



COMMONWEALTH LEGAL EDUCATION ASSOCIATION

Joint Research and Publication  
on

# Transparency and Accountability: Right to Information Laws in The Commonwealth



Proposed by

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# Joint Research and Publication of Transparency and Accountability: Right to Information Laws in The Commonwealth

Every progressive society strives toward good governance. Any country's development is based on the concept of good governance and people's participation in the decision-making process. There is a close link between the right to information and good governance. Good governance is characterized by transparency, accountability, and responsiveness. Transparency means that decisions taken and their enforcement are done in a manner that follows rules and regulations. Accountability is a key requirement of good governance. Not only governmental institutions but also the private sector and civil society organizations must be accountable to the public and to their institutional stakeholders. Establishing a culture of transparency, accountability, and open governance is a collective effort involving governments, civil society, and citizens.

French philosopher Michel Foucault once opined power is derived from knowledge and information is the basic component of knowledge. The right to information enables citizens to see how governments, and those in public offices are working. Access to official information held by public authorities is the touchstone of a strong and efficient representative democracy. The public should openly come to know what is to happen and what has happened. Transparency is the cornerstone of any good government.

James Madison once said, "A people who mean to be their governors must arm themselves with power that knowledge gives". Public functioning has traditionally been shrouded in secrecy. But in a democracy in which people govern themselves, it is necessary to have more openness. In the maturing of our democracy, the right to information is a major step forward it enables citizens to participate fully in the decision-making process that affects their lives so profoundly.

Freedom of Information laws recognize that access to information is a fundamental right of citizens. The citizen's right to information is increasingly being recognized as an important mechanism to promote openness, transparency, and accountability in government administration. Right to Information laws, also known as Freedom of Information laws or Access to Information laws, provide a legal framework for individuals to

access information held by public authorities.

The Right to information laws have brewed a quiet social revolution and played a vital role in the governance of the country. Right to Information brings accessibility to the administration. The affairs of the state become transparent when documents are accessible to the public eyes. With transparency, rampant corruption can be questioned and reduced.

There are instances where establishments, especially those with vested interests, may be reluctant to provide access to information. Public institutions may be resistant to providing information because they prefer to operate in a closed and opaque manner. Transparent access to information can expose their actions and decisions, potentially leading to scrutiny and accountability. By making maximum disclosure of information in the public domain a rule and secrecy an exception, any country can progress as a strong society of informed citizens.

The Commonwealth Principles on Freedom of Expression and the role of the media in good governance consisting of eleven principles includes the Freedom of expression, Access to information, Restrictions on freedom of expression should be in accordance with the law, etc. Thus making a holistic environment for the exercise of right of the freedom of expression.

Freedom of information laws tries to bring a balance between the public's interest in information *vis-à-vis* the administration's legitimate interest in maintaining transparency and accountability. These laws are designed to promote good governance, ensure transparency in public affairs, and empower citizens to participate in the democratic process. Freedom of Information laws also recognize that certain information may need protection to preserve privacy, national security, law enforcement, trade secrets, or other legitimate interests. These laws typically include exemptions that balance the right to access information with the need to safeguard sensitive information.

The Joint Research and Publication of Book on Transparency and accountability in Commonwealth: Right to Information Laws is initiated by Prof. (Dr.) S. Sivakumar, Senior Professor, Indian Law Institute/ Member, 21st Law Commission of India/President, CLEA. He successfully conceptualized a similar project titled "Disaster Management Laws in Asia: A Retrospect" earlier which is under publication. The present joint research project aims to bring scholars from different commonwealth jurisdictions to contribute a chapter for the book titled "Transparency and accountability in Commonwealth: A study of Right to Information Laws." We invite you to be a part of this comprehensive study that will gather

insights from diverse researchers across different jurisdictions. The joint research project focuses on bringing the best practices present in the commonwealth countries concerning freedom of information laws. The research will shed light on the successes and advancements made in several Commonwealth countries. It would also likely reveal some challenges and gaps in the existing mechanics of these laws.

**PUBLICATION** Book will be published by the reputed international Publisher

## **PUBLICATION:**

### **Submission Guidelines:**

1. Each contribution must be original and unpublished.
2. Maximum word limit for the manuscript is ten thousand words.
3. The References/ citation style in the Chapters submitted for publication shall conform to the ILI Rules of footnoting. Link: <https://ili.ac.in/cstyle.pdf>
4. All manuscripts must be in (Times New Roman 12 font size) in 1.5 spacing with at least one-inch margins on all sides.
5. Manuscript must contain an abstract of not exceeding 350 words.
6. Each Figure/table should be numbered or titled.
7. Co-authorship is allowed (Maximum 2 authors)
8. All manuscripts will undergo a plagiarism check.

For each country report an Honorarium of INR 5000 shall be given as a token of appreciation.

The Book will be published by a reputed international publisher.

The Contributors for the joint research project can be from Law and Social Science background.

### **Structure of each chapter:**

- I. Introduction
- II. Country profile - Overview of the System of Governance of the Country
- III. Legislation related to Right to Information/ Access to Information/ Freedom of Information (Direct and Indirect)
- IV. Satutory Bodies constituted under Information Laws
- V. Implementation and use of Information Laws
- VI. Role of Civil Society and Public Interest



- VII. Judicial and Quasi-Judicial approach towards Information Laws.
- VIII. Right against Information/Restrictions on Information (Privacy / Self-incrimination / Information self-determination, etc. )
- IX. Transnational issues and challenges associated with the implementation of RTI/FOI Laws
- X. Balancing Rights
- XI. Unique/ Special features of RTI in Country specific.
- XII. Strengthening the enforcement system
  - Analysis of loopholes and lacuna
  - Need for amendments /revision of law/policy
  - Best Practices
- XIII. Wayforward

## Bibliography

### Time Frame:

Identification of Joint Researchers	March 2024
Announcement and Initiation by	March 2024
Project working	March - July, 2024
Submission of Project Report	30 <sup>th</sup> July, 2024
Validation of data through webinar	August, 2024
Review and Revision of drafts	August/September, 2024
Editing	October, 2024
Press	November, 2024
Publication	Within three months of editing and press

## ABOUT THE ORGANIZER



The Commonwealth Legal Education Association (CLEA) was formed in December 1971 as a Commonwealth- wide body with an aim to foster and promote high standards of legal education in the Commonwealth. The Association has regional

Chapters and Committees in Asia, Southern Africa, West Africa, the Caribbean, and Europe. The Association's goals are: i) to make legal education socially relevant and professionally useful by developing law curriculum and teaching methodologies, ii) Supporting continuing legal education and distance learning programmes and iii) Assisting law schools and equipping them to meet the demands of the profession by further enabling information revolution and tackling other global challenges. The Constitution of CLEA envisages establishment and functioning of country-based Chapters to carry out the activities in conformity with its objectives through conferences, moots, newsletters, lecture series, curriculum development and activities for students.

To promote in-depth dialogues on legal subjects and education, CLEA has also undertaken, "The Commonwealth Comparative Constitutional and Public Law Project", it was initiated in 2019. The initiative aims to cover comparative law study of Constitutional and Public Law aspects in the world. The CLEA has established "Commonwealth Institute for Justice Education and Research" (CIJER) in 2017 to serve as a dedicated research wing with an aim to contribute to legal reformations including international, regional and national policy formulations.

The CLEA aims at promoting standards of legal education through academic and professional exchanges, research publications, organization of conferences, workshops, and study tours. It works with an objective to strengthen literature concerning legal education and develop innovative research pedagogy.

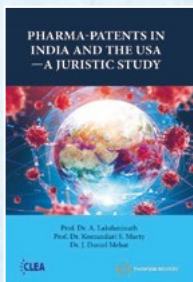
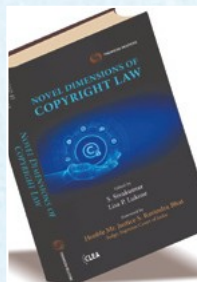
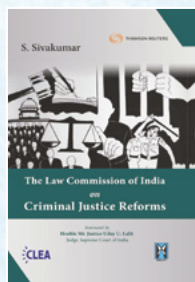
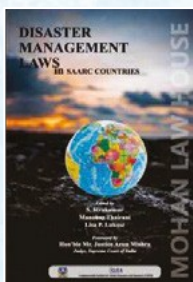
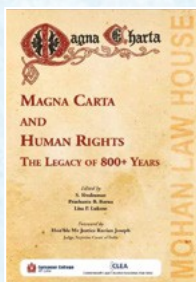
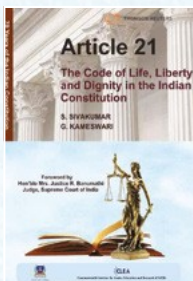
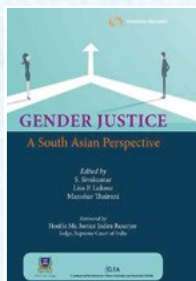
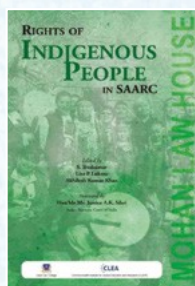
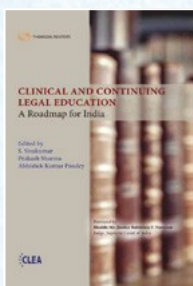
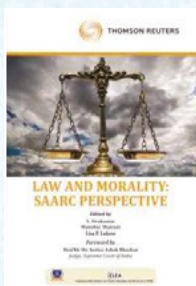
Prof. (Dr.) S. Sivakumar, Senior Professor, Indian Law Institute, New Delhi/ Former Member, Law Commission of India is the President, CLEA and can be reached at [profssiva@gmail.com](mailto:profssiva@gmail.com)

## **CIJER**

**Commonwealth Institute for Justice Education and Research (CIJER)** is an exclusive research, education and advocacy wing under the auspices of the **Commonwealth Legal Education Association (CLEA)**. It aims to contribute to legal reformations including international, regional, and national policy formulations for the Commonwealth. The key objectives of CIJER are to undertake and implement justice education programs and projects, to create an effective platform for interdisciplinary education and research, and to publish research journals, edited volumes, etc. Guided by its objectives, CIJER has been working on various research projects aimed at legal reformations in the commonwealth. Prof. (Dr.) S. Sivakumar is the honorary Chairman of CIJER.

## Publications:

The recent research publications are :



Book on Article 21: The Code of Life, Liberty and Dignity in the Indian Constitution

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