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# DWELLING UPON THE APPLICABILITY OF RTI ACT, 2005

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## ABSTRACT

The introduction of the right to information through the 2005 statutory enactment has stood as a game changer move in India's Democratic Political system. The right to know is a basic or fundamental right as we call it, in its essence, with the advancement in science and technology, the dimensions of exercising this right to know is becoming multifaceted. Information in present times is readily made accessible at the option of click over the internet and yet at times often refused by the public authority on the stated ground of exemptions laid down under the Act. Indian Judiciary has construed this right to know in different circumstances as derived from Article 19(1)(a) and given a widest meaning so as to allow proper and full revelation of data to the people including non-citizens of the state in a manner so as to create a healthy, participative, free and fair democratic nation with the concept of open government. This study is an attempt to analyze the judicial trend in the arena of RTI and good governance.

**Keywords:** RTI, Good Governance, Participative Democracy, Non- Citizens, right to know, Citizens.

## INTRODUCTION

The Right to Information<sup>2</sup> in the 21<sup>st</sup> century is the foundation of democratic administration. Which has been diversified over the period of time and the advent of new technologies has added more layers to this right of knowing. Information<sup>3</sup> is a tool for every human being on this planet

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<sup>2</sup> Right To Information Act, 2005, s 2(f), "information" means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force.

<sup>3</sup> Right To Information Act, 2005, s 2(j), "right to information" means the right to information accessible under this Act which is held by or under the control of any public authority and includes the right to— (i) inspection of work, documents, records; (ii) taking notes, extracts or certified copies of documents or records; (iii) taking certified samples of material; (iv) obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device;

to participate in the democratic system, however, in order to exercise the fundamental right to speech and expression one needs to know first. The Latin terms "*formation*" and "*forma*," which indicate giving things shape and creating a pattern, respectively, are the source of the English word "information." Humans are supposedly dependent on information in order to reach their full potential in social, political, and economic spheres. Governments gather and organize information as a public resource in public interest and have a statutory duty to disclose the information when applied by the individual.

In the Indian Context, *Article 19*<sup>4</sup> and *Article 21*<sup>5</sup> of the Constitution have been held to be the basis of the Right to know. Time and again in various landmark cases, the apex court has held that freedom of information is not restricted to the freedom of press and media but it in its wider ambit includes access to the information held by the government which every citizen must be aware of. In ***B.C. and Co. Vs Union of India***<sup>6</sup>, the right to information was stated to encompass two-fold rights such as; The right to speak of the citizen and secondly, the right of the community to know or hear. This case also highlights the importance of newspapers as the means of spreading information to the common masses of the country. *Justice Mathew* in the case law of ***State of UP Vs Raj Narain***<sup>7</sup>, upheld the necessity of disclosure of information through public documents and things done in the public domain by the public functionaries.

The concept of '*open government*' highlights and encourages the principles of transparency, accountability and integrity among the different stakeholders of the society, promoting inclusive growth and development. It becomes essentially important in the Indian democratic system, which is based on the welfare state model has been discussed in various landmark cases such as in the landmark judgment of ***S.P Gupta Vs Union of India***<sup>8</sup>, as a new democratic culture of an open society, which is an aspiration of every democracy including India. Open government is in direct consonance with good governance, which is the motto of every government of the day. Moreover, it is also in the interest of our socialist revolution which was the dream of the framers of our constitution, in order to mobilize the masses to actively engage themselves in the democratic setup it is essential that every individual living in India is updated by the information placed in the public domain, else seek it through the tool of RTI Application by paying a nominal amount of fees.

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<sup>4</sup> Protection of certain rights regarding freedom of speech etc

<sup>5</sup> Protection of life and personal liberty—No person shall be deprived of his life or personal liberty except according to procedure established by law.

<sup>6</sup> [1973] AIR SC 63

<sup>7</sup> [1975] AIR SC 865

<sup>8</sup> [1982] AIR SC 149

Similarly, Voter's right to information was strengthened by the hon'ble court giving directions on the same stating that the basic structure of *free and fair elections* cannot survive without free and fairly informed voters. Hence, this right has been increasingly becoming more prominent in the 21<sup>st</sup> century often derived from the fundamental rights, which are inherent to all humanity.

## EVOLUTION OF RTI

Historically speaking, the wave of RTI started internationally through the General Assembly of the United Nations passing a resolution in 1946. The reference was then expressed explicitly through various international conventions such as;

1. Universal declaration on Human Rights, 1948<sup>9</sup>
2. Rome Convention for the Protection of Human Rights and Fundamental Freedoms, 1950<sup>10</sup>
3. European Convention on Human Rights, 1950<sup>11</sup>
4. International Covenant on Civil and Political Rights, 1966<sup>12</sup>
5. International Convention on All Form of Racial Discrimination, 1966<sup>13</sup>
6. The United Nations Convention on Right of Child<sup>14</sup>
7. Rio Declaration on Environment and Development 1992
8. The United Nations Principles on Freedom of Information, 2000
9. Rio+ 10 World Summit on Sustainable Development 2002
10. Public Information and Documentation Disclosure Policy (IDP) of UNDP

Talking about the genesis of The RTI Act, 2005 in India, it was highlighted in ***L.K. Koolwal Vs State Of Rajasthan And Ors***<sup>15</sup>, wherein by way of Public Interest Litigation(PIL) sanitation matter was brought before the court vide Article 51A and argument was made for the first time that state by way of Article 19(2) reasonable restriction cannot withhold the information concerning the citizens directly such as sanitation and other allied matter, also then in 1990 Rajasthan by the *Mazdoor Kisan Shakti Sangathan* and lead to the formation as well as implementation of the state level statutory enactments in Tamil Nadu and Goa in 1997, which was

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<sup>9</sup> Article 19

<sup>10</sup> Article 5, 10 and 13

<sup>11</sup> Article 10

<sup>12</sup> Article 19

<sup>13</sup> Article 7

<sup>14</sup> Article 13

<sup>15</sup> [1988] AIR Raj 2

further followed by the other states. The final enactment came after the UPA government formed a National Advisory Council in 2004, which after the President's assent became a legislation being enforced on 12<sup>th</sup> October, 2005. This was a progressive step towards ensuring Transparency, Accountability and Autonomy in the political system of the country paving the road towards co-operative federalism as *Granville Austin* terms the Indian Constitution.

In present times, when every common man is capable of having access to different sources of information apart from newspaper, publications, gazette notifications etc., digital mediums are proving game-changer in this field wherein internet has brought the information at the doorstep of every common man with a click on the mobile screen, computer, laptop etc. The freedom of speech and expression guaranteed by various constitutions of the world nations as well as the international enactments does not doubt the much-needed limelight and importance to right to know. About changing times, this right is in itself going through a fundamental change and its dimensions are expanding to include 'non-citizens' (in light of Section 6(1) of the RTI Act, 2005 and Article 21 of the Indian Constitution) within its ambit by way of judicial precedents. This study is an attempt to further dwell on the application of RTI, which is the foundation as well as the basic need before filing an RTI application. The research paper further aims to comprehend the nuances of interpretation of the RTI Act in light of the recent High Court rulings and the changing dynamics around the globe in light of greater importance given to the human rights in wake of good governance model, irrespective of their having allegiance to a particular state or not. The Objective of this study is to comprehend the application of RTI Act to Non-Citizens in light of recent judgment. Further, to discuss and understand the dimensions of the Right to Information in India in light of good governance. The research paper is based on the doctrinal method as an attempt is made to discuss the legal loopholes in the existing act and suggestions based on the recent trend in the judicial precedents.

## CASE STUDIES

Recently in March 2023, a case law decided by Hon'ble Delhi High Court, ***A. S Rawat Vs Dawa Tashi***<sup>16</sup>, a single judge bench gave a ruling widening the ambit of RTI Act by including 'non-citizen' as a person qualified for the disclosure of the information as per the Act. The reasoning behind the judgment is a progressive and interesting point stating that the Act employs the terms "persons" and "citizens" interchangeably, limiting the rights granted under it to only Indian

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<sup>16</sup> W.P.(C) 2670/2017

nationals would go against both the Act's and the Constitution's intent. A non-citizen, however, might not be able to exercise all of the same rights as a citizen, as the high court noted that the disclosure of information to non-citizens would depend on the nature of the information sought and the recognition of the rights granted to such a class of people under the Indian Constitution.

The facts of the case involve a postgraduate teacher, Dawa Tashi, working at Central School for Tibetan, Darjeeling. He submitted an RTI request in July 2014 seeking information on his confirmation letter as an employee of Central Tibetan Schools Administration (CTSA) and regarding other benefits to which he was entitled. However, due to his nationality as per records, which was filled by Dawa Tashi as 'Tibetan' in the Nationality column at the time of his appointment, his RTI application was declined and an appeal was preferred to it which was later dismissed as well.

In October 2016, the Central Information Commission deemed the rejection to information sought as the "*most deplorable*" and ordered the Public Information Officer (PIO), A.S. Rawat, to give Tashi point-by-point details. A show-cause notice, being served to the PIO asking him to explain why the maximum punishment should not be applied to him as a fundamental principle was ignored that a person born in India as per Article 5<sup>17</sup> of the Indian Constitution is an Indian Citizen, though his/her parents are from Tibet. A public entity cannot withhold information based just on a mere suspicion that an appellant may not be an Indian citizen, (as referring to the annexure at the time of appointment of Tashi, wherein Nationality was stated to be Tibetan) according to the Chief Information Commissioner (CIC), which also stated that "*baseless doubting of 'citizenship' reflects malice.*"

The Commission cited *Section 3(1)(a) of the Citizenship Act, 1955*<sup>18</sup>, which treats a person as a citizen based on their birth in India on or after January 26, 1950 and before July 1, 1987, as well as Article

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<sup>17</sup>At the commencement of this Constitution, every person who has his domicile in the territory of India and— (a) who was born in the territory of India; or (b) either of whose parents was born in the territory of India; or (c) who has been ordinarily resident in the territory of India for not less than five years immediately preceding such commencement, shall be a citizen of India.

<sup>18</sup>Citizenship by birth.—(1) Except as provided in sub-section (2), every person born in India— (a) on or after the 26th day of January, 1950, but before the 1st day of July, 1987; (b) on or after the 1st day of July, 1987, but before the commencement of the Citizenship (Amendment) Act, 2003 (6 of 2004) and either of whose parents is a citizen of India at the time of his birth; (c) on or after the commencement of the Citizenship (Amendment) Act, 2003 (6 of 2004), where— (i) both of his parents are citizens of India; or (ii) one of whose parents is a citizen of India and the other is not an illegal migrant at the time of his birth, shall be a citizen of India by birth. (2) A person shall not be a citizen of India by virtue of this section if at the time of his birth— (a) either his father or mother possesses such immunity from suits and legal process as is accorded to an envoy of a foreign sovereign power accredited to the

5<sup>19</sup> of the Constitution, which states that every person who has their domicile in the territory of India and was born in India would be considered its citizen. According to the commission, there are two facets within the right to information. Firstly, According to Article 21 of the Constitution, everyone has the right to life, which includes the element of knowledge, and secondly, Article 19(1)(a) of the Constitution guarantees everyone the right to freedom of expression which imbibes the right to be informed.

In another single bench ruling of Madras High Court pronounced on January 2023, ***K.K.C. Balaganesan Vs The Managing Director***<sup>20</sup> held contradictory viewpoints by upholding non-applicability of the right to information to the ‘non-citizens’. The reasoning behind this ruling was derived from Article 19(1)(a)<sup>21</sup> of the Indian Constitution as it is available only to the citizens and is further not absolute in nature often regulated by reasonable restrictions as provided by Article 19(2).

## ARGUMENTS AND DISCUSSION

The idea of governance predates the development of human civilization. What exactly is "Governance"? It simply refers to the decision-making process and the method used to carry out decisions. The indulgence displayed by subjects has a significant impact on the effectiveness of government. According to *the United Nations Commission on Human Rights*, involvement, accountability, openness, responsibility, and responsiveness to public demands are the essential characteristics of effective governance. Thus, a suitable climate for the exercise of human rights as well as growth and sustainable human development are linked to good governance. Every civil society expects their government to uphold its pledges and foster an environment that supports

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President of India and he or she, as the case may be, is not a citizen of India; or (b) his father or mother is an enemy alien and the birth occurs in a place then under occupation by the enemy.

<sup>19</sup>Citizenship at the commencement of the Constitution—At the commencement of this Constitution, every person who has his domicile in the territory of India and— (a) who was born in the territory of India; or (b) either of whose parents was born in the territory of India; or (c) who has been ordinarily resident in the territory of India for not less than five years immediately preceding such commencement, shall be a citizen of India.

<sup>20</sup> W.P.(MD) No.19811 of 2013

<sup>21</sup> Protection of certain rights regarding freedom of speech etc

(1) All citizens shall have the right

(a) to freedom of speech and expression;

(b) to assemble peaceably and without arms;

(c) to form associations or unions;

(d) to move freely throughout the territory of India;

(e) to reside and settle in any part of the territory of India; and

(f) omitted

(g) to practice any profession, or to carry on any occupation, trade or business

the development of each person. The RTI Act was a step in the direction of creating open government by focusing on various stakeholders such as –

1. Citizens;
2. Central and State Information Commissions; and
3. Public authorities that comprise Public Information Officers and the Appellate bodies.

This study is focused on the foremost and the primary stakeholder that is the citizens and the one for whose benefit this legislation has been enacted. The term '*citizen*' with the need of time and elaborative administrative operations of the government, should be given the widest interpretation so as to bring every person living in the Indian Territory under the umbrella of good governance. The reason being the RTI Act in India was a result of mass movement by the people of the country against corruption and growing inefficiencies in the administrative practices. Societal pressure was a major force which led the government of the day to move towards a more transparent, accountable and welfare model of governance. In the present times of e-governance, the Act needs certain amendments to be made so as to keep it relevant in the growing times in accordance with enhanced public governance.

After analyzing the above two mentioned case studies, the question regarding applicability of the RTI becomes relevant. The preamble<sup>22</sup> to the Act uses the phrases '*information for citizens, informed citizenry*' thereby clearly highlighting the legislative intent towards securing this right to the citizens only. However, the statutory provisions of the RTI Act, 2005 creates a conundrum by the play of words such as usage of different terms throughout the Act;

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<sup>22</sup>An Act to provide for setting out the practical regime of right to information for citizens to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority, the constitution of a Central Information Commission and State Information Commissions and for matters connected therewith or incidental thereto.

WHEREAS the Constitution of India has established democratic Republic;

AND WHEREAS democracy requires an informed citizenry and transparency of information which are vital to its functioning and also to contain corruption and to hold Governments and their instrumentalities accountable to the governed;

AND WHEREAS revelation of information in actual practice is likely to conflict with other public interests including efficient operations of the Governments, optimum use of limited fiscal resources and the preservation of confidentiality of sensitive information;

AND WHEREAS it is necessary to harmonize these conflicting interests while preserving the paramountcy of the democratic ideal;

Now, THEREFORE, it is expedient to provide for furnishing certain information to citizens who desire to have it.



1. Section 3<sup>23</sup> (Right to Information) of the Act uses term '*citizen*<sup>24</sup>'.
2. Section 4 (Obligations of Public Authorities) provides for the publication of all the relevant facts while formulating important policies or making decisions concerning the '*public*'. However, Section 4(1)(b) (xv) requires the public authorities to publish the particulars of facilities available to the '*citizens*'.
3. Section 6<sup>25</sup> (Request for obtaining information) mentions the term '*person*<sup>26</sup>' and prescribes the procedure for obtaining any information under the act by making a request in writing or through electronic means through the application process.
4. Section 7 talking about the disposal of request within 30 days, specifically through proviso provides that if the information sought is concerning '*the life or liberty of a person*', the information is then to be provided within 48 hours of the receipt of the request.
5. Section 8 (Exemption from disclosure of information) uses the word *citizen* in section 8(1) however, person in section 8 (1)(e), (g), (j), 8(3) etc.
6. Section 19 providing the provision of appeal refers to the word *person*.

It is interesting to note the parliamentary debates undergone on ***The Right to Information Bill, 2004*** were also discussing intricately over the use of words like ***Citizens, Persons*** while drafting the statute. The Preamble of which reads as under:

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<sup>23</sup> Subject to the provisions of this Act, all citizens shall have the right to information.

<sup>24</sup> The Constitution of India, Article 5: Citizenship at the commencement of the Constitution—At the commencement of this Constitution, every person who has his domicile in the territory of India and— (a) who was born in the territory of India; or (b) either of whose parents was born in the territory of India; or (c) who has been ordinarily resident in the territory of India for not less than five years immediately preceding such commencement, shall be a citizen of India.

<sup>25</sup> (1) A person, who desires to obtain any information under this Act, shall make a request in writing or through electronic means in English or Hindi or in the official language of the area in which the application is being made, accompanying such fee as may be prescribed, to— (a) the Central Public Information Officer or State Public Information Officer, as the case may be, of the concerned public authority; (b) the Central Assistant Public Information Officer or State Assistant Public Information Officer, as the case may be, specifying the particulars of the information sought by him or her: Provided that where such request cannot be made in writing, the Central Public Information Officer or State Public Information Officer, as the case may be, shall render all reasonable assistance to the person making the request orally to reduce the same in writing.

(2) An applicant making a request for information shall not be required to give any reason for requesting the information or any other personal details except those that may be necessary for contacting him.

(3) Where an application is made to a public authority requesting for an information,— (i) which is held by another public authority; or (ii) the subject matter of which is more closely connected with the functions of another public authority, the public authority, to which such application is made, shall transfer the application or such part of it as may be appropriate to that other public authority and inform the applicant immediately about such transfer: Provided that the transfer of an application pursuant to this subsection shall be made as soon as practicable but in no case later than five days from the date of receipt of the application.

<sup>26</sup> Section 2(f) of the Indian Citizenship Act, 1955 states “person” does not include any company or association or body of individuals, whether incorporated or not;

*“to provide for setting out the practical regime of right to information for people to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority, the constitution of a Central Information Commission and for matters connected therewith or incidental thereto.”*

The word used was ‘people’<sup>27</sup> which was used had a wider connotation and included more of the individuals irrespective of their citizenship status. This practice was adhering to the international platform bringing more state subjects under the umbrella of administration leading to good governance in spirit.

The Statement of Objects and Reasons of the 2004 Bill aimed at making the process of accessing information more ‘*progressive, participatory and meaningful*’. Hence, various suggestions made by the National Advisory Council in lieu of ‘*greater and more effective accesses*’ were accepted by the government, one of them was repealing *the Freedom of Information Act, 2002*. With regard to terms such as; ‘*citizen, person, people*’ etc, during debate in Rajya Sabha, these terms seemed to be used interchangeably.

## FINDINGS

The Right to Information Act is one of the most significant laws that give the common man the ability to challenge the government and how it operates in the public domain. The main objectives are to empower citizens, encourage transparency and accountability in governmental operations, fight corruption, and ensure that our democracy actually serves the needs of the people. It should go without saying that a well-informed citizen is better able to maintain the necessary oversight of governance mechanisms and hold the government accountable to the governed. The Act is an important step in educating the public about government operations. The Act covers all constitutional authorities, agencies, and entities owned and controlled by the government, as well as entities that receive a significant amount of funding from it. The legislation also requires state and federal governmental agencies to respond promptly to requests for information from the

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<sup>27</sup> The word “people” may have various significations according to the connection in which it is used. When we speak of the rights of the people, or of the government of the people by law, or of the people as a non-political aggregate, we mean all the inhabitants of the state or nation, without distinction as to sex, age, or otherwise. Black, Const. Law (3d Ed.) p. 30.

general public. If the authorities don't respond to the citizens within the allotted time, the act also imposes fines<sup>28</sup>.

The RTI Act has focused on the touchstone of information which is the way to participative democracy as well as a tool for good governance. Since, this right to know has evolved from Part III of the Indian Constitution along with the reference to the international covenants, declarations, agreements etc. Its dimension needs to be widened in light of other fundamental rights such as Article 14 and 21 as they are available to 'non-citizens' also. This argument is strengthened by way of legal position as stated in Durga Das Basu's Commentary on the Constitution of India<sup>29</sup> as the words used in Article 14 is '*any person*' based on intelligible differentia and in context of legislation in general or executive action affecting group rights is construed to refer to the persons similarly situated. Hence, the Right to equality is available to every person within the territory of India. Likewise, Article 21 states that '*no 'person' can be deprived of his life or personal liberty except according to procedure established by law.*' Thus, our welfare state model seeks to protect the life and liberty of every person be it citizen or non-citizen.

Taking into consideration the international covenants and declarations as mentioned in the beginning, which led to the development of right to information as it is in present form. The Indian Constitution having codified the fundamental rights and Directive principles of state policies adhering to the international practices as well, must not shy away from granting the right to information to every person within the territory of India. Although certain fundamental rights such

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<sup>28</sup> Right to Information Act, s 20, Penalties.—(1) Where the Central Information Commission or the State Information Commission, as the case may be, at the time of deciding any complaint or appeal is of the opinion that the Central Public Information Officer or the State Public Information Officer, as the case may be, has, without any reasonable cause, refused to receive an application for information or has not furnished information within the time specified under sub-section (1) of section 7 or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall impose a penalty of two hundred and fifty rupees each day till application is received or information is furnished, so however, the total amount of such penalty shall not exceed twenty-five thousand rupees: Provided that the Central Public Information Officer or the State Public Information Officer, as the case may be, shall be given a reasonable opportunity of being heard before any penalty is imposed on him: Provided further that the burden of proving that he acted reasonably and diligently shall be on the Central Public Information Officer or the State Public Information Officer, as the case may be. (2) Where the Central Information Commission or the State Information Commission, as the case may be, at the time of deciding any complaint or appeal is of the opinion that the Central Public Information Officer or the State Public Information Officer, as the case may be, has, without any reasonable cause and persistently, failed to receive an application for information or has not furnished information within the time specified under sub-section (1) of section 7 or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall recommend disciplinary action against the Central Public Information Officer or the State Public Information Officer, as the case may be, under the service rules applicable to him.

<sup>29</sup> Durga Das Basu, 2 Commentary on the Constitution of India (8th edn, 2007, vol. 2) pp. 1714 – 1715

as Article 19 are only available to the citizens but right to know is also part of life (Article 21), which cannot be interpreted in a narrow sense as held in ***The Chairman Railway Board and Ors v. Chandrima Das and Ors.***<sup>30</sup> This case examined different applications of fundamental rights and made an important observation with regard to the people who are not the citizens of India but come here as ‘*tourists or in any other capacity*’, in that scenario their fundamental rights would not be strictly interpreted but covered under the Right to Life, which is indispensable for any human being on the planet and thus, protection to their lives would be guaranteed in accordance to our constitutional provisions. To quote the judgment as it reads,

*“They also have the right to live, so long as they are here, with human dignity, just as the state is under an obligation to protect the life of every citizen in this country, so also the State is under an obligation to protect the life of the persons who are not citizens.”*

There are many judicial precedents wherein Hon’ble Supreme Court has held its opinion in favor of giving broader meaning to the right to know, the reason being it of basic inalienable nature. Hence, the Right to be informed has its strong ground by virtue of Article 21.<sup>31</sup> In the caselaw, ***Reliance Petrochemicals Ltd. v. Proprietors of Indian Express Newspapers, Bombay Pvt. Ltd.***,<sup>32</sup> invoking Article 21 of the Indian Constitution, the Apex Court said that anybody who will be negatively affected by a decision has a right to know. On similar lines the Apex court in the case, ***Chief Information Commissioner & Ors. Vs. State of Manipur & Ors.***<sup>33</sup>, noticed the difference between the terminology used in Section 3 and 6 of the RTI Act thereby holding the view that Section 6 is ‘*wider in its ambit than section 3*’.

Another important remark made by the judge in the *A.S Ramat Case*, is that in certain cases and circumstances including foreigners, NRIs, OCI Card, the RTI Act incorporates information concerning the life or liberty of the individual involved. Such instances require the state to place the life of the individual on higher pedestal irrespective of their being citizen or non-citizen but honoring their human existence in light of international practices and declarations. This also creates a sense of security and good faith in geo-strategic politics along with soft power of the nation in growing fervor of Human Rights around the globe. Indeed, there exist certain challenges in this domain as a variety of information is requested that is not in the public interest and

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<sup>30</sup> SLP (C) No. 16439 of 1998

<sup>31</sup> Ravi S. Naik v. Union of India and Ors [1994] AIR 1558

<sup>32</sup> [1989] AIR SC 190

<sup>33</sup> [2011] 15 SCC

occasionally may be used to abuse the legal system and harass public officials. For instance, pleading for a great deal of information to gain notoriety by submitting an RTI, sometimes RTI requests are made with the intention of pressuring or harassing the public authority. However, with the advent of the welfare state model these challenges are inevitable and need to be dealt without compromising the development and growth of the Country.

## CONCLUSIONS AND SUGGESTIONS

India, a land of diversity encompassing different religions, cultures, philosophies etc, consists of a parliamentary form of government where people choose their representatives on the basis of adult suffrage, who work for the benefit of the general public at large. *Good governance* requires active engagement in the formulation of public policy, the dominance of the rule of law, the existence of an independent judiciary, as well as a system of institutional checks and balances through the horizontal and vertical separation of powers and effective oversight institutions. To achieve the socialist revolution in its true essence and grass root level of participative democracy, the right to information plays a crucial role through mediums such as newspapers, televisions, and social media applications such as Facebook, WhatsApp etc act as a road between government on one hand and people of the country. In order to regulate and bring more people under the governance radar, the need of the hour is to embrace the judicial trend of widening the application of the act in the spirit of our Constitution. This is further supported by the following suggestions;

1. Section 3 of the RTI Act declares a positive recognition of the right in favor of citizens but it nowhere creates any prohibition or debars the non-citizens against this right.
2. Indian Constitution itself provides various rights to persons within the territory of Indian in form of Constitutional Rights such as the Right to Vote<sup>34</sup>, Fundamental Rights although not absolutely given and certain among them enjoyed by the Citizens only as Article 15, 16, 19 etc. However, benefit of doubt should be given to non-citizens wherein their certain rights are recognized in case of them having an interface with public authorities.

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<sup>34</sup> The Constitution of India, Article 326: Elections to the House of the People and to the Legislative Assemblies of States to be on the basis of adult suffrage.—The elections to the House of the People and to the Legislative Assembly of every State shall be on the basis of adult suffrage; that is to say, every person who is a citizen of India and who is not less than [eighteen years] of age on such date as may be fixed in that behalf by or under any law made by the appropriate Legislature and is not otherwise disqualified under this Constitution or any law made by the appropriate Legislature on the ground of non-residence, unsoundness of mind, crime or corrupt or illegal practice, shall be entitled to be registered as a voter at any such election.

3. Section 7(1) Proviso highlights the provision of disclosing information within 48 hours in case of it relating to the life or liberty of a person.

The statutory provisions cannot be selective in application and the need of the hour is to make it more inclusive to the need of time wherein the world is moving towards becoming a global village with every person having some basic inalienable rights to enjoy and live a better life.