

## **RIGHT TO INFORMATION AS AN EQUIPMENT TO DEVELOP DEMOCRACY IN INDIA**

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*"Who will govern the governors? There is only one force in the nation that can be depended upon to keep the government pure and the governors honest, and that is the people themselves. They alone, if well informed, are capable of preventing the corruption of power, and of restoring the nation to its rightful course if it should go astray. They alone are the safest depository of the ultimate powers of government"*

**Thomas Jefferson<sup>3</sup>**

A country develops when people take active participation in development. Every country which governed by the people is required not only an active participation in during election but also after elect a government. It is only possible when citizen are fully informed about each and every sector of government. The meaning of famous western thinker and former President of USA Thomas Jefferson is to stop all negative hurdles in progress of a society, the citizen must aware about their government. It is an equipment to abolish corruption, to establish a self government, to create a transparent environment, to develop the society, to strengthen the democracy.

### **HISTORY OF RIGHT TO KNOW IN INDIAN DEMOCRACY**

The Acts like Official Secrets Act, 1923 and Indian Evidence Act, 1872, the Commission of Enquiry Act, 1952 should be suitably amended after a thorough review from the angle of freedom of information.

As a result of the prolonged Indian national movement against the British imperialist colonial rule the liberal democratic political system with a written Constitution includes rule of law, social justice, development, adult franchise, periodic elections, multiparty system has came into existence<sup>4</sup>.

The Indian Constitution has an impressive array of basic and inalienable rights contained in Chapter Three of the Constitution. These include the Right to Equal

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<sup>3</sup> Thomas Jefferson, Third President of the USA, (Karen Fiala, (2006) "Alterquest. The Alternative Quest for Answers, ISBN 1411661109. Page 170.

<sup>4</sup> Kothari Rajni, Politics in India (1970), Boston: Little Brown Series.

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.

Justice K. K. Mathew of Supreme Court of India said 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’<sup>5</sup>. For the first time, among the politicians of India, in 1990 Mr. V.P. Singh, the then Prime Minister of the Country headed by National Front Government stressed on the importance of Right to Information Act as a legislated right. Due to lack of political support and will the right to information Act was not materialized during V.P. Singh period.

The Mazdoor Kisan Shakti Sanghatana (hereafter MKSS) is active for the last 15 years in mobilizing the grassroots level people includes peasants and workers for the issue-oriented campaigns in rural areas of Rajasthan. The MKSS is a peasant-farmer’s collective that questions governance and policy making processes as they exist and attempts to influence them by mobilizing public opinion among its main constituents – peasants and rural workers.

In response to the pressure of the grassroots movements as well as to satisfy the international money lending institutions to borrow the loans. Some of the State Governments such as Goa (1997), Tamil Nadu (1997), Rajasthan (2000), Karnataka, (2000), Delhi (2001), Assam (2002), Maharashtra (2003), Madhya Pradesh (2003) and Jammu, Kashmir (2003) introduced the Right to Information Act. Among all these Acts, Maharashtra Right to Information Act was considered as the model act in promoting Transparency, Accountability and Responsiveness in all the Institutes of the State as well as the private organisations, which are getting financial support from the Government. Tamil Nadu Act was considered as the most innovative one in how to refuse the information to the seekers. The right to information is implicit in the Constitution of India, even so the dominant culture of the executive has been one of secrecy and resolute denial of access of information to the citizen. Citizens groups have long battled for the exercise of these rights in courts. The movement for the right to information received a fresh impetus from a courageous and powerful grassroots struggle of the rural poor for the right to information, to combat rampant corruption in famine relief works. This struggle was led by a people’s organisation, the Mazdoor Kisaan Shakti Sangathan . The reverberations of this struggle led to a nationwide demand for a law to guarantee the right to information to every citizen, with widespread support from social activists, professionals,

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<sup>5</sup> Justice K.K. Mathew, Supreme Court of India: State of UP vs Rajnarain, AIR 1975 SC 865.)

lawyers, and persons within the bureaucracy, politics and the media, who are committed to transparent and accountable governance and people's empowerment. Three successive federal governments in quick succession have committed themselves to the passage of a law to guarantee the people's right to information and some state governments have actually passed such laws.

## **RIGHT TO INFORMATION ACT 2005**

The right of freedom of speech and expression embraces within its scope the freedom of propagation and interchange of ideas, dissemination of information which would aid in the citizen's understanding of the working of his Government and its various organs in a democracy.

The Right to information Act, 2005, which came fully into effect on 12<sup>th</sup> October, 2005 (on the 120th day of its enactment), is one of the most significant legislations enacted by the Parliament of India. Pursuant to the 77<sup>th</sup> report of the Parliamentary Standing committee headed by Sri Pranab Mukherjee.

The Act seeks to establish that "transparency is the norm and secrecy is an exception" in the working of every public authority. It aims to ensure maximum openness and transparency in the machinery and functioning of Government at all levels: Central, State and Local. The right to information is expected to lead to an informed citizenry and transparency of information which are vital to the functioning of a democracy. It will contain corruption and enable holding Governments and their instrumentalities accountable to the governed.

The 'People's Right to Know' has a long history of prolonged debates, deliberations, discussions, struggles and movements at both national and international levels. Freedom of information is a necessary part of our democratic polity. All power in a democracy belongs to the people who are the masters and the Government is their servant. If the people are to perform their sovereign role and instruct their Government, they must have access to all information, ideas, and points of view.

### ***The Act is divided into six chapters and two schedules.***

Chapter I : Deals with preliminary aspects, definitions, scope and extent of the Act. / Chapter II : Deals with the right to information and obligations of public authorities. / Chapters III & IV: Deals with constitution of the Central Information Commission and the State Information Commission. / Chapter V : Deals with appeals and penalties. / Chapter VI : Deals with Miscellaneous aspects.

Until 2005, an ordinary citizen had no access to information held by a public authority. Even in matters affecting legal entitlements for such subsidized services as food for work, wage

employment, basic education and health care, it was not easy to seek the details of decision making process that affected or harmed him. Without access to relevant information, it was not possible for a common man to participate in a meaningful debate on political and economic options or choices available to him for realizing socio-economic aspirations.

## **RIGHT TO INFORMATION AND DEVELOPMENT**

There is large number of problems in the Indian Administration which goes unnoticed and the administration rather than changing continues in its grooves. Right to Information Act, 2005 would make the civil servants alert to provide the information to public challenges and as a by-product would make administration responsive and transparent which mean good governance.

The cherished aim of all Government, whatever its form or level, has always been the service of the people and governance of the people to their entire satisfaction. Good Government is the bedrock of our stability. There is increasing emphasis on development with participatory democracy meaning thereby that needs and aspirations receive adequate attention of those who finally decide and act for the welfare and all round development of the people.

The Right to Information is an essential ingredient to develop democracy. The minimum expectation of the citizens is for :

- Timely prompt service,
- Minimum Red Tape,
- Minimum Waiting Time,
- Minimum visits to multiple officers,
- Minimisation of Arbitrariness,
- Prompt information in Delays, waiting times, etc., and
- Prompt Information on status of Application.

These are standards which service firms too expect their staff to maintain so that they have satisfied customers. The World Bank's Policy Statement—Governance and Development (1992) defines it as a manner in which power is exercised in the management of a country's economy and social resources.

Vision 2020 Document of Andhra Pradesh Government considers SMART Government— Simple, Moral, Accountable, Responsive and Transparent government as manifestation of good Governance. In the ancient times Public Administration was run by king and his servants. Kautilaya (Vishnugupt) in his Arthashastra has given the duties of kings towards public, which are far ahead of today's public administration. The same idealism was incorporated by Kautilya in his Arthashastra while summing up the objects and purpose of the exercise of sovereign power by the King. He stated thus:

*In the happiness of his subjects  
lies his happiness;  
in their welfare,  
his welfare;  
whatever pleases him (personally)  
he shall not consider as good,  
but whatever makes his subjects happy,  
he shall consider good.<sup>6</sup>*

Right to Information Act would promote harmonious relationships between the Government and the people. However, in the initial periods there would be problems as Government Servants have developed the habit of Supremacy and not service.

At every stage of the 'Right to Information Movement'<sup>7</sup>, the biggest hurdles have been created by Indian bureaucracy. Over the years, they cleverly drafted legislation to serve the objective of transparency in governance while making sure it contained enough loopholes to avoid just that. However, step by step, the loopholes were thus far removed and mounting public pressure led to Indian Parliament passing the path-breaking, *Right to Information Act, 2005*.

To ensure the concept of open government and accountability taking shape, the successful implementation of the *Right to Information Act* is directly linked with the willingness of the political leadership and bureaucracy. This in turn, directly correlates with their knowledge and understanding of the beneficial effects of the *Right to Information Act, 2005* which will have on the overall governance.

It is, therefore, imperative that there be immediate and wide scale dissemination of knowledge about the law and also assistance provided for all the queries and concerns that will naturally arise. The burden and enormity of the tasks ahead will be much ameliorated when civil society and government collaborate on working through strategic initiatives designed for effective implementation.

The clearly stated objective of the *Right to Information Act, 2005* is to confer the right on every citizen to secure access to information under the control of public authorities in order to promote transparency and accountability in the working of every public authority. Transparency literally means the state of being easy to see through. In functional terms, it implies an honest way of doing things that allows other people to know exactly what you are doing. Following somewhat in the same strain, 'accountability' refers to the position where people have the right to criticize or ask why something has happened.<sup>7</sup>

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<sup>6</sup> Acharya VishnuGupt, ( 2400B.C.), Arthasastra, Book I, Chapter IXX, 39

<sup>7</sup> Virendra Kumar, "Don't dilute RTI Act, Please", *The Tribune*, August 2006, p. 13.