

Right To Information Act: A Tool For Good Governance

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ABSTRACT

Right to Information is a basic human right of every human being. The renowned French philosopher Michel Foucault once opined, power is derived from knowledge and information is the basic component of knowledge. Information changes the mentality of people and it is competent enough to cope up with the modern world. The free access to information and participation of people in government decisions develops the transformation of the governance into good governance. So, it is the duty of government to inform citizens about day to day happenings whatever within the government. The parliament of India passed the Right to information act, 2005, to foster Accountability, Transparency, Strengthens the Democratic Principles of Polity and reduces Corruption. This paper tries to highlight the role of RTI in good governance and some recommendations for successful functioning of RTI act.

Key words: Right to Information Act, Competent, Foster, Transparency, Corruption, Transformation, Accountability .

INTRODUCTION

The passage of the Right to Information Act, 2005 represents a mile stone in Indian politics. It is a weapon in the hands of common men to fight for their rights and derive the advantage of true democracy. Gandhiji said, *“The real Swaraj will come not by the acquisition of authority by a few but by the acquisition of capacity by all to resist authority when abused.”* The Act itself makes it clear that democracy requires an informed citizenry and transparency of information which are vital to its functioning. Further, the new law intends to contain corruption and to hold governments and their instrumentalities accountable to the governed.

While introducing the Bill in the Parliament on May11, 2005, Dr.Man Mohan Singh, the Prime Minister of India said:

“The passage of the Bill will see the dawn of a new era in our processes of governance, an era of performance and efficiency, benefits of growth will flow to all sections of the society, eliminate the scourge of corruption, and will bring the common man’s concern to the heart of all processes of governance and fulfill the hopes of the founding fathers of our Republic.”

The provisions of the Act compliment and supplement the fundamental right under Article 19(1) (a) which guarantees the freedom of speech and expression. The prerequisite for this right is knowledge and information, the absence of which will encourage wild rumors and speculations and avoidable allegations against individuals and institutions. Further, right information will help the citizens in performing their fundamental duties contained in Article 51A of the Constitution. Well informed citizens are better equipped to handle the issues in a democratic regime. However,

the right to information like all our fundamental rights is not absolute and subject to reasonable restrictions.

The new law has come into effect since 13th October, 2005 and applies to union and state agencies, local governments and even societies and trusts which receive public funds. The law provides for independent information commissioners, proactive disclosures and reporting mechanisms and has the potential to impact our governance process in a positive way by empowering citizens.

GOOD GOVERNANCE

Good governance is an indeterminate term used in the international development literature to describe how public institutions conduct public affairs and manage public resources. Governance is "the process of decision-making and the process by which decisions are implemented (or not implemented)". The term *governance* can apply to corporate, international, national, local governance or to the interactions between other sectors of society.

The concept of "good governance" often emerges as a model to compare ineffective economies or political bodies with viable economies and political bodies. The concept centers on the responsibility of governments and governing bodies to meet the needs of the masses as opposed to select groups in society. Because countries often described as "most successful" are Western liberal democratic states, concentrated in Europe and the Americas, good governance standards often measure other state institutions against these states. Aid organizations and the authorities of developed countries often will focus the meaning of "good governance" to a set of requirements that conform to the organization's agenda, making "good governance" imply many different things in many different contexts.

LITERATURE REVIEW

The study by *Corradini, et al (2007)* highlights that Digital identities, profiles and their management enables online inter-actions and transactions among people, enterprises, service providers and government institutions. In this paper, after having examined the European identity management policies, they explain the differences between digital identity and digital citizenship and introduce digital credentials and also discuss how an identity management framework, composed by shared and standardized services supporting authentication procedures, can change within the e-Government domain. Within an e-Government's domain it is possible to enforce the identity Management framework in a more specific way. The paper also discussed current and foreseeable trends for identity management along with an analysis of important issues and requirements. The study introduced a model of an identity management framework and discussed some of our past and current research activities in this area.

Saxena (2005) is of the opinion that E-governance initiatives in most countries promise a more citizen-centric government and reduce operational cost. Unfortunately most of these initiatives have not been able to achieve the benefits claimed. Often the reason for this failure is a techno-centric focus rather than a governance-centric focus. The paper explores the necessary attributes of a governance-centric initiative under the banner "excellent e-governance", and describes a methodology for ensuring such excellence in e-governance implementations. Excellence in e-

governance requires the initiative to be effectiveness-driven and not merely efficiency-driven. This will require the initiative to be led by “good governance”.

Roumeen & Islam (2003) explored the link between information flows and governance with the objective to examine how the availability of information may affect governance. This paper examined how the presence of Freedom of Information (FOI) laws may affect how countries govern. The purpose of all such laws is to define a framework for the sharing of information. Economic theory tells us that information is needed to make sound economic and political choices, to monitor agents and reward or punish accordingly. Better availability of economic data and the ability of people to demand and receive the information they need are highly correlated with governance. Governments that do not produce organize and share information will be hampered in policymaking. Good policy requires up-to-date information on the economic situation and also the sharing of information for better coordination, analysis and monitoring.

A few studies have been conducted in Indian Perspective. **Koneru (2007)** in her study is of the view that E-Governance as a technology-enabled Public Information Services system aids not only in reengineering the structures but also in reorganizing the procedures and processes for speedy delivery of services. The demand for e-Governance is growing in consequence of government's ineptness to meet the citizens' needs and rendering services in a timely, cost-effective and corruption-free manner. Moreover, political, economic, social and technological changes and developments ushered e-Governance as a salvation to the shrinking role of Governments in delivering goods and services rapidly. Connectivity, community participation, and content are the prerequisites for designing effective governance.

Singh (2010) in her paper on “Promoting e-Governance through Right to Information: A Case-study of India” opines that the first phase of e-governance is marked by web presence of public institutions and dissemination of information. This will be facilitated by the Right to Information Act, 2005 (RTI) and this has been developed as a basic feature of all public services where the service and service provider details are made available in a proactive manner. This information is also being integrated for citizen access through the National and State Portals which provide basic information on Government programmes and services.

RIGHT TO INFORMATION AND GOOD GOVERNANCE

The right to information act is a path making legislation which brings to light the secrecy of administration. It is an effective means to promote democratic ideology. The act is powerful instrument to fight against corruption. By realizing this significance the Second Administrative Reform Commission had prepared a detailed blueprint for revamping the public administrative system. The second Administrative Reform Commission, government of India has published its first report in —Right to Information: Master key to good governance. Good governance is characterized by transparency and accountability and the best way to ensure transparency and accountability in governance is through increased and informed participation of people. People are biggest stakeholder in governance; they have a critical and crucial role to play. So it is imperative that people must have the right to know the activities of government. In the following sections of the article, it is discussed how RTI act has empowered the common people, promoted good governance, strengthened participatory democracy and reduces corruption.

Promotes Transparency and Good Governance

Right to information enables citizens to see how governments, those in public offices are working. Public should openly come to know what is to be happened and what has happened. Transparency is the corner stone of any good government. Public has right, to know about the policies and programmes of the government. All communication of the government must be opened to the public. Access to information is a great enabler of transparency and transparency refers to availability of information to general public and clarity about functioning of government institutions. The Right to Information act is intended to promote accountability and transparency in government by making the process of government decision making more open. Though some departments of the Union government are exempted from this act but the information can be sought if it is concerned with violation of human rights. Even the information from the private authority can be sought only through the controlling authority and controlling authority will send the notice to the institution concerned under section 11 of the act. It has been realized by most of the countries through experience that greater access of the citizens to information enhances the openness of government to community needs. In turn, this facilitates immediate redressed of public grievances and thus improves feeling of goodwill towards the government. Capitalists and democratic countries have a higher degree of openness vis-a-vis authoritarian regimes; nowhere in the world is government functioning totally open.

Promotes Accountability

Accountability is a key requirement of good governance. Without Accountability, the root of any development failure cannot be traced. Not only the government, the private sector institutions also be accountable to the people. Information is power and Right to information act brings accountability and transparency in the administration. Accountability involves the survival of a mechanism, which ensures that both political and officials are answerable for their actions, performances and use of public resources. If they fail to maintain accountability, their power and authority are finished. RTI Act empowered the people to seek definite and officials of their works or lack of it. So, accountability always led to effectiveness and sense of responsibility among government officials. The RTI Act is sufficiently strong in its present form to even attack the roots of corruption. There will forever be corruption at the lower levels as long as its seeds are sown at the highest level.

Participation

Participation envisages involvement of the entire society in governance. Both men and women is the cornerstone of good governance. Representative democracy does not mean the rule of chosen few; it must take into interest of all sections specially the most vulnerable sections in the society. Without people's participation, the Right to Information will remain a non-starter. Participation has a wide range of definitions. Right to information act creates a connection between people and government. Good governance requires that civil society has the opportunity to participate during the formulation of development strategies and that directly affected communities and groups should be able to participate in the design and implementation of programmes and projects. Even where projects have a secondary impact on particular localities or population groups, there should be a consultation process that takes their views into account. Citizens who understand public affairs and what government is doing can voice their opinion on issues that affect their lives: they can participate in the business of government.

Right to information facilitates citizens in making political and economic choices and thus strengthens democracy. RTI act facilitated and encouraged the participation of common people on the process of governance. Earlier people had the will, but did not have the way to take part in so-called official affairs. But RTI act smooth the way for active participation of the common people in governance.

Accessibility

Right to Information makes it possible to easy access of information from government departments, documents, records, services, finances and policies to all sectors of community. A common poor person interferes in the matter of government regarding development. The Right to Information act by providing easy access of information reduces the established long gap between citizens and administration and thus helps in nation building process. Every person becomes aware about day to day activities of the government. When citizens have access to information about service delivery and other government functions, they know what they are entitled to and they know how and where to demand their right to those services and other benefits. In pre- RTI era people's role was only limited to the election of their leaders people did not have any right to know about the issues of government activities. But RTI act gave the common people the much- needed right to seek information about the works of their government and government authorities should purely co-operate the citizens. The act was given the status of fundamental right and it is evident from the fact that how important it is for the proper functioning of the government.

Empowerment

To ensure development in the local fields and peoples participation power must be decentralized. This is also called empowerment of people. Before enactment of Right to Information Act, participation in political and economic processes and the ability to make informed choices has been restricted to India. As a consequence, commoners remain ignorant of various schemes and are unable to resist when their rights become causality. At the same time, people remain ignorant in terms of the ways and means through they can obtain their entitled rights from the concerned departments legally.

According to French philosopher Michel Foucault, power is derived from knowledge and information is the basic component of knowledge. So, in this age of technology driven information revolution, empowerment means access to information. The first thing any tyrannical government does is to restrict the people's access to the resources of information and monopolize over it while the principle of good governance demands free flow of information. Concentration of information inevitably leads to centralization of power. Now with enactment of Right to Information act people can participate in decision making process and it enables the citizens to know about the government decisions. The Right to Information act empowering people by removing unnecessary secrecy surrounding in decision making process of the government.

Equity and Inclusiveness

It is another important feature of good governance. It implies everybody is a part of the governance and they don't feel expelled from the main stream of society. Every person should

be same status in the government decisions. The Right to information act also does not make any discrimination between rich and poor and it covers all the citizens in India. It always plays a great role to fight against inequality, in justice and inhuman activity.

ROLE OF RTI IN REDUCING CORRUPTION IN INDIA

Corruption in India has become the most perplexing issue. It covers not only lower level but also upper level where ministers and bureaucrats are involved. Many cases of corruption where ministers are involved have been referred to the CBI for inquiry and action. Secrecy and lack of information create breeding ground for corruption and abuses of power. By promoting transparency and accountability Right to information curbs such abuses. Corruption is a process, which perpetuates poverty and harms the poor. It creates an environment of distrust between the people and government, which impinge upon the development and jeopardize democratic governance. Under the RTI regime, there is unprecedented transparency in the working of public departments.

As a result, there is better understanding of the decision making process and greater accountability of government. This has led to reduction in corruption in country. The Prime Minister of India has felt that there is corruption both at political and administrative level. In 2007 when Indian Prime Minister Dr. Man Mohan Singh addressing the IAS probationers of 2006 stated that “the barriers of administrative and political corruption should be tackled by the upcoming bureaucrats and quality of governance be improved at all levels to build an India ‘worthy of our dreams’. If there are barriers, there are barriers in our country, in our good governance, in our governance processes. It is a fact that there is lot of corruption, both at the political level and at the administrative level. We must take it head on.” Hoshiar Singh and Mandir Singh, the higher authority to control the corruption from, Dr. Man Mohan Singh government has rightly remarked that “No drive against corruption can succeed unless or until the government itself is firmly committed to the task of weeding out dishonest and corrupt officials, irrespective of ranks and status. The punishment for corruption should be exemplary; the least should be dismissal from service. So RTI is vital tool, and a potent weapon in the hands of a common people to fight against corruption. The RTI makes the government very smooth, transparent, accountable, participative to the very common people. At the end we say RTI makes a path to the people by whom he connects to the government and changes governance to the good governance.

CONCLUSION

The right to information act is an agent of good governance. The RTI makes administration more accountable to the people. The people become aware of administration and give them an opportunity to take part in decision making process. The RTI promoted democratic ideology by promoting openness and transparency in the administration. The best way to deal with all these challenges while promoting good governance is by making the act redundant. The governments, instead of waiting for the common people to seek the information, must voluntarily make all the information available to the people. It will not only promote good governance but also increase the trust between government and the people it governs.

Thus it can be rightly mentioned that Right to Information act is an agent of good governance. It makes administration more accountable to the people. It makes people aware of administration and gives them an opportunity to take part in decision making process. It promoted democratic

ideology by promoting openness and transparency in the administration. It reduces the chances of corruption and abuse of authority by public servants. Since the act is prepared for people's interest, hence its success also depends on how they exercise the act. Moreover, there is need of active participation from people, NGO's, civil society groups, coordination among RTI officials, integrity among government departments and political will from government and elected leaders to make this act to be more successfully followed and implemented.

E-governance is the revolution made by ICT in this decade and India has been pushing forward quite well in this technology. Instead of the conventional record keeping on papers, effort such as making offices paperless, moving digital files and executing signatures electronically, e-governance has lowered costs and improves speed and convenience in governance. There is a growing push for transparency in governance and the Right to Information (RTI) Act and activism surrounding it has helped to reveal information aimed at holding officials accountable. In other words, it is necessary to make the information system RTI friendly and to maintain transparency.

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