

The Right to Information

The right to information is a fundamental right under Article 19 (1) of the Indian Constitution. In 1976, in the *Raj Narain vs the State of Uttar Pradesh* case, the Supreme Court ruled that Right to information will be treated as a fundamental right under article 19. The Supreme Court held that in Indian democracy, people are the masters and they have the right to know about the working of the government.

Thus the government enacted the Right to Information act in 2005 which provides machinery for exercising this fundamental right.

The Right to Information Act of 2005

The act is one of the most important acts which empowers ordinary citizens to question the government and its working. This has been widely used by citizens and media to uncover corruption, progress in government work, expenses related information, etc.

All constitutional authorities, agencies, owned and controlled, also those organisations which are substantially financed by the government comes under the purview of the act. The act also mandates public authorities of union government or state government, to provide timely response to the citizens' request for information.

The act also imposes penalties if the authorities delay in responding to the citizen in the stipulated time.

What type of information can be requested through RTI?

The citizens can seek any information from the government authorities that the government can disclose to the parliament.

Some information that can affect the sovereignty and the integrity of India is exempted from the purview of RTI.

Information relating to internal security, relations with foreign countries, intellectual property rights, cabinet discussions are exempted from RTI.

Objectives of the RTI Act

1. Empower citizens to question the government.
2. The act promotes transparency and accountability in the working of the government.
3. The act also helps in containing corruption in the government and work for the people in a better way.
4. The act envisages building better-informed citizens who would keep necessary vigil about the functioning of the government machinery.

Important provisions under the Right to Information Act, 2005

- Section 2(h): Public authorities mean all authorities and bodies under the union government, state government or local bodies. The civil societies that are substantially funded, directly or indirectly, by the public funds also fall within the ambit of RTI.
- Section 4 1(b): Government has to maintain and proactively disclose information.
- Section 6: Prescribes a simple procedure for securing information.
- Section 7: Prescribes a time frame for providing information(s) by PIOs.
- Section 8: Only minimum information exempted from disclosure.
- 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.
- Section 19: Two-tier mechanism for appeal.
- Section 20: Provides penalties in case of failure to provide information on time, incorrect, incomplete or misleading or distorted information.
- Section 23: Lower courts are barred from entertaining suits or applications. However, the writ jurisdiction of the Supreme Court and high courts under Articles 32 and 225 of the Constitution remains unaffected.

Significance of the RTI Act

- The RTI Act, 2005 empowers the citizen to question the secrecy and abuse of power practised in governance.
- It is through the information commissions at the central and state levels that access to such information is provided.
- RTI information can be regarded as a public good, for it is relevant to the interests of citizens and is a crucial pillar for the functioning of a transparent and vibrant democracy.
- The information obtained not only helps in making government accountable but also useful for other purposes which would serve the overall interests of the society.
- Every year, around six million applications are filed under the RTI Act, making it the most extensively used sunshine legislation globally.
- These applications seek information on a range of issues, from holding the government accountable for the delivery of basic rights and entitlements to questioning the highest offices of the country.
- Using the RTI Act, people have sought information that governments would not like to reveal as it may expose corruption, human rights violations, and wrongdoings by the state.
- The access to information about policies, decisions and actions of the government that affect the lives of citizens is an instrument to ensure accountability.
- The Supreme Court has, in several judgments, held that the RTI is a fundamental right flowing from Articles 19 and 21 of the Constitution, which guarantee to citizens the freedom of speech and expression and the right to life, respectively.

Criticism of RTI Act

- One of the major set-back to the act is that poor record-keeping within the bureaucracy results in missing files.
- There is a lack of staffing to run the information commissions.

- The supplementary laws like the Whistle Blower's Act are diluted, this reduces the effect of RTI law.
- Since the government does not proactively publish information in the public domain as envisaged in the act and this leads to an increase in the number of RTI applications.
- There have been reports of frivolous RTI applications and also the information obtained have been used to blackmail the government authorities.

UPSC Questions related to Right to Information

What do you mean by right to information?

Right to information is a right given to the citizens to question and hold the government accountable for its functions. The RTI act 2005 helps in exercising this right.

How can I use Right to Information Act?

RTI can be filed by any citizen through an application submitting to the designated officer by paying Rupees ten.

Which type of right is right to information?

Right to Information has been categorised as a Fundamental Right under Article 19(1) of the Indian constitution by the Supreme Court.

What is the main objective of RTI?

RTI was introduced to empower citizens to question the government and its working. Any citizen could request for information that do not threaten the internal security and integrity of India.