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“As the erudite scholastic judgment rightly observed, the privacy right is not at all absolute and public interest overrides were rightly prescribed in the law so that transparency interests and good governance concerns are protected. The public servant's privacy is limited to his 'personal' aspects only. That operates as major limitation and to that extent a major concession to transparency.”

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The CMS Transparency team focuses on issues of good governance, raising awareness about the Right to Information Act (RTI) and empowering citizens to benefit from the legislation. CMS Transparency has been providing significant database and momentum to create responsive governance systems in our country.

The team will continue to establish links with civil society groups and design campaigns for RTI to further social objectives like transparency in elections, exposing corruption and improving civic services.

"I am happy to note that Centre for Media Studies (CMS) has been carrying out the exceptional good work in various areas having substantial public interest. One of their initiatives is the study on corruption in the country in particular in certain geographical areas or on a theme."

...K.V.Chowdary, Central Vigilance Commissioner, Central Vigilance Commission (2015)



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First Define 'Privacy'

Shailesh Gandhi

The judgment¹ of the nine judge bench of the Supreme Court on privacy has been hailed with much enthusiasm. The right to privacy question was referred to this bench after a clutch of petitions challenging the Aadhaar Act came up before a five judge bench. This article is an attempt to look at the consequences of the privacy ruling.

All laws and institutions in India are expected to be guided by the Constitution. To ensure that the Constitution can take changing circumstances into account Parliament has been given the authority to amend it in Article 368. The constituent assembly in its initial drafts had considered making the right to privacy a fundamental right. However, after extensive discussion, a conscious decision was taken not to do so.

An eight judge bench of the Supreme Court had clearly come to the conclusion that the right to privacy is not a fundamental right (M P Sharma vs Satish Chandra) DM Delhi² in 1954. At that time, most of the members of the constituent assembly were also around, and there does not appear to have been any significant dissent with this decision. Thus it appears that the clear and conscious decision of the Constitution makers and all the Supreme Court judges (since that bench comprised all of them) was that privacy was not a fundamental right. The Supreme Court has the authority to interpret the Constitution and the law, but the authority to amend both clearly lies only with Parliament. It is worth contemplating whether a bench

with about 33% strength should **c o n s i d e r** superseding an earlier judgment given by one of 100% strength.



Besides, the 1954 judgment appears to be in consonance with the deliberations of the constituent assembly.

In the current judgment the apex court has recorded on page 204 at para 144:

On 17 March 1947, K M Munshi submitted Draft articles on the fundamental rights and duties of citizens to the Sub-committee on fundamental rights. Among the rights of freedom proposed in clause 5 were the following

...(f) the right to the inviolability of his home

(g) the right to the secrecy of his correspondence,

(h) the right to maintain his person secure by the law of the Union from exploitation in any manner contrary to law or public authority..."

At para 148 on page 207 the apex court comes to the conclusion that

This discussion would indicate that there was a debate during the course of the drafting of the Constitution on the proposal to guarantee to every citizen the right to secrecy of correspondence in clause 9(d) and the protection to be secure against unreasonable searches and seizures in their persons houses, papers and assets. The objection to clause 9(d) was set out in the note of dissent of Sir Alladi Krishnaswamy Iyer and it was his view

The constituent assembly in its initial drafts had considered making the right to privacy a fundamental right. However, after extensive discussion, a conscious decision was taken not to do so.

that the guarantee of secrecy of correspondence may lead to every private correspondence becoming a state paper..... The clause protecting the secrecy of correspondence was thus dropped on the ground that it would constitute a serious impediment in prosecutions while the protection against unreasonable searches and seizures was deleted on the ground that there were provisions in the Code of Criminal Procedure, 1898 covering the area. The debates of the Constituent Assembly indicate that the proposed inclusion (which was eventually dropped) was in two specific areas namely correspondence and searches and seizures. From this, it cannot be concluded that the Constituent Assembly had expressly resolved to reject the notion of the right to privacy as an integral element of the liberty and freedoms guaranteed by the fundamental rights.

I am not able to see this conclusion flowing from Munshi's draft which has been recorded at para144. The draft which has been quoted appears to prove that the constituent assembly took a conscious decision not to accord privacy the status of a fundamental right, and this was confirmed by the Supreme Court bench in 1954.

It is true that the Constitution has to evolve with changes in the world, international covenants and changing realities and expectations of the people. But it has clearly defined the roles of the three estates, and the legislative function has been given to Parliament, which draws its legitimacy directly from the citizens who elect its members. Just as a percentage of members is specified for a constitutional amendment in Parliament, should not a percentage of judges of the Supreme Court be required to overturn an earlier ruling of this nature? There may be serious implications in future of such a transfer of powers.

What is Privacy?

It is evident that privacy is built into the common law in various ways. The real

problem with the nine judge judgment is that after proclaiming privacy as a fundamental right, it has not defined what is privacy. It is now left to all adjudicators to give multiple interpretations to understand the term. Earlier in *R Rajagopal vs State of TN*³ the Supreme Court had given a broad definition of privacy and its domain where it stated that:

The right to privacy is implicit in the right to life and liberty guaranteed to the citizens of this country by Article 21. It is a "right to be let alone".

A citizen has a right to safeguard the privacy of his own, his family, marriage, procreation, motherhood, child-bearing and education among other matters. The Court could have defined this in a more precise way and then allowed some matters to be adjudicated. It must be appreciated that the right to privacy has a certain tension with Article 19 (1) (a) of the Constitution which guarantees that "All citizens shall have the right to freedom of speech and expression."

From this is drawn the freedom to publish and the right to information (RTI). What can be published in matters relating to citizens in the media is the same as information from public records which can be given in the right to information. The reasonable restrictions on the exercise of this are given in Article 19 (2) and can only be "in the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality or in relation to contempt of court, defamation or incitement to an offence." Which of these will apply to privacy? In most cases restrictions in the interest of "decency and morality" would have to be invoked for restricting publication or information in RTI in matters relating to privacy. The RTI Act also bars such information from being given under Section 8 (1) (j) which exempts information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the

individual unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information: Provided that the information, which cannot be denied to the Parliament or a State Legislature shall not be denied to any person.”

Parliament had laid down a simple acid test to determine which personal information should be denied under the RTI. If such information would assault “decency or morality” it would violate privacy and should not be given to Parliament also. Thus the R Rajagopal judgement and the RTI Act both are in consonance with Article 19 (2) of the Constitution. It would have been good if the Supreme Court had reiterated this or expanded it. Presently some of the information that is often denied under the RTI under Section 8 (1) (j) is as follows:

i) Allocation of subsidised plots to politicians, officers and judges.

ii) Beneficiaries of various subsidy and other welfare schemes: There are many ghost beneficiaries. Some who are really wealthy also avail of these.

iii) Educational, caste, income certificates of people: There are instances where RTI has uncovered fake education certificates even of doctors working in government hospitals.

iv) Marks obtained in competitive exams: In many cases people with higher marks have not been chosen.

v) Foreign visits.

vi) Details regarding a public servant: memos, show cause notices, censure/punishment awarded, details of movable and immovable properties, details of investments, lending and borrowing from Banks and other financial institutions, and gifts received. These have been refused by the Supreme Court in the Girish Deshpande⁴ judgment. On the other hand in the ADR-PUCL case the Supreme Court ruled that citizens have a right to know the assets and liabilities of those who want to become public servants (stand for elections).

vii) Income Tax returns: It is a fact that the affidavits of politicians who stand for elections are never verified with their IT returns. These are not given in RTI also.

Misinterpretation of RTI

In some instances, when such information has been disclosed it has led to the exposure of corruption. One of the objectives of the RTI (stated in its preamble) is to curb corruption. Because of the varied positions taken by the public information officers (PIO), information commissioners and Courts, the law is grossly misinterpreted. In fact, many state governments have issued directives to all the PIOs not to disclose information about public servants. With this decision of declaring privacy as a fundamental right without making any attempt to judicially define it, many wrong deeds will thus get protection. We must also understand that the same constraints will apply to the freedom to publish. If giving information about some matters is intrusion into privacy, then publication of it also cannot be permitted.

There are many more cases in which personal information is disclosed by some PIOs and denied by others on the basis of it being an invasion of privacy. All personal information does not constitute privacy. One of the most favourite exemptions to deny information is Section 8 (1) (j). In most cases the legal requirement of deciding whether it would be denied to Parliament is not applied. The right to privacy ends where the RTI and the right to publish starts. It is unfortunate that the nine member bench of the Supreme Court decided to proclaim privacy as a fundamental right, but did not take the responsibility of defining its domain.

The PIOs, information commissioners and judges are now left to do this job on a “case to case” basis. There should be an attempt to make law as definitive as possible. It is evident that matters relating to a person’s body, home, sexual preferences, religious or political beliefs, should generally be considered as issues relating to privacy. These could be

justified by Article 19 (2) which permits reasonable restrictions on the basis of “decency or morality.”

However, with respect to a person’s body there have been some divergent opinions. The most easily identifiable part of a person’s body is the face. Can we now argue that taking a person’s photo and disclosing it or publishing it is an invasion of privacy?

Aadhar and Privacy

One of the primary causes for this entire controversy regarding privacy has been the Aadhar card and the requirement for linking it with all other interactions with government. Most of those who read this article are likely to be in favour of the domain and importance of privacy being extended. The personal details taken for Aadhar, which may not be given in many other government records, - are the biometric identification in terms of fingerprints and iris scans. Everyone going out of the country (and a large percentage of readers of this article) give their biometric identity at the emigration counter. Universal requirement of the Aadhar card is likely to reduce benami transactions and ghost names of beneficiaries.

The argument was made before the Supreme Court that privacy is an elitist concern. The Supreme Court disagreed. Citizens have said that all their transactions may be connected with Aadhar. The fact that corruption is one of our major concerns cannot be denied. I guess we must also admit that our governments are unable to really curb this. We have a number of people having multiple PAN cards, floating shell companies, and taking illegal benefit of various welfare schemes and so on. A large number of private companies are registered at the residences of public

servants. These actually snatch morsels from the mouths of the disadvantaged. There may be some inconvenience for some people and perhaps some embarrassment.

Calling the house a castle and saying privacy is an essential part for a dignified life sounds really good. If this were possible without reducing the scope of the RTI and the freedom to publish it would be fine. There is a possibility that the right to privacy will be at the cost of the right to information. Sometime in the future the freedom to publish may also be curbed.

There are perhaps two competing issues in thinking of the desirability of Aadhar: Concern for privacy and the need to curb corruption and leakages in welfare schemes. Going by the talisman of Gandhiji one should consider which step is likely to benefit the poor. It appears evident to me that having an Aadhar card linked to most government transactions will benefit the poorest in at least getting basic amenities.

Conclusions:

Need to define the Privacy:

It appears that Supreme Court, has, in claiming to interpret the Constitution, read it to claim that a concept discarded by the constituent assembly was meant to be included. In this decision the Supreme Court should have defined privacy and its contours. When deciding on the definition of privacy Article 19 (2) must be kept in mind and the RTI and the freedom to publish must not be curbed beyond what the Constitution permits.

The greater good is likely to be served by having an Aadhar card.

(Shailesh Gandhi (shaileshgan@gmail.com) is former central information commissioner. This article , first published in Vol. 52, Issue No. 35, 2 Sep, 2017 of the EPW)

The Right to Privacy & RTI Act Though 'fundamental', not absolute right

Madabhushi Sridhar

In any dishonest and non-accountable administration, the privacy of citizen becomes highly vulnerable. The Supreme Court bench of Nine Judges¹, declared unanimously that the state cannot abuse its power to search, tap phones and knock the doors at midnight without legally prescribed reasonable procedure and justification, because right to privacy is a fundamental right being intrinsic part of right to life under Article 21. In principle, any person, whose privacy if infringed can file a writ petition under Article 32 or Article 226, and challenge the state that holds or owns or collects huge data of personal information about citizens, for selective disclosure or misuse of their data.

In *District Registrar and Collector, Hyderabad v Canara Bank*², a Bench of two judges of Supreme Court considered the provisions of the Indian Stamp Act, 1899 (as amended by a special law in Andhra Pradesh). Section 73 has empowered the Collector to inspect registers, books and records, papers, documents and proceedings in the custody of any public officer 'to secure any duty or to prove or would lead to the discovery of a fraud or omission'. Chief Justice Lahoti took guidance from Kharak Singh³ case to find reasonable expectation of privacy, and also held that the state could not allow the customer's privacy to be breached by non-governmental persons and thus statute insofar as it allowed the Collector to authorize any person to seek inspection would be unenforceable.

In principle, any person, whose privacy if infringed can file a writ petition under Article 32 or Article 226, and challenge the state that holds or owns or collects huge data of personal information about citizens, for selective disclosure or misuse of their data.

Justice

Chandrachud said the significance of Canara Bank lies in its reaffirmation of the right to privacy as emanating from the liberties guaranteed



by Article 19 and from the protection of life and personal liberty under Article 21. He referred to Canara Bank in which it was considered "that information provided by an individual to a third party (in that case a bank) carries with it a reasonable expectation that it will be utilized only for the purpose for which it is provided. Parting with information (to the bank) does not deprive the individual of the privacy interest. The reasonable expectation is allied to the purpose for which information is provided.while legitimate aims of the state, such as the protection of the revenue may intervene to permit a disclosure to the state, the state must take care to ensure that the information is not accessed by a private entity. The decision in Canara Bank has thus important consequences for recognizing informational privacy".

The landmark order in Justice Puttaswamy case also quoted important US decisions on informational privacy and suggested Union to come up with robust regime of protection to the information of individuals from being accessed by state and also non-state factors, to allay the fear of misuse. In the

age of internet where huge information is shared by individual in social media, his living habits and consumption trends are gathered from his online purchases and browsing, lands in the hands of commercial exploiters or power wielding state departments. The searches in the house, surveillance of the visitors and movements, telephone tapping etc of an ordinary citizen without following legal process could ruin his life and destroy his dignity. Everyone's home is considered his castle and state cannot invade it.

RTI a limitation on Right to Privacy and vice-versa

Despite the emphatic declaration that right to privacy as fundamental part of life and personal liberty, the right to information survives as the right of privacy of persons was well taken care by with Section 8(1)(j) and 11 of the Right to Information Act, 2005. The RTI forms part of reasonable restrictions with prescribed process of fair and just procedure to provide enough opportunity to express views on disclosure. Section 8 which enlisted the limitations along with proviso's, was rightly discussed by the Bench. The state argued that sufficient statutory protection to privacy was given in the RTI Act. The Bench responded saying such protection was not enough and a constitutional declaration was needed. Any information which does not relate to personal life, or has no relationship to any public activity or interest, or which would not cause unwarranted invasion of privacy of individual only could be given. If this part has statutorily guaranteed the right to privacy to a great extent in the context of information freedom, the law took care to provide relief by saying that if the CPIO is satisfied that 'larger public interest' justifies, he could release the information. Besides this, Section 8(2) offers two more relaxations, if 'public interest' in disclosure outweighs the harm to the protected interest, or if information asked was about an event happened 20 years

back, the 'privacy' exception does not obstruct. The RTI Act is not allowing the unwarranted invasion of privacy.

As the erudite scholastic judgment rightly observed, the privacy right is not at all absolute and public interest overrides were rightly prescribed in the law so that transparency interests and good governance concerns are protected. The public servant's privacy is limited to his 'personal' aspects only. That operates as major limitation and to that extent a major concession to transparency.

But one has to look into what is happening in implementation of transparency regime. The public information officers (PIO) continue to deny access to information held by them. The misuse of Section 8(1)(j) of Right to Information Act, 2005 which codified privacy exception, by PIOs is rampant and most times reduced this Act into a mockery. To quote a few examples: The sub-registrar refuses to share the General Power of Attorney and Sale deed copies on the pretext that they are personal information or belonging to third party. This unwarranted protection result in fraudulent and multiple sale of same immovable property, leading to unending litigation.

Lack of transparency in Land records

Revenue department refuses the land records, boundaries, assignment details. It neither conducts survey nor reveals survey reports. Daksh, an NGO⁴ says Rs. 58 thousand crore is being spent on litigation in both civil and criminal cases by the people (State's expenditure is additional). Around 66 per cent of litigation is about land. Litigation of this kind causes a loss of 1.3 per cent GDP. The poor still suffer as the litigation lingers on. Surprisingly, updating land records through transparent procedures will result in reduction of 2/3 rd of pending cases before judiciary. If land records are reformed, the judiciary also gets reformed. With effective transparency and easy access to people, the defects and disputes

over land could be considerably reduced and the people's participation ensures cleaning of titles resulting in good governance of property based economics.

In that survey it was also revealed that ambiguous status of land records was the main source of crime and destruction of families. All this can be redressed by strengthening the RTI regime. But widespread small corruption in lakhs of Government offices from village to state headquarters does not allow PIOs to share information sought. The excuse they profusely abuse is the clause of privacy - Section 8(1)(j).

Some of the Post Offices have been allegedly indulging in frauds where the middleclass citizen's money in savings or kisan vikas patra etc is swindled by a few office personnel hand in glove with some private fraudsters. Then they become guardians of privacy to refuse the information to facilitate frauds and cover them up. Genuine legal heirs are denied information of accounts about their deceased fore-fathers. Pension amount and PF account details are also denied to the concerned persons or union representatives. Generally the spouses are denied the salary details of estranged partners. Does it mean public servants can abandon wives without maintenance and prevent disclosures to secure their privacy?

The authorities should not ignore the public interest in securing evidence of earning of spouses for deciding maintenance matters in judicious manner. This is abuse of the exceptions of RTI Act by the public authorities in the name of privacy.

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Secrecy of academic qualifications

Another interesting denial is the educational qualifications of the public servants, even where the qualification is a condition for employment. Leaders claim to have got degrees but refuse to share details. The Supreme Court in Meriambam Prithviraj v Pukhrem Sharatchandra Singh⁵ decided by Justice Anil R Dave and Justice L Nageswar Rao on October 28, 2016 disqualified an MLA from Manipur for falsely claiming to have MBA degree on the ground people voted him on misrepresentation that he was highly educated person.

When the caste is the basis of Constitutional reservations and where the revenue department sells false caste certificates, how the public authorities can claim caste information as 'private'?

It's a matter of fact that pension accounts were removed from post offices because of unchecked frauds. The middleclass citizen's money in savings or kisan vikas patra etc is being swindled by a few office personnel hand in glove with some private fraudsters. PIOs become guardians of privacy to refuse the information that facilitate fraud or cover up. Genuine legal heirs are denied information of accounts about their deceased fore-fathers. Pension amount and PF account details are not given. Spouses do not get salary details of estranged partners.

Does it mean public servants can abandon wives without maintenance under the garb of privacy? The authorities completely ignore the public interest in securing evidence of earning of spouses

for deciding maintenance matters in judicious manner.

Above all, surprisingly around 60% of RTI requests for details of disciplinary action against public servant for bribery or misappropriation or irregularities are denied on this ground. Most unfortunately a division bench of Supreme Court (Girish R Deshpande⁶) and several CIC orders agreed with this view while DoPT jumped at to circulate an office memorandum asking all to deny such information. This division bench order is mentioned in the recent judgment. The state can neither invade privacy of individual citizens nor invoke privacy to deny the access to public information. Bribery is a not a family affair and the privacy, a cover for corruption.

How to enforce the right to privacy? A partial codification of privacy as a limitation to right to information is available under

RTI Act 2005. The state has to put in place machinery and authority to secure the right to privacy. A mere declaration by judiciary cannot make the right practically usable right and violations would go without consequences. In separate judgments, the nine-judge-bench pointed out this necessity but gave no guidance. The law has to give a specific definition and clear limitations and that has to pass the test of constitutionality.

1 [http://supremecourt.of.india.nic.in/pdf/jud/ALL%20WP\(C\)%20No.494%20of%202012%20Right%20to%20Privacy.pdf](http://supremecourt.of.india.nic.in/pdf/jud/ALL%20WP(C)%20No.494%20of%202012%20Right%20to%20Privacy.pdf), <https://indiankanoon.org/doc/91938676/> 2. [(2005) 1 SCC 496] 3. *Kharak Singh v State of UP*, AIR 1963 SC 1295 <https://indiankanoon.org/doc/619152/> 4. <http://dakshindia.org/state-of-the-judiciary-report/> 5. <http://judis.nic.in/supremecourt/imgs1.aspx?filename=44274>, <https://indiankanoon.org/doc/180207731/> 6. *Girish Ramachandra Deshpande v CIC*, SC judgment <https://indiankanoon.org/doc/160205361/>

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Nilekani urges govt to evolve data protection law

Former Unique Identification Authority of India (UIDAI) chairman and Infosys Ltd co-founder Nandan Nilekani on Saturday urged the government to evolve a data protection law that will force state agencies and corporations to let individuals access their data that these entities gather.

In a presentation on *Data is the new oil* made at the Delhi Economics Conclave 2017 organized in the city by the finance ministry, Nilekani said that data is of immense strategic and commercial importance and it help companies to enter new businesses and markets, grow big and at times stifle competition by preventing new entrants in the market.

The tendency to abuse market dominance achieved through use of data can be effectively addressed by a law, he said. “We need to have a law that whoever

collects data, be it an Indian company, be it a global company, be it the government, all of them will share data to the consumer or business at his request,” said Nilekani.

More and more data is stored offshore, where the entity holding data is not accountable to the domestic laws of the consumers, leading to data colonization, he added.

Nilekani said other nations such as the UK, Japan and China have taken steps in this direction. He also said that decisions of the economy should be guided by real time data which is possible with goods and services tax (GST) implementation.

Nilekani further said that with the economy becoming more reliant on digital modes of payment and the tax administration becoming technology driven, it will soon become possible to have a real-time assessment of the economy through data analysis.

The Mint

Views of Supreme court panellists on Right to Privacy

In his separate but concurrent judgment on right to privacy, Justice J Chelameswar said the state should not have “unqualified authority” to intrude into certain aspects of human life which amounts to violation of right to privacy.

“I do not think that anybody in this country would like to have the officers of the state intruding into their homes or private property at will or soldiers quartered in their houses without their consent. I do not think that anybody would like to be told by the state as to what they should eat or how they should dress or whom they should be associated with either in their personal, social or political life,” he said.

“Freedom of social and political association is guaranteed to citizens under Article 19(1)(c). Personal association is still a doubtful area. The decision making process regarding the freedom of association, freedoms of travel and residence are purely private and fall within the realm of the right of privacy. It is one of the most intimate decisions,” he said.

“All liberal democracies believe that the state should not have unqualified authority to intrude into certain aspects of human life and that the authority should be limited by parameters constitutionally fixed. Fundamental rights are the only constitutional firewall to prevent state’s interference with those core freedoms constituting liberty of a human being. The right to privacy is certainly one of the core freedoms which is to be defended. It is part of liberty within the meaning of that expression in Article 21,” he said.

Justice R F Nariman rejected the Centre’s submission that right to privacy was an “elitist construct” which could not be declared a fundamental right in a poor

country where people were denied basic amenities of life.

“The attorney general argued that between the right to life and the right to personal liberty, the former has primacy and any claim to privacy which would destroy or erode this basic foundational right can never be elevated to the status of a fundamental right. Elaborating further, he stated that in a developing country where millions of people are denied the basic necessities of life and do not even have shelter, food, clothing or jobs, no claim to a right to privacy as a fundamental right would lie. First and foremost, we do not find any conflict between the right to life and the right to personal liberty,” Justice Nariman said.

“The attorney general argued that between the right to life and the right to personal liberty, the former has primacy and any claim to privacy which would destroy or erode this basic foundational right can never be elevated to the status of a fundamental right. Elaborating further, he stated that in a developing country where millions of people are denied the basic necessities of life and do not even have shelter, food, clothing or jobs, no claim to a right to privacy

as a fundamental right would lie. First and foremost, we do not find any conflict between the right to life and the right to personal liberty,” Justice Nariman said.

“Both rights are natural and inalienable rights of every human being and are required in order to develop his/her personality to the fullest. Indeed, the right to life and the right to personal liberty go hand-in-hand, with the right to personal liberty being an extension of the right to life. A large number of poor people that (K K) Venugopal talks about are persons who in today’s completely different and changed world have cell phones, and



J CHELAMESWAR



RF NARIMAN

would come forward to press the fundamental right of privacy, both against the government and against other private individuals. We see no antipathy whatsoever between the rich and the poor in this context,” he said.

Unity & integrity of nation can't survive unless dignity of citizen is guaranteed: Justice Abhay Manohar Sapre said. He added right to privacy was essentially a natural right, which every human inherited by birth and it could not be denied.

Justice Sapre said, “In my view, unity and integrity of the nation cannot survive unless the dignity of every individual citizen is guaranteed.



It is inconceivable to think of unity and integration without the assurance to an individual to preserve his dignity. In other words, regard and respect by every individual for the dignity of the other one brings the unity and integrity of the nation.

“In my considered opinion, right to privacy of any individual is essentially a natural right, which inheres in every human being by birth. Such right remains with the human being till he she breathes last. It is indeed inseparable and inalienable from human being. In other words, it is born with the human being and extinguish with human being.

“One cannot conceive an individual enjoying meaningful life with dignity without such right. Indeed, it is one of those cherished rights, which every civilised society governed by rule of law always recognises in every human being and is under obligation to recognise such rights in order to maintain and preserve the dignity of an individual regardless of gender, race, religion, caste and creed. “

He, however, said right to privacy was not an absolute right but was subject to reasonable restrictions, which the state was entitled to impose on the basis of social, moral and compelling public interest in accordance with law.

Source: Times of India

CJI, Governors should come under the RTI- SC

Shedding judiciary's reluctance to come within the ambit of the Right to Information (RTI) Act, the Supreme Court for the first time on Thursday favoured bringing the office of the chief justice within the domain of the transparency law.

A bench of Justices Arun Mishra and Amitava Roy said offices of all constitutional functionaries should be made amenable to the RTI law to bring transparency and accountability in their functioning. The court specifically pointed out that the offices of governors and the Chief Justice of India should be brought under the ambit of RTI Act.

It was hearing a batch of petitions challenging a Bombay high court order declaring the governor's office as public authority and directing the Goa Raj Bhavan to make public the governor's report sent to the President on the political situation in the state during July-

August 2007. The information was sought under RTI by Manohar Parrikar, who was then the leader of the opposition in the Goa assembly.

Solicitor general Ranjit Kumar, appearing for the Centre, contended that another case pertaining to the CJI's office was pending before the Constitution bench and the government's appeal should be tagged along with those cases. He said constitutional authorities discharge sovereign functions and they should be exempted from coming under the RTI Act.

The bench, however, did not agree with his submission and said, “What is there to hide? There is nothing to hide for the Chief Justice of India. There is no secretive business of the chief justice and the office of CJI should be brought within RTI's ambit. Why governor and CJI should not be brought under RTI?” the bench asked.

Times of India (July 7, 2017)

Right to Information Act - the journey ahead

Alok Srivastava

India is soon going to celebrate 12 years of enactment of the Right to Information Act, 2005. This law was passed by Parliament on June 15, 2005 and came fully into force on October 12, 2005. Prof. M. Sridhar, Central Information Commissioner in his book, *RTI: Use & Abuse (Allahabad Law Agency, 2015)*, based on a collection of select cases filed under RTI Act in India, show the 'variety' of difficulties faced by common person in government offices one may face while seeking information under the Act. On a positive note, the book also brings out other facet of these difficulties that it may take time but public authorities cannot avoid the request for information. However, it is foremost important for the citizens seeking the information from government departments to be aware about the existence of such an Act and its various provisions, which could be used to seek information from public authorities.

In order to assess the extent of awareness and usage of RTI Act to seek information from public authorities, a sample survey was conducted by CMS in 20 states across India during October-November 2016.

In each state, a sample of around 150 households was covered from at least two districts (one of these districts covered was the state capital) spread across 10-12 locations in rural and urban area.

In all, more than 200 clusters were covered during the study in 20 states

The survey clearly brings out that awareness about the Right to Information (RTI) Act has jumped many folds as compared to 2007. Overall, in 2016, nearly

60 percent of the households in India are aware about the RTI Act. Interesting to notice that most of the states have shown a significant change in proportion of population aware about the Act. One may clearly presume that media, both print and electronic, along with social media (Facebook, Twitter) and civil society groups has played an important and critical role in making common citizens aware about their rights to seek information under the Act.



Another noticeable finding was that despite of Citizen Charters, which provides information about services available at a public service delivery point, in to existence for many years now, the awareness about RTI Act (58%) is much higher than that about Citizen Charter (26%). While Citizen Charter is more about services available, RTI Act helps to access and see the 'results' of these services. What has been achieved and to what extent by providing the public services is what RTI Act helps to discover.

However, currently its usage to improve public service delivery remains dismal. None, except four respondents shared that they used RTI to seek information. One each sought information from the departments of Public Health, School Education, Water Supply and Minority Rights.

All efforts should now focus on motivating citizens to come forward and seek information on development work happening in their neighbourhood for the

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benefit of community at large. At the same time one hopes that the brutal murder of several RTI activists in past few years will not dampen the courage of common citizens to seek information. Lack of awareness about process for seeking information could be another reason for less usage of RTI. CSOs as well as individuals should come forward and oppose the proposed amendment wherein a RTI case would cease to exist after the applicant's death. The fear is that this may lead to more attacks on RTI activists.

For popularizing usage of RTI Act by common citizens, three pronged efforts

Heard about RTI Act (in %)		
State	2007	2017
Andhra Pradesh	17	58
Assam	18	48
Bihar	3	65
Chhattisgarh	6	58
Delhi	10	73
Gujarat	6	68
Haryana	3	93
Himachal Pradesh	6	61
Jammu & Kashmir	6	62
Jharkhand	7	36
Karnataka	15	79
Kerala	14	48
Madhya Pradesh	10	24
Maharashtra	14	80
Odisha	4	83
Punjab	5	84
Rajasthan	10	42
Tamil Nadu	8	19
Uttar Pradesh	2	18
West Bengal	2	54
All States Average	8	58

Source: CMS-ICS 2007 and 2017 rounds

are suggested by Dr Rao, Chairman, CMS in CMS-ICS 2017 report. First, special efforts should be made by public authorities themselves in case there is a problem of availing select public services

and yet RTI not being availed by citizens, as emerges from an analysis of RTI applications and appeals.

RTI commissioners themselves should promote RTI Act among those sections or pockets. Second, Information Commission should undertake special analysis of applications filed in the previous year, the quality of response by the concerned departments or public authorities and the outcome derived by those citizens. Such an analytic exercise periodically should guide the departments to take correctives in a preventive and proactive way. Third, state information commission should coordinate with the state government responsible for implementation of Service Delivery Guarantee Act, with specific reference to certain identified public services.

As a food for thought, it is suggested that in addition to the government agencies, the private players/corporate houses which are playing a major role in key development sectors like education (schools) and health (hospitals) with the support from the government in terms of land and other resources, should be brought under RTI Act.

In fact, NGOs/CSOs receiving government funds, should also be included within the purview of RTI. Regarding political parties the debate is already going on for bringing them under the preview of RTI Act, in any mature democracy, like ours, they should be made answerable to the people if somebody files the application to get the information under the RTI Act.

Last but in no way least critical is the need for strict implementation of Section 4 (1)(b) of RTI Act which stipulates self-disclosure by public authorities. It is designed to ensure that public authorities can disclose certain information which are important to the public voluntarily at every level of operation. If implemented properly, it will reduce the workload of officials and public authorities with regard to the requirement of providing information on request.

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Desolate State of Primary Education

Dr N. Bhaskara Rao

As a social researcher and public policy analyst for over four decades, I never felt as gloomy as I feel today. This is because no one seems to be concerned about primary education, even those who talk of a knowledge-rich society, good governance and about future citizens of the country. No political party has pursued the issue. We do not seem to realise that primary education is important for the success of political and economic reforms and the very future standing of the country. This scene has declined more since the Right to Education Act in 2009.

Meanwhile, the number of public primary schools being shut down are rising. The government in Andhra Pradesh, for example, had closed 1486 schools last year, totalling 3300 schools in the last three years. And now in 2017, it proposes to close down another 4000 primary schools in the name of rationalisation. The move will impact over 1, 50,000 children, in fact, schooling of previously closed schools is not yet resolved.

By end of 2017-18, about one-sixth of primary schools (nearly 40,000) will be closed and by 2020, the statistics will be one-fourth of all the primary level schools. The only reason for shutting down was that enrolment in these schools had dropped below a minimum cut off number (19). However, this does not mean that there were no out of school children in those neighbourhoods. In fact, in many of these locations, the enrolment in private schools had gone up during the same period.

Then how come public schools, setup over the decades are being wind up

without making serious effort to enrol local children and curb dropouts in these schools? Thousands of girls, who could not go to a school away from their village are deprived of schooling, just the opposite of what the RTE provided for that 27 percent of boys are outside elementary school is already known.



The Education Minister of AP had already announced on April 14, 2017 that over sixty percent of education in the state is provided by private sector (and 75% in the case of higher education). The situation in Telangana is similar.

A recent meet of National Education Advisory Council (CABE) of HRD Ministry had released several alarming trends about primary education, which were never even discussed in any news media. One of the reasons for closing public schools is the poor students-teacher ratio. This is despite the sanctioned funds for salaries of teachers under 'Sarva Siksha Abhiyan'. In fact, on that count Rs 1, 80,520 crores were dispersed in 2015-16. So it was not shortage of budget. Also, it is important to note that 3.5 lakh new schools were opened in the country in the last decade under 'Sarva Siksha Abhiyan'.

A recent report of Central Advisory Board of Education (CABE) noted that both quantitative and qualitative outcomes are not commensurate to the allocations. In fact, the report noted that in Andhra Pradesh and Telengana states, learning outcomes of elementary school education were hardly ten percent. NCERT had recently come out with a

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survey finding that most states are against no-detention policy as per the Right to Education Act. This is because the policy was alleged as a reason for deterioration in quality.

According to a recent Brookings Institute's report on primary education, 29 percent of children drop out before completing five years of primary school and 43 percent before finishing upper primary school. (The Hindu, 13-12-2016) Are these likely to go up now with closing and merging of some schools, making location of public school further away from places where they are most needed?

Shortage of teachers at elementary and secondary school levels has reached an alarming level in several states of India. Going by data released in the Lok Sabha by the HRD Minister, in UP half of teacher posts at secondary level were vacant in 2016-17, against 71 percent in Jharkhand. At primary level, over 17 percent of teacher posts were vacant against 34 percent in Bihar and 24 per cent in Delhi (6-12-2016, Economic Times).

According to the answer given by HRD Minister in the Lok Sabha, there were ten lakh teacher vacancies in the country at this level. In Andhra Pradesh alone, 19,000 posts of teachers in public schools were vacant as of March 2016. And in Telengana, 13,000 posts of teachers were vacant. Is this a mystery that so many posts are vacant when every state is trying to create new employment?

The Supreme Court also lamented Telengana government for not appointing teachers since 2012 and asked both state governments to submit an explanation in this regard. The situation in this regard in private schools is no better. What should intrigue even more is that most of teacher training institutes are run privately? In fact, even with regard to drinking water facility, playground, school boundary wall, library and science lab in private schools, it is worse than public schools. And yet an impression is made out that education in private schools is better.

Consider the kind of priority states are giving to primary education. In Andhra

Pradesh, Rs 13,864 is the annual expenditure per government school student, against Rs 27,073 in Himachal Pradesh and Rs 21,576 in Maharashtra. In Himachal, nearly 80 percent of expenditure is for teacher against hardly sixty percent in Andhra Pradesh. The worst case is Bihar, where only Rs 4,515 is being spent annually per government school student and, of that, only little over half is spent for teacher. (The Hindu, 13-12-2016)

And yet there is a calibrated campaign to defame public schools so that private schools stand benefited. Four years ago, Union Minister for HRD of UPA government while on a visit to Hyderabad, told a press conference that parents prefer private schools as quality of education was better there. On what basis he said that was not clear but it was obvious that he did so at the instance of private school managements. For, no sooner they increased school fees.

Recently, in November 2016, the Education Minister of Andhra Pradesh stated in an educational meet in Ongole that standards in public schools are low and parents prefer private schools. He said it due to English option there and, as such, government too introduces English in select public schools. And he has been parroting such an unfounded argument as the Minister concerned. There are accusations that Ministers themselves sabotage public schools to promote private schools? Can we ever expect better education from public schools despite far better infrastructure and resources than most private schools? For now, private schools, continue with fee hike. Only a couple of states so far have come up with cap on fee hike. Closing public schools and introducing English without filling vacancies and improving quality is no way to go about reviving primary education, which is the need of the day. Delhi has proved that by maintaining quality of teaching in schools, Government schools, outperformed private ones continuously in the last couple of years.

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Why we need Right to Health

Annu Anand

The death of nearly 60 children, within 48 hours in a government hospital in Gorakhpur in the month of August, raises many questions related to the state of public health system in the country. We might blame disruption in oxygen supply, but the larger question is why in first place so many children were forced to come to a hospital which is a referral centre in the three-tier health infrastructure.

In fact, parents who had come to the Gorakhpur hospital for the treatment of their children, couldn't get the basic treatment at primary or community health centres in their areas. This is not the condition in UP alone. In fact, across India there are serious challenges and systematic failures in delivery of care during acute illness.

All such deaths can be prevented if our primary health care system is enabled to provide basic health services. India could have improved its infant and maternal mortality rate if the three-tier health infrastructure was equipped sufficiently to serve basic needs of the people.

We have elaborative primary health care delivery system for rural areas. It is three tier system encompassing -Sub Centres (SC), Primary health Centres(PHCs) and Community Health centres(CHCs). The sub-centres catering to population of up to 5000, are the peripheral point of contact between the healthcare system and the community. The primary health centre (PHC) is the first point of contact between a village community and the health system. A PHC

is headed by a medical officer and acts as a referral centre system for six sub centres, which provide curative and preventive services to 20,000 to 30,000 people.



They are to have up to six beds for patients.

The community health centre (CHC) is the third tier of the network of rural healthcare institutions and provides specialist care to patients referred from primary health centres. CHCs are managed and maintained by state governments and are mandated to have four medical specialists, supported by 21 paramedical and other staff, with 30 beds, laboratory, X-ray, and other facilities. It covers 80,000 to 120,000 people.

The elaborate structure of the healthcare system, however, is of little bearing if there is severe shortage of staff and supplies. There is shortfall of 14 to 30 per cent in the number of Sub Centres and Primary Health Centres. The manpower to run these centres is alarming low. Not only this, there is lack of infrastructure and equipment.

The objective of having a referral centre for the primary healthcare institutions was to make health services available, accessible and affordable to the rural people and to ease the overcrowding in the district hospitals. However, there are simply not enough centres and doctors to meet the demand and this is a reason for the high child mortality rate. Due to lack of public health care, people end up going

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to quacks and reach hospitals only when the condition becomes critical, resulting losing many lives which could be averted easily. We have been able to reduce the maternal mortality rate by 174 per 100,000 live births but still about five women die every hour in India from complications developed during childbirth.

The picture is still dismal with infant mortality rate. A recent study, *The million Deaths*, published in the journal *The Lancet*, says that there is significant decline in cause-specific child mortality rate between 2000 and 2015. However, deaths due to premature births or low birth weight rose from 12.3 per 1000 live births in 2000 to 14.3 per 1000 live births in 2015. The major cause of this increase was more term births with low birth weight in poorer states and rural areas.

The National Health Policy (NHP) 2017, was expected to address all these issues. It proposes an ambitious health agenda, especially in respect to the enhancement of public spending on health from the current level of 1.15% of GDP to 2.5 % by 2025. In addition, it has also proposed to increase health spending of states to more than 8% of their budget by 2020. India's public expenditure on health is rising, but it is very low compared to the increasing population – an addition of 26 million each year. NHP primarily focuses on primary care services and continuity of services, besides 'Health for All' approach.

However, policy document explicitly rejects the idea of legislation on the right to healthcare, thus also negating the rights-based approach to health care. While addressing the press after presenting the National Health Policy in parliament the health minister J. P Nadda, had explained that the proposal on health as a fundamental right was dropped

because there was doubt that once it is guaranteed as a right, the state may not be able to always provide it. There was also apprehension that our health care system doesn't have adequate infrastructure to provide primary care which is needed to ensure that these rights could actually be ensured.

The policy document mentions:

“One of the fundamental policy questions being raised in recent years is whether to pass a health rights bill making health a fundamental right in the way that was done for education. The policy question is whether we have reached the level of economic and health systems development so as to make this a justiciable right implying that its denial is an offense.”

In fact, the draft of the policy had referred to the long debate on whether health should be a fundamental right – as India has been able to do in the area of education with the Right to Education Act, 2009. The draft had proposed that the central government enact a National Health Rights Act that would “ensure health as a fundamental right and whose denial will be justiciable.”

The NHP, however, says:

“Whether such a law should mainly focus on the enforcement of public health standards on water, sanitation, food safety, air pollution etc, or whether it should focus on health rights access to health care and quality of health care i.e whether focus should be on what the State enforces on citizens or on what the citizen demands of the State?”

“Right to health cannot be perceived unless the basic health infrastructure like

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doctor patient ratio, patient bed ratio, nurses- patient ratio, etc are near or above threshold levels and uniformly spread out across the geographical frontiers of the country.

Further, the procedural guidelines, common regulatory platform for public and private sector, standard treatment protocols etc need to be put in place.

Accordingly, the management, administrative and overall governance structure in the health system needs to be overhauled. Additionally, the responsibilities and liabilities of the providers, insurers, clients, regulators and Government in administering the right to health need to be clearly spelt out."

The policy while supporting the need for moving in the direction of a rights based approach to healthcare is conscious of the fact that threshold levels of finances and infrastructure is a precondition for an enabling environment, to ensure that the poorest of the poor stand to gain the maximum and are not embroiled in legalities.

The policy therefore advocates a progressively incremental assurance based approach, with assured funding to create an enabling environment for realizing health care as a right in the future.

In these above arguments mentioned in the policy document, this fact has been completely ignored that timely provision of health care and health education ensures preventive care rather than curative care. In addition, it also ensures that out of pocket expenditure on health shouldn't drive the person to poverty. The right to health envisages on the provision that adequate and timely health.

Right to health can ensure many other determinants like sanitation, nutrition, healthy environment and health related information. Better health increases the

productivity of the person which helps in nation building. The right to education and right to food have shown that benefits can be provided to people if states have will power to improve governance.

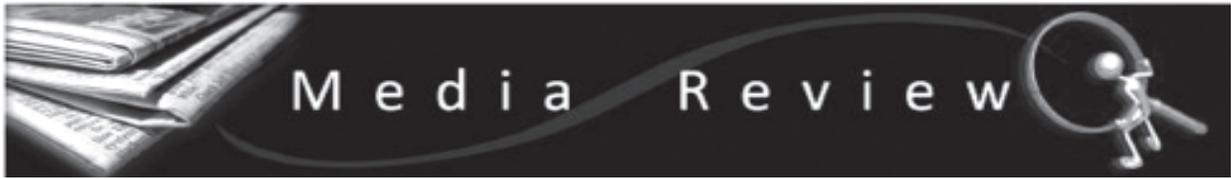
The WHO constitution explains "...the highest attainable standard of health as a fundamental right of every human being." This right includes access to timely, accessible and affordable healthcare of affordable quality. This is conspicuously absent for much of our population, driving them further into debt and poverty with every health crisis, as they have to bear out-of-pocket expenditure.

Article 25 of the UN Declaration of Human Rights, 1948, says "Everyone has the right to a standard of living adequate for the health and well-being of himself and his family..." The right to health was again recognised as a human right in the 1966 International Convention on Economic Social and Cultural Rights. India is also a signatory to the charter of 'Health for all by Year 2000'. The Directive Principles of State Policy of our own Constitution provide for "improvement of public health" as one of the primary duties of the state.

The right to health is not included as an explicit fundamental right in the Indian Constitution, however, the state is obliged to promote the welfare of the people. It is the state's duty to protect its citizens from mortality and morbidity caused by disease and illness. Without public health, public welfare remains impossible. Making health a fundamental right would give citizens the power to hold the state accountable for fulfilling its responsibility toward them.

Clearly, we need to understand and develop a broader vision and a concrete plan of action to provide timely, accessible and affordable health care. Only right-based approach can bring that change.

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President Pranab Mukherjee: Need to ask questions of those in power... loudest noise should not drown those who disagree

The need to ask questions of those in power is fundamental for the “preservation” of the nation and the health of a democracy, especially at a time when those who make the loudest noise tend to drown out those who disagree, President Pranab Mukherjee said in New Delhi.

He was delivering the second Ramnath Goenka Lecture at the invitation of The Express Group. “...the need to ask questions of those in power is fundamental for the preservation of our nation and of a truly democratic society. This is a role that the media has traditionally played and must carry on playing. All stakeholders in the democratic system, from parties to business leaders, citizens to institutions, have to realise that asking questions is good, asking questions is healthy, and, in fact, is fundamental to the health of our democracy,” Mukherjee said.

The Indian Express last year launched a lecture series dedicated to its founder Ramnath Goenka to mark the 25th anniversary of his passing, The Ramnath Goenka Lecture, in the spirit of the founder and the newspaper, aims to enrich and shape public discourse through the power of ideas.

Mukherjee said: “To my mind, while the press will be failing in its duty if it does not pose questions to the powers that be, it will have to simultaneously judge the frivolous from the factual and publicity from reportage. This is a tremendous challenge for the media and one that it must stand up to. It must resist the temptation to take the path of least

resistance which is to allow a dominant viewpoint to prevail without questioning it or allowing others the opportunity to question it. Media must learn the art of withstanding pulls and pressures without sacrificing its commitment to free and fair reportage and always remain on guard against conformity.”

He underlined the need to keep an open mind to accommodate all points of view in the media space while doing rigorous fact checks to ensure accuracy in an era of “alternative facts” where extreme opinions to the left and the right abound.

“I have always believed that the bedrock of Indian civilisation has been its pluralism and its social, cultural, linguistic and racial diversity. That’s why we need to be sensitive to dominant narratives, of those who make the loudest noise, drowning out those who disagree. That’s why social media and broadcast news have seen angry aggressive posturing by state and non-state players literally hounding out contrarian opinions,” Mukherjee said.

At a time when people have the choice to read only what they want to and, more importantly, what they agree with, the “selective sourcing” of news, Mukherjee said, runs the risk of people turning a deaf ear to each other. This diminishes the room for agreement and increases the chances of intolerance taking over, he warned.

Technology, Mukherjee said, has opened the floodgates to the deluge of one-way unfiltered communication by the privileged to those who are less so. It is in this backdrop that media has an important role to play. “People in power,

across the spectrum of politics, business or civil society, by virtue of the position they enjoy, tend to dominate the discourse and influence its direction. Due to technological advancement, they can now reach out directly to their audience, completely bypassing this crucial process of filtration and mediation. This often becomes a one-way only communication from the powerful to the less privileged, in an effort to push the narrative in one direction. Indian civilization has always celebrated plurality and promoted tolerance. These have been at the core of our very existence as a people, binding us together for centuries despite our many differences. We must continue to 'throw open the windows for fresh breezes' as Mahatma Gandhi observed, without being blown away." Talking about the

phenomenal growth of the media, Mukherjee said that one had to be wary if its implications. "(The) abundance of media outlets has led to a highly competitive media environment which often results in the survival of the shrillest voices rising above the others to be heard. Dumbing down the news to attract an audience is another consequence of the phenomenal growth of the media. Together, these compulsions have led to complex issues being reduced to binary opposites which, in turn, create a polarity of views and distort the facts."

He underlined the importance of giving people a forum to "doubt, disagree and dispute intellectually" without being blinkered by biases or "resisted with a closed mind."

The India Express (May 26, 2017)

Rights of press not above common man's: Court

The rights of press are not higher than that of the common man, a Delhi court has said. Further, the court said it is settled law that journalists do not enjoy any special privilege and have no greater freedom to make any imputations or allegations that can ruin a citizen's reputation. The order was in connection with a defamation suit filed against the managing editor of a magazine by a man seeking restraint on further publication and damages alleging that defamatory articles were written about him.

"The press does not enjoy any exclusive rights under our Constitution apart from those enjoyed by a citizen as a concomitant of the freedom of speech and rights against unlawful deprivation of life and liberty guaranteed under Articles 19 and 21," said Additional District Judge Raj Kapoor.

The complainant, a share broker and member of a housing society, had alleged that an article was published in the magazine in December 2007 to tarnish his image by using defamatory words. He claimed that when he issued a legal notice

to the defendants — living in the same housing society — instead of apologising, defamed him by writing defamatory words against him to government agencies.

On the contrary, the first defendant who is the managing editor of the magazine claimed before the court that there was no defamatory article naming the man and that the magazine was not distributed among the business circle of the man.

The second defendant, the then president of the same housing society, alleged that the man was indulging in unlawful activities in the society and he had filed a civil suit for removal of unauthorised encroachment there.

The court, however, held the two defendants liable for publishing defamatory articles and harming the reputation of the man. It also directed them to pay Rs 30,000 and Rs 20,000, respectively, to the complainant as "symbolic damages".

The court also passed a permanent injunction on publishing of such articles besides restraining the second defendant to write "defamatory" letters to government authorities.

The press enjoys no special privileges to comment, criticize or even to investigate the facts of any case, it was noted. "The rights of press are not higher than the common man. In fact the responsibilities of a journalist are higher. The common man has limited means and reach," said the court. It was observed that a journalist, on the other hand, had a wider reach and power to disseminate information and such power had the potential to cause irreparable damage to a matter under inquiry in a court of law. "Or in a given case, has greater propensity to scandalise or diminish the dignity, majesty or reputation of an individual or an institution," said the court.

Washington: India has dropped nine places to 140th rank in the list of 179 countries in the latest World Press Freedom Index, which its authors said is the lowest for the "world's biggest democracy" since 2002.

"In Asia, India (140th, -9) is at its lowest since 2002 because of increasing impunity for violence against journalists and because Internet censorship continues to grow," Reporters Without Borders said in its World Press Freedom Index for the year 2013.

"China (173rd, +1) shows no sign of improving. Its prisons still hold many journalists and netizens, while increasingly unpopular Internet censorship continues to be a major obstacle to access to information." As last year, the list is topped by three European countries - Finland, Netherlands and Norway. Turkmenistan, North Korea and Eritrea continue to be at the bottom of the list as has been in the last three years.

"The Press Freedom Index published by Reporters Without Borders does not take

direct account of the kind of political system but it is clear that democracies provide better protection for the freedom to produce and circulate accurate news and information than countries where human rights are flouted," Reporters Without Borders secretary-general Christophe Deloire said.

"In dictatorships, news providers and their families are exposed to ruthless reprisals, while in democracies news providers have to cope with the media's economic crises and conflicts of interest. While their situation is not always comparable, we should pay tribute to all those who resist pressure whether it is aggressively focused or diffuse," he said.

According to the report, in almost all parts of the world, influential countries including India that are regarded as "regional models" have fallen in the index.

Observing that there has been general decline in freedom of information in South Asia, the report said the Indian subcontinent was the Asian region that saw the sharpest deterioration in the climate for those involved in news and information in 2012.

"In the Maldives, which crashed to 103rd place (-30), the events that led to the resignation of President Mohammed Nasheed in February led to violence and threats against journalists in state television and private media outlets regarded as pro-Nasheed by the coup leaders," it said.

In India, the "world's biggest democracy", the authorities insist on censoring the Web and imposing more and more taboos, while violence against journalists goes unpunished and the regions of Kashmir and Chhattisgarh become increasingly isolated," it said.

Times of India (August 7, 2017)

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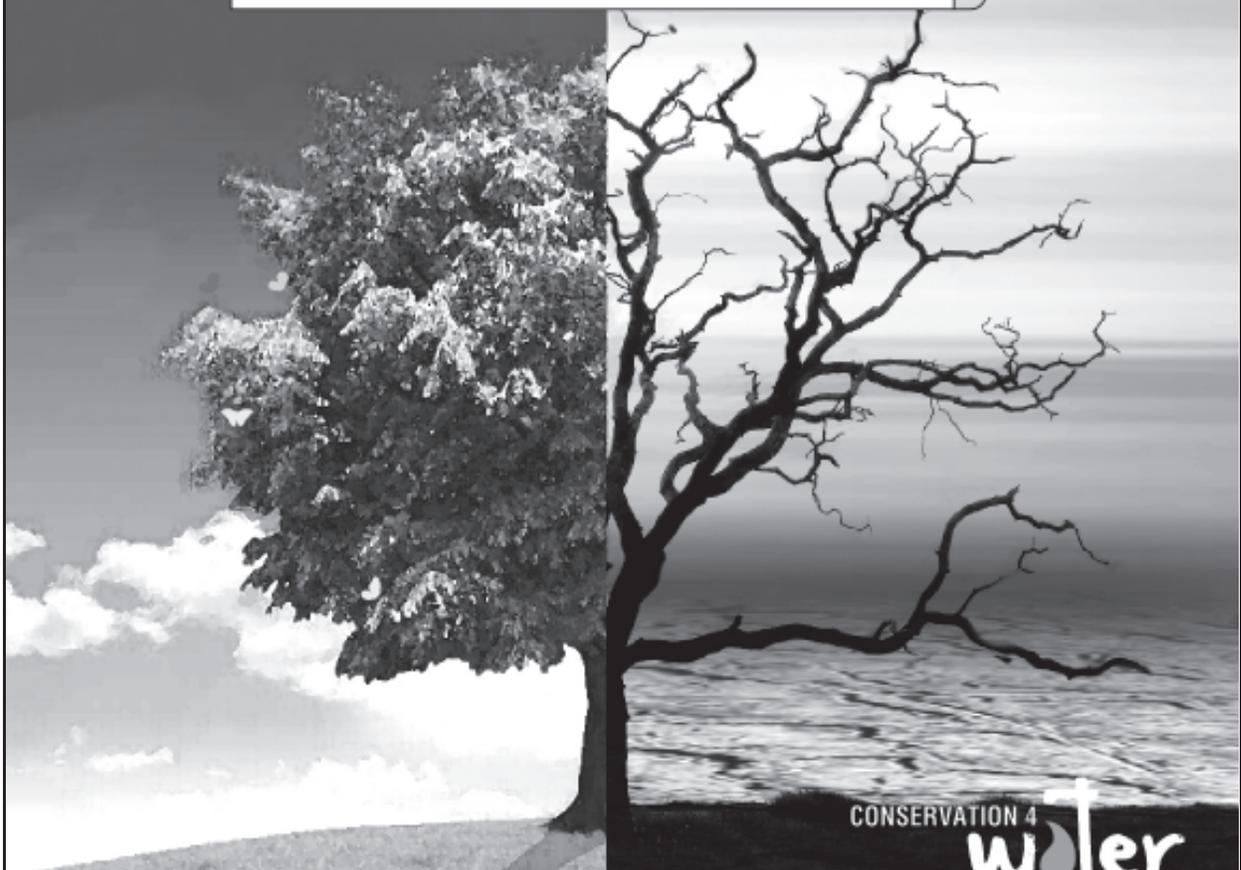
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