
GLOBAL PERSPECTIVE OF RIGHT TO INFORMATION

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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 be his reaction, which would in turn make the Government more responsive and tuned to the community needs. Alternatively, greater the restrictions that are placed 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 (through one kind of import or another) 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.²

The Freedom of information has long been recognized not only as crucial to democracy, accountability and effective participation, but also as a fundamental human right, protected under international and constitutional law of various countries.³ World-wide movements have begun in democratic countries, for providing to the citizens the right of access to information in order to promote participation of the citizens in the governance of the country and also to ensure transparency and accountability of the Government.⁴ A number of countries⁵ have enacted legislations for disclosure of information held by public authorities and many more are in the process of enacting the legislations on the subject.

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.

A number of international bodies⁶ having the responsibility for promoting and protecting human rights have authoritatively recognized the fundamental and legal nature of the right to

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² Dr. Minal M. Bapat *Right To Information: Its Scope and Need*, Legal Bytes Practical Lawyer, Eastern Book Company*December 2007,. <http://www.ebc-india.com/practicallawyer>.

³ Dr Madhukhushi Sridhar, '*The Right to information Law and Practice*', Wadhwa company law publishers Nagpur,2006, p.347.

⁴ Ibid.

⁵ For example: Albania, Angola, Argentina, Armenia, Azerbaijan, Australia, Austria, Belgium, Belize, Bosnia and Herzegovina, Bulgaria, Canada, Colombia, Denmark, Ecuador, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, India, Ireland, Israel, Italy, Japan, Mexico, Netherlands, Norway, Pakistan, Poland, Philippines, Portugal, New Zealand, Romania Switzerland, USA, United Kingdom, Sweden, South Africa, South Korea, Spain, Thailand, Turkey, Tajikistan, Uzbekistan, Ukraine, Zimbabwe etc.

⁶ These include the United Nations, *The Commonwealth*, *The Organisation of American states and The Council of Europe*.

freedom of information, as well as the need for effective legislation to secure respect for that right in practice. Collectively, this amounts to a clear international recognition of the right.⁷

The Right to information was recognized by the United Nations at its very inception in 1946, when the General Assembly adopted a Resolution⁸ which stated that:

“Freedom of information is a fundamental human right and the touchstone of all the freedoms to which the United Nations is consecrated.”

In ensuing international human rights instruments, freedom of information was not set out separately but as a part of freedom of expression, which includes the right to seek, receive and impart information. In 1948, the United Nations General Assembly adopted the Universal Declaration of Human Rights, which declares that⁹:

“Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers”.

The International Covenant on Civil and Political Rights (ICCPR), a legally binding treaty, was adopted by the United Nations General Assembly in 1966.¹⁰ It declared the right of people to be fully and reliably informed so as to improve their understanding through free flow of information and opinion. In 1993, the UN Commission on Human Rights¹¹ established the office of the United Nations Special Rapporteur on Freedom of opinion and Expression, and appointed Abid Hussain to the post.¹² As early as 1995, the Special Rapporteur noted that the right to seek or have access to information is one of the most essential elements of freedom of speech and expression¹³. In 1997, he strongly opposing denial of information observed that:

“the tendency of many Governments to withhold information from the people at large through such measures as censorship is to be strongly checked.”

In his 1998 Annual Report, the Special Rapporteur declared that *“The right to seek, receive and impart information, imposes a positive obligation on States to ensure access to information”*, particularly with regard to information held by Government in all types of storage and retrieval systems that freedom of information includes the right to access information held by the State, and his views were welcomed by the Commission public.

Regional Developments:

a) The Commonwealth¹⁴: The importance of freedom of information, including the right to access information held by the State, has also been recognized by the Commonwealth. Despite

⁷ Jan Klabbers, ‘The law of International institutions’, Cambridge University Press, Second Edition, 2009, p.292.

⁸ United Nations General Assembly Resolution 59(1) 14 Dec, 1946. www.humanrightsinitiative.org/programme.

⁹ Article 19, Universal Declaration of Human Rights

¹⁰ Ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966, as of 2010, the Covenant had 72 Signatories and 167 Parties. India is a signatory to the Covenant. www2.ohchr.org/english/bodies/hrc/docs/ngos/DCI

¹¹ The Commission was established by the United Nations Economic and Social Council (ECOSOC) in 1946 to promote human rights and is composed of 53 representatives of the UN Member States, rotating on proximately six weeks to discuss and issue resolution, decisions and reports on a wide range of country and thematic human rights issues.

¹² His term ended in 2002. Resolution 1993/45, 5 March 1993.

¹³ Report of the Special Rapporteur, Promotion and protection of the right to freedom of opinion and expression, UN Doc. E/CN, 4/1995/31, 4 February, 1997. www.humanrightsinitiative.com.

¹⁴ A voluntary association of 54 countries based on historical links, common institutional and legislative frameworks and shared values.

strong commitments to openness and transparency, the Official Commonwealth itself however, has failed to lead member state in the area of information sharing. The Commonwealth Secretariat does not have a comprehensive disclosure policy in place other than a rule requiring release of certain documents after thirty years. Despite putting efforts, the Official Commonwealth continues to hesitate to engage & involve civil society in its working or functions. To date, 12 Commonwealth countries have adopted FOI laws and bills are pending in more than 20 other countries. The Commonwealth of Independent States (CIS) is an association of 12 countries that were previously Soviet Republics.¹⁵ The CIS Parliamentary Assembly has developed model bills on freedom of information, information protection, state secrets and access to environmental information.¹⁶

b) The African Charter on Human and People's Rights:

Article 9 of the African Charter on Human and People's Rights, 1981 states that:

- (1) Every individual shall have the right to receive information.
- (2) Every individual shall have the right to express and disseminate his opinions within the law.

In 2002, the African Union's African Commission on Human and Peoples' Rights adopted a Declaration of Principles in a Resolution which recognised that "public bodies hold information not for themselves but as custodians of the public good and everyone has a right to access this information". Part IV of this Declaration of Principles on Freedom of Expression in Africa deals explicitly with the right to information, and while it is not binding, still, it has considerable persuasive force representing the will of a sizeable section of the African population.¹⁷

c) Organization of American States

In 1948, the Organization of American States (OAS) adopted a seminal human rights declaration, the American Declaration of the Rights and Duties of Man.¹⁸ Article IV guarantees freedom of investigation, opinion and expression. This was followed in 1969 by the adoption of legally binding international treaty, the American Convention on Human Rights (ACHR).¹⁹

Article 13(1) of the American Convention on Human Rights, 1969 states that: "Everyone has the right to freedom of thought and expression. This right includes freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing, in print, in the form of art, or through any other medium of one's choice."

Article 13 establishes that those to whom the Convention applies not only have the right and freedom to express their own thoughts but also the right to seek, receive and impart information and ideas of all kinds. It is a right that belongs to each individual. It also implies a collective right to receive any information whatsoever and to have access to the thoughts expressed by others.

d) Council of Europe

The Council of Europe (COE) is an inter-governmental organization devoted to promote human rights, education and culture. One of its foundational documents is the European

¹⁵ Homepage: <http://www.cis.minsk.by/main.aspx>

¹⁶ *List of model laws of the PA*: <http://www.iacis.ru/html/index-eng.php>

¹⁷ *African Commission on Human and People's Right*, 32nd Session, October 2002, 170.

¹⁸ *Adopted by the Ninth International Conference of American States*, Bogota, Colombia, 2 May, 1948.

¹⁹ *Adopted at san Jose, Costa Rica*, 22 November, 1969, entered into force on 18 July, 1978.

Convention on Human Right (ECHR),²⁰ which guarantees freedom of expression and information as a fundamental human right .Article 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, 1950 states that:

"Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers".

The political bodies²¹ of the Council of Europe have made important moves towards recognizing the right to access information held by the State as a fundamental right. As early as 1970, the Consultative Assembly, the forerunner of the Parliamentary Assembly, passed a Resolution stating: "There shall be a corresponding duty [to the right to freedom of expression] for the public authorities to make available information on matters of public interest within reasonable limits."²²

Access to Information and Environment

Environmental issues at the United Nations were first considered in the 45th session of the Economic and Social Council (ECOSOC), when on 30 July 1968 it recommended that the General Assembly considered convening a United Nations conference on "problems of the human environment"²³.

The United Nations Conference on the Human Environment took place in Stockholm from 5 to 16 June 1972 and led to the establishment of the United Nations Environment Programme (UNEP), the lead programme within the United Nations working on environmental issues²⁴.

In 1987 the World Commission on Environment and Development (WCED) submitted its report (also known as The "Brundtland Report") to the General Assembly. The report, based on a four-year study, developed the theme of sustainable development, the type of development that "meets the needs of the present generation without compromising the ability of future generations to meet their own needs".²⁵ Pursuant to the report of the World Commission, the General Assembly adopted a resolution, convening the United Nations Conference on Environment and Development (also known as the "Rio Conference" or the "Earth Summit") to "elaborate strategies and measures to halt and reverse the effects of environmental degradation". The resolution listed nine areas of major concern in maintaining the quality of the Earth's

²⁰ E.T.S. No. 5 adopted on 4 November, 1950, entered into force 3 September, 1953.

²¹ European People's Party ,Alliance of European Conservatives and Reformists , Party of European Socialists (PES) European Liberal Democrat and Reform Party (ELDR) , European Green Party (EGP), Party of the European Left (PEL), European Free Alliance (EFA)European Democratic Party (EDP)

²² Resolution no. 428 (1970), Containing a declaration on mass communication media and human rights, adopted on 23 January 1970, p.2.

²³ www.humanrightsinitiative.com. (United Nations Documentation, Research guide United Nations Dag Hammarskjold Library.

²⁴ At its 1st plenary meeting, held on 5 June 1972, the Conference decided to adopt as the basis for its consideration of recommendations for action at the international level, the framework for environmental action suggested by the Secretary-General of the Conference. ,which included, Planning and management of human settlements for environmental quality , Environmental aspects of natural resources management, Identification and control of pollutants of broad international significance, .Educational information, social and cultural aspects of environmental issue, International organizational implications of action proposals .

²⁵ Resolution 2398 (XXIII) of 3 December 1968

environment and especially in achieving environmentally sound and sustainable development in all countries.²⁶

The United Nations Conference on Environment and Development (UNCED), which took place in Rio de Janeiro from 3 to 14 June 1992, led to the establishment of the Commission on Sustainable Development. At the Conference three major agreements were adopted: **Agenda 21 a global plan of action to promote sustainable development**; the **Rio Declaration on Environment and Development**, a series of principles defining the rights and responsibilities of States and the Statement of Forest Principles, a set of principles to underpin the sustainable management of forests worldwide. In addition, two legally binding instruments were opened for signature: the **United Nations Framework Convention on Climate Change** and the **Convention on Biological Diversity**.

During its 55th session the General Assembly adopted a resolution convening the World Summit on Sustainable Development (WSSD) (also known as "Rio + 10"), a ten-year review of progress achieved since 1992 in the implementation of Agenda 21.²⁷ Agenda 21, the "Blueprint for Sustainable Developer", the companion implementation document to the Rio Declaration, states

"Individuals, groups and organizations should have access to information relevant to environment and development held by national authorities, including information on products and activities that have or are likely to have a significant impact on the environment, and information protection measures."²⁸

Right to Information in different Countries

A number of countries around the world have adopted or are in the process of adopting Freedom of Information Laws. Forty countries now have laws that require the disclosure of Government records. Many countries have recently provided for the right to freedom of information in their Constitutions. In other countries, the courts have found an implicit right to freedom of information as an element of freedom of speech²⁹.

Sweden

Sweden was the first country in the world which guaranteed the right to information in 1766. In Sweden access to Government documents is a right and non-access to Government documents is an exception. Sweden's long experience with the principle of openness indicates that access to information changes the whole spirit in which public business is conducted. It brings a decline in public suspicion and distrust of officials and this in turn gives them a great feeling of confidence³⁰. The world's first freedom of Information Act was the Riksdag's (Swedish Parliament) Freedom of the Press Act, of 1766. The Act required that official documents should

²⁶ Resolution 44/228 of 20 December 1988

²⁷ Resolution 55/199 of 20 December 2000,

²⁸ UN Doc .a/Con (vol.3), paragraph 23.2.

²⁹ Argentina, Brazil, Bulgaria, Columbia, Estonia, Hungary, Lithuania, Moldova, Peru, Philippines, Poland, Russian Federation, South Africa, Sweden, Thailand and Ukraine are among the countries which have constitutional provisions for the freedom of information. Apart from them, Australia, Austria, Belgium, Belize, Canada, Czech Republic, Denmark, Finland, France, Greece, Hong Kong, Iceland, Ireland, Israel, Italy, Japan, Latvia, Netherland, New Zealand, Norway, Portugal, South Korea, Spain, USA and India are among the countries which have freedom of information legislation in their respective jurisdiction.

³⁰ Branscomb, Anne W. (ed.), *Towards a Law of Global Communications Networks, Longman*, New York and London (1986), p.4

“upon request immediately be made available to anyone making a request” at no charge. The Freedom of the Press Act, now part of the Constitution, decrees that “every Swedish citizen shall have free access to official documents.” Public authorities must respond immediately to requests for open documents³¹.

United Kingdom

The Freedom of Information Act was adopted in November 2000 and came into effect in January 2005.³² The Act gives any person a right of access to information held by over 100,000 public bodies³³. The bodies are required to respond within 20 working days³⁴. The time frame can be extended to allow for consideration of release on public-interest test grounds as long as it is within a time period that is deemed “reasonable in the circumstances.”³⁵ There are no fees for requests which cost less than £600 for central government bodies or £450 for local authorities except for copying and postage³⁶.

United States of America

In 1966 the United States Congress passed the Freedom of Information Act.³⁷ It had evolved after a decade of debate among agency officials, legislators and public interest group representatives. The Act was not, however, entirely novel. The Administrative Procedure Act of 1964 had included a public disclosure section. In 1974 significant amendments to the Freedom of Information Act were made³⁸ and the Privacy Act was passed. It has been again amended substantially in 1996 by the Electronic Freedom of Information Act.³⁹ The law allows any person or organization, regardless of citizenship or country of origin, to ask for records held by the federal Government agencies. The Agencies include executive and military departments, government corporations and other entities which perform government functions except for Congress, the courts or the President’s immediate staff at the White House, including the National Security Council. Government agencies must respond in 20 working days.

Canada

In Canada, legislation giving a general right of access to government held-information originated in the provinces. In 1977 Nova Scotia became the first Canadian State to pass such legislation, followed by New Brunswick in 1978, Newfoundland in 1981 and Quebec in 1982.⁴⁰ The Federal legislation giving a general right of access to government-held information was passed in June 1982 and was called the Access to Information Act, it was enacted alongwith the

³¹ Art. 1, Chapter II of the Act of 1976.

³² Freedom of Information Act, 2000. <http://www.cfoi.org.uk/foiact2000.html>. See Campaign for Freedom of Information, Briefings on FOI. <http://www.cfoi.org.uk/briefingpack.html>

³³ Sec.1 Freedom of Information Act, 2000.

³⁴ Sec.10 Freedom of Information Act, 2000.

³⁵ Sec.8 Freedom of Information Act, 2000.

³⁶ Sec.9 Freedom of Information Act, 2000.

³⁷ 5 USC 1002 (1964) (amended in 1966 and now codified at 5 USC 552). The Act took effect on July 4, 1967.

³⁸ The 1974 amendment considerably narrowed the overall scope of the Act’s law enforcement and national security exemptions. It also broadened many of the act’s procedural provisions, including fees, time limits segregability and in camera inspection by the courts.

³⁹ Electronic Freedom of Information Act Amendments of 1996. http://www.epic.org/open_gov/efoia.html

⁴⁰ The original Nova Scotia Act: *Attorney-General v Davidson* [1994] 3 N.Z.L.R. 143, CA. Protection of Privacy Act 1993 (Nova Scotia); Right to Information Act 1978 (New Brunswick); Freedom of Information Act 1990 (Newfoundland); An act respecting Access to documents held by public bodies and the protection of personal information 1982 (Quebec).

Privacy Act,⁴¹ and both the Acts came into force on July 1, 1983. All of the remaining provincial and territorial jurisdictions subsequently introduced similar legislation.⁴² Since its enactment, the Access to Information Act has been amended on three occasions, all of which have been of relatively minor significance.⁴³ The 1983 Access to Information Act provides Canadian citizens and other individuals and corporations in Canada the right to apply for and obtain copies of records held by government institutions

Australia

In 1982 the Federal Parliament of Australia passed the Freedom of Information Act 1982.⁴⁴ It was the first such piece of legislation in a Westminster system of government. The origin of the Act lay in a report of an inter-departmental committee tabled in the Federal Parliament in November 1976. The first Bill was introduced into the Senate by the Attorney –General in June 1978. That was referred to various committees and inquiries before taking its final form. Since its enactment, the Act has been significantly amended on three occasions, with numerous smaller amendments.⁴⁵

The Freedom of Information Act 1982 gives every person⁴⁶ a legally enforceable⁴⁷ right to obtain access in accordance with the Act to a document of an agency and to an official document, of a Minister, other than an exempt document. The right of access does not extend to documents that are publicly available independently of the Act⁴⁸ or to certain library, archive or museum collections. An applicant is not required to demonstrate a need to know in order to exercise the general right of access. The Act provides for publication schemes and requires agencies to advise and assist those seeking to use its provisions.⁴⁹

⁴¹ The purpose of the Private Act is, broadly speaking, to protect the privacy of individuals with respect to personal information about themselves held by a government institution and to provide individuals with a right of access to that information: *Dagg v Canada* (Minister of Finance) [1997] S.C.J. 63 at para.61;

⁴² Freedom of Information Act 1998 (Manitoba); Freedom of Information and Protection of Privacy Act 1992 (Saskatchewan); Freedom of information and Protection of Privacy Act 1988 (Ontario); Freedom of Information and protection of privacy Act 1996 (British Columbia); Freedom of Information and protection of Privacy Act 1994 (Alberta); Freedom of Information and protection of privacy Act 2001 (Prince Edward Island); Access to Information and protection of Privacy Act 1996 (Yukon Territory).

⁴³ In 1992, the Act was amended to deal with the provision of records in alternate formats to individuals with sensory disabilities. In 1999, it was amended to make it a criminal offence to intentionally obstruct the right of access by destroying, altering, hiding or falsifying a record. Or directing anyone else to do so. In 2001, it was amended by the Anti-terrorism Act which provides that a certificate by the Attorney General prohibiting the disclosure of information for the purpose of protecting national defense or national security will override the provisions of the Access to information Act.

⁴⁴ Since then each of the six states and one of the two internal territories has passed similar legislation: Freedom of Information Act 1982 (Vic); *Freedom of Information Act 1989* (ACT); *Freedom of Information Act 1989* (NSW); Freedom of Information Act 1991 (SA); *Freedom of Information Act 1991* (TAS); *Freedom of Information Act 1992* (QID); *Freedom of Information Act 1992* (WA).

⁴⁵ By the Freedom of Information Amendment Act 1983, *The Freedom of Information Laws Amendment Act 1986* and the Freedom of Information Amendment Act 1991.

⁴⁶ This has been held to extend to a foreign corporation: *Re Lordsvale Finance Ltd. and Development of the Treasury* (1985) 3 A.A.R. 301, AAT. And to convicted felons: *Re Ward and Secretary, Department of Industry and Commerce* (1983) 8 A.L.D. 324. But in Victoria, not to a severely mentally retarded person: *Wallace v Health Commission of Victoria* [1985] V.R. 403.

⁴⁷ Freedom of Information Act 1982, S.18. It has been suggested that this does not enable an “unconscientious” use of the statute, e.g. to ask an agency for documents that would help the applicant in proceedings in an action against the Agency: *Johnson Tiles Pty v Esso Australia Ltd.* [2000] E.C.A. 495.

⁴⁸ Sec.12(1)1, Freedom of Information Act 1982,

⁴⁹ Sec.15(3)-(4) Freedom of Information Act 1982,

Africa

In The Republic of South Africa, Article 32 of its Constitution, formulated in 1996, and established a legal right to Information. It says: “Everyone has the right to access: (a) any information held by the state; and (b) any information that is held by another person and that is required for the exercise or protection of any rights”. Apart from that, The Promotion on Access to Information Act (PAIA) was passed in February 2000 and was put into force in March 2001. It implements the constitutional right of access and is intended to foster a culture of transparency and accountability in public and Government bodies by giving effect to the right of access to information and actively promote a society in which the people of South Africa have effective access to information to enable them to fully exercise and protect all of their rights, Under the Act, any person can demand records from government bodies without showing a reason, The Promotion on Access to Information Act also includes a unique provision⁵⁰ unlike many other countries that allow individuals and government bodies to access records held by private bodies when the record is "necessary for the exercise or protection of any rights."⁵¹

India

India is a Democratic country, therefore free flow of information is a must, because it helps the society to grow and flourish and also ensures people’s participation in decision making, transparency and accountability in governance. One of the major objectives of the Indian Constitution according to the Preamble is to secure liberty of thought and expression to the citizens of India which is incorporated in the Fundamental Right of the freedom of Speech and Expression under Article 19(1) (a) of the Constitution. The Right to freedom of Speech and Expression means the freedom to communicate one’s ideas, opinion, views or feelings through any medium. However the fundamental Right to Speech and Expression can never be exercised until and unless the information regarding public matters is being circulated freely. The importance of this right is being time and again emphasized by various judicial pronouncements from time to time.

In *S. P. Gupta vs Union of India*⁵², Bhagwati, J. has observed that *"The concept of an open government is the direct emanation from the right to know which seems to be implicit in the right of free speech and expression guaranteed under Article 19(1)(a). Therefore, disclosure of information in regard to the functioning of the Government must be the rule and secrecy an exception"*

In *State of U.P. vs Raj Narain*⁵³, it was observed by Mathew, J. that: *'The right to know', "which is derived from the concept of freedom of speech, though not absolute is a factor which should make one wary, when secrecy is claimed for transactions which can, at any rate, have no repercussion on public security"*.

The Right to information is inherent in the Right to live as enshrined in Art. 21 and freedom to speech and expression as guaranteed under Article 19(1)(a) of our Constitution. For the first time the Supreme Court recognized the Right to information as a part of the right to live under Article 21 of the constitution. In *Reliance Petrochemicals Ltd. V. Proprietors of Indian Express Newspapers Bombay Pvt. Ltd*⁵⁴, the Supreme Court observed that: *"The first public interest involved is that of freedom of discussion in democratic society. People cannot adequately*

⁵⁰ Sec 5 of Promotion on Access to Information Act (PAIA) 2000.

⁵¹ Bhabesh Das, Rajiv K. Bhattacharva, *'The Rights and Wrongs of Right to Information'*, Cangchil Publishers, 1st January 2007, p. 88

⁵² 1981 Suppl. SCC 87

⁵³ (1975) 4 SCC 428

⁵⁴ 1989 AIR 190, 1988 SCR Supl. (3) 212 atp.234.

influence the decisions which affect their lives unless they can be adequately informed on facts and arguments relevant to the decisions. Much of such fact-finding and argumentation necessarily has to be conducted vicariously, the public press being a principal instrument “

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 the person. Without access to relevant information, it is 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 aspirations⁵⁵. There was an imperative need for a legislation on Right to Information because, information can empower poor communities to battle the circumstances in which they find themselves and help balance the unequal power dynamics and unequal distribution of resources that exist between various kinds of marginalized people and their governments. This transparent approach to working helps poor communities to be visible on the political map so that their interests can be realized. The right to information is therefore central to the achievement of the Millennium Development goals⁵⁶.

Right to Information Act of 2005

The Right to Information Act which came into effect in October 2005 cover Governments on all levels, Central, State or local along with all bodies owned, controlled or substantially financed, including Non-Governmental Organizations (NGO) directly or indirectly financed by Appropriate Governments. This revolutionary enactment aims to ensure transparency and accountability in the working of every public authority, the right of any citizen of India to request access to information and the corresponding duty of the Government to meet the request, the duty of the Government to pro-actively make available key information to all, citizens, Non Governmental Organizations (NGO) and media. Though, there are certain items that would be exempt from disclosure, e.g. sensitive information, access to which could prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interests of the State relation with foreign States or lead to incitement of an offence, etc.

The Act has helped a great deal in the growth of the society and the nation. A number of queries relating to the Right to Information has revealed and are in the process to reveal a number of truths which are otherwise not possible to be communicated to the people in the routine course of things

Conclusions and Suggestions

The Right to information has paved the way to a new era yet, enacting legislation is not enough. Law in itself is not a solution; rather it is an instrument that helps to achieve the goal of justice. Further, law may not be perfect, and its implementation may face many difficulties and opposition. Ground realities and experiences reveal that problems exist in the implementation of the Right to information laws. For the effective implementation of these laws there is need to shift from the prevailing scenario of secrecy to a new scenario of openness, from personalized

⁵⁵ M.M. Ansari (Information Commissioner) Impact of Right to Information on Development: *A Perspective on India's Recent Experiences (An invited lecture delivered at UNESCO Headquarters, Paris, France, on May 15, 2008)*, Central Information Commission New Delhi. p. 4.

⁵⁶ R.P. Sood, *Right to Information* 'Sublime Publications, Jaipur, 2008, p.2.

despotism to authority coupled with accountability and from unilateral decision-making to participative governance.

With the enactment of the Right to Information laws, the world has moved from being an opaque and secretive system of Government to the beginning of an era where there will be greater transparency and accountability to a system where the citizen will be empowered and will become the true center of power. Only by empowering the ordinary citizen can any nation progress. The Right to Information law has raised high expectations among all sections of society as an instrument for improving the system of governance and being a 'weapon of mass empowerment'. There is a need to articulate these laws in terms of a complex web of rights. Active and participatory citizens would be able to make full use of this instrument being given to them. It is a welcome step in the right direction. Windows have been thrown open once and for all. The Fragrance is bound to spread slowly but surely. But the stink of secrecy and misuse of power should not be too strong as to absorb the fragrance of Right to Information and transparency.