

RIGHT TO INFORMATION (RTI) ACT, 2005: A KEY TO BRING TRANSPARENCY & ACCOUNTABILITY IN SYSTEM

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Introduction

The Government of India always lays emphasis on making the lives of its citizens easy, smooth and making India truly democratic. Keeping this in mind and to promote transparency and accountability in administration, the Indian Parliament enacted Right to Information Act (RTI) 2005 that empowers citizens to seek information from a Public Authority, thus making the Government and its functionaries more accountable and responsible. RTI has been given the status of a fundamental right under Article 19(1) of the Constitution under which every citizen has freedom of speech and expression and have the right to know how the government works, what role does it play, what are its functions and so on. RTI empowers every citizen to seek any information, take notes, extracts or certified copies of documents or records, take certified samples of material. RTI also mandates timely response to citizen requests for government information. The Act has the potential to bring in a socio-economic revolution, provided that various agencies take up their responsibilities as per the spirit of the Act. The Act has now been in operation for over five years and has benefited many, including the poor and the underprivileged however, cases of misuse also being reported.

There are many cases in media found to be reported of misuse by many for serving vested interests particularly for settling personal and family disputes, including divorce and claim of maintenance related cases. Several cases are appeared in media that report s frivolous and vexatious use of the RTI Act. Many authorities including Public Information Officers alleges that RTI is being misused. They alleges that some people are filing RTI applications to settle personal scores or to satisfy their whims and fancies.

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Case Study: Misuse of RTI

A subordinate of a senior officer filed an RTI application, seeking some information from his boss. The boss did not respond. In the hearing before P N Vijaya Kumar of Kerala Information Commission, the senior pleaded that the applicant had filed RTI just to harass him and that the applicant himself was the custodian of information requested. The information commissioner passed the following order-

“It may be true that, the requester may be a subordinate. It may be true that, he wanted all the questions to trouble the officer concerned. It may be true that the person who had access to the records himself is making the request. But these are not grounds to withhold the information. Therefore, the information should have been furnished by the Public Information Officer within the time limit. There was a delay of more than 4 months. But the delay was limited to 100 days. Therefore, the Commission is compelled to award the maximum penalty of Rs. 25,000/- to the Public Information Officer. The Public Information Officer shall remit the amount within 30 days of the receipt of this order.”

Almost 52,000 decisions made by information commissions across the country in the year 2008. M.M. Ansari of the Central Information Commission (CIC) is the only information commissioner who has alleged in many cases that there was misuse of RTI or that the information sought was frivolous. Barring him, there would not be more than 50 orders from across the country, where the information commissioners have alleged misuse of RTI or felt that the information sought was frivolous.

Conclusion

Right to Information Act empowers citizens to participate in the governance of country and give a befitting reply to corruption. Just around five years after the act has come into effect; the Act has made many successes and also found cases of misusing the act. Many times, the privileges given by the RTI Act is used by some citizens to harass or blackmail government officials. As in few cases the Central Information Commission (CIC) reprimanded information seekers for

'harassing' public authorities. However, safeguards have been built in within the Act to ensure that the right is not misused. RTI Act section 8 clearly spells out the reasons to deny the information only if it is found it there are chances that the act is being misused. Therefore, the Act need to be used to the maximum but with utmost care and sincerity because its misuse can be more damaging. Therefore strengthen the Right to Information Act 2005 is an urgent requirement. Some measures can be taken to prevent its misuses.

- Provide information in websites, newspapers, magazines, journals etc. When information is available to the public without difficulty its misuse is limited.
- The authorities will also have to ensure that the applicant does not use the information for purposes other than intended.
- Enlighten citizens on RTI Act and its uses.