
RIGHT TO INFORMATION IN INDIA AND MEXICO: A COMPARATIVE STUDY

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ABSTRACT

The fundamental essence of democratic governance goes beyond ballot rights since it embraces the fundamental right to access information. Information serves as both a weapon and protection which those in authority use to defend themselves and which seekers of change attempt to obtain. The legal provisions and bureaucratic systems hold uncertain answers about how transparency affects accountability since they show more governance failures than accountability improvement. India fights transparency issues in its government framework while Mexico operates with a program for maximum information disclosure. Do legal frameworks have the power to force disclosure of truth or do institutions make the right to information meaningless through their obstruction? The fight extends past secret-keeping procedures to combat organizations which choose selective information revelation alongside slow forgetfulness of unhelpful facts. The right to information reveals whether citizens gain true power or discover how little influence they truly possess.

INTRODUCTION

"Well, there's a question as to what sort of information is important in the world, what sort of information can achieve reform. And there's a lot of information. So, information that

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organizations are spending economic effort into concealing, that's a really good signal that when the information gets out, there's a hope of it doing some good."

– **Julian Assange**

A democratic society fundamentally depends on the right of citizens to receive information. Through this right people can access public records from authorities which builds stronger governance transparency and accountability. The obligation to provide information represents an equal and opposite force to the right of citizens to access information. The right of citizens to obtain information exists as an equivalent obligation for governments to provide access to information unless they determine public interest requires information secrecy. The Supreme Court established guidelines requiring authorities to maintain information secrecy while they simultaneously need to disclose non-harmful data to the public.

Information rights exist in two distinctive forms which include personal details relevant to individuals as well as matters important to the public. People possess a right to obtain personal information which affects them directly yet the general public needs access to government policies and environmental conditions and law implementation details. defence preparations together with foreign policy remain classified for national security reasons despite other information being accessible to the public.

The right to information works as both an individual empowerment resource and a governance participation method. The possession of accurate information by citizens allows them to observe government actions while maintaining its accountability. Without access to relevant information the public loses its ability to participate meaningfully in national affairs and engage in meaningful public discussions.

The Right to Information Act has contributed a lot in transparency and accountability in the governance of this country. The RTI Act faces multiple difficulties during its execution. The RTI implementation struggles because citizens have limited awareness while PIOs lack proper training

and RTI applicants face persecutions. Public authorities should fulfil their RTI Act requirement to proactively disclose information but their performance in this regard remains incomplete.

Many public authorities fail to develop proper implementation systems that would enable them to execute RTI Act provisions effectively. The government bodies together with information commissions show non-compliance with their responsibilities. PIOs commonly mention staff shortages and budget constraints together with defective record management systems when explaining why they struggle to share information with the public. The RTI Act implementation struggles due to these problems which blocks the government from making public-supported decisions.

The Freedom of Information Act in Mexico stands as one of the strongest such laws worldwide. The law establishes clear-cut principles which both define and articulate its purpose to provide executive branch information access to citizens. The law adopts maximum disclosure as its foundation to declare all government information public while obligating public agencies to choose transparency above secrecy.

The study evaluates how the Right to Information Act functions in both India and Mexico by analysing its extent of coverage and performance. The research investigates how much public authorities fall under Freedom of Information laws between India and Mexico. It is important to highlight the lacunae existing in the current structure which is being provided by this law and its implementation. The recommendation has to be provided for enhancement in the present structure of law.

WHY ARE PUBLIC AUTHORITIES LIABLE?

Public authorities face Freedom of Information law compliance because their operational functions directly influence the daily lives of the people. Public authorities must deliver information regarding their operational decisions because they serve as public entities. Public trust can only be

maintained in a democracy when the information is being shared with a lot of transparency and actions are being taken with accountability.

Freedom of Information laws in India and Mexico together with other countries apply their provisions to both public authorities and private entities which receive substantial government financial backing or control. The principle that information should be free flow, is a must have for any organisation that deal with public service and they should cater the same level of transparency and accountability.

TEST FOR DETERMINING PUBLIC AUTHORITIES

Freedom of Information laws establish multiple criteria to identify public authorities through their assessment.

1. The entire share capital ownership by government makes a corporation qualify as a public authority.
2. Receiving large amounts of financial support from federal authorities can establish an entity as a public authority. In many of the cases relating to RTI and financial support, the court has not delved into the interpretation of 'substantial financing; and that is one of the main reasons why public authorities don't give a unified approach to their decisions
3. State Control functions as a major determinant which evaluates how much authority the government maintains over managing an entity. Deep state control over an entity tends to establish it as a public authority.
4. The classification of entities as public authorities depends on their performance of essential public tasks together with their close relationship to government activities.

RIGHT TO INFORMATION IN INDIA

People in India obtain the right to access public authority information through the Right to Information Act 2005. Under the Act public authorities include all bodies or institutions which Constitutional bodies, Parliament, State Legislatures as well as government notifications establish or constitute.³ All entities which government controls or owns or provides significant financial support fall under this category.

The Right to Information Act extends its protection to constitutional authorities together with regulatory bodies and educational institutions and government-funded organizations.⁴ The creation of a body through statutory authority does not automatically transform it into a public authority. Courts frequently step in to determine whether sports associations and educational trusts along with cooperatives qualify as entities under the RTI Act.

The extensive range of organizations subject to the RTI Act in India faces inconsistent implementation. The RTI Act faces obstacles because of minimal awareness among citizens and insufficient staffing levels and insufficient record-keeping practices. While the Act lacks explicit provisions about private entities conducting public duties some High Courts have accepted that obtaining information from these entities is permissible.

Mexico: An Ideal Scenario

Mexico holds a worldwide reputation for having one of the most inclusive Freedom of Information laws. The law establishes maximum disclosure as its foundation by classifying all government information as public property while instructing agencies to make openness their top priority instead of secrecy.⁵ Public agencies must regularly distribute information concerning their

³ Right to Information Act, 2005

⁴ Section 2(h)(d) of The Right to Information Act,2005

⁵ Article 2 of Federal Transparency and Access to Public Government Information Law.2003

operational functions together with financial budgets along with operational details and staff information and compensation data and contractual agreements.⁶

Under the law citizens can easily make requests to obtain information which is not accessible to the public.⁷ The right to appeal denied requests extends to court action for citizens who need it. The law of Mexico includes an innovative provision which makes it illegal to hide information about crimes against humanity or gross human rights violations.⁸

The Mexican Freedom of Information law extends its coverage to all governmental institutions including the executive branch together with the legislative and judicial branches.⁹ The executive branch faces more demanding transparency requirements under the law but the legislative and judicial branches receive lower transparency obligations.¹⁰

CONCLUSION

When information is provided under any Act relating to Right to information the main objective is to achieve milestone in governance, transparency and accountability. This right helps citizen gain the ability to take part in democratic processes and enforce public officials to be responsible for their activities. There is no doubt that RTI Act 2005 has made achieved some groundbreaking advancement but there are some areas which still becomes obstacle to become the most efficient Law. For eg. Most of the time authorities reply as 'the particular information is not available only'. It shows that mechanism is there but the information at source is not available which is not in the purview of the RTI Act.

⁶ Article 7 of Federal Transparency and Access to Public Government Information Law,2003

⁷ Article 59 of Federal Transparency and Access to Public Government Information Law,2003

⁸ Kate Doyle, Mexico's new Freedom of Information Law,2002

⁹ Ibid.

¹⁰ Article 3 (XIV) of Federal Transparency and Access to Public Government Information Law,2003

The Mexican Freedom of Information law functions as a benchmark for other nations because it adopts a policy of total disclosure through effective transparency systems. Both Mexico and India can benefit from sharing their Freedom of Information approaches to achieve stronger FOI systems.

The RTI Act in India needs improvements through solutions that tackle minimal awareness and insufficient staff along with insufficient documentation. The Act requires modification by clarifying that it extends to private organizations which conduct public responsibilities. The enforcement of the law needs political determination alongside active collaboration between civil society groups and RTI activists for its proper execution.

RTI Act is one of the principles which strengthens our democracy in real sense by following the ideals of transparency, accountability and good governance. India and Mexico continue to advance their implementation of this vital tool yet both countries need to finish capitalizing on its complete potential.

