



Historical Background of Right to Information Act,2005

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Introduction:-

Mahatma Gandhi said "Swaraj will not be realized by giving power to a few people, but only when all the people have the power to oppose the abuse of power will real Swaraj be realized."

.A tradition of secrecy

Indian administration has a tradition of secrecy. The British Government Secrets Act, 1923 is an important link in the secretive administrative tradition. The Government Secrets Act is a law that mainly restricts the disclosure of information related to important sites in the defense system and national security. But the Act applies to all information that is not related to the security of the country or an individual. This assumption was made by almost all. The Act also extended to information the disclosure of which would not endanger the public interest. All kinds of information related to democratic governance and welfare remained under the veil of secrecy and even after the independence of India, the colonial framework of administration started by the British and the mentality of secrecy continued in most areas. Indian Evidence Act, 1872. The confusion surrounding the administration of the Central Civil Services (Conduct) Rules, 1964 and the complexity of regulations in such laws continued. This created a gap between theory and practice regarding democracy. Even after the implementation of symbolic democracy, corrupt public life, apathetic and helpless citizens, lack of economic, social and moral freedom and political freedom which seems to be meaningless have

been discussed since time immemorial. Everyone now knows that breaking through this culture of secrecy and continuing that flow of information is essential to democratic governance. That is why the Right to Information Act 2005 was passed. On the basis of which public can monitor the administration. This is the only such law. Right to information has been recognized as a fundamental right in the Constitution like food, clothing and shelter. In keeping with the culture of privacy, the equation of providing information as the rule and avoiding it as the exception has been adopted in legislation. Reformist in nature, this work will definitely bring about a change in the inactive and dormant administration.

Right to Information has ushered in a new era of information democracy. This is also known as the 'second freedom' towards sovereignty. Right to information is a fundamental right. A primer on the history of the law is essential. If we want to understand the true meaning of this law

Keywords:- Right to Information (RTI), Human Rights, Constitution, United Nations, Democracy

Law of Information and Freedom of Expression

The struggling and exciting period of acquisition is over and the challenging period of implementing the law and its practical obstacles has begun. In this background, it is necessary to trace the history of RTI Act. If we want to understand the true meaning of this law, firstly we will realize how meaningful and insightful the following statements of Mahatma Gandhi in relation to the consumer are in relation to the citizens.

Through the eyes of Mahatma Gandhiji Citizens are not for us, we are for them. Citizens are not an interruption in our work. Citizens who come to us are very valuable. Citizens are not strangers, they are truly our pillars. We are not doing them a favor by providing them with information and welfare services, but they are doing us all a duty by giving them the opportunity to serve. Right to Information has given a new meaning to the terms transparency, accountability and public participation. The Right to Information Act adopts Gandhiji's concept

of 'trustee'. According to this concept, the rulers are not the owners of the information in the public institutions but only the trustees.

Countries that implemented Right to Information Act till 1990

Sr.No.	Country	Year
1.	Sweden	1776
2.	Colombia	1888
3.	Finland	1951
4.	America	1966
5.	Denmark, Norway	1970
6.	France	1978
7.	New Zealand	1982
8.	Australia	1982
9.	Canada	1983
10.	Greece	1986
11.	Austria	1987
12.	Italy	1990

History Background and International context about right of information act

It was after 1990 that the process of enactment of RTI Act really gained momentum. Global financial institutions like the World Bank, International Monetary Fund, as a strategic step, have placed the condition before the developing countries to make the government sector more transparent to make the government sector free from corruption. By 1990, only 13 countries in the world had, America had implemented such a law at the national level. After that, many countries including Japan and South Korea implemented this law in Asia. As a result, today more than 90 countries have adopted the Right to Information Act. Nineties is considered the decade of information explosion. During this period, it became increasingly clear and universally accepted that information flows must be open for a deep democracy of international policies throughout the world in this decade.

As a positive result the RTI process became more dynamic. The Right to Information Act has been recognized as a fundamental human right rather than merely an Act to improve governance. In South Africa, along with the government sector, efforts are underway to bring the private sector under the framework of this law. These are the most important events in recent times in terms of democratic development.

International History of Right of Information Act

Looking at the international history of right to information, it is noticed that an important principle accepted all over the world is that the information held by the government and all government institutions is of public nature. Citizens have the right to ask for and see it and it can be withheld only for justifiable reasons. Sweden seems to be leading the way in adopting this right. The right to information was first recognized in Sweden in 1766 with the Freedom of the Press Act. The United Nations has played a strategic role at the international level in relation to this law. The Universal Declaration of Human Rights was announced in the first session of the General Assembly (1948). The resolution adopted this time explained that "freedom of citizens to access information is a fundamental human right and is a cornerstone of civil liberties recognized by the United Nations."

Global Campaign for Open Expression -**UN General Assembly Universal Declaration of Human Rights (1948)**

Article 19 - Everyone has the freedom to form and express his own opinions. This freedom means to form opinions, to seek, receive and impart information and to exchange information and ideas without coercion, through any medium and without any limitation or interference. After Sweden, Denmark, Finland and Norway passed laws providing right to information. These Scandinavian countries are characterized by strong democracy, transparent governance and very low levels of corruption due to their embrace of the right to information.

According to the International Covenant on Civil and Political Rights of 16 December 1966, citizens' freedom of both opinion and expression includes the freedom to seek, receive and impart information through any means they choose. Also, in this agreement certain duties and responsibilities have been determined for those exercising the right to information. UNESCO issued a declaration in 1978 and according to which freedom of expression and right to information was considered as an integral part of fundamental human rights and right to fundamental freedom. Without the right to information, the very idea of freedom of expression was considered inadequate. The United Nations has played an

important role in providing a theoretical framework for the right to information against corruption.

National context and Historical Journey of Right of Information Act.

A series of judgments of Indian courts come before us when examining the origin of Right to Information in the country. Article 19 (1) (c) of the Constitution provides for freedom of speech and expression. The Supreme Court and various High Courts perform the very important task of interpreting the provisions of the Constitution and the provisions of various laws. When the fundamental rights are given in the constitution, many rights are included in it. However, they apparently do not understand. The Supreme and High Courts in various judgments have clarified that right to information is included in the freedom of speech and expression in Article 19(1) (c) and therefore right to information is a fundamental right. Apart from this, while interpreting the freedom of life in Article 21 of the Constitution, the Indian Courts in many important judgments have expanded the fundamental rights and clarified that the right to information is included in the fundamental rights. Therefore, in the history of the right to information law, the judiciary has played the most important role in protecting the fundamental right of the citizens. Some important judgments

Freedom of speech and expression i.e. the constitutional right to information is enshrined in Article 19(1) (c) of the Constitution by raising the question that how will citizens express their views and participate in the democratic process through voting if they do not get information about government affairs has been clarified in many judgments.

Important Judgments in the History of Right to Information Act, 2005

Sr.No.		
1.	Bennett Coleman v. Union of India	AIR 1973 SC60
2.	Uttar Pradesh v. Raj Narayan and others	AIR 1975 SC 428
3.	Maneka Gandhi Vs Union of India	AIR 1978 SC 597
4.	Union of India v. Motion Pictures Association	AIR 1999 SC 150
5.	Peoples Union for Civil Liberty v. Union of India	AIR 2004 SC 476

Historical Movement for Drafting of Right of Information Act

In the 2004 general elections, the United Progressive Alliance (UPA) started the process without considering the Act by including the Right to Information Act in its Minimum Equal Programme. As a result, after the UPA came to power, the Central Government replaced the Freedom of Information Act, 2000 with the Right to Information Bill, which was amended and passed. After receiving the assent of the President on 15 June 2005, some of its provisions came into force immediately and some provisions after 120 days i.e. from 12 October 2005 and implementation of the Act (with the exception of the State of Jammu and Kashmir) began. After receiving the assent of the President on 15 June 2005, some of its provisions came into force immediately and some provisions after 120 days i.e. from 12 October 2005 and implementation of the Act (with the exception of the State of Jammu and Kashmir) began.

Right to Information Act, 2005: Parliamentary Travel

Sr.No.	Discription	Date
1.	Right to Information Bill introduced in Lok Sabha.	23/12/2004
2.	Right to Information Act, 2005 passed by Lok Sabha.	11/05/2005
3.	The Act requires the assent of the President and certain provisions of the Act apply in part.	15/06/2005
4.	The Right to Information Act, 2005 published in the Union Gazette	21/06/2005
5.	The Act applies to the entire country except Jammu and Kashmir.	12/10/2005

After the Central Act came into force in 2005, the State Acts were abolished.

Conclusion :-

Overall, although the RTI movement gained momentum in the 1990s, this momentum did not come suddenly. International policies of influential financial institutions, various court decisions at the national level, active study groups and movements have played an important role behind this dynamic. The Act suggests a viable framework for citizens to exercise their constitutional right to information. Now efforts are being made to find a way out by taking lessons from the practical difficulties and international experiences in the implementation of

this law. This historical background of the Act can be a guide to understand the Information Act in detail.

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9. Union of India v. Motion Pictures Association AIR 1999 SC 150
10. Uttar Pradesh v. Raj Narayan and others AIR 1975 SC 428