

THEME

In order to ensure greater and more effective access to information, the Government resolved that the Freedom of information Act, 2002 enacted by the Parliament needs to be made more progressive, participatory and meaningful. The National Advisory Council deliberated on the issue and suggested certain important changes to be incorporated in the existing Act to ensure smoother and greater access to information. The Government examined the suggestions made by the National Advisory Council and others and decided to make a number of changes in the law.

The important changes proposed to be incorporated, inter alia, include establishment of an appellate machinery with investigating powers to review decisions of the public information officers; penal provisions for failure to provide information as per law; provisions to ensure maximum disclosure and minimum exemptions, consistent with the constitutional provisions, etc. In view of significant changes proposed in the existing Act, the Government also decided to repeal the Freedom of information Act, 2002. The proposed legislation will provide and effective framework for effectuating the right of information recognized under Article 19 of the constitution of India.

The Right to information Act of 2005 (22 of 2005) has overnight turned the entire administration in India from Gram Panchayat to the Chief Secretary into open book. Anyone can seek any information from the public information officer on any subject relating to the administration and secure it for no cost. The applicant need not disclose as to how he is interested in the information nor is he required to state the purpose for which the information is required or the purpose for which the information so procured will be used. The information sought for shall be on the affairs of the state and shall not relate to the matters of common knowledge. It is now open to any person to ask for information, as to what the project cost is as for office estimates of a named project and the amounts for which the bids are offered by the contractors and how they are finally settled and on what grounds similarly, one may seek information as to what are the functions and jurisdiction of a specified officer, his salary and allowances and also the correct information about the way in which M.P.s. special Discretionary Fund is spent and disbursed. If anyone wants to know how a permit license or authorization or any grant has been made and exemption granted. The authority is bound to reveal all particulars. This obligation which is a duty applies not only to the Departments of the Government but also to all local bodies, corporations and institutions receiving grant or run or managed by the Government.

Several unholy things were done in recent years under the cloak of Bureaucratic secretary. A classic instance of this cause is the repeal of the Urban Land Ceiling Act in which a single provision allowing the Governments to grant exemption to owners of excess lands has rendered the Act infructuous in such a way that after its working for over 25 years, has left not a single acre of excess land for the distributions of the shelterless poor. And so are the scandals in the Capital about the allotment of Housing Board houses and petrol pumps. Had there been the Right of information Act in force and not the Official secrets Act such instances of Bureaucratic abuses would have been prevented. If there is a delay in giving information or refusal to give information, the applicant may approach in the first instance the higher officers, or failing which he can file a appeal to the state commission, which is vested with wide powers to bring to book the erring officials who fail to furnish information or information which is not correct.

The Act has not, however, provided any measures preventing excess disclosures by officers or preventing abuse of this right by those who were given information or about the admissibility or otherwise of the information so obtained in the courts of law.

The purpose and intent of the Right to information Act is clear. Knowledge being the strength, and a well informed and intelligent public opinion being the foundation for successful functioning of popular democracy, it is hoped that this Act will also discipline all the voluntary movements aimed at streamlining the administration to the public good.



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