
“PHILOSOPHICAL UNDERPINNINGS OF FREEDOM OF INFORMATION IN SWEDEN AND ROLE OF UNITED NATION IN PROMOTING FREEDOM OF INFORMATION”

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The Real 'Swaraj' will come not by the acquisition of authority by a few but by the acquisition of capacity by all to resist authority when abused -Mahatma Gandhi

ABSTRACT

This paper comprehensively examines historical background of right to information in Sweden and implication of the freedom of Information Act, 1772, on later development of right to information. The main objective of the paper is to highlight the philosophical and ideological underpinnings of right to information. Today right to information is, all across the world, accepted as important aspect of Human Rights. But, this development is not sudden; behind it there were untold, un-cited socio-political stories. Country like Sweden always remained a proactive republic- from the individuals' liberties perspective, such political ideology was out come intense intellectual exercise by renowned philosophers of those days. This paper is brief discussion on those philosophical views and its effect on development of freedom of Information in later stages.

Key Words: Freedom; Information; proclamation; corruption; transparency; accountability; etc.

I. INTRODUCTION

In the democratic governance the Freedom of information is rightly considered as a strongest Human Right. In order to make the governments accountable, citizens should have the right to know, the right of access to official documents. Freedom of information has been developing at a strong pace only recently, but it is hardly a new concept. The root of the freedom of information principles date back to the 18th Century, considered as the age of enlightenment in the field of freedom of information. Quite earlier to it the plea for freedom of speech and expression was raised for the first time in the history of democracy by the Athenian Orator Socrates (B.C. 436-386), who committed suicide after his country was defeated and conquered by Philip of Macedon at the Battle of Chaeronea. His immortal speech "Logos Areopagicos" was a strong plea for restoring democracy and freedom of expression in Athens.¹

¹ Mdhu R. Sekhar "Towards a vibrant Democracy", Article published in Yojana, January 2006, Page no.39.

In 367B.C, Aristotle, the great Greek Political philosopher pointed out that, "if liberty and equality, as is thought by some are chiefly to be found in democracy, they will be best attained when all persons alike share in the government to the utmost".² During 1215 a revolution was started in England against the King by the Barons relating to their right which was named *Magna Carta*. This was also a revolution for information.³

In Great Britain, King Henry VIII banned the reading of the Bible in churches, for he thought that the ideas of liberty contained therein might make the common people restless.

Alongside in East Asia, the Tibetan monasteries feared for long mass education more than Chinese invasion. The reason behind it that such monasteries ruled over the souls of the masses and over their rights and liberties.⁴

In the modern history earliest reference to the Right to Information is found in Sweden where in 1766 a convention of granting Right to Information to all its citizens was passed. The convention passed was enacted as Act being in force for six years, contemporary growth of freedom of information all over the world has its roots in this convention. Undoubtedly, the freedom of information is out-come of in-depth philosophical scrutiny followed by reactionary political development and favourable public opinion. It is not untrue to say that Sweden and other Scandinavian and European countries are reaping the benefit of philosophical synthesis of pre-proclamation and of proclamation era. These ideological and philosophical developments of 17th century revolutionized the concept of Freedom of Information, transparent and accountable government, and democratic values across the Europe. These ideals of seventeenth century are still yielding the fruits for Sweden which is evidenced by the fact that in 21st century Sweden tops the list of least corrupt states.⁵ Extensive research relating to freedom of information shall analyse philosophical underpinnings and socio-political condition in which it has been formulated and recognised as essential element of Individual liberty. Accordingly, researcher undertakes extensive research relating to origin and development of freedom of information; firstly let us start with history of freedom of information in Sweden.

² Manisha Verma "The Right to Information Act as a law to empower the people- A Study of RTI in Gujarat", Joint Direct, Ministry of I&B, page no.2.

³ M.V.Pylee-"Constitutional Government in India" page. 137.

⁴Ibid at. p. 137

⁵ Sweden tops the list of nations to be the least corrupt country as per Transparency International's Index

2. FREEDOM OF INFORMATION IN SWEDEN

In an effort to trace the history of Freedom of information researcher found that, the world's first freedom of information legislation called Ordinance on Freedom of Writing and of the Press was adopted and proclaimed by the Swedish parliament in the year of 1766.

The enlightenment thinker and politician *Anders Chydenius*⁶ (1729-1803), from the Finnish city of Kokkola, played a crucial role in the creating of this new law, which he considered himself to be one of his greatest achievements. Some of the key achievements of the 1766 Act were the abolishment of political censorship and the gaining of public access to government documents. Although this new innovation was suspended from 1772-1809⁷, the principle of publicity has since remained central in the Nordic countries. The enactment of this law was only the beginning.

2.2. Philosophical Underpinnings of Freedom of Information in Pre-proclamation period in Sweden

It is submitted that a short lived Swedish Freedom Press Act had profound impact on later development and recognition of Freedom of Information World – wide. In this regard sketching a bit about the socio-political conditions of Sweden at the time of initial formulation of the Freedom of Information is very important. Accordingly researcher in brief narrates the socio-political condition of Sweden, prior to proclamation.

The Swedish Diet of the so-called Age of Liberty⁸ (1719-1772) was an early experiment in parliamentarism, the only one of its kind aside from the English Parliament. The name given to the period refers to the shift of power from the Monarch to the Estates. In effect it meant the liberty of the Estates. The Swedish Diet was divided into four Estates: nobility, clergy, burghers and peasants⁹. As this parliamentarism was shift from Monarchical Governance, all the Four Estates were having legislative powers and Laws were made at their assembly and with consensus of all Four Estates.

⁶ Tatiana Artemyeva at.el, The Philosophical age: the northern lights social philosophies and utopias of the enlightenment in northern Europe and Russia, St.Petersburg Center for the History of Ideas available at: <http://ideashistory.org.ru/pdfs/a39.pdf>, visited on 14/9/2014 at: 5.20 pm

⁷ Afshin Mehrpouya, Transparency in Transnational Governance Exploring the Institutional Construction of a Powerful Norm, Multiplicity and Plurality in the World of Standards Working Paper, 2012,p.9 Available at: http://www.egosnet.org/jart/prj3/egos/resources/dbcon_def/uploads/Wty9v_20120515_Transnational_Transparency_Djelic_Mehrpouya_EGOS.pdf, visited on 25/09/2014 at 6 pm

⁸ Michelle D'Arcy, Credible Commitment before Credible Enforcement: Exploring the Consequences of 'Reverse' Sequencing, the Case of Ireland, Department of Political Science, Ireland available at: <http://www.sv.uio.no/isv/english/research/projects/evolutionparliamentarism/events/seminars/credible-commitment-before-credible-enforcement-istanbul-october-2013.pdf>, visited on 14/09/2014 at 5.35 pm

⁹ As happens in parliamentarism, there were parties but they did not have any powerful nation-wide organizations and they were concentrated mostly in Stockholm. The Hats dreamed of making Sweden again a great European power and were supported by France. The Caps thought than such times were past.

As the strength of a small nation lies not so much in its arms but in its level of education and culture, making it and its individual citizens capable of rational action and integrating the thus enlightened population into the network of global civilisation. It is very true with small country Sweden in 18th century, beyond political difference there were many scholars and philosophers in both Sweden and Finland¹⁰ who played a role of torch bearer for the liberation of human freedom from monarchical and dogmatic state agencies.

In particular, Anders Chydenius who fathered the idea of Freedom of Information and it was found that Chydenius was a disciple of the Enlightenment¹¹ spirited professors of the Academy of Turku. Amidst of this Sweden being Parliamentary state, was for long governed by Hats (Political Party) and Anders Chydenius was in favour of Caps, who were more dynamic in their approach towards Freedom of Information and they conceived idea of individual freedom beyond traditional notions of it. Many learned including Andres Chydenius (contribution of Chydenius detailed out in succeeding pages) and Hassel concluded that long standing human misery is endless war, in this social preconditions English influence of having full-pledged parliamentary form of governance had full swing in Sweden, and this undercurrent influenced Johan Arckenholtz, who had travelled widely in Europe as a guide to young noblemen and was deeply versed in its history and social conditions, was the first Finn to be impressed in 1731 by the society he had experienced in England.

After having received an office in the Chancellery Arckenholtz wrote "all disorder and imperfection may be avoided, and where every member or subject can be called happy, and where he indeed after his own manner may so be"¹². According to Arckenholtz a correct understanding of the freedom of personal liberty and liberty of property; it pertained to both the high and the low, and no privilege put one estate before another. The English did not talk as much about the common good as they furthered it in their actions in practice, but Arckenholtz could still maintain that "...common good is

¹⁰ For Example: Peter Forsskål and Anders Chydenius who were considered as individual Enlightenment perpetrators. Hassel, regarded knowledge to be based on sensory experience and reason, and opposed metaphysical speculation. Knowledge should be of immediate service to human life. Samuel Pufendorf's natural justice that stressed the significance of contracts, he gave a pacific tone to his treatment of relations between states and individuals.

¹¹ According to the project of the Enlightenment, human individual reason would form the basis for processes of progress in all fields of life. The ideas of humanity, freedom, equality and happiness were not in themselves unique or new, whereas confidence in the possibility to combine them to the rationality expressed by modern science, technology and economy was a revolutionary idea.

¹² The first freedom of Information Act, 1766, Translated by Peter Hogg, Issued in Stockholm, in the Council Chamber, on 2 December 1766, available at: <https://rtieng.wordpress.com/2011/07/29/the-worlds-first-freedom-of-information-act-visited-on-15/10/2014> at 5 pm

promoted in England more seriously and enthusiastically than anywhere else in the world”¹³. The whole nation was elevated with ‘public spirit’.

It is significant to note that, Arckenholtz came to the conclusion that there was no sense in revelling about an ideal state in the fashion of Plato. Utopias had never proved to function. It was infinitely easier to look for faults in the existing state than to formulate the structure for a model one. Yet one needed an understanding of a mode of governance where all disorder and imperfection may be avoided, and where every member or subject can be called happy, and where he indeed after his own manner may so be. The happiness of a nation was to be estimated by the amount of population that could be regarded prosperous, or by the degree whereby the government at least strove for maximum well-being.

According to Arckenholtz, the freedom of a nation presupposed also the freedom of public discussion of significant common issues, including freedom of the press. The mode of governance was a significant precondition for well-being. A good mode of governance was according to Arckenholtz one that bound together the fundamental parts of the state, so that movement could pass from one part to another. Everything should have a common ground that would enable the right functioning and movement to the whole mechanism. He opposed the French Governance as against personal liberty to which ruling Hats were affiliated to, when Hats acquired Power, Arckenholtz had leave his office and his country, however his views had profound impact on the growth and recognition of Freedom of Information in Sweden.

Another enlightened thinker inspired the liberation (of freedom) movement was Peter Forsskål, he presented his dissertation in 1756 which defended the freedom of scientific research. In his view science should not be frozen into an inhuman, unchangeable system. The search for truth demanded infinite renewal. Truth could be also approached in diverse ways and therefore fundamental to science were both continuous critique and tolerance.

Forsskal presented a radical alternative to this conception of freedom. He summed up the claims of Enlightenment in twenty theses. In defending his views Forsskål said that “freedom must be maintained through freedom, that is, the freedom of the realm through the freedom of writing, as is the case in England”. The answer to shortcomings and discontent could be given either ‘in blood’ or ‘in ink’.

¹³ *Ibid*

According to Forsskal Sweden could only choose the latter, and this presupposed the creation of an 'enlightened public'¹⁴. The goal was general civic freedom.

In Forsskal's opinion absolute monarchy was the gravest menace to civic freedom, but also in a state of boasting of its freedom people could oppress each other. Concealing injustice made this possible. Everybody should have the right to express in public writing what he thought was an offence against the common good. The life and power of civic freedom resided according to Forsskål in a limited government and unlimited freedom of writing.

To this Forsskål added a reminder that blasphemy, libel and evident persuasion to misdemeanour should not be allowed. The censor demanded that he add also attacks against government to the list. One passage had to be removed completely: it stated that the freedom of writing could be no menace to divine revelation, rational constitution or individual honour, because "the truth will always conquer, when it can be questioned and defended through equal rights"¹⁵.

Pressing the need of freedom Forsskal said, "the freedom of writing was a guarantee for the flourishing of sciences, supervision of public officials and ultimately the stability of the government."¹⁶ The citizens should be able to obtain pertinent information about social conditions and use the knowledge to enhance general well-being. Civic freedom should be extended to the economy as well as the state.

Finishing touch to the individuals liberty were given by Anders Chydenius, who undisputedly considered a major source of freedom of information, Chydenius acted in Ostrobothnia first as the curate of Alaveteli, then as the pastor of Kokkola. Compared to Peter Forsskål he had more Enlightenment influence at the level of national Swedish politics. Chydenius found in his papers: "The freedom of a nation does not consist in the sovereign estates acting as they will, but in that the light of the nation binds their hands so that they cannot act in a biased manner."¹⁷ He declared that "The freedom of a nation cannot be upheld by laws alone, but also by the light of the nation and knowledge of their use."¹⁸

Chydenius summed up the lessons of history as an ongoing struggle between constraint and freedom. Fatherland was where one was happy, and happiness depended always on liberty. "Everybody

¹⁴ Peter Forsskal's, Thoughts on Civil Liberty, available at: <http://peterforsskal.com/documents/printerfriendly.html> on 15/10/2014 at: 4.30 pm

¹⁵ *Ibid*

¹⁶ *Ibid*

¹⁷ The First Freedom of Information Act, 1766, translated by Peter Hogg Available at: <https://rtieng.wordpress.com/2011/07/29/the-worlds-first-freedom-of-information-act/> visited on 4/3/2014

¹⁸ *Ibid*

strives after the freedom to which one is born.”¹⁹ Chydenius elaborated his ideas further: “Freedom is the true opposite of constraint, but as a word its meanings are much too numerous, it is most prone to be used and abused and must therefore be used most cautiously, so that it causes not more harm than good. For the freedom of certain persons has led to devastation in all states, and could prove to be such also for us, unless we oppose it in time. We don’t have to dwell on the freedom of governance itself here. It is a precious accomplishment that we never want to lose, not as long as we and our descendants will be called Swedes.

I am addressing that freedom, by which I mean the privilege of every citizen given to him by the laws and constitutions of the realm to promote his own happiness to the degree that he will not impair the happiness of his fellow citizens or of the whole society.”²⁰ “Therefore no-one must be another’s lord, no-one’s slave; all have the same right, all the same interest”²¹.

It is noted that, When the Caps won the elections Chydenius became a representative of the Diet in 1765-1766, defending the freedom of trade of the cities of the Gulf of Bothnia against the privileges enjoyed by Stockholm. To advance his cause he studied the history of existing statutes and wrote pamphlets appealing to the Diet members and greater public. From practical interests he progressed to making a general theoretical presentation of his view in his booklet about ‘the national gain’, as he said, *Den nationale Vinsten* (1765), where he formulated a comprehensive program of economic freedom.

Commenting on freedom of press Chydenius said “That it could happen, the nation must itself be enlightened, but this requires reason; this is best exercised when we write our thoughts down on paper. But for this there is no great incentive, unless printing makes it common.”²²

Chydenius was the only one to demand the complete abolition of political censorship in general. It was Chydenius’ programme that would be realized in the famous Freedom of the Press Act of 1766. After having a detailed research on philosophical backgrounds of Freedom of Information now researcher will try to analyse the contents of Proclamation, which later on enacted in the form of The Freedom of Press Act, 1766. To maintain objectivity and authenticity of the research, researcher wherever required reproduce the exact verbatim of the proclamation as it is and his personal views will be expressed in the form of independent paragraphs succeeding the main sections of the Proclamation.

¹⁹ Chydenius wrote an essay for the competition announced by the Royal Academy of Science on the causes of Swedish emigration and the means to prevent it.

²⁰ *Ibid*

²¹ *Ibid*

²² Juha Manninen, *Anders Chydenius and the Origins of World’s First Freedom of Information Act*, available at: www.chydenius.net/pdf/worlds_first_foia.pdf visited on 3/3/2014

2.3. Proclamation Period and Socio – Political Position in Sweden:

King of Sweden in his proclamation guaranteeing Freedom of information to his subject declared that, “that, having considered the great advantages that flow to the public from a lawful freedom of writing and of the press, and whereas an unrestricted mutual enlightenment in various useful subjects not only promotes the development and dissemination of sciences and useful crafts but also offers greater opportunities to each of our loyal subjects to gain improved knowledge and appreciation of a wisely ordered system of government; while this freedom should also be regarded as one of the best means of improving morality and promoting obedience to the laws, when abuses and illegalities are revealed to the public through the press; We have graciously decided that the regulations issued previously on this matter require such appropriate amendment and improvement that all ambiguity, as well as any such coerciveness as is incompatible with their intended purpose, may be removed²³”.

This proclamation also declares that, “in regard to which, and having received the loyal report of the Estates²⁴ of the Realm on this matter, We have graciously decided that the previously established office of Censor shall be entirely abolished and that it shall not hereafter be the duty of the Chancellery to supervise, approve or disallow the texts submitted for printing, but the authors themselves shall be responsible, together with the printers, for what will appear in print, subsequent to this gracious ordinance, by which the former censorship regulations are entirely repealed; although, with regard to the importation and sale in the bookshops of harmful books, the supervision of that will remain with Our Chancellery and the respective consistories, whose obligation it is to ensure that no banned and corrupting books, whether on theological or other subjects, may be disseminated²⁵”.

The Ordinance of the Realm *inter alia* consist of following pronouncements which later on regarded as important limitation on of right to information. The proclamation declares that,

In the pre proclamation era, to get something in printed or in any kind of written form was prevented by the law prevailing in the society for the time being in force, specially which was against their God, heretical doctrines and fundamental Christian believes and faiths. To get publication in print without prior permission from the concerned authority was subject to the punishment of conviction as well as fine of three hundred *daler*²⁶ in silver coin. Even the printer was also subject to the same liability.

²³ Juha Mustonen, The World's First Freedom of Information Act, Anders Chydenius Foundation's Publications-2, available at: www.chydenius.net/pdf/words_first_foia.pdf, visited on: 14/9/2014 at- 4 pm

²⁴ K. M. Shrivastava, The Right to Information A Global Perspective, Lancer Publishers LLC, Atlanta, available at: www.books.google.co.in/books, visited on: 14/09/2014 at: 5pm

²⁵ *Ibid*

²⁶ A Danish or Swedish dollar

After this proclamation, restrictive policies over press and expression was substantially reduced, but it is submitted that such freedom of expression and press are subject to Realm regulation, and no person was conferred with right to dissent, which are contrary to the religious beliefs of the community as such.

Apart from that, disrespectful observation against the religious beliefs were also very seriously considered by administrative agency of the realm and is treated as blasphemy, all manuscripts which found contrary to the Christian beliefs and doctrines are being inspected and censored, and it was ordained that no printer shall venture print such material, to the contrary two hundred *daler* in silver coin was extracted. And such documents need permission from the respective state agency.

These fundamental laws, with others that the Estates of the Realm have established or will establish as irrevocable, no one shall venture in any way to assail or question by means of publications or printed material, on pain of a fine of three hundred *daler* in silver coin.

As there was also a rule prevailed in the Swedish Realm that the king and none other could governed the Realm with and not without, even less contrary to, the advice of the Council of State, in accordance with the laws approved and established by the Estates and after his death only his direct male heirs as laid down in the Act of Settlement adopted in 1743 by the Estates of the Realm. No other authority was permitted to introduce or amend laws than the legitimately assembled Estates of the Realm, even no new taxes and imposts could be laid upon the kingdom without the knowledge, free will and assent of these Estates, and also neither any war may be declared nor the official coinage, in respect of its quality, be improved or impaired. Apart from it the Councillors of State were always individually accountable to the Estates for the advice given to his Majesty, as also government officials for the performance of their duties.

If anyone dares to write or publish any matter considered as defamatory or make such imputations against the King, Royal House, Councillors of the King or the Realm with an intention to defame their honour shall be judged and punished by statute law. If the same offence is done in the same manner against the Estates of the Realm, he shall, according to the seriousness of the offence as greater or lesser, either be condemned to death or be punished with some other severe physical penalty. Even if anyone chooses any insulting manner against the officials of the realm or any other citizen, he is subject to the penalty according to the statute law.

No one shall be permitted in either way to indulge in any abusive statements through public writings about crowned heads or their closest blood relatives and contemporary ruling authorities; or to write or publish anything in print by which a manifest voice is promoted which is against the decency,

natural and Christian ethics and its principles; whoever offends this shall be liable to a fine of three hundred *daler* in silver coin.

If the publication lacks the name of the author and the printer, were it to be prosecuted, is demonstrably unwilling to reveal it, he himself shall bear the entire responsibility that the author of the publication should have borne; but if he is willing to name the author, he shall be freed from all responsibility.

Of everything that is printed the printer shall be obliged, in the established manner, to deliver six copies, as soon as they have been printed, of which Our and the Kingdom's Chancellery, the State Archives, Our Library and all three universities in the kingdom shall each receive one copy; should the printer neglect to do so, he shall pay a fine of one hundred *daler* in silver coin; and in order that offences against this gracious ordinance may be duly prosecuted, it shall not only be the duty of Our Chancellor of Justice and the respective ombudsmen and public prosecutors to maintain close supervision over this matter and bring offenders to lawful conviction; but We also wish to permit every loyal subject of Ours to have the right to act as plaintiff in cases concerning offences against this ordinance, which shall always be pursued in a proper manner before the appropriate court, following a lawful summons, allowing both parties to enjoy their lawful procedural rights; and the judge shall likewise, at the very outset of the trial, examine whether there may be grounds for impounding all available copies of the prosecuted publication and placing them in safe custody until the conclusion of the case; if the publication is eventually deemed harmful and banned, all copies should be confiscated and destroyed. If the plaintiff, on the other hand, is found to have brought the action without sufficient reason, he shall face the same penalty that the accused would have undergone, had he been found guilty, and shall in addition be liable for all costs.

In order to save the printer himself from any kind of punishment either he displayed the name of the author on the title-page or obtained from him a written acknowledgement that he had written the publication unless the latter wished to remain anonymous. notwithstanding publication lacks the name of the author, the name of the printer himself and that of the town where the printing took place, as well as the date, should have always been displayed on it; in default a fine of two hundred *daler* in silver coin was imposed.

If the publication lacks both the name of the author and the printer, he himself borne the entire responsibility, but if he is willing to name the author, he shall be freed from all. On being the matter printed the printer was bound, in the established manner, to deliver six copies, as soon as they have

been printed, to the Kingdom's Chancellery, the State Archives, Library and to all three universities in the kingdom.

It shall also in equal measure be permitted to write and print material concerning the relations of the kingdom with other powers and the advantage or harmfulness of former or more recent alliances, or statements made regarding them; in which regard all treaties concluded with foreign powers may likewise be printed, although not any part of them that should remain secret; even less shall the right be denied to produce and have printed any accounts of the civil constitutions of other nations, their advantages, intentions, commerce and economy, strengths and weaknesses, character and customs, achievements and mistakes, whether specifically or comparatively.

It is clear from some of the initial paragraphs that what is prohibited in writing and in print in one way can't be interpret or expressed in any other way, but what is not clearly contrary to that is to be regarded as legitimate to write and print, in whatever language or in whatever style it may be, either on theological topics, ethics, history or any of the learned sciences, concerning the public or private economy, the activities of government departments and officials, societies and associations, commerce, trades, handicrafts and arts, miscellaneous information and inventions so that it may be of utility and enlightenment to the public; as also no one shall be denied the right to publish treatises concerning the public law of the realm and matters connected with it.

This Ordinance further provides the inclusion of all exchanges of correspondence, documents, protocols, judgments and awards, whether produced in the past or will be initiated, maintained or presented hereafter, even before, during or after proceedings either before lower courts, appeal or to the superior courts and include government departments, senior administrators and other public bodies without making any distinction between the nature of the cases as civil, criminal or even of religious controversies; as well as older and more recent appeals and expositions.

To maintain the openness and transparency in the judiciary, the Judges need not to conceal their name while deciding the cases either as a majority or the minority; even they are to give the reason for giving such decision. An impartial judge has no need to fear people when he has a clear conscience, while he will, on the contrary, be pleased if he is not bias or his impartiality becomes apparent and his honour is thereby simultaneously protected from both suspicions and pejorative opinions; even a witness whether he is a party to the case or not cannot announces his wish to become a witness on the ground of an anonymity, his full name and address should be clearly set out, whether it be in the lower courts or the appeal and superior courts, government departments, executor

authorities, or other public bodies, and in this regard the rule made for oath of secrecy will also be amended in the coming future.

Concerning the votes of the members of the Council of State, apart from cases that concern secret ministerial matters, as well as reports and statements on those applications and appeals that will be or have been submitted to the Estates of the Realm, the law shall, on the same grounds and in the same manner as in the preceding paragraph, be the same.²⁷

In relation to votes of the members of the Council of State, the law shall be the same as to mention the name of those members of the Council of State whether in majority or in minority, except in those cases that concern secret ministerial matters, as well as reports and statements on those applications and appeals that will be or have been submitted to the Estates of the Realm.

Even in any case pending before the court, any public authority or before ourselves the information can be asked and the matter can be published subject to only condition that no person will be allowed to publish such matter which may influence the authority or against the public interest.

For the purpose of providing the openness and transparency in much better way, all the judgments, awards, decisions, rescripts, instructions, rules and regulations, whatever kind and nature they may be either have been issued in the past or will be issued in future from Our Council Chamber and Chancellery, government departments, offices or by others shall be published and any person from the public may have a free access on the old documents or even shall be permitted for obtaining certified copies of them;

Even if any person from any locality demands the information of the reports of parliamentary proceedings, may get the copies of that in printed form as well as the proceedings will be published, except any activity or negotiations occurring on foreign territory that require secrecy. In relation to those reports of parliamentary proceedings that will be produced in future, this ordinance graciously ensure that they will also be published in printed form in the same manner, before the sufficient time from the beginning of each subsequent Parliament so that everyone has the same opportunity regarding the information. . It is also permitted to print the reports of the select committees with their minutes and records of voting.

In relation with the openness and transparency former kings and their ministers was fare and this has been highly regarded not only inside his Realm but the by most nations both in former and more

²⁷ The first freedom of Information Act, 1766, Translated by Peter Hogg, Issued in Stockholm, in the Council Chamber, on 2 December 1766, available at: <https://rtieng.wordpress.com/2011/07/29/the-worlds-first-freedom-of-information-act-visited-on-15/10/2014> at 5 pm

recent times, even in order to make more openness We also wish to extend to the citizens the freedom of writing and of the press up to such an extent that all specific events or known incidents, in part secret and in part more familiar, that have occurred under past governments, either in this kingdom or elsewhere, may be made published, together with political comments on them.²⁸

While announcing the great ordinance, we graciously declare to all the citizen of the nation that all the people will be allowed to publish or print anything on any matter in any manner except that the matter must not be against the fundamental believes of the Christianity, the king or any matter considered as defamative, which is expressly prohibited throughout this ordinance. Which all those to whom it concerns shall obediently observe. In confirmation of which we have signed this with our own hand and certified it with Our Royal seal. Stockholm, in the Council Chamber, on 2 December 1766

2.4. Decline of the proclamation and its impacts

The Freedom of the Press Act of 1766 was not a radical upheaval in practice. The writers became cautious, as the responsibility was now theirs. There began to appear a lot of writing under pseudonyms, though more serious academic writers were slow to come out. But the printers profited. Journals and political pamphlets flourished. Political newspapers were born. The first Swedish daily newspapers began their careers. Chydenius' Act was opening a new political publicity.

Restrictions were soon added to the Act. The first three articles defined what could not be criticized: religious dogmas and constitution, the Royal family, the Council of the Realm and the Estates. In practice the threat of a suite of law was imminent for instance because of the following prohibition: "Let no one use public writing to make debasing statements about the crowned heads or their closest relatives nor yet of the reigning foreign powers."²⁹ This was not what Chydenius had in mind, however much he may have appreciated the Crown Prince.

The impact of the law was also weakened. Some months after the Act took effect there followed a royal declaration and caution about 'spreading untruthful rumours'. Chydenius and various others had considered the freedom of spoken word unlimited. For this reason, they had paid no attention to it. But the situation was changing. As early as March 1767 the Council of the Realm ruled by the Caps issued a ban not to write too freely about matters concerning government.

Restriction of spoken statements revealed a problem of the law. Attention had only been paid to text, either handwritten or printed. The Constitution of the United States would not have this

²⁸ The first freedom of Information Act, 1766, Translated by Peter Hogg, Issued in Stockholm, in the Council Chamber, on 2 December 1766, available at: <https://rtieng.wordpress.com/2011/07/29/the-worlds-first-freedom-of-information-act-visited-on-15/10/2014> at 5 pm

²⁹ Id.

restriction, combining directly the two issues, 'the freedom of speech or of the press'. What was ignored by the Constitution of the United States was instead the Swedish speciality, the freedom of information, the openness of official documents.

England had been an example for Chydenius of the abolition the office of the censor. In reality England developed a masterful censorship of mail independent of the law.

The threads woven together by Chydenius have experienced a series of reformations and restorations. Only the openness revolution of the 1990s has made it globally irreversible, even if setbacks are a reality too. It seems to be a historical process, which in a restricted sense can be said to have a direction, growing openness – though not as a definite goal, which evolution in general does not have. The starting point is comprehensive secrecy, which little by little begins to open disparate targets of democratic processes. 'Full openness' is nevertheless neither the goal of the process nor possible. Openness always has its opponents. Privacy, for instance, needs to be protected. Openness is a matter of ongoing struggle.

In a global world everybody begins to be in the same position as the curate from Alaveteli. Power is somewhere far and its cores are shadowed by secrecy. More and more people realize that they need the kind of information that Chydenius already had in his mind. The possibility to get it freely, consider it and express one's thoughts without fear were, according to Anders Chydenius, the preconditions for the wealth, stability and wellbeing of nations³⁰.

2.5. Position of Sweden after enforcement of the Proclamation

As in its original formulation the Swedish Freedom of the Press Act was short-lived, merely for six years i.e. 1766-1772 only. Though the aforesaid Act provided a right to anyone to write freely on any matter subject to, that the writers were cautious, as the responsibility was now theirs, so they started writing under pseudonyms and more serious academic writers were slow to come out. On the other hand the printers profited as Journals and political pamphlets flourished, political newspapers were born and the first Swedish daily newspapers began their careers. But unfortunately this optimistic development did not last for long; soon government started imposing restrictions on the writers as they were banned to write anything regarding religious dogmas and constitution, the Royal family, the Council of the Realm and the Estates.

As this Act was initially made with the intention to provide the right of speech and expression to all the citizens, as they can speak and express their opinion before the public in any manner as they like whether it be good or bad, intelligent or foolish, but within few months from the date of

³⁰ www.chydenius.net

commencement of this Act there imparted a royal declaration and caution about 'spreading untruthful rumours', which made any untruthful rumours as restricted one, though Chydenius and various others had considered the freedom of spoken word unlimited.

By imposing the restriction on the spoken words created a problem of the law in a way as any spoken statements, which was restricted from being expressed, was difficult to be proved, so the main attention regarding the restriction had only been paid to text, either handwritten or printed.

It is submitted that, the freedom of information Act, though temporary in its tenure but still had long lasting impact on the further developments relating freedom of information across the globe. And more importantly philosophical underpinnings provided by various jurists, philosophers, and political thinkers have had tremendous positive impact on the development of freedom of information.

2.6. Impact of Freedom of Information Act, 1766 on other countries of the world

It is interesting from the point view of researcher that after 251 years of the proclamation relating to Freedom of Information sourced by philosophical knowledge of the Anders Chydenius and other jurists, this research provides opportunity to through the light on the later impacts of the proclamation on other countries of the world.

Whereas both 19th and 20th centuries experienced imbibing and strengthening of democratic values and set up of governance. And the very reason behind acceptance democracy is the demand of openness, transparency and accountability of the government. The other reason which steers the interest is growth administrative agencies as the fourth pillar of the state. In a modern society decision-making must be based on the political will of enlightened citizens, which is expressed through votes and elections. In such a society transparency should be the rule and secrecy the exception.

It is submitted that within six years of its existence the Act gained great interest and political significance but soon this Act removed and thereafter they were no serious reiteration of it neither in politics of Nordic states nor in American continent. In much the same way that Anders Chydenius struggled against secret and unaccountable government power in the 1760s, so too has the international freedom of information movement been sparked by the 20th century rise of the administrative state. Citizens and parliaments looked for ways to rein in bureaucratic and executive power, which naturally employed secrecy as a basic tool for retaining power and restraining public debate even in the democracies, and developed more destructive mutations in autocracies.

Interestingly up to the second half of twentieth century immense developments underwent relating to human rights, governmental transparency, regulation of administrative discretion etc. The era of 'normalcy', as President Harding called it, between the two World Wars also saw its contribution

to the professionalization of the bureaucracy and ultimately to freedom of information, with new laws establishing the U.S. National Archives in 1934 (previously, government records were preserved, or more likely not, by the agency that created them), and the *Federal Register* in 1935, for formal, daily publication of agency actions and regulations. Perhaps the most surprising allies for more open government came from the private sector, responding to the administrative state's increasing interventions in markets and society in the early 20th century and culminating with the establishment of the national security state during World War II (President Eisenhower's famous term for this phenomenon was "the military-industrial complex"). The mobilization by government of private industry for war production, the massive expansion of government contracting, and the resulting surge in economic growth sparked a parallel growth in the numbers and variety of "stakeholders" such as corporate contractors, industrial and service unions, lobbyists, lawyers, trade associations, and representatives of regulated industry. Interestingly, in spite of all these developments only importance of freedom of Press grew too fast but recognition of freedom of information by contemporary constitutions or even by parliamentary legislations were not evident until 1966, in the US; the Freedom of Information Act was introduced in 1966. However, many claims that the right to freedom of expression entered into the Constitution with the First Amendment in 1789, but the focus of the amendment was Freedom press.

After US it was Norway and Denmark (1970), France and the Netherlands (1978), Australia and New Zealand (1982), and Canada (1983) and in the EU, major steps towards open government were taken in the 1990s. A big step forward was the Charter of Fundamental Rights of the European Union in 2000. The Charter includes both freedom of expression and the right of access to documents. In 2001 the first regulation on access to documents was adopted.³¹

The Nordic countries are internationally regarded as forerunners in questions of transparency and openness. Therefore it was only logical for the Finnish Presidency of the European Union in 2006 to put special emphasis on the transparency of the EU. Public discussion has largely focussed on whether or not all legislative decision-making should be carried out in public. However, the access to documents and an efficient information policy are just as important for making legislation and the legislative process more transparent and understandable to the European Union's citizens. The transparency of government is a core issue of the democracy principle and a precondition for bringing any government

³¹ Available at: https://www.hrw.org/sites/default/files/wr2014_web_0.pdf

closer to its citizens. The same applies to the European Union and is therefore one of the main priorities of Finland's EU policy during and beyond the 2006 presidency.

Today nearly 105 countries today have enacted formal freedom of information laws, Africa -15, Asia-13, Caribbean countries-5, Central Asia-6 and Europe- 44, Middle East-3, Latin America-15, North America-2, Oceania- 2 and there are current debates and proposals under discussion in scores of others.

II. DEVELOPMENT OF RIGHT TO INFORMATION UNDER UNITED NATION SYSTEM

ROLE OF THE UNITED NATION SYSTEM IN PROMOTING THE RIGHT TO INFORMATION

The Right to Information has been recognized at global level and many countries have signed number of conventions which guarantee this right. In fact this global recognition of the right has led to incorporation of right to information and right to know as constitutional rights in many countries. For the sake of convenience and ready reference relevant provisions of some of the International Conventions have been reproduced hereunder.

The U.N. General Assembly Resolution, 1946:-

It was stated, "Freedom of Information is a Fundamental human right and is the touchstone of all freedoms to which the United Nations is consecrated, Freedom of information implies the right to gather, transit and publish news anywhere and everywhere without fetters. Freedom of information requires as an indispensable element the willingness and the capacity to employ its privileges without abuse".³²

The Universal Declaration of Human Rights, 1948 :- Article 19 says that, everyone has right to freedom of opinion and expression; This right includes freedom of hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.³³

The European Convention on Human Rights, 1950:-

Article 10 of the convention prescribes that, everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.³⁴

The Convention on International Right of Correction, 1962:-

³² Shivani Goel, article on "United Nations on Right to Information; Some Glipses, in combat law, February 2003, Page.17

³³ Shivani Goel, article on "United Nations on Right to Information; Some Glipses, in combat law, February 2003, Page.17 and Nabhi's Right to Information one should know, page. 2.

³⁴ Justice P.S.Narayana & Dr. G.B.Reddy, "Right to Information and Position in International Law' Freedom of Information & Law'2004, Gogia Law Agency, Page. 10, 11,12&13.

It states in its Preamble, the intention to implement the "right of people to be fully and reliably informed and improve understanding through free flow of information and opinion".³⁵

The International Covenant on Civil and Political Rights, 1966:-

Article 19(2) of the Covenant implies that, everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

The American Convention on Human Rights, 1969:-

Article 13 of the Convention speaks of Freedom of thought and expression. Article 13(1) says that, Everyone shall have the right to freedom of thought and expression. This right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing, in print, in the form of art, or through any other medium of one's choice.

The International Convention on Civil and Political Rights, 1976:- Article 19 states as follows;

- Everyone shall have the right to hold opinions without interference.
- Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds.
- The exercise of the rights provided for in paragraph 2 of the Article carries with it special duties and responsibilities.³⁶

The African Charter on Human and People's Rights 1981:-

Article 9 of the charter implies that, (1) Every individual shall have the right to receive information; (2) Every individual shall have the right to express and disseminate his opinions within the law.

The U.N. Convention on the Rights of the Child, 1989:-

Article 13 (1) says that, The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.³⁷

The Rio Declaration on Environment and Development:-

It also elaborated the Right to Information (1992). "Each individual shall have appropriate access to information on hazardous materials and activities in their communities.... States shall facilitate and encourage public awareness and participation by making information widely available."

³⁵ Shivani Goel, article on "United Nations on Right to Information; Some Glipses, in combat law, February 2003,Page.17

³⁶ Shivani Goel, article on "United Nations on Right to Information; Some Glipses, in combat law, February 2003, Page.17

³⁷ Justice P.S.Narayana & Dr. G.B.Reddy," Right to Information and Position in International Law' Freedom of Information & Law'2004, Gogia Law Agency, Page. 10,11,12 &13.

This very Declaration was endorsed by the UN General Assembly in 1997, "Access to information and broad public participation in decision-making are fundamental to sustainable development".

Commonwealth Freedom of Information Principles, 1999:

Those are contained in Promoting Open Government Commonwealth Principles and Guidelines on the Right to Know. Commonwealth Countries have been issuing declaration on freedom of Information since 1971, the main features of the latest principles in 1999 were:

- Member-countries should be encouraged to regard freedom of information as a legal and enforceable right.
- There should be a presumption in favour of disclosure and Governments should promote a culture of openness.
- The right to access to information may be subject to limited exemptions but these should be narrowly drawn.
- Government should maintain and preserve records.
- In principle, decisions to refuse access to records and information should be subject to independent review.³⁸

United Nations Convention against Corruption:-

The UN Convention on Anti-corruption was approved by the General Assembly in October 2003 and adopted in December 2005 after it was ratified by 30 countries.³⁹

Rio Declaration/UNECE Convention on Access to Environmental Information:-

At the 1992 UN Conference on Environment and Development (the Earth Summit), the Rio declaration on Environment and Development called on nations to adopt improved access to information and participation.

Starting in 1991, the UN Economic Commission on Europe (UNECE) began work on promoting access to environmental information and participation. The UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (or Aarhus Convention) was approved in June 1998 and went into force in October 2001.

Article 4 of the Convention requires governments to adopt and implement laws allowing for citizens to demand information (including documents) about the environment from government bodies.

³⁸ Right to Information Act, 2005 by S.L. Goel.

³⁹ UN Convention against Corruption available at:
http://www.unodc.org/unodc/en/crime_convention_corruption.html

The Convention has been signed by 44 countries and ratified or acceded to by 37. It has been a driving force in many countries in the region to adopt a FOI law. 36 countries thus far have adopted comprehensive laws. In addition, the EU has incorporated it as a Directive that applies to all member states.

Council of Europe:-

The Council of Europe, a treaty-based body of 46 countries, has long recommended that its member states facilitate access to information. In 1979, the Parliamentary Assembly recommended that the Council of Ministers call on national governments to adopt laws on access to information. In 1981, the Council of Ministers recommended that government adopt laws facilitating access by natural and legal persons to information held by public authorities.¹¹ 2.7.15.2. In 1993, it proposed a convention on environmental protection which required access to environmental information.⁴⁰

In 2002, the Council of Ministers approved a recommendation for member states on freedom of information. The recommendation sets out detailed principles for governments to adopt a national law on access to information based on the principle that everyone should have access to official documents held by public authorities. They include procedures on access, possible exemptions and appeals. Currently, a working group is developing a convention on freedom of information based on the principles.

European Union:-

There is no general obligation by the European Union that member states adopt freedom of information laws. However, the EU has adopted directives that require member states to adopt laws to provide access to information in specific areas including environmental protection, consumer protection, public procurement, and most recently, a law on the re-use of public information.⁴¹ The European Parliament is also currently considering a new directive that would require countries to make spatial data available for free.²⁰ Nearly all EU countries adopted national laws on access to information following a 1990 directive on access to environmental information. Today, only Luxembourg, Cyprus and Malta do not have a comprehensive law on access to information while the laws in Italy, Greece and Spain are considered weak by international standards.

⁴⁰ Recommendation No. R (81)19 of the Committee of Ministers to Member States on the Access to Information held by Public Authorities.

⁴¹ Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC, (OJ L 41 of 14.02.2003, p.26).

In addition, the EU treaties require the bodies of the EU to follow rules on freedom of information and data protection that give citizens a right to demand information from any EU body. Article 255 of the Treaty of the European Union states:

Any citizen of the Union, and any natural or legal person residing or having its registered office in a Member State, shall have a right of access to European Parliament, Council and Commission documents, subject to the principles and the conditions to be defined in accordance with paragraphs 2 and 3.

General principles and limits on grounds of public or private interest governing this right of access to documents shall be determined by the Council, acting in accordance with the procedure referred to in Article 251 within two years of the entry into force of the Treaty of Amsterdam.

Each institution referred to above shall elaborate in its own rules of procedure specific provisions regarding access to its documents.

African Union:-

The African Union Convention on Preventing and Combating Corruption was adopted in June 2003.⁴²

- Article 9 on “Access to Information” states:

Each State Party shall adopt such legislative and other measures to give effect to the right of access to any information that is required to assist in the fight against corruption and related offences.

The treaty has been signed by 40 of the 53 members of the AU and ratified by 15. It went into effect in July 2006.

Article 9 of the African Charter on Human and Peoples' Rights states that “Every individual shall have the right to receive information”.

Southern African Development Community Protocol against Corruption:-

The Southern African Development Community is made up of 14 African nations.⁴³ In 2001, it issued the Protocol against Corruption.

- Article 4 on preventative measures states:

For the purposes set forth in Article 2 of this Protocol, each State Party undertakes to adopt measures, which will create, maintain and strengthen: [...] d) mechanisms to promote access to information to facilitate eradication and elimination of opportunities for corruption;

The Protocol has been signed by all 14 member states and ratified by eight of the countries. It has not yet gone into force as it requires one more ratification.⁴⁴

⁴² African Union Convention on Preventing and Combating Corruption, Maputo, Mozambique, 11 July 2003. <http://www.africa-union.org/root/au/Documents/Treaties/Text/Convention%20on%20Combating%20Corruption.pdf>

⁴³ SADC, History, evolution and current status. <http://www.sadc.int/english/about/history/index.php>

Organisation of American States:-

The Organisation of American States has officially recognized the importance of freedom of information on numerous occasions. In 2003 and 2004, the General Assembly approved resolutions calling on member states to adopt FOI laws.

- Article 13 of the American Convention on Human Rights states:

Everyone has the right to freedom of thought and expression. This right includes freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing, in print, in the form of art, or through any other medium of one's choice.

The Inter-American Commission on Human Rights ruled in 2005 that Chile had violated Article 13 by failing to provide access to environmental information. Currently, the Inter-American Court of Human Rights is hearing the case.

In October 2000, the Commission adopted the Declaration of Principles on Freedom of Expression.

- Principle 4 sets out a right of access to information:

Access to information held by the state is a fundamental right of every individual. States have the obligation to guarantee the full exercise of this right. This principle allows only exceptional limitations that must be previously established by law in case of a real and imminent danger that threatens national security in democratic societies.

In addition, Principle 3 also provides that individuals should have a right of access to their own information held by public or private bodies.

Chapultepec Declaration:-

The Chapultepec Declaration was adopted by the Hemisphere Conference on Free Speech in Mexico City in March 1994. It calls for the recognition of the need for free expression as essential for democracy and a free society.

The authorities must be compelled by law to make available in a timely and reasonable manner the information generated by the public sector.

The Declaration has been signed by the leaders of 29 nations and 3 territories. A dozen of those countries have adopted FOI laws.

⁴⁴ SADC, Update on the Status of Member States Signatures and Ratifications of, and Accessions to the SADC Treaty, Protocols and other Legal Instruments. <http://www.sadc.int/english/documents/legal/protocols/status.php> (March 2006)

Arab Charter on Human Rights:-

The Arab Charter on Human Rights was adopted at the Summit Meeting of Heads of State of the Members of the League of Arab States at their meeting in Tunisia in May 2004. It replaces the 1994 Charter which did not go into force because it was not ratified by any of the member countries.

The new Charter has been hailed by observers including the UN Human Rights Commission as a significant improvement over the 1994 version. Significantly, it amends the traditional free speech rights found in the UN Declaration on Human Rights to include a somewhat more specific right of information. Article 32 states:

The present Charter guarantees the right to information and to freedom of opinion and expression, as well as the right to seek, receive and impart information and ideas through any media, regardless of frontiers.

Such rights and freedoms shall be exercised in conformity with the fundamental values of society and shall be subject only to such limitations as are required to ensure respect for the rights or reputation of others or the protection of national security, public order and public health or morals.

The Charter has been signed by several countries but not yet received the required seven ratifications to go into force

Commonwealth:-

The Commonwealth is an association of 53 countries who were previously part of the British Empire. In 1980, the Commonwealth adopted a resolution encouraging its members to enhance citizens' access to information. In 1999, the Commonwealth Law Ministers recommended that member states adopt laws on freedom of information based on the principles of disclosure, promoting a culture of openness, limited exemptions, records management, and a right of review.

In 2003, the Commonwealth Secretariat issued model bill on freedom of information. The draft sets out detailed procedures for Parliamentary systems based on the FOI laws in Canada, Australia and other Commonwealth countries.

To date, 12 Commonwealth countries have adopted FOI laws and bills are pending in more than 20 others.

Commonwealth of Independent States (CIS):-

The Commonwealth of Independent States is an association of 12 countries that were previously Soviet Republics. The CIS Parliamentary Assembly has developed model bills on freedom of information, information protection, state secrets and access to environmental information.

ADB OECD Anti-Corruption Initiative for Asia-Pacific:-

The Asian Development Bank and the Organisation for Economic Cooperation and Development (OECD) have created an Anti-Corruption Initiative for Asia-Pacific which has been agreed to by many of the countries in the region. The Initiative has adopted an 'Action Plan for Asia Pacific' which has been agreed to by 25 countries but is not binding.

The principles include a number of specific recommendations to improve transparency including "Implementation of measures providing for a meaningful public right of access to appropriate information", transparent public procurement, funding of political parties, public reporting on audits and anti-corruption efforts, and the disclosure of the assets and liabilities of public officials.⁴⁵

CONCLUDING REMARKS

Freedom of information is the inalienable aspect of human right, in democratic states like India it is considered as potent weapon to control abuse of power by the public authority and is important element of elite citizenry which is first requirement of good governance. By now in many countries, freedom of Information is recognised as matter of legal or fundamental right, but from the perspective of researcher it is no less than a puzzle and mystery to unveil the history, growth and development of the concept. Many researches were being undertaken in this line but hardly few emphasized on socio-political background of the freedom of information especially of Sweden and other Scandinavian countries. In the course of research, it was felt that it is no less than an ideological revolution in which many learned staked their life and liberty. This is especially true in case of Chydenius.

Even though the freedom of information was proclaimed by King in the year 1766, its early growth was once again hampered by political shift in Sweden, and just after six years it was revoked and freedom of information was once again stalled. Nearly, for two hundred years it remained in dormant stage, and with American adoption in 1966, the repressed seed of freedom of information was sprout with great force. And this wave of information soon engulfed Europe including great Brittan.

In this regard contribution of international organization especially of UN is admirable. With reference to India, it must be said that more than legislator it is the judiciary and Non-governmental organizations acted as precursor. It was only by hard struggle this freedom was recognized as legal right.

⁴⁵ Freedom of information Around the world 2006; A Global Survey of Access to Government Information Law by David Banisar- Publication Privacy International. Page. 8.