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19 (3-IV) RINF 4-7 (H)

2016

RIGHT TO INFORMATION

(Constitutional Law Group)

Paper : 4-7 H₆

Full Marks : 80

Time : Three hours

The figures in the margin indicate full marks for the questions.

1. Choose the correct option : $1 \times 10 = 10$

- (i) The Right to Information Act, 2005 has conferred a substantive/both a substantive as well as a procedural "right to information" to every citizen of India.

Contd.

- (ii) The expression "Third party" as defined under the Right to Information Act, 2005 means a person other than the citizen making a request for information and includes a public authority/every company registered under the Companies Act, 1956.
- (iii) The grounds on the basis of which the Chief Information Commissioner of the Central Information Commission may be removed by the President of India are laid down u/s 14/12 of the Right to Information Act, 2005.
- (iv) The "right to information" is explicit/implicit in the fundamental right to freedom of speech and expression under the Constitution of India.
- (v) The right of an arrested person to know the grounds for his arrest is an ordinary legislative/constitutional mandate.

- (vi) The hazards of noise pollution are covered by the common law concept of nuisance/trespass.
- (vii) The concept of "Open Government" is a reflection of the citizen's right to information/right to movement.
- (viii) The Right to Information Act, 2005 is within/beyond the scope of the power of judicial review.
- (ix) The expression "press release" fall/do not fall within the meaning of the term "information" as defined under the Right to Information Act, 2005.
- (x) The "Constitutional right to information", in India, is only a substantive right/both a substantive as well as a procedural right.

2. Write short notes on : 2×5=10

- (i) State Information Commission
- (ii) Public authority

(iii) Central Public Information Officer

(iv) Public Interest Litigations

(v) Freedom of Press.

3. Write a jurisprudential account on the "right to information" in India. Is the "right to information" supplementary or derogatory to the concept of "Open Government"? How did the Supreme Court of India intervene through the Public Interest Litigations while holding its own view in this regard? Discuss.

4+2+6=12

OR

What is the meaning and significance of the term "Information"? Give a detailed account on the "different categories of information" within the meaning of the Rights to Information Act, 2005.

4+8=12.

4. What role has been playing by the Apex Court, in India, since its inception towards the growth of the RTI jurisprudence?

Discuss the constitutional aspect, thereof, with the help of decided cases. 6+6=12

OR

Is the voter's right to know the criminal background, if any, of the contesting candidates a constitutional mandate? Write your answer with the help of recent Supreme Court pronouncements. 4+8=12

5. Who is a Consumer? Does it include a municipal taxpayer? Is there any specific legislation under the Indian Legal System to protect the rights and interest of a consumer? Discuss. 2+2+8=12

OR

Define "noise pollution". Does it belong to "air pollution"? Discuss the recent guidelines of the Supreme Court of India with regard to hazards of noise pollution.

4+2+6=12

6. Write a brief account on the jurisprudence of the "rule of standing" or "Locus standi". Is it a barrier for a public spiritual person to address the social issues through the public interest petitions? Write your answer in the context of environment protection.

4+2+6=12

OR

Write short notes on :

6+6=12

- (i) Contempt of court
(ii) Constitutional mandates of Article 19(1)(a) of the Constitution of India.

7. Write a legal essay on the importance and necessity of the right to information in a representative democracy. 12

OR

Can a Public Interest Litigation be based solely on the information received under the Right to Information Act 2005? What is the current "procedure", in this regard, for filing a public interest petition as pronounced by the Supreme Court of India recently?

4+8=12