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The Judiciary's Canvas: Painting a Transparent Landscape through RTI

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ABSTRACT

This study delves into the pivotal role played by the judiciary in safeguarding and promoting the Right to Information (RTI) in democratic societies. The research examines landmark cases and legal precedents that have shaped the interpretation and application of RTI laws. It scrutinizes the judiciary's contributions towards ensuring transparency, accountability, and good governance through its adjudicative functions. Additionally, the study explores the evolving dynamics between the judiciary, executive, and legislative branches concerning RTI issues. Through comprehensive analysis, this research sheds light on the judiciary's multifaceted role in upholding citizens' fundamental right to access information and its broader implications for democratic governance.

Keywords: Transparency, Accountability, Good Governance.

I. INTRODUCTION

"Where a society has chosen to accept democracy as its creedal faith, it is elementary that the citizens ought to know what their government is doing."

- Justice P N Bhagwati

The term Democracy refers to a government chosen by the people, whether it is direct or representative. People are the masters and they have the right to watch the performance and business of the government. They have the right to know how they are being governed. Veil of secrecy restricts the vision of the citizens to see the working of the government. In the present scenario knowledge has become the most valuable resource. Corruption and abuse of power are the inevitable fall outs of an unaccountable system of governance.²The right to information when vested in people can act as a deterrent against corruption and abuse of power. The right to information is a means to ensure open government and to empower the people. There was no suitable legislation obliging public authorities to inform the citizens. Till the enactment of Right To Information Act, 2005 the executive directions covered the field. Where there was an inaction by the executive or abuse of power, for whatever reasons and

¹ Author is a LL.M. Student at Tamil Nadu Dr Ambedkar Law University, India.

² Rajeev Kumar Singh, Right to Information: The Basic Need of Democracy, Journal of Education & Social Policy, Vol. 1, No. 2; December 2014

motives, the courts stepped in. The RTI Act was enacted in 2005 in order to ensure smoother, greater and more effective access to information and provide an effective framework for effectuating the right of information recognized under Article 19 of the constitution.³

II. RIGHT TO INFORMATION

Every person has the right to be aware of the true facts of their country's government as it is one of the essential facets of democracy. People can only play a significant role in a democracy if there is an open government where there is complete access to knowledge on how the government works. A citizen can not attain knowledge unless he has certain fundamental freedoms such as freedom of thought, information, conscience, speech, expression, and locomotion. Everyone has the right to freedom of speech, freedom of expression requires the right to hold views without interference and to try and obtain knowledge and ideas through any media and irrespective of the borders declared as the Universal Declaration of Human Rights. Right to information is vital for a healthy and vibrant democracy. Without a proper flow of information to the citizens from the public authorities and governmental entities, democracy may remain an ideal or dream far removed from reality. Courts in all democratic countries have time and again upheld the need for free information flow for sustaining healthy democracies.⁴

III. GOOD GOVERNANCE AND RIGHT TO INFORMATION

A democratic form of governance exists by the people for the people. Government policies are directed towards the welfare of the people. Under such circumstances the people who elect the government and for whose benefit the laws are enacted have an inherent right to know how these laws and welfare programmes are implemented. In short, people have the right to know how they are being governed.⁵ The task of democratically governing India is set out in detail in the Constitution of India which was adopted by "We, the people of India" in the year 1950. A major task in the initial years of governing the country was to enact laws to fulfill the promise of the Constitution mentioned in the preamble i.e. equality, justice and liberty. Successive parliaments have since then been enacting laws designed for the overall development of the nation and the citizen. But, soon it was realized that despite the best and honest efforts of the government, there was a general lack of progress as far as the individual

³ D.P.Mittal, *Principles of Constitutional & Administrative Law*, 1st Edn, 2017

⁴ Dr.Vijaya Chandra Tenneti, *Right to Information Act, 2005*, 1st Edn, 2015

⁵ Sahina Mumtaz Laskar, *Importance of Right to Information for good governance in India*, *Bharati Law Review*, 216, 2016

citizen was concerned.⁶ There was evidence to suggest that lack of information and withholding of information by citing the Official Secrets Act had resulted in watering down the promise of equality, justice and liberty. Further, corruption at all levels of governance has made the governing structure stink with buried rights of the people.⁷ Good governance has 8 major characteristics. 'It is participatory, consensus-oriented, accountable, transparent, responsive, effective and efficient, equitable and inclusive and follows the rule of law. It assures that corruption is minimized, the views of minorities are taken into account and that the voices of the most vulnerable in society are heard in decision-making. The right to information, promotes openness, transparency and accountability in administration by making the government more open to public scrutiny.'⁸

IV. CONTRIBUTION OF JUDICIARY IN RIGHT TO INFORMATION

Our Indian Judiciary has hugely contributed to the movement of Right to Information be it directly or indirectly. Infact, it is the judiciary which works as an enforcement mechanism for Right to Information. After Independence our apex court has immensely helped this movement by giving various landmark judgements in favor of Right to Information. Right to Information is implicit in the constitution of India, which establishes a representative democracy with inalienable rights for the citizens of the country, which have been reinforced time and again by the judiciary. Right to Information in India has significantly sought to expand democratic space and empower the citizens to exercise more control on the corrupt practices under the power of the state.⁹

(A) Right To Information is a Concomitant Right under Article 19(1)(a)

Article 19(1)(a) of the constitution guarantees the fundamental right to free speech and expression. The prerequisite for enjoying this right is knowledge and information. The absence of authentic information on matters of public interest will only encourage wild rumors and speculation and avoidable allegations against individuals and institutions. Therefore, the Right to Information becomes a constitutional right, being an aspect of the right to free speech and expression which includes the right to receive and collect information. This will also help the citizens perform their fundamental duties as set out in article 51A of the Indian constitution. Thus access to information would assist citizens in fulfilling these obligations.

⁶ Sri Keshabananda Borah Right to Information Act: a key to good governance, 2[2] *International Journal of Humanities and Social Science Invention*, 11-22, [2013]

⁷ Sudesh Vasudeva, The Role of Judiciary in the Creation of a Right To Information in India, *International Conference on Trends in Economics, Humanities and Management*, 2014

⁸ AT Jagadish, Right to Information-A Silver Lining in Democracy, 2[8], *Karnataka Law Journal*, 61, [2012]

⁹ Dr. Manish Kumar Chaubey, Right to Information Various Dimensions, 2012

However, the judiciary in several landmark cases has expressly held RTI as a natural concomitant of Article 19 (1) (a). The landmark cases raised RTI to the status of a constitutional right because of the juristic interpretation of the learned judges. Judicial activism has carved the sculpture out of Article 19 (1) (a) - which is the bedrock of democracy.

The right to information was impliedly dealt for the first time in *Bennett Coleman v. Union of India*¹⁰, where it held the Newsprint Control Order of 1972-1973 issued under the Essential Commodities Act, 1955 to be ultra vires Article 19 (1) (a) of the constitution. Ray, CJ in the majority judgment opined that, "It is indisputable that by freedom of the press is meant the right of all citizens to speak, publish and express their views. The freedom of press embodies the right of the people to read." Here what is referred to as 'right of the people to read' refers to the right of the readers to get the information.

Upon a thorough analysis it can be safely stated that direction towards the realization of RTI within the constitutional ambit incepted right from the verdict *State of Uttar Pradesh v. Raj Narain*¹¹ case wherein the Supreme Court ruled that Right to information will be treated as a fundamental right under article 19.

The strongest exposition came from Justice K. K. Mathew ,who emphasized that in “a government of responsibility like ours where all the agents of the public must be responsible for their conduct, there can be but a few secrets. The people of this country have a right to know every public act, everything that is done in a public way by the public functionaries.” The facts of this case were that Raj Narain who challenged the validity of Mrs. Gandhi's election required disclosure of Blue Books which contained the tour program and security measures taken for the Prime Minister. Though the disclosure was not allowed, Mathew, J. held that the people of the country were entitled to know the particulars of every public transaction in all its hearing.¹²

In another landmark case of *Hamdard Dawakhana v. Union of India*¹³ The Supreme Court had declared that the right to information is a part of Article 19(1)(a) of the Indian Constitution. Although advertising is undeniably a means of expression, its true character is expressed in the object it is used to promote. It assumes the characteristics and elements of the operation pursuant to Art. 19(1) that it intends to help by bringing it to public attention.

¹⁰ 1973 AIR 106

¹¹ 1975 AIR 865, 1975 SCR (3) 333

¹² Smita Srivastava, The Right to Information in India: Implementation and Impact, 1[1] iv Afro Asian Journal of Social Science Invention [2010]

¹³ 1960 AIR 554, 1960 SCR (2) 671

Similarly in the case of *Maneka Gandhi vs. Union of India*¹⁴ Justice V. Krishna Iyer opined that “A government which functions secretly not only acts against the democratic decency, but buries itself with its own burial.” In a democratic setup there must be direct participation of the people in the democracy. This participation is meaningless unless the citizens are well informed on all sides of issues in respect of which they are called upon to express their views. One sided information, disinformation, misinformation and non-information all equally create uninformed citizenry which makes democracy a farce, When medium of information is monopolized either by a partisan central authority or by private individuals or oligarchic organizations. Therefore to avoid this monopoly the duty of the government is to give information to the people of the country because the government is the trust of the people.

Freedom of speech and expression and its relation with RTI has been vividly described by the apex court in *Secretary, Ministry of I & B, Government of India v. Cricket Association of Bengal*¹⁵ in the following words: "The freedom of speech and expression includes the right to acquire information and to disseminate it. Freedom of speech and expression is necessary, for self-expression which is an important means of free conscience and self-fulfillment.. "In this case the Supreme Court made it clear that the right to acquire information and to disseminate it is included in Article 19 (1) (a) of the Constitution. Right to information is the only vehicle of political discourse also essential to democracy. This right has various shades in the context of democracy. In this case the right to impart and receive information from electronic media was included in freedom of speech.

The same view was taken in the case of *Peoples Union for Civil Liberties v. Union of India*¹⁶, Justice S.B. Sinha and Justice B.M. Khare It was held that Right to Information is a facet of the freedom of 'speech and expression' as contained in article 19(1) (a) of the constitution of India. Right to Information, thus, indisputably is Fundamental Right.

A different perspective of RTI was recognised in the case of *Union of India v. Motion Picture Association*¹⁷, wherein the Supreme Court held that a requirement compelling cinemas to showcase short documentaries before the start of films was justified, since it furthered the democratic purpose of Article 19(1)(a), i.e., spreading information and awareness.

The court authorized the media to interview convicts awaiting death in *Prabha Dutt v Union of India*¹⁸ This right to obtain information also includes the right to access information sources.

¹⁴ AIR 1978 SC 597; (1978) 1 SCC 248

¹⁵ 1995 AIR 1236, 1995 SCC (2) 161

¹⁶ AIR 1997 SC 568

¹⁷ AIR 1999 SC 2334

¹⁸ 1982 AIR, 6 1982 SCR (1)1184

On the other hand, the press does not have unrestricted access to an undertrial detainee in custody. The court will grant authorization after careful consideration, not mechanically

In the landmark case of *Sheela Barse v. State of Maharashtra*¹⁹, the Supreme Court observed. "Public gaze must be permitted on the prisoners, and the pressmen as friends of society and public-spirited citizens should have access to information about and interviews with the prisoners.

Similarly in the case of *Andhra Pradesh v. Canara Bank*²⁰ The Supreme Court held that, The right to information is not absolute. It is a part of the right to freedom of speech and expression.

Importance of freedom of speech and expression was discussed in *LIC v. Manubhai D. Shah*, It was held that Freedom of speech and expression forms an integral part of freedom of information. A human being conveys his thoughts and feelings to others through speech. Freedom of speech and of expression is, therefore, a natural right acquired by a human being by birth. It is a fundamental right. The Court underlined that freedom of expression means the right to express one's opinion by word of mouth, writing, printing, photography, or otherwise. It would, therefore, include freedom of communication and the right to publicize or propagate opinion.

(B) Right To Know

Right to know plays a very keen role in the development of democracy and it is very essential as it makes the government transparent, open, and accountable. Since, in a democracy, the government is elected by the people and thus are accountable to the people, the people have full rights to keep being informed about the policies and decisions that are being taken by the government. It is their right to know how they are being governed.²¹ Through the right to know, people are aware and empowered and the government is also transparent. In democracy direct participation of people is necessary, and the citizens cannot participate unless they are well aware of the issues to which they are called on to express.²²

The right to know was concretized by the Supreme Court in its decision in *S.P.Gupta v. Union of India*.²³ While dealing with the issue of High Court Judges' transfer, the Court observed, "The concept of an open government is the direct emanation from the right to know which seems to be implicit in the right of free speech and expression guaranteed under Article 19 (1)

¹⁹ AIR 1983 SC 378

²⁰ (2005) 1 SCC 496.

²¹ Abhishek Jain, "RTI Implementation at the District level: Issues and Challenges.", 55[3], The Indian Journal of Public Administration, 347, [2009

²² Dr. Lalit Dadwal, Right to Information, pp. 7-8, 2010

²³ AIR (1982) SC 149

(a). Therefore, disclosure of information in regard to the functioning of the Government must be the rule and secrecy and exception..." The emphasis on the right to know was stated in the following words, "No democratic government can survive without accountability and the basic postulate of accountability is that the people should have information about the functioning of the government. It is only when people know how the government is functioning that they can fulfill the role which democracy assigns to them and make democracy a really effective participatory form."

Similarly, the court was unequivocal of the importance of people's participation and upheld their right to know in *Bombay Environmental Action Group v/s Pune Cantonment Board*²⁴. In this case the question before the Bombay High Court was whether a recognized Environmental group has a right to check the documents granting municipal permissions to private builders. The said environmental group contended that they believe that the construction by the builders within the cantonment was illegal and thus asked for the inspection of the municipal documents giving permissions. However, the Cantonment Board refused the group to inspect the relevant documents. This made the environmental group file a petition in court. The Court after hearing the environmental group easily permitted them to inspect documents that granted permission to the builder.

The same view was taken in the case of *Dinesh Trivedi, M.P. v. Union of India*,²⁵ the Supreme Court held that freedom of speech and expression includes the right of citizens to know about the affairs of government. In this case petitioners have urged the Union Government to make public the annexures memorial and written evidence that were placed before the N.N. Vohra Committee and also urged the Union Government to present an effective package of the follow-up measures taken with regard to the Report.

Another aspect of RTI was recognised in the case of *Sakal Newspaper Pvt. Ltd. v. Union of India* the Supreme Court for the first time said that readers had the right to read newspapers and this emanated from their right to know.

In the landmark case of *M. Nagaraj v. Union of India* It was held that the right to know and right to access information is implicit in the right of free speech and expression guaranteed under Article 19(1) (a). The right to information has both intrinsic and instrumental value. Its intrinsic value comes from the fact that citizens have a right to know. It is a crucial step towards a deeper, more meaningful democracy. More tangibly, in a country like India it can promote

²⁴ Writ Petition No. 2733 of 1986

²⁵ 1997) 4 SCC 306

action for development and therefore has considerable instrumental value. Information enables people to make enlightened choices, and keep tabs on elected representatives and officials who claim to act on their collective behalf. Thus, accountability and transparency are both enhanced radically.

The Rajasthan High Court, in the matter of *L.K. Koolwal vs. State of Rajasthan*²⁶ which challenged the negligence of the city administration for not ameliorating the unhygienic conditions prevailing in Jaipur city, said: Citizens have a right to know about the activities of the State. The privilege of secrecy which existed in the old times that the State is not bound to disclose the facts to the citizens or the State cannot be compelled by the citizens to disclose the facts does not survive now to a great extent. Under Art. 19(1)(a) of the Constitution there exists the right of freedom of speech. Freedom of speech is based on the foundation of the freedom of the right to know.

In *M.C. Mehta vs. Union of India*²⁷ wherein the noted environmental lawyer sought directions propagating education on environmental pollution to the people through the government controlled mass media, the apex court ruled: We are a democratic polity where dissemination of information is the foundation of the system. Keeping the citizens informed is an obligation of the government.

(C) Right To Know and Article 21

Article 21 enshrines 'right to life and a person liberty' are compendious terms which include within themselves a variety of right and attributes. Article 21 confer on all persons a right to know which include right to receive information. The ambit and scope of article 21 is much wider as compared to article 19(1)(a). Thus the courts are required to expand its scope by the way of judicial activism. The Supreme Court has interpreted Article 21 to encompass the right to information in the following cases, especially when it concerns the life and personal liberty of an individual.

In another landmark case *R.P. Limited v Indian Express Newspapers*²⁸ The Supreme Court gave the observation that if there needs to be an effective function of democracy, the people must be given the right to know and right to be informed about the conduct of affairs of the state. The court also stated that it is the basic right which must be granted to every citizen.²⁹

The right to information was recognized with the status of human right to make government

²⁶ AIR 1988, RAJ 2

²⁷ AIR 1992, SC 382

²⁸ AIR 1989 SC 190

²⁹ Mitra S.C. & Kataria R.P., Law relating to Right to Information, p.28, 2010

transparent and accountable was further established in the case of *People's Union for Civil Liberties v. Union of India*³⁰. The court stated that there must be a participatory government. Further in the case of *K. Ravi Kumar v. Bangalore University*³¹ The Supreme Court held that the public authorities, on the grounds of confidentiality, cannot reject or deny any documents or information to the citizens.

The same view was taken in the case of *Reliance Petrochemicals Limited v/s Proprietors of Indian Express Newspapers Bombay Pvt Ltd*,³² Justice Mukherjee recognized that the right to know emanates from the Right to life. The judge stated that it must always be remembered that the people of India have a right to know so that they can take part in participatory development in the democracy. The right to know is a basic right that comes from that right to life guaranteed by Article 21 of the Constitution. The right to know has now reached the extent of urgency and new dimensions.

The Supreme Court in *R.L.E.K. Dehradun v. State of U.P.*³³, stated that "the question involving issues relating to environment and ecological balance, brings into sharp focus the conflict between development and conservation and serves to emphasize the need for making the two in the larger interest of the people residing within the area and the country. Therefore it cannot be said that action groups are trying to meddle in the affairs of Cantonment Board or are claiming any extralegal authority." By this way the right to know has been reaffirmed in the context of environmental issues that have an impact upon people's very survival.

Article 21 of the Indian Constitution is the guarantee of the right to life and personal liberty, which includes the right to know about things that affect our lives.

Similarly in the case of *Research Foundation for Science Technology and Natural Resource Policy v. Union of India*³⁴, the Right to Information and community participation for protection of environment and human health is also a right which flows from Article 21.

The same view was taken in the case of *Essar Oil Ltd v. Halar Utkarsh Samiti*³⁵ The SC held that the right to information emerges from the right to personal liberty guaranteed by article 21 of the constitution.

³⁰AIR 1997 SC 568

³¹AIR 2005 Kant 21

³² 1989 AIR 190, 1988 SCR Supl. (3) 212

³³ AIR 1985 S.C. 652, 1985 SCR (3) 169

³⁴ (2005) 10 SCC 510

³⁵ AIR 2004 SC1834

(D) Voter's Right to Know

The right to vote is the strongest tool or medium of raising one's voice in a democracy. The spirit of democracy is ensured by means of voting by the citizens of the country who participate in shaping the future of the country and thereby their own. The voter's have certain rights that are bestowed on them by the Election Commission of India. These rights are safeguarded by the Constitution of the country and are provided to all the citizens of the country. The voter has the right to know about the antecedents of the candidates contesting the elections. The voters have the right to get the details of the past records of the candidate (criminal records, if any), financial position of the candidate, their election manifesto, etc. This Right has been included within the purview of RTI by way of judicial interpretations.

The Hon'ble Supreme Court in the case of *Mairembam Prithviraj Vs Pukhrem Sharatchandra Singh*³⁶ gave the verdict that every voter has the fundamental right to know the candidate's educational qualification. It is also the candidate's duty to provide the correct information to the public. This appeal came before the bench consisting of J. Anil R. Dave and J. L. Nageswara Rao, and they challenged the judgment given by the High Court Manipur.³⁷ The court further stated that the duty to give correct information about the educational qualification of the candidate is clearly laid down in the Representation of the People Act, 1951 and Form 26.

In another epoch making judgment the Supreme Court of Indian in the case of *Union of India v. Association for Democratic Reforms*³⁸, case recognized that a voter has a right to know about the antecedents and past performance of the candidate at an election. Such information would include assets held by the candidate, his qualification including educational qualification and antecedents of his life including whether he was involved in a criminal case and if the case is decided, its result, if pending –whether charge has been framed or cognizance has been taken by the court. There is no necessity of suppressing the relevant facts from the voters.

The same view was taken in the case of *People's Union for Civil Liberties v. Union of India*³⁹ In this landmark judgment the apex court reiterated the right of the voters to know about relevant information about the candidates contesting elections. Further, Section 33B of the Representation of People's Act, 2002 which states that a candidate cannot be forced to disclose any information other than the criminal record, was held unconstitutional. The Section was held unconstitutional because it placed a blanket ban on dissemination of information without paying

³⁶ JT 2015 (9) SC 113

³⁷<http://www.thehindu.com/news/national/Voter-has-right-to-know-candidate-s-qualification-SC/article16435745.ece>

³⁸ (2002) 5 SCC 294

³⁹ AIR 1997 SC 568

any heed to the need of the hour.

In the matter of *T.N. Sheshan, CEC of India v. Union of India*⁴⁰, the Supreme Court observed that the Preamble of our Constitution proclaims that we are in a Democratic Republic. Democracy being the basic structure of our constitutional set-up, there can be no two opinions that free and fair elections to our legislative bodies alone would guarantee the growth of health. democracy in the country. Hence the right of a voter to know the bio-data of a candidate is the foundation of democracy.

(E) Right To Hearing and Right to Information

Hearing is a basic concept. The main object of hearing provided the information. Hearing is an essential aspect of transparency in governance. It is now provided for in various statutes. Access to documents or information is an essential requisite of any open society. It also means the right to information, which is implicit in the right to fair hearing.⁴¹

In 1984 a very interesting question came up before the Supreme Court, the case in *Maharashtra State Board of Higher secondary Education v. Paritosh*.⁴² A regulation made by the Maharashtra State Board of Education provided that no candidate could claim or be entitled to revaluation of her answers, or disclosure, or inspection of her answer books, or other documents, as they were supposed to be confidential.

The High Court of Bombay had struck down this provision as being unreasonable. The Supreme Court reversed the Bombay decision and upheld the regulation, thus holding valid such denial of opportunity for revaluation and inspection answer books. The Court rationalized that those were matters entirely within the autonomous sphere of the Board and it was the best judge of how examinations should be conducted and what procedures of verification and revaluation should be provided. Those were matters of policy, entrusted to the Board, which the courts would not go into. However, considering the fact that the Board's examination procedures cause serious doubts in the minds of candidates as well as their parents, such total exclusion of opportunity for inspection of answer books or revaluation might jeopardize the interests of young boys and girls. Further, such exclusion of access to answer books might further erode credibility or the examination system. While inspection of answer books might not be feasible, a provision for revaluation would go a long way in assuring the fears of examinees and their parents. Education boards and universities must amend their rules to bring

⁴⁰ (1995) 4 S.C.C. 611.

⁴¹ S.P.Sathe, Administrative Law

⁴² 1984 AIR 1543

in greater transparency in the examination system. It does not mean that a student should be given access to all the documents of a university or board. Access has to be selective. In a case of alleged use of malpractices in an examination, it was held that a delinquent student could not claim access to all university records. However, he should have been shown material as was the basis of the allegation.

(F) Judiciary Within The Purview Of RTI

Right to know under the RTI Act was not absolute and this had to be balanced with the right of privacy of judges. RTI requests have to be decided after very careful consideration of a whole range of issues, balancing disclosure with privacy. In The following landmark cases have discussed the inclusion of judiciary in the purview of RTI.⁴³

In the landmark case of *Indira Jaising Vrs. Registrar General*⁴⁴ An inquiry report was made by the Committee to the CJI, in respect of alleged involvement of sitting judges of the High Court of Karnataka in certain incidents. The petitioner slied the publication of the inquiry report. The Supreme Court held that it is not appropriate for the petitioner to approach this court for relief or direction for release of the report, for what the CJI has done is only to get information from judges of those who are accused and the report made to the CJI is wholly confidential. It is purely preliminary in nature, ad hoc and not final The Court further held that in a democratic framework free flow of information to the citizens is necessary for proper functioning, particularly in matters which form part of public record. The Right to Information however is not absolute.

In a major boost for transparency in higher judiciary, the Delhi High Court ruled that the case of *CPIO Supreme Court v. S.C. Agrawal and Others*⁴⁵ Justice S. Ravindra Bhatt said Chief Justice of India was not outside the purview of the Right to Information Act, 2005. "The CII is a public authority under the Right to Information Act and he holds the information pertaining to asset declarations in his capacity as Chief Justice. CII's office is covered under the provisions of the Act." The High Court rejected the Supreme Court argument that the information on judges' assets provided to the CJI was "confidential", which could not be revealed.⁴⁶ It opens the doors for transparency in the judiciary. The higher judiciary in India has been criticized for its opaqueness under the doctrine of the independence of the judiciary. The verdict underlines the Supreme Court's balance between transparency and protecting its

⁴³ Jeevan Singh Rajak, Right to Information Act; A vital tool to fight against corruption in India, Vol 2[5] international journal of political science and development, 68-77, [2014]

⁴⁴ (2017) 9 SCC 766

⁴⁵ AIR 2010 Delhi 159

⁴⁶ S.D.Sharma,Right to Information,1st Edn,2013

independence. It can boost Good Governance, as now the judiciary, executive, and the legislature all come under the ambit of the RTI Act.

V. CONCLUSION

The idea of a right to information was thus evolved by the judiciary by reading the same into the fundamental right of the citizen's freedom of speech and expression. The reactions and response are that, several states of India started enacting their own laws of Right to Information. Having examined the suggestions made by the NAC and others, the Government decided to make a number of changes in the law and Right to Information Act, 2005 was enacted and the Freedom of Information Act, 2002 was repealed. The Right to Information Act, 2005 fully came into force since 12th October, 2005. Even Though the logic and spirit of Right to information has been established by the Supreme Court and High Court in various instances by the judicial discussions. There is also a view that the constitution should be amended to make room for the right to information.
