

## Right to Information Act -2005: Objectives, Obligations and Opportunities

**Shantaraj Debbarma,**

Asst. Professor of Philosophy,  
AMBS Mahavidyalaya, Amarpur.

### Abstract:

*Information is the main element of enlightenment. For speech and express something, information is prerequisite. The aim of this paper is to highlight the primary concept of Right to Information act- 2005. And mainly focuses on the objectives, the obligations and the opportunities recumbent in this act. It is easy to realize something when we are well aware about the objectives of that matter. The prime objectives of RTI act are to ensure citizens access of information, to promote transparency, trust and openness, to improve the accountability and performance in government offices and to fight with the corruption. It also gives the opportunities to the government officials to improve themselves as true public servants. There is an obligation of public authorities, described in this act nevertheless without the cooperation and the assistance of officers this act will not get the taste of success and it is also depending on how much the common people and government officials are aware and educated about their roles and responsibilities. The poverty and the lack of proper education is the obstruction of the all success of this act. The paper entitle as RTI act- 2005: its 3 O's is an empirical observation about the basic points of RTI act-2005.*

### Introduction:

Right to Information has been given the status of fundamental right under the article 19(1) (a) of Indian Constitution. According to this article all the citizens shall have a right to freedom of speech and expression. It is noteworthy that Fundamental Rights are the right which are protected and guaranteed by the constitution and they can't be taken away by any ordinary law enacted by the legislature. In the year of 1976 Justice K.K. Mathew, judge of hon'ble Supreme Court gave the judgment in the case of Raj Narain and state of Uttar Pradesh that people cannot speak or express unless they know<sup>1</sup>. So the information is the prerequisite of speech and expression.

In democratic state the real rulers are people. So the people should know how the government bodies are functioning. And it is also said in the judgment of the same case that all the citizens pays taxes even the beggars by the giving of sales tax , excise duty etc. now in the form of Goods and Service Tax (GST). Therefore all the citizens have a right to know how and where the government has spent their money.<sup>2</sup> These are the reasons for giving honor to Right to Information as a part of fundamental right.

The first country who had introduced this act was Sweden in the year of 1766 in the form of Freedom of Press Act. United States of America introduced Right to Information in the year of 1966 and it is also recognized as fundamental right. England introduced in 1958, Canada in 1983, Japan in 1999, South Africa in 2000 and in India RTI Act came into force on October 12, 2005. It

<sup>1</sup> Mishra, Sudhansu Sekhar and Anita Kumari, 2009. 'Right to Information Act: Basic Facts'. In 'Right to Information and Rural Development in India' edited by Mishra, Sudhansu Sekhar, Sudhansu Kumar Das and Ranjan Kumar Sahoo. P.10

<sup>2</sup> Mishra, Sudhansu Sekhar and Anita Kumari, 2009. 'Right to Information Act: Basic Facts'. In 'Right to Information and Rural Development in India' edited by Mishra, Sudhansu Sekhar, Sudhansu Kumar Das and Ranjan Kumar Sahoo. P.10

can be mentioned here that after passed by parliament the act was received presidential consent on 15 June 2005.

Government of Tripura General Administration (Administrative Reform) Department has been given notification on 07 September 2005 regarding Tripura Right to Information Rules 2005 and it is published in Tripura Gazette extra ordinary issue on Friday 07 October 2005.

Right To Information , according to RTI Act 2005 means the right to access any information under this act which is held by or under the control of any public authority and includes the right to inspection of work documents , records , taking notes , extracts or certified copies of documents or records, taking certified samples of materials , obtaining information in the forms of diskettes , floppies , tapes , video cassettes or any other electronic mode or through print out mode where such information is stored in a computer or in any other device.

And 'Information' means any material in any form including records , documents , memos , emails , opinions , advices , press release , circulars , orders , logbooks, reports, papers, samples, models, data materials held in any electronic form and information relating to any private body which can be access by a public authority under any other law for the time being in force. Sections 3 of this act declare that every citizen shall have a right to information. A citizen can ask to provide any kind of information to the concerned Public Information Officer and the officer is compelled to supply the sought information.

**Process for making request and fee for obtaining information:**

Any citizen of India can apply in writing or through electronic means in English or Hindi or any other official language of that area for obtaining information to the concern Public Information Officer or Assistance Public Information Officer. No reason is required to mention for requesting information.<sup>3</sup>

Application fee for obtaining information is 10 (ten) rupees. Fee for any information or record in paper or samples or models or printed publication is Rs. 2 (two) per page or the actual rate of the samples, models and printed publication. For information to be provided in computer diskette or floppy is Rs. 50 (fifty) and for inspection of records is no fee is required for first hour and Rs. 5(five) for each subsequent hour or fraction thereof.<sup>4</sup> No fee is required for the person who is belonging to Below Poverty Line.<sup>5</sup>

**The Objectives of Right to Information Act-2005**

The basic objectives of The Right to Information act are to ensure citizens access to information. Information and interest are the driving force of all human activities. Man will stay inactive if they are not getting their desired information. Inactive citizens are the burden of democracy. Active citizens are very much required for success of democracy. Well informed citizens are the artisans of development of nation.

Improve the accountability and performance in Government functioning, to promote transparency, trust and openness in Government functioning. It is said that lack of transparency is the reason of lack of trust. Make more responsive and accountable to the Government officers and bureaucrats. And enhance the relation between citizens and the Government in decision making process.

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<sup>3</sup> RTI act 2005. Section 6.1, 2. See also Naib, Sudhir. 2013. 'Right to Information in India'. P. 93.

<sup>4</sup> See Tripura RTI Rules 2008.

<sup>5</sup> RTI act 2005. Section 7.5. See also Naib, Sudhir. 2013. 'Right to Information in India'. P. 94.

Combat with the corruption and to make a corruption free organization. Corruption is the form of dishonesty undertaken by a person entrusted with a position of authority often to acquire personal benefit.<sup>6</sup> Stephen D. Morris said in his 'Corruption and Politics in Contemporary Mexico', "Political corruption is the illegitimate use of public power to benefit the private interest."<sup>7</sup> Some forms of corruptions are bribery, extortion, cronyism, nepotism, influence peddling, graft, drug and human trafficking, money laundering, misuse of government power etc. In the developing country like India corruption is a hindrance of socio-economic and cultural development. It is an anti-national, anti-poor and obstructs various developmental programmes of government by various mechanisms.<sup>8</sup> RTI act can play a role of censor of various types of corruption especially governmental corruption.

Encourage the participatory governance, because without the participation of citizens in government programmes success of democracy would not be possible. It is said that public participation is the bedrock on which democracy rest. Public will participate in the government functioning when they are well known about government function.

Promote the good governance. Good governance and RTI are intertwined; they are the two sides of same coin.<sup>9</sup> The term Good cannot be defined, if we defined it we will commit Categorical Mistake, said by moral philosopher George Edward Moore. However here I used the term good means which is beneficial or usefulness of the peoples and when they know or gets proper information about government functioning they will show the interest and also participate in the function. Thereby government function will run smoothly and cleanly. And the most important thing is that people will benefit greatly.

A government becomes good when the citizens participate in the government programmes, and fairness, transparency, equity, responsiveness, effectiveness, efficiency and the rule of law is the other feature of good governance. RTI is a legal framework of good governance.<sup>10</sup> It is like a censor of corruption. Corruption free governance leads to a good governance.

### **Obligation of Public Authorities:**

RTI act gives power to citizens to ask the public authorities to supply the information. Public authorities are reservoir of information. According to the act under section 2(h) , Public Authorities means any authority or body or institution of self government established by constitution ; by an enactment made by the parliament or the state legislature or the bodies which are owned, controlled or substantially financed, directly or indirectly by funds provided by the appropriate government.

### **The following are the duties of Public Authorities:**

Section 4(1)( a) of RTI act said, maintain all the records duly catalogued and indexed in a manner and form which facilitates the right to information and also computerize the data within reasonable

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<sup>6</sup> <https://en.m.wikipedia.org/wiki/corruption>.

<sup>7</sup> Ibid

<sup>8</sup> Das, Sanjay kanti, 2009. 'Right to Information and Economic Development'. In 'Right to Information and Rural Development in India' edited by Mishra, Sudhansu Sekhar, Sudhansu Kumar Das and Ranjan Kumar Sahoo. P.79

<sup>9</sup> Das, Sanjay kanti, 2009. 'Right to Information and Economic Development'. In 'Right to Information and Rural Development in India' edited by Mishra, Sudhansu Sekhar, Sudhansu Kumar Das and Ranjan Kumar Sahoo. P.79

<sup>10</sup> Ibid. p.79

time. Connect through network all over the country on various systems so that all the information can access easily.

Section 4(1) (b) said, to publish within 120 days from the enactment of this act these are:

1. The particulars of organization, its function and duties.
2. The power and duties of its officers and employees.
3. In the decision making process, which procedure are followed including channels of supervision and accountability.
4. Budget allocated particulars of all plans, proposed expenditure and reports on disbursement made.
5. The amount allocated in the various programme and details of beneficiary in each programme.
6. Particulars of facilities available for citizens for acquiring information.
7. The names, designation and phone no. and other information of public information officers.
8. All the relevant fact while formulating which can affect the public.

To provide as much to the public through various means of communication so that public can obtain information without using this act. Moreover the information should be publicized by the local language<sup>11</sup> or any other effective methods of communication in that area so that common people can understand very easily.

#### **Role and Responsibilities of Public Information Officers:**

Public Information Officers are the focal person for the providing information; through them Public Authorities is supplied sought information. According to the RTI act the duties of PIO is to receive the application from person seeking information and give reasonable assistance to such person. He can also seek assistance of any other officer for proper discharge of his /her duties.<sup>12</sup> The officer is bound to supply the information within 30 days from the date of submission of application. If the application is submitted to assistant PIO, the time limit is 35 days.<sup>13</sup> However the information is concerning life and liberty of the person, the time limit is 48 hours. Information relates to allegation of violation of human right 45 days. Information relates to corruption is 30 days from the receipt of application.<sup>14</sup>

There is a provision for not disclose the information under section 8(1). The following are the exemptions from the disclosure of information.

- 1.The information which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interest of the state, relation with foreign state or lead to incitement of an offence.
2. Information which has been expressly forbidden to be published by any court of law or tribunal.
3. Information which would breach the privilege of parliament or state legislature.
4. Information including commercial confidence, trade secrets, or intellectual property.
5. Information received in confidence from foreign government.
6. Information the disclosure of which would endanger the life or physical safety of any person.

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<sup>11</sup> RTI act 2005. Section 4.2,3,4. See also Naib, Sudhir. 2013. 'Right to Information in India'. P.117

<sup>12</sup> RTI act 2005. Section 5.3,4. See also Naib, Sudhir. 2013. 'Right to Information in India'. P.125

<sup>13</sup> RTI act 2005. Section 7.1. See also Naib, Sudhir. 2013. 'Right to Information in India'. P.138

<sup>14</sup> RTI act 2005. Section 24.1. See also Naib, Sudhir. 2013. 'Right to Information in India'. P.139

7. Information which would impede the process of investigation or apprehension or prosecution of offenders.

8. Information which relates to personal information, the disclosure of this would cause unwarranted invasion of the privacy of the individual etc.

The second schedule of RTI act listed the name of organization which has not an obligation to supply the information. The names of the organization are: Intelligence Bureau, Research and analysis wing, Directorate of revenue intelligence, Central economic intelligence bureau, Directorate of enforcement, Narcotics control bureau, Aviation research centre, Special frontier force, Border security force etc.

The government of Tripura, General Administration (Administrative Reforms) Department notified on 27<sup>th</sup> Sept. 2005 that the RTI act 2005 shall not apply to the Home (Police) Department including its Forensic Science Laboratory. However if the information is related to the allegation of corruption and human right violation then the information shall only be provided after taking prior approval from the state information commission. Such kind of information must be provide within the 45 days of the received of application.<sup>15</sup> If the organization is central government organization then approval giving authority will be the Central Information Commission.

### **Opportunities:**

This act gives the power as well as the opportunities to the common people to know any kind of governmental information and to involve in the formation, implementation of the different plans of the public authorities. It has the power to revolutionize our thought, imagination and approach to functioning in public field. It is a tool equips by which citizens can clear a system of corruption and it is also a scope for public servants to testify themselves as public servants and make themselves a more responsive, transparent and true servants of the people.<sup>16</sup>

### **Suggestions and conclusion:**

The success of this act depends on an awareness and co-operation of the public. If the public are ignorant, not interested to utilize or not to take advantage then this act shall remain a document and could not produce any fruits.

The aims and objectives and the process of seeking information of RTI act should be published in the mass media in regular or periodical basis in various appearance so that the awareness and consciousness about this act can arise from the mind of common people.

Most of the village people of Tripura are ignorant about this act. Some are heard the name of RTI some aren't. Those who are heard they know only the full form of RTI, they do not know how to file RTI and to whom it would be applied in which matter. It is also observed that the villagers are afraid to file RTI in the conception that if he applies for information, he will become an enemy of that public authority or officer. In this situation the overall successes of this act depending on how much they are aware and educated. So the poverty and illiteracy are the main obstruct of success in village area.

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<sup>15</sup> Tripura Information Commission, Annual Report 2013-14. pdf

<sup>16</sup> For more see 'Right to Information and Rural Development in India' edited by Sudhansu Sekhar Mishra et al

In rural Tripura it is happen that persons are received painful experience while they are going to file RTI in offices. They had to visit several times to public authority offices for exercise their right to information and sometimes they are harassed by the offices. Thereby the applicants are lost their interest in this matter, which is not a good sign for RTI. So it is necessary to impart such training to the all public authority officials so that they have become more responsive and helpful officers.

Here it is noteworthy that

Pundit Jawaharlal Nehru said, “Law and constitutions do not by themselves made a country great. It is the enthusiasm energy and constant effort of the people that make it a great nation.” Finally it can be said that,

Love can beat the entire barricade

While where there is no love

One single sand particle can stand as a barricade.

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