

## **A COMPARATIVE ANALYSIS OF RIGHT TO INFORMATION: AN OVERVIEW OF INDIA, CHINA AND THE UNITED STATES**

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### **ABSTRACT**

There are now 126 nations that have regulations or laws that encourage access to information in some shape or form. In this paper, we examine three countries – India, China and the US to understand their laws that cover freedom of information and how these countries are faring in terms of implementation. India and the US being the largest and the oldest democracies in the world respectively while China being the most populous, the purpose of this paper was to examine how well is the access to information act implemented in these countries. The purpose of the act is to provide unhindered access to state information provided it does not fall under one of the exemptions or exclusions stated in the respective regulations. The paper first compares the provisions in the respective acts to see if each one caters to the fundamental right to freedom of information. We, then, review journals, articles, posts to see how well is this act being utilized and if there are any challenges witnessed. While all three acts cover the spirit of freedom of information, there are some variances to be found. From an implementation and impact standpoint, while this has made a significant difference in providing information to the people, there still are some challenges that need to be overcome – the expected turnaround time as stated in the act is seldom met and we find plenty of cases where the state withholds information by quoting one of the exemptions incorrectly. We also see that there are technological, operational and financial challenges which need to be resolved to help make this act work better in the coming times.

### **Access to Information and its significance**

Unhindered access to information, also termed as right to information or freedom of information, is now more or less an acknowledged human right. Human rights are inalienable rights that human being enjoy by virtue of being human, regardless of caste, creed, gender or even nationality. Within international human rights discourse said right is encompassed within the scope of freedom of

expression. The courts of most constitutional democracies have also interpreted it to be inherent in the right to free speech and expression. For instance, the Universal Declaration of Human Rights (Article 19) 1948, states that the fundamental right of freedom of expression encompasses the freedom to “to seek, receive and impart information and ideas through any media and regardless of frontiers”.<sup>1</sup>

Access to Information begins with the assumption that information held by public bodies is considered to be public information. And given that in democracies public institutions are ultimately accountable to the people the right of the public to access it free of encumbrance becomes obvious. That said, there are some exceptions, such as information that could impact national security or cause a breach of privacy.

The exercise of the right in certain matters is indispensable. For instance, the Indian Supreme Court has held it mandatory for candidates seeking election to the legislature(s) to disclose certain antecedents so as to facilitate an exercise of rational choice by the electorate. The court reasoned that while the right to vote is statutory, the choice inherent in it is a fundamental one covered under Article 19(1)(a), i.e., the freedom of speech and expression. Without relevant information at hand a voter cannot be said to exercise rational choice, and the expression of choice through the vote in that sense becomes farcical. The right to information in context of democracy has thus, in a sense, been declared sine quo non by the Supreme Court of India.<sup>2</sup>

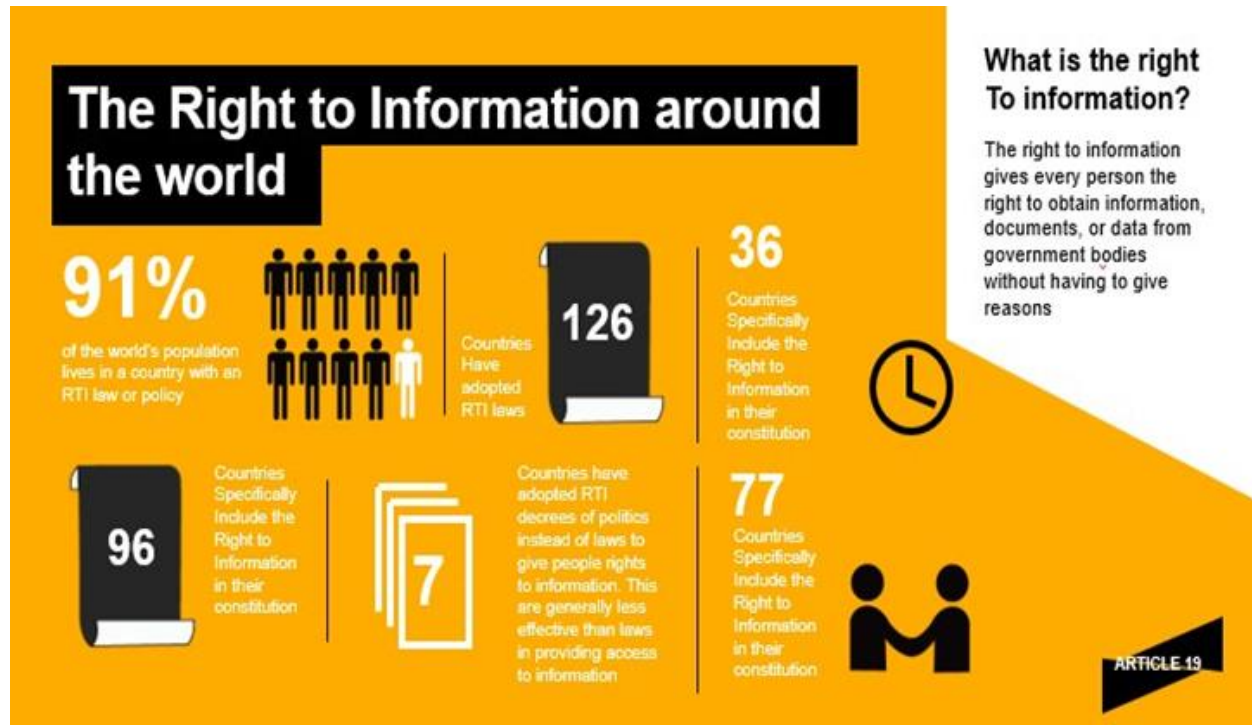
The above illustration also exemplifies how access to information is instrumental in the ensuring of transparency in public life.

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<sup>1</sup> “Access to Information Laws”, UNESCO. *Access to Information Laws | UNESCO*, 1 Jan. 2022, [en.unesco.org/themes/accessinformationlaws#:~:text=UNESCO's%20mandate%20as%20set%20out,access%20to%20information%20as%20cornerstones](https://en.unesco.org/themes/accessinformationlaws#:~:text=UNESCO's%20mandate%20as%20set%20out,access%20to%20information%20as%20cornerstones) Accessed on September 28, 2022

<sup>2</sup> *Association for Democratic Reform v Union of India (2002)*, <https://indiankanoon.org/doc/57050385/> Accessed on September 28, 2022

Access To Information in a snapshot -



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### Historical milestones -

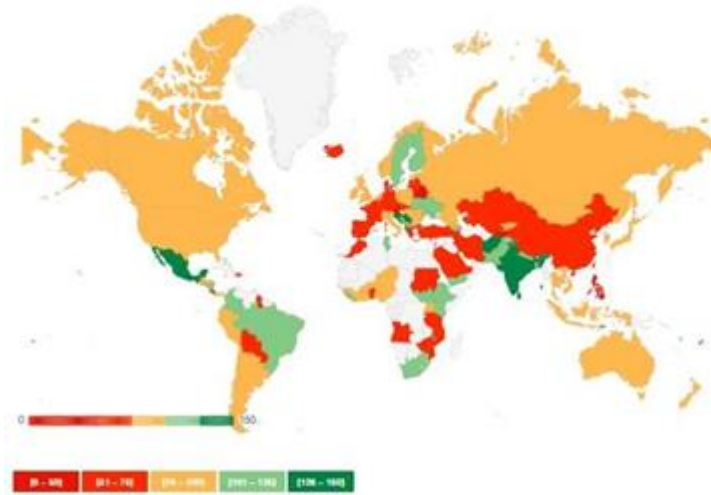
- [1] 1766 – Sweden adopts world’s first access to information law: law in 1766.
- [2] 1789 France’s Declaration of Human and Civil Rights
- [3] 1946 UN General Assembly Resolution 59(1) on Freedom of Information
- [4] 1966 United States of America adopts Freedom of Information Act:
- [5] 1981: Council of Europe adopts Recommendation to member States on the Access to Information Held by Public Authorities<sup>4</sup>

<sup>3</sup> “The Right to Information Around the World”, ARTICLE 19, 1 July 2018, [www.article19.org/right-to-information-around-the-world](http://www.article19.org/right-to-information-around-the-world). Accessed on September 28, 2022

<sup>4</sup> Darbshire, Helen. “History of Right of Access to Information – Access Info Europe.” *Access Info Europe*, 24 Nov.2021 [www.accessinfo.org/20090725/historyofrightofaccesstoinformation/#:~:text=1766%20E2%80%93%20Sweden%20adopts%20world's%20first,government%2C%20courts%2C%20and%20parliament](http://www.accessinfo.org/20090725/historyofrightofaccesstoinformation/#:~:text=1766%20E2%80%93%20Sweden%20adopts%20world's%20first,government%2C%20courts%2C%20and%20parliament). Accessed on September 29, 2022

The Center for Law and Democracy together with Access Info rates countries based on their Access to Information Acts since 2011.

**Global Right to Information  
Rating Map**



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**India’s Right to Information Act –<sup>6</sup>**

The Right to Information Act (RTI) in India was passed and implemented in 2005. This Act put in place a framework to allow people to access information held by different public authorities within India. The act is divided into six chapters.

When the RTI Act was originally enacted in 2005, it was applicable to all regions within the territory of India except Jammu and Kashmir. With the abrogation of Article 370 by the Government of India in August 2019, the J&K RTI Act (2009) was repealed and the RTI act that was applicable to the rest of India, was now applicable to the state of J&K as well. The act then defines the terminology used in the document so as to remove any ambiguity. Terms such as “Chief Information Commissioner”, “State Information Commissioner”, “records”, “appropriate government” etc. are clearly explained.

Chapter two outlines the provisions of this act. There are several sections and subsections that

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<sup>5</sup> “Rti Rating, Global Right to Information Rating”, Global Right to Information Rating, What Do You Want to Know?, <http://www.rti-rating.org>. Accessed 7 Oct. 2022.

<sup>6</sup> “THE RIGHT TO INFORMATION ACT, 2005” *rti.gov.in THE RIGHT TO INFORMATION ACT, 2005*[rti.gov.in/RTI%20Act,%202005%20\(Amended\)-English%20Version.pdf](http://rti.gov.in/RTI%20Act,%202005%20(Amended)-English%20Version.pdf). Accessed on October 3, 2022

cover the implementation of this act including the cataloguing and indexing of the data so that it can be furnished as and when required as part of RTI. It talks about digitization of the data, wherever possible. It also covers the appointment and designation of public information officers who would be needed in order to implement this act at both the center and at the state level.

Section 6 talks about steps to requesting information and how and by when the Chief Public Information Officer as well as the Assistant Public Information Officer can close it by either providing the information or denying it basis the exceptions that are provided in the law. Finally, this chapter ends by listing out all the exemptions that the law allows from disclosure of information. In a nutshell, this chapter lays out the implementation of the law for the central and state authorities to follow. It is explained in fair amount of detail.

The Central and State Information Commissions are statutory bodies that are expected to impose the authority of the RTI law by acting upon appeals that are registered with them. Chapters three, four and five cover the constitution of the Central Information Commission, the State Information Commission and their powers under the act. The Act also delves into the appeals process and the conditions under which the Information Commissions may impose penalties on public authorities where any of them are found to be flouting the law.

The last chapter of the law covers all the miscellaneous aspect of the act including types of organizations that are exempted from the law, monitoring and reporting, who has the authority to make new rules as well as educational programs to help the population understand their rights under this act.

### **China's Open Government Information (OGI) Regulation -<sup>7</sup>**

The Chinese Open Government Information Regulation originally came into effect in 2007. The latest revision to this regulation was brought into effect on May 15<sup>th</sup>, 2019. The objective of the regulation is to increase the level of transparency in the workings of the government. The purpose of the regulation is to bring more accountability in the bureaucracy as well as help build trust within the population.<sup>8</sup>

The first chapter covers the general provisions including the purpose of the regulation.

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<sup>7</sup> "Regulations on Open Government Information of the People's Republic of China (Chinese and English Text) | Congressional-Executive Commission on China." *Regulations on Open Government Information of the People's Republic of China (Chinese and English Text) | Congressional-Executive Commission on China*, 17 Jan. 2007, [www.cecc.gov/resources/legal-provisions/regulations-of-the-peoples-republic-of-china-on-open-government](http://www.cecc.gov/resources/legal-provisions/regulations-of-the-peoples-republic-of-china-on-open-government). Accessed on October 3, 2022

<sup>8</sup> Ibid

Information is defined as one that is either produced or acquired by the administration while rendering services. The General Office of the State Council is responsible for implementing the Open Government Information Regulation in the country. The expectation is that information would be provided promptly, if possible. Citizens as well as legal entities have the right to provide suggestions to improve the workings of the regulation.<sup>9</sup>

The next chapter covers the entities and the scope of disclosure. All information other than that concerning state or commercial secrets or information pertaining to the internal workings of a government department can be shared. The administrative departments shall produce, update and share Open Government Information catalogues regularly to keep everyone abreast with the latest changes. There shall be periodic reviews of OGI and this will be done in accordance with the "People's Republic of China State Secrets Law"<sup>10</sup>

Information can be shared either proactively or when prompted by an application. Let's talk about both:

- Proactive disclosure – The OGI regulation states that information that could have impact on more than just an individual or if there is public participation required for any decisions to be made should be made available to the public proactively. Government bodies will have the right to decide on medium of disclosure. The government is also responsible for providing the people with places to access the information – for example, public libraries or state archives. Examples of information that can be released proactively includes –
  - administrative regulations
  - organization setup
  - economic and social development plans as well as statistics related to the same
  - Budgets and accounting numbers
  - details on centralized purchasing program
  - major construction projects
  - emergency response plans

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<sup>9</sup> Ibid

<sup>10</sup> Supra note 7

- environment protection programs
- civil service recruitments
- By Request – Citizens can request for information other than what is being already published. The information will be provided to the citizen within 20 days of the request being received. If the information cannot be provided based on exemptions, then reasons will be provided to the requestor. If the ask is vague, further details will be sought from the requestor. If there is information regarding a 3<sup>rd</sup> party involved, they will be intimated and asked to either provide their acquiescence to providing the information or give reasons to withhold it. If withholding the information is detrimental to providing service to the public, the information may be released and the 3<sup>rd</sup> party will be duly informed. The medium to provide the information will be decided by the government body based on the cost to provide the information and state in which the information resides. Information can be partly disclosed if there are portions which fall under the exemption categories mentioned above. There is no cost attached to seeking Open Government Information. Citizens are discouraged from repeatedly filing application for the same information.<sup>11</sup>

The final two chapters cover the supervision mechanism as well as the safeguards against any deliberate misuse. The government is expected to provide regular training for government employees in imparting the services for OGI unhindered. Each government department is expected to submit annual reports by 31<sup>st</sup> Jan every year which will then be collated and published by 31<sup>st</sup> of March by the Government. Any Government department found guilty of dereliction of duty will either be reprimanded and in cases where the charges are serious could be levied with financial penalties or even legal proceedings. The latest update of this regulation came into effect in May, 2019.<sup>12</sup>

### **The United States Freedom of Information Act (FOIA) –<sup>13</sup>**

The Freedom of Information Act, henceforth referred to as FOIA, was originally passed in 1966. The purpose of the FOIA was to keep the people abreast with the functioning of the federal government. There have been several amendments to the act with the latest in being incorporated

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<sup>11</sup> Ibid

<sup>12</sup> Supra note 7

<sup>13</sup> “FOIA.gov - Freedom of Information Act: Freedom of Information Act Statute.” *FOIA.gov - Freedom of Information Act: Freedom of Information Act Statute*, <http://www.foia.gov/foia-statute.html>. Accessed on October 7, 2022.

in 2016. The FOIA directs government agencies to release information to the general populace in three ways –

(a). The agencies are expected to publish the procedure in the Federal Register. The **Federal Register (FR** or sometimes **Fed. Reg.**) is the official journal of the federal government of the United States that contains government agency rules, proposed rules, and public notices. It is published every weekday, except on federal holidays. (“Federal Register - Wikipedia”). This includes -

- a. This describes as to how the agency is organized including details on its central as well as its field offices. Details of employees to reach out to for submitting requests as well as obtain information and also the method to do the same.
- b. Places where the agency forms are available and instructions as to the scope and content of all documents.
- c. All amendments and revisions.

(b). Proactively publish information that has impact on more than just individuals as well as information that the agency records as being frequently sought. This includes -

- a. Final opinions in the outcome of cases.
- b. Policy statements and interpretations not appearing in the Federal Register
- c. Administrative staff manuals
- d. Records that have been released under the FOIA and agency feels that there may be subsequent requests from other interested parties for the same information

(c). Finally, agencies are expected to release all records, besides the one that fall under the exemption categories, upon request.

- a. Records are released in response to an explicit request. FOIA has laid down clear procedure for requestors and agencies to ask for information and submit a response. There are timeframes mentioned as well for normal requests as well as those that are influenced by “unusual circumstances”. The requestor is expected to have a clear ask for the agency to be able to provide information. The agency is expected to provide the requestor with the fee for providing the information. As per the norm, the agency is expected to respond to the requestor within 20 working days with whether it can provide the requestor with the required information or reasons if it cannot. The agency will also



inform the requestor of his/her right to appeal if the information sought may not be provided by the agency. Unusual circumstances, can be defined as either that the information is not easy to retrieve or that the output could exceed 5000 pages. Under such circumstances, the agency may ask for another 10 business days to respond to the requestor. Though the agency is not expected to provide the documents requested for in this timeframe, it is, however, expected that the agency would provide the scope of information that it would be able to disclose as well as information that may be withheld and the exemptions that may apply.

- b. A requestor has the right to appeal any adverse response. Upon receiving the appeal, the agency, once again, has 20 business days to take a decision. This, too, can be extended by another 10 days under unusual circumstances. If the agency upholds the earlier decision to withhold the information, it may inform the requestor FOIA's provisions for a judicial review of the decision. The requestor may proceed with a judicial review only once he/she has exhausted all options that the agency has afforded the requestor under the FOIA provisions. A requestor is not expected to reach out to the courts without first exhausting the appeals process. However, if an agency does not respond to the requestor within the timelines mentioned above, it will be considered that the requestor has exhausted all administrative options and can approach the federal court. If an agency does respond to a request before the requestor files suit, then the process is still active and the requestor must follow the internal appeals process before taking the legal course of action.
- c. Agencies are expected to respond to the requestor within 20 days of receiving the request. This section also allows the requestors to appeal if the information requested is withheld by the agency without having to go to the court.<sup>14</sup>

### **Exemptions – <sup>15</sup>**

There are nine exemptions under FOIA that permit agencies to withhold information. They are as follows -

- a. National Defense or Foreign Policy – Information that may have an impact on national defense or foreign policy can be withheld under this exemption. This does not mean that

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<sup>14</sup> "The Freedom of Information Act (FOIA): A Legal Overview – Congress", *The Freedom of Information Act (FOIA): A Legal Overview – Congress* <https://crsreports.congress.gov/product/pdf/R/R46238>. Accessed on October 7, 2022.

<sup>15</sup> Ibid

all national-security-related information is exempt but just those that have been covered under an executive order.

- b. Internal Personnel Rules and Practices - This provision is related to the HR policies and employee relations with a government agency including salaries and benefits.
- c. Matters exempted by other statutes – Agencies are allowed to withhold information that may have exemption from release under a statute outside of the FOIA. This may include patents, pricing etc.
- d. Trade secrets and Commercial or Financial Information – This provision covers privileged/confidential information that is submitted by entities to the government.
- e. Inter- or Intra-Agency Memoranda or Letters – This category was included to ensure that there can be honest exchanges within the executive branch without the fear of the information being released to the public
- f. Personnel, Medical, and Similar Files – Government agencies hold a large amount of information includes PII (Personal Identifiable Information) as well as PHI (Personal Health Information) and both cannot be released since that would be a breach of personal privacy.
- g. Law Enforcement Records or Information – Any information that, on being released to the public, could hinder the investigation by an arm of the law can be withheld as per this provision.
- h. Financial Institution Reports – This provision was included to protect the data shared by banks and other financial institutions with their supervising body so as to protect the institution's security.
- i. Geological and Geophysical Information and Data Concerning Wells – this concerns the topological data that may not be shared.

Besides this, FOIA has a category for exclusions as well which allows the agencies to withhold information without providing a reason. This is generally related to information regarding law enforcement agencies.<sup>16</sup>

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<sup>16</sup> Supra note 14

**Implementation and Impact –**

While we saw that the framing of the RTI/OGI/FOIA were quite similar in a lot of aspects, it is the implementation of the act and its impact on the common man that matters the most. Here are the findings –

**India –**

The Constitution of India Article 19 and 21 protect freedom of speech and freedom of liberty which has been interpreted by the courts as an extension to right to information. The Supreme Court of India ruled in 1975 that access to government information was an essential part of the fundamental right to freedom of speech and expression. There have been other pioneering judgments of the Supreme Court, including a ruling where it stated that disclosure should be the norm while withholding information an exception <sup>[8]</sup>.

As displayed in Global Right to Information Rating (“Rti Rating | Global Right to Information Rating | What Do You Want to Know?”), the RTI act is considered in the top 10 for the way it has been drafted. We will now try analyzing whether this has translated to better access to information on the ground....

Below are the statistics for RTI requests for the year 2019 and 2020<sup>17</sup>

Year	Number of requests pending from prior year	Number of RTI Requests Received during the Year	Total Number of RTI Requests	Number of RTI Requests Rejected	Percent of RTI rejected (%)
2019	310,110	1,374,315	1,684,425	58,634	4.27
2020	348,410	1,333,802	1,682,212	51,390	3.85

47% of the rejections are based on national security concerns. Based on the numbers above, the overall picture looks very promising but the devil is in the details. Some of the concerns coming out of the RTI implementation are – <sup>18</sup>

There is a relatively low awareness of RTI among rural population. This can only improve with educational and awareness programs that the government should run regularly. For running the

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<sup>17</sup> “Annual Report 2021”, Central Information Commission, 2021, <https://cic.gov.in/sites/default/files/Reports/Eng-AR2020-21.pdf> Accessed on October 7, 2022

<sup>18</sup> Ibid

RTI system, there has to be appropriate funding and that has been brought into question earlier. The funding is required for the programs mentioned above as well as for training the public information officers who are supposed to address the requests. Besides this, the volume of requests can be reduced if digitization and publication of documents is done properly and proactively. This, too, has been raised as lacking in certain areas from time to time.<sup>19</sup>

A recent review found that the requestors were receiving complete information just 29% of the time while another 23% did not receive any information at all. There is also an issue with the turn-around-time – the national average for receiving information on time stands at a meagre 41% and there is significant variation between the central government and the states. The average waiting time for an appeal to be resolved can run into months which is far beyond the stipulated time in the act.<sup>20</sup>

While we have seen several areas where application of RTI needs more work from the state, this has also empowered millions. There have been many instances where people instead of choosing to pay a bribe to get their work done, have resorted to filing RTIs to obtain basic services such as issuance of official documents (such as passports or ration cards), installation of electricity and gas meters, or obtaining their pensions, which in the past was often difficult without offering bribes.<sup>21</sup>

China –

The primary goals of drafting the OGI was to keep the economy running smoothly by improving information flow and the second was to control corruption through public scrutiny of officials.<sup>22</sup>

With very little information available in English, it is hard to find statistics related to OGI such as number of documents that have been proactively published, requests for information submitted and processed in a particular year, appeals made in a year and how were they finally dealt with.

Based on different news articles and research papers, we see that the OGI quickly transformed into an instrument to complain about government officials and become a substitute to the petitioning system that has been in place since the 1950s that allowed citizens to notify the

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<sup>19</sup> “Asia Disclosed: A Review of the Right to Information across Asia”, *Asia Disclosed: A Review of the Right to Information across Asia*, <https://www.article19.org/data/files/medialibrary/38121/FINAL-Asia-Disclosed-full.pdf>. Accessed October 7, 2022

<sup>20</sup> Supra note 19

<sup>21</sup> Supra note 19

<sup>22</sup> Kim, Jieun, et al. “Closing Open Government: Grassroots Policy Conversion of China’s Open Government Information Regulation and Its Aftermath.” *Comparative Political Studies*, vol. 55, no. 2, SAGE Publications, July 2021, pp. 319–47. *Crossref*, <https://doi.org/10.1177/00104140211024314>. Accessed on October 7, 2022

authorities of any wrongdoing and ask for help (Minzner, 2006, p. 115).<sup>23</sup>

Requesting information from the government was found to be very popular. The number of applications between 2008 and 2012 are estimated to have been 380,000 while the next 5 years saw the numbers increase ninefold to 3.4 million. This also led to a significant increase in the number of appeals to the courts. One other reason that OGI cases increased substantially was that it was found that the chances of winning an OGI case was seen to be higher than other administrative cases. It was also considered cheaper to file an appeal under OGI. As a result, it was seen that China's courts accepted 58% more cases between 2013 and 2017 than in the previous 5 years (Zhou, 2018). This, combined with the trimming of the judiciary to roughly 60% of the original strength by 2017 put tremendous pressure on the system. In 2015, there were several judgements released to limit the circumstances in which OGI cases could be brought to the courts. This, in fact, targeted the "super-litigants" who had more than 10 cases aligned to each person. The two major labels under which the cases were restricted were – the first being "abusive" – repetitive requests that was wasting judicial resources and time and the second one to OGI.<sup>24</sup>

With all the hiccups in the implementation one cannot deny that, over the years, the OGI law has expanded the definition of what is considered as public information and thus, has helped to shrink the veil of secrecy in the communist state albeit slowly.<sup>25</sup>

#### **United States –**

The Freedom of Information Act (FOIA) was first originally enacted in 1966. The FOIA has been through several amendments and revisions starting from the time of the Watergate scandal after which the Congress amended FOIA to give us the bill that we largely see today. There have been several other changes over the decades all the way from President Reagan to President Obama. The right to information was curtailed by some degree by the Bush Jr. administration right after 9/11. In 2016, President Obama signed the FOIA Improvement Act which was the last major change to the act <sup>[11]</sup>.

Below are the statistics for FOIA requests for the year 2020 and 2021 – <sup>26</sup>

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<sup>23</sup> Ibid

<sup>24</sup> Ibid

<sup>25</sup> Ibid

<sup>26</sup> "FOIA.gov - Freedom of Information Act: Create an Annual Report." *FOIA.gov - Freedom of Information Act: Create an Annual Report*, <http://www.foia.gov/data.html>. Accessed on October 7, 2022.

Year	Number of requests pending from prior year	Number of RTI Requests Received during the Year	Total Number of RTI Requests	Number of RTI Requests Rejected	Percent of RTI rejected (%)
2020	372,292	1,581,376	1,545,738	407,930	21%
2021	445,352	1,676,328	1,677,336	444,344	21%

The FOIA stipulates that a response be provided to the requestor in 20 business days. In reality, this almost never happens responses are generally seen after two months. In some cases, it has taken years. The expedition clause that allows an applicant to quickly secure information does not guarantee a short turnaround time from the agencies.<sup>27</sup>

There have also been several cases where agencies have incorrectly used the 9 exemptions to withhold information from the requestor.<sup>28</sup>

Technological capabilities, too, are not standardized for all agencies. There are many agencies that do not have technology available to them that could help to search information quickly and provide the response back to the requestor.<sup>29</sup>

In a paper published in September '21, The FOIA Searches Working Group (Working Group) under the Chief FOIA Officers Council (CFOC) Technology Committee found the following technology related issues when searching for documents –<sup>30</sup>

1. A significant gap in the public’s understanding of agencies’ abilities to search their electronic archives and databases
2. The strategies and tools used by federal agencies to conduct searches vary greatly; and
3. Searching email is still a challenge.

The core issue here is that there is a need for modernizing the technology stack that the agencies currently rely on for them to be able to provide responses which are quicker than what the current turnaround time. This would require significant investment.

FOIA is the oldest access to information act amongst the three that we are reviewing in thispaper. It is a tool that has worked over decades and has been expanded and pruned over the generations

<sup>27</sup> Ibid

<sup>28</sup> Ibid

<sup>29</sup> Ibid

<sup>30</sup> “FOIA Searches: Key Challenges and Findings | National Archives.” *National Archives*, Sept. 2021, [www.archives.gov/ogis/about-ogis/chief-foia-officers-council/tech-comm-foia-searches-challenges-09-29-2021](http://www.archives.gov/ogis/about-ogis/chief-foia-officers-council/tech-comm-foia-searches-challenges-09-29-2021). Accessed on October 8, 2022

but now, it does need an “upgrade” of sorts to help keep it relevant for years to come.<sup>31</sup>

## **Conclusion**

The theme is similar across the 3 acts – these are all fairly encompassing acts that provide a fair amount of coverage in terms of right to information but there are some issues that need to be tackled to make them as effective as they were envisioned to be when they were drafted –

There is no doubt that these acts have made a difference in the life of the man on the street. Access to information has helped create another avenue for people to know what the government is doing and also to challenge decisions that they do not agree with. The requests and the appeals have also been made affordable by the acts allowing people with limited resources to go ahead and hold the state accountable. But at the same time, there are financial, operational and technological challenges that need to be resolved to help make the implementation more effective and efficient. We also witness a lack of intent in some cases where there is a desire to misuse the exemptions in order to withhold information and that requires stronger enforcement of penalties for the defaulters so that the exemptions are not abused.

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<sup>31</sup> Ibid.

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