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## A CRITICAL ANALYSIS OF RIGHT TO INFORMATION ACT, 2005

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**The right to information or Access to information is fundamental to the democratic way of life. In this Act, real democracy cannot justify without a free and unbridled exercise of this right.<sup>i</sup>**

**~ Justice P.N. Bhagwati**

### **Introduction:**

Right to Information is a rudimentary right that is available to every human being. Right to Information is a Rampart of every parliamentary government. In the words of French philosopher Michel Foucault, Power is extracted from knowledge and information is a basic constituent of knowledge<sup>ii</sup>. Right to Information is an inherent hunk of the freedom of speech and expression enshrined in Article 19(1) (A) of the Indian constitution, which is considered as the first nick of liberty. It tenanted preferred position in the hierarchy of liberties providing ministration and protection to other liberties. The expression “freedom of speech and expression” in Article 19(1) (a) has been held to include the right to get information and diffuse the same given in case of Secretary, Ministry of I & B v. Cricket Association, Bengal.<sup>iii iv</sup>

Good governance has been defined by transparency. Government should be responsible to the people who are accountable for what is there in public policy. The main purpose of Good Governance should be that there must be active participation of both men and women. Democracy becomes purposeful only when people have a justification of participation in governance.

The Right to Information Act, 2005 (RTI) is a law approved by the parliament of India, “to impart for back dropping out the empirical apparatus of right to information for citizens.”<sup>v</sup> Everyone can seek information from a government authority under this Legislation, i.e., a government body that is required to respond quickly or within 30 days. This law gives Indian citizens the power to access any valuable information from government authority and its functionaries more chargeable and responsible.<sup>vi</sup> Information divulgence in India was restricted by the Official Secret Act, 1923 and various other laws, which now get relaxation under RTI Act.

**RTI, its Objective, and its Features:**

The Right to Information Act is an act of the Indian Parliament that establishes the laws and processes for citizens' access to information. It took the place of the previous Freedom of Information Act of 2002.<sup>vii</sup> This Act establishes a right of access to information for people under the jurisdiction of government authorities to enhance openness and accountability in the operations of all government authorities. Fraud and controversies, international pressure and activity, modernization, and the digital revolution are all elements that contributed to the passage of the information act. "Right to Information" refers to the right to see work, papers, and records kept by or under the custody of any government institution, taking notes on papers or records, extracting information, or obtaining certified copies of such documents or records; Obtaining material samples that have been certified, getting information on tapes, video cassettes, or any other electronic medium, as well as photocopies of data stored in a computer or other device.<sup>viii</sup>

This act will serve:

1. To give citizens more authority
2. To encourage openness and accountability
3. To keep corruption away
4. Information society and modernization<sup>ix</sup>

**Importance of RTI Act, 2005:**

1. The RTI Act, 2005 did not erect new administration for enacting the laws; instead, it assigned and rescinded officials in every office to change their attitude and duty from secrecy to sharing of information.
2. RTI has been considered as the key to bracing participatory democracy and escorting in people-centered governance.
3. By accessing the information, it would be easier for the poor and weaker sections of the society to demand and get information about public policies and actions, hence leading to their welfare.
4. Right to information helps in getting the government's records to public scrutiny and get to know what the government does and how effectively, thus making the government more accountable.
5. By removing unnecessary secrecy, helps in improving decision-making by public authority.

**Right to Information and the connection between Indian Constitution:**

The Right to information is a basic human right derived from Article 19(1) (a) of the Indian Constitution as mentioned in the case of State of U.P. v Raj Narain<sup>x</sup>. It states that every Indian citizen has the right to freedom of speech and expression and that citizens' right to life is protected by Article 21<sup>xi</sup>. According to the Constitution of India 1950, the court has acknowledged the right

to access information from the government department is fundamental to democracy. However, the Right to information does not mean that there is a free flow of information without any restriction. The right to information also has reasonable restrictions like all other fundamental rights.

The Supreme Court of India considered the right to information in the context of human rights in *People Union for Civil Liberties vs. Union of India*, which is necessary for making management and government more responsible and fairer. As a result of the Supreme Court's judgment, we may conclude that the right to information is a fundamental right.<sup>xii</sup>

In our constitution, it is said that when there is the transfer of any money to any government body then the ordinary public has the right to seek any information from the government or the public body but the RTI act will not be pertinent to private bodies.

### **Conclusion:**

It is widely acknowledged that the right to information is important but insufficient for better government. Much more has to be done to promote government accountability, including whistleblower protection, decentralization of power, and the merger of authority and responsibility at all levels. The abuse of the RTI Act must be dealt with correctly, according to the Delhi High Court, or the people will lose confidence in this "sunshine Act."<sup>xiii</sup> While we all recognize that the Right to Information Act of 2005 is a strong instrument in the hands of Indian people, yet even after more than a decade, many individuals remain ignorant of it. RTI allows regular people, regardless of their social, financial, or political backgrounds, to challenge authorities and hold them responsible for their actions. The Act has made responsible Indian democracy, as demonstrated by various Supreme Court decisions. At the very same time, based on the rulings, we can conclude that the government must implement a number of public awareness campaigns and programs in order to fully utilize the act in combating the misconduct that still continues to exist in Indian democracy; or else, the RTI Act will quickly become just like any other Act.

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<sup>i</sup> Dbrau.org.in. 2021. [online] Available at:

<<http://dbrau.org.in/attachment/RANBIRSINGH.pdf>> [Accessed 16 June 2021].

<sup>ii</sup> [B231122.pdf](#)

<sup>iii</sup> AIR 1995 SC 1236

<sup>iv</sup> Lawfinderlive.com. 2021. Law Finder [online] Available at:

<<https://www.lawfinderlive.com/Articles-1/Article2.htm?AspxAutoDetectCookieSupport=1>> [Accessed 11 July 2021].

<sup>v</sup> Iitk.ac.in. 2021. [online] Available at:

<<https://www.iitk.ac.in/new/data/RTI/RTIGUIDELINES.pdf>> [Accessed 7 July 2021].

<sup>vi</sup> Information about RTI Act 2005 available at: <https://rti.gov.in/> (Accessed 10th June 2021).

<sup>vii</sup> Cic.gov.in. 2021. Available at:

<<https://cic.gov.in/sites/default/files/RTI%20a%20helping%20hand%20of%20government.pdf>> (Accessed 25 June 2021).

<sup>viii</sup> Iitk.ac.in. 2021. [online] Available at:

<<https://www.iitk.ac.in/new/data/RTI/RTIGUIDELINES.pdf>> [Accessed 7 July 2021].

<sup>ix</sup> Drishti IAS. 2021. Right to Information. [online] Available at: <<https://www.drishtiias.com/to-the-points/paper4/right-to-information-1>> [Accessed 2 July 2021].

<sup>x</sup> <https://indiankanoon.org/doc/438670/>

<sup>xi</sup> Girish Ramchandra Deshpande v. Central Information Commission

<sup>xii</sup> iPleaders. 2021. Analysis of the Right To Information Act, 2005. [online] Available at:

<<https://blog.ipleaders.in/analysis-of-the-right-to-information-act-2005/>> [Accessed 5 July 2021].

<sup>xiii</sup> Dsscic.nic.in. 2021. [online] Available at: <[https://dsscic.nic.in/files/upload\\_decision/2017-](https://dsscic.nic.in/files/upload_decision/2017-10-30-113023Ajit_Kumar_Roy_Vs_IWAI,_Noida,_Patna,_Kolkata_42_appeals..pdf)

[10-30-113023Ajit\\_Kumar\\_Roy\\_Vs\\_IWAI,\\_Noida,\\_Patna,\\_Kolkata\\_42\\_appeals..pdf](https://dsscic.nic.in/files/upload_decision/2017-10-30-113023Ajit_Kumar_Roy_Vs_IWAI,_Noida,_Patna,_Kolkata_42_appeals..pdf)> [Accessed 27 June 2021].