

## **NIAZ'S LEVEL THEORY ON RIGHT TO INFORMATION**

The theory consists of the following four Formulas;

### **Formula 1**

- $L(AVR) = L(RTI) \times L(VR)$
- $L(AVR)$  = Level of Actualized Value of Right
- $L(RTI)$  = Level of right to information
- $L(VR)$  = Level of variable right

### **Formula 2**

- $L(RTI) = L(L) \times L(F)$
- $L(RTI)$  = Level of Right to Information
- $L(L)$  = Level of Legislation
- $L(F)$  = Level of Functionality

### **Formula 3**

- $L(L) = L(AR) \times L(RB) / L(R)$
- $L(L)$  = Level of legislation
- $L(AR)$  = Level of accessibility to right
- $L(RB)$  = Level of right bearing
- $L(R)$  = Level of reservation

### **Formula 4**

- $L(AR) = L(A) \times L(CNC) \times L(ACM)$
- $L(AR)$  = Level of accessibility to right
- $L(A)$  = Level of awareness
- $L(CNC)$  = Level of culpability for non compliance
- $L(ACM)$  = Level of auto compliance mechanism

## **EXPLANATION OF THE THEORY**

Basically this theory is aimed at translating the importance of RTI in mathematical terms. It shows that how RTI is linked with the enjoyments of all other human/fundamental rights. It consists of Four Formulas.

### **Formula 1**

Formula 1 goes as under;

- $L(AVR) = L(RTI) \times L(VR)$
- $L(AVR)$  = Level of Actualized Value of Right
- $L(RTI)$  = Level of right to information
- $L(VR)$  = Level of variable right

The level of actualized value of any human/fundamental right is mathematically equal to the product of Level of Right to Information (determined as per formula 2) multiplied by Level of the human/fundamental right (the variable) in a particular system. In other words, in order to determine the value of any available human/fundamental right (variable right) in a municipal law, the measuring gauge is to what extent an individual has the right to information about that variable right. Or it can be said that actualized value of variable right is directly proportional to right to information regarding that variable right. This equation produces more results if the level of variable rights is also high.

#### Illustration I

If Right of Freedom of Expression, is put in the variable of formula 1, the equation runs as follow.

- $L(AVR\ FOE) = L(RTI) \times L(FOE)$
- $L(AVR\ FOE)$  = Level of Actualized Value of Right of Freedom of Expression
- $L(RTI)$  = Level of right to information
- $L(FOE)$  = Level of Freedom of Expression

#### Illustration II

If Right to Life, is put in the variable of formula 1, the equation runs as follow.

- $L(AVR\ RTL) = L(RTI) \times L(RTL)$
- $L(AVR\ RTL)$  = Level of Actualized Value of Right to Life
- $L(RTI)$  = Level of right to information
- $L(RTL)$  = Level of Right to Life

## **Formula 2**

Formula 2 goes as under;

- $L(\text{RTI}) = L(\text{L}) \times L(\text{F})$
- $L(\text{RTI}) = \text{Level of Right to Information}$
- $L(\text{L}) = \text{Level of Legislation}$
- $L(\text{F}) = \text{Level of Functionality}$

The level of Right to Information is mathematically equal to the product of Level of Legislation multiplied by Level of Functionality in a particular system. In other words, in order to determine the value of Right to Information in a municipal law, the measuring gauge is to what extent a legislation guarantees the Right to Information. Similarly to what extent a law is functional or operational. Or it can be said that value of Right to Information is directly proportional to Level of Legislation and Level of Functionality.

### **Example**

In order to evaluate the Right to Information in India, the Level of Legislation of the Act of 2005 is to be determined (as per formula 3) and this factor is to be multiplied with the level of on ground operationalization of the law.

## **Formula 3**

Formula 3 goes as under;

- $L(\text{L}) = L(\text{AR}) \times L(\text{RB}) / L(\text{R})$
- $L(\text{L}) = \text{Level of Legislation}$
- $L(\text{AR}) = \text{Level of accessibility to right}$
- $L(\text{RB}) = \text{Level of right bearing}$
- $L(\text{R}) = \text{Level of reservations}$

The level of Legislation is mathematically equal to the product of Level of accessibility to right multiplied by Level of right bearing divided by Level of reservations in a particular system. In other words, in order to determine the value of Legislation in a municipal law, the measuring gauge is to what extent the law provides for accessibility to the right, Similarly to what extent a law bears the true spirit of the right. Or it can be said that value of Legislation is directly proportional to Level of accessibility to right and level of right bearing. The product so obtained may be curtailed with maximum reservations to the availability or accessibility to right and, therefore, the level of legislation is inversely proportional to level of reservations.

### Example

In order to evaluate the Level of Legislation of Right to Information in India, the Level of accessibility to right is to be determined (as per formula 4) and this factor is to be multiplied with the level of right bearing of the law. The product so achieved is then divided by the number of reservations. The more the reservations, the lesser is the Level of Legislation and vice versa.

### **Formula 4**

Formula 4 goes as under;

- $L(AR) = L(A) \times L(CNC) \times L(ACM)$
- $L(AR)$  = Level of Accessibility to Right
- $L(A)$  = Level of Awareness
- $L(CNC)$  = Level of culpability for non compliance
- $L(ACM)$  = Level of auto compliance mechanism

The level of Accessibility to Right is mathematically equal to the product of Level of Awareness multiplied by Level of culpability for non compliance multiplied by Level of auto compliance mechanism in a particular system. In other words, in order to determine the value of Level of Accessibility to Right in a municipal law, the measuring gauge is to what extent the law provides for awareness, Similarly to what extent a law provides for culpability for non compliance and also what is the level of auto compliance mechanism. Or it can be said that value of Level of Accessibility to Right is directly proportional to Level of awareness, Level of culpability for non compliance and level of auto compliance mechanism.

### Example

In order to evaluate the Level of Accessibility to Right, the Level of awareness is to be multiplied with the level of culpability for non compliance and with Level of auto compliance mechanism.

### **FOOTNOTE**

The pattern of formula 1 to 4 shows that effort has been made to factorize a phenomenon in major identifiable components and these components into sub components. In order to calculate the actualized value of a human right (variable as shown in Formula 1) one has to go from down to up. For instance in formula 4,  $L(AR)$  is to be determined first as the value of formula 3 is dependent on  $L(AR)$  and then value of  $L(L)$  of formula 3 is to determined as value of formula 2 is dependent on  $L(L)$  and then

value of L(RTI) of formula 2 is to be determined as value of L(AVR) is dependent on L(RTI).

The theory gives relationship of identifiable components and sub components of ultimate actualized value of human Right. But in order to determine the exact numerical value of the equations the components & sub components shall have to be quantified.

The qualification of formula 1, Illustration I can be as under, if all components are successfully quantified.

If the ideal product of both the components is 100/100 then each component must possess 10 marks.

To illustrate it if we put the quantified value in Illustration I to Formula 1 then;

i)  $L(RTI) = 10$   
 $L(FOE) = 10$   
then  
 $L(AVRFOE) = 10 \times 10$   
 $= 100$   
and if

ii)  $L(RTI) = 0$   
 $L(FOE) = 10$   
then  
 $L(AVRFOE) = 0 \times 10$   
 $= 0$

### **About Propounder of Theory**

The theory was presented by Niaz Mohammad Khan, a participant from Pakistan during Commonwealth Regional Programme on “Right To Information” for Asia Region from 07<sup>th</sup> to 12<sup>th</sup> February, 2010 in New Delhi.

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