

Topic: Right To Receive Information Under Article 19 (1) (A)

Name of the Case: People's Union of civil liberties v. UOI, AIR 2003 SC 2363

Bench: Justice K.G. Balakrishnan and Justice P. Venkatarama Reddi

Fact of the Case: The Parliament inserted Section 33 B under the Representation of People (3rd amendment) Act, 2002, which imposes blanket ban on dissemination of information other than that spelt out in a net meant irrespective of the need of hour and the future exigencies and expedients.

Ratio: The Supreme Court dealt freedom of speech and expression provided under Article 19 (1) (a) in a broad expect. The right of citizens to obtain information on matter relating to public acts flow from Fundamental Right enshrined in Article 19 (1) (a). Securing information on the basis of details concerning the candidates contesting for election to Parliament or the state legislature promotes freedom of speech and expression and therefore right to information forms an integral part of Article 19 (1) (a). This right to information is, however, qualitatively different from the right to get information about public affair or the right to receive information through the press and electronic media, though, to a certain extent there may be overlapping.

Therefore, Section 33 be inserted by the Representation of People (3rd Amendment) Act, 2002, does not pass the test of constitutionality:

firstly for the reason that it imposes blanket ban on dissemination of information other than that is spelt out in the enactment irrespective of the need of the hour and the future exigencies and expedients and

secondly for the reason that the ban operate despite the fact that the disclosure of information now provided for is deficient and inadequate.