
RIGHT TO INFORMATION ACT, 2005 –AN EVALUATION

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India has adopted democratic system. In democratic system, necessity of people participation has been accepted to control the administrative activities. To make people participation effective it is necessary that there should be open mindedness and transparency. Open-mindedness means to provide right to all know different decisions of Govt. Easiness of information makes the citizens aware of public policies and programmes and also makes the Govt. more accountability about these activities. To define the accountability and transparency of Govt. activities, RTI Act has been executed. RTI Act was executed on October 12, 2005 in all over the country except J&K. This act contains 6 chapters and 31 articles. President/Prime Minister/Governor/CM Office, Supreme/High Court, Parliament, State Assemblies, Public Service Commissions, Universities, Commissions and Tribunals, PRIs and Municipalities etc. public authorities will be under this Act. The Act was not implemented on 18 Intelligence and Security Agencies which are under second schedule of Act. The main objective of RTI Act is to establish good governance which encourages sensibility towards transparency, accountability, people participation and people willingness in place of privacy and Red Tapism. RTI is a kind of weapon in the hand of citizen by which they can control corruption and irregularities. The act fixes the accountability of government and its officials towards the citizens. After the implementation of this act, the officials are afraid of departmental action. This is because there is transparency and accountability is increased in administration. It is necessary for the government to publicise this act, to provide proper training to PIOs. The PIOs, APIOs and FAAs must be appointed by direct recruitment so that the official work of the department/corporation or board will not suffer at all. If the PIOs do not supply proper information then there should be provision to penalise the PIOs. The PIOs do not supply the information after the decision of Information Commission. There should be provision to imprisonment of PIOs. The department/corporation or board should be ordered to display the important information in office. It is humble request to the citizens that they should not demand irrelevant information. If the above said suggestions are implemented then the Right to Information Act may be more powerful and successful. The main objective of RTI Act is to avoid privacy, red-tapism in govt. activities and to encourage people participation, transparency, and accountability of new system will be proved true in real words.

Keywords: APIO, FAA, Information Commission, PIO, RTI.

Introduction:

India has adopted democratic system. In democratic system, necessity of people participation has been accepted to control the administrative activities. To make people participation effective it is necessary that there should be open mindedness and transparency. Open-mindedness means to provide right to all know different decisions of Govt. Easiness of information makes the citizens aware of public policies and programmes and also makes the Govt. more accountability about these activities. To define the accountability and transparency of Govt. activities, RTI Act has been executed. RTI Act is such a weapon in the hands of people by which corruption in society, exploitation of poor people and other indisciplinary activities can be controlled. RTI Act establishes such a practical system which defines the accessibility of common people to the available information under the control of administrative officers and creates transparency and responsibility of Govt. activities.

Right to Information was established in 1975 in Uttar Pradesh by the order of Supreme Court. Supreme Court ordered that people of country has the right to know what their public officers are doing for them. With this decision, the Indian came to know about Article 19(A) of Indian Constitution. After that on 24 May, 1977, in New Delhi a debate related to effective and accountable administration of Chief Ministers was held to discuss Govt. policies. Three issues were included in the debate- Transparency and RTI, accountability to administration towards wellness of citizens and efforts to clean and improve the civil services. Along with it, some efforts of social workers like Anna Hazare, Aruna Roi and Amritya Sen also showed a way of RTI.

To execute RTI, under the chief Dr. H.D. Shauri, a meeting was held and report was constructed and it was presented in Lok Sabha on 25th July, 2000. Lok Sabha sent it to standing committee of Home Ministry to examine. The committee submitted its report to parliament in July, 2001. Lok Sabha and Rajya Sabha passed it on December 3, 2002 and December 16, 2002 respectively. After the approval of Hon'ble President on 6th January, 2003, it was executed on the very next day i.e. January 7, 2003 namely "Freedom of Information Act, 2002". But there were some shortcomings in it. The UPA promised in its manifesto to make RTI more effective in Lok Sabha Elections 2004. Later on, UPA government presented RTI in Parliament with the objective to make RTI more effective and meaningful on December 23, 2004. It was presented on May 12, 2005 in Lok Sabha and on 13th May, 2005 in Rajya Sabha. It was executed after 120th day, on 12th October, 2005, with the approval of Hon'ble President on June 15, 2005, it was executed in all over India except J&K.

In India, before the execution of RTI Act, some states like Rajasthan, Tamilnadu, Maharashtra and Delhi etc. have already started RTI. RTI is the first act after independence which provides right to ask information from government. It becomes the duty of an official to follow the rules of RTI Act. Otherwise, he will have to punish or pay some penalty also. India has become one of 55 countries to execute it. In these countries, Sweden is the first country to start RTI Act in 1766.

Right to Information Act, 2005:

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The main objective of RTI is to establish good governance which encourages sensibility towards transparency, accountability, people participation and people willingness in place of privacy and Red Tapism. RTI Act defines the system to get information from government departments and binds the officers to provide demanded information.

Information means to get knowledge from any govt. office like to investigate records, notices, documents and any copy of records etc. Documents, E-mail advice, Press Note, circular order, books, report letters, maps stats and statistics in computers come under RTI Act. According to Article 4(1), each and every department should keep their records always ready so that they can give the same information within required time. In order to fulfil its objectives, a booklet of rules of around 17 subjects has been released.

According to this Act, any knowledge can be attained by citizens of India from centre and state govt and govt aided all officials. To get information, an ordinary person has to write his application on a simple paper directly in the office/registered post or E-mail. Applicant has to deposit a sum of Rs. 50/- on account of Information Fee in the form of Demand Draft/IPO/Cheque or Cash. But this information is free for BPL families.

To supply information in time, each and every department/corporation/board has to appoint a Public Information Officer (PIO) who will register the application. If applicant is blind/PH or illiterate,

it becomes the duty of PIO to fill the form for the applicant. But PIO cannot ask the applicant why he/she required the information. PIO will have to supply information just within 30 days. If information is related to third party, PIO has 35 days to respond. If the information related to someone's freedom and life than PIO has to reply within 48 hours.

According to article 8 of this act, there are some information related to integration of country, personal information, the information which is denied by the Court, confidential information getting from other countries, the information which affects any court case, the information which leads a human's life to danger cannot be supplied by PIO.

To accumulate PIO, an Assistant Public Information Officer (APIO) is to be appointed whose work is to accept the application and to forward this application to PIO within 5 days in the absence of PIO. If the application is received by APIO then the PIO has to respond to applicant within 35 days. In Haryana, under Haryana Right to Information Rules, 2009, the PIO has to provide the information to applicant at the cost of Rs. 2/- per page (A4/A3). If the applicant has demanded the information in Floppy, he has to pay extra amount of Rs. 50/- and Rs. 100/- in case of CD. If the applicant has not deposited this extra fee with his application, the PIO will have to inform the applicant for this fee. The applicant has not the right to get information until or unless he deposits the extra fee. The days in depositing extra fee will not be counted in the period of 30 days. There is a provision in the Act that if the applicant wants to inspect the record personally, the PIO will call the applicant on a prescribed day. In this situation, the applicant will not pay any extra fee for first hour, after that he has to pay Rs. 10/- for every fifteen minutes. The Haryana Govt. has established RTI Cell in the DC Offices.

If the applicant does not satisfy with the obtained information or he/she does not get required information within 30 days, he/she can appeal to the First Appellate Authority (FAA) which is to be appointed by each and every department/corporation or board under the act. The FAA has to get him/her provide the information through PIO. If the information is not supplied to the applicant within 30 days he/she will get information free of cost.

If the applicant does not satisfy with the decision of FAA, he/she has right to appeal to the Second Appellate Authority or Information Commission. There are Central Information Commission and State Information Commission for central organisation and state organisation respectively. In which there may be 1 Chief Information Commissioner and 10 Information Commissioners. The period of

Information Commissioner is bound to 5 years and the age limit is 65 years. The applicant can appeal to the Second Appellate Authority within 90 days after first appeal. The commission is not bound for the time span to for his decision. The Information Commissioner can fine Rs. 250/- per day with a maximum of Rs. 25000/- to the PIO or related official.

Evaluation:

From independence to 2005, government has taken so many steps to control corruption but it could not be possible at all. RTI is a kind of weapon in the hand of citizen by which they can control corruption and irregularities. The act fixes the accountability of government and its officials towards the citizens. This bind the official to supply information within 30 days and there is a provision to get information free of cost for BPL families. There is also a provision in the act to hear the complaints of applicant at two levels. After the implementation of this act, the officials are afraid of departmental action. This is because there is transparency and accountability is increased in administration. It is necessary for the government to publicise this act, to provide proper training to PIOs. The PIOs, APIOs and FAAs must be appointed by direct recruitment so that the official work of the department/corporation or board will not suffer at all. If the PIOs do not supply proper information then there should be provision to penalise the PIOs. The PIOs do not supply the information after the decision of Information Commission. There should be provision to imprisonment of PIOs. The department/corporation or board should be ordered to display the important information in office. It is humble request to the citizens that they should not demand irrelevant information. If the above said suggestions are implemented then the Right to Information Act may be more powerful and successful. The main objective of RTI Act is to avoid privacy, red-tapism in govt. activities and to encourage people participation, transparency, accountability of new system will be proved true in real words.

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