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RIGHT TO INFORMATION- Parmeet Kaur¹**ABSTRACT**

Right to information means right of every person to get information on any matter in public matter. Right to information is a constitutional right which flows from article 19(1)(a) of the constitution so, Right to information or RTI² is a fundamental right. This article contains historical development of right to information act. With the advent of democratic state, governments become more responsible in performing their duties as citizens became more aware of their rights and obligations of the government towards them. India signed various international treaties and declarations on freedom of information .one of them was declaration of 1948, by united nations by declaring freedom of information as basic human right under article 19 of united nations declaration of human rights. This principle of right to information was followed by various countries around the globe by making it statutory right . after so many years of struggle india adopted right to information act of 2005 which provides free flow of information to citizens on the matters concerning or affecting their lives. The act provides the establishing of central information commission and state information commission and the functions to be performed by them. The article also talks about Sweden as first country in the world to adopt freedom of information as a norm rather than exception . the act of 2005 also provides that state can withheld information in public interest . right to information not only helps the individual to know the activities or policies of government affecting their lives but also helps in containing corruption , provides greater level of transparency and accountability of public offices . the article also contains land mark judgements declaring RTI as fundamental right . the overall purpose of the article is that right to know can be enforced through remedies provided under article 32 of the Indian constitution.

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²Right to Information

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INTRODUCTION

Though right to information is a modern concept but it has long history of struggle. In early times rulers were not liable for the misconduct or for misusing the statutory provisions but with advent of democratic government, people become more aware about their rights and obligations of the state making government responsible for the acts .

DEVELOPMENT OF RTI IN INTERNATIONAL ARENA

We will discuss development of freedom of information struggle from international perspective and then from national perspective. In international perspective , united nations adopted universal declaration of human rights 1948 which provides the Right to information under article 19. After that many regional treaties and conventions were signed like American charter on human rights 1981, Africa declared principle of freedom of expression in 2002 , USA, Australia and Sweden have freedom of information related to governmental works as norm rather than exception.

RIGHT TO INFORMATION IN SWEDEN

The right to information may be traced its history from Sweden because Sweden was the first country to give its citizens the freedom of press act 1766 which provides access to government documents . it provides public access to documents and activities pursued by government and its officials. but it also provides that sensitive and confidential information may be exempted in public interest. the act also provides that identity of the person revealing the confidential information to press may not be revealed otherwise it would be criminal offense. Later many countries adopted the principle and drafted many legislation related to freedom of information.

RTI AND INDIA

1. *Official secrets act 1923*: The issue of amendment to section 5 of the act was raised by Mathew commission as it suppressed the freedom of press and suppress the voice of poor and marginalized .

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2. **Indian evidence act 1923:** Section 123 of the act puts prohibition on publication of official communications . the head of the office may reject the information to any person in public interest.
3. **All india service conduct rules1968:** The communications of persons under Indian services are prohibited from being disclosed to public.
4. **Development during national emergency:** During the period of emergency there was prohibition on freedom of press and judiciary . there was no information about government activities to people. But it was in 1991 , that VP singh government provide for right to information as fundamental right .
5. **Mazdoor kisan shakti sangathan:** The struggle of right to information may be traced back to movement led by kisan mazdoor shakti sangathan in remote village of rajasthan . the movement was started to protect the interest of peasants by questioning the copies of bills of the government where demand of minimum wages was denied. This fight for minimum wages soon became movement for right to information which spread across different parts of the country.
6. **Press council of india 1955:**It provides that first blue print of right to information . it also says that the information which is available to parliament could not be denied to common public.
7. **Freedom of information by different states:** There were different states which provides legislation on freedom to information during 1997. These are as follows:
 - a. Goa freedom of information act 1997:this is one of the earliest legislations on freedom of information. It provides provisions for urgent disclosure of information related to life , personal liberty matters . this act also applies to non governmental organizations which are doing governmental works .
 - b. Tamil nadu freedom of information act 1997:it asserted that information must be provided by authorities within 30 days of its being demanded .departments and offices of government also display citizen charter showing list of matters on which public can seek information.

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- c. Karnataka freedom of information act 2000: this legislation provides information on limited categories like it has limited categories related to disclosure of information, penalty clause and appeal to higher authority.
 - d. Delhi freedom of information act 2001: this act provides independent statutory body for appeal that is state information commission. It asserted that information must be provided by the authority within 30 days of its being demanded otherwise public authority will be liable to pay fine of Rs 50 per day of failing and subject to Rs 250 maximum per application. But if public servant deliberately tampered any information he would be liable to pay Rs 1000 as fine.
 - e. Maharashtra freedom of information act 2002: this act not only applies to governmental and semi governmental bodies but also to registered societies, cooperatives public sector units etc. public information must provide information failing which he will be liable to fine of Rs 250 per day and if public officer provides misleading and false information he would be punished with fine of Rs 2000.
- Freedom of information act 2000: In 1997 a working group on right to information and transparency under the chairmanship of Shri H D Shourie to examine need of freedom of information act. A freedom of information bill was drafted and presented before the parliament but before the bill could pass parliament dissolved.

RIGHT TO INFORMATION ACT 2005

National advisory council provides recommended the need of new act on information which provides maximum disclosure of information with minimum exemptions. The government of India decided to repeal the freedom of information act 2000 and on 15 July 2005 act was passed by the parliament and came into force on 12 October, 2005.

FEATURES OF RTI

- People of India can seek information from any governmental, non governmental body established or owned or controlled or financed by state or central government.

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- Citizens can take copies of documents under the control of public authority, inspect files and works of the public authority, take samples of the material and work done by the authorities.
- It can constitute central information commission or state information commission as the case may be. Every information commission must have at least one public information officer who will accept the applications seeking information and to provide information to the individual asking for the same.
- Assistant public information officer must be appointed at sub divisional levels who will receive the request and forward the same to public information officer.
- An appeal against the decision of public information officer may be filed to appropriate authority, generally to commission.
- Application for seeking information must be either in writing or in printed form. It may be in English, Hindi, or any local or vernacular language used in the region. It must be accompanied by appropriate fee.
- If the person seeking is disabled or unable to make application public information officer must provide reasonable assistant to reduce the request into writing.
- Applicant is not required to give any other details except contact number. The public officer is not supposed to ask any other information.
- A reasonable fee must be charged for filing application and for taking copies during inspection. Fee may vary from state to state.
- If public information officer fails to provide information within reasonable time, information will be given to applicant free of cost.

But every information may not be provided by the authorities which are exempted in public interest, to protect the security and integrity of the state, disclosure of which is prohibited by court or tribunal, which will amount to contempt of the court, breach of parliamentary provisions, disclosure of which may lead to conflict with foreign country etc.

SIGNIFICANCE OF RTI

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- **Transparency:** right to information may lead to transparency in governmental policies. As citizens have the right to know the decision making policies and activities of the government, this in turn provides less abuse of power by public authorities.
- **Accountability:** right to information by citizens not only makes government transparent but also makes it accountable by questioning its policies and activities. The right to information sets high standards for accountability. It makes all higher public offices accountable .
- **Meaningful democracy :** by making people to participate in the decision making process right to information flourishes the democracy. Citizen are allowed to participate not only at the day of election but also in activities and policies of the government.
- **Eliminates corruption:** right to information helps to tackle corruption to the large extent by making government offices accountable. earlier in the name of secrecy , there was criminalization of politics.
- **Role of media :** media plays important role in right to information by providing information to public which affect their lives . it also make people aware about the shortcomings of organization and institutions.
- **Good governance:** by making public institutions accountable and transparent which makes poor and marginalized people to get benefit of the schemes and policies and helps them to solve their financial problems .

CASE LAWS

Raj narain v. state of uttar Pradesh³, in this case court ruled that right information flow from fundamental right to express and opinion mentioned in article 19(1)(a).the citizens are masters and can ask any information from the public authorities.

Reliance petro chemical limited v. proprietors express newspaper⁴, right to information is the right of every citizen as it helps them to take part in the developmental activities of the government. Decision related to disclosure of information must be of government but it must be fair . a detained under custody have the right to know the grounds and reasons of his detention.

³1975 SCR(3) 333

⁴1988 SCR Supl. (3) 212

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CONCLUSION

It can be concluded that free flow of information is very necessary in the society as it helps in overall growth of the society . right to information helps to establish democracy in true sense . if citizens are not informed or they have no access to information or misinformation may create uninformed citizens.



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