

Historical Background of Right to Information Act

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Abstract: After studying the background of the Right to Information Act, it becomes clear that it was originated in Sweden as a sapling which has been spread across various countries like a large tree. The use of the Right to Information Act is made for the protection of people's fundamental rights. Due to the Right to Information Act, the people have the feeling that they are living in a democratic country. The knowledge is obtained from the information; the wealth is also created through knowledge. Such is the significance of the Right to Information Act for the people. This research paper focuses that along with Sweden, other countries like America, England, France, Australia, Canada as well as India accepted and passed the Right to Information Act. *MazdoorKisan Shakti Sangathan* from Rajasthan played the vital role in the creation of the Right to Information Act in India. Along with it, various political and non-governmental bodies or organizations and social workers have helped to create the background for this act and ultimately the act was passed in various states in India. But there was no uniformity among all these laws passed by various state governments. Therefore the central governments created a unified Right to Information Act for the entire country on 12th October, 2005. So, the right to information is another freedom for the people of India. Therefore that day has very much significance in the history of the Right to Information Act.

Index Terms - Fundamental Rights, Freedom, Government, Non-Governmental Organizations, Citizen, Fraternity, Constitutional Solutions, Constitutional History, Participatory Democracy, Sovereignty, Campaign

Introduction:

It is seen that Indian administration has got the ancient heritage. It can be guessed how the administration was in the Indus Valley civilization. There are no written evidences for it. But it is found that the empires of Mohenjo- Daro and Harappa cities. There were the institutions like Municipal Corporation to run the administration of the cities for the well- planned roads, drainage, administrative setup, etc. Therefore, according to the previous research, it is observed that there was good quality administration in the ancient time. Later on there was the step by step development in the administration. This development was in the form of the ancient, medieval and modern administration.

Many countries accepted the democracy in the 20th century. India got independence in 1947 and the parliamentary democracy was started. India accepted the democratic governance from the British. The British were ruling over India before independence. Therefore the influence of the British can be seen on the Indian administration. In the democracy, the public is considered the supreme force. The participation of the people in the governance is very crucial. According to them, the democracy means the government of the people, by the people, for the people, as defined by Abraham Lincoln.

The Indian administration has the tradition of secrecy. The Official Secrets Act of 1923 during the British rule is an important link in this tradition. The Government Official Secrets Act mainly restricts the information regarding the defense sector and the information related to the security of the nation. Such act may not be useful in democracy. It is necessary for the people to know about the governance of the government. In order to strengthen the democracy, the information must reach to every person of the society. Therefore there was acute need of the Right to Information. This need caused the Right to Information Act to exist. As per this act, it was mandatory for the government and other institutions or organizations to provide proper information to the people. This act gave right for the people to get information from various offices and get involved in the process of governance. It helped in maintaining transparency in the government and administrative work as well as strengthened the democracy.

The Right to Information Act has brought about a new era in the democracy. It is also called the second independence marching towards good governance. The Right to Information Act is a constitutional fundamental right which is called the right to live life.

The right to information or the freedom of information is an effective medium of social, economic and political transformation. In order to implement and use this right effectively, administrative offices, employees, scholars, common people, etc. should take initiatives and look at it positively. Therefore, it becomes essential to study the Right to Information Act deeply.

The Right to Information is the right to get the mutual trust and respect between the government and the people. It is the right for everyone to reach up to the information. It includes getting the information from any government and administrative authority or offices, their observations, and documents and certified copies, etc.

Global Background of Right to Information Act:

In ancient time, Greece has given the feedback that to get information and give information to other ignorant and unknown people is the right of the people. In Greece, the government decision was conveyed orally and publicly or through the public reading of the content on silk letter.

When the human being realized his /her rights, he/she started getting them by various ways. Socrates has sacrificed his life for people's freedom of expression. There is a clear reference to the right to information in Plato's 'The Republic'. Plato was a disciple of Socrates. In the 17th century, Hobbes and John Locke have expounded the Right to Life and Right to Private Property as the Nature Proven Rights. T.H. Green, while speaking about the rights, says that the rights of the human being have been produced from his moral qualities, not from the divine law. According to Machiavelli, people get the public opinion for their rights. The human being must have the rights because Rousseau has said that human being is naturally independent. Karl Marx has also written many articles in favor of the freedom of the press. Lenin had also declared in Soviet Constitution that the workers have their own rights. In the modern time, the Right to Information has developed through the human history. It includes Magna

Carta of 1915 in England, Petition of Rights (1627), Bill of Rights (1689), Declaration of American Independence (1776), and the French Revolution (1789). These points are discussed as given below:

Magna Carta (1915):

There was Ajo dynasty in England from 1154 to 1327. Henry II, John, Henry III, Edward III, Richard II were the Kings who ruled during Ajo dynasty. This reign was helpful for the growth and development of constitution and human rights. Magna Carta was a treaty for peace between the king of Britain and his people. It consists of the written code of conduct for the king and his people and their relations. The provisions for religious institutions, tax judgment for feudal system, cities and trade are made in it. The attempts have been made to give all the rights to the people regarding above mentioned points.

Petition of Rights (1627):

The parliament decided to send an application requesting to assure the people about retaining their rights. It was going to be the judicial sheet after the approval of the state. The House of Commons thought that all the judgments will be given by the court. Finally, the king approved the application sent by the parliament. The common people also got some important rights after the approval of the Petition of Rights. As a result, there were some restrictions on power and the common people could enjoy the freedom. While speaking about the importance of Petition of Rights, G.B. Adams, in his book entitled 'Constitutional History of England', said that Petition of Rights means the first step towards the transfer of sovereign power from the King to the parliament.

Bill of Rights (1689):

After the death of Charles II in 1689, his brother James II has come to power. The people of England were dissatisfied due to the uncontrolled ruling of James II. James II had got a son. Therefore the parliament had feared that there will be dominance of Catholics in England. So the main leaders from the parliament and Whig Party had the secret meeting in order to discuss the plan. They invited James's son-in-law Williams and his daughter Mary to England. James's commander has also joined with his soldiers to Williams. When James came to know that there is nobody to support him he with his young son escaped to France. After James's escape, the parliament was formed, where the protest was raised against his illegal work. The care was taken to retain the rights of the people prevalent in old times. In order to clarify the rights of the people the Bill of Rights was prepared. This bill was approved by William and Mary in January 1689. In this way, the bloodless revolution took place and the people got their rights peacefully. The provisions of legislation, judiciary and the people's rights for freedom are made in this bill.

In Britain in 1989, Government Secrets Act, Clause 2 was amended and except some government sectors, the people were given the right to get information. Britain is the first country where the discussion on secrecy vs transparency was going on for long time. A committee, formed in 1969, has supported the transparency in the government. As per the recommendations of this committee, Wilson government had published a written clarification (*Shweta Patra*) in 1969. In 1970, the conservative party came into power in Britain. The party has thought to change the Clause 2 as mentioned in their declaration. Finally, on 13 November, 2000, Information Freedom Act, 2000 was presented in the British Parliament. In this way, the freedom of information was approved in Britain.

History of American Independence (1776):

The war was started between the colonists and the British. The Policy of the British became stiff. At the same time ambition of colonists for freedom was increasing more and more. In August, 1775, the king declared the colonies as the rebels. In December, 1775, the British Parliament banned trading with the colonies. In 1776, Thomas Paine appealed the colonies to declare their independence. Richard Henry Lee from Virginia presented the resolution for it on 7th June, 1776. In the resolution, he had said that American colonies are free and independent. It is their right to be independent. After the discussion on this resolution, a committee of 05 members was formed. The committee included Thomas Jefferson, John Adams, Benjamin Franklin, Rodger Sherman and Robert R. Livingston. Thomas Jefferson wrote the Declaration of American Independence. Later on many amendments were done in that after the discussion on the draft. Finally, on 4th July, 1776, the declaration was approved. The principles in the declaration are as discussed below:

"We held these truths to be self-evident that all men are created equal, that they are endowed by their creator with certain unalienable rights, that among these are Life, Liberty and the pursuit of happiness". When any ruler denies this truth, he violates the principles of the government. So, the people will be able to establish the new government on the basis of such principles which will ensure their protection and happiness.

This Declaration of American Independence was a warning for the freedom from the slavery. In this way, the American Colonies declared their independence. This declaration is considered historically important because it is motivational for freedom and principles of democracy.

The French Revolution (1789):

The French Revolution is one of the three important revolutions in the 18th century. In 1775, France had involved in the protest raised by the American Colonies against imperialist British people. There were political, social and economic conditions responsible for the revolution. This revolution ended the oppressive British rule in France. Not only this, but it caused a group transformation in the economic and social status of France. From 1789 to 1791, during the period of National Assembly, the French Revolution caused many changes in economic, social, religious, political and constitutional aspects of the people. Out of these, Human Rights Declaration is the most important. It can be discussed as follows:

1. The man is independent by birth. All people have equal rights. The only difference is approved by this code as per the rules of the society.
2. The goal of each and every political institution should be to protect the natural and indestructible human rights. They are freedom of thoughts, freedom of ethics, right to have property, etc.
3. The freedom means to behave freely without intervening in others' rights.
4. Every person will have the freedom of thought, expression, etc.
5. No person can be accused against the law. The person can't be arrested before enquiry.
6. Everyone has the Right to own property. Therefore such property can't be seized without carrying out the legal procedure. But for the people's benefit it can be acquired by giving proper compensation.
7. There is the reflection of people's hopes and ambitions in the laws. Therefore, the people got the right to get involved in the law-making process directly or through the representatives.
8. Though the nation is sovereign, the rights of the state are responsible for the people.

9. The people have the rights to control the economy of the country.
10. Any person or institution gets the power due to the sovereignty of the nation.

This declaration was the annihilation of the basic principles of the modern democracy. The principle of freedom, equality and fraternity are accepted as per this declaration. Accordingly, 'all people are independent by birth' had become the formula of the French Revolution. The revolution uncovered the fact that all men are equal because of the law. Nobody is superior by birth or due to his property. The restrictions on the labour class and farmers were removed by this revolution. The message given by this revolution is that the freedom is the fundamental right of the person, society and the country.

United Nations Organization's Human Rights Declaration:

The Human Rights Declaration was approved by the United Nations Organization in the general meeting held in 1948 after the end of the World War II. As per the Clause 19 in it, every man has the freedom of expression and right to vote. It includes the right of the man to make his own opinions without interference of any person. Despite the boundaries of the nation, every man has the right to get information, to accept and convey the ideas to other people by any medium. The covenant of Human, Civil and Political Rights was approved and accepted by the United Nations general meeting in 1976. In it, the 19th Clause and its provision of 1948 Declaration were reiterated. Along with it, the clarification was given that information can be given either by oral, written or printed medium.

According to the above discussed study of the revolution from the ancient and the middle age, it is clear that, man is the freedom loving creature. In order to maintain and enjoy the freedom, he has been aware of his rights. He has been doing hard work in order to get these rights. He shows his aggression when there is danger to his rights.

Today's world is known as the world of information and technology. The people have spread awareness about their rights. Sometimes, the government or institution gives rights to the people by one way but they take away these rights by other means. In such condition, people should know about the injustice in their lives. It is also needed to get information to protect their rights. The rulers try to rule according to their wish. By doing it they don't share anything with the people and do injustice to them. In such scenario, the rulers need to rule transparently, and in open and free atmosphere with the help of discussion. Therefore the efforts are taken to dethrone such ruler and by discussion to bring the rulers who are transparent and appropriate. In short, the form of functioning of the government should be understood by the people. They should get the right to participate in it and get necessary information and statistics.

In order to get benefit of their fundamental rights, people should get proper and enough information from the government. Out of this, the people felt the need of a law for protecting their right and getting information. People started to pressurize the government. As this pressure kept increasing, many countries in the world have bestowed the Right to Information to their people.

The information of Right to Information Act implemented in various countries is as follows:

The Status of Right to Information Act in various countries:

Several countries have made the provision regarding the Right to Information as per their constitution and laws. So, Right to Information Act can be understood as an international law. Out of total population of the world, more than 50% people live in democratic society. But there are less than 25% people from the countries where press freedom exists. In New York, a survey in 187 countries was undertaken by 'Freedom House Organization' headed by Charnisky. As per the survey, there is democracy in 117 countries. Out of these, 58 countries and the people living there don't have freedom of information and press freedom. These countries have the complete control over the press and media. The reporters, who demand information, are attacked. Therefore, the Right to Information is necessary in such countries, where press and media don't have freedom to have information.

The Right to Information is like a fundamental right. According to United Nations General Assembly in 1946, the first session resolution 59(1), the Right to Information is the fundamental right. It is the backbone of United Nations freedom. It is necessary to demand the Right to Information in the democratic government.

The United Nations Human Rights Commission considered the freedom of expression and established an office of special reporter in the UN. Mr. Abed Hussain was appointed as an officer to operate the office. Mr. Hussain was the former Indian Ambassador in America. The special reporter had drawn some important conclusion in his annual report in 1998. They include searching for the information, getting it and giving the same, as well as its collection is very important. A meeting of the Law Minister of the UN was organized in Barbados in 1980. It indicated that when the people will get the right to information, the democracy will be strengthened.

Sweden has passed the law of Right to Information for the first time in the world i.e. in 1776. Sweden was followed by many countries afterwards to pass the same law. The countries like Finland passed the law in 1951, Denmark and Norway in 1970, Austria in 1973, America in 1974, Canada in 1977, France, Netherland and Australia in 1978, Britain in 1989 and India in 2005.

1) Right to Information Act in Sweden:

Sweden is the first country in the world to pass the Right to Information Act. In other words, it can be said that it is the oldest country to implement this law. Therefore, it won't be an exaggeration to say that the Swedish Constitution has the oldest legacy of giving Right to Information to the people. Some important steps were taken in 1950 to make the law more transparent. In order to bring transparency in Freedom of Press Act, 1976, the common people were given freedom of information. By taking it as a model, many democratic countries have been imitating Sweden regarding this law and making the similar provision in their constitutions.

As per Section 13 of Swedish Constitution, it is accepted and approved that along with the freedom of expression, Swedish people have the right to take and give information. In section 13 of the Constitution, the limitations are mentioned on the Right to Information and Freedom of Expression. Accordingly security of the state, national economy, public security and management, personal integrity, sanctity of personal life, investigation of crimes should not be obstructed by the use of right to information and freedom of expression. In order to let the people enjoy the freedom of expression and information, Swedish government has passed the Freedom of Press Act. Along with this, Right to Privacy has also been passed. The Secrecy Act is also approved. By passing the Freedom of Press Act, Sweden has rejected the censorship. These four acts are mutually connected. If any act is amended, the necessary amendments are done in other three acts as well.

2) Right to Information in Germany(1949):

In Hitler's dictatorship, many restrictions were imposed on the writers, artists, scientists and their freedom of expression. The condition was made very hostile for them to live. They were helpless. They didn't have other option than the transmigration and seclusion from the society. By taking this into consideration, the provision of Freedom of Expression is made in the Section 5 of the Federal Republic of Germany approved in May, 1949. According to it, every person will have the freedom of expression through writing, speech, or painting pictures. All people have the right to get information through some general and open sources. Along with freedom of Press Act, it has been happening through audio or voice broadcasting and movies. It has been assured in the Section 5 of the German Constitution. It has been clearly mentioned that there will be no censorship in Germany. The freedom of art, science, teaching and research has also been approved.

3) Right to Information in Canada(1980-83):

This act was passed in order to allow people for the free entry to see the documents of the institutes which are under control of the Canadian government. The information possessed by the government should be made available for the people. This principle is accepted by the law. However, like other rights, the Right to Information can be used with some limitations. The decision on whether to disclose the government information to the people is reviewed separately. Along with the Right to Information, the Right to Privacy is also passed by the Constitution between 1980 and 1983.

The government record is defined by the Canadian laws. It includes government correspondence, book scheme, map drawing, graphs, photographs, films, microfilms, audio recording, video tapes, computers and any other form of record or its copy.

4) Right to Information in Australia(1982):

There was the effect of privacy in the Australian government for many years. With the cooperation of Labour Party in Australia, a committee was appointed in order to abolish the privacy and bring openness and transparency in the administration. By doing it, it was recommended that like America, there should be Right to Information in Australia also. Australian people have the right to take information from the government and give it to others. If any officer denies or delays the information, the person can re-appeal against that concerned officer to the Sub Lokpal. The act is passed for it.

The following points are not included in the Right to Information in Australia:

1. Trade, commerce and financial secrets.
2. Actions taken on meetings of the Union Cabinet.
3. Personal Reports etc.

Many problems occurred in 1982 regarding Right to Information in Australia. In order to solve these problems, Australian government re-passed the Right to Information Act in 1989.

5) Right to Information in Britain :

Instead of enacting the Right to Information Act in the Great Britain, the Official Secrets Act was passed and the stress was given on the time to time modification of the same. The Official Secrets Act was enacted impetuously in 1911. It was considered a criminal offense to disclose information of authentic documents in an unauthentic way. The law makers didn't find any need to know whether it is necessary to do such act for the public interest. Because of this law, there were limitations on the freedom of expression and the information regarding government functioning was being hidden. A committee was appointed to verify the complaints filed against this law. It was recommended that the committee should keep minimum privacy about government functioning and pass the Right to Information. In 1989, the revised official Secrets Act was approved in the Great Britain.

6) Right to Information in France:

The provision of freedom of thought and freedom of expression is made in the French Constitution. It is made under the fundamental rights section as like India. As there is democracy in France, the press freedom existed there. For passing this law, a bill was presented to the government in 1976. It was unanimously passed and the law of Right to Information was enacted on 17th July, 1978 for the French people. As a result of this, the transparency in administration is increasing and the government is functioning with the responsibility towards the people.

7) Right to Information in America (1966):

The act for Right to Information was made by America in 1966. When some issues were raised like delay in works, corruption, rejection on the cause of secrecy, etc. this act was made. The American government amended the law of 1966 and passed the revised act in 1974.

Though the American government has given the Right to Information to the Americans, there are some following exceptions in it:

1. The documents related to the national security and foreign policy can't be published if the president orders to keep it secret.
2. Trade secrets, commercial or financial information taken from a person.
3. The letters or correspondence and memorandum among various departments of the government.
4. Personal and medical information of any patient is kept secret.
5. While implementing the law, some facts are to be investigated. The files, the investigator's details should not be seen by others.
6. The information about maps, wells, etc. and geological information is allowed to keep secret as per the American law.

8) Finland:

Finland has passed the Right to Information Act in 1951. The right was given to the public according to the law on the public character of official documents. Due to this act, people could get the government record.

9) Denmark:

The Right to Information Act was passed in Denmark in 1964. But it was actually implemented in 1970.

10) Norway:

Norway has passed the Right to Information Act for its citizens in 1970 for getting the government record. Because of it, the citizens are getting the necessary information from the government.

11) South Africa:

The Right to Information Act was passed in South African Parliament in 2000. It was actually implemented in 2001.

12) Russia:

The newspapers didn't have any kind of freedom in Russia as there was Communist Party in power. The Russian people didn't have the right to express their views against the government. That's why it was not possible to check whether any government scheme reaches to the people or not. Mikhail Gorbachev had accepted the Glasnost Policy to implement the openness and transparency in administration. The ultimate effect of this was reflected through the newspapers, literature and arts. The unfavorable events in Russia were not being published in newspapers. Due to this act, the permission was got to publish such news in the newspapers. The shocking statistics about decreasing life expectancy and increasing ration of child deaths was started to be published. Similarly, the bad condition of farming sector, accidents, news, open criticism and comments were being published in newspapers.

13) RTI in other Countries:

The Right to Information was accepted by Australia, New Zealand, South Korea and Thailand in 1990. Japan also accepted it in 2000.

The Right to Information was accepted by various states before it came into existence in India. Its importance was taken into account and the act came into existence in 2005. Except Jammu and Kashmir, Right to Information Act was implemented in the whole country.

In Pakistan Freedom of Information Ordinance was passed in 2002, and in 2011 Right to Information Bill was passed in 2011 in the assembly. Sri Lanka passed Right to Information Act in 2011, and Right to Information Act is pending in Maldives since 2009. Bangladesh has passed Right to Information Act in 2009.

Thus, today all nations have implemented Right to Information by knowing its significance and the attempts are being made to make the improvements in the administrative system in order to make it more active and transparent.

Indian Constitution and RTI:

The provision of the Fundamental Rights is made in Section-3 of the Indian Constitution. The citizens are given the freedom of speech and expression under Section 19(1) (c). The Right to Information is included in the same section. It was the judgment given by judge of the Supreme Court Justice P. N. Bhagwati in the case of S. P. Gupta vs federation. The right to get knowledge and information about section (1) (c) of the Indian Constitution is implied. It is related to the Freedom of speech and Expression. Though there is no clear mention of Right to Information Act in the Constitution of India, yet in various verdicts of cases, it is justified properly by representing to the Section (1) (c). The president of India and the governors of the states are given the Right to Information according to the Section 78 and 167 respectively. It is clearly mentioned by the drafting Committee. Members of the Indian Constitution that it is the duty of the Prime Minister and the Chief Minister to give information to them.

Indian Constitution and Oath of Privacy:

In the Preamble to the Indian Constitution, it is clearly mentioned that, "We, the people of India, having solemnly resolved to constitute India into a sovereign socialist secular democratic republic and to secure to all its citizens justice, social, economic and political; liberty of thought, expression, belief, faith and worship; equality of status and of opportunity; and to promote among them all fraternity assuring the dignity of the individual and the unity and integrity of the nation; in our Constituent Assembly this 26th day of November, 1949, do hereby adopt, enact and give to ourselves this Constitution." According to the Preamble every citizen is given his / her fundamental rights to enjoy freedom, equality and fraternity. The attempts have been made to strengthen their rights by giving them some constitutional solutions. The Oath of privacy is being taken without any regret with various provision of the Constitution. The following Oath of privacy is taken according to the Section 75 (4) by the Ministers before taking their positions.

"I swear in the name of god that I will not reveal to any person or any matter, which shall be brought under my consideration or shall be known to me as a minister for the union except as may be required for the due discharge of my duties as such minister."

If any minister wants to hide deliberately any information from the common people, then what is the use of the constitution or that minister? In short it can be said that, it is proved that the necessary information required by the common people is not given to the people. This path resulted into the invasion of privacy of the common people and it caused the delay in the implementation of Right to Information in India. If any citizen wanted information, the objection was being taken by any administrative officer. Like the ministers, there was increasing privacy in the administrative people and their work. In this way, in the democratic country like India, ministers take path to protect the rights of the common people.

RTI and Some Important Verdicts:

If the people are unable to get information of government and administration, how the citizen will express their opinions or views? How will they participate in the democracy through their votes? These were the questions raised by the people. In the paragraph 19(1)(c) of the Indian Constitution, it is clarified that the freedom of thought and freedom of expression are indirectly the Right to Information. It was mentioned in the following various verdicts:

1. Bennett Coleman vs Union of India-1973.
2. Uttar Pradesh Govt. vs Rajnarayan and others-1975.
3. Maneka Gandhi vs Union of India-1978.
4. S. P. Gupta vs Union of India- 1982.
5. Indian Express Newspapers Pvt. Ltd. And others vs Union of India-1975.
6. Sheela Barse vs State of Maharashtra -1987.
7. Reliance Petrochemicals Ltd. Case -1988.
8. People's Union for Civil Liberty vs union of India-2004.

In 1975, the Supreme Court in a case said, that the citizens have the rights to get information of various works and actions done by the government servants. It means that in the responsible government like India, very few things and their information can be kept private or secret. Though the Supreme Court has considered the Right to Information as one of the fundamental rights, the government is passive about it.

Ratio of NGOs:

Various Non-Governmental Organizations have taken initiative to protect the fundamental rights of the common people. The real beginning of Right to Information Act movement is considered the movement run by the *MazdoorKisan Shakti Sangathan* (M.K.S.S.) in 1990 in Rajasthan.

MazdoorKisan Shakti Sangathan Movement:

This organization was established in Rajasthan in 1990. The sanctioned works in the villages are completed by the land-less labors from that village. These workers can easily be cheated by the contractors. They are rejected if they ask about the work. These workers don't even understand that they are cheated due to their illiteracy and ignorance. Some cheaters take undue advantage of their ignorance. Therefore, it is very important for such workers to get information of various government schemes. This organization was established in order to provide such valuable information to these people. This organization is led by the famous social worker and retired civil servant Mrs. Aruna Roy.

Public Hearing:

The public hearing' is the innovative method adopted by *MazdoorKisan Shakti Sangathan* in 1994. The public hearing means to discuss any issue in public in order to reach at certain judgment. The following are the public hearings from Rajasthan:

1. There was the first public hearing held in Rajasthan in Kota in Raipur tehsil of Pali district on 2nd December, 1994.
2. The second public hearing took place in Bhimpanchayat of Rajsamand district on 7th December, 1994. It was proved in this hearing, that one company did the scam of 36 lakhs by submitting fake bills.
3. The third public hearing was there on 17 December, 1994 in Vijayapura of Rajsamand district. In it, the *Anganwadi* Program scam was exposed.
4. The fourth public hearing was taken on 7th January, 1995 in Jawaja from Ajmer district.
5. The fifth public hearing was taken on 25th April, 1996 in Thana of Bhilwada district. In this hearing, the corruption in the rural area was exposed. It was also disclosed that people are not being given proper information for their betterment.
6. The sixth public hearing took place in Jawaja of Ajmer district on 19th January, 1998.

In the above mentioned public hearings, the people from those areas were invited. The government officers and servants were called for it. The complaints of the people are put forward and whatever information they have regarding the roads, bridges, dams, construction, etc. is considered and their stand is decided accordingly. Due to this, all questions were being discussed and resolved and everything become clear for the people. As a result the corruption in various system of government is proved.

National Campaign for People's Right to Information (NCPRI):

National Campaign for people's Right to information was established in 1996 in Delhi. Mr. Shaikh is the head of this movement. The main objective of this campaign was to empower the common people and by including democracy among to give them the Right to Information. This movement has started its own monthly 'Transparency' to be connected with the people. Many renowned persons were include in that. They mainly include the veteran social reformers, persons from publicity department, educational and civil servants. They were included in order to bring transparency and responsibility in administration. In it, Mr. AjitMahacharya, Mrs. Anjali Bhardwaj, Aruna Roy, Bharat Dogra, Harsh Mandar, Nikhil,De, Prabhat Joshi, Prashant Bhushan, Shailesh Gandhi, etc. were included. The civil servants and jurists played the significant roles. Thus, based on the support from M.K.S.S. NCPRI took efforts to get the right to Information.

Parivartan Organization:

Mr. Arvind Kejariwal, a chartered administrative officer, established this organization in June, 2000. He was the head of the organization. The main objective behind its establishment was to enable the people to get their work done without giving bribe to the officers. As well as, it works to make the people aware about the Right to Information Act. When Mr. Arvind Kejariwal was an officer in Income Tax Department, there was a big scam in it. After knowing this, Kejariwal and his other members of 'Parivartan' decided to give good compensation to the people from the Income Tax Department. 'Parivartan' had also tried to resolve some serious problems of the people from Sundar Nagar Colony in Delhi. With the co-operation of the people from Sundar Nagar, they tried to do Social Audit of 68 projects. They could reach at the roots of 68 projects As a Result the corruption of 60lakhs was exposed due to it.

Effort at Governmental Level:**1) Effort of NDA Government:**

National Democratic Alliance government, under the leadership of the Prime Minister V.P. Singh, mentioned in 1989 the necessity of implementation of Right to Information Act and transparency in the administration. According to V.P. Singh, open administration or governance is the basic and primary thing and it is important for the development of democracy. However, the informative people are not made only by counselling but by the free flow of information from the government. The information plays a vital role to make that responsible which in their power. The Prime Minister V.P. Singh had declared in his tenure that his government is going to make amendment in the right to privacy and had prepared the draft of the Right to Information Act bill. Leader on V.P. Singh's government was defeated in the next election and the new government didn't take any further strong action about Right to Information for many years. Therefore, whatever hopes were increased among the people regarding RTI, they were converted into despair after sometime. Afterwards, the UPA government formed their government and tried for implementation of Right to Information Act on various levels.

2) Effort of UPA Government and Draft of the Press Council

During the UPA government, the press council of India had prepared. A draft of Right to Information Act in 1996, This draft was prepared by social workers, activists, public servants, jurists, etc. in a meeting held at Mussoorie in October, 1995.

The same draft was retouched. On this occasion Lal Bahadur Shastri had arranged a meeting of Press Council of India in Mussoorie. In it, the awareness about Right to Information Act was created. In its objective, the Press Council of India has given protection to the Right to Information Act, which is one of the Fundamental Rights. It gives a person the Freedom of thought and expression. According to it, every citizen has the right to get information from any office or authority. In the draft, prepared by the Press Council of India, not only state but also all private organizations affecting the Social life, unions and trade establishments were included in the public bodies.

Draft prepared by Press Council of India:

The following points were mentioned in the draft prepared by the Press Council of India:

- 1) Every citizen shall have the Right to Information from public body.
- 2) It shall be the duty of the public body to maintain all records duly categorized and indexed.

- 3) The public body shall be under duty to make available to the person re-question information as if under an obligation to obtain and furnish and shall not withhold any information as if under an obligation to obtain and furnish and or limit its availability to the public, except the information specified in Clause 4.
- 4) All individuals, whether citizen or not, shall have the right to such information that affects their life and liberty.

Every citizen has the right to obtain necessary information from the public bodies. In the Sections (5) of the Indian Constitution, it is the provision to give that information to the public that cannot be denied to the parliament or to Legislative Assembly. If the concerned officer fails to provide information in time, he/she shall have to pay the fine rupees 50/- per day. It is mentioned in the draft prepared by the Press Council of India.

H.D. Shourie Committee Draft:

A Conference for all Chief Ministers was organized on 24 May, 1997. In this Conference a discussion was held on the topic 'Responsible and effective government'. This discussion was one of the important points in the manifestos of various parties in 1990. It was clarified in this conference that the central and state governments will work together and there will be the transparent Right to Information. It was also clarified in the conference that the privacy and intransparency in administration are very much responsible to increase the corruption in the public bodies. Therefore it was decided that the government should take further steps by making amendments in the Right to Privacy and evidence Act that existed before 1997 and implement the Right to Information Act in Various states as soon as possible.

National Democratic Alliance (NDA):

After coming into power, NDA has appointed a committee under the chairmanship of the Chief Justice of the Supreme Court Justice M.N.Venkatachaliah. In order to recapitulate the Indian Constitution, this Committee was formed. In section 19(1), it was recommended to give the Right to Information to the Indian Citizens. The recommendation was accepted by the National Commission. As a result the issue of Right to Information Act was in focus again. In 1999, when Adv. Ram Jethmalani was the Union City Development Minister, he had declared, that the common people can see the files from his ministry. It will cost only Rs.10/- to them. But, this decision was opposed by the Union Cabinet Secretary. So, he had to retract the decision.

UPA Government and Right to Information Act-2005:

The government of Atal Bihari Vajpayee presented the Right to Information Act Bill in the assembly on 25th July, 2000. It was sent to the Standing Committee of Home Ministry. The bill was presented by this Committee after one year as Information Freedom Act 2002. According to this act, the public had the right to ask for information, but it was not compulsory for the government to give information to the people. Therefore, this act was criticized. Later, in 2004, the UPA government presented a new bill of Right to Information in the parliament on 23 December, 2004 the detailed discussion was there on this bill and after adding 146 points, it was passed in Lok Sabha on 11 May, 2005 and in Rajya Sabha on the next day. It got the approval and on 12th October, 2005 Vijaydashami the Right to Information Act was implemented in entire India.

Contribution of Various State Governments:

Before passing the Right to Information Act in India in 2005, it was accepted by various states of the Country with the help of various unions, organizations, social workers and activists. The Right to Information movement was started by the protest and efforts of *MazdoorKisan Shakti Sangathan* in Rajasthan, by following the movement, many states took-efforts in order to implement the Right to Information Act. These states are discussed as given below:

1) Tamilnadu(1996) -

The Right to Information was passed for the first time in Tamilnadu on 17th April, 1996. The government of Tamilnadu got a draft of the Right to Information prepared by Council of India. The several sectors and some important information were omitted in it. Therefore various NGOs didn't support it satisfactory. As a result the act was failed. But Tamilnadu government had converted the laws, about which the information is not given, into the RTI.

2) Goa(1997) -

Goa government passed the RTI Act in 1997. At that time, the then Broadcasting Minister Dominic Fernandes tried to know about the opinions of various NGOs and Unions of media persons, to prepare the plan of the Right to Information Act. This act was applied to all government organizations. The provision was made in this act to bring transparency between rulers and administration and openness in the governance. But there was no mention of Appealing Officer. Therefore this act couldn't become effective.

3) Karnataka (2000) -

The Right to Information Act was passed in 2000 in Karnataka. It was actually implemented in July, 2002. At that time, the rules were not clearly mentioned. Due to this law a person could obtain the required information from the Public Information Officer by submitting an application. The Public Information Officer is directed to give details of cost for obtaining information within 07 days to the concerned person. The information demanded by the applicant must be given within 15 days after paying the cost of information. In case the applicant didn't get the information within stipulated time, the applicant can inquire through the application about the reasons for delay. According to this law, it was mandatory for every public office and officers to display on notice board the information regarding their organization, duties and their function, various schemes for the citizens. Therefore, this act could have a little control over government offices.

4) Rajasthan (2000) -

The movement started in Rajasthan is really called the movement of the village level. No selfish political purposes were there. Due to the campaign of *MazdoorKisan Shakti Sangathan*, the government had to pass the Right to Information in 2000.

5) Delhi(2001) -

Delhi government passed the Right to Information Act in 2001. It was implemented from 2nd October; 2001. It was the act similar to the Right to Information Act passed by Goa government. In it the fields or sectors to get information and not getting information were specified and it was applied to all other organization. If the officer fails to provide required information in time, it was the provision that he/she will have to pay the time of Rs.50/-per day.

If this doesn't happen that officer will have to pay Rs.500/= for each application. If it is found that the Information Officer deliberately gave wrong or incomplete information, he/she will have to pay the time of Rs.3000/-per application.

6) RTI Act in Maharashtra (2002) -

The veteran social activist Mr. Anna Hazare has raised a big movement for Right to Information in Maharashtra. He demanded that the Right to Information is must for the people. Basically, he started this movement on order to

eradicate the corruption from Maharashtra. As a part of it, on 28th April, 2002, the Right to Information Bill was presented in the Budget Session of the State Assembly which was started on 13th April, 2002. It was passed in the Monsoon Session by the Legislative Council on 5th August, 2002, and on 23rd September, 2002, the ordinance of Right to Information Act was transmitted. As per this act, if any information officer didn't provide the required information in time limit, the provision of time Rs.250/- per day was made against the concerned officer. If it is found that the concerned officer is denying the information or giving vague information deliberately, the Appellate officer will have the right to collect Rs.2000/- as time from that officer.

Anna Hazare noticed the corruption in the government and administration. While facing such devastating condition, Anna Hazare says, that government schemes were not reaching to the public. It was not possible to reach 10 paise out of 01 rupee upto the common people due to corruption. Thus, the corruption was spread from the ministers to the administrative system. By controlling this corruption, many movements or protest were raised to give the Right to Information for the people of Maharashtra. According to Dr.Y.D. Phadke, it is fact that the Right to Information could be implemented in Maharashtra because of the efforts taken by a leading social activist Anna Hazare.

7) RTI in Madhya Pradesh (2003) -

In Madhya Pradesh, Mr. Harsh Mander, special Commissioner of Bilaspur area (now Chhattisgarh), submitted the reports on the ration distribution system in Bilaspur, Rajgarhand Sarguja district and also the report of checking government reports. The draft of Right to Information was prepared accordingly. On 30th April, 1998, Madhya Pradesh government passed the bill and sent it for the consent of the president. However, the problem was raised that whether such acts can be passed either by state or the central government. But later in 2003 the government passed the Right to Information Bill.

The Right to Information was spread in various states in very short period of time. Such states are Utter Pradesh, Andhra Pradesh, Kerala, Assam, Orissa, Jammu and Kashmir, etc. The people of these all states understood the importance of the Right to Information Act.

In short, after the study of the background of the Right to Information Act, it becomes clear that it was originated in Sweden as a sapling which has been spread across various countries like a large tree. The use of the Right to Information Act is made for the protection of people's fundamental rights. Due to the Right to Information Act, the people have the feeling that they are living in a democratic country. The knowledge is obtained from the information; the wealth is also created through knowledge. Such is the significance of the Right to Information Act for the people.

Along with Sweden, Other countries like America, England, France, Australia, Canada as well as India accepted and passed the Right to Information Act. *MazdoorKisan Shakti Sangathan* from Rajasthan played the vital role in the creation of the Right to Information in India. Along with it, various political and non-governmental bodies or organizations and social workers have helped to create the background for this act and ultimately the act was passed in various states in India. But there was no uniformity among all these laws passed in various states in India. But there was no uniformity among all these laws passed by various state governments. Therefore the central governments created a unified Right to Information Act for the entire country on 12th October, 2005. So, the right to Information is another freedom for the people of India. Therefore that day has very much significance in the history of the Right to Information Act.

References:

1. Baniser, David ; 2006, freedom of Information Around the world a global survey of Access to Government Information Law.
2. Barat Wal C.P., 2003, Good Governance in India, Deep and Deep, Publication, Rojori garden, New Delhi.
3. Barowalia J. N. 2006, Commentary on the Right to Information Act Universal Law, Publication New Delhi.
4. Basu D. D. 1992, Introduction to the Constitution of India Prentings Hall or India, Pvt. Ltd. New Delhi.
5. Das PK, 2018, Right to Information Act, 2005 Universal Law, Publication New Delhi.
6. Dovglas W.W., 1962, Right of People, Pyramid Book Publication, New York.
7. FaizanMusthafa, 2016, Constitutional issue in freedom of Information Estern Book Company, Lucknow.
8. GodboleMadhav, 2003, Public Accountability and Transparency the imperative of good governance.
9. Kumar P, Raj KB, 2006, Right to Know, Vikas Publication House Pvt Ltd, New Delhi.
10. Marckward Albert (Ed) 2002, Websters Comprehensive Dictionary Encyclopedia, Volume
11. Mathew K.K. 1980, 'Right to Equality and proerty under Indian Constitution', National Publication House New Delhi.
12. Naib Sudhir, 2013, The Right to Information in India, oxford university press, New Delhi.
13. PandeSuchi, Singh S., 2007, " Right to Information Act 2005", National Book Trust, India.
14. SaxenaAmbrish, 2004, Right ti Information and Freedom of Press, Kanishna Publication New Delhi.
15. Yashada, 2005, Right to Information, Training Programme for Sate Resource Persons Reading Material, Pune.