

# Indian Streams Research Journal

International Recognized Multidisciplinary Research Journal

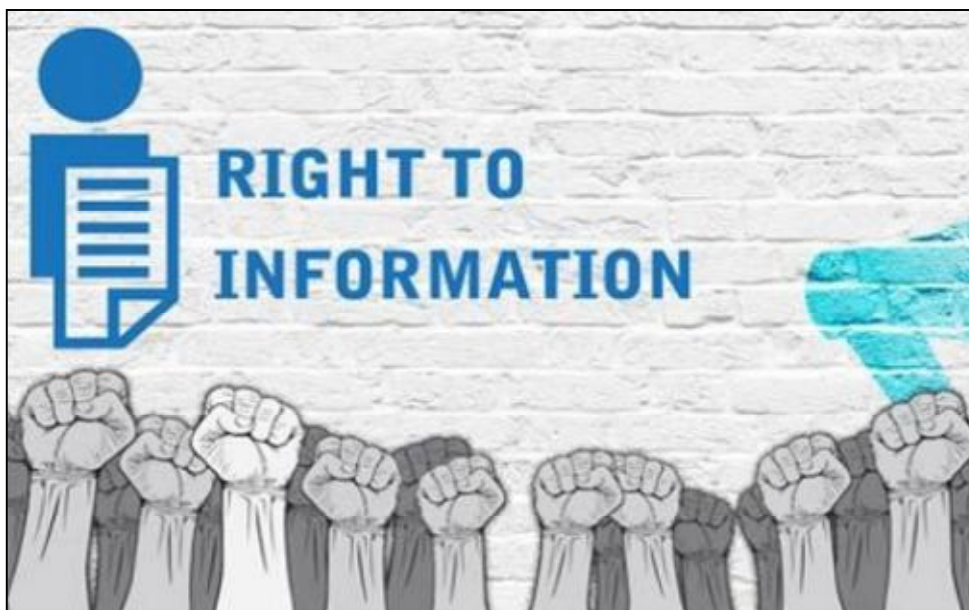
ISSN : 2230-7850

Impact Factor : 4.1625(UIF)

Volume -6 | Issue - 2 | March - 2016



RIGHT TO INFORMATION



**Sunita Chauhan**

Assistant Professor , Deptt. Political Science ,  
Govt (PG) College, Naraingarh (Ambala) Haryana.

## ABSTRACT :

*Right to information means the statutory right of India to seek information from government and public sector officer, institutions and non government organization which are situated in India and are owned , controlled or substantially financed by funds provided directly or indirectly by the central government or state government, regarding their functions and activities , it also includes the right to inspect words , documents, records, take notes, extracts or certified copies of documents or records take copies and certified samples of material obtain information in the from 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. Page 212*

**KEYWORDS:** *Right to information , functions and activities.*

### **OBJECTIVES OF RIGHT TO INFORMATION ACT.**

The basic objectives of Right to Information act is to empower the citizens , promote transparency and accountability in the working of the government , contain corruption and make the democracy work of for the people in rural sense. Thus this act was passed with the objectives. To provide for citizens to secure access to information under the control of public authorities. To promote the transparency and accountability in the working of every public authority . To set up central information commission and state information commission for the matters concerned there with. To contain corruption and to hold government and their instrumentalities accountable to the governed . To harmonise revelation of information with public interests including efficient operations of governments optimum use of fiscal resources and the preservation of confidentiality of sensitized information . page 13

### **PROCEDURE FOR OBTAINING INFORMATION UNDER RIGHT TO INFORMATION ACT.**

Request of obtaining information : A person who desire to obtain any information under this Act, shall make a request in writing or through electronic means in English or Hindi or in the official language of the area in which the application is being made, accompanying such fee as may be prescribed to the public information officer or assistant public information officer as the case may be public information officer is an officer designated by the public authority in all administrative by officer or units under it and assistant public information is an officer designed by the public authority at each divisional or block level. The duties of these officers are to receive the applications from the information seekers and provide them necessary information . The application should have the details of the information required as well as the name and complete postal address of the applicant. Page 216

Depositing fees for obtaining information: For obtaining any information the applicant is required to deposit a certain fees as prescribed by central and state government . Different states have prescribed different fees seeking information . The application fees for central government departments is Rs.10. The applicant may also be required to pay further fee towards the cost of providing information the details of which shall be intimated to be applicant by public information officer. For obtaining information from central government departments the applicant is required to pay Rs. 2 for every page. This amount of fees different from state to state. Similarly for the inspection of records , if such an inspection is made for one hour only. However for every subsequent hour after one hour or a fraction there of is the fee is Rs.5 . This position is applicable to central Government departments. State government have different fee rules. The fee is deposited in the name of concerned public information officer/ assistant public information officer. The modes of pay fee are cash, Demand draft, Bankers cheque , Indian postal order or Treasury challan. Different state government have framed different rule for depositing application fee for seeking information. There is no fees for citizens below poverty line.

### **DISPOSAL OF REQUEST**

In general cases, normally the request for information shall be disposed by the concerned information officer within 30 days of receipt of request. Where the information sought for concerned the life or liberty of a person , the same shall be provide within 48 hours of the receipt of the request. Where the information relates to third party the same shall be provided within 40days of the receipt of request. If the information against the listed intelligence and security organizations , the same shall be provided within 45 days of the receipt of request. An information shall ordinarily be provided in the form it is sought unless it could disproportionately divert the resources of the public authority or would be detrimental to the safety or preservation of the record in question. If the concerned information officer does not provide information within the specified period it shall be taken as a deemed refusal against which the applicant seeking information can file his first appeal to the next senior rank information officer. Where a request has been rejected the concerned public information officer shall communicate to the person making request. The reason for such rejection. The period within which an appeal against such rejection may be preferred and the particulars of the appellate authority.

## Appeals

Appeal can be filed at two levels- one , within the organization to the senior officer of the public information officer known as first appellate authority. The second appeal can be filed with in the central or state information commission, as the case may be . The appeals in respect of union Territory can be filed before the central information commission as the UTs have not been empowered to set up such commissions.

### First Appeal

First appeal may file under section 19(1) of the right to information Act. First can be files with in 30 days from the receipt of decision of public information officer and if no decision is given within 60 days from the date of making a request for information. First appeal has to be disposed within 30 days from the date of its receipt. This period is extendable by 15 days if necessary . So if you do not obtain desired information even after making first appeal, you can file second appeal to the next level appellate officer.

### Second Appeal

A second appeal against the decisions of the state government department can be filed with the state information commission where as appeal against central government department can be filled with the central information commission. The second appeal shall lie within 90 days from the date on which the decision should have been made or was actually received. The decision of central or state commission shall be binding but an appeal can be filled in the High Court and Supreme Court against the decision of the commission. Page 218

### Penalty

Where the information commission at the time of deciding any complaint or appeal is of the opinion that the public officer has without any reasonable cause refused to received an application for information or has not furnished information within the time specified denied the request for information which destroyed information which was the subject of the request or obstructed in any manner in furnishing the information which was the subject of the request. It shall impose a penalty of Rs. 250 each day till application is received or information is furnished subject to the total amount of such penalty not exceeding Rs. 25000. Page 219

### Exemptions from disclosure of information

Under provision of section 8 and 9 of the Right to Information Act, certain special information can be refused to be given i.e. the public information officer can refuse to provide the following information on to the information seeker. Information disclosure of which would prejudicially affect the sovereignty and integrity of India the security strategic, scientific or economic interests of the state , relation with foreign state or which may lead to incitement of an offence . Cabinet papers including records of deliberations of the council of ministers, secretaries and other officers information which would impede the process of investigation or apprehension or prosecution of offenders etc. Some state government have also notified the agencies, which are exempted from the provisions of the Act. Some intelligence and security organizations exempted from Right to Information Act is given intelligence Bureau. Research and analysis wing of the cabinet secretariat , Directorate of revenue, Directorate of enforcement , Narcotics control Bureau, aviation research center , special frontier center Border security force , central reserve police, Indo- Tibetan Border Police , Central Industrial security force, National security guards, Assam Rifles, Sashtra seema bal, Special Branch Andaman and Nicobar. The crime branch –CID- CBI Dadra and Nagar Haveli, Special Branch Lakshadweep police , special protection group , Defence Research and Development organization , Border Road Development Board, Financial intelligence Unit , India Page 291

Right to Information is implicitly guaranteed by the constitution . The law is very comprehensive and covers almost all matters of government and has the widest possible each being applicable to government at all levels – Union state and local as well as recipients of government grants act provides exemptions to some intelligence and security organizations constituted by the Central or state government .

But in such areas information can be given with the approval of the concerned information commission. The act requires the public authority and its officers to maintain and ready its records and machinery so as facilitate the right to information . The fee for seeking information shall be reasonable. There shall be no fee for citizens below poverty line. The central government by using power vested under this act is chalk out programmes to advance the understanding of public and develop the information machinery.

#### REFERENCES

- [1] Cyber Law: A Legal Arsenal for online Business, Brett J. Trout
- [2] Cyberlaw : the law of the internet, Jonathan Rosenoer
- [3] The Internet encyclopedia, Hossein Bidgoli.
- [4] Cyber law simplified, Vivek Sood
- [5] The future of the Internet and how to stop it, Jonathan L.Zittrain.
- [6] Cyberlaw: The computer User's Legal Guide Self-Counsel legal series Jeffery M. Schelling, Self-Counsel Press, 1998.
- [7] Law on the Net James H. Evans, Fred Horch, Nolo Press, 1995
- [8] Internet and online law Commercial law series Internet and Online Law, Kent D. Stucky Commercial law intellectual property series Law Journal Press, 1996.