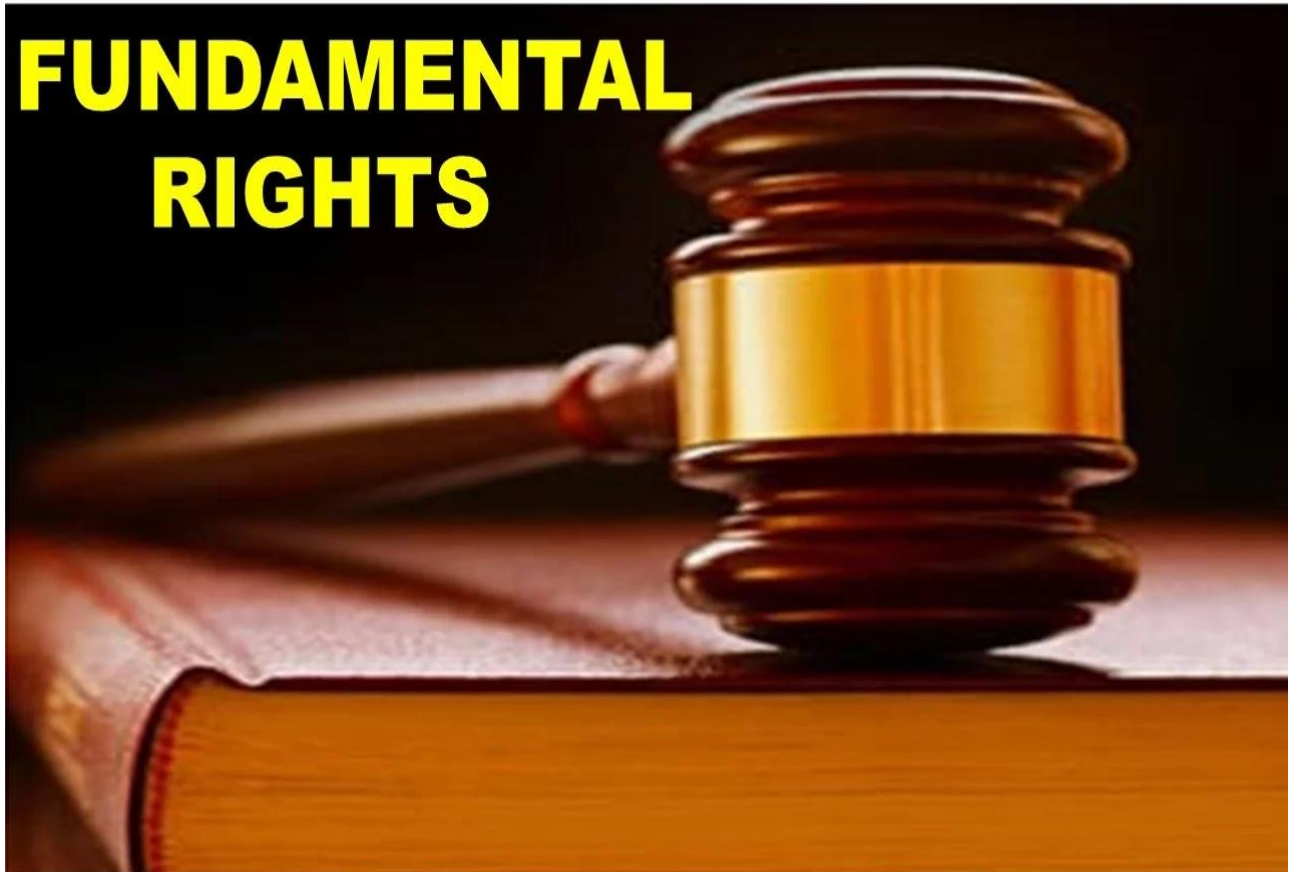


Fundamental Rights- Right to Information

[Fundamental Rights](#) are not absolute rights, these are restricted rights. The purpose of Fundamental Right is to establish rule of law. On the other hand, if state is given absolute power over the individual, the result would be tyranny or state terror. Therefore, there shall be a balance between individual liberty and social needs.



Right to Information

The Constitution of India guarantees the Right to Freedom of Speech and Expression under article 19(1) (a). This right is the fundamental right available to all the citizens. It says that every citizen shall have the [right to express himself](#). In the case of *Bennett Coleman v. UOI*, AIR 1973, the Supreme Court held that the “Right to Know” also falls under the ambit of Right to Speech and Expression. This was the foundation of Right to Information in India post-independence.

The courts in India have stated time to time, that Right to know the information related to public authorities is a fundamental right. However, this right was never expressly mentioned in the COI. But in year 2005, government passed the **Right to Information Act, 2005** which apparently mentioned the right to know of citizens.

History

Every building has a strong foundation, without the foundation no construction can be done. Same is the case with Right to Information in India. It has a very rich historical background which has proved to be the foundation of this legislation.

The very first incident in India, where right to information was mentioned, was in the year **1977**. After the Indira Gandhi government imposed the emergency without stating the obvious reasons, the citizens were very unhappy with the government, the Janta party, led by Moraraji Desai promised the people that if they come to the power, they will establish an open government. They promised that the public would be allowed to access the information about the use of power by the government. However, the promise was never fulfilled in a complete sense.

After this event, there were a lot of cases such as- Prabhu Dutt v. UOI, AIR 1982. In this case Supreme Court held that the press is entitled to know news and information regarding the working of the government.

These events were followed by the creation of National Campaign for People's Right to Information, which was founded with an objective to pass RTI as a law. Finally, the Freedom of Information Bill, 2000 was introduced in the parliament. But due to some drawbacks, this act could not fulfill its objectives.

Then in the year 2005, after a very long struggle, the Right to Information Act, 2005 was passed to provide the citizens the right to know.

Significance of RTI

The Right to Information holds a very decent significance in a democratic country like India. The major points are listed below:

- The most basic reason is that the fundamental rights are the basic structure of Indian Constitution. The rights listed under this part are a mandate that a state has to provide to all its citizens in any condition. One of these rights is the Right to Speech and Expression. This right includes the Right to Information too. Hence the people of India deserve the RTI Act. We deserve to know the information, because we are given the fundamental [Right to Know](#).
- The RTI gives the citizens the opportunity to empower themselves. When the citizens are allowed to ask the government about its functioning and its administration, they feel themselves the part of the country too. It enhances people's participation in the process of the democracy.
- The Right to Information promotes Transparency and Accountability in the minds of citizens. When the working of the government is done in open environment, it builds trust.
- The access to information is provided to every section of the society. All the weak sections also feel empowered by this right.

- The act has promoted a sense of honesty in the officials, because they know that their work can be audited at any time by the public. The attitude of public servants has changed after the formation of this act.

Challenges against RTI in India

Right to Information has a lot of challenges in its way, some of them are-

- The majority of Indian population is either uneducated or unaware, because of what these people are unable to exercise their rights. The right to information also hides somewhere behind this illiteracy and ignorance.
- There are a number of pending cases at both the state and the central level, so the information is sometimes not disseminated at the right time.
- Many reports show, that in the case of mismanagement the ratio of action taken is very less. Even after getting exposed, such departments are not given their due punishment.
- A lot of deaths have been reported of RTI activists, who were trying to expose some authorities.
- A major challenge is the misuse of RTI. Some people file the request of information under this act just to become famous or for some malicious reasons. Some people seek information to fulfil their personal interests also.
- There is some legislation like the “Official Secrets Act, 1923” which restrict the flow of information by the government.

Recent Developments

Recently the [Right to Information](#) (Amendment) Bill, 2019 was passed by the parliament. We can count it in development but this development is more negative than positive. The major backbone of the RTI Act, 2005 was the **independency of Chief Information Commissioner** and the State Information Commissioners from the government. The recent amendment changes this and states that the tenure of these officials would be determined by the central government. It encroaches upon the freedom of these officials from the legislature. The amendment bill also allows the government to fix the salary of these officials; they can decrease it from today also.

These developments will affect the Right to Information badly, as the Information Commissioners would be more inclined toward the government rather than the citizens.



Conclusion

Right to Information is the much-needed right in this country. If we look at the current scenario, we can easily say that the **transparency of the RTI** is being affected by legislative decisions. To solve all these issues, the public institutions need to be more open about the information. Their willingness will make it easy for the public to gather information. Apart from this, there are a lot of matters pending in the country. We need to compile the similar complaints together and then resolve them to save time and efforts both. The **Right to Information** needs to be managed with the Right to Privacy of the citizens, which is also a significant right in itself. And at the large, the public needs to be informed about their rights, and then only we can utilize this act as per its best capacity.

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