

# **RIGHT TO INFORMATION AS A FUNDAMENTAL RIGHT IN THE ERA OF CIVILISATION : GLIMPSES FROM INDIA**



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“The State does not claim monopoly of truth any longer. Glasnost has cast away the cloud of secrecy and stresses the priority of human values. Even as steps are taken to ensure openness in matters affecting the public, there has to be a greater sense of responsibility on the part of users of information in the media and elsewhere. Journalists must ensure that they seek information in public interest and not as agents of interested parties”. .....**Mikhail Gorbachev**

“The Government wants to share power with the humblest; it wants to empower the weakest. It is precisely because of this reason that the Right to Information has to be ensured for all”..... **Sh. Atal Behari Vajpayee, Ex. Prime Minister of India**

# OBJECTIVE OF PAPER

- ❖ What is information?
- ❖ Who have a right to get information?
- ❖ Who has a duty to supply information?
- ❖ What is the role of Government , Non-governmental agencies (NGOs), Educational Institutions, Media and Social Activists ?



## INTERNATIONAL PERSPECTIVE

Freedom of Information Laws (FOI laws) allow access by the general public to data held by national governments. They establish a "right-to-know" legal process by which requests may be made for government-held information, to be received freely or at minimal cost, barring standard exceptions. Also variously referred to as open records, or *Sunshine Laws* (in USA), governments are typically bound by a duty to publish and promote openness. In many countries there are constitutional guarantees for the right of access to information, but these are usually unused if specific support legislation does not exist. Sweden's Freedom of the Press Act of 1766 is the oldest in the world. In the United States of America and France especially, citizens and groups make frequent use of the right to obtain documents that would otherwise be denied to them.

## **NATIONAL PERSPECTIVE**

For India, it took more than fifty years after independence to legislate upon Right to Information and it was as a result of people's battle for transparency and accountability in the public sector. It has indeed been a long struggle to end the secrecy regime. This struggle culminated in Freedom of Information which subsequently fructified into Right to Information Act in the year 2005. The Act has changed the dynamics between the ruled and the ruler by reducing unfettered discretion and forcing public authorities to keep information regarding public matters in the public domain. The civil society activists have relentlessly fought for this right. As a result, a transparent regime is less likely to trample upon citizens' rights as it would be under public scrutiny at all times and be under an obligation to provide unfiltered information.

Experiences have proved that within a span of 10 years, RTI has helped people in making an informed choice. People have access to the decision-making process, reasons for government delays, for example, why a ration card is being unduly delayed. Common citizens can now escape harassment from public officials. Governance has to be an open book and officials conscious of the fact that they are liable for omissions and commissions during their tenure for just and systematic work rather than doing things at the whims and fancies arbitrarily and getting away with it—after all the affected are the country's common masses who bear the brunt of mismanagement. The RTI has to play a critical role in systematic corrections rather than limiting its success to individual cases. Then only the RTI Act can be considered a step towards ensuring a stronger and vibrant democratic process in India.



# WHY DO WE NEED INFORMATION?

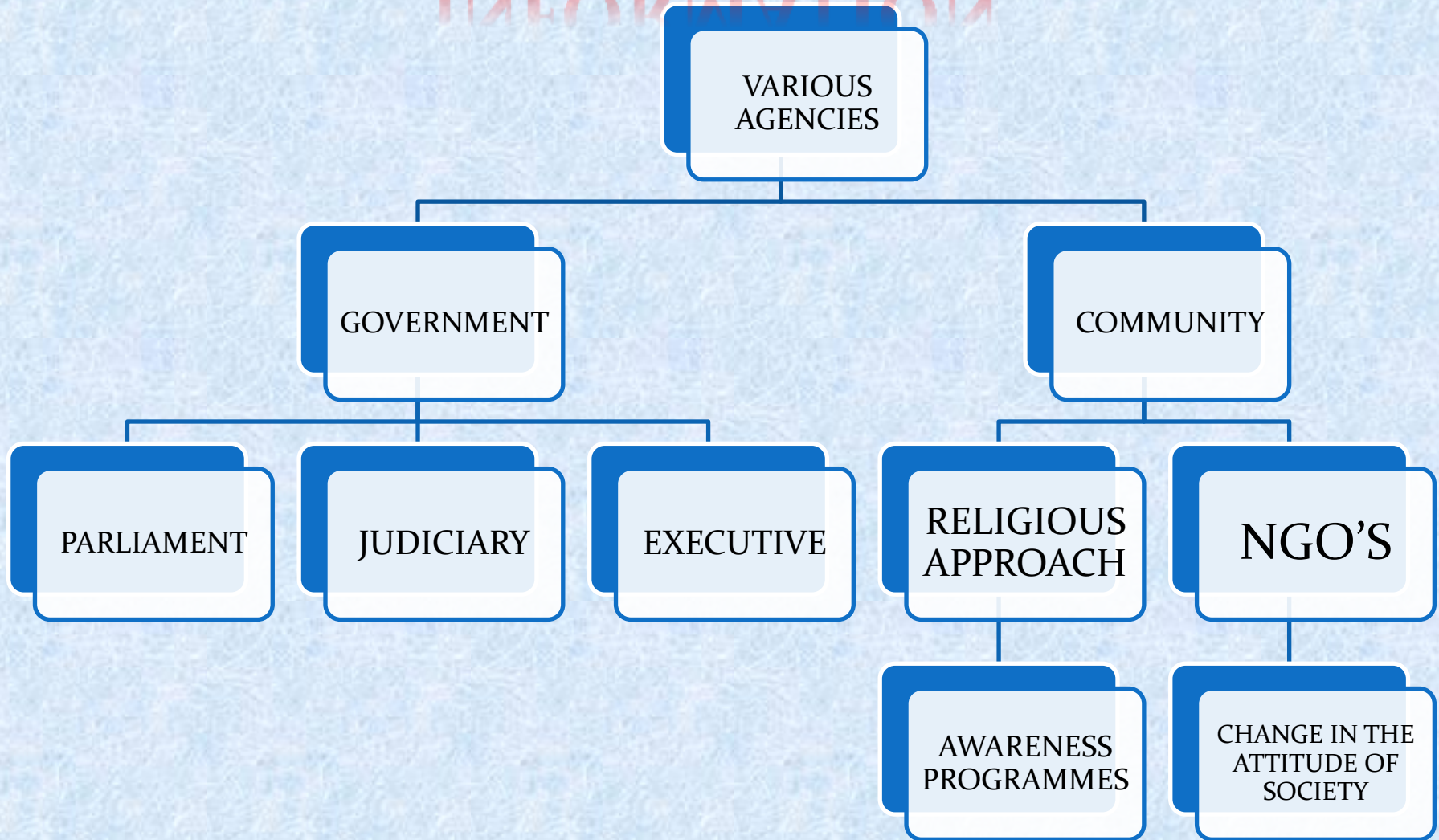
❖ **Fundamental Right** : The Act draws its authority from Indian Constitution. Under Article 19(1)(a) the Constitution guarantees every citizen freedom of speech and expression with certain restrictions. Logically to allow the exercise of freedom of speech and expression effectively the country needs an informed civil society.

❖ **Citizens Expectations** Due to improvement of literacy and democracy; the citizens have become more demanding of transparency. Information is indispensable for the functioning of a true democracy. People have to be kept informed about current affairs and broad issues – political, social and economic. Free exchange of ideas and free debate are essentially desirable for the Government of a free country.

❖ **Globalization**—Globalization results in the expansion of international cultural, economic, and political activities. As people, ideas, knowledge, and goods move more easily around the globe, the experiences of people around the world become more similar. Modern communication has played a large role in cultural globalization. Today, news and information zips instantly around the world on the internet. People can read information about foreign countries as easily as they read about their local news. Through globalization, people may become aware of incidents very quickly. In seconds, people are able to respond to natural disasters that happen thousands of miles away.



# ROLE OF STATE IN DISSIMINATION OF INFORMATION



# SCOPE OF RIGHT TO INFORMATION

- ❖ Request any information (as defined).
- ❖ Obtain copies of documents.
- ❖ Inspect documents, works and records.
- ❖ Take certified samples of materials of work.
- ❖ Obtain information in form of diskettes, floppies, tapes, video cassettes 'or in any other electronic mode' or through printouts.

**At a glance we can say that this Act is useful to know the position of various facilities available to them**

- ❖ Government policies
- ❖ Infrastructure
- ❖ Education facility
- ❖ Health facility
- ❖ Sports facility
- ❖ Functioning of Food Supply Depot
- ❖ Transport facilities
- ❖ Sanitation facilities
- ❖ Insurance facility
- ❖ Status of service documents

# CONCLUSIONS

Information is as necessary as oxygen for the body. Information is a focus point for all kind of development in the society. We can know about the policies framed by the Government and their implementation. As a citizen of the nation one should know what kind of administration is going on in the territory of the state. Being a welfare state we should exchange the information sought by the citizens, because it is going to be helpful in eradication of corruption and related types of problems.



The media, Non- Governmental Agencies and Government servants should make use of this tool in the human development. One should be aware about the information which are going to be the path of the development in the nation. We should always remember lines said by

## **Rabindra Nath Tagore**

*“Where the mind is without fear and head is held high;  
where knowledge is free; Where the world has not  
been broken up into fragments by narrow domestic  
walls; Where words come out from the depth of the  
truth; where tireless striving stretches its arms  
towards perfection; where the clear stream of reason  
has not lost its way into the dreary desert sand of  
dead habit; where the mind is led forward by the ever  
widening thought and action into that heaven of  
freedom”.*



# THANKS