



RIGHT TO INFORMATION MOVEMENT IN INDIA

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Abstract

The progressive thinkers felt that right to information would deepen Indian democracy and make it more universally inclusive. The movement for the right to information was led by a people's organization, the Mazdoor Kisan Shakti Sangathan. The agitation carried out by the activists in Jaipur for about 53 days sensitized the various stakeholders of right to information which was understood as an issue related to basic political change in India. The spirit of this movement inspired the citizens and administration in the country. The elected representatives and officials had to respond to the people's demand by making appropriate and immediate positive redressal measures. The movement for right to information affected the progressive thinkers and people of Madhya Pradesh. The National Campaign Committee for the People's Right to Information was constituted on the basis of the pro-social activism of MKSS to strengthen the national level initiatives for right to information. The very close co-ordination between the NCPRI, and the Press Council of India resulted in an open debate on the contents and formulation of model legislation. The organizers of Narmada Bachao Andolan had raised many pertinent questions about the nature of development and of survival rights of the marginalized sections of society. The National Front Government headed by V.P.Singh was persuaded by the activists and intellectuals to make right to information a fundamental right through a separate legislation. Anna Hazare, a true Gandhian and statesman launched series of struggles in India and fought for civil rights including the right to information democratically. In 1998, the then Prime Minister Vajpayee announced that a law on right to information will be enacted. The United Progressive Alliance Government had promised to make suitable legislation in 2004 on right to information.

There was countrywide massive lobbying for right to information. The Supreme Court also called upon the central government to issue notification on right to information. After series of campaigns, agitations and deliberations, the UPA government enacted the Right to Information Act which came into force on October 12, 2005. The right to information is granted in India after years of people's struggle for securing transparent, accountable and public participatory governance.

Preamble

The right to information is a basic right of the citizens which facilitates their well being. The citizens should be enabled to obtain information from the government agencies. The Official Secrets Act 1923 enacted by the then British government had prohibited people from getting any information from government officials in India. The British tried to suppress the voice of the people and kept the people away from the mainstream of national life. In the post independence era, the founding fathers of nation and constitutional experts realized the importance of right to information in free India. There is no specific right to information in the Constitution of India. But, it has been a part and parcel of the Fundamental Rights of the citizens of India. The progressive thinkers advocated the need for right to information in their writings and speeches. The growth and development of right to information movement in India are presented in this article on the basis of an extensive review of literature.

Early Initiatives

Puddephatt et. al. (2006:04) observe: "The idea of Right to Information started taking shape in the 1970s only, with the liberal interpretation by the judiciary of various fundamental rights specifically the right to freedom of speech and expression. In the case of *Bennett Coleman and Co versus the Union of India* in 1973, the majority opinion of the Supreme Court then put it, 'freedom of speech and expression includes within its compass the right of all citizens to read and be informed. There have been numerous cases favoring disclosure of government information and transparency'".

In the post-independence era, the country did not have a true representative democracy and the people were taken for granted by the powers which controlled the Indian democracy. The institutions of the government have proved to be ineffective watch dogs. The bureaucracy also set very low standards of performance and made India remain as a poor country even after



several decades of independence. The functionaries of the government did not remain answerable directly to institutions designed to prevent corruption, monitor performance and redress public grievances. The functionaries also failed to meet with the expectations of the judiciary and people. The major political parties in India failed to develop genuine inner party democracy. There was limited scope for dissent and criticism.

The nexus between the political parties and market forces worsened the democratic institution in the country. This inability to provide effective governance and a semblance of justice to the poor and marginalized had several consequences which resulted in the growth of Naxalism, terrorism, fundamentalism and other anti national tendencies. All these developments posed serious threat to national security and development. In the age of globalization, the dominant powers continued to exploit the poor and marginalized sections of the society since they controlled the political system by using money power and media power. The intellectuals and activists realized that the RTI movement was really an alternative to the emergence of transparency in governance. Thus, the RTI regime emerged essentially as a manifestation of the desire to move the democratic process progressively towards participatory democracy and enhance transparency and accountability in respect of governance. The people felt that right to information would deepen Indian democracy and make it more universally inclusive.

Access to Information (ATI) is an essential step in ensuring transparency and accountability in government systems and processes. When a government is transparent, there is less chance for corruption and more room for accountability. The right to information is a fundamental right which provides the benefit of access to information held by public authorities. The ATI makes democracy more vibrant and meaningful and allows citizens to participate in the governance process of the country. In particular, it empowers ordinary citizens who are the beneficiaries of development programmes implemented by the central and state governments.

Role of Mazdoor Kisan Shakti Sangathan (MKSS)

Harsh Mander and Abha Joshi (2006:02) write: "The right to information is implicit in the Constitution of India; even so the dominant culture of the executive has been one of secrecy and resolute denial of access of information to the citizen. Citizens groups have long battled for the exercise of these rights in courts. The movement for the right to information received a fresh impetus from a courageous and powerful grassroots struggle of the rural poor for the right to information, to combat rampant corruption in famine relief works. This struggle was led by a people's organisation, the Mazdoor Kisan Shakti Sangathan (which literally means 'organisation for the empowerment of workers and peasants'). The reverberations of this struggle led to a nationwide demand for a law to guarantee the right to information to every citizen, with widespread support from social activists, professionals, lawyers, and persons within the bureaucracy, politics and the media, who are committed to transparent and accountable governance and people's empowerment. Three successive federal governments in quick succession have committed themselves to the passage of a law to guarantee the people's right to information and some state governments have actually passed such laws and administrative instructions".

Practically, the Mazdoor Kisan Shakti Sangathan (MKSS) began the right to information campaign in Rajasthan. The trio of right to information movement in Rajasthan includes – Aruna Roy (former IAS officer, Devdungri (social activist) and Nikhil Dey (young scholar and activist). They selected a village called Devdungri as their place of service. They wanted to protect the interest of rural labour who were not entitled to judicious wage. They lived in a simple hut, ate common food and struggled for justice to the rural poor. They found that government officials paid low wages to the workers and exploited them in humanly. They formally registered an organization on May Day, 1990 called Mazdoor Kisan Shakti Sangathan (MKSS). They built a strong cadre drawn from marginal peasants and landless workers, mainly from the lower socio-economic groupings. They adopted Gandhian method of non-violent struggle for justice and fought against corruption in the name of development. They also launched a battle against corruption through the new instrument of public hearings in the winter of 1994. It had state-wide reverberations and had shaken the very foundations of the traditional monopoly, the arbitrariness and corruption of the state bureaucracy.

The trio emphasized that people had a fundamental right to information and participation of people in the mainstream of life would safeguard public interest. The documents relating to developmental activities were made available to the people for their audit. This enabled the people to gain unprecedented access to information about implementation of development activities in the rural areas. The public hearings dramatically changed the mindset of the people and public officials were invited to defend themselves. The authorities issued instructions for copies of the muster rolls, bills and vouchers to be given to the activists. There was some kind of resistance by the local officials but they had to bow their heads before the democratic struggle launched by the MKSS. The villagers were also subjected to ill-treatment by the vested interests. The movement evoked widespread hope among the underprivileged people locally and paved the way for organizing a national workshop of officials and activists on right to information in 1995 at Lal Bahadur Shastri National Academy of Administration,



Mussoorie, Uttar Pradesh. The Chief Minister of Rajasthan also announced that citizens would be enabled to obtain the photo copies of all official documents on April 5, 1995. But, the elected representatives and officials did not respond to the initiative of the government due to lack of social commitment. The MKSS continued the agitation which resulted in the state wide awakening about the right to information.

The people asserted that the government should give them information regarding expenditures made in the name of public welfare and progress. The MKSS continued its battle for the right to information and agitated for about 53 days in front of the State Secretariat, Jaipur. The Rajasthan State Campaign Committee on Right to Information, People's Union for Civil Liberties and other progressive organizations extended active support to the democratic struggle of MKSS which paved the way for audit and supervision of public expenditure by the people. The agitation carried out by the activists in Jaipur for about 53 days sensitized the various stakeholders of right to information which was understood as an issue related to basic political change in India. The movement also broadened its agenda and included vital aspects of public governance such as transparency and accountability. The people realized that a special legislation to guarantee the right to information would render most public documents legally accessible to them. The people were also motivated to participate in the gram sabha meetings in order to learn about their rights, encourage the victims of injustice and disadvantaged groups to speak out in such meetings and ensure community action for grassroots development.

The MKSS provided the platforms for the assemblage of elected representatives, government officials, social activists, media persons and others interested in the democratic struggle for right to information and participatory development in Rajasthan. The organizers of MKSS also conducted public hearings called 'Jan Sunwais' to take stock of the situation at the grassroots level and sensitize the policy makers and officials to ensure corruption free implementation of development programmes in the rural areas. The elected representatives and officials were forced to return the misappropriated funds from the 'Jan Sunwais' forum. The progressive elements in the bureaucracy also gained moral support from the MKSS and took active part in the developmental activities.

Roy and Dey (2010:05) note: "The experiment had turned out to be a very powerful mode. It has been conducted in a comfortable, informal idiom of conversation and exchange. Yet it had all the seriousness and impartiality of court proceedings. The forum breaks the heavy dependence on the Government for redressal. The face to face dialogue brings home very powerfully the need for accountability, and the urgency and importance of citizens' participation in matters of governance. The spirit of this movement inspired the citizens and administration in the country. The advocacy work done by MKSS gave rise to the National Campaign for People's Right to Information (NCPRI) which recognized the right to information as a basic human right in India.

The experiment was an occasion where poor people and common citizens felt that they could be a part of the forces that led to the making or running of the country. In a state which was preoccupied with stories of traditional valour of kings and wars, the people saw their acts as worthy of valour in a social and political sense also. The Jan Sunwai put forth four formal demands: for transparency of Panchayat functioning; accountability of officials; social audit; and redressal of grievances. These became the fundamental demands on which the campaign for the right to information was built. Social audit became important because many of the frauds were discovered after financial audit had been completed, and because it became increasingly clear that there would only be enforceable accountability when the controls lay with the people themselves, according to Roy and Dey (2010:05).

The elected representatives and officials had to respond to the people's demand by making appropriate and immediate positive redressal measures. The right to information, transparency and accountability were understood by them but they had emphatically dismissed as neither practical nor relevant in a country like India. These developments invariably prepared grounds for the enactment of right to information act in India. All these initiatives had underscored the fact that an elected government has to be accountable to its people.

Madhya Pradesh Initiative

Paul (2006:03) states: "The movement for right to information affected the progressive thinkers and people of Madhya Pradesh. The government issued an order in 1997 which enabled the common persons to access much of the information required for everyday concerns. The issue of right to information was included in all orientation and training programmes carried out by the state academy for administration which conducts programmes for government officials. The government also issued orders stipulating mandatory putting up of notice- boards and periodical mandatory release of information which benefitted the people. The civil society groups also took part in the campaign to educate people about the operation of the right and to activate the orders by filing applications for information". The campaign also succeeded in facilitating interaction



between civil society members, media and government. Publications were brought out on the significance of right to information on all aspects of development. The stakeholders of development were also sensitized by the organizers about the imperativeness of right to information.

Court Orders

The judicial organizations also discussed the subject of right to information in various contexts and occasions. The jurists also realized the factors which were associated with the corruption, nepotism, favoritism and backwardness. The elected representatives and officials had abused their power and institutionalized corruption in the name of development across the country. The legal position with regard to the right to information has developed through several Supreme Court decisions given in the context of all of the fundamental human rights in the context of the Right to Freedom of Speech and Expression.

Scholars and activists have noted that the public authorities have a responsibility of providing information to the people on various administrative and developmental activities. They have to provide information to the people in order to create more awareness about various opportunities for development. The availability of information would promote openness, transparency and accountability in administration, by making government more open to continuing public scrutiny. Information is the currency that every citizen requires to participate in the life and governance of society. The greater the access of the citizen to information, the greater would be the responsiveness of government to community needs.

Alternatively, the greater the restrictions that are placed on access, the greater the feelings of 'powerlessness' and 'alienation'. The government functionaries should provide information which is crucial for the sustainable development of people. It would enable the people to actively participate in the public affairs and improve the quality of decision making by public authorities, in both policy and administrative matters, by removing unnecessary secrecy surrounding the decision making process. The activists have advocated that by securing access to relevant information and knowledge, the citizens would be enabled to assess government performance and to participate in and influence the process of government decision-making and policy formulation on any issue of concern to them.

National Campaign Committee for the People's Right to Information

The National Campaign Committee for the People's Right to Information was constituted on the basis of the pro-social activism of MKSS to strengthen the national level initiatives for right to information. There were intellectuals, activists, academicians, former civil servants, media persons and other likeminded persons in the national forum. They were actively committed to transparent, accountable and pro-people governance. This group provided constructive inputs to the Press Council of India on various aspects of right to information in India. The media also provided thought provoking ideas and guidelines and created active public opinion in favor of right to information. Several non-government organizations also took active part in the right to information movement across the country.

Roy and Dey (2010:05) amplify the subsequent developments towards enactment of right to information act thus: "The formation of the National Campaign for the People's Right to Information (NCPRI) in Delhi brought a broad spectrum of interested people together, with the twin objectives of having effective legislation passed at the State and Central levels, and supporting grassroots level initiatives for the exercise of the people's right to information. The very close co-ordination between the NCPRI, and the Press Council of India resulted in an open debate on the contents and formulation of model legislation. Interestingly, because of some committed bureaucrats, the National Academy of Administration at Mussoorie also played a supportive and facilitating role in this process. The Press Council draft had inputs from a range of people, and became a base draft on which many bills were formulated".

The environmental groups have also demanded the crucial facts about various development projects concerning environmental details from time to time. The organizers of Narmada Bachao Andolan had raised many pertinent questions about the nature of development and of survival rights of the marginalized sections of society. Initially, the project authorities discouraged the activists to share the vital information which was related to the survival and progress of the people in the project area.

Freedom of Information Act, 1997

In 1990, the former Prime Minister V.P.Singh stressed the importance of right to information and made initial efforts to formulate a law at the national level. In 1991, efforts were made to bring about a new legislation on right to information. The grassroots campaign of Mazdoor Kisan Shakti Sangathan (MKSS) played a crucial role in 1994 and created a countrywide demand for right to information.



The National Front Government headed by V.P.Singh was persuaded by the activists and intellectuals to make right to information a fundamental right through a separate legislation. The government also gave a serious thought to the subject and expressed its commitment to the right to information. Justice PB Sawant, former Chairman of the Press Council (1996) upheld the need and importance of right to information in India.

In 1995, a group of social activists formulated a draft act at Mussoorie. In 1996, the NCPRI was formed by a group of committed intellectuals and activists which prevailed upon the Press Council of India to draft a new law called 'Freedom of Information Act, 1997. The United Front Government constituted a Working Group under the Chairmanship of Mr.H.D. Shourie who drafted a law called Freedom of Information Bill. The Madhya Pradesh Government also issued executive order for the implementation of right to information. In 1997, the Goa government also enacted a law on right to information.

Anna Hazare's Struggle

Anna Hazare, a true Gandhian and statesman launched series of struggles in India and fought for civil rights democratically. He began his struggle on March 11, 1995 against corruption in government offices. He started agitation on April 6, 1995 at Azad Maidan, Mumbai for right to information legislation in India. He submitted a memorandum to the government on January 12, 1998 demanding right to information for combating corruption. He cautioned the Congress – NCP government in Maharashtra against the laxity in the formulation of right to information legislation. He started silent agitation on August 09, 2001 along with his supporters to pursue his demand for right to information. He wrote series of letters to various authorities in the central and state governments and advocated the cause of right to information. He finally went on fast on August 09, 2003 at the Azad Maidan in Mumbai which led to nationwide demand for right to information. The Government of Maharashtra enacted the Right to Information Act in 2002 to ensure corruption free governance.

Initiative of National Democratic Alliance Government

The National Democratic Alliance Government headed by Vajpayi thought of amending few sections of the Official Secrets Act, and to list a dozen items on which it would become mandatory for government to give information on demand. But, there was no legislation passed by the government ensuring the right to information in the country. It was observed that no information can be denied to the citizen who cannot be denied to Parliament and the legislatures. In 1998, the then Prime Minister Vajpayee announced that a law on right to information will be enacted.

In 1999, then Union Minister for Urban Development Ram Jethmalani issued an administrative order that enabled citizens to inspect and receive photocopies of files from his ministry. But, the cabinet secretary at the time did not approve this order, which led to the campaign gaining momentum. The Public Interest Litigation was filed in the Supreme Court for the implementation of the right to information act. The Government of Rajasthan realized the importance of right to information and the Rajasthan State Legislature also passed a Right to Information law on May 1, 2000. The Act in Rajasthan gave the citizens a legal entitlement to seek and receive information in any sector of Governance.

Successful Initiative of United Progressive Alliance Government

The Select Committee of Parliament introduced the Freedom of Information Act in 2000. The Government of Delhi also passed a law on right to information in 2001. The report of the Select Committee was tabled in the Parliament and the first national Freedom of Information Bill (2000) was introduced in Parliament in 2002. Both houses of the Parliament passed the Freedom of Information Act in 2002 which was notified in Gazette in January 2003. The Madhya Pradesh government also passed Right to Information Act in 2003. The United Progressive Alliance Government had promised to make suitable legislation in 2004 on right to information. It had set up the National Advisory Council to monitor the implementation of the rules and advise government on policy and law. The council also formulated amendments and forwarded them to the government in 2004. There were strong reservations expressed by the politicians and civil servants over the issue. But there was countrywide massive lobbying for right to information. The Supreme Court also called upon the central government to issue notification on right to information. After series of campaigns, agitations and deliberations, the UPA government enacted the Right to Information Act which came into force on October 12, 2005.

Views of Experts

Sathe (2005:06) opines: "The right to information is granted in India after years of people's struggle for securing transparent, accountable and public participatory governance. The passing of this law by the parliament marks a notable milestone in the evolution of the Indian democracy. This Act in coming future would change many things in India, including people's perceptions about government agencies and their attitudes. The significance of access to information will be realized in many sectors and streams of life and livelihood".



Shah and Agarwal (2005:07) comment: “The MKSS case demonstrates that the right to information is necessary to increase transparency. Today, most transparency initiatives such as village-level information kiosks, public-works signboards, report cards provide citizens information. However, this increase in transparency does not automatically result in an increase in accountability or a decrease in corruption. The MKSS approach proves that delinquent officials are forced to take remedial action only when concrete evidence of their complicity in misappropriation surfaces and when they are confronted by people holding them accountable. The best results are achieved when transparency initiatives are strengthened by associations of people demanding accountability and willing to confront authority. In other words, the supply of rights which can help citizens hold the state accountable is most effective only when it meets a strong civil society demand”.

Venkatesu (2006:10) writes: “The freedom movement, the Constitution of India, Supreme Court and some of the politicians supported the right to information, but not materialized due to various reasons like policy support, institutional arrangements etc. Therefore, to achieve the right to information act, the strong grassroots level movement was needed. The Mazdoor Kisan Shakti Sanghatana, Parivarthan and National Campaign for People’s Right to Information and Common Wealth Human Rights Initiative made efforts to mobilize the grassroots level people includes peasants and workers for the issue-oriented campaigns in rural areas of Rajasthan and other parts of the country. The study concluded that after the enactment of the act people got right to take, see, check and inspect any information, which is not coming under the exemption list.

The national and international organizations have discussed the issues like transparency and accountability from the point of view of good governance in India and abroad. Roy and Dey (2010:05) comment: “Beginning with a people’s movement in Rajasthan, there has been a sprouting of grass root level efforts supported by a coalition of individuals and groups all over the country, demanding disclosure of concealed government information and legislation for the People’s Right to Information. By resting the sovereign rights with the citizen and making citizens action the focus, these grassroots level demands for the Right to Information (commonly labeled Transparency) and peoples audit (labeled accountability) radically alter the potency, use, and perspective of what seems to be a commonly understood term. Clearly the demand for the people’s right to information emerging from a people’s struggle and campaign is far more incisive than the comparatively limited assertion that the Right to Information is contained within the Constitutional right to the freedom of expression”.

In 2007, RTI applications were filed by the concerned citizens to find out whether the judges of Supreme Court and High Courts had furnished information about their assets. In 2008, the Second Administrative Reforms Commission recommended that the RTI Act should be amended to provide for exclusion of any application that is frivolous or vexatious. In 2009, the government also examined certain issues relating to the implementation of RTI Act. The nodal department of the Government of India (the DoPT) organized a meeting of chief information commissioners and information commissioners from across the country to discuss the proposed amendments. The RTI activists resisted the initiatives of the government towards amending the act since it was uncalled for. Sonia Gandhi (2009:01) also addressed a letter to the Prime Minister on 10 November 2009, where she stated that “In my opinion, there is no need for changes or amendments. The only exceptions permitted, such as national security, are already well taken care of in the legislation”. There were two nation-wide assessments of the implementation of the RTI Act during 2009 and the reports were submitted to the Government of India. The national election of 2009 gave a new political rationale for the RTI Act.

Srivastava (2010:09) examined the impact of RTI Act and reports: “The Right to Information Act is an important landmark for Indian democracy. By this Act the citizen of India has been empowered like never before. The accountability of public authority was practically minimal. Not surprisingly, the culture of secrecy beginning from the colonial rule till the first six decades of independence fuelled rampant corruption. Lack of openness and accountability in the functioning of the government not only bred inefficiency but perpetuated all forms of poverty, including nutritional, health and educational. Information can empower poor communities to battle the circumstances in which they find themselves and help balance the unequal power dynamic that exists between people marginalized through poverty and their governments”.

Conclusion

The right to information movement in India strategically identified the strands that connect local struggles to larger superstructures of legislation and governance. Practically, they have ensured that their issues did not get restricted locally, but have influenced the nature of the debate on related political processes at the national level. It has revealed that people should be the architects and initiators of political change in a democratic set up. The movement has now begun to also focus on the related questions of accountability and control over decision making in all walks of life from the point of view of empowerment of people. The passage of Right to Information laws in a few States created a countrywide awareness about the right to information and other legal modalities. It is also a powerful instrument that cleanses society because of its double-



edged quality. The right to information is only a first step towards participatory governance but it is also a vital step in the direction of restoring sovereign power to the people.

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