

RIGHT TO INFORMATION – LAW AND POLICY

UNIT – I

Conceptual framework

- Freedom of Information; history, evolution and development
- Parliamentary debates on Right to Information
- Right to Information Movement
- International efforts towards Freedom of Information in the UK., USA, and South Africa

UNIT – II

Transparency, efficacy and good governance

- Corruption
- Accountability to citizens
- Auditing and good governance
- Official Secrets Act
- Public Records Act
- Whistleblowers' Protection Bill

UNIT – III

The Indian Constitution and the Right to Information

- Freedom of Speech and Expression; its corollary right of citizen to seek information
- Judicial approach to Freedom of the Press; Right to Privacy
- Right to know Vs Confidentiality
- Duty to disclose and right to information
- Access to Information as a human right
- Balance of rights – Right to Privacy and Right to Information
- Laws, Rules and Regulations preventing flow of information
- Freedom of Information Act, 2002

UNIT – IV

The Right to Information Act, 2005

- Evolution of the RTI Act, 2005
- Statutory definitions
- Obligations of Public Authorities; Distinction between “Government” and “Public Authority”
- Information – Meaning; Obtaining information; disposal of request; exemptions from disclosure; Third party information
- Severability
- Institutional arrangements for Public Information – Constitution, Powers and functions of Central and State Information Commissions

- Appeal and Penalties
- Filing RTI Applications – Group Work

UNIT – V

- Jurisprudence on Right to Information
- Working of the Central Information Commission and its orders
- Working of the Tamil Nadu State Information Commissions and its orders
- The RTI and the High Courts
- The RTI and the Supreme Court
- Corporate sector and the RTI
- Private agencies, NGOs and the RTI
- Relationship between Judiciary and Commissions

Reference:

Prof. (Dr) S.V. Joga Rao, “Law relating to Right to Information “

Dr. Madabushi Sridhar, “Right to Information”.

The Right to Information Act, 2005

The Constitution of India

The Official Secrets Act, 1923

The Public Records Act

The Whistleblowers’ Protection Bill

Important decisions of various High Courts on the Right to Information Act – Case Law Digest, Centre for Public Policy, Yashwantrao Chavan Academy of Development Administration, Pune; YASHADA;

www.yashada.org

Analysis of judgment of Central Information Commissions on RTI; www.pria.org

Right to Information compilation (January to April 2010); www.isidelhi.org.in

Commonwealth Human Rights Initiative – www.chri.org

www.rtiindia.org

Case laws

1. *Namit Sharma Vs Union of India; Supreme Court* – W.P. (Civil) No. 210 of 2012; dated September 2012; appointment of RTI bodies like Central Information Commissioners etc.,

2. *Secretary General, Supreme Court of India Vs Subbashchandra Agarwal* – W.P. (c) No. 288/2009, Dated 12.1.2010; Chief Justice of India is a Public Authority under Sec. 2 (h) of the Right to Information Act

3. *Girish Ramchandra Deshpande Vs CIC and others*; SLP (Civil) No. 27734 of 2012; details disclosed by a person in his income tax returns are “personal information” which stands exempted from disclosure under clause (j) of Section 8(1) of the RTI Act, unless it involves a larger public interest