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# **RIGHT TO INFORMATION ACT IN INDIA : A GENERAL SURVEY**

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## **Abstract**

*Right to Information is, today, one of the fundamental rights of the citizens in many countries of the world including India. There countries have realized that there people should have a right to demand information from their government. At present, there are over countries that have framed 'Freedom of Information' laws, and about the same number of countries have ensured their citizens 'Right to Information' via constitutional act. Right to Information act is very issuer to arrive at any truth. It is further necessary to enforce accountability of the government officials otherwise they may out arbitrarily and become autocrats. This need was first feet by the Supreme Court of India in 1980 in its unprecedented decision in S.P. Gupta's Case. Similarly, Inter-American Court of Human Rights, in its ruling, stressed the significance of right to which is implicit in the right to freedom of expression. Through there have been campaigns to against the RTI Act, it continues as it promises to empower people with legislation and is on effective tool to keep a check on the government.*

## **Introduction**

In today's scenario, Right to Information Act is no less than a potent weapon in the hands of the common people with the help of which they will be able to keep a rein on the activities of the government and the authorities holding public positions which have so far been acting arbitrarily without any amount of accountability and whole misconducts and misappropriation of posts have remained unpunished. This act has been a much felt need on the part of the commoner who form the democratic governments and once the governments were formed, they used to be reduced to were dumb spectators of the criminal acts of the men in power. Now this curse is over and people heave a sign of relief. Today it is a fundamental right of every citizen of India which cannot be denied. Right to Information is a fundamental right in several countries of the world and this is an urgent

need to discipline the working of the governments lest they become autocrats and dictatorial. This act was introduced in India just about a decade ago demand information from their government. Presently, there are about seventy-five countries that have framed 'freedom of Information' laws and about the same number of countries that have provided their citizens 'Right to Information' constitutionally. As a matter of fact, this act is essential if a country wants to follow the course of truth and justice and wishes to enforce accountability of the government officials. It is also necessary to present is authorities to become sinful and criminal in their activities that might, otherwise, become guided by selfish and greedy motives.

It is highly surprising that our legislative and executive bodies never thought about it as it might have entailed transparency on their part. As they did not want to reveal their clandestine & corrupt activities that brought then peef, the bureaucracy and legislative never pointed out this need. They went on acting and behaving live which in power and became oblivious to the fact that they are either public or civil servants who have only been elected or selected for the welfare of the passes. However the supreme court of India felt this need way back in 1980 when it passed an unprecedented decision in S.P. Gupta's case Much before that, Inter-American Court of Human Rights in its ruling, emphasised the significance of Right to Information Act and considered it as basic human right which is implicit in the right to freedom of expression. The paper undertakes to make a general survey the various aspects and significance RTI in the present corrupt system of India which is groaning under the weight of its pampered politicians, bureaucrats as well as judiciary.

## **A General Survey**

“The key to wisdom is this – constant and frequent questioning.... for by doubling we are led to question and by questioning we arrive at the truth” said Peter Abelard, the medieval dialectician, theologian and philosopher.

Information being power, people tend to withhold or manipulate information for their advantage. People need information to enforce accountability of rules. This was recognized by the Supreme court in its landmark decision in S.P. Gupta's case in 1980 much before the enactment of the Right to Information Act in 2005 in India. The rationale behind the Right to information Act is that no democratically and the basic premise of accountability is that the people should have information about the functioning of the government. It is only then that they can fulfil their responsibility and make democracy really effective.

“The real Swaraj will come not by the acquisition of authority by a few bur the acquisition of capacity by all to resist authority when abused” said Mahatma Gandhi. “The right to information lies at the very foundation of civil liberties and underscores the fact that an elected government and its actions are open to questioning and accountable to the people who put them in power. Accountability in a democracy means, among other things, that every citizen must have a right to answers. It presupposes a transparency in the public functioning of those who hold the reins of power whether it is at the village level or at any higher level”

The right to information has been recognized as a fundamental human right of the people who are committed to parliamentary democracy. Since the people of India have chosen to have parliamentary democracy, they are entitled to the right to information. If the people of the country want to know in what stage a government project is, or what policies they have adopted, they have a right to know. The right is particularly significant when probity and good governance are talked about.

### **Meaning of Right to Information (RTI) Accessibility**

The right to information is a right to have accessibility to information held by the government relating to the rights of individuals. This information could be a valuable in the form of records, files, registers, maps, data, drawings, and electronic data. The government has a positive duty to give certain types of information without waiting to be asked for it. This would include information concerning projects that may directly affect people, e.g. on environment, health, agriculture, whether conditions or just about any of the services provided or functions performed by various public bodies.

The Supreme Court of India has declared having access to government-held information as a Fundamental Right. It is an integral part of the right to Freedom of Speech and Expression guaranteed by the Constitution. The right to information lays the foundation upon which to build good governance, transparency, accountability and participation. Most importantly, the Fundamental Right could be the key to eliminate corruption.

The key concepts of the Right to Information include:

- Transparency and accountability in the working of every public authority;
- The right of any citizen of India to request access to information and the corresponding duty of the government to meet the request, except the exempted information;
- The government to pro- actively make available key information to all; and
- It is the responsibility of all sections of people: citizenry, NGOs media.

Every public authority shall maintain all its records duly catalogued and indexed in a manner and form which facilitates meeting the right to information under the Act and ensures that all records appropriate to be computerized are, within a reasonable time and subjected to availability of resources, computerized and connected through a network all over the country on different systems so that access to such records is facilitated.

RTI covers central, state and local governments and all bodies owned controlled or substantially financed; and non government organizations substantially financed directly or indirectly by funds provided by the appropriate government. It also covers executive, judiciary and legislature. It includes information relating to private body, which can be accessed under any other law for the time being in force.

RTI includes the right to: (1) inspect works, documents, records; (2) take notes, extracts or certified copies of documents or records; (3) take certified samples of material; (4) obtain information

in the form of printouts, diskettes, floppies, tapes, videocassettes or any other electronic mode or through print outs.

### **RTI Proposals**

RTI Act, 2005 proposes: (1) application to be submitted in writing or electronically, with prescribed fee to Public Information Officer (PIO); (2) envisages PIO in each department/agency to receive requests and provide information (3) information to be provided within 30 days, 48 hours where life or liberty is involved, 35 days where request is given to Assistant Public Information Officer, 40 days where third party is involved and 45 days for human rights violation information from listed security/intelligence agencies; (4) time taken for calculation and intimation of fees excluded from the time frame: (5) No action on application for 30 days is deemed a refusal; and (6) No fee for delayed response.

### **Exemption from RTI**

The following are exempted from exemption form RIT (1) information, disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interests of the State, relation with foreign country of lead incitement of an offence; (2) information which has been expressly forbidden to be published to be published by any court of law or tribunal or the disclosure of which may constitute contempt of court; (3) information the disclosure of which cause a breach of privilege of Parliament or the State Legislature; (4) information including commercial confidence, trade secretes or intellectual position, the disclosure of which would harem the competitive position of a third party, unless the competent authority is satisfied that larger public interest warrants the disclosure of such information (5) information available to a person in his fiduciary relationship, unless the competent authority is satisfied that the lager public interest warrants the disclosure of such information; (6) information received in confidence from foreign government; (7) information which would impede the process of investigation or apprehension or prosecution of offenders; (8) cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other officers; (9) information which has relative to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted of the privacy individual; (10) notwithstanding any of the exemptions listed above, a public authority may allow access to information if public interest in disclosure outweighs the harm to the protected interest; (11) infringes copyright except of the stale; (12)where practicable, part of record can be released; (13) intelligence and security agencies exempt- except cases of corruption and human rights violation; (14) third party information to be released after giving notice to the third party; (15) most exempt information to be released after 20 years (with some exemption); (16) provided that the information, which cannot be denied to the Parliament or a State Legislative shall not be denied to any person; and (17) not withstanding anything in the Official Secrets Act,1923 nor any of the exemptions a public interest in disclosure outweighs the harm to the protected interests.

Right to Information Act, 2005 is to provide for setting out 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, the constitution of a Central Information Commission (CIC) and State Information Commissions and for matters connected therewith or incidental thereto (2).

The Central Information Commission has ruled out disclosure of any information relating to medical tests under and RTI Act, which terming the relationship between a doctor and the patient as “fiduciary”. The disclosure of diagnostic information to a private citizen can only be supplied by the party concerned directly and not by the confidante (17).

## **Conclusion**

In conclusion, it is inferred from the forgoing discussion that Right to Information Act is no less than an effective weapon in the hands of the common people that not only empowers them but also curtails the arbitrariness of the bureaucracy and politicians that have been ‘ binds about transparency and accountability in the working of the men in public portions. RTI Act as has been fell and realize, is essential for the victory is successful and rich became of their transparent and accountable offices and politicians. And if India has to advance in true sense, it must follow suit and keep it going.

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