



Right To Information Act – Movement in India

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ABSTRACT

Right to Information Act is very truly identified as "The Panacea for eradication of corruption" The act commonly known as RTI act is an act of the Parliament of India 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 their working of every public authority. RTI was passed by parliament on June 15, 2005 and came into force on October 12, 2005 in 2000 a movement led by Anna Hazare forced the state Government to enact a stronger Tamil Nadu RTI act. This act was later considered as the base document for the right to information act 2005 which was enacted by Union Government. After the Act came into existence it has become evident that there are many anticipated and unanticipated consequences of the act. These have manifested themselves in various forms. While some of the issues pertain to procedural aspects of the government others pertain to the capacity aspects. Though the inception of the act flourished well in the state limits and Tamil Nadu was considered as one of the forerunners in the same but since then the implementation has been challenging the current scenario states that Tamil Nadu is enlisted even in the first ten names. The awareness level of the people was to be checked essentially to know the cause of Tamilnadu.

KEYWORDS : PA-Public Authorities, IOA-Implementation of the Act. NAC- National Advisory council, FRI – Fundamental right to Information Act, SG – State Government.

Introduction

The fundamental right of getting information on demand and the right of expression had long been vested with the state. To intensify the process of paradigm shift from state centric to citizen centric model of development the Right to Information Movement in India came into existence in 1990s. It was a movement initiated to expose corruption in famine-relief work by demanding information related to copies of bills, vouchers and muster rolls for workers recorded in government files. The successful experiments in exposing corruption through access to information was a good learning experience for civil society and it led to the demand for the enactment of the RTI Law.

The success of MKSS's struggle led to the genesis of a broader discourse on thirty in India and RTI laws were enacted in some provinces in the country. The demand for a national law started under the leadership of the National Campaign on People's Right to Information (NCPRI). In 1996 the Press Council of India presented a draft model law on the RTI to the Government of India and committee was formed to furnish a report on a complete, drafted law on this. The Committee's report and draft law were published in 1997. Eventually, the Committee's draft law was reworked into the Freedom of Information Bill (FOI) 2000, which was passed in Parliament in 2002 but was not notified. Civil society raised several objections to the FOI Bill and suggested amendments to the National Advisory Council. As a result of civil society's long-drawn struggle the RTI Act was enacted in 2005.

The basic idea behind the Act's enactment was to create informed citizens and to promote transparency of information. The RTI Act which came into force on October 12, 2005, is one of the most significant legislations enacted by the Parliament of India. The Act recognizes that in a democracy like India all information held by the government ultimately belongs to the people. Making information available to citizens is simply a part of normal government functioning.

Supreme Court and Right to Information:

For more than two decades the Supreme Court of India has recognized the right to information as a constitutionally protected fundamental right established under the Article 19 (right to freedom of speech and expression) and article 21 (right to life) of the Constitution. The Supreme Court of India has not notified any rules to operationalize the Right to Information Act, 2005 (RTI Act) within its offices despite the passage of over five years. According to a combined reading of Section 2(e) (ii) and Section 28 of the RTI Act the Chief Justice of India is the competent authority empowered to notify rules

prescribing amongst other things the amount of application fee and additional fee that may be collected from information requesters. The website of the Supreme Court does not display any notification issued by the Chief Justice of India under Section 28 of the RTI Act.

Public Hearing is the genesis of Right to Information Movement:

Public Hearing or Jan Sunwai is the origin point of the Right to Information Movement in India. The instrument of public hearing was initiated by the MKSS in some parts of rural areas of Tamil Nadu. In order to check the corruption with the involvement of the people the public hearing was begun. In this type of public hearings Elected Representatives, Government Officials, People, Local Intelligentsia such as lawyers, media persons, Non-Governmental Organizations, Community Based Organizations, External Observers, etc. will participate. In public hearings generally, after identifying issues for example, corruption in developmental activities further deliberations take place. The Mazdoor Kissan Shakti Sangathan identified corruption, misuse, and nepotism in the drought relief works, which were sanctioned for the rural poor. The public hearings are being conducted in Panchayati Raj Institutions, Government Offices and Non-Governmental Organizations, which are receiving the substantial financial support from the public authorities. In these public hearings in front of the public it is proved that a great deal of corruption and misuse is taking place. It was happened due to secrecy in the maintenance of records and registers and lack of accessibility to the public information for the citizens. Therefore, to combat the corruption in the developmental activities initiated either by the State Government or Central Government there is a need to have the Act support to access the public information which is national wealth generated by the citizens.

Pioneering States in Introducing Right to Information Act:

Due to lack of awareness about the Right to Information Act among the grassroots level people lack of institutional arrangements for the implementation and lot of exemptions in the Right to Information Acts of some States led to non-achievement of the objectives. Despite all these lacunas in the Act, still the State level Right to Information Acts provided the culture of transparency, accountability, Responsiveness, Social Audit, awareness among the people. These State Acts were the models for the preparation of National Right to Information Act. With the commencement of National Right to Information Act, 2005 some of the State Governments for example, Tamil Nadu, Madhya Pradesh, Maharashtra repelled the state Right to Information Act and started implementing the National Right to Information Act 2005.

Timeline of RTI's evolution in India

1872: Section 76 of the Indian Evidence Act 1872, contains what is considered as 'Freedom of Information Act' in its embryonic form.

1923: The Official Secret Act 1923 makes disclosure of official information by the public an offence.

1989: A Committee set up by the government recommends restriction of the areas where government information could be hidden.

2000: Efforts to legislate the Right to Information are revived in the form of the Freedom of Information Bill 2000 which is introduced in Parliament in July 2000.

2002: The Freedom of Information Bill 2002 is introduced in Parliament by the Government.

2004: NCPRI forwards to the National Advisory Council a set of suggested amendments to the Freedom of Information Act 2002.

2005: RTI Act comes into force.

RECOMMENDATIONS

Use of Social networking websites, blogs etc. should be encouraged.

The penalty system should be stricter in case the Appropriate authorities, like PIO's and Appellate authorities does not cooperates and provides with insufficient or incorrect information.

There should be dedicated PIO's and Appellate authorities for serving the purpose as this responsibility comes as an added burden to the people on chair, who are burdened with their duties and responsibilities and get overburdened by the added responsibility.

Time frame should be mentioned i.e. not later than a specified period of time any individual can seek information, which will make tracing the information more convenient.

Conclusion

RTI is a powerful tool that can deliver significant social benefits. It can provide a strong support to democracy and promote good governance, by empowering the citizen's ability to participate effectively and hold government officials accountable. Rather than just providing information, RTI Act in most of the countries has served to be an effective watchdog ensuring all those coming in purview of the Act to work in accordance with rules and regulations, without any irregularities.

However, stricter implementation of this law requires not only political will but also active civil societies, RTIactivists and few key democratic features, such as respect for the rule of law. Currently, the RTI Act in India is passing through a decisive phase, much more needs to be done to facilitate its growth and development. Mere protest against the lack of implementation of this law alone is not sufficient, one needs to encourage this initiative taken, for the law to grow and mature.

REFERENCES:

1. Banisar, David. 2006. Freedom of Information around the World 2006: A Global Survey of Access to Government Information Laws. London, UK: Privacy International.
2. Recommendations on the tentative draft Right to Information (Amendment) Bill, 2006.
3. Right to Information Appeal Rules 2005.