Preface

A democratic country like India is always in need of an active participation of the people. The Constitution of India in its Preamble fortified the same principle and where the President of India, who is the head of the executive is also elected through an indirect election where the people participate indirectly. Hence, it reflects the people's active participation in every aspects directly or indirectly. Obviously, for the life breath of a democracy it is indeed necessary for an informed citizenry. The citizen's 'right to know' is a basic right where 'right to information' is an implied provision to it. Also, the concept of open government is directly emanating from the basic right i.e. 'the right to know' which is implicit in the right to freedom of speech and expression as guaranteed under Article 19(1)(a) of the Constitution. Therefore, it can be ascertained that the 'right to information' impliedly reflects its constitutional guarantees, though not specifically mentioned as guaranteed right.

The present trend of 'right to information' is more or less is an important aspect in everywhere, because of the inquisitiveness of the people. People's participation is a part and parcel in a democratic country and accordingly it requires that they should be informed regarding the happenings of the governmental
functions. It is because, in a democracy, the people are the best judge for the works of their representatives and for which they must have been informed time to time. Otherwise, the same will be beyond its imagination for its fulfillment.

The present Right to Information Act, 2005 is one of the basic right which is actively working more or less throughout the country. Prior to that Act of 2005, some of the states like Assam, Delhi etc. have their own information Acts which were operating since its effectiveness. Therefore, it can be ascertained that such states those who are already having that information statute, they are actively working in the field of information and now with the central Act of 2005 it has strengthen the earlier states information act as whole. And as such, in practice, the concept of ‘openness’ is already available. But the think is that, in one hand we are available with the Right to Information Act, 2005 and the other, there is the Official Secrets Act, 1923. With such ‘Secret’ Laws, the administrative authorities are always trying to fulfill their self-interest which are always hurt to the need of the common people.

Now, it is quite a vocal demand that though there is the restrictive mechanism available yet on such mechanism also it needs
to be 'open' upto a limited extent, which is regarded as the 'limited openness of government.' Until and unless if there is no such 'limited openness of government' then the concerned administrative authorities will be trying to fulfill their hidden corrupt intention which is considered as a threat to a participatory democracy.

The right to information has been recognized both at the national as well as international level. It gained prominence at the global level in 1949 when the General Assembly of United Nations declared freedom of information to be a fundamental human right and touchstone of all other liberties. The Universal Declaration of Human Rights, 1948 has also declared that everyone has the right to freedom of information and expression; the right includes freedom to hold opinions without interference and to seek, receive and impart information as well as ideas through any media any regardless of frontiers.

Thus, while the right to information is a recognized law in national as well as the international level, the imposed restrictions and the prevailing 'Secret' laws like the Official Secrets Act, 1923 etc. always sitting like a pillar and it hinders to the direct flow of information. As such to save the democracy, it constrains for a
limited openness of government' on such existing restrictive mechanisms. So, inspired by all these prevailing situations of present administrative misconduct of modern administration where from every element of the society is urging for an open government that the people get participated on all democratic values, the researcher has undertaken this study from its present need in the democratic set up.

An attempt has been made in this respect directly or indirectly to uphold the concept of openness of government. The researcher has also tried to find out the loop-holes of the present legal enactments pertaining to openness of government alongwith some suggestions that there should be limited openness of government on the prevailing restrictive measures. It will make the democracy a suitable one so as to participate by the people in every aspects of the government with full information, knowledge and the power.

Therefore, while developing with the subject matter of study, the researcher has, as far as practicable, discussed the present trend of administrative law with relevant case laws, its jurisprudential aspect, keeping in mind with the present democratic values and for which the major portions have been elaborately discussed in the
concerned identical chapters of this study. The researcher directly reflecting the said administrative misconduct through this overall study and suggesting its probable solutions from the present trend of Administrative as well as constitutional law viewpoint.