CHAPTER -1

INTRODUCTION

“Ask, and it shall be given to you; seek, and you shall find; knock, and it shall be opened unto you. For every one that asketh receiveth; and he that seeketh findeth; and to him that knocketh, it shall be opened.”

The 21st century is the age of Information, we are constantly being bombarded with and are seeking information. Information access has become inevitable both to the individuals as well as to the institutions. It is a key tool for enabling citizens to participate in the political processes of their countries. It provides the people with knowledge about what the Government is doing and how it is choosing to respond to changes in today’s constantly evolving political landscape. With greater knowledge and information people are able to scrutinize official policies and suggest alternatives they feel could be more effective. In this manner, access to information can be the key to moving from a formal to a responsive, consultative and effective democracy.

Information is the currency that every citizen needs to make a difference in the life and governance of society, since the knowledge gained on the basis of this right would equip him to make out wrong from right. The greater the access the citizen has to information, greater would

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be his reaction, which would in turn make the Government more responsive and tuned to the community needs. Alternatively, greater the restrictions on access, greater the feelings of powerlessness and alienation would be seen in the common man. The free flow of information would make the common man identify with the Government. Without information, people cannot adequately exercise their rights and responsibilities as citizens or make informed choices. Neither the particular Government of the day nor public officials create information for their own benefit. Information is always generated for a specific purpose. It helps in legitimate discharge of the duties of office, and for the service of the public for whose benefit the institutions of the Government exist, and who ultimately fund the institutions of the Government and the salaries of officials. It follows that the Government and officials are trustees of this information for the people.³

Right to information is such a right from which other basic human rights flow. No society can claim to be truly free unless it has both the instruments and the practice of providing its people with access to information. Whether it is called the ‘freedom of information’ as it is in most countries or the ‘right to information’ as in more recent access laws, it is the duty of Governments to guarantee this right by implementing access to information laws in true spirit of the word /or in its right spirit.

The information revolution today has been brought by the communication and computer technology, via internet, websites and e-mail, to the doors of the common people. The capacity of the society to retrieve, store, process and transmit massive flow of information, with

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unbelievable speed has transformed the whole world into a global village. Free and fast information access is having effect on the economy, social order, values, cultural ethos in a big way. Its impact is being felt on production, marketing, transport, management, medicine, education, law, style of living etc. It has even made a considerable impact on the thinking process among many other factors. The right to participate in the affairs of the country is meaningless unless the citizens are informed on all perspectives related to the issue in respect of which they are called upon to express their views.⁴

For over fifty years, secrecy has been the norm in the working of the Government, and transparency the exception. In the guise of protecting the State’s interest, secrecy in public affairs has been a shield for those in Government, a means of concealing their actions and motives from public scrutiny. Access to information, on the other hand, is power in the hands of the electorate. It demands accountability. This is fundamental to the functioning of any truly democratic society. The hallmark of a meaningful democracy is the institutionalisation of transparent and participative processes which gives the electorate access to information about the Government it has brought to power, and enables it to make an informed decision to remove that Government from power, if it so chooses. Just as secrecy undermines democracy, information is a threat to authoritarianism. Laws that license secrecy are a colonial legacy and were adopted by totalitarian regimes to legitimize suppression of information about its functioning. Secrecy in public affairs is anathema to the very notion of

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democracy. Yet laws favoring governmental secrecy have dragged on for half a century after India became a democratic republic.

Winston Churchill, echoing Abraham Lincoln, said that “Government of the people, for the people and by the people, still remains the sovereign definition of democracy”. This concept of democracy would be impossible to implement unless the public at large were provided the opportunity to participate in public administration. The world wide crisis of Marxian Socialism in recent times has once again revealed the power of democratic ideals. The real strength of democracy lies in the protection of individual freedom and basic human rights. A true democracy can not exist unless all citizens have a right to participate in the affairs of the polity of the country. In fact the idea of the Government by the people and of the people itself is not enough to provide socioeconomic Empowerment & Justice unless the third arm that is the Government for the people is also ensured and actually becomes a reality. Dr. B.R Ambedkar in his speech in the Constitutional Assembly Debates (CAD) has professed and warned that the people are fed up with ‘of the & by the people’, they want ‘for the people’. He gave the suggestion that we must not be content with mere political democracy. Ours must be a social democracy which according to him is a way of life which recognizes the trinity of liberty, equality and fraternity as the cardinal principle of life. To divorce one from the other is to defeat the very purpose of democracy. He defined democracy as a form and a method of Government whereby revolutionary changes in the

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7 Dr. B.R.Ambedkar: The Principal Architect of the Constitution of India. Clause wise Discussion on the draft constitution, Section four, 15 Nov, 1948 to 8 January 1949.Constitutional Assembly Debates,part III.
economic and social life of people are brought about without bloodshed.

**Meaning of Information**

The word ‘Inform’ originated from the Middle English term ‘enforme’, derived from the Middle French term ‘enformer’, which in turn evolved from the Latin term ‘informare’. This Latin term means ‘shape, form an idea of’. To form an idea is always in the mind of a person, of a subject. On the other hand, ‘informare’ is a composite of ‘in’ and ‘form.’ The last term means ‘shape, mold’ The term ‘in’ is used in combination mainly with verbs and their derivatives, with the senses of ‘in, into, within’. Accordingly, ‘to inform’ would mean ‘to form in’, ‘to form into’, ‘to form within’ a person, a subject, or information is the inward-forming of a person that results from the engagement with data.

‘Information’ is a term derived from the Latin words ‘Formation’ and ‘Forma’ which means giving shape to something and forming a pattern respectively. It is acquired knowledge or knowing the facts which lead to the acquisition of knowledge. It is a means, not an end in itself. The facts or details of an issue are important. Mere information cannot get transformed into wisdom unless certain intermediate processes are passed through. It is an idea that has been given a form, so that it can be

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8 Dr. B.R. Ambedkar’s address at Poona District Law Library on December 22, 1952, while unveiling the portrait of L. R. Ranada in Poona District Law library. Quoted in Keer, ‘Dr Ambedkar: life and mission’. Writing and speeches, Bombay Legislative Assembly Debates, p.442.


10 Ibid.


communicated. The manner in which people process data and interpret information does significantly influence their decisions and well-being.\(^\text{13}\)

‘Information’ in its most restricted technical sense is a message (utterance or expression) or a collection of messages that consists of an ordered sequence of symbols, or it is the meaning that can be interpreted from such a message or collection of messages. Information can be recorded or transmitted. It can be recorded as signs, or conveyed as signals by waves. Information is any kind of event that affects the state of a dynamic system.\(^\text{14}\) It is a message received and understood that reduces the recipient's uncertainty and is knowledge acquired through study or experience or instruction.

The value of information lies solely in its ability to affect a behavior, decision, or outcome. A piece of information is considered valueless if, after receiving it, things remain unchanged.\(^\text{15}\)

‘Information’ means knowledge acquired through experience or study, knowledge of specific and timely events or situations; news or the act of informing or the condition of being informed\(^\text{16}\). ‘Information’ also means Knowledge derived from study, experience, instruction or knowledge of specific events or situations that has been gathered or received by communication, intelligence or news.\(^\text{17}\)

Right to information in its narrowest sense means right to access information from public bodies. It includes right to have access to records of proceedings, meetings, decisions, orders, notifications, entries in the government registers and files, account books, notices, rules, maps, data,
drawings of work site etc. In its broadest sense it includes right to access information from public as well as private entities, who own, possess or control it. It broadly confers this right not only to citizens, but to any person, human beings, legal entities and foreign rationals as well. This right does not remain confined to national boundaries, but extends to the whole world including multinationals and corporations.

**Nature & Concept of Information**

Jurisprudence of Human rights integrates the trinity of freedom of information, communication and expression, into the New World Order.\(^{18}\) An atmosphere is being created in favour of more information and less secrecy. Iron-curtsains have been thrown open even in communist regimes. The idea of an open society with more information access restructuring of bureaucracy and free discussions have become the order of the day. The right to information involves the issuance of both ‘Inclusion and Exclusion. On one hand information technology has brought information at our doorsteps and on the other hand, Indian bureaucracy is still excluding information from people’s knowledge to the extent possible, for which it is vital for forming public opinion and extending meaningful participation.

The concept of right to information is inherent in the democratic setup itself; hence there arises no need to trace it to the Constitution or any legislation for that matter. The basic principle, upon which the legislation for the Access to information stands, is to change the mindset of the Government and the people. If people are the masters, the savants and the

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\(^{18}\) Sean MacBride (MacBride Report) ‘Many Voices, One World’ UNESCO publication, (1979) p. 113. The MacBride report, was a 1980 UNESCO publication written by the International Commission for the Study of Communication Problems, chaired by Irish Nobel laureate Seán MacBride. Its aim was to analyze communication problems in modern societies, particularly relating to mass media and news, consider the emergence of new technologies, and to suggest a kind of communication order (New World Information and Communication Order) to diminish these problems to further peace and human development.
agents, bureaucrats and the politicians can not keep the information away from them. To bring confidence in the common man, his right to know what decisions are being made, to supervise the implementation of these decisions and to take stock of what has been done by the bureaucracy are the fundamentals of a transparent and open Government. This concept covers any news relating to facts, any idea, view or opinion relating to any matter. It also includes comments on facts and attitude, the creation or expression in intellectual and artistic field etc. In general terms it includes every expression of human intellect. It is from the amalgamation of these concepts the term freedom of information has emerged. It means the right to obtain information from any public authority. It also covers the right to have access to Government held documents and records.\textsuperscript{19}

The concepts of Open Government and Right to Information are inter-related. The viability to access Government information is the prime criteria in deciding the openness of a Government. Participation in Government decisions by the people is regarded as an important aspect of democracy and if people are desisted from participating in Governmental affairs, a healthy democracy cannot be said to exist. Consequently people must have the information as to what is going on in the Government. A modern democratic State is answerable and accountable to its people, the people are entitled to know what policies and programmes, how and why, are being framed and followed by the Government. An important feature justifying the openness in Governmental activities is that, being an activist entity, the Government accumulates a vast armory of powers in a welfare state. Out of these powers, from Defense to Education, from External Affairs to Poverty Elevation, the Government frames and implements

collective policies and schemes. These powers are used to affect economic interests and the personal liberty of the individual. Therefore, it is extremely essential that these powers have to be exercised for public good, not improperly and for the purposes of which the powers are conferred.  

Hence, this objective can be best ensured by giving access to the individual to Governmental information and not shrouding in secrecy how the Government exercises its power in individual cases. Although, every type of information cannot be made public, withholding of information can be justified only on the grounds of protection of privacy of the individual, trade secrets, vital financial and management matters in the fields of business, official secrets relating to affairs of state, national security, foreign relations, privileged communications, morality and the like. An ideal democracy has its own flaws and every thing can not be disclosed to everybody. Hence the need of the hour is to strike a balance between secrecy and openness. However, there is still a very wide scope for opening a wide sea of information, vital for the social and economic welfare of the ordinary people and welfare of the mankind in general so as to prevent the misuse of the power by the leaders.

**Necessity of Information**

In India, the mindset of politicians and bureaucrats is to nurture secrecy. The enactment of the Right to Information Act takes care to suppress this colonial habit and foster openness in the running of the government. As a general rule, it has been duly accepted, that in a modern democratic society, an inevitable role is to be played by the general public.

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They have not only to cast vote in the elections but also have to, actively participate in the day to day functioning of the Government. 22

Information is indispensable for the functioning of a true democracy. People have to be kept informed about current affairs and important issues political, social and economic. A Free exchange of ideas and an informed debate about issues are essentially desirable for the Government of a free country. In this Age of Information, this has immense value as a critical factor in socio-cultural, economic and political development. In a rapid developing country like India the availability of information needs to be assured in the fastest and simplest form possible. This is important because every developmental process depends on the availability of information.

The Right to know is also closely linked with other basic rights such as freedom of speech and expression, Right to education etc. Its independent existence as an attribute of liberty cannot be disputed. Viewed from this angle, information or knowledge becomes an important and powerful resource and asset. An equitable access to this resource must be guaranteed to all.

According to Mr. P.B. Sawant, "The barrier to information is the single most cause responsible for corruption in society. It facilitates clandestine deals, arbitrary decisions, manipulations and embezzlements. Transparency in dealings, with their every detail exposed to the public view, should go a long way in curtailing corruption in public life."

The need of right to information is felt not only in the developing countries like India but also in the developed world. The issue is crucial in

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22 Ibid.

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23 Ibid.
India as the role of Government is changing from the colonial to the post colonial, Police Raj to people’s government. Information sustains and promotes political, social and business decisions. It is the need of the hour as it promotes transparency, empowers the citizens, reduces corruption, increases efficiency, makes officials accountable, and puts an end to their indifference, arrogance and corruption. The Right to information is a necessary ingredient to achieve the following objectives:

a. Transparency and openness

Eminent Indian jurist, Soli Sorabjee stressing on the need of Right to Information says that if we aim at bringing transparency in administration and public life, "Lack of transparency was one of the main causes for all pervading corruption and Right to Information would lead to openness, accountability and integrity."\(^{24}\)

Transparency and accountability are the current buzzwords of governance, being used unsparingly not only in India, but by Governments and international institutions all over the world. They have been a part of the debate on political reform in India for a long time. Transparency and accountability in administration is the sine-qua non of participatory democracy. The citizen’s right to information is the soul of transparency and improves the quality and ethics of decision making by the concerned authorities. This is considered to be the best way to ensure fruitful exercise of the powers by these authorities.\(^{25}\) Traditionally, participation in political and economic processes and the ability to make informed choices had been restricted to small elite in India. Consultation on important policy matters, even when they directly concern the people was rarely the practice. On the

\(^{24}\) National Documentation Centre on Mass Communication Research, Reference and Training Division (Ministry of Information and Broadcasting) Website : http://www.nic.in/rrtd.

contrary in today’s changed scenario information is required in each and every walk of life, without information, people cannot adequately exercise their rights and responsibilities as citizens or make informed choices.

Transparency, as used in science, engineering, business, the humanities and in a social context generally, implies, openness, communication, and accountability. It is a metaphorical extension of a transparent object being one that can be seen through. Transparent procedures include open meetings, financial disclosure statements, freedom of information legislation on budgetary review, and audits. In politics, transparency is used as a means of holding public officials accountable and is hailed as a means of fighting corruption. When a Government's meetings are open to the press and the public, its budgets may be reviewed by anyone, and its laws and decisions are open to discussion, it is seen as transparent, and there is less opportunity for the authorities to abuse the system for their own interests. When military authorities classify their plans as secret, transparency is absent. This can be seen both as positive or negative; positive because it can increase national security, negative because it can lead to corruption and, in extreme cases, a military dictatorship. While a liberal democracy can be a plutocracy, where decisions are made behind locked doors and the people have fewer possibilities to influence politics between the elections, a participative democracy is more actively connected to the will of the people.\textsuperscript{36}

There are numerous ways in which information can be made accessible to members of the public in a parliamentary system. Members of the public can seek information from their elected representatives. Annual

\textsuperscript{36} \url{www.thefreedictionary.com/transparency}. 

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reporting requirements, committee reports, publication of information and administrative law requirements also increase the flow of information from government to the citizen. Recent technological advances also help to reduce the gap between the 'information rich' and the 'information poor'. However, the Government releases only that information which suits it, unless someone forces it to give a complete picture of the truth, because of the ground that the disclosure would prejudice the Government activities.

b. People's Participation and Empowerment

Active public participation is the soul of democratic form of governance. Development of opinion is a must, before enactment of law in developed countries. Participation in political and economic processes and the ability to make informed choices is important in democracy. It is considered imperative to enlist the support and participation of citizens. We may never have anything like “full participation” in absolute terms. But participation in various parts of the process of taking decisions and creating platforms for genuine debate and dialogue to further deeper understanding of issues should be a part of the decision making process of Government. Participation arises from the process of people getting space to articulate what they feel is the necessary bottom-line of development, of rights, or of any other matter, in a systematic and logical manner. This information will ultimately be used with understanding, with knowledge, to form instruments of governance.

Democratic societies have a wide range of participatory mechanisms, ranging from regular elections to citizen oversight bodies. They are formed for various purposes for example to avail benefits, public,
education, health services, to comment on draft policies or laws etc. An effective participation depends on information that is very certain.

The Development of a vast and varied country like India is not possible unless participative management in the governance is made practical. This requires making the right type of information available to the people which is lying in the files of the Government. People must be involved and informed at every level. They must know exactly how things are being done. Meaningful participation of people in major issues affecting their lives is now a vital component of the democratic governance and such participation can hardly be effective unless people have information about the way government carries out its business. It can be done by enhancement of public accessibility to official information.28

The Participation of people is no longer perceived as periodical exercise of right to franchise. Democracy means making informed choices, having freedom to know the conduct and working of the government, to address the grievances of public, to find solutions to the arrogance of officials, it requires efficient and accountable working which is very vital for the very effective functioning of democratic society.29

The Freedom of information must lift the veil of secrecy if social justice is to be achieved. Efforts of Non-Governmental Organization’s and activists through informational system alone can empower the person in the street. When Non-Governmental Organizations and other social action groups, coupled with investigative journalists of the fourth estate, supported by the socio-economic information groups bring class-actions, representative suits, public interest litigations or social-action litigations,

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then only effective justice is possible for the poor. Sometimes the need for a vital document is discovered in the course of proceedings and parties may not be able to secure such materials. Such information, if allowed to remain beyond the reach of the court or suitors, will impair their right to justice. Withholding of facts by public authorities or corporate managers, can make social justice a casualty.³⁰

A recent example of People participation can be seen in the demand for the Lokpal Bill.³¹ It seems that the anger-volcano has, finally, erupted in the hearts of Indians. The People of the nation have been exhausted with the overdose of corruption and callousness on the part of Government bodies. Corruption allegations against most of the political leaders and the inaction from the government's side compelled the "aam admi" to join the protest of the anti-graft crusader Anna Hazare. With innumerable scandals³² the country is facing now, social activist Anna Hazare has decided to take things in his hand and take on the corrupt "babus" by fasting unto death against corruption. Hazare's decision for holding the indefinite fast came over his demand to introduce a new Lokpal bill in the Parliament to tackle corruption that has hollowed the roots of Indian political scenario.

Starting his protest,³³ Hazare claimed:

"Like Supreme Court (SC) and Election Commission, an independent body called Jan Lokpal should be set up at the Centre and a Jan Lokayukta should be set up in each state to receive complaints of corruption, investigate them within six months and prosecute the guilty."

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³⁰ Ibid.
³² (2G spectrum scam, CWG, Adarsh housing scam and so on)
³³ Times of India, April 5, 2011.
The Lokpal Bill is a Bill to establish an independent authority to investigate offences under the Prevention of Corruption Act, 1988 to detect corruption by expeditious investigation and to prosecute offenders and to ensure timely redressal of certain types of public grievances and to provide protection to whistleblowers. The Bill will provide speedy, justice to people. The Lokpal bill will not wait for any permission from the High commission to begin the inquiry into the alleged irregularities and corruption charges against political leaders, judge's or even the Chief Justice of India (CJI). In the proposed system, politicians will not have any say in selections of chairperson and members of Lokpal. The Loss caused to government will be recovered from the accused. Today the punishment, if found guilty will be 5 years to maximum life term in the proposed system. Right now the punishment is 6 months to maximum 7 years. However, Lokpal Bills were introduced in the Parliament several times (1969, 1971, 1977, 1985, 1989, 1996, 1998, 2001, 2005 and in 2008) but failed to be passed for obvious reasons.

Despite requests from many leaders including the Prime Minister Manmohan Singh not to proceed with his decision of indefinite fast, Anna Hazare started his protest. Within 24 hours, more than 300 people took part in a total hunger strike to express their solidarity with Hazare, which is an excellent example of people participation. The movement has irked various political parties that had to bear the brunt of Hazare's fiery rhetoric that doesn't seem to spare anyone. Many star campaigners have joined the

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protest besides 40 or more organizations showing active support to the cause.36

c. Eradication of Corruption:

Corruption poses a serious developmental challenge. In the political realm, it undermines democracy and good governance by flouting and even subverting formal processes. Corruption in elections and in legislative bodies reduces accountability and distorts representation in policymaking, corruption in the judiciary compromises the rule of law, and corruption in public administration results in the unfair provision of services. More generally, corruption erodes the institutional capacity of Government as procedures are disregarded, resources are siphoned off, and public offices are bought and sold. At the same time, corruption undermines the legitimacy of Government and such democratic values as trust and tolerance.

Corruption also undermines economic development by generating considerable distortions and inefficiency. In the private sector, corruption increases the cost of business through the price of illicit payments, the management cost of negotiating with officials, and the risk of breached agreements or detection. Where corruption inflates the cost of business, it also distorts the playing field, shielding firms with connections from competition and thereby sustaining inefficient firms.

Corruption also generates economic distortions in the public sector by diverting public investment into capital projects where bribes and kickbacks are more plentiful. Officials may increase the technical complexity of public sector projects to conceal or pave way for such dealings, thus further distorting investment. Corruption also lowers

36 Ibid.
compliance with construction, environmental, or other regulations, reduces the quality of Government services and infrastructure, and increases budgetary pressures on Government.

In our daily life, most of us must have been a witness to or a victim of the corruption thriving in one or the other department of the Government. It could be in the form of a taxi-driver manipulating the meter to jack-up the reading or a Government officer taking bribe to promptly transfer your file to the next department or even yourself offering bribe to a traffic police on breaking a signal. An average Indian citizen is hard working and diligent, but it is the people in charge of the system (The Babu’s) or with whom the power lies, that act as a cancer spreading its tentacles, slowing down progress and efficiency.

There is deep pervasive corruption in our system because there is a vicious cycle starting with political corruption leading to bureaucratic corruption, business corruption and criminalization of politics. In our system, not more than 15 to 20 paisa out of every rupee, spent by the public exchequer reach the beneficiaries of the social welfare programmes, Red-tape ridden system prevalent in our country leads to enormous delays in many public offices. The Common man believes that paying a bribe is a part of the system. Can we blame our laws for this? Yes, and the remedy lies in constant vigilance. When vigilance and awareness come, can the end of corruption be far behind?

In India today, Scams have become the order of the day. Bofors, Stock Exchange scam, A.K. 47 Gun Deals or Coffin scam, or Fodder Scams the list is endless and growing at breakneck speed. Most of us are aware about the recent scam in IPL and embezzlement with respect to bidding for various franchisees. There is no way that the investor
community could forget the unfortunate Rs. 4000 crore Harshad Mehta scam and over Rs. 1000 crore Ketan Parekh scam which eroded the shareholders wealth to a great extent. The scam at Satyam Computer Services is something that has shattered the peace and tranquility of Indian investors and shareholder community beyond repair. Satyam is the biggest fraud in the corporate history to the tune of Rs. 14000 crore. The Supreme Court of India in an innovative exercise examined executive powers of former Union Ministers, who had allotted petrol pumps in favour of fifteen persons. The whole exercise was vitiayed by lack of transparency, nepotism and arbitrariness. The allotments were in favour of relations of the Ministers or members of his staff. The Supreme Court fixed upon them, personal liability and held that exemplary damages could be awarded for oppressive, arbitrary and unconstitutional action by the servants of the Government. This Common cause has succeeded in quashing of 15 illegal allotments. However, the Supreme Court in a review petition overruled its decision on the ground that the petitioner “Common Cause” was not one of the applicants for the allotment of petrol outlets and ‘therefore’ has not suffered any legal injury by unlawful allotments. But the court held that it was not entitled to go further and held that the Minister has committed “misfeasance in public office, which is a specific tort. Though the Court could not do much in the matter, the situation could have been totally different, if the citizen’s suit provisions were guaranteed to the citizens. If

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38 Common Cause, A Registered Society v. UOI, (Petrol Pump Case) AIR 1996 SC 3538,3550;1996 (6) SCC 593,598.
the Minister had known that such information can be gathered by citizens then he would not have dared to indulge in such an action.40

The Commonwealth games scam as it is known involved large scale misappropriation of money during the preparatory phase and conduct of the 2010 Commonwealth games held in New Delhi. Like any other scams it involved politicians, bureaucrats and corporate acting in collusion with each other. The various contracts were manipulated by Kalmadi and his team and team and allegedly misappropriated huge amounts of money indiscriminately.

Kalmadi has been accused of awarding illegal contracts to a Swiss firm for Timing-Scoring-Result system for the Games causing a loss of Rs 95 crore to the exchequer. The total value of the scam is estimated at 70,000 crore.

Another name in the list of the scams is the Ghaziabad PF Scam. There are 70 people accused in the PF scam, which involved siphoning of money fraudulently from the Providend Fund accounts of class III and IV employees of the Ghaziabad District Court. CBI had filed a charge sheet against 78 people, including the six retired judges, in the case involving alleged fraudulent withdrawal of crores of rupees, between 2001 and 2008, from PF of employees posted at Ghaziabad district court.41

We have had a number of scams in India; but none bigger than the scam involving the process of allocating unified access service licenses. The 2G spectrum scandal involved officials in the Government of India

41 Six accused retired judges R P Mishra, R P Yadav, R N Mishra, A K Singh, R S Chaubey and Arun Kumar were asked to appear before the court on earlier occasions too, but all six did not turn up during the last hearing citing medical reasons.
illegally undercharging mobile telephony companies for frequency allocation licenses, which they would use to create 2G subscriptions for cell phones. The shortfall between the money collected and the money which the law mandated to be collected is estimated to be 1,76,379 crore (1.763 trillion) rupees (roughly equivalent to 39 billion US dollars) based on 3G auction prices. The issuing of licenses was done in 2008, but the scam came to public notice when the Indian Income Tax Department was investigating political lobbyist Nira Radia. The Government's investigation and the Government's reactions to the findings of the investigation were the subject of debate, as were the nature of the Indian media's reactions.42

The Right to Information is making the required difference. A relentless public campaign in Rajasthan to implement the Right to Information in its true spirit had resulted into the publication of Banna Lal Committee Report in 2001. Consequently for the first time, the state had to admit the stink in its administration and take corrective action. Seven officials indicted in the report, for misappropriation of Rs.68 lakhs out of Rs. 1.23 crores for developments works, were suspended and criminal proceeding were initiated by anti-Corruption Bureau of the State to recover the misappropriated amount from them. The Citizens used their right to information to expose corruption. Mazdoor Kisan Sangharsh Samiti(MKSS) and Megasaysay Award Winner Aruna Roy led this campaign.

The Fight against corruption needs three vital legal measures amongst others:

(i) Legislation on Freedom of Information should be strengthened.

42 http://indiatoday.intoday.in/story/subramaniam-swamy-busted-the-2g-scam/l/l53417.html
Accountability and responsibility of the individual officials and administration should be assessed and fixed, so that people may raise their voices against corruption.

Simplification of laws and rules should be taken up.

Speedy prosecution and severe punishments be awarded to the guilty.

In Response to the CWG scam Kalmadi and Bhanot were sacked from the Organizing Committee by the Sports ministry on Jan 2011. The Shunglu panel was constituted by Prime Minister Manmohan Singh to investigate the irregularities in the conduct of the Games. After his arrest on 25 Apr 2011, Suresh kalmadi was suspended by the Indian National Congress. T.S Darbari and Sanjay Mahindroo were arrested by the CBI on 23 Nov 2010. Suresh kalmadi was arrested on 25 Apr 2011 and was sent to eight days police custody. The Monitoring of 2G Scam & Common Wealth Games scams by the court it is expected to bring out the truth and lead to the punishment of the accused. Till date two ministers and one M.P are in jail & the case is being pursued to place the third minister with them.

The Adarsh Housing Society Scam is another name in the list.

Adarsh Housing Society is a cooperative society in Mumbai in India. It was reserved for the war widows and veterans of the Kargil War. In 2010, the Indian media brought to public the alleged violations of rules at various phases of construction in the Adarsh Society. Questions were raised on the manner in which apartments in the building were allocated to bureaucrats,

43 Commonwealth Games Organising Committee's (OC) tainted chairman Suresh Kalmadi and his aide Lalit Bhanot.
politicians and army personnel who had nothing to do with Kargil War and the way in which clearances were obtained for the construction of the building of the Adarsh Society. The Adarsh society high-rise was constructed in the Colaba locality of Mumbai, which is considered a sensitive coastal area by the Indian Defence forces and houses various Indian Defence establishments. The society is also alleged to have violated the Indian Environment ministry rules. Activists like Medha Patkar had been trying to uncover the problems since at least 2004.45

The Adarsh Society scam led to resignation of the then Chief Minister, Ashok Chavan. Several inquiries have been ordered by the army and the Government to probe into the irregularities. Some of the current occupants of the flats in the Adarsh co-operative society building have offered to vacate their flats at the earliest, denying allegations that they were allotted flats because they had influenced or helped, in some manner, the construction of the society by violating the rules.46

d. Accountability

It means the obligation of an individual or organization to account for its activities, accept responsibility for them, and to disclose the results in a transparent manner. It also includes the responsibility for money or other entrusted property. Otherwise, accountability itself can mean any number of things, that officials must explain or account for their actions, that officials must ‘take responsibility’ for their actions that


elected representative will be made accountable by voters through elections so on and so forth.

“Power corrupts and absolute power corrupts absolutely”. Power resides in those entities that control the communication system and consequently the gathering, processing, distribution and storage of information. The Right to Information attempts to loosen the power syndrome of these entities. They will lose power, if information is transferred from the power groups to the ordinary people. The Notion of democracy is well defined that Government is for the benefit of people at large, and not for the few chosen ones. Modern democracy embraces a wider and more direct concept of accountability, a concept that goes beyond the traditionally well established principle of accountability of the executive towards the legislature. In a parliamentary democracy, the trend is towards accountability of public agencies, standards of performance and service delivery to the citizen, they are required to serve. Such accountability is possible only when public has access to information relating to the functioning of these agencies.47

Transparency coupled with information enables people to do social audit. Information will enable people to expose corruption and misdeeds of bureaucrats and politicians. It will encourage honest administration, leading to good governance.

e. Securing Good Governance

Governance describes the mechanisms an organization uses to ensure that its constituents follow in its established processes and policies. It is the primary means of maintaining oversight and accountability in a loosely coupled organizational structure. A Proper governance strategy

47 Ibid.
implement systems to monitor and record what is going on, takes steps to ensure compliance with agreed policies, and provides for corrective action in cases where the rules have been ignored or misconstrued.

There is no accepted definition of governance. There is divergence of opinion about the meaning of good governance between the conservatives and the liberals, between socialists and the communists. The United Nations Development Programme (UNDP), lists a characteristics of good governance which includes Participation, Rule of law, Transparency, Responsiveness, Consensus orientation, Equity, Effectiveness and Efficiency, Accountability and Strategic vision. The World Bank, has sought to take a middle position in defining governance particularly as the traditions and the institutions by which authority in a country is exercised. This includes (i) the process by which Governments are selected, monitored and replaced (ii) the capacity of the Government to effectively formulate and implement sound policies; and (iii) the respect of citizens and the state for the institutions that govern economic and social communications among them.48

Citizens all over the world look upon the nation-state and its organs for high quality performance. When good governance is guaranteed, citizens go about their personal business and pursuits with enhanced productivity. On the other side of the spectrum, bad or indifferent governance not only restricts opportunities of success but it can even lead to sectarian conflicts and civil wars. In such an atmosphere personal accomplishments as well as social achievements get severely restricted. Good governance helps create an environment in which sustained

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economic growth becomes achievable. Conditions of good governance allow citizens to maximize their returns on investment.

Good governance does not occur by chance. It must be demanded by citizens and nourished explicitly and consciously by the nation state. It is, therefore, necessary that the citizens are allowed to participate freely, openly and fully in the political process. Good governance is accordingly associated with accountable political leadership, enlightened policy-making and a civil service imbued with a professional ethos. The presence of a strong civil society including a free press and independent judiciary are pre-conditions for good governance.49

The first and foremost task appears to be to attempt for a radical redefinition of good governance, to change the mindset of bureaucracy, to surmount the colonial hangover of the persistent notion of the ‘Rulers’ and the Ruled, governors and the governed, Government and the people ,the ‘Us’ and ‘They’ divide. The interaction between the administrator and the citizens needs to be enhanced by the awareness of and respect for the constitutional rights of the people. Interaction is essential between free and self-governing people and the agents appointed by them. Massive and sustained participation of civil society initiatives, self-help groups, voluntary organizations etc, is necessary to achieve a faster pace of socio-economic development and for building a more just, caring and equitable society as envisioned by the Constitution. The movement must be from Governance to Self-governance. Respect for human dignity, human rights, and the right of the citizens, are critical to overall development and are not merely its rewards. Self-governance requires a radical re-shaping of policies so as to create an enabling and facilitating environment in which

effective interaction between the Government and the institutions of civil society becomes possible.\textsuperscript{50}

Good governance requires public scrutiny of Government functioning. People have a right to know what their Government is doing. People can hold public bodies accountable without depending on their elected representatives. Public servants need to be sensitive to the needs of the people in order to ensure full enjoyment of constitutional rights.\textsuperscript{51}

Meaningful democracy requires that the issue of access to information is not confined to right of the press or right of the elite or middle class. It relates with the same strength to the downtrodden or poor people of the society. It is essential for the survival of the most disadvantaged people be it from slums in cities to villagers or remote areas. Due to lack of information these people cannot pose any questions and participate even about the development programmes being run for removal of their poverty or for fulfilling of their basic needs like food, water, health or shelter.

In our present day democratic set up, free flow of information for the citizens and Non-Governmental institutions suffers from several bottlenecks like the existing legal framework, lack of infrastructure at the grass root level and an attitude of secrecy within the Civil Service. The Government proposes to deal with all these aspects in a phased manner so that the Freedom of Information Act becomes a reality consistent with the objective of having a stable, honest, transparent and efficient Government.

\textsuperscript{50} National Commission to Review the Working of the Constitution: Consultation paper on Enlargement of Fundamental Rights, para 11.1.1.

Azim Premji has become increasingly vocal about his feelings for India’s governance standards. His statement that there is complete absence of decision making in the country has ruffled feathers at the Centre. According to his statement, “There are governance issues there is a complete absence of decision-making among leaders in the Government,” He has very rightly said. “If prompt action is not taken, the country will face a setback”.

Recently, he and with other business leaders like Keshub Mahindra and Deepak Parekh had sent an open letter to the Prime Minister expressing concern over the alleged governance deficit. “We are alarmed at the widespread governance deficit almost in every sphere of national activity, covering Government, business and institutions,” the letter had stated. “Widespread discretionary decision-making has been routinely subjected to extraneous influences. Possibly, the biggest issue corroding the fabric of our nation is corruption. This malaise needs to be tackled with a sense of urgency, determination and on a war footing.” The group also wrote a letter acknowledging the existence of a “strong nexus between certain corporate, bureaucrats and power-brokers” and suggested a number of reforms in areas such as the judiciary, police, land acquisition and environmental clearances, but the Government has not taken it very well

f. Cementing Trust in Government

Democracy and national stability are enhanced by policies of openness which engender greater public trust in their representatives. This is a crucial aspect of cementing trust in effective governance. Without the support and trust of the people, Governments will be more likely to face resistance to their policies and programmes and implementation will be

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52 The Wipro Chairman.
53 www.financialexpress.com/news/Azim-Premji-courts.../871957
more difficult. Citizens are suspicious of the motives and intentions of their Governments. They feel ignored or even betrayed by their elected representatives. Indeed, they feel suspicious of the very programmes and agencies created to meet their needs. They feel neglected, ignored and uncared for. The integrity of Governments needs to improve and be seen improving by the general masses. Open Government and access to information provide a means of achieving both these ends54.

Enhancing people’s trust in their Government deserves topmost priority. Openness and information-sharing contribute to national stability by establishing a two-way dialogue between citizens and the state, reducing distance between Government and people and thereby combating feelings of alienation among people. Systems that enable people to be part of, and personally scrutinise, decision-making processes reduce citizens’ feelings of powerlessness and weaken perceptions of exclusion from opportunity or unfair advantage of one group over another.

g. Facilitating Equitable Economic Growth

Information disclosure lays the foundation for market friendly good governance principles of transparency and accountability, which in turn encourage growth. More Government openness also supports more efficient economic outcomes.55 A transparent Government committed to information disclosure will provide good-quality economic and social data, proactively which will better inform Government economic policies and decision-making. By empowering small stakeholders to more effectively participate in the economy, the right to information helps to ensure that economy grows more fairly. Liberating information from Government

54 http://www.postnoon.com/citizen_charter_put_on_agenda.aspx
increases economic opportunities for the less powerful, as much as for the big player. For example, communities who want to develop their natural resources can access information which will help them better assess their options and more effectively negotiate fairer deals with private companies. A worker can access information about labour regulations and their entitlements, a businessperson can find out about licensing, taxation and trade regulations; and farmers can get hold of land records, market trend analysis and pricing information etc.

Openness encourages a political and economic environment more conducive to the free market tenets of ‘perfect information’ and ‘perfect competition’. Foreign and local investors need to be able to rely on the routine availability of timely and accurate information about various Government policies, the operation of regulatory authorities and financial institutions and the criteria used to award tenders, provide licences and give credit. Easy access to information that is not entangled or mired in bureaucratic processes creates long-term investor confidence in the local economic environment.

**Role of Media and Dissemination of information**

In a functional democracy, the media is an essential watchdog for the public. It scrutinizes the Government actions and policies in order to expose mismanagement and corruption and demand accountability. The media is often the main source of public information, informing and shaping public opinion and contributing to public debates about important issues. This is a two-way process: the coverage of current events by the media serves to inform Government about public opinion, which in turn gives valuable inputs in policy-making. Unfortunately, some Governments can become uncomfortable with the power and influence that the media
wields and may retaliate by taking control of newspapers, radio and television stations and placing tight restrictions on the media’s ability to gather and report news honestly. Governments can also abuse the power of the media by forcing them to put a spin on issues or events or by censoring information that presents them in an unfavourable light.

In situations where the media is prevented from accessing reliable information, reporters may have to rely on hearsay, planned leaks or snippets of unsubstantiated news and press releases from the very officials whose actions they are seeking to investigate. Many journalists’ codes of ethics refer to the principles of truthfulness, accuracy, objectivity, impartiality, fairness and public accountability and policies that restrict legitimate access to information prevent them from adhering to these standards and doing their jobs effectively. Some Governments continue to stifle media with archaic laws that allow journalists to be sued for criminal defamation or factual inaccuracies. This practice is against the foundational principles from which a healthy democracy draws its sustenance namely, the freedom of speech and expression and freedom of the press. A legally entrenched right to information enables journalists to seek and obtain accurate information from Governments in a legitimate manner and to use that information to undertake more thorough investigations of the recorded facts, and report on their findings. Justice Katju, in an interview said that:

“He was very disappointed by the media. ‘The general rut is very low and I have a poor opinion of most media people.”

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58 Khaleej Times, ‘Justice Katju: Media needs to be accountable to people Anand Sagar’, 13 November 2011. Also in, Statement of Justice Katju in an interview given to CNN – IBNChannel.
Frankly, I don’t think they have much knowledge of economic theory or political science or literature or philosophy. I don’t think they have studied all this,” he also reiterated his demand for giving PCI more teeth so that it can take the offenders to task. “I want powers to stop government advertisements; I want powers to suspend the license of that media for a certain period if it behaves in a very obnoxious manner. I want powers to impose fines, all this in extreme situations. Normally, if a media commits a mistake, I’ll call them, I’ll discuss with them that this is not proper and 80 per cent people can be reformed by persuasion,” His observations were criticised by Editors Guild of India (Press Council of India’s (PCI) Chairman) Who in a statement said\(^\text{59}\) that Justice Katju’s observations “deplores ill-considered, sweeping and uninformed comments on the media and on media professionals”.

**Right to Information and Consumers**

Every human being is a consumer of some commodity or service whether through the buying of goods such as food and health care products, clothes, cars, furniture and shares, or through availing of utilities and services such as electricity and water supply, public transport, and communication facilities. Governments should develop or encourage the development and implementation of general consumer education and information programmes, bearing in mind the cultural traditions of the people concerned. The aim of such programmes should be to enable people to act as discriminating consumers, capable of making an informed choice of goods and services, and conscious of their rights and responsibilities. In developing such programmes, special attention should be given to the needs of disadvantaged consumers, in both rural and urban areas, including special categories like low-income consumers and those with low or non-existent literacy levels.

\(^\text{59}\) Issued on 8\(^\text{th}\) November, 2011.
For consumers, advertisements play a very important role. The advertisements disseminate information as to who is producing and selling what product, for what reason, and at what price. So long as we preserve a predominantly free enterprise economy, the allocation of our resources in large measure will be made through numerous private economic decisions. It is a matter of public interest that these decisions, in the aggregate, be intelligent and well informed. To this end, the free flow of commercial information is indispensable. And if it is indispensable to the proper allocation of resources in a free enterprise system, it is also indispensable to the formation of intelligent opinions as to how that system ought to be regulated or altered. In *Hamdard Dawakhana vs. Union of India*[^61], it was held that “commercial advertisements” were not covered within the concept of freedom of speech and expression. In the instant case, the Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954 was passed with a view to the prevention of self-medication and self-treatment by prohibiting the publication of advertisements of drugs having magic qualities for curing diseases. The Act was challenged as violative of the freedom of speech and expression guaranteed under Article 19(1)(a). The Supreme Court held the Act as valid and ruled that the scope and object of the impugned Act, its true nature and character, was not in interference with the right of freedom of speech but it dealt with the trade and business. The provisions of the Act were in the interests of the general public and placed reasonable restrictions on the trade and business of the petitioner and were saved by Article 19(6). The Delhi High Court’s decision in *Qzair Husain v. Union of India*[^62] can be termed as historic in the sense that it rationalized the law in the field of consumer protection and in India. The

[^61]: AIR 1960 SC 554.
[^62]: AIR 2003 Del 103.
Delhi High Court in the present case has seriously considered the issues including (1) the legal status, particularly constitutional, of consumer’s right to information (2) the importance of International Conventions and the need to honour them by the courts in certain cases; and the legal necessity to respect the beliefs and opinions of the consumers particularly where there is sale of certain food products. The Court in this decision upheld one of the ‘basic rights’ of the consumers by declaring that “it is the fundamental right of the consumer to receive information. In fact, long ago, the right to information was declared as one of the ‘Bill of Rights’ of the consumer. It is felt that ‘information is the lifeblood of the twentieth-century economy’ and the modern economy is termed as ‘information economy’ or ‘knowledge economy’ or ‘new economy’ where more emphasis is on channels of information or access to information at different phases of production processes. The concept of right to information implies the right to know and other’s duty to inform that it has to do nothing with your right to know but with my right to tell you what I think you ought to know. One’s basic right to receive information is even considered as a human right. All the legal systems realize the important of consumer right to information at the market place. Feeding the information to the consumer has many advantages. It influences the consumer in making wise purchase decisions. He comes to know the purpose for which he is purchasing, its durability and quality. It also places a balance between ‘consumers’ expectations and manufacturer’s responsibilities.

66 Ibid.
Right to information and Judiciary

The legal position with regard to the right to information has developed through several Supreme Court decisions under the Constitution, basically the fundamental rights & and other legislative provisions, but more specifically in the context of the Right to Freedom of Speech and Expression, which has been said to be the other side of the Right to Know, and one cannot be exercised without the other. The interesting aspect of these judicial pronouncements is that the scope of the right has gradually widened, taking into account the cultural shifts in the polity and in the society. The development of the right to information as a part of the Constitutional Law of the country started with petitions made to the Supreme Court for enforcement of certain logical implications of the right to freedom of speech and expression such as challenging governmental orders for control of newsprint, bans on distribution of papers, censorship etc. It was through these cases that the concepts of the public’s right to know developed, over the time.

The Supreme Court of India has recognized the right to information as a constitutionally protected fundamental right. The court has recognized that right to access information from Government departments is fundamental to democracy.

67 These cases are mentioned in chapter three of the thesis. The Fundamental rights include the Right to Equal Protection of the Laws and the Right to Equality Before the Law (Article 14), the Right to Freedom of Speech and Expression (Article 19 (1)(a)) and the Right to Life and Personal Liberty (Article 21). The Right to Constitutional Remedies in Article 32, backs these that is, the Right to approach the Supreme Court in case of infringement of any of these rights. These rights have received dynamic interpretation by the Supreme Court over the years and can truly said to be the basis for the development of the Rule of Law in India. The Legislative provisions include the Section 76 of the Indian Evidence Act, The Factories Act, 1948, etc.

Justice K. K. Mathew of Supreme Court of India observed that:

‘In a government where all the agents of the public must be responsible for their conduct, there can be but few secrets. The people have a right to know every public act, everything that is done in a public way, by their public functionaries. The responsibility of officials to explain or to justify their acts is the chief safeguard against oppression and corruption.’

According to our country’s constitutional scheme, the Executive, Legislature and Judiciary are the three organs of our constitution. Judiciary is the most powerful, primarily because it has the power of judicial review over every action of the executive and the legislature. The Right to Information is a tool which attempts to monitor and ensure accountability and transparency in every public functionary. The Law of Contempt is a shield used by the judges in order to silence criticism and muzzle dissent. The additional immunity with which the judges shroud themselves is the protection from being investigated for criminal offences. There are various layers of protection afforded to judges which hinder accountability.

The Judiciary has been making efforts to protect itself from being accountable on the pretext of Independence of Judiciary. The Independence of judiciary does not and cannot be forced to be interpreted as supremacy of judiciary over the people. It is the Constitution of our country that has been and shall always be considered as supreme. The Judicial system needs to pull up its socks and deliver speedy justice. There has to be transparency in appointment of judges and the requirement of a watchdog over the judge’s conduct is also a must to avoid judges from escaping criminal investigation.

AIR 1975 SC 865.
In *Secretary General, Supreme Court vs Subhash Chandra Agarwal* 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 can hold information pertaining to asset declarations in his official capacity as the Chief Justice; that office is a public authority under the Act and is covered by its provisions.

The Chief Justice of India has written a letter to the Prime Minister seeking his help in exempting matters relating to administration of justice from the purview of Right to Information Act, which is really surprising. There is no rational behind this move to exclude Judiciary from the preview of the Right to Information Act. It seems the judiciary is trying to misuse its power of independence and hide vital information about its members which will reveal their misdeeds and expose them to public scrutiny. The judiciary is trying to cover the corrupt practices of its members which is totally opposed to the mandate of the Constitution.

**Objectives of the Study**

The study will enable us to understand the importance of the Right to Information and working of the Constitutional and Legislative provisions. An Attempt has been made to study the following:

1. The evolution, range and development of the concept of Freedom of information.

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70 *AIR 2010, Delhi, 159.*
71 The news item in the Times of India of 27 November 2009.
3. Analysis of judgements given by higher Judiciary in India and abroad.

4. Analysis and evaluation of Freedom of Information Act, 2002 and 2005. Whether the enactment in its present form will be able to provide access to information in its true spirit.

5. Study of laws of other countries like USA, UK, Sweden, Canada and Australia etc. for closer and better understanding and assessment of their legislations and systems.

6. Study state legislations. The study attempts to reveal the existing facilities of access to information and to reflect on the adequacy of such facilities. To provide alternatives to the system which focus on reforms required in the system with a view to maximize its responsiveness to the people.

7. Pointing out the lacunae and other weaknesses in the implementation of central and state enactments and recommending the reforms.

**Research Methodology and Source Material**

This study basically follows doctrinal research method in the compilation, organization, interpretation and systematization of the primary and secondary source material.

Primary sources like, Constitution of India, Indian Statues, rules and regulations; reports of the Working Committees, Standing Committees and Cabinet Committees are the basis of study. Reports produced by Non-Governmental Organizations (NGOs) and autonomous statutory bodies have also been considered. Foreign statutes, rules and regulations and their committee reports have been critically analysed. International Charters, Covenants, Declarations and other instruments have been duly referred to.
As a secondary tool for study, books of eminent authors, articles in research journals, newspapers editorials and reports from NGOs have been scanned and analyzed.

Comparative and analytical methodology has been used to understand the scenario, practices, and functioning of the right to information. Comparative methodology has also been used to share experience and study the implementation of law in various Indian States. It involves comparison between various state legislations amongst themselves and with national legislation as a whole. Points of similarities, difference, problems, and levels of implementation have been highlighted. Suitable amendments have been recommended in the work.

The review and analysis of the legal literature available in India and on the internet, have been made and referred to extensively.

**Plan of the Study**

The study is divided into six chapters:

The first chapter is introductory in nature, which culls out the brief introduction of Right to information, its meaning, nature, concept and importance. It also ventures to explore the reasons which demonstrate the necessity of Right to information to achieve the objectives like Transparency and openness, People’s Participation and Empowerment, Accountability, Facilitating Equitable and Economic Growth, Eradicating corruption, Cementing trust in Government, Necessary right for consumers etc. It also ventures to discuss the objectives, scope and need of the Right to Information.

The second chapter deals with the Right to information at International Level. It introduces the initiation of the right to information at
International Level as well as the regional level. In this chapter the United Nation’s Charter, International Covenant on Civil and Political Rights, 1966 and United Nations Principles on Freedom of Information (2000) are discussed. In the context of regional development reference is being made to, the Commonwealth, the African Charter on Human and People’s Rights, the Organization of American States and the Council of Europe. The Relationship between Access to information and environment is also being touched albeit in a limited and relevant context. In this manner all related Covenants, Declarations and all such documents relating to the development of this right are discussed. This chapter examines the recognition of Right to information in different countries like, Sweden, Canada, Australia, U.K. and U.S.A and so on.

The third chapter encompasses the synchronization of the Right to information and the Constitution of India. This chapter tends to emphasize the necessity and importance of Right to information and its role in the democratic framework of our nation. The judicial interpretation and importance of this right has also been highlighted with the aid of various decisions and observations of different courts as well as of eminent jurists. It has been unwield in this chapter that Right to information is an offspring of the right to Freedom of Speech and Expression along with Freedom of Press. This chapter also discusses the Constitutional restrictions to this right since no right can be absolute in a democratic setup. In the context of Constitutional provisions specific reference is being made to the Indian Constitution & Democracy, Democracy and Voters Right to Information, Freedom of Speech and Expression from where this right emanates and Freedom of press. A desire for the mechanism recognizing this right transpires from the bare perusal of the Preamble and Directive principles
Consequently, reference has also been made to the Preamble and the Directive Principles of State Policy.

The fourth chapter projects the birth, infancy and gradual growth of the right to information to its present stage. The discussion regarding legislative provisions vis-à-vis right to information is made in depth in this chapter. This chapter deals with brief history of various campaigns, movements and initiatives of various individuals which in turn has led to the formation of States and national legislation on the subject like the Mazdoor Kisan Shakti Sangthan, the National Campaign on People's Right to Information, the Commonwealth Human Rights Initiative (CHRI) Campaign, Consumer and other groups. The Right to information Act of 2002 and 2005 and various state laws those of Goa, Assam, Tamil Nadu, Rajasthan, Delhi, Madhya Pradesh, Karnataka, Maharashtra & Uttar Pradesh have been discussed.

The fifth chapter is dedicated to investigating the stumbling blocks which prevent the free flow of information at various levels. This chapter deals with the legislative impediments to the Right to information in the shape of secrecy provisions under various legislations which tend to debar the dissemination of information with the support of legislations like Official Secrets Act of 1923, Indian Evidence Act of 1872, Factories Act of 1948, The All India Services (Conduct) Rules, 1968, Commissions of Inquiry Act (1952) Civil, Atomic Energy Act (1962), Ministers Oath of Secrecy and the Government Securities Act, 2006. A detailed discussion about relevant provisions of Official Secrets Act of 1923 and Indian Evidence Act of 1872 has been made.

The last chapter is aimed at summing up the entire research and presenting the conclusions arrived at and also making suggestions for the
development, improvement and refinement of the Right to information. Suggestions have been made with regard to the necessary amendments to be put in place in requisite fields. This chapter also culls out the correlation, overlapping and contradictions embedded in the Right to information Act, 2005 with regards to various pre-existing legislations vis. The Official Secrets Act, the Indian Evidence Act etc.