



RIGHT TO INFORMATION

POLS3030 : PUBLIC POLICY IN INDIA

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ENACTMENT/ AMENDMENT

- ◆ The Right to information Bill was passed by the Parliament on 13 May,2005, got Presidential accent on 15 June,2005 to become the Right to Information Act 2005
- ◆ The Act was notified in the Gazette of India on 21 June,2005
- ◆ The Right to Information Act 2019 that amended the Right to Information Act 2005 was notified on 1st August,2019

RIGHT TO INFORMATION

Objectives :

- ◆ timely response to citizen requests for government information.
- ◆ to empower the citizens
- ◆ promote transparency and accountability in the working of the Government
- ◆ vigilant and informed citizen is good for democracy
- ◆ contain corruption
- ◆ to hold government and their instrumentalities accountable to the governed

RIGHT TO INFORMATION 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.

Source : Information Manual under RTI Act 2005, Ministry of Information & Broadcasting, Government of India, mib.gov.in

PROCEDURE FOR OBTAINING INFORMATION

- ◆ Any person who desires to get information shall submit a written or electronic request in official language of the area to the Central Public Information officer of his/ her counterpart at State level.
- ◆ The Ministry of Information and Broadcasting has setup a facilitation counter at Shastri Bhawan, New Delhi which supplies requisite information by a citizen.
- ◆ Information can be obtained by applying in the prescribed format along with the prescribed fees (Rs.10) in cash or by demand draft/ banker cheque/ Indian Postal order.
- ◆ The additional fee is required based on extract of information sought.
- ◆ The BPL citizens are not required to pay any fee.

FEE RULES

- ◆ A fee of rupees ten with application by way of cash against proper receipt or by demand draft or banker's cheque payable to the Accounts Officer of the Public Authority
- ◆ The additional fee shall be charged at the following rates:
 - (a) rupees two for each page(in A4 or A3 size paper) created or copied;
 - (b) actual charge or cost price of a copy in large size paper;

(c) actual cost or price for samples or models; and
(d) for inspection of records, no fee for the first hour, and a fee of rupees five for each fifteen minutes (or fraction thereof) thereafter;

- ◆ For information provided in diskette or floppy, rupees fifty per diskette or floppy and;
- ◆ For information provided in printed form at the price fixed for such publications or rupees two per page of photocopy for extracts from the publications

APPEAL RULES

Contents of appeal - An appeal to the Commission shall contain the following information, namely :-

- (i) name and address of the appellant;
- (ii) name and address of the Central Public Information Officer against the decision of whom the appeal is preferred;
- (iii) particulars of the order including number, if any, against which the appeal is preferred;
- (iv) brief facts leading to the appeal
- (v) if the appeal is preferred against deemed refusal, the particulars of the application, including number and date and name and address of the Central Public Information Officer to whom the application was made;
- (vi) prayer or relief sought;
- (vii) grounds for the prayer or relief;
- (viii) verification by the appellant; and
- (ix) any other information which the Commission may deem necessary for deciding the appeal.

DOCUMENTS TO ACCOMPANY APPEAL

Every appeal made to the Commission shall be accompanied by the following documents, namely :-

- (i) self-attested copies of the Orders or documents against which the appeal is being preferred;
- (ii) copies of documents relied upon by the appellant and referred to in the appeal; and
- (iii) an index of the documents referred to in the appeal.

PROCEDURE IN DECIDING APPEAL

- ◆ hear oral or written evidence on oath or on affidavit from concerned or interested person;
- ◆ peruse or inspect documents, public records or copies thereof;
- ◆ inquire through authorised officer further details or facts;
- ◆ hear Central Public Information Officer, Central Assistant Public Information Officer or such Senior Officer who decide the first appeal, or such person against whom the complaint is made, as the case may be;
- ◆ hear third party; and
- ◆ receive evidence on affidavits from Central Public Information Officer, Central Assistant Public Information Officer, such Senior Officer who decided the first appeal, such person against whom the complaint lies or the third party.

NOTICE WAYS

Notice to be issued by the Commission may be served in any of the following modes, namely :-

- ◆ service by the party itself;
- ◆ by hand delivery (dasti) through Process Server;
- ◆ by registered post with acknowledgement due; or
- ◆ through Head of office or Department.

PERSONAL/REPRESENTATIVE PRESENCE ON HEARING

- ◆ The appellant or the complainant, as the case may be, shall in every case be informed of the date of hearing at least seven clear days before that date.
- ◆ The appellant or the complainant, as the case may be, may at his discretion at the time of hearing of the appeal or complaint by the Commission be present in person or through his duly authorised representative or may opt not to be present.
- ◆ Where the Commission is satisfied that the circumstances exist due to which the appellant or the complainant, as the case may be, is being prevented from attending the hearing of the Commission, then, the Commission may afford the appellant or the complainant, as the case may be, another opportunity of being heard before a final decision is taken or take any other appropriate action as it may deem fit.
- ◆ The appellant or the complainant, as the case may be, may seek the assistance of any person in the process of the appeal while presenting his points and the person representing him may not be a legal practitioner.

FINAL ORDER ON APPEAL

Order of the Commission shall be pronounced in open proceedings and be in writing duly authenticated by the Registrar or any other officer authorised by the Commission for this purpose.

THE RIGHT TO INFORMATION (AMENDMENT) BILL 2019

- ◆ The tenure of the Chief Information Commission (CIC) and the Information Commissioners (IC) will not be five years, will be determined by the Central Government.
- ◆ Their salary will also be decided by the Central Government.
- ◆ The power of appointment, the term, and salary of SCIC and SIC will be determined by the Central Government.
- ◆ Earlier selection of SCIC & SIC panel was removed which was

Three members – State CM

- ◆ State's leader of opposition or leader of the longest of positive party in state assembly
- ◆ State cabinet minister nominated by CM

rtionline.gov.in

- ◆ This is a portal to file RTI applications online along with payment gateway.
- ◆ RTI applications through this portal, can be filed by Indian citizens for all Ministries/ Departments and other Public Authorities of Central Government.

FEATURES OF RTI

- ◆ citizens has only provide contact details, the authorities are required to contact the applicant.
- ◆ every public authority is expected to provide essential information to the public through internet or other means regularly.
- ◆ information that may hurt sovereignty and integrity of India, information that has been forbidden to share by any court of law, information received under confidence by a foreign Government and Cabinet papers.
- ◆ an appeal can be filed under RTI Act, if appeal is rejected, the authority has to give reasons and specify the period in which re-appeal can be filed.
- ◆ RTI is a great tool for citizens but citizens should also be responsible to it.
- ◆ RTI make our democracy more participatory.

RTI SUCCESS STORIES

- ◆ Due to RTI Act India has fourth place among 111 countries in the annual rating of similar RTI laws in the world in 2016.
- ◆ Major scams are exposed with the help of RTI :
 - (a) Adarsh Society Scam** : In Mumbai, six storey building for widows of Kargil war heroes was planned, instead ,it turned into 31 storey and run by Adarsh Housing Society who distributed flats to politicians, bureaucrats and top military officers. It was exposed by RTI activists
 - (b) 2G Scam** : In 2G or the telecom scandal, top ministers with collaborations of companies worldwide allocated frequencies in exchange of bribe who did cost the exchange of Rs. 1.76 lakh crore. It was also exposed by RTI activist Subhash Chandra Agarwal.
 - (c) Commonwealth Games Scam** : An RTI found that the Delhi government diverted Rs. 744 crore funds allocated for the welfare of Dalit community of the Commonwealth Games and become victim of huge corruption.

CONCLUSION

- ◆ For good governance, the Right to Information has deep importance.
- ◆ For effective implementation of RTI following institutions must play following institutions must play active role:
- ◆ Civil Society
- ◆ Media
- ◆ Central & State Government
- ◆ RTI is importance because :
- ◆ empower the common man
- ◆ provide easy accessibility to information
- ◆ Public Participation
- ◆ Tackling Corruption
- ◆ Promote transparency and accountability

NEED FURTHER AWARENESS ABOUT RIGHT TO INFORMATION

Thank you!