CHAPTER – VII
HISTORICAL REVIEW OF RIGHT TO INFORMATION IN INDIA

I – Introduction

This chapter is an attempt to outline firstly the significance of the right to information, particularly in empowering ordinary rural citizens to combat state corruption especially in Rural Development Programmes which are principally meant for poor. An attempt has also been made to describe in some detail the most important grassroots struggles for the right to information, which has succeeded in linking the entire movement in the country to the struggles for survival and justice of the most poor of rural India. The chapter also covers the constitutional history of the right, and attempts through the courts to breach the culture of secrecy of the executive, and initiatives from persons within the government. The chapter concludes with the description of efforts at the national level to legislate this right.

II – Right to Information: The Movement of Rural India

The most important feature that distinguishes the movement for the people’s right to information in India from that in most other countries, whether of the North or the South, is that it is deeply rooted in the struggles and concerns for survival and justice of most disadvantaged rural people. The reason for this special character to the entire movement is that it was inspired by a highly courageous,
resolute, and ethically consistent grassroots struggle related to the most fundamental livelihood and justice concerns of the rural poor.

This inspiring struggle in the large desert state of Rajasthan was led by the Mazdoor Kisan Shakti Sangathan (MKSS), as part of a people’s movement for justice in wages, livelihoods and land. The History of the Movement of Right to Information lies in the History of MKSS because it would enable a deeper understanding of why the movement for the people’s right to information in India has developed as part of a larger movement for people’s empowerment and justice.

**History of the MKSS**

It was in the summer of 1987, that the three founding activists of MKSS chose a humble hut in a small and impoverished village Devdungri in the arid state of Rajasthan, as their base to share the life and struggles of the rural poor. The oldest member of the group was Aruna Roy, who had resigned from the elite Indian Administrative Service over a decade earlier. She had worked in a pioneer developmental NGO, the Social Work and Research Centre, Tilonia, and gained important grassroots experience and contact with ordinary rural people, but now sought work which went beyond the delivery of services to greater empowerment of the poor. She was accompanied by Shankar Singh, a resident of a village not far from Devdungri, whose talent was in rural communication with a rare sense of humor and irony. He drifted through seventeen jobs—working mostly with his hands or his wits in a range of small factories and establishments—before he reached Tilonia, to help establish its rural communication unit. With him was his wife Anshi and three small children. The third activist of the group was Nikhil Dey, a young man who abandoned his studies in the USA in search for meaningful rural social activism.

Together they had come to the village Devdungri, with only a general idea of their
goal of work, to build an organisation for the rural poor. They were much clearer about what they did not want to do: they would not accept funding or set up the conventional institutional structures of buildings and vehicles common to most NGOs, they would not set up the usual delivery systems of services, they would accept not more than minimum wages for unskilled labour, and this too they would derive mainly from small research projects and assistance from friends, they would not accept international or government funding for their work, and they would not live with facilities superior to those accessible to the ordinary small farmer of the surrounding countryside. They lived in a hut no different from that inhabited by the poor of the village, with no electricity or running water, and they ate the same sparse food of thick coarse grain rotis as the working class villager. They had no vehicle, and used trucks and buses for transport. They continue to live in this way even today.

The region which they had chosen was environmentally degraded and chronically drought prone. The land-holdings were too small to be viable even if the rains came. There were few alternate sources of rural livelihood, and distress migration in the lean summer months was high. Government interventions mainly took the form of famine relief works, like construction of roads and tanks, with extremely high levels of corruption and extremely poor durability. Wages, even on government relief works, were low and payment too erratic to provide any real social security cover. Literacy levels were abysmally low, especially for women (1.4%) and even for men (26%). The average debt burden was colossal, at over 3,200 rupees per household.

In their initial years, the MKSS got drawn in as partners in important local struggles of the poor, relating mainly to land and wages, but also women's rights, prices and sectarian violence. On May Day, 1990, the organisation was formally registered under the name Mazdoor Kisan Shakti Sangathan. Its ranks grew as MKSS built a strong cadre drawn from marginal peasants and landless workers,
mainly from the lower socio-economic groupings. Locally the organisation gained recognition for its uncompromising but non-violent resistance to injustice such as an epic struggle to secure the payment of minimum wages to landless farm workers, and also for integrity and ethical consistency of the life-styles and the means adopted by its activists.

The battle against corruption:
In the year 1994, their work entered a new phase, breaking new ground with experiments in fighting corruption through the methodology of jan sunwais or public hearings. This movement, despite its local character, has had state-wide reverberations and has shaken the very foundations of the traditional monopoly, the arbitrariness and corruption of the state bureaucracy. In fact the movement contains the seeds for growth of a highly significant new dimension to empowerment of the poor, and the momentous enlargement of their space and strength in relation to structures of the state.

As with most great ideas, the concept and methodology of public hearings or jan sunwais fashioned by the MKSS is disarmingly simple. For years, indeed centuries, the people have been in their daily lives habitual victims of an unremitting tradition of acts of corruption by state authorities - graft, extortion, nepotism, arbitrariness, to name only a few - but have mostly been silent sufferers trapped in settled despair and cynicism. From time to time, courageous individuals - political leaders, officials, social activists - have attempted to fight this scourge and bring relief to the people. But in most such efforts, the role of the people who are victims of such corruption has mostly been passive, without participation or hope. Such campaigns for the most part have arisen out of sudden public anger at an event and died down as suddenly or has been sustained critically dependent on a charismatic leadership. Consequently the results of campaigns against corruption have been temporary and unsustainable. The mode of public hearings initiated by MKSS, by contrast, commences with the
premise of the fundamental right of people to information, about all acts and
decisions of the state apparatus. In the specific context of development and relief
public works, with which MKSS had been deeply involved for so many years, this
right to information translates itself into a demand that copies of all documents
related to public works are made available to the people, for a people’s audit.
The important documents related to public works are the muster roll, which lists
the attendance of the workers and the wages due and paid, and bills and
vouchers which relate to purchase and transportation of materials.

These are then read out and explained to the people, in open public meetings.
The people thus have gained unprecedented access to information about, for
instance, whose names were listed as workers in the muster rolls, the amounts of
money stated to have been paid to them as wages, the details of various
materials claimed to have used in the construction, and so on. They have learnt
that a large number of persons, some long dead or migrated or non-existent,
were listed as workers and shown to be paid wages which were siphoned away,
that as many bags of cement were said to have used in the ‘repair’ of a primary
school building as would be adequate for a new building, and innumerable other
such stunning facts of the duplicity and fraud of the local officials and elected
representatives.

It is not as if they were unaware in the past that muster rolls are forged, that
records are fudged, that materials are misappropriated, and so on. But these
were general fears and doubts, and in the absence of access to hard facts and
evidence, they were unable to take any preventive or remedial action. The public
hearings dramatically changed this, and ordinary people spoke out fearlessly and
gave convincing evidence against corruption, and public officials were invited to
defend themselves. It is interesting and educative to see how officials and public
representatives at various levels of the hierarchy have reacted to this
unprecedented movement for people’s empowerment.
The Collector, initially acceded to the demands of the MKSS activists, and issued instructions for copies of the muster rolls, bills and vouchers to be given to the activists. The village development officers however refused to comply with the written instructions of the Collector, and went on strike against the Collector's order, insisting that they would submit themselves to an audit only by government, and that they would refuse to share copies of documents with any non-officials. The agitation spread to the entire state of Rajasthan.

The village panchayat elections were then in progress and the Collector requested the withholding of the documents until the elections were over so that the village officials’ strike does not obstruct the election process. MKSS organized the public hearing in the absence of documents, but were still able to gather evidence for prima facie cases of corruption in works and delays in payment. These were presented to the Collector, who promised an enquiry. In compliance with this assurance, the official arrived at village Bagmal for an enquiry. The villagers had gathered, and the official commenced his examination in an open space under the shade of a spreading tree. However, 24 sarpanches or elected village heads of surrounding villages who had nothing to do with the enquiry in progress, arrived at the spot and raised an uproar. A woman sarpanch tore the shirt of a villager giving evidence. The official remained silent, but shifted his enquiry indoors. Threats and assaults on the villagers and activists continued subsequently. It is significant that the local administration in the four districts in which public hearings were organised by MKSS refused to register criminal cases or institute recovery proceedings against the officials and elected representatives against whom incontrovertible evidence of corruption had been gathered in the course of the public hearings and their follow-up. The enormous significance of this struggle has been its fundamental premise that ordinary people should not be condemned to remain dependent on the chance good fortune of an honest and courageous official, or political or social leader, to
release them from time to time from the oppressive stranglehold of corruption. The people must be empowered to control and fight this corruption directly. For this, firstly they require a cast-iron right to information. Concretely, this means that the citizen must have the right to obtain documents such as bills, vouchers and muster rolls, connected with expenditures on all local development works. Equipped with such information, the people would be empowered to place this before and explain these documents to the concerned village communities, in a series of 'public hearings'. In these hearings, concrete evidence of corruption such as false muster rolls, diversion of building materials etc. would come to light. Armed with such evidence, the people would now be empowered to demand action against the corrupt, and recovery of diverted development expenditures.

From public hearings to the movement for an enforceable right to information:
The public hearings organised by MKSS evoked widespread hope among the underprivileged people locally, as well as among progressive elements within and outside government. In October, 1995, the Lal Bahadur Shastri National Academy of Administration, Mussoorie, which is responsible for training all senior civil service recruits, took the unusual step of organising a national workshop of officials and activists to focus attention on the right to information. Meanwhile, responding to the public opinion that coalesced around the issue, the Chief Minister of Rajasthan on 5 April, 1995 announced in the state legislature that his government would be the first in the country to confer to every citizen the right to obtain for a fee photo-copies of all official documents related to local development works. However, a full year later, this assurance to the legislature was not followed up by any administrative order. This lapse of faith was presumably under pressure both from elected representatives and officials connected with such works, who regard as their birthright the illegal siphoning off of major portions of such expenditure.
Exactly one year after the aborted assurance of the Chief Minister, and to coincide with an election campaign shrill in its hypocrisy regarding corruption, the MKSS decided to launch at a small town Beawar a dharna (Sit-in agitation). The demand was to press for the issue of administrative orders to enforce the right to information of ordinary citizens regarding local development expenditure. The state government responded by issuing an order on the first day of the dharna, allowing citizens the right to inspect such documents for a fee, but not to obtain certified copies or photo-copies. The MKSS rejected this order as toothless and diversionary, because in the absence of a legally valid copy, no action such as filing a police case can be undertaken by a citizen who detects defalcation. Further no time-limits and penalties were prescribed for compliance and non-compliance respectively with these orders. In order to press for a more cast-iron government circular, the MKSS continued its dharna. A delegation met the Chief Minister during an election meeting at the village Jawaja, and he verbally conceded to the demand but refused to issue written instructions until the elections were over. The stalemate continued. Each day since the launching of the dharna meanwhile witnessed an unprecedented upsurge of homespun idealism in the small town of Beawar and the surrounding countryside. Donations in cash and kind poured in daily from ordinary local people, including vegetables and milk from small vendors, sacks of wheat from farmers in surrounding villages, tents, voluntary services of cooking, serving cold water, photography and so on, and cash donations from even the poorest. Even more significant was the daily assembly of over 500 people in the heat of the tent, listening to speeches and joining in for slogans, songs and rallies. Active support cut across all class and political barriers. Rich shopkeepers and professionals to daily wage labourers, and the entire political spectrum from the right wing fringe to communist trade unions extended vocal and enthusiastic support. Speaking at random to people both in the dharna and in shops and streets of the crowded and dusty marketplace, high awareness of the issues involved. 'Why cannot the
government give us information regarding expenditures made in our name?' passionately demanded a waiter in a tea-stall. 'It is a fight for justice for the poor' affirmed the owner of a pavement shop selling rubber footwear. Everyone was unanimous that there was no other agitation since Independence to which women and men from all backgrounds extended such unstinted support and in which they saw so much hope. The dharna continued without resolution, but with continuously growing manifest public support, overshadowing locally the more familiar drama associated with the rough and tumble of the election schedule. Behind the scenes, intermediaries and sympathisers including some from within government attempted to re-establish dialogue between the activists and government and reach a compromise.

However, no assurance from government was forthcoming, and therefore after completion of polling on 2 May, 1996, while the dharna continued in Beawar, it spread also to state capital of Jaipur. In Jaipur, in an unprecedented gesture, over 70 people’s organisations and several respected citizens came forward to extend support to the MKSS demand. The mainstream press was also openly sympathetic.

In the end, an official press-note was issued in Jaipur on 14 May, 1996 on behalf of the Rajasthan state government. It stated firstly that the state government had taken a decision on the issue not because of the pressure of people’s organisations, but because of the government’s own commitment to transparency and controlling corruption. It went on to announce the establishment of a committee which within two months would work out the logistics to give practical shape to the assurance made by the Chief Minister to the legislature, regarding making available photo-copies of documents relating to local development works.

The MKSS and other people’s organisations who were involved in the struggle decided to take this assurance of the state government on face value and call off
the dharna. It was a highly significant victory, even if reluctantly conceded, in the on-going movement for people’s empowerment. But clearly several battles remained to be fought before the state would concede genuine space to real accountability to the poor. Another year passed and despite repeated meetings with the Chief Minister and senior cabinet members and state officials, no order was issued and shared with the activists, although again there were repeated assurances. In the end, on a hot summer morning in May, 1997, began another epic dharna, this time in the state capital of Jaipur close to the State Secretariat. The struggle saw the same outpourings of public support as had been seen in Beawar a year earlier. At the end of 52 days of the dharna, the Deputy Chief Minister made an astonishing announcement, that six months earlier, the state government had already notified the right to receive photo-copies of documents related to panchayat or village local government institutions. Why such an order, ironically related to transparency, had been kept a secret, even during the 52-day dharna, remained a mystery. Nevertheless, the order of the state government was welcomed as a major milestone, because for the first time, it recognised the legal entitlement of ordinary citizens to obtain copies of government held documents.

Commonwealth Human Rights Initiative (CHRI) and the Right to Information Movement:

The apparent paradigm in the above example was stated to be a genuine desire to bring about a change in the culture of governance and in the absence of evidence to the contrary, this was accepted at face value by the CHRI which proceeded to attempt to create spaces using these openings. The CHRI’s work on the right to information in the state of Madhya Pradesh coincided with the passing of these orders and other developments on the issue in 1997. This gave CHRI a strategic entry point and they used the orders to peg discussion and advocacy around the issue through a series of workshops in the state. Although a year and a half of the operation is, in all fairness, not sufficient
to judge the success of the exercise, their findings brought out certain inherent failings which if not addressed soon would nullify the whole exercise or result in the availability of avenues of information to be hijacked by the few to feed their own vested interests.

While the government’s orders were enabling for the common person to access much of the information required for everyday concerns, CHRI found that the orders were not backed by any mechanism for publicizing the same to the public. A government publication (‘Jaanane ka Haq’) containing the texts of the orders was printed and circulated to the press and whenever the government required political mileage out of it. This publication, even a year and a half later is not freely available, leaving the lay public unaware of the orders. The government claims to have given “press statements” regarding these orders, but these have also been sporadic and no sustained campaign through the press or the electronic media has been planned or executed. Even otherwise, with a literacy rate as low as 43.45%, and many of the areas being tribal belts with poor accessibility to any means of communication, these efforts are hardly likely to be effective.

There is no concrete plan to sensitize or orient bureaucrats and public servants at all levels to the new regime of transparency. There ought to be immediate and forceful introduction of the issue of right to information at all orientation and training programmes carried out by the state academy for administration which conducts programmes for government officials. Interaction with some of the lower bureaucracy revealed that to them the implications of the directives on right to information had no relevance to public dealing and some even considered that these were meant to allow them access to their own service and leave records, etc.
The second drawback detected was the lack of accountability mechanism for enforcement of the orders. While many of the orders stipulate mandatory putting up of notice-boards and periodical mandatory release of information, reports from different parts of the state suggest that this has not been done. While the government in the state capital has devised a system of monitoring the implementation of the orders through a format which the District Collectors are required to submit every month, after compiling the information on implementation. Reporting is poor and out of the 61 Districts, only 33 are reporting. Others are being given reminders. This is an obvious indication of the lack of teeth in the orders. Senior officials say that this can be remedied only by a law on the subject which will bring the errant officials to book. A law was, in fact passed by the state assembly, but is pending notification in the absence of the President of India’s assent. This law is again not an ideal manifestation of the right to information since it only allows access to information in an enumerated list and is not a general right of access which should be the hallmark of a genuine right to information legislation.

Civil society groups brought together by CHRI have initiated a campaign to educate people about the operation of the right and to activitate the orders by filing applications for information. Their experiences have so far not been pleasant and have ranged from dogged refusals to threats of physical harm. The campaign however, aims at increasing interaction between civil society members, media and government and these experiences are now being highlighted through frequent workshops at various levels including the state capital and villages.

A few lessons from the campaign are mentioned here in brief:
- The campaign gained considerably from material published and disseminated by CHRI. This was in the form of simple booklets explaining the issues involved. Pictorial representations and explanation of the issues in the context of the
problems and experiences of common people encouraged wide-spread interest in the issue. In the efforts to generate partnerships in advocacy, diverse groups were brought together and encouraged to see the issue of right to information within the framework of their own work. For instance, activists working on health issues could see the importance of having a right to governmental information regarding health schemes like immunization, Maternal Mortality Rate, etc. Organisations working in the area of education could see the connection between information as to the funds, etc, of schools and community participation in the proper running of schools. Environmental activists could identify strongly with the need for information on environment issues, which are directly concerned with sheer survival.

• Constant networking and a continuous flow of information on the issue were very important. Authentic and updated information on any subject is not easily available to people and activists in far-flung areas, with little access to papers and journals. Through constant communication, their interest in the issue can be kept alive.

• Frequent interactions at workshops helped to bring the issue in focus. It also helped to reach the ground-level experiences of the people to government and the media, who could either then address the grievances or highlight them. Interaction at all levels ranging from academics, media persons, lawyers and bureaucrats to small-time farmers and activists working on diverse issues helped to zero down on the essentials of the issue which need to be addressed whenever the law is made operational. This feedback is simultaneously compiled and fed to the policy maker.

Parivarthan in Delhi State:
Parivarthan a NGO working in the urban slums of Delhi on awareness building on Right to Information Act and using RTI as the potential instrument for transparent
delivery of services like Public Distribution System, infrastructure such as public roads and buildings and electoral reforms. The Parivarthan also used the right to information in conducting the social audit in the urban areas on spending of the public investment. Parivarthan being a part of the National Campaign for People’s Right to Information put consistent effort for the National Right to Information.

III – Some Initiatives of the Bureaucracy

In India, some of the most practical moves for enforcing the right to information have arisen surprisingly from the much-maligned quarters - from members of the bureaucracy and the politicians. This has been possible despite the consistent hostility of the executive in general to transparency, and the fact that the bureaucracy as a whole is deeply corroded by corruption and nepotism. In India, the few progressive elements in the bureaucracy have often been marginalized. Bureaucrats who attempted to change things and took firm stands against corrupt practices have been routinely transferred out to ‘punishment postings’ and disempowered. Some attempted to change things in innocuous ways like setting right the system of records, but these exercises were centred around individuals and lasted only until the new entrant. The public remained at the mercy of chance benevolent administrators in the absence of institutionalization of accountability mechanisms. Some experiments that bear mentioning are the ones using Information Technology to revamp the system of recording information. As far back as 1985, the District Collector of Karwar District in Karnataka, one of the Southern states, diverted funds meant for a jeep in order to purchase a microcomputer which was successfully used as an analytical tool. In the first year after adopting this system, the district went up from being the 18th to the 3rd in the success rate for implementing development programmes. The success of this programme was in its replication to other districts as a formal Programme named CRISP (Computerised Rural Information Systems Project)
Likewise, in Ahmednagar District of the state of Maharashtra, a Collector revamped the whole records system, allowing the public to get copies of documents and to inspect records easily. This system resulted both in speedy disposal of public grievances as well as a far more professional work environment for the office clerks. With the wildfire growth of Information Technology, these ideas for accessing information are being given much stress and huge programmes for networking rural districts to enable people to access information are being carried out. The most notable among these is the one taken on by Chief Minister of Andhra Pradesh, another Indian state, by linking through computers all the rural regions. This is being done by setting up information kiosks at the taluka level where anybody can have access to desired information from the government. Of course, these experiments in using information technology will pose their own problems in terms of the quality of information made available. For these could well boil down to furtherance of government propaganda and as much can be hidden as revealed. Advocates of the right to information need to keep an eye on all these aspects and ensure that transparency is carried to its logical conclusion and the sources of the information and the generation of information is made equally transparent.

While these experiments were hailed as experiments in good administration, the really dynamic experiment in recent years has been one carried out in one of the Divisions of India’s largest state, Madhya Pradesh. This process, as we shall see was not a mere exercise in logistics, but contained strong conceptual and ideological elements which helped later to spur a movement in the entire state, resulting in wide-ranging administrative reforms for openness.

The Commissioner sought to systematically introduce transparency in certain key departments like the Public Distribution System, the Employment Exchange, and the Pollution Control Board.
The Public Distribution System in rural India is one of the most corrupt networks, beset with hoarding, supply of sub-standard foodgrains to the public, illegal sale of the allotted quotas in the open market, and almost always manned by rude and unresponsive persons who make people queue for hours for days on end to receive their share of the basic necessities. Into this cesspool of corruption which daily threatened the food entitlements of the most poor, a system was put into place whereby each outlet was required to send certified copies of the Stock Register, the Sale Register and the Ration Card Register and to these to the Tehsil office. From this office, any person could secure certified copies on demand within 24 hours to personally investigate what grains had come, and to whom these were distributed. Installing photocopiers at the tehsil offices was made mandatory. This was made cost-effective by buying photocopiers for handicapped persons through a governmental scheme, thereby generating employment as well as adding to administrative efficiency. A deadline was laid down for adherence to this system and a system of fines was established at all levels for delay in following the system.

Likewise, the Employment Exchange was required to give details about the criterion and procedure for selection to any government position, and the detailed merit list, on demand by any person.

The process followed by the government was strategic in that it attempted to follow the line of least resistance and thereby got through much more than it could have hoped to by forcing it on a reluctant and hostile bureaucracy.
IV – The Constitutional Development of the Right to Information

At the outset, it must be stressed that the movement in India does not aim at creating a right to information. Rather, it is aimed at generating conditions favorable to an effective exercise of the right. While there is no specific right to information or even right to freedom of the press in the Constitution of India, the right to information has been read into the Constitutional guarantees which are a part of the Chapter on Fundamental Rights. The Indian Constitution has an impressive array of basic and inalienable rights contained in Chapter Three of the Constitution. These include the Right to Equal Protection of the Laws and the Right to Equality before the Law (Article 14), the Right to Freedom of Speech and Expression (Article 19(1) (a)) and the Right to Life and Personal Liberty (Article 21). These are backed by the Right to Constitutional Remedies in Article 32, that is, the Right to approach the Supreme Court, the highest court in the land, in case of infringement of any of these rights.

These rights have received dynamic interpretation by the Supreme Court over the years and can truly said to be the basis for the development of the Rule of Law in India. As pointed out by H.M. Seervai (Foremost Constitutional expert), “Corruption, nepotism and favouritism have led to the gross abuse of power by the Executive, which abuse has increasingly come to light partly as a result of investigative journalism and partly as a result of litigation in the Courts”.

The legal position with regard to the right to information has developed through several Supreme Court decisions given in the context of all of the above rights, but more specifically in the context of the Right to Freedom of Speech and Expression, which has been said to be the obverse side of the Right to Know, and one cannot be exercised without the other. The interesting aspect of these
judicial pronouncements is that the scope of the right has gradually widened, taking into account the cultural shifts in the polity and in society.

The development of the right to information as a part of the Constitutional Law of the country started with petitions of the press to the Supreme Court for enforcement of certain logistical implications of the right to freedom of speech and expression such as challenging governmental orders for control of newsprint, bans on distribution of papers, etc. It was through these cases that the concept of the public's right to know developed.

The landmark case in freedom of the press in India was Bennett Coleman and Co. vs. Union Of India (AIR 1973 SC 783) in which the petitioners, a publishing house bringing out one of the leading dailies challenged the government’s newsprint policy which put restrictions on acquisition, sale and consumption of newsprint. This was challenged as restricting the Petitioner’s rights to freedom of speech and expression. The court struck down the newsprint control order saying that it directly affected the Petitioners right to freely publish and circulate their paper. In that, it violated their right to freedom of speech and expression. The judges also remarked, “It is indisputable that by freedom of the press meant the right of all citizens to speak, publish and express their views” and “Freedom of speech and expression includes within its compass the right of all citizens to read and be informed.” The dissenting judgment of Justice K.K.Mathew also noted, “The freedom of speech protects two kinds of interests. There is an individual interest, the need of men to express their opinion on matters vital to them and a social interest in the attainment of truth so that the country may not only accept the wisest course but carry it out in the wisest way. Now in the method of political government the point of ultimate interest is not in the words of the speakers but in the hearts of the hearers”. This principle was even more clearly enunciated in a later case [18] where the court remarked, “The basic purpose of freedom of speech and expression is that all members should be able to form their beliefs
and communicate them freely to others. In sum, the fundamental principle involved here is the people’s right to know.”

Another development on this front was through a subsequent case (Manubhai D. Shah vs Life insurance Corporation AIR 1981 Guj 15) in which it was held that if an official media or channel was made available to one party to express its views or criticism, the same should also be made available to another contradictory view. The facts of this case, briefly, were: One Mr. Shah who was also a Director of a voluntary consumer rights organisation and had, incidentally, worked extensively on the right to information, including drafting a model Bill, wrote a paper highlighting discriminatory practices by the Life Insurance Corporation which is a government controlled body. The Corporation published a critique of this paper in its institutional publication, to which Mr. Shah wrote a rejoinder which the LIC refused to publish. The Court held that a state instrumentality having monopolistic control over any publication could not refuse to publish any views contrary to its own.

In the area of civil liberties, the courts have built up the right to have a transparent criminal justice system free from arbitrariness. In Prabha Dutt Vs. Union of India (AIR 1982 SC 6) the Court held that there excepting clear evidence that the prisoners had refused to be interviewed, there could be no reason for refusing permission to the media to interview prisoners in death row. Repeated violations of civil rights by the police and other law enforcement agencies have compelled the courts to give, time and again, directions to the concerned agencies for ensuring transparency in their functioning in order to avoid violations like illegal arrests and detention, torture in custody and the like. In cases concerning the right to life and liberty under Article 21 of the Constitution the Courts have stressed the need for free legal aid to the poor and needy who are not either not aware of the procedures or not in a position to afford lawyers, and therefore unable to avail of the constitutional guarantees of legal help and
bail. The Courts have said, that it is the legal obligation of the judge or the
magistrate before whom the accused is produced to inform him of that if he is
unable to engage a lawyer on account of poverty or indigence, he is entitled to
free legal aid.

The most recent judgment enumerating in detail the procedural safeguards for
arrest and custody were given in a recent case (D.K.Basu vs State of West
Bengal) Most of these directions translate into the right of the accused or his kin
to have access to information regarding his arrest and detention such as
preparation of a memo of arrest to be counter-signed by the arrestee and a
relative or neighbour, preparation of a report of the physical condition of the
arrestee, recording of the place of detention in appropriate registers at the police
station, display of details of detained persons at a prominent place at the police
station and at the district headquarters, etc.

Developments in administrative law further strengthened the right. In State of U.P
Vs. Raj Narain (AIR 1975 SC 865) the respondent had summoned documents
pertaining to the security arrangements and the expenses thereof of the then
Prime Minister. The Supreme Court, in examining a claim for privilege of certain
documents summoned the kept to itself the power to decide whether disclosure
of certain privileged documents was in the public interest or not. The Court said, “
While there are overwhelming arguments for giving to the executive the power to
determine what matters may prejudice public security, those arguments give no
sanction to giving the executive exclusive power to determine what matters may
prejudice the public interest. Once considerations of national security are left out
there are few matters of public interest which cannot be safely discussed in
public”.(emphasis added) Justice K.K.Mathew went further to say, “ In a
government of responsibility like ours, where all the agents of the public must be
responsible for their conduct, there can be but few secrets. The people of this
country have a right to know every public act, everything that is done in a public
way, by their public functionaries. They are entitled to know the particulars of every public transaction in all its bearing. The right to know which is derived from the concept of freedom of speech, though not absolute, is a factor which should make one wary, when secrecy is claimed for transactions which can, at any rate, have no repercussion on public security. To cover with veil of secrecy, the common routine business, is not in the interest of the public. Such secrecy can seldom be legitimately desired. It is generally desired for the purpose of parties and politics or personal self-interest or bureaucratic routine. The responsibility of officials to explain or to justify their acts is the chief safeguard against oppression and corruption”.

There have been numerous cases favoring disclosure of governmental information and transparency, but this was easily one of the strongest formulations of the right in all its manifestations. However, legislative action was not quick or willing enough to give teeth to these important fundamental principles for governance. As a result of a lack of clear legislation on this, people continue to knock at the doors of the courts every time they want to enforce this right. While the courts have almost always responded positively, this is obviously not the ideal way for securing such a right to the common man. This course at best restricts enforcement to the aware and the literate for their own limited concerns. The common citizen neither has the means nor the time and inclination to get into convoluted legal processes and even public interest litigation is a tool which can reach only a few. Advocacy on this issue using the legal process has become more focussed with citizens’ petitions for directly enforcing the right to information being filed more and more frequently. Environmental groups have sought the right to know from government crucial facts concerning the environmental details of development projects. Recently, one of the central ministers sought to enforce this right in his ministry, but the cabinet secretary refused to process the files containing the order. The possibility of facing embarassing disclosures by one of their own colleagues forced the government
otherwise quick to offer homilies on transparency, to maintain a stony silence. The National Campaign for the Right to Information was quick to take this opportunity, and have filed a petition seeking enforcement of the minister’s directions. While the disposal of the petition will take some time, it has helped to get media attention to the issue and bring it in the public notice.

These developments have won half the battle for the right to information, as the basic principle that the right to information is a fundamental right has been so firmly entrenched that the likelihood of its complete subversion by government is today practically nil. Advocates for the right in India, have therefore concentrated their energies towards the practical operationalising of the right, the main thrust of which has been to mobilise people to use this right and to get a legislation giving it a workable shape. The legal developments also indicate how the right to information can be merged with other issues to get accountability and transparency for a variety of governmental actions.

V – Pioneering States in Introducing Right to Information Act

Inspired and encouraged by the exercises taken up by the Press Council of India, Working Group and the Central Government, the State Governments also yielded under popular pressure and started preparing draft legislation on Right to Information. A number of States have already introduced the Bill on Right to Information, many even before the union has enacted its law.

Tamil Nadu:
Tamilnadu was the first State to set an example by introducing the Right to Information Act on 17th April, 1996. The Bill was modeled on a draft legislation recommended by the Press Council of India. The enacted legislation was full of
exemptions and inadequacies, so it has failed to evoke much response from the public and devoted NGOs and other concerned activists. Tamilnadu, the first State of India to pioneer the enactment of such a 'progressive' legislation, has clearly borne out, a Right to Information Act, if not properly formulated following a thorough-going public debate, might turn just into its diametrical opposite i.e. Right to No Information Act. Frontline” editor N. Ram observed that the Tamilnadu legislation, in its prelude, made all the right noises. It was the catalogue of exceptions carried in fine print that made the act an uninspiring model for others to emulate.

**Goa:**
Goa was the second State to enact the Right to Information legislation. The then Information Minister Dominic Fernandes invited the opinion of the Union of journalists as well as several NGOs. The act also applies to private bodies executing government works. Despite tall claims made by the State government regarding transparency and openness to strengthen democracy, Goa Act also ironically contains several peculiar provisions, which allow the State to withhold information without sustaining reasons for it. The Act needs further clarification on the vague exemptions mentioned in it. It was also not clear as to who would be the competent authority to furnish the information. Another major weakness is that it has no provision for pro-active disclosure by government.

**Karnataka:**
The Karnataka Right to Information Act (KRIA) was enacted in 2000, and came into effect in July 2002 when the Rules were notified. KRIA requires that once the Competent Authority receives an application under KRIA and if information is being provided, the applicant must be informed of the fees payable within 7 days from date of application. The information must then be provided within 15 working days from date of fee payment. If information is being denied, the applicant must be informed of reasons for denial within 15 working days from
date of application. In addition, all offices of public authorities are required to display information regarding particulars of the organization, its functions and duties, details of facilities available to citizens for obtaining information on notice boards outside their offices. The findings revealed that in cases where information has been provided, the applicants had to engage in constant follow-up indicating that systems for implementation of KRIA have not been set up in the public authorities.

Delhi:
The Government of Delhi has enacted the Delhi Right to Information Act, 2001. The Act has come into force with effect from 2nd October, 2001. This law is along the lines of the Goa Act, containing the standard exceptions and providing for an appeal to an independent body, as well as the establishment of an advisory body, the State Council for Right to Information. About 119 departments of Delhi government have been brought under the purview of this Act through a notification. In each Department, one officer has been designated as a competent authority. Under this Act, any citizen can approach the competent authority in any of these departments and seek any information on the activities of that department and take copies of documents with some exceptions from the civic body after paying a nominal fee. The corporation has to provide it within a month, failing which the concerned officials could be penalized and are liable to pay Rs 50 per day for any delay beyond 30 days, subject to a maximum of Rs 500 per application. It is also clearly stated that wherever the information is found to be false or has been deliberately tampered with, the official would face a penalty of Rs 1,000 per application. When Parivartan, a non-government organization approached government departments with applications to seek various information, they found that none of the officers there or the competent authorities were even aware of the existence of this Act.
**Rajasthan:**
After five years of dithering, the right to information act was passed in 2000. The movement was initiated at the grassroots level. Village-based public hearings called Jan Sunwais, organised by the Mazdoor Kisaan Shakti Sangathan (MKSS), gave space and opportunity to the rural poor to articulate their priorities and suggest changes. The four formal demands that emerged from these Jan Sunwais: 1) Transparency of panchayat functioning; 2) accountability of officials; 3) social audit; and 4) redressal of grievances. The Bill as it was eventually passed, however, placed at least 19 restrictions on the right of access. Besides having weak penalty provisions, it gives too much discretionary power to bureaucrats. Despite this, at the grassroots level in Rajasthan, following systematic campaigns waged by concerned groups and growing people’s awareness of their own role in participatory governance, the right to information movement thrives, it was the Jan Sunwais that exposed the corruption that pervaded several panchayats and also campaigned extensively for the right to food after the revelation of hunger and starvation-related deaths in drought-ravaged districts.

**Maharashtra:**
The Maharashtra assembly recently passed the Maharashtra Right to Information (RTI) Bill, following sustained pressure from social activist and anti-corruption crusader Anna Hazare. The Maharashtra legislation has been called the most progressive of its kind. The Act brings not only government and semi-government bodies within its purview but also state public sector units, co-operatives, registered societies (including educational institutions) and public trusts. It provides that Public Information Officers who fail to perform their duties may be fined up to Rs 250 for each day’s delay in furnishing information. Where an information officer has willfully provided incorrect and misleading information or information that is incomplete, the appellate authority hearing the matter may impose a fine of up to Rs 2,000. The information officer concerned may also be
subject to internal disciplinary action. The Act even provides for the setting up of a council to monitor the workings of the Act. The council shall be comprised of senior members of government, members of the press and representatives of NGOs. They are to review the functioning of the Act at least once every six months. Exclusion clauses have been reduced to barely ten.

Due to lack of awareness about the Right to Information Act among the grassroots level people, lack of institutional arrangements for the implementation and lot of exemptions in the Right to Information Acts of some States led to non-achievement of the objectives. Despite, all these lacunas in the Act, still the State level Right to Information Acts provided the culture of transparency, accountability, Responsiveness, Social Audit, awareness among the people. These State Acts were the models for the preparation of National Right to Information Act. With the commencement of National Right to Information Act, 2005, some of the State Governments for example, Madhya Pradesh, Maharashtra repelled the state Right to Information Act and started implementing the National Right to Information Act 2005.

VI – Legislating the Right to Information

Attempts to Breach the Official Secrets Act:
The battle for appropriate legislation for the right to information has been fought on two main planks. The first is a demand for amendment of the draconian colonial Official Secrets Act, 1923 and the second, which we will look at in the next sub-section, is the campaign for an early and effective law on the right to information.

The Official Secrets Act, 1923, is a replica of the erstwhile British Official Secrets Act and deals with espionage on the one hand, but has the damaging “catch all” Section 5 which makes it an offence to part with any information received in the
course of official duty, to non-officials. Objections to this provision have been raised ever since 1948, when the Press Laws Enquiry Committee said that “the application of the Act must be confined, as the recent Geneva Conference on Freedom of Information has recommended, only to matters which must remain secret in the interests of national security.” This was sound advice which went unheeded and many seminars, academic debates and political promises later (election manifestoes of almost all major political parties have, at least in the last decade been promising transparency and administrative reform) the position has not changed much. In fact, the Act has been used time and again to suit the purposes of the government. Two infamous cases come to mind in the present context. One was the imposition of the Official Secrets Act being used to prohibit entry of journalists into an area where massive displacement is taking place due to construction of a large dam, one of the world’s largest dams displacing hundreds of thousands, the Sardar Sarovar Project. A strong movement against the construction of the dam has raised many pertinent questions about the nature of development and of survival rights of the marginalised as well as the cost to the environment of such large “developmental projects”. Public debate and dissent was sought to be suppressed by the use of this law.

Another dramatic instance which has been in the eye of international attention during the last few years is the Bhopal Gas Tragedy, in which leakage of Methyl Isocynate gas from the Union Carbide factory in Bhopal, the capital of the largest state in India, claimed several thousand lives and maimed and handicapped at least the next three generations. Not only did the government refuse to make public details of the monetary settlements between the government and the Union Carbide, but several participants at a workshop on the medical aspects of the victims were arrested for taking notes under the provisions of the Official Secrets Act!
Both the above instances have, however, been used as active pegs by activists for furthering the cause of Right to Information. In the case of the Sardar Sarovar Dam, activists discovered that the potential oustees had little or no knowledge of how their lives were going to be affected, no knowledge of the time or extent of displacement, nor any idea of the plans for re-location and rehabilitation. Whenever activists tried to educate people on these issues, the local administration came down heavily on them. Besides using the Official Secrets Act, illegal arrests, false cases and physical threats became the order of the day. Judicial interventions from time to time have become the last recourse to activists working in this area. In the Bhopal gas tragedy case are strong seeds for the demand for mandatory provisions to be made in a law, binding government as well as private companies to give information voluntarily on issues affecting the health and environment.

There have been, in the past, several attempts to amend the Official Secrets Act but in the absence of genuine political and administrative will, and popular pressure, all these initiatives have come to nougat.

A Working Group was formed by the Government of India in 1977 to look into required amendments to the Official Secrets Act to enable greater dissemination of information to the public. This group recommended that no change was required in the Act as it pertained only to protect national safety and not to prevent legitimate release of information to the public. In practice, however, using the fig leaf of this Act, the executive predictably continued to revel in this protective shroud of secrecy.

In 1989, yet another Committee was set up, which recommended restriction of the areas where governmental information could be hidden, and opening up of all other spheres of information. No legislation followed these recommendations. In 1991 sections of the press [The Hindu, 13th December, 1991] reported the
recommendations of a task force on the modification of the Official Secrets Act and the enactment of a Freedom of Information Act, but again, no legislative action followed. The most recent of these exercises has been a Working Group which gave its report in 1997. The Working Group made some recommendations for changes in some statutes which protect secrecy such as the Official Secrets Act and also recommended a draft law. The development of public awareness and interest in the issue of right to information is evident from the fact that this Report was much more widely discussed by academia and the media than those in the past. However, this did not alter the fact that this report too seems to have gone into cold storage.

The one point which marks all these exercises and which civil society groups need to be strongly aware of is that these processes contain their own seeds of failure. For instance, in India, none of the above exercises were done openly, rarely were any public or wide consultations done on the questions under consideration and neither was the recommendations ever sufficiently publicized. The latest Working group in India, for instance, consisted of ten persons, all male, eight of whom were senior bureaucrats from the Central government. This made the Group highly urban-centric as well as government-centric. Practically no consultations were made by the Group. The group did not think fit to seek recommendations from any other relevant groups, whether it be civil society groups, representatives of the rural poor, the media, bar associations, etc. By contrast, the process of drafting of South Africa’s Open Democracy Bill is one which we would all do well to follow. This Bill is being drafted in consultation with various departments, institutions and persons such as Ministries and government departments/offices (including the premiers of provinces, the Public Prosecutor, Attorney General, South African Police services, South African Defense forces and the national intelligence agency, the Chief justice and judge President of the Supreme Court, the Open Democracy Advisory Forum.)
During the present decade, the focus of citizens’ groups has shifted from demanding merely an amendment to the Official Secrets Act, to the demand for its outright repeal, and its replacement by a comprehensive legislation which would make disclosure the duty and secrecy the offence. As we have seen, even a powerful grassroots organisation like the MKSS continues to experience enormous difficulties in securing access to and copies of government documents, despite clear administrative instructions that certified copies of such documents should be available to the citizen on demand. This highlighted to citizens groups how important it is that the people’s right to information should be enforceable by law.

**Efforts for a Law for the People’s Right to Information:**
The first major draft legislation right to information in the country that was widely debated, and generally welcomed, was circulated by the Press Council of India in 1996. Interestingly, this in turn derived significantly from a draft prepared earlier by a meeting of social activists, civil servants and lawyers at the Lal Bahadur Shastri National Academy of Administration, Mussoorie in October, 1995. This is the institute for training all recruits to the elite higher civil services, and it is interesting that some serving officials of this institute took the initiative to convene this meeting, which became a kind of a watershed in the national movement for the right to information.

One important feature of the Press Council draft legislation was that it affirmed in its preamble the constitutional position that the right to information already exists under the Constitution, as the natural corollary to the fundamental right to free speech and expression under Article 19(1) of the Constitution. It stated that the legislation merely seeks to make explicit provisions for securing to the citizen this right to information. Incidentally, as we have seen earlier, this position that the right to information flows from the fundamental right to freedom of speech and
expression had even earlier been affirmed in a number of rulings of the Supreme Court.

The draft legislation affirmed the right of every citizen to information from any public body. Information was defined as any fact relating to the affairs of the public body and included any of the records relating to its affairs. The right to information included inspection, taking notes and extracts and receiving certified copies of the documents. Significantly, the term ‘public body’ included not only the state as defined in Article 12 of the Constitution of India for the purposes of enforcing Fundamental Rights. It also incorporated all undertakings and non-statutory authorities, and most significantly a company, corporation, society, trust, firm or a co-operative society, owned or controlled by private individuals and institutions whose activities affect the public interest. In effect, both the corporate sector and NGOs were sought to be brought under the purview of this proposed legislation.

The few restrictions that were placed on the right to information were similar to those under other Fundamental Rights. The draft legislation allowed withholding of information the disclosure or contents of which ‘prejudicially affect the sovereignty and integrity of India; the security of the State and friendly relations with foreign States; public order; investigation of an offence or which leads to incitement to an offence’. This is substantially on the lines of Article 19(2) of the Constitution. Other exemptions were on bonafide grounds of individual privacy and trade and commercial interests.

However, the most significant saving provision was that information which cannot be denied to the Parliament or the State Legislature shall not be denied to a citizen. This would have been the most powerful defence against wanton withholding of information by public bodies, because the agency withholding
information would have to commit itself to the position that it would withhold the same from Parliament or State Assemblies as well.

The draft legislation laid down penalties for default in providing information, in the form of fines as personal liability on the person responsible for supplying the information. It also provided for appeals to the local civil judiciary against failure or refusal to supply the desired information.

The Government of India then constituted a working group chaired by consumer activist H.D. Shourie to draft legislation for consideration of government. This committee, which submitted its report in May 1997, advanced on the Press Council Legislation in one respect, by explicitly bringing the judiciary and legislatures under the purview of the proposed legislation. We have already made reference to the limitations of this Committee.

Many of the positive aspects of the Press Council legislation were excluded or diluted in the Shourie draft. Most importantly, it widened the scope of exclusions to enable public authorities to withhold ‘information the disclosure of which would not subserve any public interest’. This single clause broke the back of the entire legislation, because in effect public authorities would then be empowered to withhold disclosure of incriminating information in the name of public interest. The powerful clause referred to earlier, which provided that only such information that can be denied to parliament or the legislature can be withheld from the citizen, was not included.

The Shourie draft also made no provisions for penalties in the event of default, rendering the right to information toothless. Appeals were allowed to consumer courts. The Act defined public authorities more narrowly to exclude the private sector and all NGOs which are not ‘substantially funded or controlled’ by government. Some analysts, including the writer, believe that it is the
government, which should be made explicitly responsible to provide to the citizen information on demand related to the private sector and NGOs.

However, with the demise in quick succession of two left-leaning United Front governments, this draft also went into cold storage. The right-wing BJP led alliance also promised legislation for right to information in its national agenda, but there has been little open debate about the contents of the proposed legislation.

The first indications of what is possibly contained in the draft legislation being considered by the union government are recent reports in the media. According to these reports, the government is now contemplating only to amend a few sections of the Official Secrets Act, and to list a dozen items on which it would become mandatory for government to give information on demand. Items not covered by this list would continue to be covered by the Official Secrets Act. This is completely in contradiction of the basic principle of transparent and accountable governance, that the enforceable right of the citizen to government held information must be the rule, with only a few exceptions for genuine considerations of national security and individual privacy. No legislation for the right to information should be allowed to make this principle stand on its head, making disclosure the exception rather than the rule.

In summary, there is wide consensus among supporters of the right to information campaign that it is of paramount importance that comprehensive and early legislation is passed that guarantees the right to information. Such a law must secure for every citizen the enforceable right to question, examine, audit, review and assess government acts and decision, to ensure that these are consistent with the principles of public interest, probity and justice. It must bring within its purview the judiciary and legislature, while making government explicitly responsible to supply information to the citizen on demand related to the
corporate sector and NGOs. It must also contain powerful provisions for penalties and autonomous appeal mechanism. Most importantly, the proposed legislation must make disclosure the rule and denial of information the exception, restricted only to genuine considerations of national security and individual privacy, with the highly significant proviso that no information can be denied to the citizen which cannot be denied to Parliament and the legislatures. It would then truly be the most significant reform in public administration, legally empowering the citizen for the first time to enforce transparent and accountable governance.

Formation of a National Campaign for the Right to Information:
The movement for the right to information has caught the imagination of disparate sets of people. It has touched the middle classes as well as the poor, because of the despair of their unending interface with a corrupt and unaccountable bureaucracy. It has also reached the middle classes through the consumer and environmental movements. The media have a major professional stake in the right to information because it would greatly aid the investigation of executive action.

In response to the pressure from the grassroots movements, national and international organisations, the press council of India under the guidance of its Chairman Justice P.B. Sawant drafted a model bill that was later updated at a workshop organised by National Institute of Rural Development and sent to Government of India, which was one of the reference paper for the first draft bill prepared by Government of India. For some political and other reasons the bill could not be taken up by the Parliament.

Again, in 1997 the United Front Government appointed the working group under the chairmanship of Mr. H.D. Shourie drafted a law called “The Freedom of Information Bill-1997”. This bill was also not enacted. In 1998, though the Prime Minister Mr. Vajpayee announced that a law on Right to Information should be
enacted soon, it did not materialize. In the year, 2000 the Freedom of Information Bill – 2000 was tabled before the Parliament. After some debate it was referred to the Parliamentary Standing Committee on Home Affairs for review. From that time onwards the bill has gathered dust until the formation of United Progressive Alliance.

The coalition Government at the Centre led by United Progressive Alliance formulated an agenda called, “Common Minimum Programme” (Consensus programme of the constituents of the UPA government at the centre). One of the agenda of the CMP was the introduction of “Right to Information Act.” The CMP stated clearly, “the Right to Information Act will be made more progressive, participatory and meaningful. In order to look after the implementation of the Common Minimum Programme the UPA constituted National Advisory Council. In the National Advisory Council some of the activists like Aruna Roy (Resigned IAS officer, MKSS activist and winner of the Ramanmagsaysays award), Jean Drez (Prominent pro-working class economist) who are associating with the National Campaign for Peoples’ Right to Information Act consistently put the pressure on the UPA Government to pass the bill and to enact a law. In response to these efforts the Parliament passed the bill and the President of India consented the Act on 15th June 2005 and implementation process of the Right to Information Act was started since 12th October 2005.

VII – Concluding Note:

Thus the History of Right to Information in India lies in the History of Rural Struggle for transparent, corruption free and participatory governance system. The movement of RTI is nothing but a movement of for and by rural India. The most important feature that distinguishes the movement for the people’s right to information in India from that in most other countries, whether of the North or the South, is that it is deeply rooted in the struggles and concerns for survival and
justice of most disadvantaged rural people. The reason for this special character to the entire movement is that it was inspired by a highly courageous, resolute, and ethically consistent grassroots struggle related to the most fundamental livelihood and justice concerns of the rural poor. Other organizations like Parivartan and Mahiti Adhikar Gujarat Pahel also played crucial role in pressuring the government through advocacy and dialogue. We get several examples of initiatives of bureaucracy wherein without the existence of this law several initiatives were taken. The contribution of courts especially the path breaking judgments of Supreme Court with broad interpretation of constitutional provisions had played great role in enacting the present law. Tamilnadu was the first state to implement this law along with this several other states like Goa, Karnataka, Delhi, Rajasthan and Maharastra have also enacted his law which gave a pioneering effect in enactment of national law. Even the national government and political parties have also taken several initiatives to Breach the Official secrecy act and enact the right to information.