

## CONTENTS

<i>Abstract</i>	<i>i</i>
<i>Preface</i>	<i>iii</i>
<i>List of Cases</i>	<i>vi</i>
<i>List of Statutes</i>	<i>xi</i>
<i>List of Abbreviations</i>	<i>xiv</i>
<i>List of Tables</i>	<i>xvi</i>
<i>List of Figures</i>	<i>xvii</i>
<b>INTRODUCTION</b>	<b>1-14</b>
<b>CHAPTER 1</b>	
<b>HISTORICAL BACKGROUND OF THE CONSTITUTIONAL AND STATUTORY FOUNDATION OF RIGHT TO INFORMATION LAWS IN INDIA</b>	<b>15-33</b>
1.1. An Overview	15
1.2. The Secrecy Regime in India	17
1.2.1. The Official Secrets Act, 1923 and its Inadequacies	19
1.2.2. Contemporary Legislations Protecting Secrecy in India	21
1.3. Origin and Growth of Access to Information Laws	22
1.4. Progression of Right to Information Laws in India	23
1.4.1. Right to Information under the Constitution of India	23
1.4.2. Judicial Approach towards Right to Freedom of Speech and Expression	24
1.4.3. Movement for Right to information Laws in India	26
1.4.4. Emergence of Freedom of Information Act, 2002	30
1.5. Right to Information Legislations in the States prior to the Enactment of the Right to Information Act, 2005	31
1.6. The Right to Information Act in India: Present Position	32
1.7. A Sum Up	33
<b>CHAPTER 2</b>	
<b>THE RIGHT TO INFORMATION ACT: STRUCTURAL AND FUNCTIONAL ANALYSIS</b>	<b>34-68</b>
2.1. An Overview	34
2.2. Object and Purpose of the Right to Information Act, 2005	34
2.3. Extent Scope and Application of the Right to Information Act, 2005	36

2.4. Legislative Framework of Right to Information Act, 2005	37
2.4.1. Important Definitions under the Right to Information Act, 2005	37
2.4.2. Citizens' Right to Information	43
2.4.3. Responsibilities of Public Authorities	43
2.4.4. Procedure for Obtaining Information	46
2.4.5. Exemptions from Disclosure of Information	47
2.4.6. Disclosure of Third Party Information	57
2.4.7. The Central and State Information Commissions	57
2.4.8. Powers and Functions of the Information Commissions	61
2.4.9. Provision of Appeals	61
2.4.10. Penalties for Non-Compliance	63
2.4.11. Miscellaneous Provisions	63
2.5. Implementation of Right to Information Act, 2005 in Various States	66
2.6. Amendments to the Right to Information Act, 2005	66
2.7. A Sum Up	67

### **CHAPTER 3**

#### **A GLOBAL PERSPECTIVE OF INFORMATION LAWS AND IMPLEMENTATION** 69-105

3.1. An Overview	69
3.2. A Global Concern for Access to Information Laws	70
3.2.1. Promotion of Freedom of Information by the United Nations	71
3.2.2. Enforcement of Information Laws by the Commonwealth	73
3.2.3. Disclosure Policy of the Council of Europe	73
3.2.4. The Role of the Organisation of American States in Promoting Accountability	74
3.2.5. Disclosure Policy of the African Charter	74
3.2.6. Draft Model on Right to Information 2000	74
3.2.7. Joint Declaration for Promoting Freedom of Expression and Information, 2004	75
3.3. Transparency and Accountability in the International Organisations	76
3.3.1. Disclosure Policy of the World Bank	76
3.3.2. Promotion of Transparency by the International Monetary Fund	77
3.3.3. Openness in the United Nations Development Programme	78
3.3.4. Accountability from the Asian Development Bank	79
3.3.5. Access to Information from the World Trade Organisation	79
3.4. Information Laws of Select Countries of the Continents	80
3.4.1. Freedom of Information Laws of Europe	80
3.4.1.1 Denmark	80
3.4.1.2 UK	82

3.4.2. Access to Information Laws of North America	84
3.4.2.1. USA	84
3.4.2.2. Canada	86
3.4.3. Information Laws of South America	87
3.4.3.1. Mexico	87
3.4.3.2. Colombia	89
3.4.4. Access to Information Laws in Africa	89
3.4.4.1. South Africa	89
3.4.4.2. Zimbabwe	90
3.4.5. Information Laws of Middle East	91
3.4.5.1. Israel	93
3.4.5.2. Lebanon	93
3.4.6. Legislation on Transparency in Australia	94
3.4.6.1. New Zealand	95
3.4.6.2. Australia	96
3.4.7. Information Legislations in Asia	98
3.4.7.1. Thailand	98
3.4.7.2. China	100
3.5 The Right to Information Act in India: A Global Comparison	101
3.6. A Sum Up	104

## **CHAPTER 4**

### **IMPEDIMENTS AND CHALLENGES TO RIGHT TO INFORMATION LAWS IN INDIA: AN INTROSPECTION** 106-157

4.1. An Overview	106
4.2. Impediments to Efficacious Implementation of Right to Information Act, 2005 in India	107
4.2.1. Shortcomings in the Legislation	108
4.2.2. Bureaucratic Failure in Governance	111
4.2.2.1. Institutional Framework for Bureaucratic Corruption in India	111
4.2.2.2. Impact of the Right to Information Act on the Indian Bureaucracy	113
4.2.3. Exclusion of Private Sector	114
4.2.3.1. Legislations and Regulations Promoting Accountability in Corporate Sector	116
4.2.3.2. Challenges to the Right to Information Act from the Private Sector	118
4.2.4. Fundamental Right to Privacy in Conflict with Right to Information	119
4.2.5. Failure in Providing Protection to Whistleblowers	124
4.2.5.1. Whistleblower Protection in other Countries	125
4.2.5.2. Official Secrets Act and Protection of Whistleblowers	126

4.2.5.3.The Whistleblowers Protection Act, 2011	127
4.2.5.4. The Whistleblower Protection (Amendment ) Bill, 2015	128
4.2.5.5. Legislations Promoting Protection to the Whistleblowers	128
4.2.5.6.Impact of Right to Information Act on the Rights of Whistleblowers	130
4.3. Lack of Accountability from the Institutions and Agencies	131
4.3.1. Resistance by Judiciary	131
4.3.1.1.Disclosure of Assets and Liabilities	133
4.3.1.2. Disclosure of Information relating to Appointment of Judges	134
4.3.1.3.Disclosure of Judicial Proceedings and Records	136
4.3.1.4.Impact on the Right to Information Act, 2005	138
4.3.2. Dominance of Political Parties	138
4.3.2.1.Legal Framework for the Accountability from Political Parties	140
4.3.2.2.Right to Information and Independence of Political Parties	143
4.3.3 Influence of Media	143
4.3.3.1. Regulation on the Freedom of Press	144
4.3.3.2. Crisis of Credibility of Indian Media	146
4.3.3.3. Impact of Right to Information on Media	147
4.3.4. The Impact of Civil Society Organisations	148
4.3.4.1.Legislations Governing NGOs in India	149
4.3.4.2.Accountability of NGOs under the Right to Information Act	149
4.3.5.Impediments from the Banking Sector	152
4.4.Challenges Ahead	154
4.5. A Sum Up	156

## **CHAPTER 5**

### **EMPIRICAL STUDY**

#### **AN IMPACT ASSESSMENT OF THE RIGHT TO INFORMATION ACT, 2005 THROUGH EMPIRICAL STUDY FROM INDIA** 158-204

##### **5.1. An Overview** 158

##### **5.2. Impact Assessment of the Right to Information Act. 2005 in the four cities from four corners /zones of India** 160

###### **5.2.1.Approach of the Survey** 160

5.2.2. Methodology and Sample Size	161
5.3. Implementation of Right to Information Act, 2005 in four cities of selected states of India	162
5.3.1. Performance of Delhi	162
5.3.2 Implementation of Right to Information Act in Kolkata	168
5.3.3. Enforcement of Right to Information in Bengaluru	173
5.3.4 Performance of Ahmedabad	178
5.4. A Comparative Study of the Responses given by the Information Seekers and Information Providers in the Four Cities of India	182
5.4.1. Responses of the Information Seekers	183
5.4.2. Responses of the Information Providers	193
5.5. A Sum Up	201
<b>CHAPTER 6</b>	
CONCLUSION AND SUGGESSTIONS	205-216

*Bibliography*

*Annexure*