
RIGHT TO INFORMATION IN INDIA

Mr. Raman Shiwankar

Ph.D. Research Scholar

Department of Public Administration,

RTM Nagpur University, Nagpur

Email Id - Ramanshivankar125@gmail.com

Abstract:

Right to information has empowered the citizen with the power of Information and it brings citizen closer to administration. This paper talks about Citizen and Administration trust and highlights the good governance aspects. History of such legislations in India and abroad. some challenges and solutions are also discussed.

Introduction:

‘Secrecy is an invention of bureaucracy in the interest of power’ – Max Weber
Thus the scholar who considered bureaucracy as the most rational instrument of exercising power was also aware that it tends to adopt secrecy to increase its power. It is now well experienced fact that the government which is less open is bound to be corrupt. The very foundations of a democratic government are trust and mutual understanding between government and citizen. Many a times citizens decide the legitimacy of the government, thus the citizens have the right to know about different administrative activities to sustain and strengthen the trust, hence the right to information reduces the corruption and deepens the process of democracy in the society. This deepening of democracy brings citizens closer to the administration, thus an open and transparent administration is the fundamental pre-requisite of a democratic administration and Right to Information is a mechanism to achieve this.

Right to information also improves the quality of decision making in Public Administration. Citizen can judge the various aspects of public policies if they know the relevant facts and have adequate information.

History of Right to Information:

Sweden adopts world’s first access to information law in the year 1766. The law establishes press freedom, including the freedom to print and disseminate materials about the government, courts, and parliament. The law, which forms part of Sweden’s constitution, recognises that press freedom is contingent upon access to information and states “to that end free access should be allowed to all archives, for the purpose of copying such documents in loco or obtaining certified copies of them”.

Finland adopted it in 1951. Denmark and Norway in 1970 while USA adopted the freedom of Information Act in 1966. In 1970s, Austria, France and Netherland passed such legislation. In South Africa, the right to information was made a constitutional right. However Japan applies the law on disclosure of information to selected ‘administrative organs’ only.



The basic features of the Freedom of Information Acts passed by these countries are:

- The citizens have been given legal right to know the details of governmental records.
- The citizens do not need to demonstrate why do they need this information.
- Some restrictions have been made in these acts to protect national security and personal privacy.
- A provision of appeal is made regarding the grievances related to seeking information in these acts.

It was on the eve of Lok Sabha elections in 1977 that a promise to give the Right to Information to the citizens was made. The Janta Party that time promised to give "open government to the citizens. However a official committee constituted by the Morarji Government suggested that the Official Secrets Act should be retained with "no change" Again on the eve of 1989 Lok Sabha elections "open government" was promised. This time it was the National Front to promise that right to information would be enshrined in the constitution. However this promise also did not result in the passing of Right to Information.

It was Aruna Roy's movement initiated in Rajasthan that has been quite successful. An organisation called Mazdoor Kisan Shakti Sangathan did immense work through "Jan Sunwai" or public hearings to demand accountability and information from the government. This movement was started in 1994 and it forced the government to declare the governmental expenditure on developmental projects. The decision of Rajasthan government also inspired the central government to appoint Justice P. B. Sawant committee to draft a model bill ensuring freedom of information to be introduced in the Parliament and the states. Later in 2000, the NDA government introduced Freedom of Information Bill in the Parliament. Before the center could legislate on the subject, six states passed their own Right to Information Acts. These states were: Goa (1997), Tamil Nadu (1997), Rajasthan (2000), Maharashtra (2000), Karnataka (2000) and Delhi (2001). In the mean time, Right to Information was declared as Fundamental Right by the Supreme Court of India.

Important Sections of RTI Act :

- **Obligation to proactively provide information:** section 4 of the RTI Act suggests that public authorities should be proactive in disclosing their information via various media such as websites, Journals and Reports
- **Public Authority:** A 'public authority', under the RTI Act, means any authority or body or institution of self-government established or constituted (a) by or under the Constitution, (b) by any other law made by the Parliament, (c) by any other law made by the state legislature, or (d) by notification issued or order made by the appropriate government, and includes anybody owned, controlled, or substantially financed or (ii) non-government organization substantially financed, directly or indirectly, by funds provided by the appropriate government
- **Coverage:** The RTI Act includes the public authorities mentioned above. These public authorities include all the three branches of the government, namely, the



executive, legislature, and judiciary. It also includes information relating to private bodies that can be accessed under any other law for the time being in force [Section 2(f)].

- **Public Information Officer:** Each public authority, or its various subunits, has to appoint a public information officer (PIO) designated to receive information requests and provide information pertaining to them. It is mandatory for the PIO to provide information within 30 days. However, the information needs to be provided within 48 hours if a question of life and liberty is involved. Moreover, information related to a third party can be provided within 40 days and information related to human rights violation from listed security/intelligence agencies is required within 45 days,
- **Appellate Authority:** Every public authority, or its various subunits, has to appoint an appellate authority designated to receive appeals against the information provided, or information withheld, by a PIO
- **Central Information Commission and State Information Commissions:** Under the RTI Act, the Central Information Commission is an autonomous body set to inquire into information-related complaints received from citizens. A citizen can complain if he/she has been refused some information, not received satisfactory information, not received information within the stipulated time period, or not received information in the form asked for. State information commissions are also set up in each state for the same purpose.
- **Exemption from Disclosure (Section 8):** Information which may prejudicially affect the sovereignty and integrity of India. Information which is forbidden by the Court of Law. Information would cause a breach of privilege of the parliament or the state legislature. Information includes commercial confidence, trade secrets and intellectual property, the disclosure of which would harm the competitive position of a third party.
- **Penalty:** Information commission can impose a penalty of INR 250 per day , up to INR 25000, on the PIO for unreasonable delay in providing information.

Challenges:

There are some challenges before governance with respect to RTI

- **Low Public Awareness:** there is provision in the act regarding education awareness programmes but still substantial steps have been taken by the government. Awareness level is comparatively lower among disadvantaged communities.
- **Constraints in filling application:** there is a lack of user guides.
- **Poor quality of information is provided:** Poor quality and incomplete information is provided.
- **Failure to provide information within 30 days:**
- **Inadequately trained PIOs**
- **Non availability of basic infrastructure**
- **Ineffective implementation of section 4:** section 4 mandates suo moto dissemination of the information but authorities have failed to do so.
- **High level of pendency of cases.**



- Lack of monitoring and review mechanism.

Suggestions and Conclusion:

Though this legislation has completed more than 17 years but still it could not become more effective in the democratic country like India. There are some information activists but we see the same people everywhere not all the people. There is a need to generate awareness at mass level. PIOs need to be trained properly. Information Management system and record management has to be done scientifically. Section 4 has to be implemented properly.

Thus it can be concluded that there is a need of basic reforms in the governance process to make it accountable, open and transparent

References:

- Bhattacharya M, New Horizons of Public Administration, Jawahar Publishers and Distributors, New Delhi 2015.
- Lohit Matani, Public Administration and Public Policy, Aakbridge Publishing, Haryana, 2019
- Niraj Kumar, Treaties on Right to Information Act, 2005, Bharat Law House, New Delhi, 2008.
- S.L. Goel, Right to Information and Good Governance, Deep and Deep Publication Pvt. Ltd., New Delhi 2007
- <https://www.access-info.org/2009-07-25/history-of-right-of-access-to-information/>
6.Right to information act, 2005

