

## The Role of Higher Judiciary in Implementation of RTI Act 2005

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### Abstract

*People can play an important role in a democracy only if it is an open government where there is full access to information in regard to functioning of government. A citizen cannot achieve knowledge unless he has certain basic freedoms such as freedom of thought, information, conscience, speech, expression, propulsion and so on and so forth. The freedom of information as one of the members of the Constituent Assembly said, is one of the terms around which the greatest and the bitterest of constitutional struggles have been waged in all countries where liberal constitutions prevail. It is, therefore, a basic right “Everyone has the right to freedom of opinion and expression; the right includes freedom to hold opinions without interference and to seek and receive and imparts information and ideas through any media and regardless of frontiers” proclaims as the Universal Declaration of Human Rights. Our Constitution does not use the expression 'freedom of information' in Article 19 but it is declared by the judiciary that it is included in Article 19(1) (a) which guarantees freedom of speech and expression. For many decades, despite the establishment of parliamentary democracy in India, there was no legal right to information and our Constitution also does not use the expression “freedom of information” in Article 19. It was through a creative interpretation of Article 19(1)(a) of the Constitution that the Supreme Court carved out a fundamental right to information as being implicit in the right to free speech and expression. Judiciary in several landmark cases has expressly held right to information as natural concomitant of Article 19 (1)(a) and Article 21 of Constitution of India, i.e., right to freedom of speech and expression and right to life and liberty include right to information.*