

Unveiling the Power of the Right to Information: Promoting Transparency, Accountability, and Effective Governance

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KEYWORDS

Right to information,
Transparency
Good Governance
Accountability
Public Participation

ABSTRACT

The Right to Information (RTI) is one of the powerful tools that can be utilized to promote transparency, accountability, and effective governance in democratic countries. It enables citizens to access information about government activities. This access to necessary information can help them eradicate corruption. It also fosters public participation and promotes economic growth. RTI is part and parcel of democracy. It empowers citizens to make informed decisions after having a comprehensive insight into governmental actions of public importance. This paper explores the versatile objectives of RTI that are important in upholding good governance, diminishing corruption, promising accountability, facilitating public participation, fostering economic growth, and enhancing transparency. This paper is an attempt to unleash the transformative potential of RTI in shaping democratic societies. In the end, it is emphasized that we need vigorous enforcement mechanisms for the effective utilization of RTI in our society because RTI is one of the vital instruments that produce an informed, participatory, and accountable society. Ultimately, it strengthens democratic values and its institutions.

1. INTRODUCTION

“Though all winds of doctrine were let loose to play upon the earth, so truth be in the field... Let her and falsehood grapple, who ever knew truth put to the worse”, (Milton 1873), these expressions, written in 1644, are still influential today as they were then in the context of RTI. The terms RTI and 'Freedom of Information' (FOI) are frequently employed transposable, as they share a common underlying meaning: the entitlement to access information. The word 'information' originates from the Latin terminologies: 'Formation' and 'Forma,' which denotes the act of shaping and forming patterns. However, within the purview of RTI and FOI, 'information' specifically pertains to the data held by the government. This information, by its very nature,

is the property of the people, while the government and its functionaries act as temporary custodians. It rightfully belongs to the people as it encompasses a comprehensive assemblage of factual details concerning both the populace and the nation at large (Pakistan Information Commission n.d.).

In a contemporary democracy where final decisions lie with the public, it is their primary and social right to be entirely informed and ruled in a fully informed way. This allows them to select between contradictory opinions and substitute passages, such as in the election process. The RTI is a social right in its nature (Bingham 2011). This right stems from the concept that people in elected governments must be well-versed in order to make rational decisions regarding their future. It is nowadays a worldwide

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doctrine that without information in an elected system, the people would not be capable to make lucid assessments of their legislatures. Therefore, the RTI is an indispensable pillar of democracy (Province of Punjab v Qiasar Iqbal & others, 2018).

The recognition of the right to gather, transmit, besides publish information without undue restrictions was solemnized through United Nations Resolution 59(1) on December 14, 1946 (UN General Assembly 1946). In adherence to this resolution, numerous democratic nations have promulgated information laws as a manifestation of their commitment to fostering good governance. Notably, the United States, in 1966, enacted the Freedom of Information Act (FOIA), which served as a blueprint for analogous legislations introduced in Canada, Australia, and New Zealand in 1982. By 1990, an additional fifteen countries, including Germany and Japan, had enacted comparable statutes. Subsequently, the United Kingdom enacted its own FOIA in 2010, and since then, over 70 nations have embraced similar legal frameworks. Moreover, internationally, provisions such as Article 19 of the Universal Declaration of Human Rights (UDHR), Article 13 of the American Convention on Human Rights (ACHR), and Article 10 of the European Convention on Human Rights (ECHR) have enshrined the right of people to gain information: all these are strengthening its significance on a global scale (Roberts 2010).

RTI holds immense power, as famously proclaimed by Justice Louis Brandeis, who eloquently stated that sunlight is the best disinfectant (Brandeis 1914). It serves as a cornerstone of good governance, empowering citizens, journalists, and conscientious politicians to restrain corruption within bureaucracy and representative bodies. As an inherent right of every citizen, it also safeguards their further rights, acting as a bulwark counter to the misuse and abuse of authority. Furthermore, it engenders trust among the electorate towards their government representatives, thus benefiting both the citizens and the governing bodies (Banisar

2006). Embracing this fundamental principle, albeit belatedly, Article 19A was included in 2010 via 18th Constitutional Amendment in the Constitution of Pakistan, and it manifestly praises the virtues of an informed citizenship (Constitution of the Islamic Republic of Pakistan (1973). Article 10A). The purpose of the RTI is inherently centered on transparency, citizen participation, and awareness (The Punjab Transparency and Right to Information Act 2013, Preamble). The RTI enables individuals to be well-informed about public matters, strengthening their understanding and engagement in governance. It plays a crucial role in upholding other fundamental rights by revealing the mechanisms of enforcement and ensuring accountability. By promoting sound and objective decision-making, the RTI improves the functioning of government. Moreover, it serves as a potent tool in combating corruption (Banisar 2006).

2. RATIONALE OF RIGHT TO INFORMATION

James Madison astutely remarked that “a popular government without popular information or the means of acquiring it is but a prologue to a farce or a tragedy” (Madison 2013). Guided by this astute standpoint, the report on the rationale of the RTI, as presented by David Kaye, commences with an examination of the indispensable pillars of the rule of law and accountability (Kaye 2017). Regrettably, instances persist where the RTI is disregarded by public functionaries and administrative bodies, resulting in public scorn and eroding trust. Conversely, in regions where the RTI is championed and upheld, it contributes to fostering trust, enhancing capacity building, and bolstering the foundation of a healthy democracy. While legislative recognition for the RTI has experienced rapid growth across governments and political parties worldwide in recent decades, its implementation often diverges from the promises and slogans put forth during electoral campaigns. Johan Lidberg eloquently advocates for the RTI's three fundamental underpinnings: media, political accountability,

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and representation, intertwining these elements with the essence of democracy (Lidberg 2006) .

Further, the genesis of the RTI lies in two critical aspects. Firstly, accountability is knotted with democracy, as it ensures representatives are held answerable for their actions. The RTI serves as a vital tool when government members fail to fulfill their promises, allowing citizens to seek the necessary answers. Secondly, parliamentary representation, although attractive, can prove challenging for the ruling class when they are required to provide explanations and face scrutiny. This occurs because representatives are accountable to the people who have entrusted them with their aspirations. The RTI gains significance in democracy, as it recognizes that voting alone cannot fully encompass the policies and decisions impacting citizens' lives. These aspects, inherent to democracy, include safeguarding citizens from arbitrary executive actions and ensuring accountability of parliamentary members and public functionaries. Thus, the RTI finds its place in every democratic system (Lidberg 2006).

The profound correlation between the RTI and democracy has been underscored by Vincent, a Canadian researcher (Vincent Clayton 2008), who contends that the RTI, while not always explicitly protected by constitutional provisions, finds its roots in the doctrine of democracy, which is safeguarded through constitutional frameworks. Analyzing numerous Canadian precedents, he maintains that the RTI is enshrined within the democratic rights and essential freedoms of citizens, particularly with regard to environmental protection. Similarly, Sharma highlights the Indian legislation as a prime example (Sharma 2012), asserting that the RTI aligns seamlessly with democratic principles such as participation and accountability. Whether through the expansion or proper functioning of democracy, the RTI plays a paramount role in ensuring the smooth operation of democratic governments, curbing corruption, and facilitating public assessment. Consequently, elections alone do not encompass the essence of democracy; rather, it is through unrestricted implementation

of the RTI that meaningful participation and effective governance can be achieved. Similar emphasis on participation can also be observed in common law jurisdictions (Commonwealth Expert Group 1999). Barry Sullivan identifies the RTI as a crucial component of representative democracy (Sullivan 2012), while Muhammad Munir asserts its existence within the framework of Islam (Munir 2013). These legal perspectives collectively reinforce the notion that the RTI is intrinsically knotted with democracy, irrespective of jurisdiction or cultural context.

Further, scholars have also identified the rationale for the RTI as a human right. Mr. Patrick, in the background of the British scenario, has deliberated upon this concept, referring to the RTI as a talisman that has ignited societal transformations in European nations. He views the RTI as a commendable remedy for addressing deficiencies in government functioning when leaders deviate from their professed rhetoric. In his concluding remarks, he emphasizes the pivotal role of this right as an empowering tool that allows individuals to harness their human potential. Without the RTI, the transformation of the fundamental democratic principle of responsibility into a tangible reality is impeded. Furthermore, the RTI serves as a critical mechanism to counter bureaucratic oppression, subterfuge, and the eradication of societal menaces such as corruption (Birkinshaw 2006).

Regarding Europe, researchers have examined the space of RTI as a human right within the European Court of Human Rights (ECtHR). They have primarily identified it as a factor of the right to FOE, which forms an indispensable foundation for democratic systems. The RTI holds significant importance for the functioning of the press, while recognizing the need for the press to operate within certain boundaries. This allows the press to fulfill its legitimate role by accessing information. Consequently, some courts have upheld the confidentiality of media sources to defend the press's capability to gather information. Additionally, the rationale for the RTI can also be found in Article 2 of the ECHR, which addresses

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the right to life. While seemingly unusual, it is seen that in cases involving the homicide of a revered life, the courts' view is that investigation results must be provided to the legal heirs of the victim, who possess the RTI (Tiilikka 2013). Therefore, the RTI plays a crucial role in ensuring fair trials by facilitating the publication of proceedings, thereby safeguarding litigants' rights and maintaining the integrity of the administration of justice.

Additionally, Daniel Berliner regards the RTI as an innovative measure that strengthens the relationship between parliamentary representatives and their constituents. It is seen as a norm of openness, improving the quality of oversight and monitoring conducted by citizens over representatives and public functionaries. The implementation of the RTI carries a strong presumption of openness, with exceptions being rare (Berliner 2013). Richard Calland argues that the RTI should be viewed from an egalitarian perspective as well. Its humanitarian aspects must also be counted. Its alignment with international standards related to the FOE must not be brushed aside (Peltz-Steele 2018). So, it is also vital to not solely rely on legal arguments relating to its justification as this might overlook the egalitarian perspective of the RTI. Therefore, the scope of the RTI should be widened to cover private information in it. In today's world, it would be unjustified to consider the RTI solely for administrative information. Instead, it should be taken within the context of a modern welfare state. One must recognize its various benefits, which include socio-economic matters, to fully grasp the egalitarian basis of the RTI. Mike Forrest highlights that sociologists have ignored the sociological implications of RTI laws and he encourages them to look into its social dimensions (Keen 1992). Lonny Hoffman argues that the RTI holds a direct relationship with the concept of justice (Hoffman 2006). The above referred scholarly work provides rationale for the RTI. Their work draws attention to the role of RTI in promoting transparency, accountability, democratic principles, human rights, and effective governance.

3. OBJECT AND PURPOSE OF RIGHT TO INFORMATION

To learn the scope of the RTI, it is essential to examine its objectives and purposes. They have been referenced in the preamble of the Punjab RTI law in Pakistan (The Punjab Transparency and Right to Information Act 2013). The preamble of that law refers to the promotion of transparency, accountability, and the enforcement of fundamental rights, whereas the preamble of the Federal legislation points out transparency, accountable governance, public participation, the reduction of corruption, improved administration, economic progress, good governance, respect for other human rights, and the enforcement of Article 19A as its object and purpose. In general, the RTI supports proactive transparency and scrutiny of administration (Hernández-Valdez 2009). However, when we consider the combined effect of all legislations, it becomes apparent that the objectives cover not only transparency but also the accountability, public participation, the fight against the corruption and corrupt practices, good governance, and sustainable economic growth. These factors function as the main reason behind RTI legislations (Darbishire 2010). In the following sections, this research will provide a brief explanation on each of these factors.

3.1 TRANSPARENCY

Transparency, in its essence, refers to the quality of being open and clear. In the context of the RTI, it represents the fundamental goal of achieving complete openness. This objective is vital because it enables citizens to form informed opinions about their representation. Transparency, metaphorically speaking, offers two potential approaches: firstly, allowing direct visibility into the workings of the government, ensuring transparency within the government itself; and secondly, making government activities accessible to citizens in a transparent manner (Fenster 2010). The term "transparency"

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within the realm of Freedom of Information (FOI) encompasses a broader scope compared to other related concepts. It gained significant traction in European nations during the early 1990s as an effective means to address inefficiencies and hidden complexities in the functioning of governmental authorities. Patrick Birkinshaw, in discussing transparency, also recognizes it as a fundamental component of Access to Information (ATI), which entails open scrutiny of public affairs. Moreover, transparency necessitates those decision-making processes be reasoned and understandable, particularly when such actions impact citizens or individuals, whether positively or negatively. It also emphasizes the accessibility of information pertaining to the governance and legislative processes of the state, enabling the public to comprehend them with ease. Ultimately, transparency serves as a counterforce to complications, mismanagement, disorderliness, and secrecy (Birkinshaw 2006). Likewise, M. Florini, in his scholarly article, emphasizes that transparency is a key factor for achieving efficient governance. He argues that governments, markets, organizations, and corporations must prioritize openness and transparency to enhance their performance. Florini explains that transparency is the consequence of an continuing development, which can be driven by constitutional requirements or voluntary disclosure by the respective entities. Importantly, there needs to be access to information for transparency to be meaningful. Florini further highlights two significant aspects of transparency. Firstly, he credits transparency with historically playing a crucial role in international security, secondly, he emphasizes that transparency is vital for effective governance in both corporations and governments. The goal of transparency in these contexts is to promote efficiency in the functioning of these agents, whether they operate in the government or corporate sphere (Florini 2002).

3.2 ACCOUNTABILITY

Accountability, a fundamental aspect of the RTI, serves as a crucial mechanism to hold individuals responsible for their performance in governance. It ensures that representatives are answerable to the citizens for their actions, aligning the legality of their actions with the public's desire to seek explanations. Accountability is of utmost importance because when governments are granted authority, it is implicit that they are accountable to the people, not solely empowered to share selective information at their discretion. Independent institutions, such as the National Accountability Bureau (NAB) in Pakistan, play a vital role in facilitating this accountability process (Lidberg 2006).

Sharma highlights that representatives, acting as agents of the electorates or principals in a democratic system, must be subject to a mechanism that holds them accountable for their actions before those who have elected them (Sharma 2012). Similarly, in her academic work, Jennifer Shkabatur emphasizes accountability as the ultimate objective of the RTI, declaring that in a democracy, the community should have the right to influence the course of government and demand responsibility from their representatives. Accountability comprises two key components: explanation and justification (Shkabatur 2012). The writer explores the integral relationship between accountability and the RTI, acknowledging that while the RTI alone does not automatically ensure accountability, it is an essential element. Accountability can be understood in various contexts, such as making public functionaries answerable for their actions and holding them accountable through elections conducted by voters (Jenkins and Goetz 1999). In summary, accountability is an indispensable element of any democracy (Adorno and Cardia 2013).

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3.3 PUBLIC PARTICIPATION

In a democracy, the purpose of voting for citizens is to ensure full participation, and it is insufficient for their access to truth to be limited to the media, scholars, or administrators alone (Pollock 1920). The RTI serves as a source of empowerment for individuals, enabling them to participate in the operations of the government (*Indian Express Newspaper Bombay Ltd v Union of India 1986*). Scholars have observed that the RTI complements and completes democracy, whether through a representative system where it acts as a continuous check on the government's functioning, or through a participatory system where the general public actively engages in the decision-making process (Klaaren 2013). In both scenarios, the RTI finds its roots in the underlying democratic principles. This participation stems from the core norm of open discussion in democracy, which can only be achieved if society actively participates in policy inspections and possesses sufficient information. The higher courts in India have emphasized that correct democracy thrives when the community is allowed to contribute and perform a role in policy matters, necessitating that they are well-informed about various issues to express their opinions (*Peoples Union for Civil Liberties v Union of India 2003*) . Furthermore, the right to participation is indispensable for achieving good governance as it directly impacts the lives of individuals. Through consultations, active involvement, recommendations, cultural norms, and behavior, individuals can effectively contribute. However, such mediums of participation can only be meaningful if participants are well-informed beforehand. In a nutshell, RTI serves as an instrumental tool, enabling individuals to participate not only during elections but every day through questioning, thereby empowering democracy (Singh 2013) .

3.4 DIMINUTION OF CORRUPTION

Among the surveyed individuals, one person identified corruption as the primary issue in their nation, while approximately 53 percent believed that their governments are not effectively addressing this problem. Nearly one in three individuals attributed this failure to dishonesty and corruption among legislators. To address this challenge, countries and institutions must prioritize transparent governance and encourage citizen participation in decision-making processes to enhance accountability and scrutiny (Transparency.org 2023). And Pakistan has been grappling with the issue of corruption since its establishment. A survey conducted by Transparency International reveals that a majority of the population believes that corruption is still prevalent and its severity is on the rise. Pakistan is ranked at 140 out of 180 countries in terms of corruption perception.

In this context, information holds significant power and it make it an effective tool in tackling the issue of corruption. When citizens utilize their RTI as a means to curb the corruption, it becomes a powerful mechanism for accountability and transparency as well (Mungiu-Pippidi 2013). Krishna and Arusha conducted a comprehensive review of 132 states from 1990 to 2011 to examine the impact of the RTI on corruption. Their findings reveal a clear conclusion: with the increase in the adoption of RTI laws, corruption tends to decrease. This is evident because of the enhanced openness and transparency it brings. They recommend that states should increase the adoption of RTI laws, and those who have already adopted it they must implement it in its unrestricted form. The rise in transparency, enabled by RTI, will contribute to the decline in corruption (Vadlamannati and Cooray 2017). Leonid Peisakhin, while recognizing the detrimental impact of corruption on the progress and development, asserts that transparency is essential in reducing corruption levels. To support his claim, he conducted a field experiment: he compares bribe-givers and RTI requesters. Thereafter, he highlights that access to

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information regarding corruption transactions and those involved in it, serves as a deterrent because it increases the risk of exposure, which everyone will avoid. His findings demonstrate that RTI is a viable and effective alternative to bribery, leading to increased government efficiency and decreased corruption (Peisakhin 2012). Moreover, RTI proves particularly beneficial for the middle class and marginalized individuals, empowering them and combating discrimination and corruption. Recommendations include public education for government officials, promoting RTI usage, ongoing oversight, evaluation reports, engaging legal experts, monitoring counter-legislation, and organizing seminars and debates.

3.5 GOOD GOVERNANCE & ECONOMIC GROWTH

Researchers make a clear difference amongst governance and government, with the former referring to the art of leading and regulating society. Good governance goes beyond mere authority and encompasses characteristics such as democracy, openness, and scrutiny (Plumptre and Graham 1999). It involves the exercise of power to deliver services for the common good and fulfill the aspirations of citizens. Good governance is achieved when it is open and accountable (Gochhayat 2010). The RTI, being an inherent right, plays a crucial role in enabling the poor and marginalized to live with dignity. By promoting transparency in governance, RTI contributes to the reduction of corruption. People utilize RTI to uphold values such as participation, access to truth, and self-fulfillment, while also maintaining a balance between stability and necessary changes (Bhat 2015). To enhance governance efficiency, key drivers include commitment, cooperation, and coordination among stakeholders (Langdon 2005).

UNESCO for Asia and the Pacific distinguishes between governance and good governance based on 8 key characteristics: participation, responsiveness, transparency, rule of law, inclusiveness, consensus, effectiveness,

and accountability (World Bank 2017). Achieving good governance is considered a challenging ideal. However, the RTI is widely recognized as a vital element for good governance, particularly in societies where its value is understood. Such societies strive for progress and emphasize empowerment and independence. In the modern world, major civilizations have made efforts to improve their information flow mechanisms. M. Ansari connects good governance with RTI through several links. Firstly, transparency plays a significant role, ensuring maximum disclosure of rules, reports, and major decisions. Secondly, citizen-ruler partnership is emphasized, with people being key stakeholders involved in guiding major developments. Thirdly, accountability is intrinsic to both good governance and the RTI framework. Lastly, RTI contributes to the reduction of corruption, further strengthening the connection between good governance and the RTI (Ansari 2008).

Similarly, Swati Kedia has linked the concept of good governance with the RTI by evaluating their shared characteristics, such as accountability, responsibility, transparency, rule of law, participation, and anti-corruption measures. RTI embraces features like citizen participation, transparency, and efficient governance. Kedia concludes that achieving these goals is only possible when RTI is fully enforced. Therefore, in the discourse on good governance, the enforcement of RTI is crucial as one element reinforces the other (Swati Kedia 2016). RTI is regarded as a key to good governance with four key elements: accountability, transparency, participation, and predictability (Kumar and Bindlish 2012). Transparency, in this context, refers to RTI, which allows for examination and inquiry into government actions, empowering citizens to assess the effectiveness of their government. This accountability is the cornerstone of good governance, making RTI an essential prerequisite. Sahina further recommends RTI to the general public as a means to achieve these goals, including sustainable development (Laskar 2016). Jonathan praises the

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virtue of RTI, noting that it goes beyond its traditional scope as a civil right and works towards achieving high socio-economic aims (Klaaren 2005). However, it is important to note that RTI should not be used to provide competitors with government-held information for their advantage. Russell Stevenson extensively addresses this issue, emphasizing the need for cautious handling of RTI requests (Stevenson Jr 1982).

3.6 ENFORCEMENT AS A FUNDAMENTAL RIGHT

Roy and Yoram have highlighted the constitutional and fundamental aspects of the RTI in their remarkable work. They provide theoretical justifications based on four grounds. Firstly, the democratic nature of this right, which is recognized by under article 19 of the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR). Secondly, the instrumental value of the right, as it enables individuals to enforce their fundamental interests, such as education, by equipping them with the necessary tools. Thirdly, the proprietary nature of information, as it belongs to the people and should not be withheld from them, as they are the rightful owners. Lastly, the oversight function of the right, which is essential in a democratic society to ensure transparency, accountability, and the maintenance of a fiduciary relationship between public functionaries and representatives, all in line with the rule of law (Peled and Rabin 2010).

The dominant nature of the RTI is also justified by its ability to serve and safeguard the welfare of all citizens. It is essential for promoting inquiry and accountability, as well as ensuring effective governance. The RTI helps to promote equality between those in power and individuals, as it acts as a tool to uncover hidden information and foster trust (Birkinshaw 2006). Human rights are essential conditions for a dignified human life and are inherent to us as human beings. These rights must be respected

and protected. Kay Mathiesen argues that the RTI protects basic interests, including the direct expression of one's interests, the ability to engage in thoughtful deliberation, and the pursuit of knowledge (Mathiesen 2008). As Aristotle stated in *Metaphysics*, "human beings by nature desire to know". Shorn of the RTI, people would not be able to fully use their further rights in a beneficial manner (Klaaren 2013).

In addition to promoting openness and accountability, the RTI is also a fundamental right for the recognition and protection of other fundamental rights, such as FOE, freedom of the press, and free speech. The fundamental nature of the RTI also lies in its connection to the right to truth, which is an inherent part of human dignity (Davis 2014). In situations such as cases involving missing persons, whether in international humanitarian law or national laws, the RTI plays a crucial role in enabling individuals to seek the truth and obtain relevant information.

Today, there is widespread recognition of the RTI as a fundamental right in the European and international community (Hins and Voorhoof 2007), as well as in the United States (BeVier 1980). This recognition is not just a theoretical concept, but a well-established fact supported by numerous conventions and legal instruments. The importance of the RTI goes beyond mere rhetoric; it is now recognized as a matter of human survival, vital for the working of democracy, and critical for addressing the vulnerabilities of marginalized populations and ensuring empowerment, particularly in underdeveloped nations. This right guarantee sustainability, promotes equal opportunities, upholds principles of equality, respect, and dignity, and contributes to overall development, trust, education, awareness, guidance, and effective governance. Information is intricately linked to various other fundamental human rights. However, if we confine this right to mere paperwork without ensuring its practical implementation, it would be a clear contradiction and hypocrisy on the part of lawmakers. The jurisprudence surrounding the first constitutional

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amendment in the United States extensively elaborates on the significance, necessity, and practicality of the RTI, leaving no room for debate regarding its importance at the international level (McDonald 2004).

4. PRINCIPLES OF RIGHT TO INFORMATION

An association called Article19 has framed a set of principles for the perfect usage of the RTI (ARTICLE 19 2012), which have also been endorsed in Pakistan (PILDAT 2018). These principles aim to ensure that this right is not unreasonably and unlawfully restricted. They propose a tripartite test to evaluate restrictions: first, the restriction must have a legal basis and should not be based on arbitrary discretion. It should be clearly defined, leaving no room for vagueness or ambiguity. Secondly, the restriction must serve a legitimate objective and should not be used to simply avoid frustration or embarrassment. Lastly, the constraint must be necessary and proportionate to the valid objectives it aims to achieve (Mendel 2008).

In a report by the Special Rapporteur of the United Nations Commission on Human Rights in 2000 (Hussain 2000), nine essential principles for an effective RTI legislation were outlined. These principles include the following:

1. The first principle emphasizes the maximum possibility of disclosure, ensuring that a wide range of people can exercise their RTI. It highlights that there is a right to access information and it is the duty of the respondent to provide it, with the burden of proof on them in case of denial.

2. Government agencies and institutions have an obligation to proactively publish key information without the need for a specific request. This includes reports, expenditures, and services, among others.

3. Cultivating a culture of openness and transparency is essential, countering the tendency towards secrecy in administration. This can be achieved through citizen education and innovative mechanisms that discourage secrecy.

4. Exemptions to the RTI should only be allowed when they serve legitimate purposes, ensuring that discretion is not misused. The formulation of these exemptions should be limited.

5. Procedural aspects of accessing information should be efficient, ensuring that mechanisms for requesting and obtaining information are rapid, free, and fair.

6. Fees for access to information should not be excessive or it should not be served as a barrier to gain information.

7. Conferences, whether internal or external, within the administration should be conducted in an open manner, however, subject to the exceptions where necessary.

8. Existing laws should be amended in consonance with these principles. Priority must be given to the openness. Laws that are unable to be amended should be repealed to promote transparency.

9. RTI activists should be secured from undue pressure, both in terms of their service and from the state.

These principles assist as a model for effective RTI legislations.

5. CONCLUSION & RECOMMENDATIONS

The RTI has the potential to reshape societies by promoting transparency, ensuring accountability, and by enhancing the good governance. Throughout this research paper, the diverse objectives of the RTI and its fundamental role in upholding good governance, combating corruption, and fostering public participation are explored. RTI empowers people to make informed decisions and actively participate in democratic processes by granting them access to information about government activities where their interest is involved. It serves as a catalyst for citizens: it enables them to hold their governments answerable for their activities. Moreover, the RTI plays a vital role in lessening corruption by bringing those who are involved in corruption and corrupt practices to the surface.

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Furthermore, the RTI is also one of the key drivers responsible for economic growth because it promotes transparency and enables fair competition. When it provides citizens with information about the policies enacted by rule-making bodies concerning citizens, it fosters business opportunities in democratic societies. Openness increases business, and business, in turn, increases economic growth. Moreover, when it enables citizens to participate in decision-making, it enhances their trust in the government. Eventually, this enables the government to work more freely and efficiently.

In summary, the RTI holds the potential to reform the process how governments function and how citizens engage with them. Despite that the full potential of the RTI depends on its effective implementation and vigorous enforcement.

The following recommendations aim to harness the benefits of RTI legislation for citizens:

1. Establishment of a strong and independent RTI commission.
2. Provision of comprehensive training regarding RTI laws to the public officers and officials.

3. Enhancement of the accessibility of information to everyone, by using online technological facilities.

4. Promotion of the public participation through increasing the involvement of citizens, stake holders of civil society, various organizations in public importance matters.

5. Develop a culture of openness and accountability in governmental functions.

6. Make the RTI law easily accessible to all citizens.

7. Establish a national RTI helpline or a complaint center.

This list of recommendations is not exhaustive, but it is the outcome of the aforementioned comprehensive discussion. By integrating these recommendations, government can enhance the usefulness of the RTI, and citizens will reap the benefits of RTI legislations.

The RTI is a powerful tool, yet it is not magical. Its usefulness relies on its vigorous implementation and enforcement. It is a continuous process. This valuable tool benefits not only citizens but also governments because it offers them also an opportunity to enhance their performance and to foster trust with their citizens.

6. REFERENCES

- Adorno, Sergio, and Nancy Cardia. 2013. "The Importance of Access to Information, Past and Present: Human Rights in Contemporary Brazil." *American International Journal of Social Science* 2(8):20–29.
- Ansari, M. M. 2008. "Right to Information and Its Relationship to Good Governance and Development." *ICMA Lecture at UNESCO*. Retrieved May 7:2018.
- ARTICLE 19. 2012. "International Standards: Right to Information." *ARTICLE 19*. Retrieved November 25, 2023 (<https://www.article19.org/resources/international-standards-right-information/>).
- Banisar, David. 2006. "Freedom of Information around the World 2006: A Global Survey of Access to Government Information Laws." *Privacy International*.
- Berliner, Daniel. 2013. "Institutionalizing Transparency: The Global Spread of Freedom of Information in Law and Practice." PhD Thesis.

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Author: Hafiz Muhammad Azeem, Abbas Sheer, Muhammad Umar

BeVier, Lillian R. 1980. "An Informed Public, an Informing Press: The Search for a Constitutional Principle." *Calif. L. Rev.* 68:482.

Bhat, Rouf Ahmad. 2015. "Right To Information Act: A Tool For Good Governance." *Research on Humanities and Social Sciences* 5(5):185–89.

Bingham, Tom. 2011. *The Rule of Law*.

Birkinshaw, Patrick. 2006. "Freedom of Information and Openness: Fundamental Human Rights." *Admin. L. Rev.* 58(01):177.

Brandeis, Louis Dembitz. 1914. *Other People's Money: And How the Bankers Use It*. F.A. Stokes.

Commonwealth Expert Group. 1999. "Commonwealth Expert Group Meeting on the Right to Know and the Promotion of Democracy and Development." Marlborough House, London.

Darbishire, Helen. 2010. *Proactive Transparency: The Future of the Right to Information?* World Bank.

Davis, Jeffrey. 2014. *Seeking Human Rights Justice in Latin America: Truth, Extra-Territorial Courts, and the Process of Justice*. Cambridge University Press.

Fenster, Mark. 2010. "Seeing the State: Transparency as Metaphor." *Administrative Law Review* 617–72.

Florini, Ann M. 2002. "Increasing Transparency in Government." *International Journal on World Peace* 19(3):3–37.

Gochhayat, Sai Abhipsa. 2010. "Corruption Is a Threat to Good Governance." Available at SSRN 1742937.

Hernández-Valdez, Alfonso. 2009. *Budgeting Implications for ATI Legislation The Mexican Case*. Access to Information Working Paper Series. The World Bank.

Hins, Wouter, and Dirk Voorhoof. 2007. "Access to State-Held Information as a Fundamental Right under the European Convention on Human Rights." *European Constitutional Law Review* 3(1):114–26.

Hoffman, Lonny Sheinkopf. 2006. "Access to Information, Access to Justice: The Role of Presuit Investigatory Discovery." *U. Mich. JL Reform* 40:217.

Hussain, Abid. 2000. *Report of Abid Hussain, Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression*. E/CN.4/2000/63/Add.1. Geneva: UN.

Indian Express Newspaper Bombay Ltd v Union of India.

Jenkins, Rob, and Anne Marie Goetz. 1999. "Accounts and Accountability: Theoretical Implications of the Right-to-Information Movement in India." *Third World Quarterly* 20(3):603–22. doi: 10.1080/01436599913712.

Title: *Unveiling the Power of the Right to Information.....*

Author: Hafiz Muhammad Azeem, Abbas Sheer, Muhammad Umar

Kaye, David. 2017. *Report of the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression : Note / by the Secretary-General.*

Keen, Mike Forrest. 1992. "The Freedom of Information Act and Sociological Research." *The American Sociologist* 23(2):43–51. doi: 10.1007/BF02691907.

Klaaren, Jonathan. 2005. "A Second Look at the South African Human Rights Commission, Access to Information, and the Promotion of Socioeconomic Rights." *Hum. Rts. Q.* 27:539.

Klaaren, Jonathan. 2013. *The Human Right to Information and Transparency.*

Kumar, Sudesh, and Mohit Bindlish. 2012. "Right to Information a Key to Good Governance." *ACADEMICIA: An International Multidisciplinary Research Journal* 2(5):67–71.

Langdon, Steven. 2005. "Transparency and 'Good Governance:' The Role of Freedom of Information Laws in Canada." *X Congreso Internacional Del CLAD Sobre La Reforma Del Estado y de La Administración Pública.*

Laskar, Sahina Mumtaz. 2016. "Importance of Right to Information for Good Governance in India." *Bharati Law Review, October–December* 217–24.

Lidberg, Johan. 2006. "Keeping the Bastards Honest': The Promise and Practice of Freedom of Information Legislation." Doctor of Philosophy (PhD), Murdoch University.

Madison, James. 2013. *Letters and Other Writings of James Madison, Fourth President of the United States Volume 2 Volume 2.* Hardpress Publishing.

Mathiesen, Kay. 2008. "Access to Information as a Human Right." *Available at SSRN* 1264666.

McDonald, Barry P. 2004. "The First Amendment and the Free Flow of Information: Towards a Realistic Right to Gather Information in the Information Age." *Ohio St. LJ* 65:249.

Mendel, Toby. 2008. *Freedom of Information: A Comparative Legal Survey.* Second and Revised. UNESCO: Paris.

Milton, John. 1873. *Milton's Areopagitica: A Speech for the Liberty of Unlicensed Printing.* Longmans, Green and Company.

Mungiu-Pippidi, Alina. 2013. "FOIA as an Anti-Corruption Tool." *European Research Centre for Anti-Corruption and State-Building Working Paper* 34.

Munir, Muhammad. 2013. "Freedom of Expression, Information, Thought and Religion in Islam and Convention on the Rights of the Child (CRC)."

Pakistan Information Commission. n.d. "What Is Right to Information (RTI)?" *Pakistan Information Commission.* Retrieved November 25, 2023 (<https://rti.gov.pk/what-is-right-to-information-rti/>).

Title: *Unveiling the Power of the Right to Information.....*

Author: Hafiz Muhammad Azeem, Abbas Sheer, Muhammad Umar

Peisakhin, Leonid. 2012. "Transparency and Corruption: Evidence from India." *The Journal of Law and Economics* 55(1):129–49. doi: 10.1086/663727.

Peled, Roy, and Yoram Rabin. 2010. "The Constitutional Right to Information." *Colum. Hum. Rts. L. Rev.* 42:357.

Peltz-Steele, Richard J. 2018. "Accountability in the Private Sector: African Ambition for Right to Information in India."

PILDAT. 2018. "Right to Information Law: Background Paper for Women, Minorities, CSOs, and Media."

Plumptre, Timothy Wynne, and John Graham. 1999. "Governance and Good Governance: International and Aboriginal Perspectives."

Pollock, Frederick. 1920. "Abrams v. United States." *LQ Rev.* 36:334.

Roberts, Alasdair. 2010. "A Great and Revolutionary Law? The First Four Years of India's Right to Information Act." *Public Administration Review* 70(6):925–33. doi: 10.1111/j.1540-6210.2010.02224.x.

Peoples Union for Civil Liberties v Union of India.

Province of Punjab v Qiasar Iqbal & Others.

Sharma, Prashant. 2012. "The Right to Information Act in India: The Turbid World of Transparency Reforms." PhD Thesis, London School of Economics and Political Science.

Shkabatur, Jennifer. 2012. "Transparency with (out) Accountability: Open Government in the United States." *Yale L. & Pol'y Rev.* 31:79.

Singh, Akashdeep. 2013. "RTI: A POWERFUL TOOL TO STRENGTHEN GOOD GOVERNANCE." *Public Administration* 10(1):36.

Stevenson Jr, Russell B. 1982. "Protecting Business Secrets Under the Freedom of Information Act: Managing Exemption 4." *Admin. L. Rev.* 34:207.

Sullivan, Barry. 2012. "FOIA and the First Amendment: Representative Democracy and the People's Elusive 'Right to Know.'" *Maryland Law Review* 72(1):1.

Swati Kedia. 2016. "Right to Information and Good Governance." *International Journal of Commerce and Management Research* 2(3):158–62.

Tiilikka, Päivi. 2013. "Access to Information as a Human Right in the Case Law of the European Court of Human Rights." *Journal of Media Law* 5(1):79–103. doi: 10.5235/17577632.5.1.79.

Transparency.org. 2023. "Pakistan." *Transparency.Org.* Retrieved November 25, 2023 (<https://www.transparency.org/en/countries/pakistan>).

Title: *Unveiling the Power of the Right to Information.....*

Author: Hafiz Muhammad Azeem, Abbas Sheer, Muhammad Umar

The Constitution of the Islamic Republic of Pakistan, 1973.

The Punjab Transparency and Right to Information Act 2013.

UN General Assembly. 1946. "Refworld | Calling of an International Conference on Freedom of Information." in *Refworld*.

Vadlamannati, Krishna Chaitanya, and Arusha Cooray. 2017. "Transparency Pays? Evaluating the Effects of the Freedom of Information Laws on Perceived Government Corruption." *The Journal of Development Studies* 53(1):116–37. doi: 10.1080/00220388.2016.1178385.

Vincent Clayton. 2008. "Something to Talk About: Applying the Unwritten Principle of Democracy to Secure a Constitutional Right to Access Government Information in Canada." D Phil Thesis, University of Toronto.

World Bank. 2017. *World Development Report: Governance and the Law*.