

# Right to Information Act 2005



# Objectives of the Act

- ❖ To empower the citizens.
- ❖ To promote transparency and accountability.
- ❖ To contain corruption.
- ❖ To enhance people's participation in democratic process.
- ❖ Reasons for Adoption of Information Act.
- ❖ The factors responsible for adoption of information act are as follows-
  - Corruption and scandals
  - International pressure and activism
  - Modernization and the information society

# Features of the Act

- ❖ **Section 1(2)** : It extends to the whole Country.
- ❖ **Section- 2 (f)**: "Information" means any material in any form, including Records, Documents, Memos, e-mails, Opinions, Advices, Press releases, Circulars, Orders, Logbooks, Contracts, Reports, Papers, Samples, 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.
- ❖ **Section- 2(j)** : "Right to Information" means the right to information accessible under this Act which is held by or under the control of any public authority and includes the right to:
  - Inspection of work, documents, records;
  - Taking notes, extracts or certified copies of documents or records;
  - Taking certified samples of material;
  - 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.

**Section 4** of the RTI Act requires suo motu disclosure of information by each public authority. However, such disclosures have remained less than satisfactory.

**Section 8 (1)** mentions exemptions against furnishing information under RTI Act.

**Section 8 (2)** provides for disclosure of information exempted under Official Secrets Act, 1923 if larger public interest is served.

*The Act also provides for appointment of Information Commissioners at Central and State level.*

*Public authorities have designated some of its officers as Public Information Officer. They are responsible to give information to a person who seeks information under the RTI Act.*

# Time Period

- ❖ In normal course, information to an applicant is to be supplied within 30 days from the receipt of application by the public authority. If information sought concerns the life or liberty of a person, it shall be supplied within 48 hours.
- ❖ In case the application is sent through the Assistant Public Information Officer or it is sent to a wrong public authority, five days shall be added to the period of thirty days or 48 hours, as the case may be.

# Importance

- ❖ The RTI Act, 2005 did not create a new bureaucracy for implementing the law. Instead, it tasked and mandated officials in every office to change their attitude and duty from one of secrecy to one of sharing and openness.
- ❖ It carefully and deliberately empowered the Information Commission to be the highest authority in the country with the mandate to order any office in the country to provide information as per the provisions of the Act. And it empowered the Commission to fine any official who did not follow the mandate.
- ❖ Right to information has been seen as the key to strengthening participatory democracy and ushering in people centred governance.
- ❖ Access to information can empower the poor and the weaker sections of society to demand and get information about public policies and actions, thereby leading to their welfare. It showed an early promise by exposing wrongdoings at high places, such as in the organisation of the Commonwealth Games, and the allocation of 2G spectrum and coal blocks.
- ❖ Right to information opens up government's records to public scrutiny, thereby arming citizens with a vital tool to inform them about what the government does and how effectively, thus making the government more accountable.
- ❖ Improves decision making by public authority by removing unnecessary secrecy.

# Challenges

- ❖ Different types of information is sought which has no public interest and sometimes can be used to misuse the law and harass the public authorities. For example-
- ❖ Asking for desperate and voluminous information.
- ❖ To attain publicity by filing RTI
- ❖ RTI filed as vindictive tool to harass or pressurize the public authority
- ❖ Because of the illiteracy and unawareness among the majority of population in the country, the RTI cannot be exercised.
- ❖ Though RTI's aim is not to create a grievance redressal mechanism, the notices from Information Commissions often spur the public authorities to redress grievances.

# RTI v/s Legislations for Non-Disclosure of Information

- ❖ Some provisions of Indian Evidence Act (Sections 123, 124, and 162) provide to hold the disclosure of documents.
- ❖ Under these provisions, head of department may refuse to provide information on affairs of state and only swearing that it is a state secret will entitle not to disclose the information.
- ❖ In a similar manner no public officer shall be compelled to disclose communications made to him in official confidence.
- ❖ The Atomic Energy Act, 1912 provides that it shall be an offence to disclose information restricted by the Central Government.
- ❖ The Central Civil Services Act provides a government servant not to communicate or part with any official documents except in accordance with a general or special order of government.
- ❖ The Official Secrets Act, 1923 provides that any government official can mark a document as confidential so as to prevent its publication.



# Conclusion

- ❖ The Right to Information Act was made to achieve social justice, transparency and to make accountable government but this act has not achieved its full objectives due to some impediments created due to systematic failures.
- ❖ As observed by Delhi High Court that misuse of the RTI Act has to be appropriately dealt with; otherwise the public would lose faith and confidence in this "sunshine Act".
- ❖ It is well recognized that right to information is necessary, but not sufficient, to improve governance. A lot more needs to be done to usher in accountability in governance, including protection of whistleblowers, decentralization of power and fusion of authority with accountability at all levels.
- ❖ This law provides us a priceless opportunity to redesign the processes of governance, particularly at the grass roots level where the citizens' interface is maximum.

**Thank You**

