

## Right to Information (RTI) Act, 2005

- The demand of Right to Information started with the Mazdoor Kisan Shakti Sangathan (MKSS) movement in Rajasthan for bringing transparency in village accounts in rural India. They wanted information available in official information recorded in government files.
- A draft RTI law was proposed in 1993 by the CERC, Ahmedabad.
- In 1996, a draft model law on the right to information to the Government of India by the Press Council of India headed by Justice P B Sawant. The draft model law was later modified and renamed as Freedom of Information Bill 1997.
- The Central Government formed a working group under the chairmanship of Mr H D Shourie and given the responsibility to prepare draft legislation on freedom of information. The Shourie Committee's submitted its Report in 1997, and a draft law was published on the basis of Shourie Committee draft law. Subsequently, the same report was used for the Freedom of Information Bill 2000.
- The 2000 Freedom of information Bill was sent to the Parliamentary Standing Committee. The Freedom of Information Bill 2000 was passed by both the Houses of Parliament in 2002.
- In 2004, the UPA Government came into power at the Centre and promised to make "The Right to Information Act" more participatory and meaningful under its Common Minimum Programme.
- A National Advisory Council (NAC) was set up to look after the implementation of the Government's Common Minimum Programme.
- A public interest litigation (PIL) case was heard by the Supreme Court in 2004 on the issue of Right to information. The Supreme Court's ordered the Government to make the RTI law for the same.
- RTI Bill was finally passed in the Parliament in 2005.

### Introduction

- The Right to Information Act, 2005 with right of information was passed by the parliament on Jun 2005, and it came in force in Oct 2005.
- The RTI Act 2005, replaced the freedom of information act 2002, with an aim to provide for setting up of a practical regime of right to information for every citizen.
- RTI is a mechanism to develop and ensure accountability and transparency, in line with Art 19 (1) (a) of the constitution.
- It is a legal right of every Indian citizen.

### Salient Features of RTI Act 2005

- Under its provision, any citizen of India may request information from a public authority. The required information needs to be replied within 30 days.
- The request for the information on any issue from the public authority is required to be submitted to the Public Information officer at the centre or in the State.
- The RTI Act promotes every government body to make their offices transparent by computerizing their records for the wide dissemination of the information for the public.
- The Jammu and Kashmir will not come under this RTI Act 2005. However, it has a separate Right to Information Act 2009.
- The restrictions imposed by the Official Secrets Act 1923 was relaxed by the RTI Act.

- The Act has established a three-tier structure for enforcing the right to information guaranteed under the Act. The three Levels are – Public Information Officer, First Appellate Authority and Central Information Commission (CIC).
- The information to be submitted within 30 days from the date of receipt of application.
- In case of non-receipt of information within 30 days, the individual requiring information may file an appeal. The Appellate Authority must reply within **30 days** or in exceptional cases 45 days.
- The individual may file 2nd appeal within 90 days in case of non-supply of information.
- The public authorities applicable under RTI are all Constitutional bodies at centre and state (Legislature, Executive, Judiciary), bodies/NGOs owned/financed by government, privatized public utility companies.
- The public authorities excluded under RTI are Central Intelligence and Security Agencies, agencies of state specified through notification. The exclusion is not absolute.
- The Central Information Commission shall consist of one Chief Information Commissioner and up to 10 Central Information Commissioners.
- The Chief Information Commissioner will have a term of five years from the date of entering his office. She/ He shall not be entitled to reappointment to that post.
- There are 31 sections and 6 chapters enumerated in the act.
- Section 8 deals with public authorities which have been granted an exemption under this Act.

### The objective of the RTI Act

---

- To replace a prevailing culture of secrecy with a culture of transparency
- To empower the citizen of the country.
- To promote transparency in the function of the public authorities.
- To prevent and eliminate corruption.
- transform the relationship between the citizen and government
- dismantle illegitimate concentrations of power

### Recent amendments of RTI Act

---

- The bill gives the powers to change the terms and condition of service of Central Information Commissioner and the Information Commissioners in the hands of the central government.
- It clearly states that from now onward the term of office and the pay and allowances the Chief Information Commissioner and Information Commissioners in the Centre and the State shall be prescribed by the Central Government.
- The Chief Information Commissioner (CIC) and the other Information Commissioners will be appointed for a period and on the condition set by the central government.

### Challenges/Issues

---

- According to a recent study, only 36 percent of people in rural areas and 38 percent of people in urban areas have heard of the RTI Act.
- The participation of women in the RTI Act is not sufficient for progressive and empowered society.
- The data shows that around 45% of public information officers did not get any training while joining the post.

- There has been a tendency of poor record-keeping practices by the central and state government offices. This violates section 4 of the RTI act.
- The pendency of cases is a clear indication of the casual approach of the government towards RTI.
- There is a lack of appropriate infrastructure and a huge deficiency in staff required for running Information Commissions.
- The dilution of the whistle-blower protection act is a cause of concern.
- The security and protection of RTI activists in the course of their work is a cause of concern.
- The non-inclusion of Judiciary and political parties creates suspicion in mind and creates a hurdle in the fight towards making the system more transparent and accountable.
- The recent changes will create political patronage in the selection of Information Commissioners and will lead to dilution of the main purpose of RTI act.

byjusexamprep.com