

ASHA R.G
ASST,PROFESSOR
DEPT,OF POLITICAL SCIENCE
JSS COLLEGE OOTY ROAD
MYSORE

FEATURES OF RIGHT TO INFORMATION ACT

The freedom to information Act provides for freedom to every citizen to secure information under the control of public authorities of both the Union and state governments. It seeks to make government open, transparent, responsive and accountable to the people. It envisages the appointment of Public Information Officer (PIO) in every Government Ministry, and Department to attend to the demands of the people for official information against nominal service charge for certified photocopies of the documents. There will, however, be exemption from disclosure of information in eight areas of the country's defense, securities, intelligence agencies related information, cabinet papers, minutes of advice including legal ones relating to decision making, trade or commercial secrets information likely to breach privileges of parliament and state legislature. Officials will also be made accountable for non-compliance and for this purpose relevant provisions of the Central Civil Services (conduct) rules and the All-India services (conduct) rules will be required to be amended. The right to information and the demand for transparency and public accountability in all spheres of social, political and economic life is intrinsic to the existence of the Republic of India. The freedom of Information Act, 2002, represents one of the most significant legislations to be enacted in recent years and is an embodiment of the principles enshrined in the constitution of India as well as inherent to the secular and democratic ethos of the country. Drawing its inspiration from similar legislations from around the world, and morally mandated by the constitution, the Act is a positive step forward towards an open and transparent bureaucracy and the government. Yet, for all its significance and import, the Information Act is frighteningly simple in scope, nature and extent. Composed as it is of a mere 21 sections, the substantive provisions constitute an even smaller number once the Act is shorn of the provisions which are a common occurrence in most legislations. The definition clause is, in keeping with the scheme and intent of the Information Act, concise and to the point. The Act makes a sweeping declaration that subject to the provisions of the Act, "all citizens shall have free access to information." In order to ensure the efficacy of the provisions of the Information Act there is required to be close and successful coordination between the public authority, public information officer and the person making a request for information. However, in order to be effective, the principle of freedom and right to information would have to operate on the basis of existence of systematic and comprehensive records. Otherwise, the purpose of the Act would be defeated. Therefore, at the first instance, the entity which goes under the generic name of "public authority" which is established or constituted under the constitution or by any law made by the appropriate government, is statutorily bound to maintain all records in a manner which is methodical,

comprehensible and easily accessible. This is the first step towards the successful implementation of the Information Act. Thus, with a view to promoting a regime of transparency, the public authority is required to periodically publish the particulars of its officers and employees, details of its administrative and executive policy, rules and regulations followed for the purpose of discharging its functions, facilities available to citizens for public information officer. The information published by the public authority must also include relevant facts "concerning important decisions and policies that affect the public" and give reasons for the decisions to persons so affected. In what is a reflection of the positive attitude adopted by our legislators, the Information Act mandates that before initiating any project, the public authority must provide the relevant public with all necessary information about the project. This is a significant departure from the policy followed by official authorities over the decades, wherein all projects were unilaterally and arbitrarily undertaken by the government and which more often than not were presented to the public as a fait accompli. The nodal agent for the dissemination of information is the Public Information Officer. Every public authority is required to appoint at least one public information officer who is mandated to deal with requests for information and "render reasonable assistance to any person seeking such information". The request by a person desirous of seeking information may be in writing or transferred by electronic means to the concerned public information officer. The onus is on the applicant to specify the particulars of the information sought in the request. However, the Information Act contemplates a situation where the applicant is incapable of rendering his request in a written form, in which case the public information officer is required to render "all reasonable assistance" to the person in reducing the request, thus made orally, into writing. The corresponding obligations on the authorities to assist in the exercise in transparency are worth noting. It shall be the endeavour of every public information officer to expedite each request for information to the extent possible. The deadline ordinarily set is a period of thirty days. However, the Act contemplates emergency situations as well, and declares that any information sought for which concerns the life and liberty of a person shall be required to be furnished within 48 hours. The public information officer has the power to reject a request, but is duty bound at the same time to inform the applicant about the reasons for rejection, the period within which an appeal may be preferred as well as particulars of the appellate authority. The Act provides that information would ordinarily be provided in the form in which it is sought. However, if in certain cases the form in which it is sought "would be proportionately authority or would be detrimental to the safety or preservation of the record in question", the required information would be provided alternately in a more cost-effective and efficient manner. Section 8 of the Information Act provides an exception in the form of a list with description of the information which would not be required to be disclosed to the public. This includes information the disclosure of which would prejudicially affect the sovereignty, integrity and security of the state, public safety and order, detection and investigation of an offence. Centre states relations, cabinet papers, including records of deliberations, minutes or records containing information provided in the course of a decision making process prior to the executive decision or policy formulation, trade or commercial secrets which would compromise the commercial interests or the competitive position of a public authority as well as information the disclosure of which may result in the breach of parliamentary or legislative privilege or contravention of a lawful order of a court.