



RIGHT TO INFORMATION

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“Democracy requires an informed citizenry and transparency of information which are vital to its functioning and also to contain corruption and to hold government and their instrumentalities accountable to the governed”

(Preamble, RTI Act, 2005. WWW. Annual Report -(main report)200506.

21st Century is going to be an era of knowledge based administration or a regime of human approach related service oriented public management is the primary production resource, instead of capital or labour. It is the day for national integration for which every citizen, every group, ever religion and every political and executive should allow the law to function without any interference¹. Information is not meant to sit in shelves or files.²

Intervention is a weapon to the consumers to get any information from the providers both private and public to achieve 21st century revolution such as knowledge, communication, technology, management and sociology. This can be done by availability of information. According to Amartya Sen says that ‘There should be an expansion of constructive activity in public services and public infrastructure that can go hand in hand with the reduction of poverty-stricken people in India. He also said that a major challenge facing the country was improving the efficiency of the public delivery system. There was an urgent need for reforms in the public services in terms of efficiency and equity and there should be ‘more cooperative social system’, by which we can establish violence-free society, disease free-body, confusion free-mind and sorrow free -soul. The soul searching is the bedrock to public management and removes use of public office for private profit according to the World Bank.

The existence of public office for the sack of marginalized people, not non-state actors i.e., private companies and individuals .The, millionaires billionaires, contractors as well as builders are entering into the administration in the name of stakeholders under the fragmentation responsibility. To avoid this, we can know what



is going on in the government, we should avoid tented glass view approach.

Of late, there is a lot of public disorder such as terrorism, naxalism, communalism, pluralism, criminalization of politics. The second ARC report also identified causes for public disorder as:

1. Lack of good governance and poor implementation of laws
2. Commercial riots
3. Terrorism
4. Militancy in the north east
5. Left-wing expression the right to information is a panacea to all ills.

Information is the life blood in making better policy .Since we have no idea of what past policy and decisions were and how these were made and to what success. We will continue to blunder in our understanding of the present and in preparing for the future.⁵ The process through which the Act was drafted and into force in India illustrated the power of sustained pressure: when the government proposed to amend the law to exclude some administrative files and cabinet papers from it, intense pressure from civil society organizations forced it to drop the plan.

The Right to Information Act, 2005 of Parliament received the assent of the President on the 15th June, 2005 and published for general information on 21st June, 2005. This Act was one of the most progressive legislations, in the developing world for tackling corruption. According to United Nations Report on 12th June, 2008 .India was one of the eight countries in Asia and the Pacific to enact such a legislation, the United Nations Development Report on “Tackling Corruption”, Transforming Lives- Accelerating Human Development in Asia and the Pacific.⁶

India’s law was particularly effective because it specified information that must be disclosed on a proactive basis, including some that would help expose corruption. The Act also allowed individuals and organizations investigating corruption to ask for precise information. For example, while generally excluding information from the intelligence agencies, it specifically allowed for the disclosure of information pertaining to allegation of corruption or human rights violations.

The RTI, using Information and Communication Technology and e-governance to make the administration more transparent, encouraging media and citizen initiatives and becoming a signatory. According to this Report where democracy was most



effective at checking corruption, it did not necessarily do. At the same time, there were many other ways individuals could act to combat corruption asking questions, resisting demands for bribes, reporting the activities of corrupt officials and refusing to deal with corrupt businesses. The practical regime of right to information for citizens to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority.⁷

The democracy requires an informed citizenry and transparency of information which are vital to its functioning and also to contain corruption and to hold government and their instrumentalities accountable to the governed.

WHAT IS INFORMATION

The underground part of a plant of ‘ information’ is the Latin word “inform ore” which means to fashion, shape, create, to give form to Information is an idea that has been given form, such as the spoken or written word.⁸

Information means any material in any form, including records, documents, memos, e-mails, opinions ,advices, press releases, circulars, orders, log books, contracts, reports papers, sample, models, data material 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 time being in force.⁹

WHAT IS RIGHT TO INFORMATION

Right to Information is a part of fundamental rights under Article 19 (1) of the Constitution. Article 19(1) says that every citizen has freedom to speech and expression. India is a democratic country, where people are the masters. Therefore, the masters have a right to know how the governments, meant to serve them, for functioning.¹⁰

Further, every citizen pays taxes even a beggar on the street pays tax (in the form of sales tax, excise duty etc.) when he buys a piece of soap from the market. The citizens therefore, have a right to know how their money was being spent.

According to the Act, Right to Information means the right to information accessible under this Act which is held or under the control of any public authority and includes the right to;

- a) inspection of work, documents, records;
- b) taking notes, extracts or certified copies of documents or records



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- 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 stored in a computer or in any other device.

THE CENTRAL INFORMATION COMMISSION (CIC) According of RTI Act 2005 (S.12)

The CIC shall consist of the Chief Information Commissioner and b) such number of Central Information Commissioner, not exceeding ten,

It is headed by Chief Information Commissioner; he is the person highly rational, who concentration is on constructive attitude to create soft and sophisticated society.

These Commissioners shall be appointed by the President on the recommendations of a committee consisting of—

- a) The Prime Minister, who shall be the chairperson of the committee;
- b) The leader of opposition in the Lok Sabha; and
- c) A Union Cabinet Minister to be nominated by the Prime Minister.

The Chief Information Commissioner and Information Commissioners shall be persons of eminence in public life with wide knowledge and experience in law, science and technology, social service, management, journalism, mass media or administration and governance. The Chief Information Commissioner or an Information Commissioner shall not be a Member of Parliament or Member of the Legislature of any state or union territory, as the case maybe, or hold any other office of profit or connected with any political party or carrying on any business or pursuing any profession. The Headquarters of the Central Information Commission shall be at New Delhi and the Central Information Commission any, with the previous approval of the Central government, establish offices at other places in India.

TERM (S.13)

The Chief Information Commissioner shall hold office for a term of five years from the date on which he enters upon his office and shall not be eligible for reappointment, no Chief Information Commissioner shall hold office as such after he has attained the age of sixty five years.

Every Information Commissioner shall hold office for a term of five years from the date on which he enters upon his office or till he attains the age of sixty-five



years. Whichever is earlier, and shall not be eligible for reappointment as such Information Commissioner. But every Information Commissioner after vacating his office, he is eligible for appointment as the Chief Information Commissioners, his term of office shall not be more than five years in aggregate as the Information Commissioner and the Chief Information Commissioner.

SALARY OR PAY

The Chief Information Commissioner shall be paid of Rs. Thirty thousand as fixed per month. If he is receipt of a pension (other than a disability or wound pension)

SUMPTUOUS-ALLOWANCE

The CIS has entitled to spent on extravagant an amount of Rs. 750/- (Rupees seven thousand and five hundred only) per month, (as per Conditions of Service Act, 1991, and Sec. 23 .B)

RESIGN

These Commissioners at any time, by writing under his hand addressed to the President, resign from his office.

REMOVAL S 14. SUB-SECTION. (3)

These Commissioners shall be removed from the office only by order of the President on the ground of proved misbehaviour or incapacity after the Supreme Court or President's enquiry, as the case maybe, ought on such ground be removed.

The President may by order remove from office the Chief Information Commissioner or any Information Commissioner of the Chief Information Commissioner or a Information Commissioner, as the case may be-

- a) is adjudged an insolvent; or
- b) has been convicted of an offence which, in the opinion of the President, involves moral turpitude; or
- c) engages during his term of office in any paid employment outside the duties of his office;
- d) is, in the opinion of the President, unfit to continue in office by reason of infirmity of mind or body; or
- e) has acquired such financial or other interest as is likely to affect prejudicially his functions as the Chief Information Commissioner or a Information



Commissioner.

THE STATE INFORMATION COMMISSIONER (S.15)

Every state government has Information Commissioner. He is appointed by the governor on the recommendation of a committee comprises of

1. The Chief Minister, who shall be the Chairperson of the committee
2. The leader of the opposition in the Legislature Assembly
3. A Cabinet Minister to be nominated by the Chief Minister.

He is the person of eminence in public life with wide knowledge and experience in Law, science and technology, social service, management, journalism mass media, administration and governance. He may not be a Member of Parliament, state Legislature, connected with any political party of carrying on any business or pursuing any profession. His office in the Headquarters of the state or with previous approval of the state government establish offices at other places in the state. He holds office for a term of five years from the date of joining, he shall not be eligible for another term, he should not hold office after he has attained the age of sixty five. His salaries and allowances shall be the same as that of an Election Commissioner. He shall be the same as that of the Chief Secretary to the State Government

He shall be removed from his office only by order of the Governor on the ground of proved misbehaviour of incapacity

TERM

He shall hold office for a term of five years from the date on which he enters upon his office and shall not be eligible for reappointment.

POWERS AND FUCTIONS OF THE INFORMATION COMMISSION

It is the duty of the commission to receive complaints from any person.

1. Who has not in position to send an information request because a PIO has not been appointed.
2. Under this Act: who has been refused to any information that was Requested
3. No response to a request for information/access to information within the stipulated limits of time.
4. Who thinks that there is a unreasonable fee charged



5. Under this Act: who believes that he or she has been given incomplete misleading or false information.
6. Under this Law: any issue relating to obtaining information.

All of us accept that the freedom of the press is an essential element for a democracy to function. Democracy revolves round the basic idea of citizens being at the centre of governance rule of the people. We need to press from this fundamental premise. It is obvious that the main reason for a free press is to ensure that citizens are informed. Since the government is run on behalf of the people, they are the owners who have a right to be informed directly.

There are some defects in the Right to Information. An applicant or citizen can apply for information to the Public Information Officer of the office concerned, where he is paying a very minimum amount of Rs.10/-(rupees ten only) for which asking more aspects, e.g. It is justifiable to require information on teachers recruitment in a particular university, it is unlawful an unjustifiable to ask entire information, i.e., following roster system academic qualifications, interview performance, government orders, experience and his background, unfortunately, this entire information is not in the hands of PIO, it is in the various files which are under the control of different officers. If they are on casual leave it is difficult to provide the required information by the PIO to the citizen.

According Maharashtra and Delhi Acts, that there is a provision for penalizing the PIO in the case he does not give the information with in a stipulated period and also provides for a penalty for delay on the PIO at a rate of Rs. 250 a day subject to the maximum of Rs.25,000/- .There is also a provision for disciplinary action against recalcitrant PIO. The PIO is not a cavalier to treat citizens' demands as early as possible. 11

There is no time limit to the applicant to ask information which is long back of a one decade and above. It is very predicament to pressure and maintenance of the information under adhocracy as well as debureaucratization. Then, the citizen can go an Appellate Authority would be an official in the same department senior to the PIO. What time fixed to appellate authority?

Is there any chance to PIO to approach the Court of Law .If he does not produce a satisfactory result, one can apply to the State or Central Information Commissioner an independent constitutional authority being established under the Act.

It is possible as well as appreciable that RTI has brought a revolutionary



changes. It is wonder to say that every application is an obstacle to corruption. There is no difference between rich and riffraff. According to the Act 4 (1) (B) every office concerned display their staff position and their designations ; powers and functions, funds, finance ,records, list of beneficiaries nearly sixteen aspects related to information should be available to the citizen .Every display should be in their regional language.

Unfortunately most the offices should not adopt this method. If there are any latest trends, that should be included in this list from time to time .Every office has written in the office boards PIO, Assistant PIO, Appellate authority' names and phone numbers house address which are crystal clearly known to the public. It is not happens anywhere in the offices. At the outset, every official organization should respect the law and allow the law to function without any disturbance.

As per information collected by the Researcher, that the dismissal of 60 percent of complaints filed under Right To Information Act for procedural lapses. According to the Performance Appraisal Report on State Information Commission most of the petitions were dismissed on frivolous grounds. While the objective of the Act was to help common man takes his grievances to the State Departments and use RTI as a tool to check corruption. One of the former Supreme Court Judge noted, when courts themselves accepted even telegrams as petition and acted upon them, why should the SIC reject 60 per cent of cases ?¹² In Orissa, the state government has taken action against 58 officials, but in the state of Andhra Pradesh has not taken any such case or action .¹³

For effective functioning of RTI these are recommendations are essential

1. Better awareness be created about the Act so that people who face problems in their day to day life related to civil supplies, hospitals, social welfare departments would get information they required to exercise their rights.
2. The judiciary as in Consumer Protection Act should be involved in implementation of RTI Act.
3. It requires separate budget for propaganda.
4. Enhancement of posts of commissions
5. To give first preference those who are working in civil society as a social worker.
6. The government should give strict instructions to the departments to provide



information without any hugger-mugger

CONCLUSION

The public governance encompassed adopting a mission driven approach to ensure that the citizen gets maximum satisfaction. The public governance denotes the system in which the entire public talent, public health, wealth, public power, public interest, public purpose, public good are martialled to create maximum public welfare in a dynamic society, the system governance needs continuous review and reinforcement through Right to Information. Than only we can see the efficient, effective, ethical, equitable, egalitarian society.

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