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Right to Information in India: A Study

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Abstract

Right to information means the freedom of people to have access to government information. It implies that the citizens and non- governmental Organisations should enjoy a reasonably free access to all files and documents pertaining to the government operations decisions, and performance, As rightly reserved by paras kuhad, “secrecy as a component of executive privilege or transparency through right to information which of the two be adopted as a paradigm for governance. Bothe offer public interest as their rationale which in fact serves public interest and can they be harmonised”. This paper tries to understand what is RTI? What types of right includes with some drawback of RTI. The sources of data is mainly secondary various reports articles and news paper etc.

Key words: *Right, documents, Transparency files, secrecy.*

Introduction: Right to information is a essential condition for the success of good governance and democracy. It ensures peoples participation and transparent administration. The rights to information law has paved the way for a new democratic era in India. Prashant kumar is of the opinion that the right to information is a potent weapon to promote good governance, He comments of the people and sincere efforts in this direction have already been initiated.

Right to Information: Freedom of information laws allow access by the general public to data held by national governance. They establish a “right to know” legal process by which requests may be made for government held information, to be received freely or at minimal Cost, barring standard exceptions.

Every citizen has a right to know how the government is functioning. Right to information empower every citizen to seek any information from the governments inspect any government documents and seek certified photo copies thereof. Some laws on right to information also empower citizen to official inspect any government work or to take sample of material used in any work.

Right to information includes the Right to: 1) Inspect works document and records 2) Take note extracts or certified copies of document or records. 3) Take certified samples of material. 4) Obtain information in form of printouts diskettes, floppies, tapes, video, cassettes or in any other electronic mode on through printouts.

Information means any material in any forms including records, documents, memos, e-mails, opinions, advices, press, releases, circulars, orders, logbook, contracts, Reports, papers, samples, medals, data, and material held in any electronic form and information relating to any private eddy which can be accessed a public authority under any other law for the time being in force.

Freedom of information law by Country: Over 90 Countries around the world have implemented some form of freedom of information legislation. Sweden's "Freedom of the press Act" of 1766 is the oldest in the world. In Australia the freedom of the information Act 1987 was passed at the federal level in 1982 applying to all ministers' departments and public authorities" of the commonwealth. On October 21, 2008 the caretaker government of Bangladesh issued the Bangladesh Gazette the Right to information Ordinance based loosely on the Indian R.T.I Act 2005. People Republic of China in April 2007 the state council of the People's Republic of China promulgated the "Regulation of the Peoples Republic of China on open Government information" which came into effect on May 1, 2008.

Right to Information Act 2005, India: R.T.I 2005 is a Act of the parliament of India to provide for setting out the practical regime of right to information for 'citizen' and replaces the erstwhile freedom of information Act, 2002. The Act applies to all states and union territories of India except Jammu and Kashmir, under the provisions of the Act, any citizen may request information from a "Public authority" (a body of government or "Instrumentality of state") which is required to reply expeditiously or within thirty day. The Act also requires every public authority to computerise their records for wide dissemination and to proactively certain categories of information that the citizens need minimum recovered to request for information formally. This law was passed by parliament on 15 June 2005. Information disclosure in India was restricted by the official secrets Act 1923 and various other special Laws which the new RT.I Act relaxes.

Key point of R.T.I Act, 2005:

1. Statutory provisions made for right to information.
2. All citizen possess the right to information
3. Information included any mode of information in any form of record, documents, e-mail, circular, press release, contract sample or electronic data etc.

4. Right to information covers inspection of work documents, record and its certified copy and information on in from of diskettes, floppies, tapes, video cassettes in any electronic mode or stored information on computers etc.
5. Information can be obtained which in 30 day from the data of request in a normal case.
6. If information is a matter of life or liberty of a person, it can be obtained which in 48 hours from time of request.
7. Every public authority is under obligation to provide information on writing request or request by Electronic means.
8. Certain information is prohibited.
9. Restrictions made for third party information.
10. No Court can entertain any suit application or other made under the Act.
11. The information commission shall fine an official's Rs.250 per day if information is delayed without reasonable cause beyond the stipulated 30 day.
12. Its purview does not extend to intelligence and security organisation like Intelligence Bureau. RAW, BSF, CISF, NSG, and so on, however, information pertaining to allegation of corruption pr violation of human rights by these organisations will not be excluded.

Right to information and Good Governance: The access to information is cardinal to good governance and the whole mechanism of governance in the country has been vitiated owing to lack of it. According to a paper prepared by the Human Rights initiative, good governance has eight major facets. It is participatory consensus oriented, accountable, transparent, responsive, effective and efficient, equitable and inclusive and follows the rule of law. It is an ideal which is difficult to be achieved in its totality. However, to ensure sustainable human development, action must be taken to work towards this ideal. Access to information is a vital factor for achieving the goals of good governance. It promotes transparency and public accountability in the working of Government functionaries. The end objective of the RTI is also to achieve good governance.

Actually the basic premise behind it is that the Government should be open and accountable. It should conceal nothing from the people whom it represents. The citizens feel wary when secrecy is claimed even for routine business of administrations. Importance of the RTI has therefore, now been recognized as an essential requirement for good governance. This is evident from the prescriptions provided by the International Organization such as World Bank, IMF, UNDP and ADB.

Benefits of the right to information Act: A substantial reform in public administration is witnessed due to the statutory right to information. R.T.I is instrumental in moving towards transport administration in the she public affairs and removing corruption and ensuring a cleaner government R.T.I empowers ordinary citizen by providing them opportunity to

participate in various public affairs, in world also promote harmonious relationship between the government and the people. The right to information also makes administration accountable and citizen friendly and sensitive to the needs of the people. The right to information empowers the people to influence policy making, planning and decision making. The people would be able to access the performance to the government by having access to relevant information. The R.T.I transforms a representative democracy into a participatory democracy and creates a more open and democratic society, R.T.I gives people a vital role in furthering the equitable economic growth of society end also in recording poverty. The R.T.I puts forth a formidable challenge to corruption a malaise that has a spread our body politics from top to bottom.

Some Deficiencies in the RTI Act: The Act does not define the information falling under life and liberty. Sikkim has defined life and liberty in its RTI rule as if the information requested relates to a person's confinement, interment, arbitrary detention, imminent death at the hands of the state or another individual, torture or violation of due process right. Moreover, there is no provision for relatively speedier disposal of appeals/complaints regarding information pertaining to life and liberty unlike 48 hours time stipulated for providing such information. The Act should be amended to include such provisions. Official secret act 1923 in the father of RTI act. 2005. According to official secret act. 1923 RTI can on only provide certain amount of information to the people. Well about RTI, RTI needs a long term procedure, and the officials controlling this are the same officials working for that suspected officer once or same may be continuing to work, There is a series of chain, If the suspect is found guilty according to law. RTI is good to get the information out like to know how the system works in our high level understanding but RTI is still not the best remedy to decide the resignation filling on RTI is very easy any one can file it, but the complexity during RTI is again just a mind game played by higher officials.

Conclusion: information is power and any attempt to be without information is arbitrary, corrupt and unaccountable exercise of power. The right to information is an integral part of the good governance. The governmental administration is responsible for managing the entire affairs of social and economic life of the people. The secrecy of government and its institutions has increased corruption and maladministration. The right to information is a significant achievement to promote transparency and provides for disclosure by the government in all non strategic areas.

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