

RIGHT TO INFORMATION: THE RIGHT OF A COMMON MAN

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ABSTRACT

The right to information is implicit the Constitution of India, notwithstanding the dominant culture of the executive has been one amongst secrecy and resolute denial of access of information to the citizen. Citizens groups have long battled for the exercise of those rights in courts. The reverberations of this struggle led to a nationwide demand for a law to ensure the correct to information to each citizen, with widespread support from social activists, professionals, lawyers, and persons within the bureaucracy, politics and also the media, who are committed to transparent and accountable governance and people's empowerment. Three successive federal governments in quick succession have committed themselves to the passage of a law to ensure the people's right to information and a few state governments have actually passed such laws and administrative instructions. Over the last 20 years there has been a gentle increase publically demand everywhere the globe for legislation stressing on transparency, openness and accountability in governance. This demand relies on the rationale that official proceedings be not kept secret from the very people served by these. This demand was vindicated by 2006, around 68 nations had responded positively through legislative action. Another important feature of this Act is that the provision for Information Commissions independent high level bodies at both the central and state levels entrusted with the task of making awareness among the unaware public about the importance of this Act in their lives moreover as enforcing the proper.

Keywords: *Information, Public Demand, Powerful Mechanism, Information Commissioner.*

Introduction

Right-To-Information Act 2005 (RTI Act) has been successful in rather more ways than was aimed to attain. RTI Act of India is probably the simplest drafted Act of its kind within the global world. Credit goes to a personality which though not being directly in power, yet utilized her influence on political rulers to implement the Act during a time-bound period. Credit also goes to the noted RTI activist Aruna Roy who consented to hitch the high powered National advisory Council of India only on pre-condition that recommendation of the Council including about an RTI Act won't be dumped without being implemented as usually happens in our governance system. Inclusion of RTI activist Shailesh Gandhi in Central Information Commission as an Information Commissioner presumably on directions of the guiding-force behind the Act is additionally a positive sign for meeting aspirations of users of RTI Act. In recent years, there has been an almost unstoppable global trend towards recognition of the correct to information by countries, inter governmental organizations, civil society and therefore the people. The proper to information has been recognized as a fundamental right, which upholds the inherent dignity of all kinsfolk. It's essential to confirm accountability and good governance. The greater the access of the citizen to information, the greater the responsiveness of presidency to community needs. The first power of RTI is that the undeniable fact that it empowers individual Citizens to requisition information. Hence without necessarily forming pressure groups or associations, it puts power directly into the hands of the inspiration of democracy- the Citizen.

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What is Information

'Information' as a term has been derived from the Latin words 'Formation' and 'Forma' which implies giving shape to something and forming a pattern respectively, it adds something new awareness. It enables one to assimilate on what we could also be alert to but might not remember of or to make on something new. Information is about democratization of communication'. Groups of people need information so as to grasp their full social, political and economic potential. Information entails a spectrum of data about various issues and involves different stakeholders from market to government. It results in awareness which in turns brings true and quality education. Information could be a key that helps one to form decisions. Sharing information helps a nation to create strong cadre of informed citizen who can participate meaningfully within the democratic process and would fulfill their responsibilities efficiently Information is additionally a public resource, collected and stored by government in trust for people. The challenge is to share it equitably and manage information to the most effective advantage of all. However, this is often a broad understanding of term 'information'. If we glance at the legal terminology under Section 20 of the Indian Evidence Act, 1872, it implies that wherever there's a dispute and also the court requires information about the reality thereon point, the statement that referee makes is information. Information could also be of facts or law. Also, it had been held that the 'information' of facts is also from external source. within the case of ITC v, A. Raman it absolutely was clarified that 'information' within the tax Act means instructions or knowledge derived from an external source concerning facts or particulars or on law referring to assessment.

What is Right to Information

The right to information holds within the right of citizens to hunt information, similarly because the duty of the state to supply information, which has its responsibility to store, organise, and make information easily available. At the guts of the RTI two key concepts are there:

- The right of the general public to request access to information and also the corresponding duty on the government to fulfill the request, unless specific, defined exemptions apply;
- The duty of the government to proactively provide certain key information, even within the absence of a call for participation. Broadly, this duty entails maintaining records, dissemination of knowledge within the language people understand, developing procedures to boost people's access to information and creating suitable conditions in order that information may be used optimally and provides a chance to people to hunt redress of their grievances moreover on participate within the process of governance.

The right to information thus imposes duty on both the government and also the citizens. For citizens, it entails asking information and using that to participate in deciding process, especially, if a call is of their concern. Right to understand is additionally closely linked with other basic rights like freedom of speech and expression and right to education. Viewed from this angle, information or knowledge becomes a crucial resource. An equitable access to the current resource must be absolute to all. Citizens' right to information may be a necessary condition to attain accountable, transparent and participatory governance and folks centered development. In the exact word of knowledge Technology Act, 2005, Right to information as 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 labor, documents, records.
- Taking certified samples of materials,
- Obtaining information within the sort of diskettes, floppies, tapes, video cassettes or in the other electronic mode or through print outs where such information is stored in a very computer or the other device.

According to this law, every citizen incorporates a right to understand how the government is functioning. It empowers every citizen to hunt any information from the government, inspect any Government documents and seek certified photocopies thereof. This law also empowers citizens to examine any Government work or to require sample of material utilized in any work. However, this right isn't absolute. There are certain restrictions to the present right. The standard exemption permitting Government to withhold access to information is usually in respect of those matters:

- International relations and national security
- Law enforcement and prevention of crime
- Internal deliberations of the government

- Information which is roofed by legal/professional privilege, like communication between a legal advisor and his client and
- Information about scientific discoveries and inventions and enhancements, essentially within the field of weapons.

These categories are broad and data of each kind in relevancy these matters cannot always be treated as secret. There could also be occasions when information may should be disclosed publicly interest, without compromising the national interest or public safety. As an example, information about deployment and movement of defense force and knowledge about military operations, qualify for exemption. Information about the extent of defence expenditure and transactions for the acquisition of guns and submarines and aircraft can't be totally withheld in the least stages

The Right to Information Act, 2005

An Overview the necessity for the status to the correct to information could be a cause and concern today. India observed the judicial pronouncements and democratic need of such right during the past years. The Law Commission of India's 179th Report and Reports of number of Committees and Councils performing on this subject sensitised the government of India to enact a selected law on the right to information. Likewise in May 2005 the proper to Information Act was gone by the Indian Parliament. The Act in its Preamble says to supply for putting in place the sensible regime of right to information for all citizens to secure access to information under the control of public authorities so as to push transparency and account abilities within the working of each public authority. The entire Act is in light of democratic approach of participating government. The Act has made provisions for constitution of Central Information Commission and State Information Commissions for the respective States because the appellate authorities. On the perusal of the entire of the Act, it's inferred that the statutory provisions are made for the correct to information and every one citizens possess such right. the data includes any mode of data in any kind of record, document, e-mail, circular, press releases, contact, sample electronic data etc. The most and welcome provision under the Act is that the data are often obtained within 30 days from the date of request in normal case and if the knowledge could be a matter of life or liberty of someone, then it may be obtained within 48 hours from time of request. the correct to information covers inspector of labor, document, record and its certified copy and knowledge in type of diskettes, floppies, video cassettes in electronic form, tapes or stored information in computers etc.

Disadvantages of Right to Information Act

The RTI Act currently good, however, suffers from variety of disadvantages: First, not only is that the definition of 'public authority' unclear, specialised bodies or staff for identifying these have also not been listed. Thus, the person with a legitimate complaint often doesn't file it. Second, the mandatory cut-off date of 30 days for providing information could be a matter of concern as requests for information might vary in nature and demand imposed on the responding authority. Public Information Officers (PIOs), being dependent upon many other officials for gathering information, may not be able to cater to requests within these rigid deadlines. Third, there's a necessity to impose differential fees, providing the time and expenditure involved in responses might vary widely across requests. In other words, though this Act does bolster the democratic foundations of governance in India the text likewise as implementation needs plenty of fine tuning. The glass looks better though when it's viewed as half full instead of half empty. However still India's RTI Act is usually claimed together of the world's best law with superb implementation documentation. It's one amongst the foremost empowering and most progressive legislations passed within the post Independent India. From the day the Act came into force, enlightened citizenry had stated using the law by making information requests so as get the police to act or get their entitlements of foodstuff under public distribution system or expose the corrupt officials.

Conclusion

In India, the Act has produced an improved impact on the standard of the life of the poor and therefore the marginalised. During the past Fifteen years, the Act has brought positive changes within the levels of corruption and accountability. There are quite a number of cases, where the Commission has ordered for providing the main points of the choice making processes including file noting, cabinet papers, records of recruitment, selection and promotion of staff, documents per tender processes and procurement procedure, lists of beneficiaries of state subsidised schemes, like food grains supplied through ration shops, water and electricity, etc. RTI may be a powerful tool which will deliver significant social benefits. It can provide a robust support to democracy and promote good governance, by empowering the citizen's ability to participate effectively and hold organization accountable. However,

stricter implementation of this law requires not only political will but also active civil societies, RTI activists and few key democratic features, like respect for the rule of law. Currently, the RTI Act in India is passing through a decisive phase, way more must be done to facilitate its growth and development. Mere protest against the shortage of implementation of this law alone isn't sufficient, one has to encourage this initiative taken, for the law to grow and mature. Nevertheless, there are numerous ailments that have afflicted the functioning of the form of government in India. Criminalization of Politics, poverty, illiteracy, backwardness political instability, corruption and unaccountability of bureaucracy are some of them. Several significant initiatives are launched to combat these ills although at the behest of donors.

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