

RIGHT TO INFORMATION MOVEMENT IN INDIA

M. SHAFI BHAT

Government Degree College
Anantnag J&K
smsbhat789@gmail.com

Abstract:

To intensify the process of shifting the paradigm from the state-centered development model to the citizen-centered model, the Movement for the right to information in India emerged in 1900, resolving an important contradiction between the colonial laws, which prevented the access to information and independence after the Indian Constitution 0 which recognizes the search for information as a fundamental right to promote a transparent, responsible, responsible, participatory and decentralized democracy. Following the basic movement for the right to information to fight corruption, well-informed citizens and promote good governance, the state responded in the form of the Right to Information - 2005. With the introduction of the law on the Right to All 2005 information, colonial laws, such as the law on official secrets, the law on the evidence of India and the rules of the code of conduct of the public function, which contain provisions that limit the fundamental right to information guaranteed to citizens in the constitution, have become irrelevant.

Key words: *Paradigm, Colonial Acts, Right to Information Act- 2005, Indian Constitution, Indian Evidence Act Civil Service Code, Decentralized democracy, Corruption*

INTRODUCTION

The battle for adequate legislation for the right to information was fought in two tables, namely a request to change the draconian law on the official secrets of 1923 and the campaign for an effective law on the right to information. The Official Secrets Act of 1923 is a replica of the former British Secrets Act and deals with espionage, on the one hand, but has the damaging capture of all of Section 5, which makes it a crime to separate from any information received. in the exercise of official duty. Officials 1 In the last decade, the attention of citizens' groups has shifted from the simple request to change the law on official secrets to the requirement of their total repeal and their replacement with global legislation that would make disclosure a duty & secrecy the offence. Because even the powerful grassroots organization like Mazdoor Kisan Shakthi Sanghatana (MKSS) continues to experience enormous difficulties in securing access to and copies of government documents, despite clear administrative instructions that certified copies of such documents should be available to the citizens on demand. This highlighted to citizens groups how important it is that the people's right to information should be enforceable by law.

Constitution & Right to 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 come into existence.²

For the transparent functioning of the democratic political system, the founding fathers of the constitution included the provisions of the right to information in Part III of the constitution in the list of Fundamental rights. Although there is no specific right to information or the right to freedom of the press in the constitution of India, the right to information has been read in the

constitutional guarantees that are part of the chapter on fundamental rights.

The Indian constitution has an impressive array of basic and inalienable rights contained in Chapter III. These include the right to equal protection of the laws and the right to equality before law (Article 14), right to freedom of speech & expression (Article 19 (1) (a)) and the right to life & 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. The legal position with regard to the right to information has developed through several Supreme Court decisions given in the context of all above rights, but more specifically in the context of the right to freedom of expression and expression, which has been said to be the adverse 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 part of the constitutional law of the country began with the requests of the press before the Supreme Court for the application of some logistic implications of the right to freedom of expression and expression, such as the contestation of government orders to check the newspaper prohibits the distribution of documents, etc. It was through these cases that the concepts of the right to information of the public were developed.

Supreme Court & Right to Information

For more than two decades, the Supreme Court of India recognized the right o information as a constitutionally protected fundamental right, established under Article 19 (right to freedom of speech & expression) and Article 21 (right to life) of the constitution. The Court recognized the right to access information from government departments is fundamental to democracy. 3 Therefore, the judge K.K. Matthew of the Supreme Court of India said that "in a government ... where all public agents must be responsible for their conduct, there may be few secrets. People ... have the right to know every public act, everything that is publicly done by their public officials ... The responsibility of officials to explain or justify their acts is the main protection against oppression and corruption " .

Progressive Politicians and Right to Information

Among the politicians of India for the first time, 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 legalistic right. Due to the lack of political support and will, the Right to Information Act was not materialized during his period.

The freedom movement, the Constitution of India, Supreme Court & some of the politicians supported for the right to information, but not materialized due to various reasons like policy support, institutional arrangement etc. Therefore, to obtain the right to information, a strong grassroots movement was necessary. The Mazdoor Kisan Shakti Sanghatna, Parivarthan, etc., has bridged the gap in the grassroots movement and intellectual pressure and the contribution of the Human Rights Initiative of the National Campaign for the Right to Information and Common Wealth.

Efforts of MKSS

The MKSS remained active for 15 years in mobilizing the grassroots level people included peasants and workers for the issue- oriented campaign in rural areas of Rajasthan.

The MKSS a peasant-farmers collective that questioned governance and policy making as they exist and attempted to influence them by mobilizing public opinion among its main constituents- peasants and rural workers. MKSS started its activities in 1987, but from 1990 onwards only one can see somewhat structured initiatives at the grassroots level.

Among the important issues taken up and succeeded to some extent are minimum wages, right to work, right to food, right to information etc. MKSS is also having experience in contesting the local body elections for two times (1999 & 2005) and part of the election watch in Rajasthan. In response to pressure from grassroots movements, some of the state governments such as Goa (1997), Tamil Nadu (1997), Rajasthan (2000), Karnataka (2000), as well as satisfying international money-lending institutions to borrow loans, . Delhi (2001), Assam (2002), Maharashtra (2003), Madhya Pradesh (2003) and Jammu & Kashmir (2003) introduced the Law on the right to information. Among all these acts, Maharashtra Right to Information Act was considered as the model act in promotion transparency, accountability and responsiveness in all the institutes of the state as well as the private organizations, which are getting financial support from the government.

The Tamil Nadu Act was considered the most innovative on how to refuse information to search engines. Due to lack of awareness about the Right to Information Act among the grassroots level people, lack of institutional arrangements for the implementation and lot of exemptions in the Right to Information Act of some states led to non- achievement of the objectives.

Despite all these lacunas in the Act, still the state level Right to Information Acts provided the culture of transparency, accountability, responsiveness social audit and awareness among the people. These State Acts were the models for the preparation of National Right to Information Act. With the beginning of the national law on the right to information of 2005, some state governments such as the parliamentarian, Maharashtra rejected the state law on the right to information and began to implement the national law on the right to information of 2005.

Towards a national law on the right to information

Since the introduction of the national law on the right to information, efforts have been made since 1996. The national campaign for the right to information (NCPRI) was founded in 1996. Its founding members included social activists, journalists, lawyers, professionals, retired officials and academics.

One of its main objectives was the campaign for a national law that facilitated the exercise of the fundamental right to information. International organizations such as the Common Wealth Human Rights Initiative have strongly argued that the right to information (RTI) is fundamental for the realization of rights, as well as an effective democracy, which requires the informed participation of all.

The contribution of the Common Wealth human rights initiative to the implementation of the national law on the right to information in India has been through the provision of assistance to

the debates, the analysis of the law on freedom of information and the recommendations to the National Council Advisory Council, to all the Cabinet Ministers and members of the Parliament.

In response to pressure from grassroots movements, national and international organizations, the Indian press council, under the direction of its president Justice PB Sawant, drafted a model law that was later updated in a seminar organized by the National Institute for Rural Development and was sent to the Indian government, which was one of the reference documents for the first bill prepared by the Indian government.

For some political and other reasons, the bill could not be accepted by Parliament. Once again, in 1997, the United Front government appointed the working groups under the presidency of Mr. HD. Shourie drafted a bill entitled "The Freedom of Information Act-1997". This bill was also not approved. In 1998, although the Prime Minister, Mr.

Vajpayee, announced that a law on the right to information would soon be enacted, this did not materialize. In 2000, the Bill of Freedom of Information 2000 was presented to Parliament. After some debates, he was referred to the permanent parliamentary committee for internal affairs for a review.

Since then I have accumulated dust until the formation of the United Progressive Alliance (UPA). The coalition government at the center led by the United Progressive Alliance formulated an agenda called the "Common Minimum Program". 5 One of the CMP's agendas was the introduction of the "Law on the Right to Information".

The CMP clearly stated: "The law on the right to information will become more progressive, in particular and significant. In order to ensure the implementation of the common minimum program, the APA established the National Advisory Council. In the National Advisory Council, activists such as Aruna Roy⁶, Jean Drez⁷, associated with the law of the national campaign for the right to information, have constantly put pressure on the UPA government to approve the bill and enact a law. In response to these efforts the Parliament passed the bill and the President of India consented the Act on June 15, 2005 and implementation process of the Right to Information Act was started since 12 October 2005.

Implications of Right to Information Act 2005

The coverage of the Right to Information Act-2005 is wider. Several institutions built through the constitution, parliamentary laws, state legislative assemblies and council laws, governmental organizations, private organizations and NGOs, which are receiving significant financial support from the state or central government, are within the scope. of the law of the right to information.

All These institutions are obliged to provide the information requested to citizens within a prescribed period of 30 days for the normal information, information relating to human rights within 48 hours and 45 days for the information from the third party. If the given time period is expired in giving the information to the concerned citizens, then there will be a penalization of the Public Information Officer at the rate of Rs.250 per day. The fine may be upto Rs.25, 000. As a result of rigara city in the act, there is every possibility for the citizens to get the information of the state documents and records.



CONCLUSION

Until the introduction of the Right to Information Act, information was the property of those people who were in the ruling side and secrecy was maintained. With the commencement of the Act, now the people have got the right to take, see, check and inspect any information, which is not coming under the exemption list. But at the same time it requires a lot of awareness campaign among the people in order to utilize the act to combat the corruption and get the services of the state, otherwise the resent Right to Information Act 2005 will also become just like other acts

References:

1. Mander Harsh & Joshi Abha, *People's power for the Control of Corruption*, www.chri.org
2. Rajni Kothari, *Politics in India*, Boston: Little Brown Series, 1977
3. Slough P. & C. Rodrigues, *India's Right to Information Movement Makes a Breakthrough*, *Open Government: A Journal on Freedom of Information*, Vol.1, issue 1, March 21,2005, p.1
4. Justice K.K. Mathew, *Supreme Court of India: State of U.P vs Rajasthan*, AIR 1975 SC 865
5. *Consensus programme of the constituents of the UPA Government at the centre*
6. *Resigned IAS Officer, MKSS Activist and winner of the Ramanmagsaysays Award*
7. *Prominent pro- working class economist*