CHAPTER-6
CONCLUSION AND SUGGESTIONS

"The real Swaraj will come not by acquisition of authority by a few but by the acquisition of capacity by all to resist authority when abused"

- Mahatma Gandhi

To err is human. But power corrupts and absolute power corrupts absolutely. A check on power is most imperative. This check not only ensures the proper use of power but also instills a fear in the mind of a person vested with power, which in turn prevents the misuse of power due to the fear of exposure. In our democratic nation, Government is ‘of the people, by the people and for the people’. The general public has every right to know about the important decisions taken, rationale and outcome of these decisions. It will be a Government ‘for the people’ only when it becomes subject to questioning, questionering and is in subordination to the people who vote it to power. Information and knowledge are essential for realizing all the human aspirations.

The information empowers the people and enables them to properly exercise their rights - legal, political, social and economic. Keeping in view all these, almost every society has made endeavour by way of putting in place the mechanisms for free flow of information and ideas so that people can access them whenever it is required. In this manner they are empowered to participate in the development process and enjoy the fruits of development. There are a number of factors which emphasize the need and necessity of this right in a country like India, which unfortunately carries the dubious tag of being one of the most corrupt nations. The right to information is thus a potent tool for countering corruption and for
exposing corrupt officials. It also helps in limiting abuse of power and discretion by officials for various political or other vested interests, for instance, in the recent scandals relating to 2G scam, Common wealth games a huge amount of money has been misappropriated by the corrupt politicians and officials. The power given to Collectors to allocate tribal land to non-tribal people or to convert agricultural land to non agricultural land has been seriously misused all over the country. The acquisition of land for public purpose and the subsequent sale of it to private individuals for commercial exploitation in various states is a glaring example of misuse of official authority for private gains. The Lack of information about land entitlements and records is a major problem in rural areas, especially when nearly two-third of the population is dependent on agriculture. These are administrative matters, where there is a tendency to withhold disclosure, which in turn leads to the abuse of power. The right to information is therefore important to check abuse of administrative power and discretion and to ensure fair governance.

The right to information is also necessary for protecting civil liberties, as it makes easy for civil society groups to monitor illegal encounter killings or the abuse of the Preventive Detention laws. The regular refusal on the part of the Government to release information to civil society on such issues indicates that the Right to information must be strengthened & implemented effectively. There are numerous schemes run by the Central or the State Governments in relation to food, shelter employment and education, and it endeavours to provide the same to the people but in most of the cases, people are not aware of the existence of these schemes. The targeted beneficiaries of the schemes have no idea that such schemes have been made for their benefit, thus they are unable to avail any benefit of the same. Very often they accept less than their
allocation and entitlements. Various health schemes floated by the Government are rarely advertised to enable people to avail benefit of them. Environmental issues like contamination of groundwater and pollution have a direct effect on people’s lives and yet very little information on these problems is made available to the people. The widespread disease of cancer in the Malwa belt of Punjab is the result of lack of information and knowledge amongst the people. The case of Union Carbide Corporation is another glaring example where victims were and are being kept in the dark regarding many factors which critically affect their wellbeing, health and economic prospects.

Consumer awareness is another area where it is important to have proactive dissemination of information. The Participation in political and economic processes and the ability to make informed choices is restricted to a small elite section, whereas every citizen of the nation, who is likely to be affected by the same is entitled to have a say in these decisions which can only be possible if he has complete knowledge of what has been done or what is proposed to be done in these areas. The need for the media to be able to access information on various government policies, decisions and schemes etc. is also of crucial importance. The media’s right to information is not a special privilege but rather an aspect of the public’s right to know, which is ensured by the role played by the media. The media provides a link between the people and their Government and acts as a vehicle of mobilization of the masses.

From the above discussion we can draw the conclusion that, the free flow of information is a must in a democratic society as it helps the society for growth and development by sustaining a continuous debate and discussion among the people on various issues. Genuine democracy where Government is ‘for the people’ demands a system of constant interaction
and monitoring by all the people by ensuring accessibility at all levels in public scenario which allows conflicting ideas to contend, and which provides for full participation in reaching a consensus on socio-cultural, economic and political goals. The access to information held by various departments and authorities was not effectively possible before 2005. It was indeed ironical that people who voted the Government into power and made them responsible for policy formation and the people who contributed in the financing of public activities incurring huge costs were denied the access to relevant information on various schemes & decisions of the Government.

There is a global trend towards recognition of the Right to Information by States, inter-governmental organizations, civil society and the people. This right is recognized at both national and international levels. Numerous laws supporting this right have been adopted in all regions of the world. Many intergovernmental organizations have now been put in place and information disclosure systems are reviewed and updated on a regular basis. The Right to Information has been recognized as a basic human right, intimately related to the respect for the inherent dignity of all human beings.

The United Nations recognized the Right to the information as an important right at a very early stage. In 1946, at its first session, the United Nations General Assembly adopted a Resolution\(^1\) which states that freedom of information is a basic human right and the touchstone of all the freedoms to which the United Nations is consecrated.

In ensuing international human rights instruments, freedom of information was set out as a part of the Right to freedom of expression,

\(^1\) United Nations General Assembly Resolution 59(1)
which included the right to seek, receive and impart information. In 1948, the United Nations General Assembly adopted the Universal Declaration of Human Rights (UDHR) which guarantees freedom of opinion and expression including the freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers. The International Covenant on Civil and Political Rights (ICCPR) adopted by the General Assembly in 1966 guarantees that everyone shall have the right to freedom of expression, this right shall include freedom to seek, receive and impart information of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art or through any media of his choice. In 1993, the UN Commission on Human Rights established the office of the UN Special Rapporteur on Freedom of Opinion and Expression to clarify the precise contents of the specific right. The Special Rapporteur noted that the right to seek or have access to information is one of the most essential elements of freedom of speech and expression. The Special Rapporteur strongly opposed denial of information and observed that the tendency of many Governments to withhold information from the people at large through measures like censorship is to be strongly checked.

In 1980, the Commonwealth Law Ministers meeting in Barbados stated that public participation in the democratic and governmental process was at its most meaningful when citizens had adequate access to official information. In March 1999, the Commonwealth Expert Group met in London and adopted a document in which certain guidelines were set out on the right to know and freedom of information as a human right, which includes that the Freedom of information should be guaranteed as a legal and enforceable right permitting every individual to obtain records and information held by the Executive, the Legislative and the Judicial organs.
of the State, as well as any Government-owned Corporation and any other body carrying out public functions. These principles and guidelines were endorsed later at the Commonwealth Heads of Government Meeting, in November 1999.

The African Charter on Human and People's Rights, 1981 also states in its article 9 that every individual shall have the right to receive information and to express and disseminate his opinions within the four walls of law.

In 1948, the Organization of American States (OAS) adopted ‘The American Declaration of the Rights and Duties of Man’. Article IV of the same guarantees freedom of investigation, opinion and expression. This was followed in 1969 by the adoption of a legally binding international treaty, the American Convention on Human Rights (ACHR). Article 13(1) of which states that everyone has the right to freedom of thought and expression. This right includes freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing, in print, in the form of art, or through any other medium of one's choice.

As far as the Environmental issues are concerned, The United Nations Conference on the Human Environment took place in Stockholm from 5 to 16 June 1972 and led to the establishment of the United Nations Environment Programme (UNEP), the leading programme on environmental issues within the United Nations. Thereafter in the 1992 The Rio Declaration on Environment and Development in its Principle 10 recognised the fact that access to information on the environment, including information held by public authorities, is the key to sustainable
development and effective public participation in environmental governance.

In 1998, member states of the United Nations Economic Commission for Europe (UNECE) and the European Union signed a legally binding Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (the Aarhus Convention), which recognizes the access to information as part of the right to live in a healthy environment.

A number of countries around the world have adopted or are considering adopting Freedom of Information Laws. The world’s first Freedom of Information Act was the Riksdag’s (Swedish Parliament) Freedom of the Press Act of 1766 adopted by the country of Sweden. The Act required that official documents should upon request immediately be made available to anyone making a request at no charge. This Act also includes exceptions to free access along with the right to appeal against refusals to grant access.

In 1966, United States Congress passed the Freedom of Information Act (1966) under which individuals are given access to the records of the federal Government and have a right to know about most of the activities of the Government. This Act casts a duty on the government to supply all information and records unless specifically exempted from public access.

In Canada, the first legislation on Right to Information was passed by Nova Scotia in 1977 followed by, New Brunswick in 1978, Newfoundland in 1981 and Quebec in 1982. Federal legislation giving a general right to access to Government held information was passed in June 1982, The Act was called, the Access to Information Act, and it was enacted along with the Privacy Act, and both of these Acts came into force.
on July 1, 1983. The Access to Information Act, 1983 provides Canadian citizens and other individuals and corporations in Canada the Right to apply for and obtain copies of records held by Government institutions.

In United Kingdom, the Freedom of Information Act was adopted in November 2000 and came into effect in January 2005. The Act gives any person a right of access to information held by public bodies. The bodies are required to respond within 20 working days. The time frame can be extended to allow for consideration of release on public-interest test grounds as long as it is within a time period that is deemed “reasonable in the circumstances.” There are no fees for requests which cost less than £600 for central government bodies or £450 for local authorities except for copying and postage. The Act contains 13 pages of exemptions in three categories.

In Africa, the Promotion on Access to Information Act (PAIA) was passed in February 2000 and was put into force in March 2001. Any person can demand records from Government Bodies by showing a reason under the Act.

There is much work to be done, with most countries still grappling with the concept of developing a culture of openness. Weak laws, poor implementation and oversight have hampered many countries’ efforts, leaving effective access to information largely unfulfilled. Record-keeping is often poor in many developing countries, and there are ongoing problems with State secrets and the misuse of privacy exemptions.

**Right to Information in the Indian Constitution**

India is a Democratic country, therefore free flow of information is a must, because it helps the society to grow and flourish and also ensures
people’s participation in decision making, transparency and accountability in governance. One of the major objectives of the Indian Constitution according to the Preamble is to secure liberty of thought and expression to the citizens of India which is incorporated in the Fundamental Right of the freedom of Speech and Expression under Article 19(1) (a) of the Constitution. The Right to freedom of Speech and Expression means the freedom to communicate one’s ideas, opinion, views or feelings through any medium. However the fundamental Right to Speech and Expression can never be exercised until and unless the information regarding public matters is being circulated freely. The importance of this right is being time and again emphasized by various judicial pronouncements from time to time.

In S. P. Gupta vs Union of India², Bhagwati, J. has observed that "The concept of an open government is the direct emanation from the right to know which seems to be implicit in the right of free speech and expression guaranteed under Article 19(1)(a). Therefore, disclosure of information in regard to the functioning of the Government must be the rule and secrecy an exception".

In State of U.P. vs Raj Narain³, it was observed by Mathew, J. that: ‘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".

In Secretary, Ministry of Information and Broadcasting, Govt. of India vs Cricket Association of Bengal⁴, the Supreme court has observed

2 1981 Suppl. SCC 87
3 (1975) 4 SCC 428
4 1995 AIR 1236 (1995)2 SCC 161at p. 198

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that: "The democracy cannot exist unless all citizens have a right to participate in the affairs of the polity of the country. The right to participate in the affairs of the country is meaningless unless the citizens are well informed on all sides of the issues, in respect of which they are called upon to express their views."

The three pillars on which the edifice of democracy stands are fair and free elections, freedom of thought, expression and press and independence of the Judiciary. In Union of India vs. Association for Democratic Reforms\(^5\), the Supreme Court has observed that:

"there is no reason to hold that freedom of speech and expression would not cover the right to get material information with regard to the candidate who is contesting election for a post which is of utmost importance in the democracy."

In People's Union for Civil Liberties vs Union of India\(^6\), the Supreme Court held that: "Right to Information is a facet of the freedom of 'speech and expression' as contained in Article 19 (1) (a) of the Constitution of India. The Right to Information, thus, indisputably is a Fundamental Right."

In LIC vs Manubhai\(^7\), the Supreme Court expressed the views that:

"The constitutional guarantee of the freedom of speech and expression is not so much for the benefit of the press as it is for the benefit of the public. The people have a right to be informed of the developments that take place in a democratic process and the press plays a vital role in disseminating this information. Neither the Government nor any instrumentality of the Government or any public sector undertaking run with

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\(^7\) 1993 AIR 171, 1992 SCR (3) 595, at pages 610-611
the help of public funds can shy away from articles which expose weaknesses in its functioning and which pose a threat to their power by attempting to create obstacles in the information percolating to the members of the community”.

In *Indian Express Newspapers (Bombay) Pvt. Ltd. vs Union of India*\(^8\), the Supreme Court emphasized that:

“The public interest in freedom of discussion (of which the freedom of the press is one aspect) stems from the requirement that members of a democratic society should be sufficiently informed that they may influence intelligently the decisions which may affect ‘themselves’. All members of society should be able to form their own beliefs and communicate them freely to others. In sum, the fundamental principle is the people’s right to know.”

The Right to information is inherent in the Right to live as enshrined in Art. 21 and freedom to speech and expression as guaranteed under Article 19(1)(a) of our Constitution. For the first time the Supreme Court recognized the Right to information as a part of the right to live under Article 21 of the constitution.

In *Reliance Petrochemicals Ltd. v. Proprietors of Indian Express Newspapers Bombay Pvt. Ltd*\(^9\), the Supreme Court observed that:

“The people at large have a right to know in order to be able to take part in a participatory development in the industrial life and democracy. The Right to know is a basic right which citizens of a free country aspire to the broad horizon of the right to live in this age, on our land under Article 21 of the Constitution.”

The freedom enumerated in Article 19 are not absolute or uncontrolled, for each is subject to reasonable restrictions. “Prevention is
better than cure” is a time honoured maxim, which was perhaps the idea behind inserting the term “reasonable restrictions” in clause(2) to clause (6) of Article 19 and consequently to prevent citizens from arbitrary, fanciful and unconstitutional restrictions on the exercise of the freedoms. Alongside Article 19(1) (a), the other provisions which secure the right to information under Indian Constitution are Articles 311(2) and 22(1). Article 22(1) provides that:

“No person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest nor shall he be denied the right to consult, and to be defended by, a legal practitioner of his choice”

On the other hand in Article 311(2) provides that:

“No person shall be dismissed or removed or reduced in rank except after an inquiry in which he has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges”

The overall impact of above mentioned decisions and provisions has clearly established that the Right to freedom of information, or the public’s right to know, is embedded in the provisions guaranteeing fundamental rights in the Constitution. Various Indian laws provide for the right to access information in specific contexts. Section 76 of the Indian Evidence Act, 1872, requires public officials to provide copies of public documents to anyone who has a right to inspect them. The Factories Act, 1948, provides for compulsory disclosure of information to factory workers regarding dangers including health hazards and the measures to overcome such hazards arising from their exposure to dangerous materials. Article 39(a) (b) and (c) provides for adequate means of livelihood, equitable
distribution of material resources of the community to check concentration of the wealth and means of production. All these rights shall be unfulfilled if right to information is not granted.

The access to information held by a public authority as a matter of right was not possible until 2005. Lack of information barred a person to realize his socio-economic aspirations, because he had no basis to participate in the debate or question the decision making process. The Official Secret Act, 1923 acts as a relic of colonial rule covering every information in a cloak of secrecy. The common people did not have any legal right to know about the public policies and expenditures. Limitations to the free flow of information led to the germination of feelings of ‘powerlessness’ and ‘alienation’ among the citizens. Under such circumstances, public and various Non Governmental Organizations demanded greater access to the information held by public authorities.

The Government, in 197, formed a working group to look into the possibilities of amending the Official Secrets Act, but the working group did not recommend changes. In 1989, a committee was set up which recommended some limitations to be imposed in the areas where Government information could be hidden, and opening up all other spheres of information. Some citizens groups started demanding the outright repeal of the Official Secrets Act and its replacement by a legislation making it a duty to disclose the norm, and secrecy the exception. The success of Mazdoor Kisan Shakti Sangthan’s struggle led to the genesis of a broader discourse on the Right to Information Act in India and the Right to Information laws were enacted in some States of India. The demand for a national law started under the leadership of the National Campaign on People’s Right to Information (NCPRI). In 1996, the Press Council of India headed by Justice P. B. Sawant presented a draft model law on the
Right to Information to the Government of India. Thereafter a working
group under the chairmanship of Mr. H. D. Shourie was formed by the
Central Government in order to prepare a draft legislation on the freedom
of information. The Shourie Committee's report and draft law were
published in 1997. Eventually, the Committee’s draft law was reworked
into the Freedom of Information Bill (FOI) 2000, which was passed by the
Parliament in 2002, but was not notified. Inspired and encouraged by the
exercises taken up by the Central Government, many State Governments
yielded under popular pressure and prepared draft legislations on the Right
to information. A number of states enacted their own transparency
legislations before the Freedom of Information Bill was finally introduced
in the Lok Sabha on July 25, 2000. However, a number of objections were
raised by the civil society to the Freedom of Information Bill and
suggestions were made for amendments to the National Advisory Council.
As a result of civil society’s long-drawn struggle, the Right to Information
Act was enacted in 2005.

The main objectives of the law of the Right to Information are to
operationalise the Right to information, to set up systems and mechanisms
that facilitate people’s easy access to information, to promote transparency
and accountability in governance, to minimize corruption and inefficiency
in public offices and to ensure people’s participation in governance and
decision making. The Right to Information Act promises to make the right
to information more progressive, participatory and meaningful, as it
encourages the common citizen to enthusiastically participate in the whole
process of governance. The citizens are not only free to ask for information
from the Government, but also have the right to get it. The Act extends to
all authorities and bodies under the Constitution or any other law, and inter
alia includes all authorities under the Central Government, State
Governments and Local Bodies. The Non-Governmental Organizations (NGOs) substantially funded, directly or indirectly, by the public funds also fall within the ambit of this Act. A duty has been cast, in section 4 of the Act, on every public authority to suo motu provide to the public with the information as prescribed therein, so that the public has to take minimum recourse to the use of this legislation for obtaining information.

The Act provides for a very simple procedure for securing information under which the citizen has to merely make a request to the concerned Public Information Officer (PIO) specifying the information sought by him. The fee is very reasonable and information is to be provided free of cost to citizens living below the poverty line. It is mandatory for the Public Information Officer to provide the information within 30 days and if it concerns the life or liberty of a person, within 48 hours of the receipt of the request. The Act provides for penalties in case of failure to provide information in time, or for refusing to accept application for information, or for giving incorrect, incomplete or misleading information, or destroying information and so on. In addition, the Information Commission has also been empowered to recommend disciplinary action against the Government servants. The Act establishes a two-tier mechanism for appeal. The first appeal lies to an officer within the organization who is senior in rank to Public Information Officer. The second appeal lies to the Information Commission. The jurisdiction of the court is barred under section 20 of the Act. The categories of information exempted from disclosure in this Act are kept to a bare minimum. A public authority may allow access to information, if public interest in disclosure outweighs the harm to the protected interests. In the case of security and intelligence agencies and organizations, which are exempted from the provisions of this Act, if there are cases of allegation of corruption
and human rights violation, such exemption would not be available. The Right to Information Act cannot be allowed to misused to delay the process of disciplinary action.

In *Shri V.K Gulati vs Directorate General of Vigilance, Customs & Central Excise Department*.*\(^{10}\) It was observed by the Central Information Commission that:

> "The Commission would be weakening the edifice built over the years to combat corruption, indiscipline and malfeasance by government employees, if it allows the Right to Information Act to be used as an instrument to interrupt and derail the statutory processes through which such employees are sought to be disciplined, or punished for their acts of omission and commission. If allowed, this will weaken the purpose for which this Right to Information Act was enacted. The Commission will, therefore, scrutinize requests for information with utmost caution in the context of the Preamble to the Right to Information Act".

The Right to Information Act paves the way for an empowered citizen, as well as an alert, efficient, responsive, transparent and accountable Government. The Central and State Information Commission has a major role in enforcing the implementation of the provisions of the Act as well as for educating the information seekers and providers. The Commission is vested with the power of a Court. Under Section 20, the Commission may impose penalty on the concerned officials for denial of information and recommend disciplinary action against the errant officials, who do not comply with the requirements of the Act. Moreover, under Section 25(5) of the Act, the Commission may also advise the appropriate Government in the matters of maintenance and preservation of records and

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the norms for disclosure of information with a view to enabling the people to observe and scrutinize the decision making process. The powers vested with the Information Commissioner, who are appointed by the President of India/Governor of a state, ensure effective implementation of the Right to Information Act.

As mentioned earlier that the Public Information Officer can reject the application for any of the reason specified in section 8 and 9 of the Act, it indicates that the right to information, now being a statutory right, is not an absolute right. There are many exceptional circumstances to deny the disclosure of the information. The disclosure of any information which would prejudicially affect the national interest, such as sovereignty and Integrity of India, Security, Strategic, Scientific or economic interest of the State, relation with foreign State are some of such restrictions. The parameters of such restrictions are significant that limits the right in many ways.

In Dr. Sandeep Kumar vs Agriculture Scientist Recruitment Board\(^{11}\), the application was rejected under section 8(1)(e),(g) & (j) of the Right to Information Act. A direction was given by the Commission to provide only the marks awarded to each candidate by the Screening Committee, without disclosing the identity of experts who had awarded those marks and also the list showing names of the candidates who applied for the post.

In the case of Tariq Islam vs Quazi Javed (Chief Public Information Officer)\(^ {12}\) the appellant was provided with certified copies of all file notings leading to the issue of his suspension but the name and designation of the concerned officer / functionary was not disclosed in order to prevent any threat to life of persons involved in the process of suspension.

\(^{11}\) CIC/AT/A/2009/00260 dt 30th September, 2009

\(^{12}\) CIC/SG/A/2010/000613/11172
The Right to Information Act of 2005 excluded certain grounds of refusal of disclosure incorporated in section 9 of the Freedom of Information Act 2002, such as the refusal of Information already published and when the request is too general in nature. A residuary and discretionary power is given to the Public Information Officers to enable the disclosure of information if public interest in disclosure of the information outweighs the harm to the public authority.

In Shri. M.A. Inbanathan (Manager-Purchase), Hindustan Aeronautics Limited vs. Lt. Col. (Retd) G.K Sood, (Public Information Officer ) Hindustan Aeronautics Limited\(^\text{13}\), it was held that disclosure would be permissible only when the larger public interest so warrants and the Public Authority was directed to communicate the entries in the Administrative Commissions Report to the appellant for the period asked for by him in his Right to Information application within a period of 10 working days from the date of receipt of this notice.

In Mr. Manish Bhatnagar vs Mr. R.N. Mangla\(^\text{14}\), the Commission considered that even if the information sought was exempted under Right to information Act, it must be disclosed, if public interest in disclosure outweighs the harm to such protected interests, which is mandatory under section 8(2) of the Right to Information Act of 2005.

The information on copyrights is protected under the Right to Information Act, if the request involves infringement of copyright of a person. If any disclosure affects the third party interest, adjudication before disclosure with prior notice to an affected third party is provided. In, Bombay Stock Exchange Ltd (BSE) vs Security and Exchange Board of

\(^{13}\) CIC/AT/C/2006/00063.

India (SEBI)\textsuperscript{15} the Central Public Information Officer had observed that, if the information sought pertains to third party and the reply will be furnished upon receipt of reply from third party.

In addition to all these the Right to Information Act excludes the activities of the intelligence and Security organization on the Central or State level such as Intelligence Bureau (IB), Research and Analysis Wing (RAW), Revenue Intelligence, Border Security Force (BSF), Central Reserve Police Force (CRPF) Centre for the Study of Complex Systems (CLSF) etc. as enumerated in the Second Schedule. In the case of Smt. Durgesh Kumari \textit{vs} Income Tax Department\textsuperscript{16} the appellant Durgesh Kumari was trapped by the Central Bureau of Investigation in a bribery case. She had sought the information to provide her the copy of the entire sanction file, but it has been refused under the provisions of section 8 (1) (h) of the Right to Information Act.

Section 22 of the Right to Information Act 2005 provides that it is to have overriding effect over inconsistent legislation or rules. This is a commendable provision. In the case of \textit{Mr. Manish Bhatnagar vs. Mr. R. N. Mangla}\textsuperscript{17}, the issue which arose before the Commission was whether there is any inconsistency as regards furnishing of information between Section 21 of the Juvenile Justice Act and the Right to Information Act and if so, whether Section 22 of the Right to Information Act would have overriding effect on the Juvenile Justice Act. It was held that there is no inconsistency between the two otherwise the provisions of the Right to Information Act shall have taken effect notwithstanding anything inconsistent in it.

\textsuperscript{15} CIC/SM/A/2011/001687 dt. 10.10.2011.
\textsuperscript{17} CIC/SG/A/2010/001790
The Official Secrets Act, 1923, a legacy of British rule in India, contains several provisions prohibiting the flow of information from the Government to ordinary people. Sections 123 and 124 of the Indian Evidence Act, 1872 also imposes unnecessary restrictions on making available official information as evidence. In *State of Haryana v. K.C. Bangar* 18 one of the issues raised was that whether Public Service Commission can claim privilege from production of documents or records regarding selections made by it under Sections 123 and 124 of the Indian Evidence Act, 1872. It was observed by the court that the need for transparency in working has even been recognised by the Parliament with the enactment of the Right to Information Act, 2005 where the exemption from disclosure of information is provided for under Section 8 of the Right to Information Act, 2005. In this Case the Punjab & Haryana High Court held that Public Service Commission cannot be considered to be State for the purpose of claiming privilege for production of records/documents under Sections 123 and 124 of the Indian Evidence Act, 1872.

Section 8(2) of the 2005 Act gives overriding effect to the 2005 Act over the Officials Secrets Act, 1923 where public interest and disclosure overweighs harms to the protected interests. 19 If a public authority takes a position that a certain information should be held to be non-disclosable under Section 123 and 124 of the Indian Evidence Act, it will hold good only so long as the relevant Section of the Right to Information Act allows the public authority to withhold such information in public interest.

In *State of U.P. v. Raj Narain* 20 the Supreme Court held that the Court had the residual power to decide whether the disclosure of a document was in the public interest or not and for that purpose it had the

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18 2009(1) R.C.R.(Criminal) 822
20 (1975)4 SCC 428
power to inspect a document if necessary. The statement of the head of the department that the disclosure would injure the public interest was not final. In Judges transfer case\(^{21}\) the Supreme Court took an even more liberal view of the disclosure of official documents under Section 123 of the Evidence Act. Justice Bhagwati has observed that:

“There is nothing sacrosanct about the immunity which is granted to documents because they belong to a certain class. Class immunity is not absolute or inviolable in all circumstances. It is not a rule of law to be applied mechanically in all cases. The principle upon which class immunity is founded is that it would be contrary to public interest to disclose documents belonging to that class, because such disclosure would impair the proper functioning of the public service and this aspect of public interest which requires that justice shall not be denied to anyone by withholding relevant evidence. This is a balancing task which has to be performed by the court in all cases.\(^{22}\)”

It is true that every information pertaining to the governance of the country cannot be allowed to be shared with the public at large for the sake of its smooth functioning. On the other hand certain information is necessary to be provided to the citizens in order to maintain the Democratic spirit of the nation and to maintain checks and balances over the Government. India presents a mixed scenario where a lot of secrecy in legislation is still in place restricting the free flow of information, but at the same time some significant developments at State and National level have taken place for promoting freedom of information laws. These legislative developments represent the implementation of the constitutional Right to Information, in response to the major challenges of development. The urgency for dissemination of information and knowledge which are vital for equalizing opportunity for development, increasing Non-Governmental


\(^{22}\) 2009(1) RCR(Criminal) 822, para 39.
Organization’s participation in decision making and democratic governance and for evolving citizen-centric approaches for addressing the concerns of every member of the society and they are the concerns of every member of the society.

While assessing the impact of The Right to Information Act on good governance, it may be worthwhile to understand as to how it works and what it does or does not do. There is a need to answer the question: whether the objectives of the Act are being realized or not?

If we take into account the responses to the Right to information requesters and activists in the cases listed before the National and State(s) Commission to resolve the disputes between information seekers and providers, media reports on the issues pertaining to Right to information and preliminary research studies and publications of result specifically those relating to corruption and accountability of public bodies, we come to the conclusion that the Right to information has a significant bearing on good governance and development. This statutory right to information is in many ways a significant reform in public administration in India. It seeks to secure to every citizen the enforceable right to question, examine, audit, review and assess Government acts and decisions and ensures that these are consistent with the principles of public interest, probity and justice. It promotes openness, transparency and accountability in administration, by making the Government more open to consistent public scrutiny. The Right to information is an important aid in ensuring transparent administration of public affairs and will help expose corruption and nepotism to ensure a clean administration. It covers a wide spectrum of bodies and officials from the Central government, the State Governments, Panchayati Raj institutions, local bodies and, significantly all bodies including Non-Governmental organizations (NGO) that are established, constituted,
owned, controlled or substantially financed by the government. The implementation of the law on Right to know for setting up an information regime therefore augurs well for strengthening the knowledge of society as well as for increasing the accountability of public bodies.

The Right to information Act has increased awareness among the members of the public about the rights conferred under the Act and the procedure for obtaining information from Public Authorities is also known to the general public by and large. All the State Information Commissions are receiving an increasing number of complaints and appeals under the Right to Information Act, 2005. It is observed that the role of the State Governments in supplying the information is continuously under scrutiny of individuals and institutions including Non Government Organizations and the media. At the same time, many individuals and organizations are critically scanning the performance of individual Information Commissions.

The Act has helped a great deal in the growth of the society and the nation. A number of queries relating to the Right to Information have revealed and are in the process to reveal a number of truths which are otherwise not possible to be communicated to the people in the routine course of things.

A social organization in Meghalaya has found that wheat worth crores of rupees under the Targeted Public Distribution System has been allegedly diverted for the past several years. Under the Right to Information application the Food Corporation of India (FCI) has given information that the State has been receiving wheat from 2008. Every month the State receives its quota of 1,403 metric tons of wheat, but none of the fair price shops are distributing it to the targeted people. This disclosure was made possible under the Right to information Act.
It has come to light that the Goa Government has been tapping telephones in the State, allegedly in violation of Supreme Court directions and the Indian Telegraph Rules, until very recently. The Information obtained by the Right to information activist Savio Correia from the State Home Department suggests that telephone tapping was done in breach of the procedure established by law.

A query under the Right to information Act has revealed that a sum of Rs.38 lakhs is lying unspent at the Delhi Child Labour Rehabilitation cum Welfare Society, which takes care of rehabilitation of rescued child labourers annually. Many other irregularities of various Government agencies have been brought to the light by the Right to information Act. The awareness about the Right to information Act in the country is increasing day by day.

A question has arisen that Whether the 'Office of Chief Justice of India, in his capacity as Chief Justice not sitting in a Court is subject to the application of Right to Information Act, 2005. The Information Commission's view was that the Chief Justice is a custodian of the information available with him, and that it is available for perusal and inspection to every succeeding office-holder. Therefore the information cannot be categorized as "personal information" even if the Chief Justice of India holds it in his personal capacity. Public statements have been issued from time to time by the Chief Justice of India, who has been in the forefront in advocating the view of keeping the higher judiciary out of the purview of Right to Information Act for he has said that no self respecting judge will accept compulsory declaration. The Chief Justice is not a public servant. He is a constitutional authority. Right to Information Act does not cover constitutional authorities. We do not want the judges to be harassed. Such statements are directly or obliquely concerned to the controversy
regarding asset declaration by the judges and the Chief Justice of various High Courts and the Supreme Court of India.

Since then, however, amidst views from some judges themselves that declaring their assets publicly is necessary, the Chief Justice has reversed his stand owing to a unanimous decision taken by all the Supreme Court judges that now the Court will place the statements of assets on its web sites. Whether this amounts to accepting the jurisdiction of the Right to Information Act or if any action will be taken for non-declaration of assets, is still unclear.

However legislation has been proposed under the name of "The Judges (Declaration of Assets and Liabilities) Bill, 2009". The bill apparently aimed at bringing transparency to the functioning of the higher judiciary by providing for declaration of assets and liabilities by the judges. However, it was postponed due to opposition from both Left and Right about Clause 6 of the bill which states that High Court and Supreme Court judges would declare their assets but the same would not be made public. So far no final law has been made on the proposed Legislation.

"In Central Public Information Officer (office of Supreme Court) vs. Central Information Commission, Delhi & Another"\textsuperscript{23}, the Delhi High Court's single judge bench on September 2, 2009 held that the Chief Justice is a public authority under the Right to Information Act and he holds information pertaining to asset declarations in his official capacity as the Chief Justice and that office is a public authority under the Act and is covered by its provisions. Such information given to the Chief Justice of India is subject to the provision of the Right to Information Act, and the

\textsuperscript{23} AIR 2010, Delhi 159, (2010) 1 RCR (Civil) 764.
same does not hold by the Chief Justice of India in a fiduciary capacity as per section 8 (I) (e) of the Act. The view taken by single bench was upheld by the division bench of the Delhi High Court on January 12, 2010.24

In a major boost to the Right to Information, the Central Information Commissioner Shailesh Gandhi ordered that information about the public distribution system and its beneficiaries should be made public. Disclosure of all this information is an important milestone in the larger struggle for effective Public Distribution System in India, which has been going on for many years now. When information regarding the quality and price of grains and other essential commodities becomes available at every ‘Fair Price Shop’ including lists of bonafide card holders and people to contact for grievance redressal at Circle Offices, then there is less scope for corrupt officials to deny proper rations to the beneficiaries, or to seek bribes from them to give them what is their due. This also controls the practice of shop-owners hoarding essential items for sale in the open market, after denying them to the beneficiaries.

**Is Right to Information Act a weak Law?**

The Right to information Act has paved the way for a new democratic era in India. Yet, enacting legislation is not enough. Law in itself is not a solution, rather it is an instrument that helps to achieve the goal of justice. Further, law may not be perfect, and its implementation may face many difficulties and opposition. Ground realities and experiences reveal that problems exist in the implementation of the Right to information Act. For the effective implementation of the Right to Information Act 2005, there is need to shift from the prevailing scenario of

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24 Ibid.
secrecy to a new scenario of openness, from personalized despotism to authority coupled with accountability and from unilateral decision-making to participative governance. The Act itself is not a perfect one so as to be exhibiting excellence of skill of drafting. The deficiencies therein do hamper the achievement of its goal. A deep peep into the legislation helps in bringing to the surface some of the shortcomings so that the same be rectified to ensure its proper implementation.

**Vague Definitions**

Sec. 2 has not properly defined certain terms under it, which are vague. For example under section 2(h) ‘Public Authority’ is defined to mean:

> ‘Any authority or body or institution of self-government established or constituted (a) by or under the Constitution (b) by any other law made by Parliament (c) by any other law made by State Legislature (d) by notification issued or order made by the appropriate Government, and includes anybody (i) owned, controlled or substantially financed (ii) Non-Government organization substantially financed, directly or indirectly by funds provided by the appropriate Government’

There is no clarity in the words ‘substantially financed’ as to what type of authorities or bodies are exactly covered under the definition. In the absence of exact meaning of the words ‘substantially financed’ it has to be interpreted in different manner in each and every case related to it and a number of times it becomes difficult to expediously dispose of the request. No rules have been formulated and no guidelines have been laid down anywhere as how to ascertain whether an authority or a body is to be considered as ‘substantially financed’ e.g. whether any concession or free land given by the Government, any income tax exemption or any one time
grant for infrastructure provided to the authority will bring it within the ambit of the words ‘substantially financed’.

**Wide exclusion Clause**

Section 8 of the Right to Information Act contains a long list of exclusions or exemptions under the guise of preservation of confidentiality & paramountcy of the democratic ideal. A broad exemption has been included for “Cabinet papers, including records of deliberations of the Council of Ministers, Secretaries and other officers”. All the material on the basis of which the decisions have been taken and the reasons for that are exempted under this affect the principles of transparency and accountability which are the very purpose of the Act. The word fiduciary falling under the exemption is not defined in sec. 8 (1) (e) of the Act. A criteria should be laid down as to who comes under this fiduciary relationship. No harm test through which the identified harm of the disclosure can be ascertained is included in the exemptions.

In *S.P Gupta vs Union of India* the Supreme Court has ruled that under Art. 74 of the Constitution though the Court cannot go into the advice of the Council of Ministers yet it has the power to go into the basis of such advise i.e. the documents which formed the basis of such advice. It was observed by the Supreme Court that:

“The concept of an open government is the direct emanation from the right to know which seems to be implicit in the right of free speech and expression guaranteed under Article 19(1)(a). Therefore, disclosure of information in regard to the functioning of Government must be the rule and secrecy an exception justified only where the strictest requirement of public interest so demands. The approach of the

25 AIR 1982 SC 149 para 66
court must be to attenuate the area of secrecy as much as possible consistently with the requirement of public interest, bearing in mind all the time that disclosure also serves an important aspect of public interest.”

Regarding information, causing a breach of privilege of Parliament or the State Legislature it can be said that it is really unnecessary as it is strictly not confidential (baring the issues pertaining to the security of the state). Too many exemptions leave narrow scope for disclosures. It can be used to cover up excuses of bureaucracy for not revealing information. It makes easy for officials to suppress information on one or other pretext. Hence the Act has more exclusion, than inclusions, which need a second look for exclusion of such exclusions

**Third party Information**

**Under section 11** of the Act third parties are permitted to make representations where a Public Information Officer intends to disclose information supplied by the third party or ‘treated as confidential by the third party. Sec. 8(1) (j) of the Act gives protection to the information relating to third parties. Concerns are being raised that this provision could be misused in practice to improperly refuse or delay responses to requests, particularly because under sec 2 (n) of the Act third parties are defined to include public authorities also. With the inclusion of Public authorities thus, whenever anybody apply for getting information about third party, such information shall be given by Public Information Officer (PIO) under section 7, only after following the procedure prescribed under Section 11(1) of the Act. This may cause unnecessary delay in getting the requisite information as the procedure is time consuming which also includes the right to file appeal by the third party, which can further delay the matter.
No guidelines for Appointments

**Under sec. 12** of the Act, the Chief Information Commissioner and Information Commissioners are appointed by the President on the recommendation of a committee consisting of the Prime Minister, who is the Chairperson of the committee, the Leader of Opposition in the Lok Sabha and a Union Cabinet Minister to be nominated by the Prime Minister. In case the Leader of Opposition in the House of the People has not been recognised as such, the Leader of the single largest group in the opposition in the House of the People is deemed to be the Leader of Opposition. It is ironical that the entire process of appointing the members of the central Information Commission is highly confidential one. The Right to Information Act seeks to ensure transparency in the functioning of the Government. However, this clearly does not hold true in the matter of appointing the functionaries of the Information Commission, which is to promote the Right to Information.

The procedure of appointments of members of state Information Commission is not entirely fair and transparent. The people who are close to the members of ruling party, have an edge over others when it comes to being considered for the post of an Information Commissioner. This is because the selection committee is largely comprised of those in the ruling party. The leader in the opposition cannot do much to oppose an appointment as two-thirds of the members which is all that is needed to form the majority vote, are in favour of a name to be recommended in the State Information Commission. Also the whole process is kept secret and for this reason lacks transparency. A perusal on the appointment procedure of Central and State Information Commissioners also indicates that under the eligibility requirements nothing is prescribed about the qualification of the persons to be appointed. Generally the retired officers of Government, who
in their own carrier were trained and functioned in a ‘secretive era’ cannot all of a sudden become the custodian ‘free informative era’. Their mindset does not undergo overnight transformation by being appointed as Information Commissioners.

The backbone of any organization, for its efficient functioning is workforce and manpower which constitutes it. The Commission has to perform a very important role. There is requirement of efficient, expert and well qualified persons possessing outstanding capability and knowledge. Recently a division Bench of the Punjab & Haryana High Court comprising Justice M.M. Kumar and Justice R.N. Raina, restrained the States of Punjab & Haryana from appointing any persons as State Information Commissioners without following a fair and transparent procedure in consonance with guidelines issued by Full Bench of the High Court in, Salil Sabhlok vs Union Of India And Others26 (Punjab Public Service Commission case). It was observed by the High Court in this case that the Punjab Government make appointments purely on pick and choose basis, without following any fair and transparent procedure of inviting applications, and screening of the same by some High level Screening Committee. The States shall follow the following procedure as part of the decision making process for appointments as Members, and Chairman of the Public Service Commission:-

1. There shall be Search Committee constituted under the Chairmanship of the Chief Secretary of the respective State Governments.

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26 2011(8) SCC 497.
2. The Search Committee shall consist of at least three members. One of the members shall be serving Principal Secretary i.e. not below the rank of Financial Commissioner and the third member can be serving or retired Bureaucrat not below the rank of Financial Commissioner, or member of the Armed forces not below the rank of Brigadier or of equivalent rank.

3. The Search Committee shall consider all the names which came to its notice or are forwarded by any person or by any aspirant. The Search Committee shall prepare panel of suitable candidates equal to the three times the number of vacancies.

4. While preparation of the panel, it shall be specifically elicited about the pendency of any court litigation, civil or criminal, conviction or otherwise in a criminal court or civil court decree or any other proceedings that may have a bearing on the integrity and character of the candidates

5. Such panel prepared by the Search Committee shall be considered by a High Powered Committee consisting of the Chief Minister, Speaker of Assembly and Leader of Opposition.

The sustenance of public confidence in the functioning of the Commission may be compared to the functions of judiciary in administration of justice which was spelt out by Lord Denning in Metropolitan Properties Co. v. Lannon\(^\text{27}\), in following words:-

\(^{27}\) (1968)3 ALL ER 304.
Justice must be rooted in confidence; and confidence is destroyed when right minded people go away thinking: 'The Judge was biased.'

Thus the appointment of chairman and members of the Information Commission must be in consonance with the observations and guidelines laid down by the High Court. Recently in Punjab the appointment of the President of the Truck Union as Member of the Commission under R S Act has been challenged.

Absence of power of Review

Sub-section (3) of Section 18 provides that the Information Commission shall, while inquiring into any matter under Section 18, have the same powers as are vested in a civil court while trying a suit under the Code of Civil Procedure, 1908 in respect of the matters specified in the said provision which, inter alia, includes summoning and enforcing the attendance of the persons and compelling them to give oral or written evidence on oath or to produce the documents or things, etc. Similar provisions can be found in other Regulatory bodies like the Telecom regulatory Authority of India (TRAI) under sec 16(2) of the telecom regulatory Authority of India Act of 1997. This corresponding provision provides the TRAI with additional powers as well which includes the power to review, re-visit and even to set-aside its earlier decision and orders which is not provided to the Information commission under the Right to Information Act even if it has been taken erroneously. As a result an aggrieved person has no choice but to go to the High Court and invoke its jurisdiction, if he seeks a review of the Commission’s order. Thus the Act should be amended to provide the Commission with power to review...
Absence of Specific Provisions of Responsibility

So far as the provisions of Section 19, which pertain to appeals, are concerned, the Central Information Commission or the State Information Commission in its decision in an appeal, has the power under Section 19(8) (a), to, require the public authority to take such steps as may be necessary to secure compliance with the provisions of the Right to Information Act. These steps include providing of access to Information, appointment of state and Central Information Commissioners, publishing certain categories of information, making of necessary changes to its practice in relation to the maintenance, management and destruction of records, to compensate the loss suffered due to non-disclosure etc. But no time limit is specified for the implementation of the steps to be taken by the Public authorities. Just vague guidelines are given to be followed which further delay the matters.

One of the most important roles of the Information Commission is to monitor and review the Public Authority and initiate actions to make them comply with the spirit of the Act. However this has been one of the weakest area in the implementation of the Act. It is acknowledged that the Information Commissions have been primarily been spending most of their time in “hearings” and disposing of appeals. However monitoring the Public Authority for compliance of the Act is also an important aspect of the role of the Information Commission, which could result in reducing the number of appeals.

Leniency to Guilty

Sec.20 of the Act dealing with penalty provisions treats various possible instances of violations as being of the same level of seriousness.
Even for serious offences like destroying requested records or knowingly giving wrong information, the Public Information Officer will be penalized worth Rs. 250 per day up to a maximum of Rs. 25,000. It is not workable to stipulate daily fines for such offences. If a public Information officer who fails to discharge the duties of disseminating information the punitive measures can be taken against him and in case of persistent disregard to the provisions of the Right to Information Act and the orders of the Commission the Information Commission can only recommend disciplinary action. So far, the information Commissions have not initiated punitive measures and most of the guilty officers are let off.

**High level of pendency**

The number of Right to Information Appeals with the Information Commissions are growing at a rapid pace year after year. It has been revealed the average monthly receipt and disposal of appeals by the CIC was 2,300 and 1,965, respectively during January to December, 2010. About 15,476 appeals and complaints were pending in the commission as on Jan 31, 2011 and 20,232 cases were pending as on September 1, 2011.

In the coming years this pace of growth of second appeals is expected to be sustained due to increasing awareness and usage of Right to Information Act by citizens. With current volumes of appeals, there seem to be delays in disposing of cases. This is a grave situation, which requires urgent intervention for the Right to Information Act to survive the threat of landing in a situation of “justice delayed”.

**Lack of Coordination**

There is lack of coordination in the activities of the Central and State Information Commissions. The Commissions are autonomously functioning towards the fulfillment of a common goal, namely ensuring
free flow of ideas, knowledge and information. There exists no inbuilt system for various Information Commissions to share and disseminate information, experiences, case laws and best practices in promotion of open government. The Right to Information Act is silent on the issue of cooperation and coordination of various activities of the Central and State Information commissions and this has a significant bearing on the disclosure of information. Better coordination between the State Commissions and the Central Commission could help in the promotion of Citizen-Government co-operation. There are cases where the Center launches various schemes for the benefit of different States and at times these schemes are partially financed by the center and partially by the State. In such cases if there is any stoppage or misuse of funds or delay in execution, any aspirants seeking the information under Right to Information Act would be in a fix as to where from he will get the required information. In absence of mechanism of coordination between the Centre and the State, the officials of the Centre and the State would try to pass responsibility to each other and the true information would never be revealed. No effective Information Technology systems have been adopted to monitor and report on the disposal of applications by various public authorities. Likewise, internal systems for management of complaints and appeals to State Information Commissions require simple Information Technology solutions which are non-existent in many states. Currently, each State Information commission has a different website and there is no uniformity between them on structure or content.

Lack of proper Record Management

The Scientific management of records with public authorities is imperative for smooth and prompt flow of information. The maintenance and retrieval systems for official records are primitive and the arrangement
for maintenance is also very poor. As a consequence, whenever any demand for information is received, the offices concerned expend their energies in freshly locating and retrieving record for serving every individual request for information. The obligations under sections 4 & 5 for record management under various Sections of the Act have not been fulfilled in most states. The effective implementation of Right to Information Act could only be assured if all Public Authorities upgrade their systems of record management. There is need to speed up the process of upgrading the record management in every State. Till date negligible work has been done in this regard by most states

**Lack of Public awareness and training**

There is lack of public awareness and training regarding the suppliers of information namely the Public Authorities and the Public Information Officers nor are the concerned officers properly equipped or trained to handle the responsibility of supplying information. Secondly, the seeker of information, the common citizen is as yet not fully aware of his empowerment and the procedure for having access to information. As a consequence, during the process of adjudication considerable avoidable time is spent in guiding Public Information Officers in responding properly in supplying information, and in clarifying deficiencies on the part of information seekers. Many matters need not have been brought up for adjudication at all, if well informed Public Information Officers and information seekers had resolved the issue at the outset. According to Section 26 of the Act, the entire responsibility for spread of public awareness and training of officials lies with the State Governments concerned. But very few efforts have been made by the State Governments in this regard.
Lack of Information delivery at the district level

There is a lack of infrastructure with the public authorities at the district and village level, which makes dissemination of information practically impossible. Most of the public authorities up to the district level do not even have basic infrastructure like computers, typewriters etc. to provide information to the public. Handwritten information mostly illegible is still being provided in a large number of cases to the information seekers. There is no adequate budget available to the public authorities at the district level to implement the Right to Information Act, be it in terms of undertaking training programs for its officers, creating awareness about the Act, providing publicity material like user guides to the public and other related matters.

In view of the fact that a number of flagship programs such as the National Rural Employment Guarantee Scheme, the Rural Health Mission, Sarv Shiksha Abhyan, Bhat Nirman etc. are implemented by local bodies, there is need to provide facilities for proactive disclosure of information directly affecting the public at the grassroots. The Right to Information Act, 2005 can create a practical regime of information sharing only if there is an effective delivery mechanism at the district and local level.

Suggestions

With the enactment of the Right to Information Act, India has moved from an opaque and secretive system of Government to the beginning of an era of greater transparency and accountability where the citizen will be empowered and become the true center of power and real defacto Sovereign. Only by empowering the ordinary citizens a nation can progress. By enacting the Right to Information Act, India has taken a small but significant step towards that goal. The right to Information Act
has raised high expectations among all sections of society as an instrument for improving the system of governance and being a ‘weapon of mass empowerment’. There is a need to articulate the Right to Information Act in terms of a complex web of rights. If the Right to Information Act has to achieve its objective and not become a mere ornamental document, constant public vigilance on all important matters would be essential. However, certain deficiencies in fulfilling the statutory obligations by the Government and its Public Authorities have restricted the free flow of information. To make the law an effective instrument of empowerment and to usher in an era of transparency and accountability so as to fulfill the goals of the Constitution, the following suggestions may prove to be useful:

1. **Need to amend the definition clause:** The definition clause under the Right to Information Act needs to be more clear and precise in order to properly understand who is included and who is excluded under the definition. Vague terms which have brought uncertainty should either be removed or proper explanation should be given for the effective implementation of the Act. In order to understand the exact meaning of the term ‘Substantially financed’ a criteria should be laid down that the bodies which are given concession, income tax exemptions, 10% to 15% grant, free land by the government should be deemed to fall under ‘Substantially financed’ bodies.

2. **Need of transparency and appointment of Competent persons as members of Commissions:** It is important to have a transparent process of selecting the Information Commissioners to ensure independence and competence and that they are truly eminent, suited to the position. A process should be evolved where there is scope of public involvement or participation in the appointment process. Till then the guidelines laid down
by the Punjab & Haryana High Court must be followed. Person who has
served in a particular ministry should not be made the Information
Commissioners responsible for that ministry because their might be
conflict of interests. Under the eligibility conditions specific qualifications
should be mentioned as is done in the appointments under other
legislations. Only retired officers should not be appointed but other than
those including persons having good qualification and intelligence should
be given a chance. Keeping in view the critical, sensitive and the key
function of the Commission, it is very essential that the members of the
Commission must possess outstanding and high degree of educational
qualifications, brilliance and remarkable experience in the field of
selection, administration and recruitment etc. Of utmost importance, above
all, are qualities of thorough integrity and his ability to work impartially
without any political influence.  

3. **Need to reduce the exemptions under the Act:** The Act contains
standard wide-ranging class of exemptions which could allow most of the
information to be withheld from public domain. The Act is made to further
interests in freedom of information and not in furtherance of increasing
limitations on it. The exemptions should be reduced to the minimum. A
harm test which identifies the harm in disclosure be adopted which can
reduce the list of exemptions. The exemptions should be clearly explained
in order to understand what is specifically excluded.

4. **Need to amend the penalty provision under the Act:** The Act needs
to enhance the penalties for effective implementation. There is need for
formulation of a proper and deterrent provision for willfully defaulting

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28 Civil Writ Petition No.11846 of 2011
officers. The Information Commissions should implement section 20 in all cases of serious and wilfull default. The fine should be raised from Rs.250 per day to Rs .500 per day and maximum limit be raised from Rs.25000 to Rs. 50000 in all cases.

5. Need to prescribe time limit to avoid delay: The Central Information Commission or the State Information Commission in its decision in an appeal or otherwise can give directions to the public authority to take such steps as may be necessary to secure compliance with the provisions of the Right to Information Act . A strict time limit should be there to follow those directions. Some penalty should be imposed in case of disobedience of the time limit in implementing the directions .There is need to mention the time limit or date for suo moto disclosure of information by agencies so that timely knowledge and information be provided. Where a citizen suffers some damage because of the neglect or delay in such disclosure, the authority should be made liable to pay for the damage suffered.

6. Need of Cooperation and coordination between the Central and the State Information Commission: As the Central Government Departments are located in different parts of the country, it becomes necessary that State Information Commissions provide necessary support to the Central Information Commission for processing appeals, complaints and for speedy disposal of cases by the Central Information Commission. The modalities of cooperation between State Information Commissions and Central Information Commission may be worked out with mutual consultation. A mechanism or an official should be there who can supervise the functionaries of the State as well as the Centre and fix responsibility regarding the non-revealing of the information on the concerned official. In effect the functioning of the Central Information
Commission could be decentralized with a view to facilitating faster resolution of disputes between the information seeker and the information provider. An appropriate institutional mechanism should be in place to facilitate better networking and coordination among the Central and the State Information Commissions.

7. An e-enabled common portal for Information Commissions should be created: For enabling the effective implementation of the Right to Information Act, the Central & the State Information Commissions need to strengthen their technical & Information Technology capability significantly. The use of technology is not only advisable but is inevitable for enabling effective implementation of Right to Information. It would be appropriate if some minimum degree of standardization is followed across different State Information Commissions websites. There is also a need to integrate different websites of all Information Commissions through a common Information Technology Portal on the Right to Information. This will prove to be very beneficial for the common citizen. At the same time, this will enable better networking and sharing of information as well as help in bringing about greater standardization in the websites of the State Information Commissions.

8. Need of Uniformity in Rules: As per the rules under the Right to Information Act notified by various State Governments and departments, different formats have been prescribed for obtaining information. It is suggested that the format for obtaining information be standardized. The State Governments should enforce the provisions of the Right to Information Act in uniform manner, especially those pertaining to fees and costs; this will encourage people to use the Right to Information Act even more effectively. This is a matter that deserves the attention of the Central
and State Governments. The Government of India may issue suitable guidelines to standardize rule-making by different States.

9 Need of Effective Record management system: It is imperative for Appropriate Governments & Public Authorities to adopt effective record management strategies and to maintain their records systematically. The Commissions should advise the respective authorities to speed up the process of upgrading record management. The records should be computerized on scientific and modern lines, so that access to such records is facilitated. The records should be connected through a network all over the country on different systems. The Government must set apart adequate funds to accelerate the adoption of computerized management information systems by all public authorities down to the district and the village level. The program of computerization of records must be made time-bound for the success of speedy and effective information delivery under Right to information Act.

10. Information delivery system: The public authorities should disclose information on various activities on their own which should be accessible, without the citizen having to make a specific request for it. Each Department of Government or Public Institution must throw open to scrutiny its functioning style. It must make available full, complete & adequate information/knowledge about its structure, hierarchy, officials, nature and type of services it renders, availability of funds, time limitation, procedures, grievance removal mechanism etc on its official websites, notice boards or disseminate such information via posters or pamphlets and deliver it at the field/district level. Affected persons should be provided with the reasons for refusal of requests or administrative or quasi-judicial decisions by the public Authorities. All Public Authorities must strictly fulfill their obligations under Section 4 of the Act. In compliance of
Section 4 and Section 5, every Administrative Secretary should be held responsible for assuring pro-active disclosure and capacity building by all Public Authorities within his purview. Basic and simple user guides in terms of pamphlets and publicity material in the local language/official language of the State should be made available in every office/institution at every level with the public authorities for distribution to those who want to file applications under the Right to Information Act. This is an utmost necessity since in a majority of cases the citizens have no idea as to how an application under the Right to Information Act has to be drafted and filed.

11. **Public awareness and training of officials:** A key reflection on the effectiveness and success of implementation of the Right to Information Act is the level of awareness among the general populace. There is need of spreading public awareness as well and training of officials. Modern techniques of distance learning through e-learning modules should be adopted. Publicity is very essential for proper implementation and spreading of public awareness and training of officials. A group of experts in the field may be assigned to prioritize the various publicity approaches and make a judicious selection of publicity strategies. All State Governments must undertake, through all forms of mass media, an extensive public awareness program to educate the people about their right to information. The Right to Information Act, 2005 must be publicized in all official State languages and made freely and widely available on internet and in print form. Sufficient funds should be allocated by the State Governments for the media campaign regarding Right to Information. Educational institutions should introduce awareness of the Right to Information Act by inclusion of Right to Information in the curriculum. Suvidha Centres should make information about Right to information available to people at large. The offices of all Public
Authorities should display a standard board containing essential information about their office/department under Right to Information Act. The information officers should be imparted proper knowledge about the Right to Information Act & rules and procedures there under. They must be imparted skill and training as to handling of request for any information which they are to supply. The mindset of officials must be changed in tune with the requirement of Right to Information Act & the need of transparency and accountability.

12. To check harassment of information seekers and Public Information Officers: There is an alleged victimization of information seekers by those whose illegal activities are exposed due to the disclosure of such information as has been seen in cases regarding details of disbursement of food grains under Public Distribution System, muster rolls of rural employment, registered beneficiaries of LPG and other public actions relating to contractors etc. In some such cases, it may become necessary to provide police protection to the affected persons. All the nodal departments at the centre and in the states that are responsible for the implementation of Right to Information Act should issue necessary directions to the Public Authorities concerned and the police organizations to initiate appropriate action in such cases.

13. Information Cells: In order to monitor and coordinate the activities related to the implementation of Right to Information Act, Right to Information Cells with the Government official as incharge in cooperation with non-governmental organization should be established at each District and Block Level to help the people in seeking information from public authorities. They must particularly help women, poor disadvantaged people. This Cell should periodically review the functioning of the public authorities at the district level with regard to implementation
of the Act and suggest measures to the State Government in the relevant department about corrective action which needs to be taken from time to time.

14. **Judiciary and the Right to Information Act**

The Right to Information Act is considered to be an effective tool to check corruption in our Governmental system which comprises three organs namely Judiciary, Legislature and Executive. If the Legislature and Executive are subjected to Right to information provisions, it automatically follows that Judiciary should also be brought under the ambit of Right to Information Act. Similarly there is no rationale behind the exclusion of the Judiciary including the Chief Justice of India. All the functionaries in the judicial organ of the Government are not immune from corrupt influences. Moreover, the Right to Information is not only about corruption. It enables information about its functioning. If the Supreme Court or High Court takes action against any employee why should he be not entitled to seek the information about his case. Of course, one may say ,a judge may not be answerable to any person for his judicial decision, but for non judicial actions, no exclusion from the Right to Information Act should be granted. Why information about non submissions of assets declaration etc. should be treated as secret. If one want to know the number of cases decided by a Court or a period of delay in delivery of judgment after completion of argument, why the information should not be given in the official capacity of a competent Authority under the Right to Information Act, when other concerned public-authorities are required to respond to the communications addressed to the competent authorities including the PMO and office of the President of India. The post of Chief Justice of India represents not only an individual but also the institution. In Secretary
General, Supreme Court vs Subhash Chandra Aggarwal, it is observed by the Supreme Court that: “Accountability of the Judiciary cannot be seen in isolation. It must be viewed in the context of a general trend to render Governors answerable to the people in ways that are transparent, accessible and effective. Behind this notion is a concept that the wielders of power Legislative, Executive and Judicial - are entrusted to perform their functions on condition that they account for their stewardship to the people who authorize them to exercise such power. Well defined and publicly known standards and procedures complement, rather than diminish, the notion of judicial independence. Democracy expects openness and openness is concomitant of free society. Sunlight is the best disinfectant”

The Judiciary should not be scared of transparency. The suggestion of Judiciary to make Registrar General of Supreme Court and not Central Information Commission to be the second Appellate Authority for Supreme Court in the Right to Information Act is not appreciable.

Transparency in Judicial Administration is a must. It is rather in the interest of the Judiciary itself that to save its fine image it must subject itself to the provisions of the Right to Information Act. A Five-member bench of Supreme Court headed by the then Chief Justice of India Mr. Justice P.N Bhagwati in the matter S.P Gupta vs. Union of India, had opined to disclose opinions of members of Supreme Court collegiums constituted for appointment, promotion and transfer of judges of higher

29 AIR 2010 Delhi 159,(2010) 1 RCR(Civil)764.
courts even much before Right to Information Act came into existence. It was observed by the Supreme Court in this case that:

"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 was further observed by the Supreme Court that:

There must be, checks and controls in the exercise of every power, particularly when it is a power to make important and crucial appointments and it must be exercisable by plurality of hands rather than be vested in a single individual. That is perhaps the reason why the Constitution makers introduced the requirement in Clause (2) of Article 124 that one or more Judges out of the Judges of the Supreme Court and of the High Courts should be consulted in making appointment of a Supreme Court Judge. We would rather suggest that there must be a collegium to make recommendation to the President in regard to appointment of a Supreme Court or High Court Judge.

Even though this particular aspect has never been over-ruled by later judgments on appointments of judges, opinion of members of Supreme Court collegiums are not being made public even now. It seems that there is an overriding pressure on the Central Public Information officer. It has been frequently observed that the Central Public Information officer

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32 Ibid para 30
avoids replies on petty and meaningless excuses, file-notings are being refused to be revealed and wrong and vague replies are commonly given.

Another sensitive issue is that, Can a judge be asked under the Right to Information (RTI) Act as to why and how he came to a particular conclusion in a judgment. The Supreme Court says that such a question can’t be raised against any judgement. In Khanapuram Gandaiah vs Administrative Officer\textsuperscript{35} The Chief Justice K.G Balakrishnan and Justice B.S Chauhan firmly have said that a judge speaks through his judgments and he is not answerable to anyone as to why he wrote a judgment in a particular manner. The best suggested course of action would be that in case of non speaking judgments and in some cases of arbitrary and controversial judgments, these criteria should not be followed. It goes without saying that every judicial order has to be fortified with the rational, logic and law of the land collectively. An absence of these aspects in judicial pronouncements render it suspicious and hence should be open and available for explanation.

15. The Non-Governmental Organizations and the Right to Information

Every citizen of the nation who is a tax payer has the right to know as to where and how his money which he has paid in the form of tax has been used. Similarly every Non-Governmental Organization, Private Authority which is seeking fiscal aid from the State is duty bound to disclose the purpose for which such fiscal aid has been utilized. This is to primarily ensure that the public money does not land up in wrong hands or is not misused. In the wake of outsourcing of functions which were traditionally performed by government agencies, it is desirable that

\textsuperscript{35} Special Leave petition No.34868 of 2009 at, p.6, decided on 4 January, 2010.
institutions which enjoy a natural monopoly, or whose functions impinge upon citizen’s lives substantially, must come under the provisions of the Right to Information Act. Also it may be desirable to define what ‘substantially financed’ would mean otherwise different authorities may interpret this in different ways according to their convenience & vested interests. The Organizations which perform functions of a public nature that are ordinarily performed by Government or its agencies, and those which enjoy natural monopoly may be brought within the purview of the Act. Norms should be laid down specifying that any institution or body that has received or has obtained ‘substantial funding’ from the Government must be covered under the Right to Information Act for any information which if it were held by the government, would be subject to disclosure under the law.

16. Private Educational Institutions and the Right to Information Act

The fact that education is a public necessity cannot be ignored. It is rightly said that man without education is like an animal; it is education which makes a man a man. Article 21 of the Constitution of India guarantees a life with human dignity which includes Right to education also. Article 21 A however makes free and compulsory education upto the age of 14 years a fundamental Right. The State cannot provide it alone so the role of private institutions becomes important. All aided and unaided educational institutions perform Government functions of promoting high quality education. In \textit{Bindu Khanna vs Directorate of Education Government of NCT of Delhi,}\textsuperscript{34} It is held that, the issues relating to

\textsuperscript{34} No.CIC//MA/A/2008/01117. Decision No.5607/IC(A)/2010
management and regulation of schools responsible for promotion of education are so important for development that it cannot be left at whims and caprices of private bodies, whether funded or not by the Government. So the private education institutions also come under the purview of Right to Information Act.

The Allahabad High Court in Dhara Singh Girls High School vs. State of Uttar Pradesh\(^{35}\) has held that whenever there is an iota of nexus regarding control and finance of public authority over the activities of the private body, the same would fall under the provision of Section 2(h) of the Right to Information Act, 2005.

A Division Bench of the Punjab and Haryana High Court in Ravneet Kaur vs. Christian Medical College, Ludhiana\(^{36}\) has held that the source of power is not important. It is the nature of power that is relevant. It is further held that CMC Ludhiana is discharging functions of a public nature and therefore it cannot be said that the High Court cannot direct a body discharging public duty merely because it is a private body. Even if an Educational institution is unaided yet court can compel it to maintain standards of education. So, if a person seeks information under Right to Information Act about qualification of teacher, it cannot be denied as veil of secrecy cannot be allowed in such matters.

17. Examinations and the Right to Information Act

A look at the evaluated answer script could serve the noble purpose of being acquainted with the mistake committed or getting a clarification of the doubts one has on getting to know that he or she has not been awarded marks true to his or her expectation. In State of Jharkhand Vs. Navin

\(^{35}\) AIR 2008 All 92
\(^{36}\) AIR 1998 P H 1,para.51 (1997) 116 PLR 320
Kumar Sinha\textsuperscript{37} the Jharkhand High Court held that access to answer scripts cannot be denied to the examinee. Examiner discharging public function must be accountable to people.

In the case of \textit{The Institute of Chartered Accountants of India v. Shaunak H. Satya \& Others}\textsuperscript{38}, it was submitted by The Institute of Chartered Accountants of India that it conducts several examinations every year where more than four lakhs candidates participate; that out of them, about 15-16\% are successful, which means that more than three and half lakhs of candidates are unsuccessful; that if even one percent at those unsuccessful candidates feel dissatisfied with the results and seek all types of unrelated information, the working of ICAI will come to a standstill.

But the Court observed that:

"Exaining bodies like \textit{The Institute of Chartered Accountants of India} should change their old mindsets and tune themselves to the new regime of disclosure of maximum information. Public authorities should realize that in an era of transparency. The previous practices of unwarranted secrecy have no longer a place. Accountability and prevention of corruption is possible only through transparency. Furnishing information no doubt would involve additional work with reference to maintaining records and giving information, but doing this has become the need of the hour. Requisite efforts must be made by all such bodies to meet the legitimate demands made under the Right to information Act. Parliament has enacted the Right to information Act providing access to information, after great debate and deliberations by the Civil Society and the Parliament."

\textsuperscript{37} AIR 2008 Jharkhand. 19.
\textsuperscript{38} 2011 (8) SCC 781, 2011(4) RCR (Civil)336
In its wisdom, the Parliament has chosen to exempt only certain organizations from the applicability of the Act. As the examining bodies have not been exempted, and as the examination processes of examining bodies have not been exempted, the examining bodies will have to gear themselves to comply with the provisions of the Right to Information Act. Additional workload is not a defense. If there are practical difficulties, it is open to the examining bodies to bring them to the notice of the government for consideration so that adequate support systems should be provided to them.

18. Police investigations and the Right to Information Act

In our Police department, we can proudly name and remember some police officials for having rendered exemplary, commendable and most impartial service towards the nation. Similarly there is no dearth of police officials who have flagrantly misused their power and position for extraneous considerations. The Police in our nation have been vested with wide ranging powers. While embarking on the enquiry and then investigation of a criminal case against any individual, the concerned police officials at times tend to misuse their powers for the purpose of shielding some accused persons and at times falsely implicating some innocent people. At times, documents and evidences are created and at the other times destroyed with a view to give the enquiry or investigation the desired direction. It is therefore imperative to have a system in place through which a vigil can be maintained upon such acts and conduct of the police.

After completion of investigation, the police presents a report or a charge sheet under Sec.173 Cr PC and there after the documents relied upon by the police during the investigation become accessible to the parties
and the public. There is a dire need for the drafting of guidelines whereby the general public, accused or the complainant could require the investigating officer or investigating agency to unearth to reveal the source of a particular conclusion arrived at by them and also ask as to how the evidence produced by a particular party has been dealt with during the course of investigation.

19. Official Secret Act & the Right to Information Act

Official Secrets Act, 1923, in its present form is an obstacle for creation of a regime of freedom of information, and to that extent the provisions of Official Secrets Act, 1923 need to be amended. The Official Secrets Act, 1923, a legacy of British rule in India, contains several provisions prohibiting the flow of information from the Government to ordinary people. There is need of comprehensive amendment of Section 5(1) to make the penal provisions of Official Secrets Act, 1923 applicable only to violations affecting national security. A strong legal framework is required to deal with offences against the State. While recognizing the importance of keeping certain information secret in national interest, the disclosure of information has to be the norm and keeping it secret should be an exception.

20. Indian Evidence act and the Right to Information Act

Sections 123 and 124 of the Indian Evidence Act give blanket power to the Government to withhold documents. If a public authority takes a position that a certain information should be held to be non-discloseable under Section 123 and 124 of the Indian Evidence Act, it will hold good only so long as the relevant Section of the Right to information Act also allows the public authority to withhold such information in public interest. In other words, if within the meaning of the Right to information Act,
information is to be disclosed in public interest and if the same information is held confidential in public interest within the meaning of the Indian Evidence Act, then the provisions of the Indian Evidence Act shall be inconsistent with the Right to information Act. Some balancing between two competing aspects of public interest has to be performed by the courts even where an objection to the disclosure of the document is taken on the ground that it belongs to a class of documents which are protected irrespective of their contents because there is no absolute immunity for documents belonging to such class. Such duplication and ambiguity also leads to needless litigation. Despite ‘implied repeal’ and provisions like ‘notwithstanding anything contained in any other law’ the old subordinate legislation, notifications and executive instructions continue unaltered and govern actual implementation. In order to send a strong signal about the change and for the sake of effective implementation, the old law/s should be repealed or modified to the extent necessary.

21. The Governor and the Right to Information Act

The Governor of a State should not be allowed to claim complete immunity from the purview of the Right to information Act baring some hyper sensitive issues relating to the security of State. In a way, the Governor is the head of the State and enjoys vast powers as well vast discretions. These vast powers and vast discretions have to be exercised within the limitations of justification and explanation. If there is no check on the use/exercise of the powers & discretions of the Governor there is a huge scope of the misuse of the same, as such the Governor should be made bound to answer the justified queries of a common man or citizen. It has been ruled by the Goa Bench of Bombay High court that a Governor's report to the Centre on political situation in a State cannot be
kept secret if an application has been made for its disclosure under Right to Information Act, as that could cause great discomfort to the Union Government. The Governor or Public Information Officer (PIO) in his office cannot claim immunity from disclosure of any information under Right to Information Act. It is conceded that under Article 361 of the Constitution, the Governor enjoys complete immunity and is not answerable to any court for anything done in exercise and performance of the powers and duties of his office, the bench said it does not take away the powers of the court to examine the validity of his actions including on the ground of mala fides. The Governor is not sovereign and sovereignty does not vest in him. The contention that by reason of his being sovereign no direction can be issued to the Governor for disclosure of any information under Right to information cannot be accepted. The Supreme Court has recently passed a stay order on 8th December 2011 on the Bombay high Court decision which required the Governor to reveal the information sought. It is hoped that keeping in view the democratic character and need for transparency and accountability, the Supreme Court will ultimately rule in favour of right to information.

Concluding Observations

In a nutshell, a great deal of spadework requires to be done to implement the provisions of the Right to Information Act. Further, it is essential that the enabling provisions of the law should reach people. In many regions, the standard of record-keeping is extremely poor. Most government offices have stacks of dusty files, some even providing good food to white ants, which provide an easy excuse for refusing access to the records. The struggle for a progressive Right to Information law has only begun. The government has shown great political will in enacting the legislation. However, no matter how progressive the law, unless the
Government actively promotes and implements the Right to Information Act in its true spirits, the forces inimical to openness can undermine the law easily. It is therefore important that the people use this law extensively so that the information in the public domain can be revealed. Magnitude of the information is very aptly echoed in the words of James Madison who said, ‘Knowledge will forever govern ignorance and people who mean to be their own governors must arm themselves with the power knowledge gives’. India now can proudly proclaim that its citizens today have been bestowed with specific right to information, which will unquestionably lead to true democracy with transparency and accountability as essential elements. Although there are still some shortcomings, yet, they can be overcome for the growth of a healthy democratic atmosphere especially in a country which happens to be the largest democracy in the world.

Information is power, and the executive at all levels attempts to withhold information in order to increase its scope for control, patronage, and to facilitate the arbitrary, corrupt and unaccountable exercise of power. Therefore, demystification of rules and procedures, complete transparency and pro-active dissemination of relevant information amongst the public is potentially a very strong safeguard against corruption. Fighting corruption has been a major anxiety for our country for decades. The answer to corruption lies potentially in the hands of Right to Information Act.

Transparency can be achieved by growth of a comprehensive information management system and by the promotion of information literacy among the citizens. This will positively lead to ultimate recognition of the objectives of Right to Information namely transparency and accountability. It is therefore, rather safe to affirm that the Right to Information is a means as well as end in itself to attain democracy in its truest meaning.
With the enactment of the Right to Information Act, India has taken a small step towards achieving real Swaraj. Active and participatory citizens would be able to make full use of this instrument being given to them. It is a welcome step in the right direction. Windows have been thrown open once and for all. The Fragrance is bound to spread slowly but surely. But the stink of secrecy & misuse of power should not be too strong as to totally absorb the fragrance of Right to Information & transparency. Its territorial jurisdiction should not be limited India only, it must spread to Bharat. That will ensure that the Government in this democratic Country is not only ‘of the people and by the people’, but is also ‘for the people’.