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Turning Point

India is a democratic country but it is a democracy that is outdated. By outdated I mean severely outdated we are backward by nearly two centuries. I say so because Sweden the first country to introduce Right to Information did so in the 18th century. Yes that is right. One of the fundamental right of a citizen to know what is happening in his own country was denied to us. But it would not be fair on my part to say so, after all we were under an autocratic British rule for nearly two hundred years and we got our freedom only in 1947 through the Indian independence act of 1947 passed by our ex rulers who were sitting thousands of kilometres away from us. That to after a long hard fought struggle against the British.

After centuries of being suppressed our forefathers realized it was high time that we got our birthright “swaraj” freedom from our foreign rulers. They had suffered grave injustice. They were suppressed, exploited, discriminated looked at with disdain in their own country. They were treated as second class citizens on their own land. Therefore when we got our long lost freedom it was in the minds of our great leaders and constitutional framers that the coming generations be freed from facing the hardships faced by their predecessors. Their own experiences in the hands of the British made them believe in the principles of justice, liberty, equality, fraternity and moreover the importance of rights of an individual. By rights of an individual they wanted each and every one of us to create our own future, they believed that man creates his own destiny and therefore he should be given total freedom, provided all opportunities for this fulfilment , there would be no curtailment of personal growth no oppressive rulers who suppressed the ruled stating they were inferior and hence did not deserve a chance it would all change so as to create an environment where Indians would strive for excellence and be encouraged to develop in all aspects to the fullest of their potential.

The manifestation of this feeling is clearly evident in our own constitution that is by the fundamental rights of a citizen. Article 19 of the constitution guarantees to us the six freedoms and of these the most important being Article 19 (1) (A) “the right to freedom of speech and expression”

But I ask you my fellow citizens how are we to exercise our fundamental right to freedom of expression if we do not have access to information, only when we are well aware can we express ourselves fully. How sad it is when we are not made known of the happenings in our own country and governing setup. We proudly proclaim that we are a democratic country but I ask you “should anything be hidden

in a democratic country? What is there to be hidden? Why so many secrets and confidentiality when it comes to the working of a government?"

Shouldn't the system of governance be transparent and its working be made available to the citizens after all they have the right to know because they elected and formed a government to govern them. What could be so secret that it has to be kept secret from the very people who are directly affected by these decisions and various policies taken by the government.

In a very bold and inevitable move the parliament of India decided to enact the new legislation the key to our future " The Right to Information Act 2005 "

An act which would enable any citizen to ask any questions from the government or seek any information, inspect any government documents take copies of it , inspect any government work seek any information regarding the work undertaken by it. And also any citizen can seek information from panchayathi raj institutions to any other institutions or organisations including various NGO's established constituted, owned, controlled or substantially financed directly or indirectly by the state or central govt.

Sadly the winds of change took nearly sixty years to affect us. After sixty years of independence through a very simple act of government of India containing just 31 sections proved to be the turning point. Years of callous and dismissal attitude changed. A seemingly insignificant but a significant act the "RTI" act ushered in a new era. A new era of information the key to a transparent, accountable and responsible government. An act which will ensure the smooth functioning and development of Indian democracy. Finally the citizens of India have been given their due regard the dismissal attitude of the officials have changed no longer can they claim that they do not have any responsibility or accountability when information is sought from them now they are legally bound to provide it thus the dismissal attitude of the officials have changed for good.

According to the act in every government at least one officer has been designated as Public Information Officer (PIO) he/she accepts the requests forms and provides information sought by the people. In addition in each sub district/divisional level there are assistant public information officers who receive requests for information and appeals against decisions of the PIOs and then send them to the appropriate authorities. These PIOs are required by law to provide information sought from them. Most departments of the government are required to provide information to the public except for a handful of them which deal with matters of national security. These are exceptions as they hold information which cannot be disclosed for the security and sovereignty of the nation. But for the other departments there is no way out they do have to provide information sought to them at any cost.

Power corrupts and absolute power corrupts absolutely. Corruption is one of the main problems faced by Indian democracy. But the 'RTI' act helps weed out corruption. It puts a system in place which checks absolute power it in a way shares

power with the general public thus ruling out the chance of a single supreme dictatorial power and it also prevents corruption in all its forms. The 'RTI' act makes it impossible for any public servant to be corrupt since it creates a transparency in the working of any public office. When everything is made public chances of any misappropriation is very limited .Therefore RTI act indeed cleans out the system of all evils. Anyone who has any objection to this act is someone who has to hide such corrupt practices. In simple terms if a person is doing his/her job honestly and diligently according to law prescribed. He/she must be more than happy to make it public it would only be a matter of great honour and privilege to provide such information since it only adds to the goodwill of the said public servant. But on the other hand when he/she has done something wrong they try to cover it up and create a iron wall instead of a transparent one. This is essentially against the spirit of our constitution and democracy. Such officials are a curse to the society as a whole they are the ones who are responsible for underdevelopment and retrogressive nature of the country. But with proper usage of the RTI act such officials can be weeded out and an entire new process of reformation towards the path of development and well being can be achieved.

With the enactment of this act every citizen has a right to redressal for his grievances it comes in form of the "State Information Commission" headed by the "Chief Information Commissioner". Here any issues regarding denial, misleading, incorrect information being provided can be dealt with. Severe action can be initiated against the wrongdoers. A word of caution if "justice delayed is justice denied" so is "information delayed is information denied"

Now moving towards one of the most controversial and most discussed sections. One that can be misused hence should be handled with care that is exemption from disclosure of information. Yes I have to agree that certain information has to be withheld for a greater good. In order to bring out the essence of the above mentioned clause in the act I am forced to quote directly from the act Section 8 of the RTI act which clearly states that in certain cases there shall be no obligation to provide information to any citizen which includes

- a) information that would prejudicially affect the sovereignty and integrity of India the security ,strategic ,scientific or economic interest of the state, relation with foreign state or lead to incitement of an offence
- b) information which has been expressly forbidden to be published by any court of law or tribunal or the disclosure of which may constitute contempt of court
- c) information, the disclosure of which would cause a breach of privilege of parliament or the state legislature
- d) Information including commercial confidence trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party unless the competent authority is satisfied that larger public interest warrants the disclosure of such information.

- e) Information available to a person in his fiduciary relationship, unless the competent authority is satisfied that larger public interest warrants the disclosure of such information
- f) Information received in confidence from foreign government
- g) Information, the disclosure of which would endanger the life or physical safety of any person or identify the source of information or assistance given in confidence for law enforcement or security purpose
- h) Information which would impede the process of investigation or apprehension of prosecution of offenders
- i) Cabinet papers including records of deliberations of the council of ministers, secretaries and other officers

Provided that the decision of council of ministers, the reasons thereof, and the material on the basis of which the decisions were taken shall be made public after the decision has been taken, and the matter is complete, or over:

Provided further that those matters which come under the exceptions specified in this section shall not be disclosed

- j) Information which relates to personal information the disclosure of which has no relationship to any public activity or interest or which would cause unwarranted invasion of the privacy of an individual unless the central public information officer or state public information officer or the appellate authority, as the case maybe, is satisfied that the larger public interest justifies the disclosure of such information

Provided that the information, which cannot be denied to the parliament or a state legislature, shall not be denied to any person”

One look at the act and it can be seen and understood that the given exemption was necessary and inevitable such information has to be withheld for the greater good. The above mentioned exemptions has to be followed in the true sense in which it has been written and no loopholes for private benefit be found and used if at all it is done then it goes against the very basic existence of the act and destroys the act. Therefore such exemptions should be carefully monitored and analyzed so there is no misuse of the above mentioned clause.

Now I can safely conclude that with the help of “Right To Information Act” we can work towards a better and bright future with a transparent and clear system of governance which is free of corruption and corrupt practices and more importantly responsible and accountable to its true rulers “The People Of India”.

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