

PAPER NAME - FOUNDATION COURSE

Subject - Right to Information Act

Que. what is 'Right to Information'?
Explain the purpose of the
Act.

Ans: "Right to information" has been defined as the right to information accessible under this Act, which is held by or under the control of any public authority and includes the right to : —————→

- (i) inspection of work, documents, records;
- (ii) taking notes, extracts, or certified copies of documents or records;
- (iii) taking certified samples of material;
- (iv) obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device.

Purpose of the Act: →

→ The preamble of the Right to Information Act contains the purpose of the Act. These are:

* To provide for setting out the practical regime of right to information for citizens to secure access to information under the control of public authorities.

→ To promote transparency and accountability in the working of every public authority.

→ The Right to Information Act, 2005 has been enacted by the Government of India with a view to empower the citizens to get information from various government departments, offices, organizations, institutions, local bodies, bodies owned controlled or substantially financed including non-government organizations substantially financed directly or indirectly by the government, known as public authority, as a matter of right within a stipulated time frame, barring

exceptions.

It is to ensure that the public authorities are open and accountable to the public and also to bring transparency in their working.

It provides a right to access to public record under the control of public authorities subject to limited exceptions and also regulates access to personal information relating to third party.

Que: Explain the Salient Features of the Right to Information Act !

Ans: The salient features of the Right to Information Act, 2005 are as under:

- [1] It is applicable to the whole of India except Jammu and Kashmir.
- [2] It gives an important right to citizens to seek information from any public authority which includes all government organizations denoted.

local bodies, undertakings, institutions, boards, companies, including the Supreme Court of India, High Courts, Parliament, State Legislative Assemblies etc. It also empowers the government to bring under its ambit bodies owned, controlled or substantially financed by it, viz., the non-government organizations as public authorities.

[3] The citizens can seek inspection of works, documents, records, take notes, extracts, certified copies of documents, sample of material and other information available in electronic mode.

[4] Such information is available free of cost to the citizens who are below poverty line, indicating the intention of the government to be open to the citizens irrespective of their social or financial status.

[5] The citizens can also get assistance from these officers in writing down their requests and filing of application.

[6] The information sought by the applicant is to be supplied in a time bound manner failing which the citizen can file an appeal before the appellate authorities. ③

[7] The act provides that a citizen should get information about life or liberty cases in 48 hours while in other cases the information has to be given in a period of 30 days except in certain cases.

[8] It further provides that only that part of the record, which does not contain any information, which is exempt from disclosure and which can reasonably be severed from any part that contains exempt information, may be provided.

[9] The Act safeguards the third party rights of information. In their case the information can only be given after giving them an opportunity of being heard before deciding the application on merits.

[10] The act provides for two tier system for appeals. The appeals filed with the first appellate authorities are to be disposed off in a time bound manner preferably within 30 days and not more than 45 days. No fee is required to be paid for filing appeal. ■

Que. what is a Public Authority ? who are the Public Authorities covered under the Act ?

Ans. → Public authority is the custodian of information or records pertaining to government bodies including local or autonomous bodies. The Act covers all types of government bodies whether created by or under the Constitution or by a law made by the Parliament or a state legislature or by notification issued by the appropriate government.

→ Under section 2(h), Public authority

has been defined as reproduced below :

— Public Authority means any authority or body or institution of self government established or constituted —

(a) by or under the Constitution;

(b) by any other law made by Parliament;

(c) by any other law made by state Legislature;

(d) by notification issued or order made by the appropriate government and includes any —

(i) body owned, controlled or substantially financed;

(ii) non-government organization (NGO) substantially financed, directly or indirectly by funds provided by the appropriate government.

It virtually covers all government departments, organizations, offices, local bodies, commissions, corporations, universities and other bodies. It also covers parliament, all courts, legislative assemblies, legislative councils.