



ORIGINAL RESEARCH PAPER

Law

AN ANALYTICAL STUDY OF THE LANDMARK JUDGMENTS RELATED TO RIGHT TO INFORMATION ACT- 2005

KEY WORDS: RTI 2005, Official Secrets Act 1923, Public Information Officers (PIOs), Parliament of India, public authority, promote transparency, accountability, The Constitution of India.

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INTRODUCTION

The Right to Information Act, 2005 (RTI Act) is a landmark legislation enacted by the Parliament of India to promote transparency and accountability in governance. It replaced the Freedom of Information Act to ensure effective administration of the right to information for citizens at the national level. The RTI Act applies to all states and Union Territories of India, with the exception of Jammu and Kashmir, which has its own state- level legislation. Under this Act, any citizen can request information from a "public authority" (government or state instrumentality) and must receive a response within thirty days. The Act mandates public authorities to digitize their records and proactively disclose certain information to minimize the need for individual requests. Enacted on June 15, 2005, and implemented on October 12, 2005, the RTI Act also relaxed restrictions on information disclosure imposed by the Official Secrets Act of 1923.

Article 19 of the Constitution of India and the Universal Declaration of Human Rights, 1948 both recognize the Right to Information, which encompasses the freedom to hold opinions without interference and to seek, receive, and impart information through any media. The Right to Information Act, 2005, significantly transformed India by providing citizens access to information held by public authorities, promoting transparency and accountability in government operations. This act ended the era of secrecy and empowered citizens by making information and knowledge accessible, which is essential for a healthy democracy.

Scope of Study

The scope of this study includes the constitutional principles underlying the RTI Act, its practical implementation and its impact on governance in India. In this study we will try to understand about the various cases of this law and its impact on the society and an analytical study of the landmark judgments related to Right to Information act – 2005

Supreme Court of India and Right to Information:

1. Secretary General, Supreme Court of India vs. Subhash Chandra Agarwal:

- The Delhi High Court ruled that the right to information is part of the right to freedom of speech, subject to restrictions under Article 19(2). Section 8 of the RTI Act provides exemptions to balance conflicting public interests like government efficiency and confidentiality.

2. Om Parkash Malhotra vs. Punjab National Bank:

- The Commission upheld that account details of third parties are protected under Section 8(1) (d) of the RTI Act. The Bank was justified in not disclosing such information as it is held in commercial confidence and disclosure would not serve a larger public interest.

3. Joseph Baby vs. Sub-Inspector of Police:

- The Kerala High Court emphasized that media should publish court proceedings with care and ensure accuracy. It stated that delaying publication to verify facts would not violate the right to information and cautioned against causing embarrassment to the courts.

4. Nusli Wadia, Mumbai vs. Ministry of External Affairs:

- Information regarding Jinha House was withheld as it

could affect India's relations with a foreign state. The Chief Information Commission directed severing non-disclosable information and providing the rest.

5. Anuj Dhar vs. Ministry of External Affairs:

- The Ministry denied an RTI request for correspondence related to Netaji Subhash Chandra Bose's disappearance, citing potential harm to foreign relations. The Commission ordered an expert review to determine if disclosure would affect relations with Russia.

6. Sayantan Dasgupta vs. Ministry of Home Affairs:

- The applicant sought documents related to the Netaji Enquiry Committee. The Commission directed the Public Authority to provide the information, allowing time to examine which documents might be exempt under Section 8(1) (a).

7. Venkatesh Nayak v. Department of Personnel and Training:

- The court ruled that the Right to Information Act applies to documents before they are submitted to the Cabinet Secretariat for Cabinet consideration. Information prior to the formation of the Cabinet note is open to disclosure under Section 4(1)(c), provided it does not violate Section 8(1)(i). This establishes a distinction where the actual Cabinet note is exempt from disclosure under Section 8(1)(i), but the preceding proceedings are not

8. Mohan Lal v. Delhi Police:

- Held that the copy of the case-diary prepared by the investigation agency relating to the FIR could not be provided to the appellant since it impeded the process of investigation as provided under Section 8(1)(h) of the RTI Act, 2005.

CONCLUSION

The Right to Information Act, 2005, is a cornerstone for enhancing transparency and accountability in Indian governance. By granting citizens the right to access information, the Act empowers them to demand their rights and engage more closely with democratic processes. This empowerment can significantly reduce corruption and improve public accountability. However, the Act's success hinges on the commitment of public authorities to adhere to its provisions and the active participation of citizens in exercising their right to information. Balancing the right to information with the right to privacy is crucial, and Sections 8 and 9 of the Act provide a framework for this balance through the test of overriding public interest. Public Information Officers are required to issue well-reasoned decisions on all information requests, ensuring transparency and accountability in their operations. Comparative analysis with other jurisdictions can offer valuable insights for further enhancing the RTI framework in India.

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