

A Critical Study on Important Judgment of CIC under RTI Act With Reference To Society.

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ABSTRACT.

This Act provides for stringent penalty provisions for delay or denial of information or indeed for knowingly seeking to mislead an applicant. It has two tier appeal system. We in the central Information Commission have been adjudicating upon numerous appeals filed by citizens. The Right To Information Act is intended to promote accountability and transparency in government by making the process of government by decision making more open. The Right to Information and obligations of public authorities. Every public authority shall maintain all its records duly catalogued and indexed in a manner and the form which facilitates the Right to Information under this Act and ensure that all records that are appropriate to be computerised are within a reasonable time and subject to availability of resources, computerised and connected through a network all over the country on different systems so that such records is facilitated . The procedure followed in the decision making process, including channels of supervision and accountability. The norms set by it for the discharge of its functions, the rules, regulations, instructions, manuals and records, held by it or under its control or used by its employees for discharging its functions meetings of those boards, councils, committees and other bodies are open to the public or the minutes of such meetings are accessible for public. Directory of its officers and employees the monthly remuneration received by each of its officers and employees, including the system of compensation as provided in its regulations. The budget allocated to each of its agency indicating the particulars of all plans, proposed expenditures and reports on disbursement made the manner of execution subsidy

programmes, including the amounts allocated and the details of beneficiaries of such programmes.

Keywords: Right to Information Act, Competent, Foster, Transparency, Corruption, Transformation

I. INTRODUCTION.

The Objectives the decisions that the CIC on the Right to Information Act 2005 were to study the decisions that the CIC delivered on the Appeals and complaints which came before it as second appeals or complaints under the relevant provisions of the Right to Information Act . The analysis was to practically study all the cases that were decided by the commission from its inception and then analyse the most important cases or Landmark orders which authoritatively interpreted the important provisions of the Act . The Jurisprudential analysis of decisions of the CIC on RTI Act 2005 is a unique initiative which was made available the interpretation and meaning of the different provisions of the RTI Act as interpreted by CIC in its Landmark orders in a simple, easy to understand and easy to apply manner which can be used by CSO, citizen leaders, elected representatives, government functionaries and others for the understanding of the act through authoritative orders. This exercise has filled a strong need to have the interpretation of the Law relating to right to information as a sort of ready, reference through which a layman can understand the position on CIC on different sections and issues relating to this critical right, such as who can apply for information correct manner to apply for information, the nature of information which is exempt under the Act the ways in which information requested can be given the time limits as per the Act for filing Appeals disposal of such

Appeals. Talking about the influence that political parties wield on the lives of citizens, the CIC observed that political parties affect citizens directly or indirectly, in every conceivable way, and they are continuously engaged in performing public duty. And this makes it extremely important for them to become more accountable to the people. Political parties are unique institutions of the modern constitutional state, and the CIC said that they derive this uniqueness from the fact that in spite of being non-governmental, they come to wield or directly or indirectly influence the exercise of governmental power.

In addition to this observation, the Central Information Commission also relied on one of the judgments of the Karnataka High Court, which was given in the case Bangalore International Airport limited versus Karnataka Information Commission. This case was decided in February 2010, and the Karnataka High Court had observed that a public authority may be described as a person or administrative body that is entrusted with the functions. Not every person or body is expressly defined as a public authority or body. And the meaning of the term can vary according to the statutory context in which the term is used. But one of the distinguishing features that must be taken into account to judge, whether an authority is a public authority or not, is to see whether the authority is engaged in any kind of profit-making enterprise or exercise. If it is engaged in profit making, then in all likelihood, it is not a public authority. The aim of the paper is about The RTI Act 2005 provides that the chief Information Commissioner to be persons of eminence in public life with wide knowledge and experience in Law.

OBJECTIVES.

- Empower citizens to question the government.
- Promotes transparency and accountability in the working of the government.
- It helps in containing corruption in the government and work for the people in a better way.
- The act also envisages building better informed citizens who would keep necessary vigil about the functioning of the government machinery.

II. LITERATURE REVIEW

N.S Gehlot . RTI Act 2005 has ushered in a new era in the history of Indian democracy which is meant to protect citizens. The Right to Information Act, passed by the Indian Parliament in the year 2005 has proved to be a landmark for good governance and in helping common people,

especially the poor and underprivileged, get their dues from the government. The act has emerged as the most potent tool to empower ordinary citizens to combat state corruption and to play an important and active role in participatory democracy. Drafted by civil society itself, the law is unique in the sense that it has been the result of years of struggle by civil society, NGOs and media. **Sairam Bhat** it was raised by the complainant to persuade the central information commission to bring political parties within the purview of public authority. public authority" is crucial for determining the purview of the Right to Information Act. In its substantive meaning, many institutions which are not necessarily fully publicly owned, but come under various jurisdictions of "public authority" can be rendered as under the purview of the RTI Act. **Sahina(2016)** RTI in India has developed through Judicial pronouncements thereby distinguishing itself as a Fundamental Right under Article 19(1) a. **Subhash Agarwal** . Higher Judiciary in India has recently received a lot of condemnation when Supreme Court India preferred to appeal against the Judgment. **Shailesh N. Hadli** public participation is the most important factor which has the potential to ensure transparency in governmental decision making. **Thania Alex** . The division bench in its decision has held that the central Information commission perform only administrative functions. **Jyoti Rattan** . Public authorities are empowered to appoint central and state PIOs disclose information and to make this Act a reality.

Alas dair Robert . Public authorities and civil society organisations have developed a number of practical innovations that may be useful for other developing countries. **Richard** . Presents case studies of civil society activism on FOI in India and South Africa to illustrate the extent which access to information. **Shahla Tabassum** the need for transparency and accountability in governance system of the country becomes more important especially to achieve the goals. **Charu Malhotra** explains that in India last two decades specifically saw a proliferation of public tools such as citizens charters, Right To Information, Right To Education was handled. **Rajbirsingh Dala** . Assess its impact on Indian administration in the functioning of good governance and highlight the prospects as well as the constraints of this Act. **Jaytilak** submits the report on how RTI is useful. RTI Act allows citizen to seek any information other than the 10 categories exempted under Section 8, it does not mean that the public authorities are required to entertain all sort of frivolous applications. The

CIC held that asking for “all the records” regarding various services and categories of staff in the railways, “only amounts to making a mockery of the Act.” **Keshabananda Boran** the Right to Information is a basic human right of every human being. It highlights the basic guidelines of RTI. **Rajsingh** defines any authority or body or institutions of self government established or constituted by or under the constitution.

Keshabananda Borah . Right to Information is a basic human right of every human being. Information makes man wise and it is competent enough to cope with modern world. **Rajib Bhattacharya** . Right to Information is an essential step in ensuring transparency and accountability in governmental systems and processes. **Rumki** explains on several Supreme Court Judgments in the context of freedom of speech and expression. **Sudhir Naib** . They are expressing how Laws are made during colonial period. **Acharya N. K.** has commented in detail the procedure for seeking information and the fee structure to avail information. He has given the format of application, first appeal and second appeal for obtaining information. Singh (2010) studied on Promoting e governance through Right To Information: . **K M Srivatsava in his book “the Right to Information: A Global perspective”** (2009) tried to show the global view of right to

know the information. The book provides a good comprehensive which takes over RTI in India and same developed countries like United States and United Kingdom. He shows an overview of the concept of RTI and freedom of information.

Mandakini Devasha Suries “ RTI in India- An effective tool to tackle corruption” (2011) describes the RTI Act as the most fundamental law this country has seen as it can be used from the local Panchayats to Parliament.

III. METHODOLOGY.

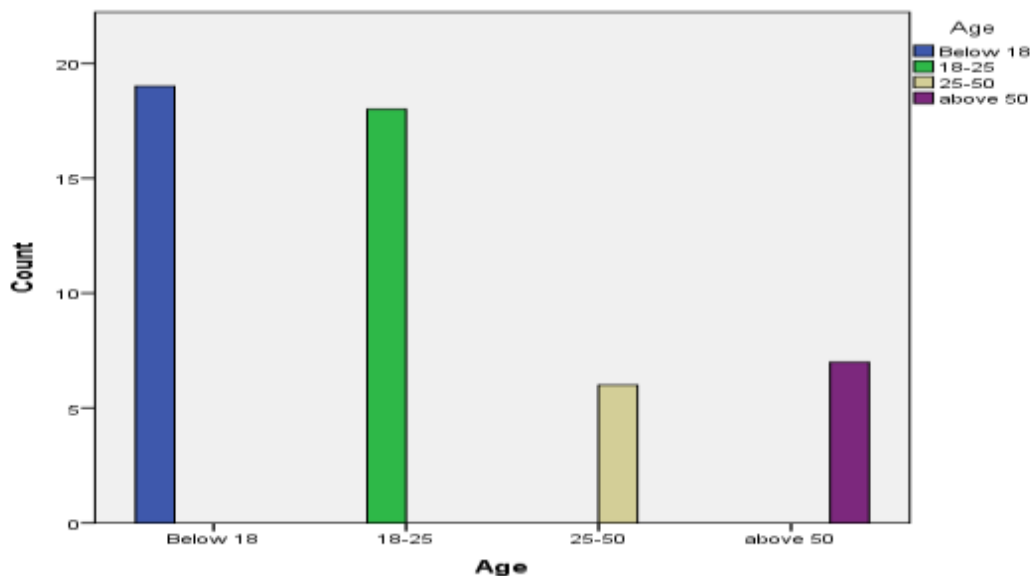
Collected 200 responses. This survey is done in offline mode. It includes Age, gender, educational qualification and marital status. It is a descriptive Research. Followed . Studied both primary and secondary data. The Independent Variables such as Age, Gender, Occupation and Marital Status. It is done through SPSS for acquiring better result. It studies secondary sources to get through the current issue . It will be focussed mainly on the primary data.

HYPOTHESIS.

H0: there is no significance relation between judgment of CIC and RTI

H1: There is significance relation between judgment of CIC and RTI

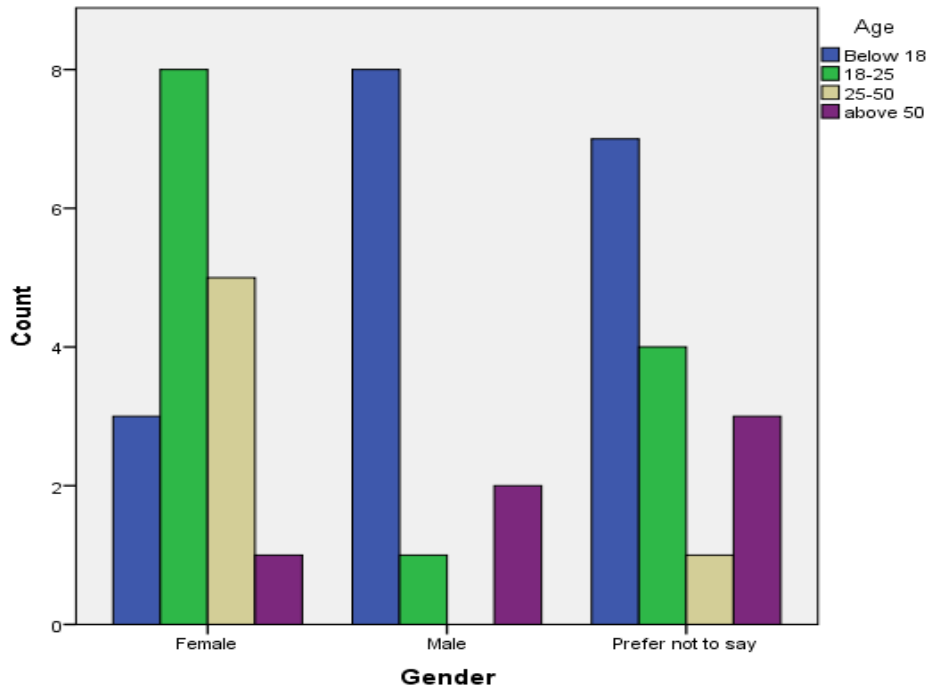
ANALYSIS:



Legend .

In figure 1 below 18 years of age are having good knowledge about Right to Information

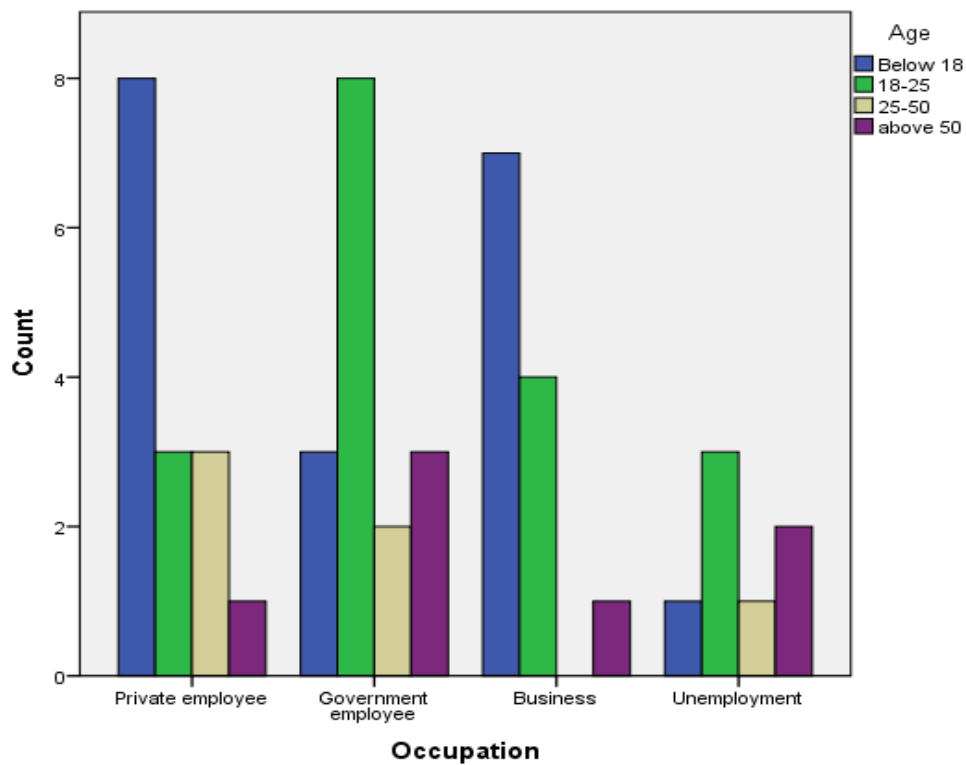
Act. They spoke well about it. Other age group are not that much aware of this concept. Some awareness need to be given to the society.



Legend

In figure 2. female and male told RTI is very useful and essential tool to the nation. They

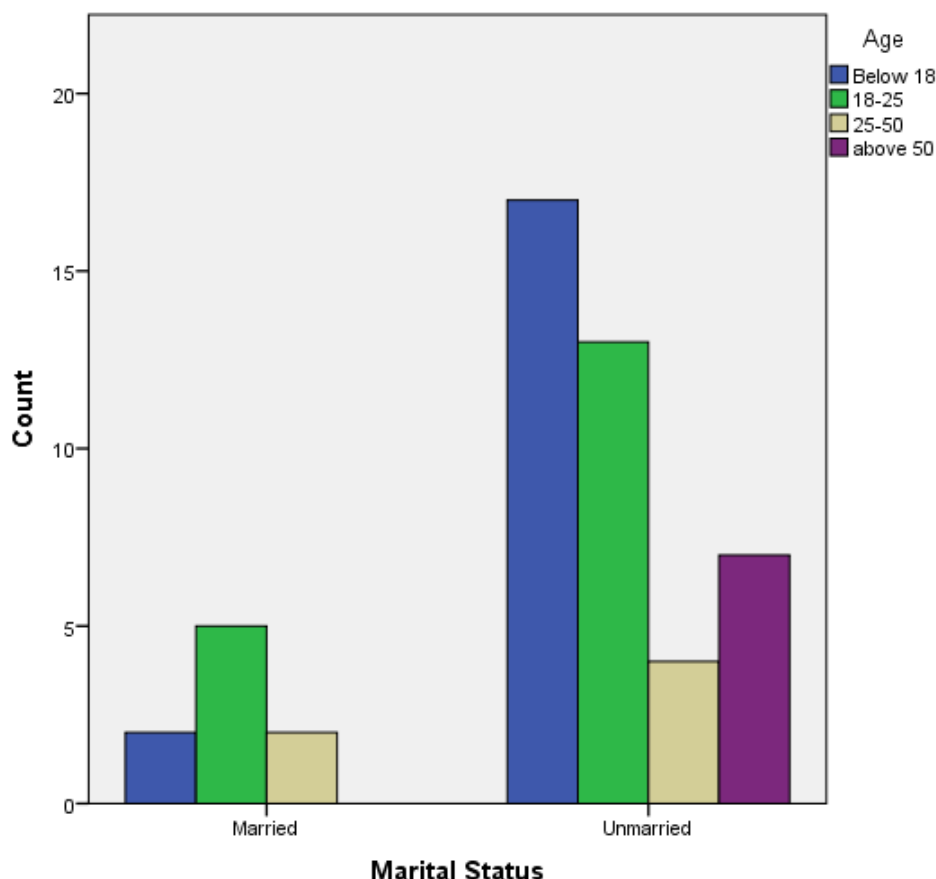
said can know what is happening. Male are telling Judgments what they declare should be completed in a stipulated time.



Legend.

In Figure 3. Private employee said RTI . People are misusing it. Restrictions should be imposed on people. Other people are not knowing

what is happening. Some steps should be taken to understand the society on what basis the Judgment is declared.



Legend

Figure 4. Unmarried people gave lot of information about RTI. It is giving a good impact to the society. They have seen so much of issues. Male are not knowing about this concept.

IV. RESULT.

In this table below 18 years of age are having good knowledge about Right to Information Act. They spoke well about it. (Figure 1). In this table female and male told RTI is very useful and essential tool to the nation. They said can know what is happening. (Figure 2). Private employee said RTI . People are misusing it. Restrictions should be imposed on people. (Figure 3). Unmarried people gave lot of information about RTI. It is giving a good impact to the society. (Figure 4).

V. DISCUSSION.

In this table below 18 years of age are having good knowledge about Right to Information Act. They spoke well about it. (Figure 1). Others are not aware of this concept. Many awareness should be given to them. In this table female and male told RTI is very useful and essential tool to the nation. They said can know what is happening. (Figure 2). Private employee said RTI . People are misusing it. Restrictions should be imposed on people. (Figure 3). Unmarried people gave lot of information about RTI. It is giving a good impact to the society. (Figure 4).

VI. LIMITATION .

This Research is done in offline mode. It is done by questionnaire method. We interacted with people they were not knowing what is RTI.

Still it should be known to others. In this table below 18 years of age are having good knowledge about Right to Information Act. They spoke well about it . Others are not aware of this concept. Many awareness should be given to them. In this table female and male told RTI is very useful and essential tool to the nation. They said can know what is happening.). Private employee said RTI . People are misusing it. Restrictions should be imposed on people.). Unmarried people gave lot of information about RTI. It is giving a good impact to the society.).

VII. SUGGESTION.

RTI should be explained to people those who are not knowing this concept. According to their language. So that they can understand what is happening in the society. Still the process should be made easier. Then only the nation would be knowing what is happening in the judgment.

VIII. CONCLUSION.

This has not achieved its target fully. Some criteria need to be followed in a proper manner. It was made to achieve social justice, transparency and make an accountable government. It can be challenged in second Appeal against the first appellate authority may be filed before this commission within 90 days from the date on which the decision should be made by the FAA or was actually received. It has not achieved its full objectives due to some impediments created due to systematic failures . It provides us with priceless opportunity to redesign the process of governance particularly at grass root levels where the citizen interference is maximum. It is well recognised it is necessary but not sufficient to improve governance . It needs to be done to usher in accountability at all levels. As observed by Delhi High Court that misuse of RTI Act has to be appropriately dealt with otherwise the public will lose faith.

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PLAGIARISM .

