



CONSTITUTIONAL INTERPRETATION OF RIGHT TO INFORMATION

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Abstract--We, the people of India has adopted, a democratic form of government under constitution of India, guaranteeing to the citizens fundamental right of freedom of speech and expression wherein right to information is implicit. The citizens have a right to know about the affairs of the government, which having been elected by them, seeks to formulate best policies of governance aimed at their welfare. In the participatory democracy citizens have the right to know the government decisions. In the present era, the accountability and transparency depends upon the public authorities, improves the decisions making, provides better information about the elected representatives, enhances government credibility with its citizens, and provides powerful aid in the fight against corruption. The right to information is a subject of fundamental importance in any civilized society. The genesis of the Right to Information is the fundamental right of freedom of speech and expression guaranteed under Article 19(1)(a) of the constitution. The main focus of the present paper is on the vigilant citizen to know the government decisions because every citizen of India to give taxes to the government.

Keywords: Constitutional Interpretation, Right to Information, Participatory Democracy, Right to know, Public Authorities.

INTRODUCTION

Constitution of India has adopted democratic set-up for the country. According to Abraham Lincoln's definition the democracy is government by the people, for the people and of the people. It means the people are sovereign and the government is their servant. Therefore the citizens of our country have the right to know about state affairs. Freedom of information brings openness in the administration of justice which helps to promote transparency, accountability in the state affairs and reduce corruption. "Information is needed by human beings to realize their full social, political and economic potential. It entails a spectrum of knowledge about various issues and involves different stakeholders from market to government. It is the key which helps make decisions. It is also a public resource collected and stored by government in trust of people"¹. The genesis of the right to information Act is under Article 19(1) (a) freedom of speech and expression and includes the right to know and to be known. It is not absolute but some reasonable restriction be also imposed for the true functioning of the government authorities. In a democratic country like India the government derives its powers from the people, so the government is responsible and accountable towards common people of the nation. Therefore, we can say the transparency and accountability are the two basic features of the democracy. In the case of *S.P. Gupta v. Union of India*², Justice P.N. Bhagwati has elaborated, "Now it is obvious from the constitution that we have adopted a democratic form of government where a society has chosen to accept democracy as its creedal faith, it is elementary that its citizens ought to know what their government is doing. The citizens have right to decide by whom and by what rules they shall be government and they are entitled to call on this behalf to account for their conduct.

No democracy governed can survive without accountability and the basic postulate of accountability is that people should have information about the functioning of the government. It is only if the people know how government is functioning than they can fulfill role which democracy assigns to them and make democracy really effective participatory democracy". Fundamental feature of the Indian Constitution through democracy we have the right to know the public fund where and how is to be utilized. Democracy is based on the vigilant and empowered citizens. The Right to Information is an instrument to achieve these objectives. The Right to Information Act is an important step to promoting a really transparent, vibrant and responsible government. This legislation is expected to usher an era of performance and efficiency, eliminate the scourge of corruption. This legislation bring the common man's concern to the heart of all process of governance. There are various challenges to the public authorities since the functionaries at these levels have to change their mindset about sharing the information, they hold with the common citizen. However, the information commissions & media have also played a very significant role in highlighting some of these issues which are concerned with common man.



CONSTITUTIONAL INTERPRETATION

The constitutional interpretation of the language of the Article 19(1)(a) leads to many derivative provisions. In the case of *Bennet and Coleman v. Union of India*³ the Supreme Court elaborated the “the freedom of press means the right of all citizens to speak, publish and express within compass the right of all citizen to read and be informed.” In the case of *Keshwanand Bharti v. State of Kerala*⁴, also observed that, “Fundamental rights themselves have no fixed content, must of them are empty vessels into which each generation must pour its content in the light of its experience. It is relevant in this context to remember that in building up a just social order it is sometimes imperative that the fundamental rights should be subordinated to directive principles”. Further more in the case of *State of U.P. v. Rajnarayan*⁵ it way, by their public functionaries. Similarly in the case of *Dinesh Trivedi, M.P. v. Union of India*⁶ Supreme Court held that freedom of speech and expression includes right of citizens to know about the affairs of the government. In *Reliance Petrochemical Ltd. v. Proprietor, Indian Newspaper Pvt. Ltd.*⁷ Apex Court held that right to information in an essential ingredient of a participatory democracy.

Nowadays, the transparency has increased then ever before in the working of the public authorities by the consequences of increased number of applications. “Right to know is an important ingredient of participatory democracy. The concentration of political and administrative power is the management of the country’s economic and social resources led to wide spread corruption jeopardizing the universally acknowledge principles of good governance namely democracy, liberty and the rule of law. Democracy, in turn requires accountability and transparency through devolution of information and effective participation citizens in decision -making”⁸.

In *Secretary, Ministry of Information and Broadcasting, Govt. of India v. Cricket Association of Bengal*⁹ the apex court held that the freedom of speech and expression includes right to acquire information and disseminate it. It enables people to contribute to debate on social and moral issues. Right to information of speech and expression means right to education, to inform, to entertain and right to be educated, informed and entertained. Right to telecast is, therefore, within the ambit of Article 19(1)(a).

In another landmark judgment *Union India v. Association for Democratic Reforms*¹⁰ the Apex court held that the voters right to know the antecedents of the candidates is based on the wider interpretation by Article 19(1)(a). The basic foundation of good democracy is to have well informed citizens for free and fair election is the basic structure of the constitution and to have information about the candidates contesting the elections, e.g., where the candidate is literate, what is his asset and liability, whether he is charged with any criminal offence, these must be known to every voter.

CONCLUSION

Right to Information Act is a social legislation, which provides every citizen of the nation to obtain information from the public authorities as a matter of right. This Act is powerful instrument to fight against corruption. Constitution of India has been adopted the democratic pattern of the government. So government authorities are bound to provide maximum disclosure and minimum exemption. Right to information brings transparency, ensure accountability, checks corruption and brings openers of public bodies in the decision making.

Democratic setup of the government and Right information are complimentary to each other. Good governance is only the avenue, which can provide guarantee the life of individual. Right to information is in fact life line of any democratic country like India, since it empowers the citizen, keeps check on corruption in public offices and brings greater transparency and accountability in the public authorities.

Moreover, the Apex court has contributed a lot in the evolution of right to information is a number of leading cases by consistently ruling in favour of citizen’s right to know. This right is derived from the fundamental rights under Article 19(1)(a) of the constitution of India. People can play an important role in a democracy only if the government civil societies and the media have generally lent their might to the realization of citizen’s right to information. There is a special duty cast upon the organization of civil society and *probono publico* to be vigilant so that objectives of the revolutionary Act should not be frustrated by bureaucratic manipulations. The heart and sole of any beneficial legislation always lie in its implementations.



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