



RIGHT TO INFORMATION: BRINGING TRANSPARENCY AND ACCOUNTABILITY IN GOVERNANCE

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Abstract: *Democracy is the government by the people, for the people and of the people, these famous lines by former President of America Abraham Linkon. But in democracy, citizens are sovereign and therefore the sovereign should know ongoing in polity. No democratic government can survive without accountability and transparency are that the people should have information about the functioning of government. It is only if people know how government is functioning that they can fulfill the role which democracy assigns to them and make democracy really effective participation democracy. The citizens right to know the facts, the true facts about the administration of the country. Right to Information had been held as implicit in the Right to Freedom of Speech and expression guaranteed under Article 19 (1) (a) of the Constitution. The Information is currency that every citizen requires to participate in the life and governance of the society. In any democratic polity, greater the access, greater will be the responsiveness, and greater the restriction, greater the feeling of powerlessness and alienation.*

Information is not private property, if at all it is a property, it is the national property. Besides, moral and legal obligation it is their Constitutional obligation also based on the philosophical foundation of freedom of speech and expression under Article 19 (1) (a) of the Constitution. As the transparency is the culture required for good governance, secrecy, directly means disempowerment. It is now widely recognised that accessibility of people to information about the government functioning is the vital component of democracy. Right to know has evolved with maturity of the democratic form of governance. True spirit of democracy does not envisage governance by few hands and heads. The popular attribute of democracy, namely, by the people, for the people, and of the people, in other words, peoples participation is the core value of democracy. This value can only be achieved if the right to information is recognised and strengthened. In a democratic setup, every citizen has a fundamental rights to know about how the decisions are arrived at and who has rendered these decisions. Factual enforcement of this right not only tackles the severest social evil, namely, corruption but generates transparency and accountability.

Keywords : *Information, Supreme court, Constitution Act, Bill, Transparency, Corruption, Freedom, Citizen, Government, Authorities, Democracy, Accountability, Governance.*

Introduction:

The concept of the freedom of access to information can be traced for the first time in the China, by the Emperor T'ai-tsung (627-649BC) of the Tang Dynasty. He established an

institution, based on the Philosophy of Confucius, called as the "Imperial Censorate" a group of highly qualified scholar officials. This group made a record of the government decisions and correspondence, scrutinized the same exposing mis-governance, bureaucratic



inefficiencies and official corruption. They also criticized the government including the Emperor. Then Resolution 59(1) of the United Nations General Assembly held in 1946 states that “Freedom of Information is a Fundamental Human Right and the touchstone of all the Freedoms”. As a part of the International Covenant on Civil and Political Right (ICCPR), India is under an international obligation to effectively, guarantee the right to information and as per the ICCPR, the Constitution of India does not grant a right to information. However, The Supreme Court of India has held in several cases that the right to know, i.e. receiving and sharing information is the Constitutionally enshrined Right to Freedom of Speech and Expression Article 19(1)(a) and Right to Life and Liberty -Article 21 supported by the Constitutional Remedies-Article-32 i.e. Right to approach The Supreme Court And High Court in the case of infringement of any of these rights. Dynamic interpretation of these Articles by the Supreme Court over these years has lead to the development to the Role of Law in India. ”As a same time Public Interest Litigation(PIL) was become a tool to know crucial facts concerning details of certain projects from the Government.

Right to Information Meaning :

Right to information means the freedom of people to have access to government information. It implies that the citizens and non-governmental organisations should enjoy reasonably free access to all files and documents pertaining to the governmental operations, decisions and performance. In other words, it means openness and transparency in the functioning of

government. Thus it is authentically to secrecy in public administration.

Global Scenario:

Sweden was the first Country in the world to introduce the Right to Information Act in 1776. Sweden was followed by other scandinavian countries but very lately. Thus Finland enacted the Freedom of Information legislation in 1951. Both Denmark and Norway have made the similar legislations in the same year 1970. United States of America has granted the Right to Information to its citizens by the Freedom of Information Act 1960. This Act was amended in 1974. France, Netherlands, Austria in 1970, Canada, Australia, Newzeland in 1982, Thailand, Ireland in 1997, Bulgaria, South Africa in 2000. Finally United Kingdom and India enacted in 2005.

RTI Position In India :

The Constitution of India has no direct provision expressly conferring right to information to the Citizens. However, the Supreme Court has been stating since -1975, that the right to information is an intrinsic part of the two fundamental rights guaranteed by the Constitution of India. 1) Right to Freedom of Speech and Expression. (Article -19). 2) Right to life and Personal Liberty(Article 21). In India, various laws and rules restrict the disclosure of official information to the people and they favors secrecy in administration. These are India evidence Act -1872, Official secretes Act-1923, All India service(conduct)Act-1954, finally the Fifth pay commission 1994-1997 recommended for the abolition of the official secrete Act and introduction of information Act.



Right To Information Bill:

The first legislation in India enacted as the “ Freedom of Information Act- 2002” which enabled a citizen of India to secure access to information under the control of public authorities. Than The Freedom of Information Act- 2002 was renamed “The Right to Information Bill-2005” which was introduced in the Lok Sabha on 23-12-2004 retaining some of the provisions of The Freedom of Information Act-2002. On15th January 2005 President APJ Abdul Kalam gave his accent to the Right to Information Act -2005. This Act was come in to force on 12th October 2005.

State Information Acts in India:

Even before the Central legislation was passed, some of the states have introduced their own right to information legislations in India. The first amongst these was Tamil Nadu in 1997. Rajasthan and Karnataka enacted in 2000, Maharastra replaced its earlier RTI Act in 2002, presently all states and Union Territories are enacted their RTI Acts.

RIGHT TO INFORMATION ACT 2005: AN OVER VIEW

Provisions

An appointment of an Information Officer in each department to provide information to public on request.

Act fixes a 30 day deadline for providing information, deadline is 48 hours if information concerns life or liberty of a person.

Information will be free for people below poverty line. For others, fee will be reasonable.

Establishment of a Central Information Commission and State Information Commissions to implement the provisions of the Act. They will be independent and high level bodies to Act as appellate authorities and vested with the powers of a civil court. The President will appoint a Chief Information Commissioner and Governors of the State will appoint State Information Commissioners, their term will be 5 years.

Chief Information Commissioner will be selected by a panel comprising the Prime Minister, Leader of the Opposition in Lok Sabha and a Minister nominated by Prime Minister.

Central Information Commission and State Information Commissions will publish an annual report on the implementation of the Act. These records will be tabled before Parliament and State Legislature.

RTI carries strict penalties for failing to provide information. The information commission shall fine an official Rs 250 per day, subject to a maximum of RS 25,000. If information is delayed without reasonable causes beyond the stipulated 30 days.

The proceduer of appeal in case of the information is denied, first appeal to superior of Public Information Officer, second appeal to Information Commission and third appeal to a High Court.

Its purview does not extend to the intelligence and security organisations like Intelligence Bureau. RAW, NSG, BSF, CISF and so on

All categories of exempted information to be disclosed after 20 years expect



cabinet deliberations and information that affects security, strategic, scientific or economic interests, relations with foreign states or leads to incitement of offence.

The Act impose obligation on public agencies to disclose the information sub-motu to reduce request for an information. Government bodies have to publish details of staff payments and budgets.

The Act Overrides The Official Secrets Act, 1923. The Information Commission can allow access to the Information it Public interest outweighs harm to protected persons.

Importance of Right to Information Act:

Right to Information is necessary due to, it makes administration more accountable to people, it reduce the gap between administration and people, makes people aware of administrative decision-making, increases peoples participation in administration and administration become more responsive and transparent. Mainly it makes a unique opportunity for all of us to participate in nation building and to bring down our ranking in the list of corrupt countries in the world, because India's rank in the list of corrupt countries is quiet high. Another outcome of self governance through Right to Information will certainly give us an opportunity to bring down our ranking in corrupt countries of world. R2I is upholds the democratic ideology by promoting openness and transparency in administration, and it reduce the chance of abuse of authority by the public servants. Finally it aims at promoting transparency and accountability in working of every public authority.

Conclusion :

The strengthening of democratic tendencies worldwide along with liberalization and globalization has empowered the RTI movement. By 2020, over 100 countries had comprehensive laws to facilitate access to state records and many more are in the process of enacting such legislation. Today in might be named differently, as Freedom of Information, Right to access of Information or abbreviated R2I, There is an imminent need for state and state authorities, the commissions, the media, the educated and enlightened in the society to take the Right to Information to the common man of this country, when that is achieved, we will differently have a very conductive and accountable government. I hope for it and hope for the better.

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