

COMPARATIVE STUDY OF COVERAGE OF
PUBLIC AUTHORITIES UNDER RTI IN
DIFFERENT COUNTRIES

(Shreya Saxena,

IV semester, BA LLB (Hons)

Vivekananda Law School, Vivekananda Institute of Professional
Studies (VIPS), Pitampura
GGSIPU- Delhi)

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Abstract: *This paper is an attempt to study the extent and ambit of the Right to Information Act in different countries. This paper delves into the comparative study of the expanse of the Freedom of Information Act with respect to public authorities covered within it. The paper also points out certain problems with the existing legal framework pertaining to public authorities and provides suggestions to improve the same.*

Key words: *freedom of information, public authorities, transparency, accountability, right to information*

I. INTRODUCTION

Not only does a citizen have the right to know, but the Government also has a duty to inform. The right to know and the duty to inform are really two sides of the same coin. The Supreme Court should also appreciate that in cases where the Government has the right to withhold information in public interest, there is also a corresponding obligation on the Government to make public all information, the withholding of which is not in public interest. It is only when the right to know is coupled with the duty to inform that a citizen's fundamental rights and the Directive Principles of State Policy can have some meaning.

There are essentially two kinds of information included within the Right to Know. Firstly, information in which an individual is personally interested and secondly, information in which the public at large is interested. As regards information of individual importance it seems quite obvious that a person has the right to know everything that personally affects him. Information in which the public at large is interested is unlimited in its scope. But this does not mean that the people must know everything. For example, the people do not have the right to know complete details of defence preparations, details of foreign policy and similar political affairs.

The people do, however, have the right to know the state of the environment and what the Government is doing to implement the laws and generally what are the policies of the Government. This will enable

the people to effectively monitor the "health" of the country. On the other hand, if relevant information of this kind is withheld, the result will be a total absence of meaningful public debate and public participation in the affairs of the country. In the long run, this will also handicap the Government in taking the right decisions which also have popular approval. Of course, there are bound to be grey areas. However, these grey zones would be very rare. But wherever possible, the people should get the benefit of doubt or any such dispute should be expeditiously adjudicated by a competent court, on merits.^[1]

The state of the Freedom of Information Act differs from nation to nation on the basis of the quality of world's access to information laws .According to Global Right to Information ratings, Mexico ranks at the top of the list to become a country which has a commendable legal framework pertaining to Freedom of Information : well-conceived, well-articulated and unequivocal in its intent to guarantee of the right of citizens to obtain information about their executive branch. It rests on a premise of disclosure, defining all government information as public (Article 2), and directing government agencies and entities to favor “the principle of publicity of information” (Article 6) over secrecy.

Tajikistan on the other hand ranks amongst the lowest. The scope of the RTI act is limited and implementation has been unsatisfactory. There also appears to be low awareness of the act among the masses which has lead to restricted application of the act.

II. WHY ARE PUBLIC AUTHORITIES LIABLE

Public authorities are held liable under the Freedom to Information laws of various nations because by virtue of the functions of such authorities they are answerable to the people of the nation whom they serve. These public authorities exercise functions which may affect the lives of the people, and as a natural corollary the people should be empowered to seek information and ask questions regarding their working and the functions they perform. The reason why such public authorities and at times even private corporations (either substantially funded by the state or under state control) are incorporated under the Acts is to make public administration transparent and accountable.

This is in keeping with the principles of democracy where the people are sovereign and hence should

[1] Madan B. Lokur, *The right to know and the duty to inform*, PUCL BULLETIN, 1986.

have access to all information which affects them except when devolution of such information is hazardous to national security ,public interest, international relations etc.

III. TEST FOR DETERMINING PUBLIC AUTHORITIES

The test for whether a body is a public authority or not can be determined on the basis of assessing the following factors. These factors are:

a) If the entire share capital of the corporation is held by the government, it may be an indicator of the body being a public authority.

b) Where the financial assistance of the state is so much so as to meet almost entire of the corporation. The RTI Acts do not define substantial financing. Consequently courts are often required to decide whether a particular form and quantum of financial aid constitutes substantial finance. Courts have not given a uniform interpretation of what constitutes substantial financing. In one case benefits received by the institution in the form of share capital contribution, subsidies, land allotment etc. were cited as examples of such financing. Payments of grants for salaries of teachers and staff in educational institutions have also been held to be substantial funding.^[2]

c) Existence of deep and pervasive state control may afford an indication that the corporation is a public authority, the manner in which that influence is exercised is irrelevant.

d) If the functions of the corporation are of public importance and closely related to government functions it would be a relevant factor in classifying a corporation as a public authority.

IV. MEXICO- AN IDEAL SCENARIO

The Freedom of Information law in Mexico is well-conceived, well-articulated and unambiguous in nature, guaranteeing the citizens the right of to obtain information about their executive branch. It is

[2] *Who is a Public Authority under the Right to Information Act, 2005*, Anirudh Burman RTI Briefs Vol.1, No.5 2013

based on the policy of maximum disclosure, defining all government information as public (Article 2), and directing government agencies and entities to favor “the principle of publicity of information” (Article 6) over secrecy.

According to it agencies are required to publish in a routine and accessible manner all information concerning their daily functions, budgets, operations, staff, salaries, internal reports, and the awarding of contracts and concessions (Article 7).

It grants citizens the right to access the information that is not already public through an uncomplicated request process (Article 40), with a right to appeal an agency's decision to deny information (Article 49), and the right to take the case to court in the event that the appeal is denied (Article 59).

In one special and innovative clause, the law singles out information regarding crimes against humanity or gross human rights violations as unique, and expressly prohibits the government from withholding such information under any circumstance.

Public authorities under National Freedom of Information Act 2002-

Mexico's new national law states its broad objectives in the fourth article: among them, to "make public administration transparent," to "encourage accountability to citizens" so that they may evaluate the performance of government agencies, and to "contribute to the democratization of Mexican society and the full operation of the Rule of Law." Although it is explicit about the executive's obligations to transparency, the law fails at establishing the same kind of standards for Congress and the judiciary.

The Law defines separately the obligations of two sets of public bodies. All public bodies, defined as "subjects compelled by the Law" are defined and then a sub-set of these, termed "agencies and entities" is carved out from this. The Law presents a more detailed set of obligations for 'agencies and entities' (basically the executive branch of government), and less detailed obligations for 'other' public bodies.

All "subjects compelled by the Law" (public bodies) includes:

- the federal executive branch and the federal public administration;
- the federal legislative branch, including the House of Deputies, the Senate, the Permanent Commission and other bodies;
- the federal judicial branch and the Council of the Federal Judicature;
- autonomous constitutional bodies;
- federal administrative tribunals; and
- any other federal body.

Autonomous constitutional bodies is further defined to include bodies like the Federal Electoral Institute, the National Commission for Human Rights, the Bank of Mexico, universities and any others provided for in the Constitution.

“Agencies and entities”, on the other hand, is defined as including bodies indicated in the Constitutional Federal Public Administration Law, including the President and decentralised administrative institutions, such as the Office of the Attorney General.

The definition of public bodies encompasses all branches and levels of government. At the same time, it does not necessarily include private bodies which are funded by government, or private bodies which undertake public functions. The First Section of the Law applies to all public bodies. However, the Second Section, which contains most procedural provisions, as well as the oversight system, including IFAI, applies only to agencies and entities, effectively the executive branch of government. The Third Section, which applies to other public bodies, mainly the legislative and judicial branches of government, as well as the five autonomous bodies is containing only two Articles, but it does incorporate many of the obligations and oversight functions provided for in Section Two.

This is an innovative approach to including all three branches of government under the Law while respecting constitutional divisions of power. At the same time, this has lead to differential application of the Law, with the executive branch (agencies and entities) being subject to more rigorous oversight, and by more independent bodies.

The law attempts to hold all Mexican government and quasi-government institutions to equal standards of disclosure, including the Federal Election Institute, the national universities, and federally-owned commercial interests such as petroleum giant PEMEX, among others. Political parties, for example, are required to open government audits and any reports they submit to the Federal Election Institute, but they are not required to publish information about their funding sources. (The public may request that information through the law.)^[3] Articles 13 and 14 contain exemptions to disclosure. Article 13 lists five categories of information considered classified, incorporating the concept of “harm” – that is, the information is classified only if its disclosure could cause identifiable damage.

[3]Kate Doyle, Mexico's new Freedom of Information Law,2002

Broadly stated, the categories are national security, international relations, economic stability, personal life and ongoing law enforcement investigations. Article 14 enumerates another six categories of information considered exempt.

V. UNITED STATES OF AMERICA

The term “agency”, which refers to the public bodies under an obligation to disclose, includes, “any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government ,or any independent regulatory agency” (paragraph (f)(1)). The Law is thus focused on the executive branch of government, in all its manifestations, including where it controls private corporations. It does not, however, cover either the legislative branch – Congress – or the courts. Nor does it cover the Executive Office of President, including, for example, the National Security Council and White House Counsel. Finally, it does not cover private bodies which are substantially publicly funded or which undertake public functions. This is relatively limited in scope compared to some of the more recent right to information laws.

There are no limits to lodging requests for information based on citizenship or residence, and foreigners do frequently use the RTI Law. This is somewhat limited by subparagraph (a)(3)(E), which states that no public body which is “an element of the intelligence community”, as defined by the National Security Act of 1947(section 3(4)), shall make information available to a foreign government entity. There are nine categories of discretionary exemptions: national security, internal agency rules, information protected by other statutes, business information, inter and intra-agency memos, personal privacy, law enforcement records, financial institutions and oil wells data. There are around 140 different statutes that allow for withholding outside the Act. ^[4]

VI. UNITED KINGDOM

The Federal Freedom of Information Act applies to documents held by agencies of the executive branch of the Federal Government. The Freedom of Information Act is applicable upon information held by:

[4] Privacy International Report: ‘Freedom of Information Around the World 2006 – A Global Survey of Access to Government Information Laws’

Ministers, State government departments, Local councils, Most semi-government agencies and statutory authorities, Public hospitals, Universities, TAFE colleges and schools.

The FOIA does not apply to elected officials of the Federal Government, including the President, Vice President, Senators, and Representatives. The FOIA does not apply to the Federal judiciary. The FOIA does not apply to private companies; persons who receive Federal contracts or grants; private organizations; or State or local governments. In addition to the bodies listed in the Act, with effect from 1 September 2013 the definition of a public authority now also covers companies which are wholly owned:

- by the Crown;
- by the wider public sector; or
- by both the Crown and the wider public sector.

The Law also provides that the Secretary of State may add to or remove from the list of bodies in Schedule I-

Part I - General (Central Government)

Part II - Local Government

Part III - The National Health Service

Part IV - Maintained Schools and other Educational Institutions

Part V - Police

Part VI - Other Public Bodies and Offices: England and Wales

Part VII - Other Public Bodies and Offices: Northern Ireland^[5]

subject to certain conditions (section 4), or more generally designate as public, bodies which “exercise functions of a public nature” or which provide contract services for a public body (section 5). The right to access information under the United Kingdom RTI Law is not limited by nationality or residence.^[6]

VII. INDIA

[5]Freedom of Information Act ,Schedule I, UK 2000

[6] Toby Mendel, *Freedom of Information: a comparative study*

The Right to Information is available to citizens only but includes legal persons. According to section 2(h) of the Right to Information Act 2005,"public authority" means any authority or body or institution of self-government established or constitute :

- (a) by or under the Constitution;
- (b) by any other law made by Parliament;
- (c) by any other law made by State Legislature;
- (d) by notification issued or order made by the appropriate Government, and includes any—
 - (i) body owned, controlled or substantially financed;
 - (ii) non-Government organization substantially financed, directly or indirectly by funds provided by the appropriate Government;"^[7]

Although the right to obtain information about private entities performing a public function has been recognized by some high courts, but it is not yet an accepted part of the legal framework.

Certain entities are clearly “public authorities”. These are all the entities falling within clause (a) to (d) of Section 2(h), namely:

(a) Constitutional authorities such as the Union and state executives, Union and state Council of Ministers, the President and Governors, Parliament and state legislatures, Election Commission, Comptroller and Auditor General of India, etc.

(b) Bodies created by law made by Parliament or state legislatures, such as regulatory bodies (SEBI, RBI etc.), high courts, educational institutions created by law, etc.

(c) Bodies created by notification or order of the appropriate government, such as Planning Commission, UIDAI, etc.

However, the mere establishment of a body under a statute will not automatically render it a public authority for the purposes of the RTI Act. Therefore, companies incorporated under the Companies Act, 1956, societies and trusts registered under laws providing for their creation and registration do not become public authorities merely by virtue of Section 2(h)(d) of the RTI Act.

[7]Right to Information Act, 2005

The bulk of the controversy regarding which entities are public authorities arises from the second part of the definition of public authorities. Decisions of courts on these issues (government control, substantial financing by the government, and the performance of public functions) are varied, and at times contradictory.

Based on these criteria, High Courts have brought a number of entities within the ambit of “public authority”. These include: Autonomous institutions such as sports associations, Schools and educational trusts, Registered societies, and cooperatives.

VII- A . STATE UNDER ARTICLE -12 VIS-A-VIS ‘PUBLIC AUTHORITY’ UNDER RTI

It is a settled proposition of law that the definition of the term ‘public authority’ is wider than the scope of the term ‘state’ as defined in Article 12 of the Constitution. This definition is wide and covers even those organizations that do not enjoy a constitutional monopoly.

This is further evidenced by the fact a lot of bodies that were declared to be ‘public authorities’ were in fact not adjudged to be ‘state’ under Article 12. Indeed, while the Board of Control for Cricket in India was held not to be state, the Indian Olympic Association,^[8] with similar facts and circumstances was adjudged to be a ‘public authority’ by the Delhi HC. Similarly, many schools and colleges have also been held to be covered under the Act, because the school was performing a public function and received substantial grants-in-aid from the Government.

The interpretation of the first sub-part may, however, seem problematic when a specific contingency is considered. For example, an organization may be adjudged ‘state’ under Article 12 but is nonetheless unfit to be called a ‘public authority’ under Section 2(h)(d)(ii). Such a unique instance was provided by an order of the Delhi High Court, which held that the private news television channel Aaj Tak was amenable to writ jurisdiction. Further it awarded five lakh rupees to the petitioner, a rape victim, for violations of her right to privacy and confidentiality as the respondent news channel had revealed her name. From the principles stated in the previous sub-part, it becomes clear that a private news channel would have never qualified as a ‘public authority’ under Section 2(h) (d). It has no constitutional or statutory status, it does not enjoy substantial grants-in-aid and it performs a function that is almost exclusively performed by private empires today. ^[9]

[8] *Indian Olympic Association v. Veeresh Malik* W.P.(C) No. 876/2007

[9] Abhinav kumar, Prakhar Bhardwaj, Book Review Of “The Right To Information In India”

In the case of *MP verghese v. Mahatma Gandhi University*^[10] it was observed that the definition of ‘public authority’ has a much wider meaning than that of “State” under Article 12 is primarily in relation to enforcement of fundamental rights through Courts, whereas the RTI Act is intended at achieving the

object of providing an effective framework for effectuating the right to information recognized under Art. 19 of the Constitution of India.

VIII. CHINA

Article 13 - applies to citizens and legal persons giving them the right to freedom of Information under the People's Republic of China Ordinance on Openness of Government Information. Article 4 seems to apply this law to every government or government office at the county level or higher, but there is no mention of archives or dependent agencies.

The law makes no mention of the National People's Congress and it is unclear whether it fits within the definition of "government". The right of access does not apply to the judicial branch as the law makes no mention of it.^[11]

State-owned enterprises (commercial entities that are owned or controlled by the State), other public authorities, including constitutional, statutory and oversight bodies and private bodies that perform a public function and b) private bodies that receive significant public funding have not been mentioned too, hence the position regarding them remains ambiguous.^[12]

The new regulations, however, issued by the State Council in 2014, cover eight main areas which aimed at broadening and deepening the range of subjects people should be able to get information on, including state-owned enterprises, universities and how public servants spend state money.

IX. RUSSIA

Everyone (including non-citizens and legal entities) has the right to file requests for information. Legal entities are included directly under the Federal Law on Providing Access to Information on the

[10] AIR 2007 Kerala 230

[11] Jamie P. Horsley ,China Adopts First Nationwide Open Government Information Regulations.

[12] "Country." *Global Right to Information Rating*. N.p., n.d. Web. 06 June 2017. <http://www.rti-rating.org/view_country/?country_name=China#scope>.

Activities of Government Bodies and Bodies of Local Self-Government first adopted in 2009. The law wording is not fully clear but contains a clarification that a "citizen" can be a "natural person" not obliged to have Russian citizenship.

According to Article 2 Section 1: "The scope of the present Federal Law extends to relations arising in connection with providing access for information users to information on the activities of government bodies and bodies of local self-government." and extends to granting of information on their activities, upon the request of an editorial board of a mass media entity, in areas which remain unregulated by the legislation of the Russian Federation on mass media."

The right of access applies to the legislature and judiciary, including both administrative and other information, with no bodies excluded.

There is an special law on access to information held by the Courts or the Judicial branch. It can be inferred that the administrative information will be included under the scope, but it can't be assured about all information. The list of information available about courts is regulated by this law. Dissenting opinions of judges are now being published online for the first time, and the Moscow City Court is going to publish applications from officials and politicians, in an attempt to "eliminate behind-the-scenes influence upon the judicial power branch as well as any pressure on judges, therefore promoting judicial independence."^[13]

The right of access applies to State-owned enterprises (commercial entities that are owned or controlled by the State), other public authorities, including constitutional, statutory and oversight bodies (such as an election commission or information commission/er) and

- a) private bodies that perform a public function and
- b) private bodies that receive significant public funding.

According to Article 8, Agencies and organizations may refuse to provide information on inquiries if the requested information contains materials: ^[14]

- Which comprise a state secret;

[13] Right2Info.org, "Russian Courts Move Towards Transparency" (news article), 7 Jun 2011, <http://right2info.org/news/russian-courts-move-towards-transparency>

[14] "Country." *Global Right to Information Rating*. N.p., n.d. Web. 06 June 2017. <http://www.rti-rating.org/view_country/?country_name=Russia#scope>.

- On implementation of operative-search and investigative activity in accordance with lawfully established procedure;
- On judicial review of civil and criminal cases in instances when disclosure of this information is

prohibited by law or may violate the right of an individual to an objective judicial review of his case or pose a threat to the life or health of a citizen;

- Which comprises a commercial or official secret;
- About the private life of another person, without his consent;
- Access to which is limited by other federal laws.^[14]

X. TABULAR ANALYSIS OF PUBLIC AUTHORITIES COVERED

PUBLIC AUTHORITY	EXECUTIVE					LEGISLATURE	JUDICIARY	PVT. BODIES
	Head of State	Ministries	Non-statutory Agencies	State and Local Govts.	Exempted central agencies	Bodies excluded	Bodies excluded	
MEXICO	Act is applicable to the President	All ministries are covered within the Act. They also include the ministry of the Interior (including the National Human Rights Commission, National Electoral Institute etc.)	Non statutory agencies under the control of the government are also within the ambit of the Act.	State and local governments are answerable under the Act. Moreover states are allowed to have their own laws for the same. For example state of Sinaloa.	No Central agencies are exempted. However, at times information may not be provided owing to reasons in article 13 and 14 such as national security, public interest etc.	Bodies excluded may be due to reasons mentioned in article 13 and 14, owing to international relations, public interest and security. If there have been human right violations, then information about the same ought to be given. The same cannot be	No bodies are excluded as such. However exceptions to divulgence of information may be made on the basis of national security, public interest, international relations, legitimate commercial and economic interests etc.	Private bodies either receiving financial aid from the state or which are under its control, are held to be within the ambit of the Act, and are liable to provide information accordi

						treated as privileged information		ngly.
UNITED KINGDOM	Prime Minister is within the ambit of the Act	The authorities liable under FOI have been mentioned in schedule 1 of the act. Apart from this Secretary of State may include any other body not so mentioned under schedule I.	Non statutory agencies, are liable under schedule 1.	Local governments are given exhaustively under Part II of the Schedule I.	The armed forces of the Crown as mentioned in schedule I are liable under the Act except a) the special forces, and b) any unit or part of a unit which is for the time being required by the Secretary of the State to assist the Governmental Communication HQs in exercise of its functions.	Includes as mentioned in schedule I, -The House of Commons -The house of Lords -The Northern Ireland Assembly -The National Assembly of Wales	Requests regarding proceedings of courts and tribunals can be sent to the Ministry of Justice. The information is available through electronic media.	Freedom of Information Act, as it only applies to government agencies is not available for obtaining information from private bodies.
UNITED STATES OF AMERICA	Information about the President is available under the Presidential Records Act however	The central offices of the White House are exempted.		State governments and municipal corporations are not included but the same is due to some structural aspects.	There are nine exemptions as provided under the Act. These include the Federal Bureau of Investigation (FBI), other intelligence services for security	The Act does not apply to the Congress and the Senate.	The Act does not apply to the judiciary	Private bodies and individuals are outside the scope of the act

	not under the Freedom of Information Act.				reasons among others.			
INDIA	The President and the Prime Minister both are covered under the Act.	Most ministries are covered under the act, subject to exceptions pertaining to National security, Defense Secrets, Foreign Secrets etc.	Non statutory agencies such as NGOs, educational institutes which are either under government control or derive financial aid from it.	State and local government such as panchayats are liable to provide information citizens may desire subject to public interest, economic and commercial interests etc.	Exempted central agencies may include defense ministry, Central Bureau of Investigation (CBI)	Rajya Sabha, Lok Sabha are liable under the Act. however this is subject to exceptions under section 8 of the right to Information act which include breach of parliamentary privilege etc.	The inclusion of the judiciary is a debatable topic in India, because it raises a question upon the Independence of Judiciary.	Private bodies and individuals are not liable under the act, however if such a body either derives funding or are under control of the government then they may be liable.
CHINA	Article 4 seems to apply OGI Act to every government or government office at the county level or higher, but there is no mention of archives or dependent agencies. It also does not apply to any other public institution— such as the ruling party. According to Article 2 of OGI, government information is defined as information that administrative organs generate or acquire during the process of performing their work, therefore the scope is restricted.				Exemptions may be in interest of national security, economical and commercial interests, and state secrets.	The OGI Act does not cover within its scope the legislature-the people's congress system.	China's court system, is ultimately subordinate to the National People's Congress (NPC) Standing Committee and the Party, and does not	According to Article 2 of OGI, government information is defined as information that adminis

							enjoy the power to interpret law, only to apply it.	trative organs generate or acquire during the process of performing their work, therefore private authorities are not included.
RUSSIA	The President is within the scope of the Act.	The ministries are covered under the Act.	State-owned enterprises (commercial entities that are owned or controlled by the State) are also within the scope of the Act.	According to Article 5 agencies of state power and bodies of local self-government publicize the legal statutes adopted by them in accordance with the legislative procedure.	Exemptions have been provided in Article 8 of the Act, these may include operative or investigative activities sponsored by the state, information upon activities related to state secrets etc.	The legislature is included within the ambit of the Act without exclusion of any bodies.	There is a special law on access to information held by the Courts or the Judicial branch. It can be inferred that the administrative information will be included under the scope, but it can't be assured about all information. The list of information available about courts is regulated by this law.	The Act applies to private bodies which are either under the control of State or which receive financial aid from the State.

							Article 12. Judicial protection of the right to information Action (inaction) of agencies and organizations or their officials which violate the right to information may be appealed in court.	
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XI. SUGGESTIONS

In China, Chinese scholars and officials have observed that the scope of the State Secrets Law urgently needs to be narrowed and clarified in order to avoid undermining the fundamental purposes of the OGI Regulations to promote greater information flow.^[11]

In various other nations studied, the definition of “public authority” is too narrow. Even in India, although the inclusion of bodies receiving financial aid by the Government may cover some private or quasi-public bodies providing public services, the scope of the law should also include “bodies which undertake public functions on behalf of the Government”. At a time when outsourcing and privatizing are on the rise pertaining to the provision of public services - in the electricity, telephones and transport sectors for example – it is important that the public has a right to access information about these services and functions performed by these bodies.

The Act should also explicitly cover all three arms of government: executive, legislature and judiciary, subject to the exemptions. The exemptions to the rule of maximum disclosure should be kept to an barest minimum and should be narrowly drawn. The list of exemptions should be comprehensive and other laws should not be permitted to extend them. Broad categories of exemption with little detail should be avoided in order to prevent such interpretation which negate the safeguards provided and blanket exemptions for specific positions (eg. President) or bodies (eg. the Armed Services) should not

be permitted. In a modern democracy there is no rational reason why such exemptions should be necessary.

The public authorities covered under the Act should not only have a duty to disclose information upon request, but should also be required to proactively publish and disseminate documents of general relevance to the public, for example, on their structure, norms and functioning, the documents they hold, their finances, activities, any opportunities for consultation and the content of decisions/policies affecting the public.^[15]

Moreover, every public authority should formulate an electronic database consisting of their records for wide dissemination and to proactively publish certain categories of information so that the citizens need minimum recourse to request for information formally.

Public Authorities should also evaluate the applications received and identify areas of improvements and budget requirements. This would help in meeting the infrastructural needs, thereby meeting the requirements of the Act.

The public authorities providing information should classify the applications and complaints received under Right to Information Act, so that rendering replies may be easy. Separate sections dealing with a particular subject can be prepared. The method of classification must be decided accordingly.^[16]

They should also help spread awareness regarding the rights of general public to procure information regarding the functioning and activities of the public authorities respectively.

XII. CONCLUSION

The above analysis of the public authorities included shows that while in some countries Freedom of Information Laws are restrictive, in many other countries the same is expansive and almost all bodies (public/ private) have been incorporated. This is in keeping with the international standards of transparency and accountability.

Public Authorities covered under the Freedom of Information laws of various nations differ depending

[15] Commonwealth Human Rights Initiative, June 2004 Analysis of the Freedom of Information Act 2004 developed by the Pakistan People's Party

[16] SUGGESTIONS AND RECOMMENDATIONS, Shodhganga

upon various aspects of the country such as political, social and economical status quo of the nation. If a comparison is drawn between India and the United States of America- both democratic nations set apart

by degree of control exercised by the head of the State, it is easy to infer that while India provides a high degree of access to information to its citizens, the same is restricted in its scope in the United States of America, so much so that even the pivotal organs of legislature and judiciary have not been included. In order to explore the full potential of an Act, the policy of maximum disclosure should be applied. According to this, right to access information should be provided subject to minimum and an exhaustive array of exceptions. In the end, no matter how good a law or regulation may sound, or how flawed it may appear, the key to its success will be how it is carried out. In the case of the OGI Regulations(China), the responsibility will fall not only on government agencies to embrace as fully as possible the new culture of openness, but also on the central government to revise conflicting legislation such as the State Secrets Law.^[11]