

India

The Constitution of India includes protection for the “the freedom of speech and expression” (Art. 19), with no direct reference to the right to information. In 1975, the Supreme Court of India held Art. 19 of the Constitution to implicitly include the people’s right to know everything that the governments do in their name. In addition to reiterating this position in several other decisions, the Court also deemed the right to information to be a part of the right to life and liberty under Art. 20 of the Constitution.

In 2002 the Central Government pushed through Parliament a weak Freedom of Information law. It was never operationalised. However nine States had enacted and implemented their own laws on the right to information since 1997. Civil society organisations and the media played a pivotal role in drafting a new information access legislation in 2004. Later Parliament enacted the Right to Information Act (RTI Act) in 2005¹ based on the draft prepared by civil society. All governments fully operationalised the RTI Act the same year. The State of Jammu and Kashmir also has a separate access law enacted in 2009². CHRI provided technical support to both civil society and governments for drafting these laws.

It is estimated that about 1.8 million information requests had been filed by citizens between 2007 and 2010. This is a conservative estimate as statistics are not available from all States.

Some users of the RTI Act have faced violence, with at least 12 RTI activists reportedly murdered for seeking information since October 2005.

¹ http://www.humanrightsinitiative.org/programs/ai/rti/india/national/rti_act_2005.pdf

² http://www.humanrightsinitiative.org/programs/ai/rti/india/states/jk/jk_rti_act_2009.pdf