

RIGHT TO INFORMATION

The Parliament of India in 2005 had passed the Right to Information Act, in order to empower the citizens to question the government, inspect their files, get hold of the government documents and also to keep a check on the various policies drafted and works done by the government. A true democracy cannot exist unless all citizens have a right to participate in the affairs of the polity of the country.

Right to Information is a part of the fundamental rights under Article 19 (1) of the Constitution of India. Article 19 (1) of the Constitution says,

“All citizens shall have the right to speech and expression”

For any one to speak or express oneself he/she must have the knowledge and information regarding the same and the RTI Act is one of the best means of imparting and receiving information from the government. The Supreme Court of India has held in several cases that RTI is implicit in the constitutionally enshrined rights. It empowers citizens to secure access of information from public authorities in order to ensure transparency and accountability in Government administration. For a citizen to participate in a democracy, he has to have information regarding the various policies and their implementation in the society. The RTI Act also derives power from Article 21 of the Constitution of India, wherein the article enshrines right to life and personal liberty. The article 19 (1) of the Constitution is only applicable to citizens of the country whereas article 21 of the Constitution protects also people who are not the citizens of the country. The article confers on every person the right to know that includes the right to receive information, this promotes a democratic decision making and the power of ordinary citizens. Being equipped with information, citizens can participate on an equal footing with matters pertaining to land use and other political decisions. While discussing the constitutional provisions of RTI, we must also recollect the various principles embodied in international conventions. The article 19 (1) and article 19 (2) of the International Covenant on Civil and Political Rights declares that everyone shall have the right to freedom of expression, and this right shall include freedom to seek, receive and impart information of ideas of all kinds.

In simple terms, the right to information is at the core of the human rights and it enables citizens to more meaningfully exercise their rights, assess when their rights are at risk and determine who is responsible for any violations, if any. The access to information ensures better citizen participation in the democracy; it tackles the malaise of corruption, strengthens the trust of the people in governance and administration, supports just and people – centric development.

The following type of information will be exempt from the disclosure at all times:-

- * Information that would affect the sovereignty and integrity of the country
- * Information that would cause a breach of privilege of Parliament and State legislature.
- * Cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other Officers.

There is no prescribed format of application for seeking the information. A citizen who wishes to obtain information through RTI should make an application to the Public Information Officer or the Assistant Public Information Officer of the concerned public authority in English, Hindi or any other official language of the area. A person can make a complaint to the Information Commission if he is unable to submit a request to a PIO either by reason that the concerned person has not been appointed or he has been refused access to any information requested by him under RTI Act or he believes that he has been given incomplete, misleading or false information. A citizen can also file a RTI online by registering his request on the RTI portal by paying a prescribed fee.