ABSTRACT

We live in an age of information, in which the free flow of information and ideas determiners the pace of development and well-being of the people. The implementation of Right to Information Act is therefore an important milestone in our quest for building an enlightened and at the same time a prosperous society. Therefore, the exercise of the Rights to Information cannot be the privilege of only a few.¹ Dr. Manmohan Singh.

KEYWORDS
Rights, Information Basic Human Rights, Role of Judiciary.

INTRODUCTION

The second half of the twentieth century has noticed a manifold increase in the activities of the state. The state got active to serve its citizens earlier, the character of the state was to defend its citizens and maintain law and order in the society. But in the era of democratic and welfare constitution, the traditional function of the police state were considered insufficient. The function of the modern state is to serve its citizens and to provide them social security. Therefore, the functions of the state extended to services like education, health, employment, banking, insurance, pension, etc. This has increased the liability of the state towards its people and thereafter the state has adopted the intensive form of government. Therefore, the role of the government has increased both quantitatively and qualitatively.² The government has become a medium of social change. For a welfare state, this change in the role of government is insufficient unless it is accompanied by declaration of certain fundamental rights. Almost all the countries have provided required fundamental rights to its citizens through the law of the land, i.e. constitution. These fundamental rights are basically the human rights. Human rights are the rights inherent in human being by his very birth in the human community. These rights are necessary for full development of the personality of a human being. Fundamental rights can be denied to the citizens by amending the constitution, but this cannot be done in the case of human rights.

Human rights can be studied as rights of first dimension, i.e. civil and political rights like right to liberty and security of person, right to freedom of peaceful assembly, etc.; then rights of second dimension, i.e. right to work, right social security, right to adequate food, clothing and housing, social and cultural rights; and lastly the rights of third dimension, i.e. solidarity rights like right to peace, right to healthy environment, right to participate in common heritage of mankind, rights to development.

By analysing these rights, one could come to the conclusion that enjoyment of these rights would be complete only if the information regarding the various aspects of these rights is available freely. The right to information is one of the most precious fundamental human rights. Lack of information denies people the opportunity to develop their potential to the fullest and realise the full range of their human rights. Individual personality, political and social identity and economic capability are all shaped by the information that is available to each person and society at large. Right to information means “The rights of citizens to receive information regarding the working of the government and have access to the information contained in government files, records and documents held by public authorities.” People who have access to information and who understand how to make use of the acquired information in the processes of exercising their political, economic and legal rights become empowered, which in turn enable them to build their strengths and assets so as to improve the quality of life.³

Evolution of Right to Information as a Human Right

In the post world war II period, it has been increasingly realised that with the expansion of the government activities the excesses of the government are disturbing the equality clause between the citizens and the government, thereby making the government strong. In the exercise of its power, it is possible that it may restrict the written rights of the citizens also. Therefore, right to information was given the status of human right, so as to provide a word of caution to the government regarding the importance of this right. Right to information as a right in India, though received recognition very late, but it was recognized at international level as a fundamental human right during human rights movement in late 1940s. Therefore, the world has moved toward the universalisation of right to freedom of expression. The right was recognized by United Nations at its very inception in 1946.⁴ when the general assembly resolved “Freedom of information is a fundamental human rights and the touchstone for all freedom to which the United Nations is consecrated.”

Similarly, article 19 of the universal declaration of human rights, 1948.⁵ provides that “Everyone has the right to freedom of opinion and expression. This right includes freedom to hold opinions without interference and to seek receive and impact information and ideas through any media and regardless of frontiers.


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Role of Judiciary in Evolution of Rights to Information in India

In India, the right to information was not provided along with the fundamental right. Probably, the reason was the desire of the government to maintain secrecy regarding its working. But this gives a view of closed government as contrary to that of the welfare government. If government is acting for the welfare of the citizens, then what is the need to keep secrets from them even being signatory to universal declaration of human rights and international covenant on civil and political rights. Right to information was not given the colour and status of fundamental right. However, the active judiciary played a significant role in the development of the right to information as a right. The Supreme Court has in various judgments held that the right to information is a part of the fundamental right to freedom of speech and expression under article 19 (1) of the constitution, since the right can not be properly exercised if the people did not have the right to information. The clearest enunciation of the fundamental right to information was seen in the Supreme Court ruling in the state of UP. Raj Narain, in which justice RK Mathew said. In a government of responsibility like ours, where all the agents of the public must be responsible for their conduct there can be but few secrets. The people of this country have a right to know every public act, everything that is done in a public way by their public functionaries. They are entitled to know the particulars of every public transaction in all its bearing. 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... They (The public) are entitled to know the particulars of every public transaction in all its bearing. The right to know which is 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. To cover with veil of secrecy, the common routine business is not in the interest of the public. Such secrecy can seldom be legitimately desired. It is generally desired for the purpose of parties and politics or personal self-interest or bureaucratic routine. The responsibility of officials to explain or to justify their acts is the chief safeguard against oppression and corruption. With the passage of The Right to Information Act 2005, this right to information has become a living reality.

Rights to Information makes the Human Rights more meaningful

One of the important human rights is the rights of the individual to take part in the government of his country, directly or indirectly or through freely chosen representatives. A healthy democracy demands an intelligent exercise of the right to vote. This would be possible only when citizens have full knowledge regarding the working of government and the functioning of their representatives. A healthy democracy and intelligent exercise of the rights to vote. This would be possible only when citizen have full knowledge regarding the working of government and the functioning of their representatives. In Union of India vs Association for Democratic Reforms, judgment, the apex court held that the right of voters to know the antecedents including the criminal past of the candidate contesting elections for MP’s and MLA’s is much more fundamental and basic for survival of democracy. The disclosure of information relating to use of funds allocated to poverty alleviation schemes, member of legislative assembly/member of parliament local area funds, details of performance of elected leaders have contributed to advocacy in the election campaign to highlight the roles of political leaders in fulfilling their obligations. The citizens are thus better informed about the performance and contributions of the elected representatives, which augurs well for a healthy democracy and democratic governance of projects. Ratnaji, a blind man of Rangaru village in Rajkot was laughed at for being blind at the village panchayat meeting when he had wanted to know the progress of development works. They told him, “You are blind and burden on the village, stay home and village will feed you.” He used right to information to obtain from the district office information that exposed the corruption in village works. The documents showed that many works registered as completed were actually never taken up and remain incomplete. Ratnaji’s right to information application had turned the one man battle into a mass movement in the village.

Everyone has right to work, to a standard of living adequate for the health and the well-being of himself and of his family including food, clothing, housing and medical care and necessary social services and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control. Right to reasonable limitation of work hours and periodic holiday with pay. A 70-year-old Kaniram got his entitlements of food grain under Public Distribution System (PDS) that was denied to him for one year. Krishna Devi got her passport extended. Nannu got him duplicate ration card, Ashok Gupta got the new electricity connected, Prem Sharam obtained new passport and Triveni her PDS entitlements. Krishak Mukti Sangram Samiti in Assam used right to information to expose diversion of food grain from PDS allotted to the poor. Women in a small village, Banakhandi, in West Bengal filed more than 100 right to information applications to force administration to start work on supply of drinking water. Using the tool of right to information, the citizens have sought for details of primary health services. The disclosure of such details as stock of medicines and its distribution, procedure for procurement of medicines, attendance of medical staff and number of patients treated, etc., has resulted in better management of primary health centres.

Environment seems to be the main beneficiary environmental activist Divya Raghunandan fought for more than 20 months for toxicity, allergenicity data that determine the safety of Genetically Modified Organisms Genetically Engineered (GE) rice, GE mustard, GE okra and GE brinjal from MNCs obsessed with secrecy she was even asked to personally inspect documents in the presence of a representative. After CIC had decided in favour of disclosure, the company dragged CIC to the courts. However, the supreme court interfered and ordered disclosure of the safety data. Finally, the Genetic Engineering Approval Committee (GEAC) has published voluminous data on biosafety studies of GE brinjal on its website.

When Rohit Prajapati filed a right to information application asking the Gujarat state government details about internal complaints committees to deal with cases of sexual
harassment at workplace in its departments as directed by the supreme court in Vishakha and others vs state of Rajasthan and others (1997), the officials in many departments woke up and formed the committees. A 15-year-old rape victim in Umarpada in Gujarat used right to information to force police to lodge an FIR and take action against the accused.

Intellectuals led by SEZ Virodhi Manch and Goa Bachao Abhiyan in Goa sensibly used right to information and obtained crucial documents to launch a successful battle against Special Economic Zones (SEZs), while people lost their lives fighting a similar battle in other states. In the first incident of a reversal of a central policy, eight SEZ proposals in Goa were scrapped by the inter-ministerial Board of Approvals in February this year. These are only few examples where right to information has done wonders. If the exercise of this right continues then time is not far when Indian citizen would be able to enjoy every human right to its fullest extent.

CONCLUSION
Right to information is a fundamental human right and a prerequisite for the realization of other human rights: economic social and cultural rights such as right to water, right to adequate food, right to highest attainable standard of health, right to education and right to an adequate standard of living and civil and political rights, such as the right to life and liberty, freedom of expression and equality before the law. Without access to relevant information, it was 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 aspiration. Right to information has become a friend in need. Making life easier and honourable for common people.

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