



An Evaluation of Right to Information Act-2005: A Study

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Abstract: At the edge of 20th century, the society entered into a period popularly called as "Information Age". All the human activities are directed towards information-producing and information consuming practices. With the march of time, information has become the central focus of human living. As quoted by Alvin Toffler, "Information is Power". Today, Information is playing a vital role in every sector of the society at the global level. Without proper information, no body lives in the present Information Society as delivered by the Daniel Bell, USA. So, Information is regarded as the oxygen of democracy. Information may be called as human blood. It invigorates where it percolates. If people do not know what is happening in their society, if the actions of those who rule them are hidden, then they cannot take a meaningful part in the affairs of the society. Freedom of expression, freedom of dissemination of ideas and access to information is vital to the functioning of a democratic government. Information is crucial for a vibrant democracy and good governance process, but also promotes openness, transparency and accountability in administration). This article discuss about the Right To Information (RTIA) Act -2005 and its features and also Indian constitutional provisions to know every citizen of India).

Keywords: Information, freedom of Expression, UNO, ICCPR, Right to Information Act-2005

Introduction: Information has always been a component of growth and improvement in living standards. In modern societies of today, however, i growth and development which is reflected in many ways, as seen in the growth information is closely interlocked with of economic, political, social, occupational, cultural and other sectors. But the concept of information has to be understood in its relation to many other associative concepts such as data, fact, observation, intelligence, skill, knowledge, experience, wisdom and similar others to perceive the impact of information on modern societies.

Information is Power, as quoted in his book "Third Wave" by the Alvin Toffler. He rightly said that, today, no country cannot be survived without right information to run their respective governments. Today, Information is playing a vital role in every sector of the society at the global level. Without proper information, no body lives in the present Information Society as delivered by the Daniel Bell, USA. So, Information is regarded as the oxygen of democracy. Information may be called as human blood. Freedom of expression, freedom of dissemination of ideas and access to information is vital to the functioning of



a democratic government. Information is crucial for a vibrant democracy and good governance process; it also promotes openness, transparency and accountability in administration. The detailed information regarding any problem that we want to redress is a must. In the present world, the term 'Information' has gained all the importance and has been playing a vital role in the building the modern society. Information is mental food for the modern man.¹ The concept of Right to Information is having a very strong constitutional foundation, well recognized even by the fundamental rights referred to under Part-III of the constitution. This will also help the citizens to perform their fundamental duties as set out in **Article 51A** of the constitution. A fully informed citizen will certainly be better equipped for the performance of these duties. Thus, access to information would assist citizens in fulfilling their obligations.

The Concept of Right to Information (RTI):

The concept of rights emerged in the modern times during the period of the renaissance and reformation and is associated with the theory of individualism. The demands for rights arose on account of the emergence of a new socio-economic and political order and it was the need of the then progressive capitalist class. Various theories of rights emerged during the different phases of the development of rights. Some rights are a product of long historical evolution of society and are based on traditions and customs with the change in time and circumstances, rights also change. Right to Information came

with hard struggle of the rural people of India.

In a democratic set up, information is of vital importance. It enhances man's inquisitiveness. Hiding information for one reason or the other is not a good sign on the part of the administrative machinery. It will not only send wrong signal to the people but also give an impression that there might be something fishy about the issue or matter about which an individual seeks information. Transparency in all matters is always desirable. The Right to Information Act has given one and all, both literate and the illiterate an access to the administrative process of the government and its services.⁴

According to William Martia, *"Information society is a society with quality of life as well as prospects for social change and economic development depends increasingly upon information and its exploitation."* In such society living standards, patterns of work, educational system and market are all influenced by advanced information and technology. The concept of information society emerged in 1970s and 1980s and it rapidly gained widespread currently. Information is the key for the development of the individual and society has gradually changed from feudalistic to democratic and democratic to informative society. Information has now become a catalytic agent in bringing about the desired economic and administrative change in the society. Thus, "Knowledge" and "Information" are faster innovation of policies and decision making and execution action."

Meaning of Right to Information Act:

The information act recognizes "Citizens



Right to Information". All the citizens shall have right to information subject to the provisions of the right to information act, 2005. It is all the citizens and not any citizen interested nor any aggrieved party by any decision or action of the public authority. Any person can seek any information from the concerned Public Information Officer (PIO) on any subject relating to administration and secure it for no cost or normal charges. The applicant need not disclose as to how he is interested in the information nor is he required to state the purpose for which the information is required or the purpose for which the information so procured will be used, except for such details as may be necessary for contacting him. It may be presumed that information sought for shall be on the affairs of the state and shall not be of frivolous and vexatious in nature and as may be seen, the act nowhere provides for imposition of any penal action on the erring citizens seeking such information.

Role of International Organizations Right to Information:

The following International organizations also taken very keen interest on the information acts. They are discussed below:

Role of UN and NGO's: UN and NGO's have done considerable work in globalization World. UN General Assembly resolved in 1946 "Freedom of Information is a fundamental human right and the touchstone for all freedoms to which the United Nations is concerned" deals with-

1. legal rights to people to seek information from the government

2. bringing about transparency and accountability in the working of public office

3. Curbing the corruption and inefficiency in the government at various levels.

4. Promotes accountability and transparency and provides for hefty fines and disciplinary action against erring officials

➤ **Article 19** of the **Universal Declaration of Human Rights** signed in the UNO on **10th December, 1948**, states unequivocally. Everyone has the right to freedom of opinion and expression, this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Thus, the right to freedom of opinion and expression from which flows the right to information and the right to seek and receive information are unambiguous elements of a historic international law to which India is a signatory. The UN declaration gives human rights precedence over law the power of state. While the state is permitted to regulate rights. It is prohibited from violating them.

1. European Convention of Human Rights of 1950, the African Charter on Human and Peoples Rights, 1981 and the American Convention on Human Rights, 1969 also contain provisions for freedom of information. The UNESCO declaration of 1978 sparks "Exercise of freedom of opinion. Expression and information recognized are integral parts of human rights and fundamental freedoms".

2. The International Covenant on Civil and Political Rights, 1966 (ICCPR) guarantees right to information similar



to above provisions of UN declaration. It may, therefore be subject to certain restrictions, but those shall only by such as are provided by the law and are necessary;

- For respects of rights and regulations of others.
- For the protection of national security or of public order or of public health or morals.
- Article 13 of the UN convention on rights of the child, 2989, states that the child shall have the right to freedom of expression.

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Right to Information as a Constitutional Right:

Excessive taxation that constitutes an umbrella burden on the right to disseminate information has now been regarded in liberal democracies as "Tax on Knowledge". The right to information is now regarded as a necessary component of free expression. It has been elevated to the level of constitutional guarantee.⁷ Right to information is an implicit fundamental right under the constitution of India. The

preamble to the constitution speaks with liberty of thought, expression. This right is an integral part of right to freedom of speech and expression under article 19 (1) (a) and right to life and personal liberty under article 21. Perquisite for enjoying this right is knowledge and information. Article 19 clause (1) (a) of the constitution of India reads as given under, "All citizens shall have the right, to freedom of speech and expression. Article 21 of the constitution of India reads as under "No person shall be deprived of his life or personal liberty except according to procedure established by law".

Salient Features of Right to Information Act, (RTIA), 2005:

The Right to Information Act, 2005 (RTIA) was promulgated on 12th October, 2005. It is a significant milestone in the journey of Indian democracy. India which passed this act, is the most recent common wealth country to establish this right legally. This act starts with an elaborate introduction, contains 31 sections divided into six chapters. It also contains two schedules. The right to information act, 2005 is a much improved version of freedom of information act, 2002, which was passed by the previous government but never implemented, although it still contains some shortcomings.

Salient Features: The following features of the act were discussed below:

1. Information broadly defined
2. All citizens must have the right to information
3. Normally, information can be obtained within 30 days from the date of request.



4. If it is a matter of life or liberty of a person it can be obtained within 48 hours from time of request.

5. Prohibition on certain information.

6. Restrictions made for third party information.

7. Penalty of Rs,250/- per day is for refusal to receive an application for information

8. Center/State information commission are to be constituted by the central government and the respective state governments.

The act also contains certain provisions whose impact will likely not be fully appreciated until the implementation process is worked through. They could work well, but if implemented poorly, they could cause problems in administering the act in practice. The shortcomings in the act which have observed is selection of information commissioners.

Important provisions of the Right to Information Act 2005, (No. of 22 of 2005)v(June 15,2005): The Act provides the practical resume 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 the working of every public authority, the constitution of a central information commission and state information commissions and for matters connected thereby or incidental thereto.

2(f) "Information" means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electric form and information relating to any

private body which can be accessed by a public authority under any other law for the time being in force.

2(i) records include:

- Any document, manuscript and file
- Any microfilm, microfiche and facsimile copy of a document,
- Any reproduction of image or images embodied in such microfilm
- Any other material produced by a computer or any other device

2(i) "right to information" means the right to information accessible under the control of-

- any public authority and includes
- inspection of work, documents, records,
- taking notes, extras or certified copies of documents or records
- taking certified samples of material
- obtaining information in the form of diskettes, floppies, tapes, video cassettes, or any other electronic mode or through printouts where such information is stored in a computer or in any other device.

Public Information Officers (PIO)

PIOs are officers designated by the public authorities in all administrative units or offices under it to provide information to the citizens requesting for information under the act. He shall deal with requests from persons seeking information and where the request cannot be made in writing, to render reasonable assistance to the person to reduce the same in writing. (Dr. C.K.Sharma, Rajiv Singh & Arun Kumar Bharadwaj).

Management of Records: The enforcement of right of access to information are meaningless if government records are chaotic.



Information may be available in principle. Records management, as provisioned in most FOI laws, must publish lists of records series and organized within record keeping system. A nation-wide record management policy will vest an agency with overall responsibility for record management, usually in the form of aq national archive. The national archives should conduct periodical records management audits of departments to ensure that the record management audit of departments. The national archives should conduct periodicals records management audits of departments to ensure that the record management policy is being faithfully carried out.

The State Information Commission (SIC):

Every state government by notification in the official Gazette, constitute a body to be known as the State Information Commission. The State Information Commission shall consist of the State Information Commissioner and such number of State Information Commissioners, not exceeding ten. The Chief Information Commissioner shall be appointed by the Governor on the recommendation of a committee consisting of:

The Chief Minister who shall be the chairperson of the committee, the leader of opposition in the Legislative Assembly and Cabinet Minister to be nominated by the Chief Minister of the respective state. The State Chief Information Commissioner and the State Information Commissioners shall be persons of eminence in public life with wide knowledge and experience in law, science

and technology, social service, management journalism, mass media or administration and governance.

The State Chief Information Commissioner shall hold office for a term of five years from the date on which he enters or he attained the age of 65 years. Before entering in his office he has to take oath by the Governor.

The State Chief Information Commissioner or a State Information Commissioner may, at any time by writing under his hand addressed to the Governor, resign from his office. The salaries and allowances payable with other terms and conditions of service are applicable. The State Chief Information Commissioner shall be the same as that of an Election Commissioner and as that of the Chief Secretary to the State Government. The State Chief Information Commissioner or any State Information Commissioner shall be removed from his office only by order of the Governor.

The Central Information Commission (CIC):

The central government by notification in the official Gazette constitutes a body to be known as the Central Information Commission, to exercise the powers and functions assigned under the Act. The Central Information Commission shall consist of The Chief Information Commissioner and other commissioners not exceeding ten. The Chief Information Commissioner shall be appointed by the president on the recommendation of a committee consisting of,

- The Prime Minister.
- The leader of opposition in Lok Sabha.



• Union Cabinet minister to be nominated by the Prime Minister.

The Chief Information Commissioner and Information Commissioners shall be persons of eminence in public life with wide knowledge and experience in law, S&T, social service, management, journalism, mass media or administration and governance.

The headquarters of the Central Information Commission shall be at Delhi and the commission may with the previous approval of the central government, establish offices at other places in India. The Chief Information Commissioner shall hold office for a term of five years or attain the age of 65 from the date on which he enters upon his office and shall not be eligible for reappointment.

The Chief Information Commissioner or an Information Commissioner shall, before he enters upon his office make and subscribe before the president or some other person appointed by him in that behalf, an oath or affirmation.

The chief commissioner may, at any time, by writing under his hand addressed to the president, resign from his office. The president may suspend from office and if deem necessary prohibit also from attending the office during enquiry, the Chief Information Commissioner or Information Commissioner in respect from whom a reference has been made to the Supreme Court.

A Profile of Telangana:

A Southern State of India located on the high Deccan plateau as, Hyderabad as Capital. Earlier it was part of United Andhra Pradesh after agitating for more than 50 years the It was declared as New

29th state of India on June 2, 2014 officially. Telangana has the neighboring state borders of Karnataka, Maharashtra and Andhra Pradesh. It has the vast geographical land with 11, 2077 square kilometers. The major economy of the state comes from the agriculture. Telangana has historical background ruled by Maurya, Satavahanas, Vakataka Chalukyas, Delhi Sultanate, Bhamanai Sultanate, Qutub Shahi, Dynasti Kakatiyas, Nizams and Asaf Jahi Dynasti. There are major Industries like Singareni, NTPC, BHEL and many other major Industries in Telangana.

Hyderabad is considered as Fifth Metro city of India. It is fostering tremendous growth as it holds the biggest IT companies like Microsoft, Google, Wipro, Oracle, and major BPO's like GENPAC. It has major Industries and Defense Research laboratories like BHEL, BDL, DRDO, HAL, etc. The ecommerce giant like AMAZON and Walmart has presence in Hyderabad. It is also education Hub for many states. It has Osmania University, Hyderabad Central University, IIT, IIIT, EFLU, Urdu University, Telugu University and many private Engineering and Management colleges. The Nizam Culture reflects much in the City of Hyderabad. It has historical places like Charminar, and Golconda Fort.

The Hyderabad Metropolitan Water Supply and Sewerage Board-A Profile:

The Hyderabad Metropolitan Water Supply and Sewerage Board (HMWSSB): The Board was constituted on 1.11.1989 under the provisions of Hyderabad Metropolitan Water Supply and Sewerage Act 1989 (Act No. 15 of 1989), with the following Functions & Responsibilities in



the Hyderabad Metropolitan Area. The Supply of potable water including planning, design, construction, maintenance, operation & management of water supply system.

Disposal and sewerage treatment works including planning, design, construction, maintenance, operation & management of all sewerage and sewerage treatment works. This board monitors the complete work of water and drainage works of Hyderabad and secunrabad (Twin cities).

The board is consists **ten** (10) members. They are:

1. **Chairman:** Chief Minister of Telangana,

2. **Vice-Chairman:** Minister for Municipal Administration & Urban Development.

Ex-Officio Directors:

3. Chairman, T.S Pollution Control Board,

4. Principal Secretary, Municipal Admin & Urban Development Govt. of Telangana,

5. Special Officer & Commissioner, Municipal Corporation of Hyderabad,

6. Secretary Finance (IF) Govt. of T.S, Director,

7. Health, Govt. of T.S and

Directors:

8. Director (Technical), HMWSSB,

9. Director (Finance), HMWSSB and Managing

10. Director, HMWSSB.

The above board will look after the day today functions and duties to the residents of twin cities i.e. Hyderabad and secunrabad.

The board is receiving many applications from the appellants and disposing some of them. Some of them are not satisfied, they are approaching the Telangana State Information Commission, Telangana State.

Conclusion:

This right was recognised by the United Nations at its very inception in 1946, when the General Assembly resolved: *“Freedom of Information is a fundamental human right and the touchstone for all freedoms to which the United Nations is consecrated.”* Enshrined in the Universal Declaration of Human Rights, the right’s status as a legally binding treaty was affirmed in article 19 of the International Covenant on Civil and Political Rights which states: *“everyone has the right to freedom of opinion and expression, this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers”.*

Suggestions: Based on current the study, some of the following suggestions were made:

1. Information is very essential to individual as well as for a nation to develop in many areas. Hence, it is suggested that the central governments and state governments should be taken positive steps to implement the RTIA.

2. As revealed from the study, the Metropolitan Water Supply and Sewerage Board should send the trend information reports, which are received from the respondents to the government of Telangana to frame policies and also implement.



3. It is also recommended that the Water Supply and Sewerage Board, Hyderabad may be received Infrastructure from the government of Telangana.

4. As received the information through RTIA with regard to water, drainage, administrative problems from the respondents, it is suggested that the authorities should be taken steps to solve the problems immediately.

5. Government has to take keen interest in creating awareness among the rural people. All departments must display on notice boards instructions about the procedures of services available to public.

6. The present need of the hour is to think at implementing the good governance at the grass root level. Decentralized governance is not working effectively.

7. Political Parties are essential to run the democracy in an ideal manner and they are supposed to work in accordance with the election manifestos. To keep their promises they should activate on transparent manner. Political parties must keep close contact with the local people.

8. The politicians need to have some political ethics. The aim of all the political parties is the overall development of the people. Ethics should be taught to the leaders, which type of the decisions should be taken with bureaucrats inculcating the public opinion while in power.

9. The free flow of information about scarcity of drinking water, drainage system, status of administrative buildings, technology should be provided easily at grass root level.

10. In the light of the modern administration, the accountability, transparency and time bound services

were increased, but corruption is not vanished completely and service mentality of bureaucrats has not been increased up to the expectations.

11. Based on the information received on various issues from the applicants through RTIA, there is urgent need to allocate more especially budgetary funds to solve above said issues which are facing by the people of Hyderabad region.

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