

RIGHT TO INFORMATION

AN INTRODUCTION

Why

Right to Information ?

Why

Official Secrecy?

The Official Secrets Act, 1923

The first Official Secrets Act was passed in 1889, after a clerk in the Foreign Office had passed details to *the Globe* of a secret treaty between Britain and Russia.

He had, sensibly, committed these details to memory, and much embarrassment was suffered by the authorities when he was duly acquitted of the only available offence, that of **removing a state documents**.

The Official Secrets Act, 1923

in 1911, when German 'gunboat diplomacy' at Agadir caused national panic, and coincided with sensationalized newspaper stories about German spies posing as tourists and photographing the fortifications at Dover harbour.

The Government, to the acclaim of the press and the opposition, instantly produced the Official Secrets Act as a measure to protect the nation from enemy agents.

The Official Secrets Act, 1923

Until 2005, OSA forbade public servants, from revealing any information about their jobs, or any information obtained in the course of their jobs, if the disclosure had not been 'authorized' by a superior.

SUSTAINABLE DEVELOPMENT GOALS



Sustainable Development Goals

On 1 January 2016, the 17 Sustainable Development Goals (SDGs) of the 2030 Agenda for Sustainable Development — adopted by world leaders at historic UN Summit — officially came into force. The SDGs build on the success of the Millennium Development Goals (MDGs) and aim to end all forms of poverty.

Sustainable Development Goals

The United Nations Conference on Trade and Development estimates that attainment of the Sustainable Development Goals (SDGs) would require \$2.5 trillion annually.

Sustainable Development Goals



Goal 16

- Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, **accountable and inclusive institutions** at all levels

Sustainable Development Goals

TARGET 16.10

- Ensure public **access to information** and protect fundamental freedoms, in accordance with national legislation and international agreements

“Indicator 16.10.2: Number of countries that adopt and implement constitutional, statutory and/or policy guarantees for public access to information”



Communication and
Information Sector

Highlights from the 2019 UNESCO Monitoring and Reporting of SDG Indicator 16.10.2 - Access to Information



"If information is **power**, then access to information is **empowerment**."

Nad'a Al-Sakkaf, former Minister of Information, Republic of Yemen

Advancing SDG 16 Target 10 on public access to information and fundamental freedom can nourish progress on all the SDGs

2nd ARC Report - *RTI: Master Key to Good Governance*



RTI: Master Key to Good Governance

Good governance has four elements- **transparency**, accountability, predictability and participation.

Transparency refers to availability of information to the general public and **clarity about functioning** of governmental institutions.

Right to information opens up government's records to **public scrutiny**..

RTI: Master Key to Good Governance

Information about functioning of government also enables citizens to **participate** in the governance process effectively.

In a fundamental sense, right to information is a **basic necessity** of good governance.

Fundamental Human Right

Right to Information is a **fundamental human right**, crucial to human development, and a **prerequisite** for the realization of other human rights.

Progressive law

The Right to Information Act 2005 came fully into force on 12 Oct. 2005.

“Indian RTI law is the best in the world.”

- Former CIC Sri Satyananda Mishra on 20 Jan.2012 at Chennai.

Strong RTI law

- India enacted a strong RTI law. According to a recent international assessment, India is placed **7th in the list of 128** countries with the strong national level RTI laws.
- “The RTI Rating”, a comparative assessment of national legal frameworks for the right to information was developed by the Centre for Law and Democracy and Access Info Europe.

Strong RTI law

Indian RTI Act served as a **model** for other countries, particularly its neighbors, who enacted even stronger open laws creating healthy competition:

- Nepal
- Bangladesh
- Sri Lanka

Right to information

Empowers common people

Transparency benefits the poor greatly by protecting their rights and dignity.

UNESCO

- An open and transparent government is a fundamental component of a **democratic** and developed State.
- United Nations Educational, Scientific and Cultural Organization (UNESCO) PROCLAMATION OF 28 SEPTEMBER AS THE “**INTERNATIONAL DAY FOR THE UNIVERSAL ACCESS TO INFORMATION**”
- Source : 197 EX/Decision 35, 3 November 2015

ARTICLE 19

- It has been widely recognised worldwide as a **fundamental human right**, as well as an important tool for enforcing the rule of law, fighting corruption and ensuring other rights.
- 'ARTICLE 19', an international organization working on freedom of expression, in its report *Asia Disclosed: A Review of the Right to Information across Asia*.

ARTICLE 19

- **The benefits of right to information**
- Democratic participation and understanding
- Improved decision making processes
- **Improved government records management**
- Improved Internal Efficiency
- Anti-corruption

A Fundamental Human Right

A prerequisite for the realization of other human rights:

civil and political rights such as the right to life and liberty, freedom of expression, and equality before the law

economic, social and cultural rights such as right to adequate food, right to water, right to highest attainable standard of health, right to education.

United Nations General Assembly

UN General Assembly, in its first session in 1946, adopted Resolution 59 (I):

“Freedom of information is a fundamental human right and . . .the touchstone of all the freedoms to which the UN is consecrated” .

UDHR

Article 19 of the '**Universal Declaration of Human Rights**', a United Nations General Assembly Resolution 217(III) A of 1948 recognises Freedom of Expression including Freedom of Information and Free Press - a **fundamental human right**.

Freedom of Expression includes the right to seek, receive and impart information and right to access information held by public authorities.

ICCPR

Article 19 (2) of the ‘**International Covenant on Civil and Political Rights**’ (ICCPR), a United Nations General Assembly Resolution 2200A(XXI) of 1966 states:

“Everyone shall have the right to freedom of expression; this right shall include **freedom to seek, receive and impart information** and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.”

The Constitution of the kingdom of Bhutan

Article 7.3

A Bhutanese citizen shall have the right to
information.

WE, THE PEOPLE OF INDIA

resolved to secure ourselves . . .

LIBERTY of thought, expression . . .

through the Preamble to

our Constitution

56 years ago.

Article 19(1)(a) guarantees us the right to freedom of speech and expression.

The Supreme Court of India has recognized this right as implying a full right to information, in 1973.

In *Bennette Coleman v. Union of India*, AIR 1973 SC 60, our Supreme Court ruled that the right to freedom of speech and expression guaranteed by Art. 19(1) (a) included the right to information.

Constitutional clauses are **difficult to enforce** directly without the help of legal statutes, because each and every time, we can not approach the Supreme Court or High Courts to enforce our fundamental rights.

The Right to Information Act 2005 establishes the necessary **practical regime** of right to information.

Impact of Right to Information

Information laws can have a positive impact on at least three different spheres of society:

- ◎ **politics**
- ◎ **economics**
- ◎ **public administration.**

In the **political** sphere

- This enables them to transform themselves from passive citizens who occasionally go to the polls into **active citizens** who call the government to account and participate in the design of public policies.

In the economic sphere

- transparency increases efficiency by making the investment climate more **reliable** and allowing capital to better calculate where and when it can **best be invested**.

In the sphere of **public administration**

- transparency improves the decision making of public servants by making them more **responsive and accountable** to the public and

In the sphere of **public administration**

- controls corruption by making it more **difficult to hide** illegal agreements and action.

A friend in need

- RTI is making life easier and honorable for common people.
- RTI empowers them to request and access public services successfully.

A friend in need

- Many people have been filing requests for information and hundreds of success stories appeared in electronic and print media.
- Even primary school students filed applications for information of public importance and shot into fame.

Right to Information could have prevented Bhopal tragedy(?)



Could Right to Information Have prevented Bhopal tragedy?

3 Dec.1984:

Gas leak from a pesticide plant killed more than 7,000 people; Many were children.

A further 15,000 died in the following years.

Still thousands of individuals are suffering.

(The plant was owned by Union Carbide Corporation,
now owned by Dow Chemical)

Bhopal: A failure of knowledge?

- “The accident might not have happened at all **if the right people had obtained the right information** at a time when they were capable of appreciating it and taking appropriate preventive action.”
- -- Sheila Jasanoff, Professor at Harvard University's John F. Kennedy School of Government, ‘The Bhopal Disaster and the Right to Know’, *27 Social Science and Medicine* 1113 (1988).

Could Right to Information Have prevented Bhopal tragedy?

Freedom of information laws were strengthened in the west after Bhopal. **Emergency Planning and Citizens Right-to-Know Act 1986** established the **Toxics Release Inventory**.

People can access information about hazardous materials in the community from the Local Emergency Planning Committees.



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Year of Data

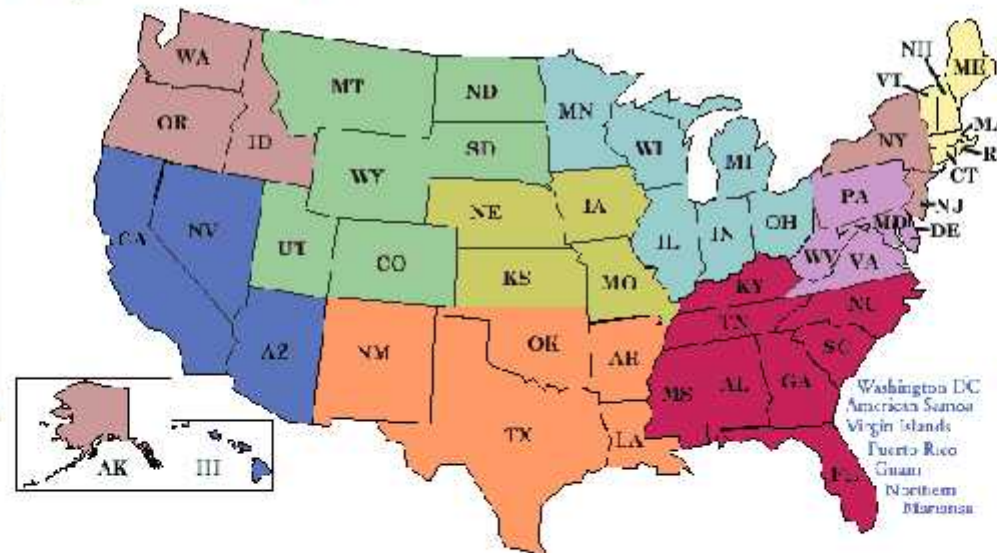
2007

Select 2007 PLIK data set (frozen on September 22, 2008 and released to the public in March 2009).

Data updates will be made available later

Select a state or all of US from the drop down list or click on the map:

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THE EVOLUTION
OF

THE RIGHT TO INFORMATION

RTI: A Short History

250 years ago
Sweden passed the first freedom of
information law in the world,
sponsored by Finnish priest
Anders Chydenius;
inspired by the
Confucian philosophy.



The origins of openness are not
in the West, but in the East.

Confucius taught Chinese
kings to:

“**admit their own imperfection**
as a proof for their
love of the truth
and in fear of ignorance and
darkness.”



American FOI Act

The origins of the American Freedom of Information Act (FOIA) come from the activism of Democratic Congressman **John Moss**, who chaired the special sub committee of public information.

U.S.A. passed the FOIA in 1966.



Chronology of FOI laws

- Sweden 1766
- Colombia 1888
- Finland 1951
- U.S.A. 1966
- Denmark, Norway 1970
- France 1978
- Australia, New Zealand 1982
- Canada 1983
- India, England 2005

So far, over 120 countries have passed FOI laws.

Mazdoor Kisan Shakti Sangathan

When minimum wages continued to be denied to workers who put in more than 8 hours of work on government works in Bhim Tehsil

MKSS lead them to assert their RTI by **demand for copies of bills, vouchers and muster rolls**, in village panchayats.

This initiative triggered off a campaign for transparency and accountability in the use of public funds.

Ms Aruna Roy, Founder, MKSS



Mera paisa, mera hisab!

“When I send my son to the market with ten rupees, I ask for accounts. The Government spends millions of rupees, I ask for accounts.

Is liye – Mera paisa, mera hisab!”

(My money, My accounts !)

-- Sushila

The Rajasthan experience on demanding right to information was echoed in other States.

Chronology of RTI Laws in India

- Tamilnadu, Goa 1997
- Rajasthan, Karnataka 2000
- Delhi 2001
- Maharashtra, Assam 2002
- Madhya Pradesh 2003
- Jammu and Kashmir 2004,2009
- Parliament enacted FOIA 2002 06.01.2003

Chronology of RTI Laws in India

- 23.12.2004 The RTI Bill introduced in the Lok Sabha
- 11.05.2005 Lok Sabha passed the RTI Bill
- 12.05.2005 Rajyasabha passed the RTI Bill
- 15.06.2005 The President gave assent to the Act; a few provisions came into force
- 21.06.2005 RTIA published in the Gazette of India, Part II, Sec.1 Ext.No.25
- 12.10.2005 RTIA came fully into force

Way ahead

- India withdrew from the prestigious ‘**Open Government Partnership**’, launched in 2011, to “secure commitments from governments to promote transparency, empower citizens, fight corruption” and so on.
- India had been a steering committee member for months before its withdrawal.
- So far 78 countries have joined the partnership.
- For membership, a country “must endorse a high-level Open Government Declaration, deliver a country action plan developed with public consultation” and so on.

About Open Government Partnership

Welcome to the Open Government Partnership, an organization of reformers inside and outside of government, working to transform how government serves its citizens.



In 2011, government leaders and civil society advocates came together to create a unique partnership—one that combines these powerful forces to promote accountable, responsive and inclusive governance.

Seventy-eight countries and a growing number of local governments—representing more than two billion people—along with thousands of civil society organizations are members of the Open Government Partnership (OGP).

- [OGP Process](#)
- [2019 OGP Implementation Plan](#)

[Mission and Strategy](#)

Activate Windows
Go to Settings to activate Windows.

Way ahead

- ◉ The Whistle Blowers Protection Act, 2014
- ◉ Personal Data Protection law
- ◉ Public Records law
- ◉ Private sector under the RTI Act
- ◉ Environmental Right to information law
- ◉ Spending openly: Track your taxes

South Asia

- **Influence on neighbors**
- Indian RTI Act served as a model for other countries, particularly its neighbors, who enacted even stronger open laws; healthy competition, in deed.

Nepalese RTI Act of 2007

- includes registered political party in its definition of 'Public Agency' and
- offers Whistleblowers' protection under which any employee can disclose information on any ongoing or probable corruption or irregularities.

Bangladeshi RTI Act of 2009

- provides for strong Information Commission with Information Commission Fund and
- ensures Financial Independence of the Information Commission, unlike India, many of whose Information Commissions are not adequately supported by Government and suffer from lack of infrastructure, human resources and so on.

Sri Lanka

- Sri Lanka recently decided to join OGP and became the sole member from the subcontinent.
- RTI legislation came into force in 2017.

Pakistan

- Pakistan has not enacted a formal RTI law so far. However, it became one of four countries in the world where tax records are public, mainly due to efforts of Center for Investigative Reporting in Pakistan, led by journalist Umar Cheema.

Thank you!

Srinivas Madhav
shrinivasmadhav@gmail.com