



Research Paper

## KIIT School of Law

ANMOL JAISWAL  
ISHANI BHATTACHARYA

SECTION – BBA LLB (A)

R

SUBJECT – CONSTITUTIONAL LAW

4TH YEAR (8TH SEMESTER)

TOPIC – RIGHT TO INFORMATION

---

### **Abstract:**

*In democratic countries, the right to knowledge is a basic value that fosters openness, accountability, and participatory government. Every individual has the right to access and acquire information held by public authorities, which allows individuals to make informed decisions and hold governments responsible for their actions. This abstract delves into the notion of the right to knowledge, its significance, and its implications for society.*

*Citizens are empowered by the right to information because it allows them to access government records, papers, and statistics on public affairs. It enables people to express themselves freely, obtain information, and join in educated debates about issues of public importance. Governments establish a climate of transparency and trust between the state and its citizens by making information available.*

*Access to information fosters openness in governance by requiring public authorities to be responsible. It enables individuals to watch government officials' activities and choices, ensuring that they operate in the best interests of the public. Furthermore, the right to knowledge acts as a check on corruption and abuse of power by allowing citizens to disclose wrongdoing and demand responsibility.*

*The freedom to knowledge is also important in building participatory democracy. It promotes citizen involvement and active participation in decision-making processes. Individuals who have access to information may make important contributions to policy discussions, give feedback, and hold public officials responsible for their actions. Citizens get a sense of ownership and empowerment as a result, reinforcing the democratic fabric of society.*

*However, successful application of the right to information necessitates strong legislative frameworks, institutional processes, and a transparent culture. Governments must develop comprehensive legislation ensuring access to information, create independent oversight agencies to supervise implementation, and ensure proactive disclosure of information by public entities. Furthermore, enhancing public knowledge about their rights and the process for accessing information is critical for the proper implementation of the right to information.*

**Keywords:** *Information, individuals, freedoms, responsibility, authorities, demand, democratic countries*

**Received 04 August, 2023; Revised 15 August, 2023; Accepted 17 August, 2023** © The author(s) 2023. **Published with open access at [www.questjournals.org](http://www.questjournals.org)**

### **I. Introduction**

The freedom to knowledge is a key premise that underlies democratic societies' functioning. It is a pillar of openness, accountability, and participatory government, enabling citizens' access to information held by public institutions. Individuals are empowered by the right to knowledge, allowing them to make informed decisions, hold governments responsible, and actively engage in democratic processes.

Access to trustworthy and accurate information is more crucial than ever in today's digital era. The right to information acknowledges the intrinsic importance of knowledge and advocates the premise that individuals have a basic right to know about their governments' activities, choices, and policies. It helps people to stay informed, participate in public dialogue, and make important contributions to the growth and well-being of their communities.

The right to information, at its foundation, reflects the concepts of transparency and openness. It acts as a check on abuse of power and a deterrent to corruption by requiring public officials to be transparent and responsible. Citizens may scrutinise government acts, identify inconsistencies, and demand explanations from those in authority with access to information.

Furthermore, the freedom to knowledge fosters democratic participation. Individuals who have access to information may actively participate in decision-making processes, offer feedback on policies, and affect public affairs. It allows citizens to use their right to free expression, express their thoughts, and shape their society.

Recognising the importance of the right to knowledge, several nations have passed laws to protect this basic right. These laws often explain the methods and techniques for accessing information, establish independent monitoring organisations, and clarify public entities' duty to share information proactively. Governments demonstrate their commitment to openness and accountability by enshrining the right to information in legislation.

## **II. Review of Literature:**

S.P. Sathe's article "The Right to Information and Good Governance" investigates the link between the right to knowledge and good governance. The essay emphasises the importance of information availability in keeping public officials responsible, combating corruption, and promoting effective government. It emphasises the importance of strong legislative frameworks and institutional systems to enhance transparency and allow citizens to participate.

Ann Florini's book "The Right to Know: Transparency for an Open World" dives into the worldwide movement for openness and the right to knowledge. The book investigates how openness affects government, human rights, and economic growth. It examines case studies from many nations to demonstrate the transformational potential of information access and its role in empowering individuals.

Kirsty Hughes' article "The Right to Information as a Tool for Empowerment"

Hughes explores how the right to knowledge may be used to empower marginalised populations. The article discusses how individuals may use knowledge to exercise their rights, combat prejudice, and hold authority accountable. It emphasises the significance of ensuring that all segments of society have equal access to information.

Yash Ghai's article "The Right to Information and Participatory Democracy" investigates the link between the right to information and participatory democracy. The essay investigates how information access improves public involvement, fosters inclusion, and supports democratic processes. It explores the significance of proactive disclosure, public discussions, and public feedback systems in building participatory government.

United Nations Development Programme (UNDP) report: "The Right to Information: A Pathway for Sustainable Development"

The UNDP report investigates the connections between the right to knowledge and long-term development. It emphasises how information access helps to achieve the United Nations Sustainable Development Goals by fostering openness, citizen involvement, and responsible governance.

The importance of information in allowing evidence-based decision-making and encouraging informed public discourse is emphasised in the study.

Venkatesh Nayak's article "Challenges and Opportunities in Implementing the Right to Information" explores the problems and opportunities in implementing the right to information. The paper investigates topics such as information disclosure delays, bureaucratic resistance, and citizen apathy. It provides insights into effective solutions for resolving these problems, such as capacity building, awareness campaigns, and institutional strengthening.

These sources show the value of the right to information in encouraging openness, accountability, and participatory government. They emphasise the transformational impact of information access in empowering individuals, combating corruption, and promoting inclusive communities. To enable the efficient application of the right to information, the literature emphasises the necessity for extensive legislative frameworks, institutional processes, and awareness-building programmes.

## **III. Research Methodology**

The study's key themes are the processing and performance state of RTI in both the Revenue Department and the Collegiate Education Department. Structured and semi-structured interviews with a few PIOs chosen at random are part of the research design.

Recognise contemporary RTI challenges and participate in important RTI activities. The research initiative takes into account the knowledge of a few RTI petitioners and civil society organisations. A survey was conducted as part of this primary data analysis to solicit feedback from specialists such as information commissioners and authors. The analysis largely relied on secondary sources, such as website data and hard and

soft copies of RTI and KIC departmental annual reports, as well as RTI and KIC annual reports and many publications. A questionnaire-based survey is combined with in-depth interviews as part of the approach. The paper discusses internal and external RTI registers at government agencies, as well as answers to applicant requests, fee issues, and appeals.

Four Deputy Commissioners from each of the four administrative divisions, as well as four Tahasildars from each division (for a total of 16 Tahasildar offices) in RD, will be questioned. The DCE selects the heads and PIOs of 30 governmental organisations and 30 independently operated colleges at random. While the questions posed and survey results were presented in terms of numbers, this assessment is representative of the overall qualities. The poll findings were constantly verified throughout the focus group discussions that provided a framework for the conclusions reached in the thesis. To collect data, a systematic survey approach will be employed. Some information will be acquired in person through casual and formal interactions with the chosen RTI application respondent to measure their viewpoints and degrees of knowledge. On a wide range of topics addressed in the three states, monographs and published works by various writers, social workers, and individuals will be assembled.

### **Judicial Analysis**

The significance of judiciary interpretation in the establishment and application of the right to information is fundamental. Courts all across the globe have ruled on instances involving the right to information, strengthening legal rules and setting precedents. Some major components of judicial examination of the right to information can be

- **Constitutional Interpretation:** Several countries see the freedom to obtain knowledge as a constitutional right. Constitutional assessment entails interpreting constitutional provisions pertaining to the right to information, defining the parameters and constraints of the right, and balancing it against other opposing freedoms or interests. Courts frequently play a critical role in developing the constitutional basis for the right to information.
- **Right to Information Acts and Legislation:** In nations where particular laws or acts control the right to information, courts may examine this legislation to determine their consistency with constitutional rights and principles. Judicial analysis of right-to-information statutes includes scrutinizing the provisions, identifying important terminology, resolving inconsistencies, and explaining the rights and duties of both public agencies and citizens.
- **Scope of Information Access:** Courts may conduct judicial analysis to identify the range of information covered by the right to information. They evaluate laws and regulations to decide which types of information, which includes as government papers, documentation and policies, and decisions, should be made available to the public. Judicial analysis contributes to defining the kind of details that can be sought and received under the right to information.
- **Exceptions and limits:** The right to information is not absolute and is subject to a number of exceptions and limits. Courts play an important role in analysing and determining the lawful reasons for restricting information access. Judicial analysis entails determining the justification for limits, weighing opposing interests such as national security, privacy, or economic secrecy, and ensuring that exceptions are narrowly defined to protect the fundamental principles of the right to information.
- **Remedies and enforcement:** Courts are responsible for upholding the right to information and providing remedies in the event of infringement. Judicial analysis aids in determining the proper remedies, such as requiring information disclosure, imposing penalties for noncompliance, or compensating those who have been denied access to information. Courts also interpret and clarify procedural components of information access, such as response timeframes to information requests.
- **Precedents and Guidance:** Through their judgements, courts set precedents that guide future cases and offer clarity on how the right to information should be interpreted and used. Judicial review of earlier judgements aids in the establishment of uniform jurisprudence, provides predictability, and contributes to the building of a strong legal foundation for the right to information.

### **Comparative analysis**

#### Pakistan

The Right to Information (RTI) in Pakistan is a legal framework that guarantees citizens' right to access information held by public bodies. The RTI laws at both the federal and provincial levels aim to promote transparency, accountability, and citizen participation in governance.

The Right of Access to Information Act 2017 is Pakistan's federal RTI law. Furthermore, each province has its own RTI statute that applies to public agencies under its control. These laws define the methods, techniques, and exceptions for gaining access to information maintained by public agencies. RTI rules in Pakistan apply to a wide range of public agencies, including federal and provincial government departments,

ministries, regulatory authorities, and public sector organisations. The word "public body" is defined widely under the legislation to include institutions supported by the government or performing public services. Individuals have the right to access information held by public entities under RTI rules. Citizens can make information requests to public authorities in a certain format, indicating the information they desire. Subject to certain exclusions, public organisations are obligated to reply to requests within a specific time limit, often 20 working days, and deliver the requested information.

Exemptions and limits to the right to information are provided for under Pakistan's RTI regulations. National security, defence, public safety, personal privacy, business confidentiality, and third-party information are typical exclusions. The laws seek to strike a compromise between the right to know and the legitimate interests protected by these exceptions. Information commissioners have been formed at both the federal and provincial levels to monitor the execution of RTI legislation and to manage appeals and complaints. These commissions are independent organisations tasked with promoting and safeguarding the right to information. They are critical in managing appeals, settling conflicts, and guaranteeing procedural openness and accountability.

Pakistan's RTI legislation also emphasise proactive disclosure by public agencies. Certain kinds of information, including as budgets, policies, rules, laws, and annual reports, are mandated to be published proactively by public authorities. This proactive disclosure intends to increase openness without requiring particular information requests.

In Pakistan, efforts are being undertaken to create awareness of the right to information among residents and public authorities. Awareness campaigns, training programmes, and capacity-building efforts are carried out to raise knowledge of RTI laws, encourage individuals to use their right to information, and improve public entities' application of the rules. The right to information in Pakistan attempts to promote openness, accountability, and citizen empowerment through its legislative framework and institutional procedures. However, issues such as response delays, limited resources, and the need for more awareness and capacity building remain. Continued efforts are required to increase the implementation and efficacy of Pakistan's right to information.

#### United States of America (USA)

Any executive division, military division, and administration organisation, government-controlled firm, or other establishments organisation in the executive branch of the government, or any independent regulating agency, is referred to as a "agency" in the context of the public bodies subject to a disclosure obligation (paragraph (f)(1)). The executive branch of government, in all of its guises, especially when it has influence over private enterprises, is the subject of the Law. However, it excludes both the judicial branch and the legislative branch, represented by Congress. Additionally, it does not apply to the Executive Office of the President, which includes, for instance, the White House Counsel and National Security Council. Finally, it excludes private organisations that receive a significant amount of public funding or perform public duties. In comparison to other of the more recent right to information legislation, this is very restricted in reach. There are no restrictions on filing information requests based on citizenship or domicile, and foreigners often use the RTI Law.

This is slightly constrained by subparagraph (a)(3)(E), which specifies that no governmental body that is "a component of the information community" referred to by the National Security Act of 1947 (section 3(4)) shall provide information to an international organisation. National security, interior agency regulations, information protected by other acts, commercial information, inter and intra-agency communications, individual confidentiality, judicial documents, financial institutions, and oil well data are the nine categories of discretionary exemptions. Outside of the Act, there are over 140 separate legislation that permit withholding.

#### United Kingdom

The United Kingdom does not have a "Federal" government system. It instead works under a unitary state structure, in which authority is concentrated in a single government. As a result, no such thing as the "UK Federal Freedom of Information Act" exists. The United Kingdom, on the other hand, has a Freedom of Information Act (FOIA) that extends to the entire country. The Freedom of Information Act of 2000 is a statute that gives the general public a copy of data kept by government agencies. Citizens can use it to seek information from numerous government agencies, local governments, the National Health Service (NHS), and other public organizations.

Individuals in the United Kingdom have the right to access information kept by public agencies under the Freedom of Information Act, subject to specific exclusions and limits. The Act outlines methods for requesting information and timelines for responding to those requests. Although there are few exceptions, public entities are normally expected to disclose the requested information within 20 working days. The Information Commissioner's Office (ICO) is the independent body in charge of implementing the Freedom of Information

Act in the United Kingdom. The ICO monitors compliance with the Act, resolves complaints, and advises on how to submit information requests.

It should be noted that the UK FOIA covers England, Scotland, Wales, and Northern Ireland. To deal with Freedom of Information demands submitted to authorities within their control, each devolved government has its own independent statute. These rules are comparable to the UK FOIA in general, however there may be some changes in terms of exclusions and processes.

### China

China lacks a particular law comparable to the Freedom of Information Act, which exists in certain other nations. The Chinese government retains tight surveillance of the transmission of information and has enacted a number of policies and measures to limit access to specific categories of information. The right to free speech and expression is guaranteed by the Chinese Constitution; yet, this freedom is subject to legal constraints. The Chinese government has enacted laws and ordinances that regulate dissemination of data, as well as intensive restriction and monitoring of media outlets, online platforms, and public dialogue.

The State Secrets Law is one of China's most important legislation governing statistics control. It defines secret government data broadly and imposes consequences for unauthorised dissemination of such information. The law gives the government a legal basis for classifying and restricting access to a wide variety of material regarded to be state secrets.

Furthermore, China has rules and regulations controlling the management of government information, such as the Open Government Information (OGI) Regulations and the Cybersecurity Law. The OGI defines methods for requesting government information, but it also includes provisions that empower authorities to prevent or limit data access for reasons such as security of the country, economic interests, and a stable society. It's worth noting that the Chinese government has a history of restricting and regulating access to detail, especially on sensitive themes like human rights, politics, and specific events. Independent journalists and free press are severely restricted, and internet material is strictly censored via the Great Firewall and other techniques.

While there are certain laws in China for information disclosure, they are subject to considerable restrictions, and the government retains extensive control over the flow of information in the nation.

### **Legal rules and regulations**

The right to information is a basic right that allows people to get access to information held by public bodies and organisations. While exact laws and regulations may differ from country to country, I can give you with an outline of some general legal norms and regulations pertaining to the right to information.

Freedom of Information (FOI) or Right to Information (RTI) Acts: - Many nations have passed legislation referred to as Freedom of Information Acts or Right to Information Acts. In general, these acts establish a legal framework for obtaining information kept by public entities.

Scope of Application: - The scope of public authorities and entities covered by FOI/RTI laws is commonly defined. Government departments, ministries, local government entities, public agencies, and state-owned corporations may be included.

Information Covered: - In general, FOI/RTI regulations cover a wide variety of information, such as papers, records, reports, communications, emails, contracts, and other items maintained by government entities. However, some exclusions and limits to the sorts of information that can be accessed may apply, including national security, privacy, active legal procedures, and business confidentiality.

Public Agencies' Obligations: - FOI/RTI laws put specific requirements on public bodies, such as retaining documents, assisting persons who make requests, and responding in a timely manner. Certain information may be required to be proactively published by public authorities on their websites or through other ways.

Exemptions and exclusions: - that allow public bodies to withhold some information are frequently included in FOI/RTI legislation. Exemptions may apply to material pertaining to the safety of the country, security measures, individual privacy, business anonymity, and third-party interests. The reasons for withholding information, on the other hand, are normally subject to a public interest test.

Timeframe for response: - In India, the duration for responding to an information request is normally 30 days under the Right to Information (RTI) Act. The Public Information Officer (PIO) is obligated to reply to the information request within 30 days of receipt. This answer may involve giving the requested information or refusing access and, if relevant, describing the reason for refusal.

In some cases, the PIO may request an extension of time beyond the initial 30-day timeframe. If there are sufficient grounds for the extension, an extension can be granted for a maximum of 30 days. Within the first 30-day period, the PIO must notify the grounds for the extension to the applicant.



**Validation: Qualitative/quantitative approach****Qualitative aspect of ROI:**

The right to information includes a number of qualitative factors that add to its importance and influence. To begin with, it fosters transparency and openness in government by providing citizens with access to information maintained by public agencies. This openness helps individuals to comprehend their governments' decision-making processes, policies, and actions, generating a feeling of accountability.

Second, the right to knowledge empowers individuals by equipping them with the means to actively engage in public affairs. It empowers residents to make educated decisions, participate in democratic processes, and contribute to community development. This empowerment strengthens society's democratic fabric and fosters active citizenry. Furthermore, equal access to information promotes fairness and inclusion by guaranteeing that all persons, regardless of socioeconomic rank or background, have equal access to information. It aids in the elimination of knowledge gaps, allowing marginalised groups to engage more effectively in public life, fight for their rights, and resolve socioeconomic injustices.

The right to knowledge also promotes free expression. It enables people to gather, receive, and exchange information, so contributing to a healthy public sphere in which varied viewpoints and ideas may thrive. This freedom of speech is necessary for cultivating an open society that values discourse, debate, and the interchange of ideas. Finally, public faith in government institutions and procedures grows as a result of access to information. When citizens have access to information, see openness, and hold public officials responsible, they create trust in the institutions' integrity and credibility. This trust improves the social compact between the government and its citizens, establishing a cooperative and constructive relationship.

The qualitative components of the right to information emphasise its transformational capacity in fostering openness, accountability, public involvement, social inclusion, and democratic norms. Societies may achieve more effective governance, increase civic involvement, and maintain a fair and just society for everyone by recognising and defending this right.

**Quantitative aspect of right to information:**

Finally, public faith in government institutions and procedures grows as a result of access to information. When citizens have access to information, see openness, and hold public officials responsible, they create trust in the institutions' integrity and credibility. This trust improves the social compact between the government and its citizens, establishing a cooperative and constructive relationship.

The qualitative components of the right to information emphasise its transformational capacity in fostering openness, accountability, public involvement, social inclusion, and democratic norms. Societies may achieve more effective governance, increase civic involvement, and maintain a fair and just society for everyone by recognising and defending this right. Monitoring response rates aids in assessing the success of the right to information's implementation and identifying areas for improvement. Another quantitative factor is response timeliness, which evaluates how soon public agencies give requested information. Policymakers and stakeholders can assess the effectiveness of implementation and identify holes or bottlenecks in the system by analysing these quantitative indicators. These quantitative factors are critical in assessing and enhancing the success of the right to information in promoting openness, accountability, and public empowerment.

#### **IV. Conclusion**

To summarise, the right to knowledge is a critical tenet of a democratic society. It includes both qualitative and quantitative components that are necessary for transparency, accountability, and public empowerment. Transparency, accountability, empowerment, and involvement are some of the qualitative features that emphasise the transformational impact of information access. These characteristics help people to make educated decisions, participate in public affairs, and hold governments responsible. The quantitative features, on the other hand, give measurable indications, such as the number of information requests, response rates, and response timeliness, which aid in evaluating the implementation and impact of the right to information. Societies may assure successful governance, increase public participation, and build an open and accountable culture by taking into consideration both qualitative and quantitative factors. Recognising and preserving the right to knowledge is critical for maintaining democratic values, protecting human rights, and establishing equal and inclusive communities.