

EVOLUTION OF RIGHT TO INFORMATION: INDIAN CONTEXT

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ABSTRACT

This Act is of very great importance in democracy and in a free society based on adult franchise. In our sublime Constitution our forefathers have given to us inalienable fundamental rights which form a pivotal part of our Constitution. And now this Act, as days pass by, will become a powerful right devised for establishing social, political and economic justice and destroying the walls that imprison men's minds. This can be achieved only if our people are aware and of their rights responsibilities and it is the task of the dedicated leaders to teach these vital rights to the people.

KEYWORDS: Right to information, Constitution of India.

INTRODUCTION

The vision of the founding fathers and the aims and objectives which they wanted to achieve through the constitution are contained in the preamble, the fundamental rights, and the directive Principles. The Right to Information Act 2005 is landmark legislation with far-reaching implications to the future of our democracy. This law is unique in the sense that it has been the result of years of struggle by civil society and media, and the Bill has been drafted by civil society not government. Lok Satta has been privileged to play a modest, but significant role in the drafting of this legislation and in persuading the political system to respond to people's urges. Right to Information is not an elite issue. It is a day-to-day issue relating to the legal right of an individual, often making a difference between drudgery and dignity, or sometimes between life and death. A good law is only the first step in ensuring transparency; citizens need to be informed and vigilant.

DEVELOPMENT OF CONCEPT OF RIGHT TO INFORMATION

The concept of informing citizens about the affairs of the state dates back to the regime of Ashoka. He reached the people directly through various inscriptions being installed them at various places. The advancement of idea of Right To Information is said to be the eighth wonder of the world. The origin of the right to information may be traced far back in Sweden, where the Freedom of Press Act of 1766 guaranteed public access to Government documents. It thus became an integral part of the Swedish Constitution, and the first ever piece of freedom of information legislation in the modern sense. In Swedish this is known as *Offentlighetsprincipen* (The Principle of Public Access), and has been valid since.

In India, first legislation concerning to the Government information was enacted in 1889 during British Rule in the form of the Official Secrets Act and was substituted by the Official Secrets Act,1923. In fact, the Act was restricting Government official from not to release certain information of the office and made such passing of information an offence. This law secures information related to security of the State, sovereignty of the country and friendly relations with foreign States, and contains provisions which prohibit disclosure of non-classified information.

Right To Information is derived from our fundamental right of freedom of speech and expression under Article 19 of the Constitution. The Constitution of India, under Article 19 (1)(a) accommodates flexibility of articulation, which can be comprehensively considered as beginning of Legal administration for ideal to data in the nation. Article 19(1)(a) of the constitution guarantees the fundamental right to free speech and expression. The prerequisite for enjoying this right is knowledge and information. The absence of authentic information on matter of public interest will only encourage wild rumors and speculation and avoidable allegation against individuals and institutions. Therefore, the Right to Information becomes a constitutional right, being an aspect of the right to free speech and expression which includes the right to receive and collect information. This will also help the citizen perform their fundamental duties as set out in article 51A of the Indian constitution. A fully performance of these duties. Thus access to information would assist citizen in fulfilling these obligations. According to Thomas Jefferson “Information is the currency of democracy,” and critical to the emergence and development of a vibrant civil society. However, with a view to set out a practical regime for the citizens to secure information as a matter of right, the Indian Parliament enacted the Right to Information Act, 2005. The right to information is a fundamental right flowing from Art. 19(1)(a) of the Constitution is now a well-settled proposition. Over the years, the Supreme Court has consistently ruled in favor of the citizen’s right to know. The nature of this right and the relevant restrictions thereto, has been discussed by the Supreme Court in a number of cases:

In Bennett Coleman, the right to information was held to be included within the right to freedom of speech and expression guaranteed by Art. 19 (1) (a).

In Raj Narain, the Court explicitly stated that it is not in the interest of the public to ‘cover with a veil of secrecy the common routine business - the responsibility of officials to explain and to justify their acts is the chief safeguard against oppression and corruption.’

In S.P. Gupta, the right of the people to know about every public act, and the details of every public transaction undertaken by public functionaries was described.

The Right to Information has already received judicial recognition as a part of the fundamental right to free speech and expression. An Act is needed to provide a statutory frame work for this right. This law will lay down the procedure for translating this right into reality. Information is indispensable for the functioning of a true

democracy. People have to be kept informed about current affairs and broad issues political, social and economic. Free exchange of ideas and free debate are essentially desirable for the Government of a free country.

CONCLUSION

In a sound democratic spirit Gandhi ji, the Father of our Nation observed- “The true source of rights is duty. If we all discharge our duties, right will not be far to seek. If leaving duties unperformed we run after rights, they will escape us like a will o’-the wisp. The more we pursue them, the farther will they fly”. Right to Information is very useful and significant at a time when the print and electronic media have become very powerful instruments in disseminating information to the public in no time. The Right to Information Act 2005 is landmark legislation with far-reaching implications to the future of our democracy. This law is a comprehensive one, and is perhaps the most liberal and citizen-centered transparency law in the world today.

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