

RIGHT TO INFORMATION ACT, 2005- AN INTRODUCTION

- AAKANSHA KHODA¹

INTRODUCTION

Right to Information (RTI) is act of the Parliament of India to make available for setting out the practical order of the right to information for citizens and replaces the previous act Freedom of information Act, 2002. Under the provisions of this Act, all citizens of india have the right to request information from a "public authority" (a body of Government or "instrumentality of State") which is required to reply with speed and efficiency or within thirty days. The Act also need every public authority to computerize their records for spread widely so that the citizens need less recourse to request for information in a formal way.

On 15 June 2005, this law was passed by Parliament and on 12 October 2005, it came fully into force. Over 4800 RTI applications are filed every day. In the first ten years of the commencement of the act over 17,500,000 applications were filed.

Disclosing information is restricted by the Official Secrets Act 1923 in India and many other special laws, which the new RTI Act relaxes. Right to Information arrange in a systematic way a fundamental right of the citizens of India. RTI has been proved to be very useful, but is been tried to neutralize or reduce its force by the Whistleblowers Act.²

Right to Information Act 2005 makes an official order of timely response to citizen requests for government information. Among others, besides accessibility to RTI related information / disclosures published on the web by various Public Authorities under the government of India as well as the State Governments.³

¹ Student. B.A LL.B 2nd Year, S.S. Jain Subodh law college, jaipur, Rajasthan, India

² <https://www.righttoinformation.wiki/guide/applicant/fundamental-facts-about-rti>

³ <https://rti.gov.in/>

Two major bodies in India govern the Right to information:

Central Information Commission (CIC) – Chief Information commissioner is one who heads all the central departments and ministries- with their own public Information officers (PIO)s. CICs are under the President of India directly.⁴

State Information Commissions – State Public Information Officers or SPIOs are those head over all the state department and ministries. The SPIO office is under the corresponding State Governor in a direct way.

State and Central Information Commissions are independent bodies and Central Information Commission has no jurisdiction or control over the State Information Commission.⁵

Fees

Any citizen of india who is willing to seek some information from a public authority is required to send, along with the application (a Postal order or DD (Demand draft) or a (banker's cheque) payable to the Accounts Officer of the public authority as the fee is prescribed for seeking information by the constitution of India. Any person from a disadvantaged community is not required to pay any fees. The applicant may also be required to pay further fee towards the cost of providing the information, details of which shall be informed to the applicant by the PIO as prescribed by the RTI ACT.⁶

OBJECTIVE OF RIGHT TO INFORMATION ACT

The basic and foremost object of the Right to Information Act is to give the authority to the citizens, promote transparency and accountability in the working of the Government, contain corruption, and make our democracy work for the people in real sense with efficiency and effectively. It says that an informed citizen is better equipped to keep necessary observation on the tools of governance and make the government more accountable to the governed. The Act is

⁴ <https://cic.gov.in/>

⁵ <https://www.jagranjosh.com/general-knowledge/state-information-commission-1438319829-1>

⁶ <https://canarabank.com/english/rtiact/fee-structure-under-rti-act-2005/>

a big step towards making the citizens informed about the activities of the Government and what their representatives are actually working.⁷

What you can do with RTI?

In Right to information act there are many rights which are: Inspect works, documents, records. Taking notes, copies of documents or records extracts or certified. Take certified samples of material. Obtain information in the print out forms, diskettes, floppies, tapes, video, cassettes or in any other electronic mode or through printouts. Information refers to material in any form, which includes records, documents, memos, e-mails, opinions, advice, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material which are held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the given time.

Under the provisions of the Right to information 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 with speed and efficiency or within thirty days. In this act it is required that every public authority to computerize their records for widely spreading so that the citizens need minimum recourse to request for information formally. Parliament passed the law on 15 June 2005 and came fully into force on 12 October 2005.

The public authority under the RIT Act can not create information, or interpret information; or solve the problems raised by the applicants; or provide replies to hypothetical questions. Only such information can be had under the Act which exists already with the public authority.

Right to Information gives a legal right to the applicant for the careful examination of work or documents and records. It also give a legal right to an applicant to take notes, or ask for take out, or certified copies of any records. Since the word take out is mentioned it would mean that the applicant is entitled to get an extract of the records sought by him. This would be subject to the provision in Section 7(9). If the information is in digital form the information could be supplied and provided in appropriate and proper electronic format.

⁷ <https://rti.gov.in/>

In such a case, it may be expensive and wasteful to give photocopies of all and therefore more efficient to allow the person to search it by a request for careful examination of files. The applicant can write in the Right to Information application for inspection that she will also take copies of certain documents at the time of inspection. The officer offering records for inspection should make sure that the applicant is informed of the file numbers. The PIO could have also offer three dates to an applicant for inspection.⁸

Why RTI is a success?

The Right to Information Act (RTI) form 2005 has helped to attain better transparency and more accountability in governance by giving citizens right to ask public officials for information. Further, the Act requires every public authority in the country to computerize their records for easy availability, so that citizens can be better informed and need less recourse to request for information formally and publicly.

Until October 2016, more than 1.75 crore RTI applications were filed, with an average of 4,800 filed in various government departments every day.

Listed below are five recent RTI success stories, that regain our faith in informed citizenry and fair governance.

Lakkaraju Prashant, from Miyapur is a case related to Hyderabad Received Road Tax Refund

Lakkaraju Prashant moved from Chennai to Hyderabad. He had made a formal application to the Regional Transport Office (RTO) in Tambaram, Chennai for lifetime road tax refund during 2015-16, along with the needed documents. He waited for many weeks but did not receive any information or update from the RTO office. He got frustrated and fed up with the slow work of RTO office, he turned to RTO RTI.

Lakkaraju Prashant fulfilled all the formalities of the online RTI form, paid the fees and submitted his application. Once RTI forwarded the application on his behalf to the RTO office, he received a immediate response from the RTO. He was informed about his road tax refund

⁸ <https://www.righttoinformation.wiki/guide/applicant/fundamental-facts-about-rti>

status and also received his money within a week, along with the requested documents and names of the officials.⁹

CONCLUSION

In conclusion we can say that, Right to Information Act is an Act which checks on corruption, and checks on many bodies, agencies and departments of the government accountable to the actions that are done to the public. The RTI Act has laid out a mission statement of sorts by starting that it is essentially a practical roadmap, detailing how citizens of India can gain access to information which in turn will promote good governance. Indeed, the Act itself states that the supreme of the democratic ideal must be maintained in original form by restoring and harmonizing information that must be shared with the public and secure those information that is integral to the security and economy of India.

⁹ <https://www.thebetterindia.com/141387/rti-right-to-information-change-empowerment/>