



Right To Information: International History, Movement For Right To Information In India And Emergence Of Right To Information From Constitution Of India And Court Judgements

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Abstract :- It is said, 'Knowledge is Power' and information is the main source of knowledge. With the vacuity of information, people can develop and explore their full eventuality on its timely application. The overall individual sphere like personality, stations, socio- political, and profitable capabilities substantially are shaped by the information available to them. Right to Information (RTI) is the key to strengthening participatory republic. It will give thrust to the growth of the State through better governance and responsibility in all spheres of the State's functioning. Access to sanctioned information can empower the people of all stake holders especially the weaker sections of society.

It will help them claim their rights and boons without infringing on the rights and boons of others. In the absence of timely inflow of information and responsibility, no number of programs can bring about development nor its colourful programmes can truly ameliorate in the standard of people's life. Public participation through RTI is anticipated to help check corruption, injustice, biasness, detainments, and misinformation in the government departments. It is anticipated to encourage public authorities to do down with maintaining sanctioned secretiveness and go for openness to sanctioned information to bring effective governance. Right to Information is an introductory mortal right of every human being. The famed French champion Michel Foucault formerly editorialized, power is deduced from knowledge and information is the

introductory element of knowledge. Information makes men wise and it is competent enough to manage up with the ultramodern world. So, it is the duty of government to inform citizens about day to day passing whatever within the government.

The metamorphosis from governance to good governance is possible, if there's possibility of adding participation of people in governance and free access of information. By realizing this fact, Indian congress has passed Right to information act, 2005 to make government, responsible, responsible, effective, and transparent. This discussion tries to punctuate the introductory guideline of RTI act, significance & the relationship between Right to information act and good governance and the issues relating to RTI act. In concluding part, the paper provides some core recommendations for successful functioning of RTI act. Attempt has also been made to make a distinct comparison on RTI legislation between India and developed nations.

Right to information (RTI) is exercised as a tool for promoting participatory development, strengthening popular governance, and easing effective delivery of socio- profitable services. In the knowledge society, in which we live moment, accession of information and new knowledge and its operation have violent and pervasive impact on processes of taking informed opinions. Right to Information Act, 2005, is nominated as the stylish tool for bringing good governance in the society. This right has been honoured in numerous transnational instruments and is seen not just a hand of the right to freedom of speech and expression but also as a right that is necessary for the exercise of civil and political rights and socio- profitable and artistic rights. Right to Information means the right to have access to information relating to a legal right of any person. This information could be in the form of records, lines, registers, maps, data, delineations, reports etc, told the information regarding some matters that could affect a person's rights. This means that a positive duty is cast on a person to give certain types of information without staying to be asked for it. This would include information on issues concerning systems that directly affect the people or the terrain, information on health, husbandry, rainfall conditions etc.

- **Keywords:**

1. Right to Information
2. Participatory Democracy
3. Civil Right
4. Parliament
5. Data
6. Good Governance
7. Democracy
8. Transparency
9. Legal Right
10. Accountability

- 1. Introduction :-** Right to information means the freedom of people to have access to government documents, records, and other information. It implies that citizen and non- government organisation should enjoy a reasonable free access to all lines and document pertaining to the government's operations, opinions, and performance. In other words, it means openness and translucency is essential in administration to empower the citizen of a popular state. Right to information is important because it is an unnaturally related to citizen commission, good governance, and profitable development, according to an activist, information is currency of every citizen requires to share in the life and government to society. The lesser the access of the citizen to information, the garter would be responsiveness of government to community requirements. Right to information promotes translucency and good governance as right to information enable citizen to see how government those public services or working. There's presumption that all that the government does is for the well-being of the people which means it has done to foster the ideal of public well- being and is done optimizing benefits of the set up being used. The presumption has still eroded to a great extant in the recent time to the abuse, misappropriation, and careless use of public finances. Only making all public haggling transparent can check similar effects.
- 2. Methodology :- Doctrinal research or Traditional research:** A doctrinal research means a research that has been carried out on a legal proposition by way of analysing the existing statutory provisions and case laws by applying sense and logic power. It involves analysis of case law, arranging, ordering, and marshalling legal propositions and study of legal institutions, but it does more it creates law and its major tool through legal logic or rational deductions. In the opinion of Boomin, this kind of research represents more a practical regulative ideal of how the judicial process ought to be conceived by the bar than theoretical analysis of its factual structure and functioning. However, it may be modified or changed to meet the present demand, if it's set up to be unjust. This kind of exploration is carried on by all the judges, attorneys, and law preceptors. The two most important exemplifications of doctrinal exploration are the law of torts and executive law. These two areas of law have been developed by the Judges rather than the theoretical experimenters. The secondary sources like textbook books on law, narrative do not retain as important authority as the original sources retain. Hence, quality of doctrinal exploration depends upon the source of material on which the experimenter depends upon for his study. The doctrinal legal exploration attempts to corroborate the thesis by an immediate study of authoritative sources. A doctrinal experimenter should know how to use a law library for the major portion of his research methodology enterprises with the identification of authoritative sources and use the ways to find them out.
- 3. International History of Right to Access of Information :-** Information rights have a long history of around 264 years. If the transnational front is taken account of. 1766 - Sweden adopts world's first access to information law, the law establishes press freedom, including the freedom to publish and circulate accoutrements about the government, courts, and congress. The law, which forms part of Sweden's constitution, recognizes that press freedom is contingent upon access to information and states "to that end free access should be allowed to all libraries, for the purpose of copying similar

documents in loco or carrying pukka clones of them. 1789 - France's protestation of Human and Civil Rights, it still forms part of the French Constitution establishes at Composition 14 that "All citizens have the right to ascertain, by themselves, or through their representatives, the need for a public duty, to concurrence to it freely, to watch over its use, and to determine its proportion, base, collection, and duration. 1946 - UN General Assembly Resolution 59(1) on Freedom of Information says, "Freedom of Information is an abecedarian right and is the criterion of all the freedoms to which the United Nations is consecrated. Freedom of Information implies the right to gather, transmit and publish news anywhere and far and wide without fetters. As similar it is an essential factor in any serious trouble to promote the peace and progress of the word." This language was not still easily understood or defined at the time as the right to request and admit information from public authorities. 1966 - United States of America adopts Freedom of Information Act, legislated in 1966, The Freedom of Information Act (FOIA) is a civil law that establishes the public's right to gain information from civil government agencies. 1981 - Council of Europe adopts Recommendation to member States on the Access to information held by public authorities, the recommendation reflects the trend in Europe to fete a right of access to executive information, as reflected in laws similar as France's 1978 law on the "enhancement of relations between the public and the administration" and the Netherland's 1978 "law on openness of the administration".

Numerous countries in the world have formerly legislated acts furnishing right to information including countries from North America, utmost of the Europe, Colombia, Peru, South Africa, India, Australia, and New Zealand. Over 25 countries have initiated the process to legislate the right to information act of 1996 was amended in 1974 after the 'Watergate' reproach. It would therefore be seen that the right to information is a global miracle. utmost of the popular countries has honoured the right to information I one way or the other. Transnational experience shows that it can also boco-related to development.

- 4. Emergence of Right to Information from Indian Constitution and Court Judgements :-** There is a specific right to information in the constitution of India. still, right to information has been read into the indigenous guarantees which are a part of chapter on abecedarian rights. The constitution of India confers abecedarian right on individualities. The Right to Equity before the law (Composition 14), the right to freedom of speech and expression (Composition 19(1) (a)), to indigenous remedies (Composition 32) have connection with the right to information laterally.

Interpreting Composition 19(1) (a) of the Constitution of India: Article 19(1) (a) of the constitution of India guarantees to the citizen freedom of speech, one must have also the freedom to admit the opinion from other. Interpretation of the Composition 19 of the constitution of India has laid down that right to information is one of the essential constituents of Composition 19(1) (a). Composition 19(1) (a) says, "Protection of certain rights regarding freedom of speech, etc.-(1) All citizen shall have right to freedom speech and expression. So right to information gets the legal accreditation in India as it is the duty Supreme Court to interpret the provision of the constitution of the India and the law declared by the Supreme Court is binding

under Composition 14, read as under “The law declared by the supreme court shall be binding on all Courts within the home of India.”

Right To Information as an Abecedarian Right Supreme Court on The Right to Information: The right to information is an abecedarian right flowing from Art. 19(1) (a) of the Constitution is now a well- settled proposition. Over the times, the Supreme Court has constantly ruled in favour of the citizen’s right to know. The nature of this right and the applicable restrictions thereto, has been bandied by the Supreme Court in several cases. The development of the right to information as a part of the indigenous Law of the country started with desires of the press to the Supreme Court for enforcement of certain logistical counteraccusations of the right to freedom of speech and expression similar as gruelling governmental orders for control of newsprint, bans on distribution of papers, etc. It was through these cases that the conception of the public’s right to know developed. The case in freedom of the press in India was Bennett Coleman and Co v. Union of India, the right to information was held to be included within the right to freedom of speech and expression guaranteed by Art. 19(1). In Indira Gandhi v. Raj Narain, the Court explicitly stated that it is not in the interest of the public to ‘cover with a robe of secretiveness the common routine business- the responsibility of officers to explain and to justify their acts is the principal safeguard against oppression and corruption.’ In SP Gupta v. Union of India, the right of the people to know about every public act, and the details of every public sale accepted by public functionaries was described. In People’s Union for Civil Liberties v. Union of India, the court held that exposure to public scrutiny is one of the known means for getting clean and less weakened persons to govern the country. This principle was indeed more easily enunciated in a after case in Indian Express journals (Bombay) Private Ltd v. Union of India, where the court remarked, “The introductory purpose of freedom of speech and expression is that all members should be suitable to form their beliefs and communicate them freely to others. In sum, the abecedarian principle involved ten’s the people’s right to know.”

In State of U.P v. Raj Narain, the Court said, “While there are inviting arguments for giving to the superintendent the power to determine what matters may prejudice public security, those arguments give no permission to giving the superintendent exclusive power to determine what matters may prejudice the public interest. Once considerations of public security are left out there are many matters of public interest which cannot be safely bandied in public” (emphasis added). Justice Mathew went further to say, “In a government of responsibility like ours, where all the agents of the public must be responsible for their conduct, there can be but many secrets. The people of this country have a right to know every public act, everything that's done in a public way, by their public functionaries. They are entitled to know the particulars of every public sale in all its bearing. The right to know which is deduced from the conception of freedom of speech, though not absolute, is a factor which should make one cautious, when secretiveness is claimed for deals which can, at any rate, have no influence on public security. To cover with robe of secretiveness, the common routine business is not in the interest of the public. similar secretiveness can infrequently be legitimately asked. It is generally asked for the purpose of parties and politics or tone- interest or regulatory routine responsibility of officers to explain or to justify their acts is the principal safeguard against oppression and corruption.” In

Kuldip Nayar v. UOI, Y.K. Sabharwal, C.J. Secrecy becomes a source of corruption - Sunlight and transparency have the capacity to remove it. In Secretary General, Supreme Court of India v. Subhash Chandra Agarwal, High Court of Delhi held that The CJI is a public authority under the RTI Act and information so given by CJI of the means in public information. protestation of means by the SC Judges, is information u/ s 2(f) of the Act and the contents of asset protestation are to be treated as information, and may be penetrated in agreement with the procedure specified under section 8(1) (j). Incipiently, the CJI, if he deems applicable, may in discussion with the Supreme Court Judges, evolve invariant norms, contriving the nature of information, applicable formats, and if needed, the periodicity of the protestation to be made. The Delhi HC directed that the CPIO, Supreme Court of India, shall release the information sought by the replier of the protestation of means.

By High Court: The right to know has been reaffirmed in the context of environmental issues that have an impact upon peoples very survival. Several High Court decisions has upheld the right of citizen groups to access information where an environmental issue was concerned. In L.K. Koolwal v. State of Rajasthan and other {AIR 1988}: The Rajasthan high court gave clear cut directive that freedom of speech and expression provided under Article 19 of the constitution clearly implied right to information as without information the freedom of speech and expression cannot be fully used by the citizens.

5. Right to Information Movement in India :- People's Power for the Control of Corruption: The right to information is implicit in the Constitution of India, indeed so the dominant culture of the superintendent has been one of secretiveness and bent 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 entered a fresh motivation from a valorous and important grassroots struggle of the pastoral poor for the right to information, to combat rampant corruption in shortage relief works. This struggle was led by a people's organisation, the Mazdoor Kisan Shakti Sangathan (which literally means 'organisation for the commission of workers and peasants'). The reverberations of this struggle led to a civil demand for a law to guarantee the right to information to every citizen, with wide support from social activists, professionals, attorneys, and persons within the bureaucracy, politics, and the media, who are committed to transparent and responsible governance and people's commission. Three consecutive civil governments in quick race have committed themselves to the passage of a law to guarantee the people's right to information and some state governments have passed similar laws and executive instructions.

Factually, the significance of the right to information, particularly in empowering ordinary citizens to combat state corruption. It will describe in some detail the most important grassroots struggle for the right to information, which has succeeded in linking the entire movement in the country to the struggles for survival and justice of the poorest. It would also delineate the indigenous history of the right, and attempts through the courts to transgress the culture of secretiveness of the superintendent, and enterprise from persons within the government. It will in the end describe sweats at the public position to ordain this right.

Grassroots Struggle in Rajasthan: The most important point that distinguishes the movement for the people's right to information in India from that in most other countries, whether of the North or the South, is that it is deeply embedded in the struggles and enterprises for survival and justice of utmost underprivileged pastoral people. The reason for this special character to the entire movement is that it was inspired by a largely valorous, bent, and immorally harmonious grassroots struggle related to the most abecedarian livelihood and justice enterprises of the pastoral poor.

This inspiring struggle in the large desert state of Rajasthan was led by the Mazdoor Kisan Shakti Sangathan (MKSS), as part of a people's movement for justice in stipend, livelihoods, and land. In this section, we will relate in some detail the story of the MKSS, because it would enable a deeper understanding of why the movement for the people's right to information in India has developed as part of a larger movement for people's commission and justice.

History of the MKSS It was eleven times gone, in the summer of 1987, that the three launching activists of MKSS chose a humble shack in a small and impoverished Village Devdungri in the thirsty state of Rajasthan, as their base to partake the life and struggles of the pastoral poor. The oldest member of the group was Aruna Roy, who had abnegated from the elite Indian Administrative Service over a decade before. She had worked in a colonist experimental NGO, the Social Work and Research Centre, Vilonia, and gained important grassroots experience and contact with ordinary pastoral people, but now sought work which went beyond the delivery of services to lesser commission of the poor. She was accompanied by Shankar Singh, an occupant of a Vill not far from Devdungri, whose gift was in pastoral communication with a rare sense of humour and irony.

He drifted through seventeen jobs- working substantially with his hands or his head in a range of small manufactories and establishments- before he reached Tilonia, to help establish its pastoral communication unit with him was his woman Anshi and three small children. The third activist of the group was Nikhil Dey, a youthful man who abandoned his studies in the USA in hunt for meaningful pastoral social activism.

The battle against corruption: The new instrument of public hearings: In the downtime of 1994, their work entered a new phase, breaking new ground with trials in fighting corruption through the methodology of jan- sunwayi or public sounds. This movement, despite its original character, has had state-wide reverberations and has shaken the veritably foundations of the traditional monopoly, the arbitrariness and corruption of the state bureaucracy. In fact, the movement contains the seeds for growth of a largely significant new dimension to commission of the poor, and the momentous blowup of their space and strength in relation to structures of the state. As with utmost great ideas, the conception and methodology of public sounds or jan- sunwayi fashioned by the MKSS is disarmingly simple.

For times, indeed centuries, the people have been in their diurnal lives' habitual victims of a running tradition of acts of corruption by state authorities graft, highway robbery, nepotism, arbitrariness, to name only a many- but have substantially been silent victims trapped in settled despair and cynicism. From time to time, valorous individualities- political leaders, officers, social activists have tried to fight this scourge and bring

relief to the people. But in utmost similar sweats, the part of the people who are victims of similar corruption has substantially been unresistant, without participation or stopgap. similar juggernauts for the utmost part have arisen out of unforeseen public wrathfulness at an event and failed down as suddenly or has been sustained critically dependent on an attractive leadership. Accordingly, the results of juggernauts against corruption have been temporary and unsustainable.

The important documents related to public workshop are the muster roll, which lists the attendance of the workers and the stipend due and paid, and bills and validations which relate to buy and transportation of accoutrements. These are also read out and explained to the people, in open public meetings.

The people therefore have gained unknown access to information about, for case, whose names were listed as workers in the muster rolls, the quantities of plutocrat stated to have been paid to them as stipend, the details of colourful accoutrements claimed to have used in the construction, and so on. They have learnt that numerous persons, some long dead or migrated or missing, were listed as workers, and shown to be paid stipend which were siphoned down, that as numerous bags of cement were said to have used in the 'form' of a primary academy structure as would be acceptable for a new structure, and in numerous other similar stunning data of the duplicity and fraud of the original officers and tagged representatives. It is not as if they were ignorant in the history that muster rolls are forged, that records are fudged, that accoutrements are boosted, and so on. But these were general fears and dubieties, and in the absence of access to hard data and substantiation, they were unfit to take any preventative or remedial action.

The public sounds dramatically changed this, and ordinary people spoke out valorously and gave satisfying substantiation. It is significant that the original administration in the four sections in which public sounds were organised by MKSS refused to register felonious cases or institute recovery proceedings against the officers and tagged representatives against whom certain substantiation of corruption had been gathered during the public sounds and their follow-up.

National Movement for the Right to information: Obstruction for the right to information: The following are the laws that prohibits rights to information in India:

The Official Secrets Act, 1923: It prohibits all public retainers from telling any information to the public.

Section 123 of the Indian Evidence Act 1872: No bone shall be permitted to give any substantiation deduced from unpublished sanctioned record relating to any affairs of state, except with the authorization of the office at the head of the department concerned, who shall give or withhold similar authorization as he thinks fit.

Oath by Public Servant: Before joining duty, public menial swears that the information is a state secret.

Rule 11 of the central civil services (Conduct) Rules, 1964: No hand of the secretariat shall, except in agreement with any general or special order of the secretariat or in the performance in good faith of the duties assigned to him her, communicate, directly or laterally, any sanctioned document or any other person to whom he she is not authorized to communicate similar document or information.

Rule 9 of the All- India services (Conduct) Rules, 1968: No member of the service shall except in agreement with any general or special order of the government for in the performance in good faith of duties assigned to him, communicate directly or laterally any sanctioned document or part thereof or information to any government menial or any other person to whom he is not authorized to communicate similar document or information.

Archives policy Resolution 22 December 1972: State that all document is classified for people. Indeed, unclassified material cannot be communicated to anyone outside the government without authorization.

The below mentioned legal provision is considered main hurdles to right to information. The major law that obstructs the enactment for right to information:

Movement to Breach the Official Secrets Act, 1923: The Official Secrets Act, 1923, is a replica of the quondam British Official Secrets Act and deals with spying on the one hand, but has the dangerous “catch all” Section which makes it an offence to part with any information entered in the course of sanctioned duty, to non-officers. expostulations to this provision have been raised ever since 1948, when the Press Laws Enquiry Committee said that “the operation of the Act must be confined, as the recent Geneva Conference on Freedom of Information has recommended, only to matters which must remain secret in the interests of public security. This was sound advice which went unheeded and numerous forums, academic debates, and political pledges latterly (election manifestoes of nearly all major political parties have, at least in the last decade been promising translucency and executive reform) the position has not changed much. In fact, the Act has been used time and again to suit the purposes of the government.

Two ignominious cases come to mind in the present environment. One was the duty of the Official Secrets Act being used to enjoin entry of intelligencers into an area where massive relegation is taking place due to construction of a large levee, one of the world’s largest heads displacing hundreds of thousands, the Sardar Sarovar Project. Another dramatic case which has been in the eye of transnational attention during the last many times is the Bhopal Gas Tragedy, in which leakage of Methyl Isocyanate gas from the Union Carbide plant in Bhopal, the capital of the largest state in India, claimed several thousand lives and mutilated and handicapped at least the coming three generations. Not only did the government refuse to make public details of the financial agreements between the government and the Union Carbide, but several actors at a factory on the medical aspects of the victims were arrested for taking notes under the provisions of the Official Secrets Act. Whenever activists tried to educate people on these issues, the original administration came down heavily on them. Besides using the Official Secrets Act, illegal apprehensions, false cases, and physical pitfalls came the order of the day. The present government has lately made statements to the effect that major changes are going to be brought about in the Official Secrets Act but it remains to be seen whether this is going to be and to what extent. There have been, in the history, several attempts to amend the Official Secrets Act but in the absence of genuine political and executive will, and popular pressure, all these enterprises have come to night.

A Working Group was formed by the Government of India in 1977 to probe needed emendations to the Functionary Secrets Act to enable lesser dispersion of information to the public. This group recommended that no change was needed in the Act as it pertained only to cover public safety and not to help licit release of information to the public. In practice, still, using the fig splint of this Act, the superintendent predictably continued to carouse in this defensive cloak of secretiveness.

In 1989, yet another Committee was set up, which recommended restriction of the areas where governmental information could be hidden, and opening of all other spheres of information. No legislation followed these recommendations.

In 1991 sections of the press reported the recommendations of a task force on the revision of the Official Secrets Act and the enactment of a Freedom of Information Act, but again, no legislative action followed. The most recent of these exercises has been a Working Group which gave its report in 1997.

The Working Group made some recommendations for changes in some bills which cover secretiveness similar as the Functionary Secrets Act and recommended a draft law.

The development of public mindfulness and interest in the issue of right to information is apparent from the fact that this Report was much more extensively bandied by academia and the media than those in the history. still, this did not alter the fact that this report too seems to have gone into cold storehouse.

Efforts for a Law for the People's Right to Information: By Press Council of India: The first major draft legislation right to information in the country that was extensively batted, and generally ate, was circulated by the Press Council of India in 1996. Interestingly, this in turn deduced significantly from a draft prepared before by a meeting of social activists, civil retainers and attorneys at the Lal Bahadur Shastri National Academy of Administration, Mussoorie in October, 1995.

One important point of the Press Council draft legislation was that it affirmed in its preamble the indigenous position that the right to information formerly exists under the Constitution, as the natural corollary to the abecedarian right to free speech and expression under Composition 19(1) of the Constitution. The draft legislation affirmed the right of every citizen to information from any public body. Information was defined as any fact relating to the affairs of the public body and included any of the records relating to its affairs. The right to information included examination, taking notes and excerpts, and entering pukka clones of the documents. Significantly, the term public body' included not only the state as defined in Composition 12 of the Constitution of India for the purposes of administering Fundamental Rights. It also incorporated all undertakings and on-statutory authorities, and utmost significantly a company, pot, society, trust, establishment, or a united society, possessed or controlled by private individualities and institutions whose conditioning affect the public interest. The many restrictions that were placed on the right to information were like those under other Fundamental Rights. The draft legislation allowed withholding of information the exposure or contents of which 'prejudicially affect the sovereignty and integrity of India; the security of the State and friendly relations with foreign States. The draft legislation laid down penalties for dereliction in furnishing information, in the form of forfeitures as particular liability on the person responsible for

supplying the information. It also handed for prayers to the original civil war against failure or turndown to supply the asked information.

Formation of a National Campaign for the Right to Information (NCPRI): The movement for the right to information has caught the imagination of distant sets of people. It has touched the middle classes as well as the poor, because of the despair of their everlasting interface with a loose and inexplicable bureaucracy. It has also reached the middle classes through the consumer and environmental movements. The media have a major professional stake in the right to information because it would greatly prop the disquisition of administrative action. For sustained, informed and watchful advocacy for the passage of similar legislation, a National Campaign Committee for the People's Right to Information was constituted. The action for this originally came from the grassroots activists from Rajasthan, particularly the MKSS, who acutely felt the need both for important support at the public position. Their major donation as a group has been originally to help in preparing the Press Council draft colourful performances of the proposed legislation for right to information (which has been appertained to before in this sub-section) and the detailed-design for its operationalization. In this serving civil retainers and activist attorneys played a central part. elderly press persons similar as retired editors of public domestics who continue to write and who are read and heard with considerable respect, played a major part in erecting public opinion in the media around the issue and the original movement. Academics analysed the issue and placed it in the wider perspective of expanding popular space. All these varied groups helped in extending support for the grassroots movements.

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