

Day 2

Module I

Introduction to Right to Information

Chapter 2

Genesis of 'The RTI Act, 2005' in India

Chapter Scheme

- ❑ List of Abbreviations / Acronyms.
- ❑ The Beginning.
- ❑ Role of Supreme Court of India in Promoting RTI.
- ❑ Other Key Developments in Evolution of RTI.
- ❑ References on the Web.

List of Abbreviations / Acronyms

<i>FoI</i>	Freedom of Information	<i>RTI</i>	Right to Information
<i>GoI</i>	Government of India	<i>SCI</i>	Supreme Court of India
<i>MKSS</i>	Mazdoor Kisan Shakti Sanghatan	<i>UPA</i>	United Progressive Alliance
<i>NAC</i>	National Advisory Council	<i>vs.</i>	versus
<i>PUCL</i>	People's Union for Civil Liberties	-	--

The Beginning...

WE, THE PEOPLE OF INDIA, having solemnly resolved...

...to secure to all its citizens LIBERTY of thought, expression...

...adopt, enact and give to ourselves this Constitution

– Preamble to the Constitution of India

The BeginningII

Article 19(1)(a) of the Constitution of India guarantees to all its citizens the 'Fundamental Right' to 'Freedom of Speech and Expression'.

Role of the Supreme Court of India (SCI) in Promoting RTI...

- ❑ SCI recognised the Right to Freedom of Speech and Expression as also implying right to information (RTI)...

In the *Bennett Coleman vs. Union of India* case, AIR 1973 SC 60, SCI ruled that: *The right to freedom of speech and expression guaranteed by Article 19(1)(a) included the right to information.*

Role of SCI in Promoting RTI.....II

- ❑ Over the years ago, SCI has consistently ruled in favour of the citizen's right to know...

In the State of Uttar Pradesh vs. Raj Narain case, (1975) 4 SCC 428, Mr. Justice Mathew explicitly stated: *It is not in the interest of the public to 'cover with a veil of secrecy the common routine business ... the responsibility of officials to explain and to justify their acts is the chief safeguard against oppression and corruption.'*

Role of SCI in Promoting RTI.....III

In the Secretary, Ministry of Information and Broadcasting, Government of India v Cricket Association of Bengal case, SCI held that: *The right to impart and receive information from electronic media was included in the freedom of speech.*

(1995) 2 SCC 161

Role of SCI in Promoting RTI.....IV

In the People's Union for Civil Liberties (PUCL) case, *RTI was further elevated to the status of a human right, necessary for making governance transparent and accountable. It was also emphasized that governance must be participatory.*

PUCL vs. Union of India, 2004 (2) SCC 476

Other Key Developments in the Evolution of RTI in India...

- ❑ A grassroots organisation called the Mazdoor Kisan Shakti Sangathan (MKSS) took an initiative to lead the people in - Bhim Tehsil – a very backward region of Rajasthan to assert their right to information.
- ❑ It started by asking for copies of bills and vouchers and names of persons who have been shown in the muster rolls.
- ❑ MKSS succeeded in, thus, getting photocopies of certain relevant documents

Other Key Developments in the Evolution of RTI in India.....II

- ❑ MKSS organized several public hearings (*jan sunwais*) to discuss the findings pertaining to various issues known from the said documents.

People's anger made one engineer of the State Electricity Board to return, in public, an amount of Rs.15,000 that he had extracted from a poor farmer.

- ❑ The Rajasthan experience of demanding RTI came to be echoed in other States.

Other Key Developments in the Evolution of RTI in India.....III

- ❑ The Chief Ministers Conference on “Effective and Responsive Government”, held on 24th May, 1997 at New Delhi, unanimously recognised the need to enact a law on RTI.
- ❑ The Department of Personnel, Government of India (GoI) decided to set-up a ‘Working Group’ (on ‘RTI and Promotion of Open and Transparent Government’) in January 1997 under the chairmanship of Mr. H. D. Shouri.

Other Key Developments in the Evolution of RTI in India.....IV

- ❑ The 'Working Group' submitted its comprehensive and detailed report and the draft Bill on FoI in May 1997.
- ❑ The 'Press Council of India', the 'Press Institute of India', the 'National Campaign for People's RTI' and the 'Forum for RTI' unanimously submitted a resolution to GoI in February, 2000 – to amend the proposed Bill.

Other Key Developments in the Evolution of RTI in India.....V

- ❑ The Government of India (GoI) introduced the 'Freedom of Information (FoI) Bill, 2000' (Bill No. 98 of 2000) in the Lok Sabha on 25th July, 2000.
- ❑ The Bill, which cast an obligation upon public authorities to furnish such information wherever asked for, was passed by the Parliament as the 'FoI Act, 2002'.
- ❑ However, the Act could not be brought into force because the date from which the Act could come into force, was not notified in the Official Gazette.

Other Key Developments in the Evolution of RTI in India.....VI

- ❑ The 'National Advisory Council' (NAC) set up by the United Progressive Alliance (UPA) Government at the Centre, which came into power in 2004, suggested important changes to be incorporated in the FOI Act.
- ❑ These suggestions were examined by the Government, which decided to make the FOI Act more progressive, participatory and meaningful.
- ❑ Later, the UPA Government decided to repeal the FOI Act, and enacted a new legislation, the 'RTI Act, 2005'

Other Key Developments in the Evolution of RTI in India.....VII

- Meanwhile some States had enacted their specific legislations. These alongwith the national-level legislations are depicted below:

□	Tamil Nadu, Goa	1997
□	Rajasthan, Karnataka	2000
□	Delhi	2001
□	Maharashtra, Assam	2002
□	Madhya Pradesh	2003
□	Jammu and Kashmir	2004, 2009 new
□	Parliament and enacted FOI Act	6 January 2003
□	Parliament enacted RTI Act repealing earlier FOI Act	15 June 2005

Other Key Developments in the Evolution of RTI in India.....VIII

- | | | |
|--------------------------|--|------------|
| ☐ | RTI Bill introduced in Lok Sabha | 23.12.2004 |
| ☐ | Lok Sabha passes the RTI Bill | 11.05.2005 |
| ☐ | Rajya Sabha passes the RTI Bill | 12.05.2005 |
| ☐ | President of India assents the Act – few provisions come into force | 15.06.2005 |
| ☐ | The RTI Act, 2005 is published in the Gazette of India, Part II, Sec. 1, Ext. No. 25 | 21.06.2005 |
| ☐ | The RTI Act, 2005 comes into full force. | 12.10.2005 |

References on the Web...

- 'A Handbook for Trainers - RTI Act 2005' – 'freely accessible on and downloadable from www.rti.org.in by clicking on the 'Handbooks' link to the right on the Home Page. [Please refer to Pgs. 22 – 28]
- For some more information on genesis of RTI in India visit <http://www.rti.org.in/Documents/Case%20Studies/Articles/RTIfootsteps.pdf>
[To access any of this resource, copy the link, open a new browser window and paste it. Do not close the existing window.]

End of Chapter 2

You must take the Quiz for this Chapter before proceeding to the next Chapter!