found, as ineffective in terms of its outcome.

c. Impact on reducing corruption in the Government departments.

Absence of transparency and accountability encourage the corruption habits, which result in lower investments due to misuse of power or diversion of funds for personal benefit. It creates an environment of distrust between the citizens and the government, which strike upon the development of a democratic nation. The RTI is gradually reducing corruption in our Nation as per the Corruption Perception Index (CPI).

There are many success stories and RTI Act is still to be popularized among the public:

- a. Educational programs such as advertisements for the Public.
- b. Increasing Public awareness to participate in such development program.
- c. Instructing the government officials by developing various training materials.
- d. Publishing the contact details of the Public Information officers.

In the nutshell the RTI is very important weapon to fight against corruption, irregularities and misuse of power. RTI is a significant tool for good and transparent governance. If there is no transparency, accountability is difficult to be fixed. There should be maximum disclosure and minimum secrecy. The main crux of RTI law is to change the culture of confidentiality, redtapism and remoteness that has long plagued India's monolithic and impervious bureaucracy.

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Conflict of Interest

The author declared no conflict of interest.

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