

RIGHT TO INFORMATION A TOOL FOR GOOD GOVERNANCE

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“No democratic can survive without accountability and the basic postulate of accountability is that the people should have information about the functioning of the Government. It is only when people know how Government is functioning that they can fulfil the role which democracy assigns to them and make democracy a really effective participatory democracy.”

-Justice Bhagwati

ABSTRACT

The Right to Information Act is a vital tool for good governance. The Right to information Act is an important weapon to fight against corruption. Rule of law, equal participation, transparency, accountability and responsibility of public authorities are basic elements of good governance. The concept of good governance emerged mainly because practices of bad governance, characterized by corruption, unaccountable governments and lack of human rights. In our Indian Constitution we have a democratic form of government (Here the Government is of the people, by the people and for the people). No democratic government can survive without accountability and the basic postulate of accountability is that the people should have information about the functioning of the government. A good law is only the first step in ensuring transparency; citizens need to be informed and vigilant. Government needs to reengineer its processes to convert documents and data into intelligible and meaningful information. And then civil society and media should learn to use information as a powerful tool to enforce accountability and fight misgovernance. The good governance is nothing but a characteristic of the government system. The aim and object of the RTI Act is to provide for setting out the practical regime of right to information under the control of public authorities. In recent years, there has been an almost unstoppable global trend towards recognition of the right to information by countries, intergovernmental organizations, civil societies and the people. The right to information has been recognized as a fundamental human right, which upholds the inherent dignity of all humans beings.

KEYWORDS: Right to Information, Democracy, Transparency and Good Governance.

INTRODUCTION:

In the dictionary definition, democracy "is government by the people in which the supreme power is vested in the people and exercised directly by them or by their elected agents under a free electoral system." In the phrase of Abraham Lincoln, democracy is a government "of the people, by the people, and for the people."

However, this is forgotten and a government is now said to be off its people, far from the people and to buy its people. Every citizen of India has their own fundamental right to freedom and expression and have the right to know about our government. But it is not practiced. We citizens are dumb and deaf to the subject relating to information about the government. In a democratic country like India, the Right to Information act plays a very important and helpful role for the betterment of its people.

The long-term, decent, democratic solution is to establish that balance. Two things will help in this regard. One, the government must have a transparent, efficient system of taking decisions on matters and of communicating them to the citizens concerned. Two, it must accept a duty to publish. The Right to Information Act was a major step forward in citizen empowerment. Right to information is a fundamental right of any citizen of India to know what is happening with the government. Every individual has the freedom to seek any government related information through this RTI act 2005. The Right to Information Act (2005) is one of the key legislation enacted by the Parliament which guarantees the right and freedom of every citizen of India to get the information related to our government dealings, both at centre and the states. This act was passed in the Indian Parliament on 15th June 2005 and was brought into force on 12 October 2005.

APPLICABILITY

The Act applies both to Central and State Governments and all public authorities. A public authority (sec.2 (h)) which is bound to furnish information means any authority or body or institution of self-government established or constituted (a) by or under Constitution, (b) by any other law made by Parliament, (c) by any other law made by State Legislature, (d) by a notification issued or order made by the appropriate Government and includes any (i) body owned, controlled or substantially financed, (ii) non-government organization substantially financed- which, in clauses (a) to (d) are all, directly or indirectly funded by the appropriate Government.

DEFINITION OF RIGHT TO INFORMATION IN LEGAL TERMS –

Section 2(f) of the RTI Act defines Information as:

“Information” means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material

held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for a time being in force.

Right to Information (RTI) is defined under Section 2(j) as:

“Right to Information” means the Right to Information accessible under this Act which is held by or under the control of any public authority and includes the right to-

- i. Inspection of work , documents, records;
- ii. Taking notes, extracts, or certified copies of documents or records;
- iii. Taking certified of materials;
- iv. Obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device.

OBJECTIVE OF THE RIGHT TO INFORMATION ACT 2005

Objective of the Act is to establish “the practical regime of right to information for citizens to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority, the constitution of a Central Information Commission and State Information Commission and for matters connected therewith and incidental thereto¹.”

IMPORTANT FEATURES OF RIGHT TO INFORMATION ACT, 2005

- I. All citizens possess the right to information.
- II. The term Information includes any mode of information in any form of record, document, e-mail, circular, press release, contract sample or electronic data etc.
- III. Rights to information covers inspection of work, document, record and its certified copy and information in form of diskettes, floppies, tapes, video cassettes in any electronic mode or stored information’s in computer etc.
- IV. Applicant can obtain Information within 30 days from the date of request in a normal case
- V. Information can be obtained within 48 hours from time of request. If it is a matter of life or liberty of a person.

¹ The preamble to the RTI Act, 2005

- VI. Every public authority is under obligation to provide information on written request or request by electronic means.
- VII. Certain information's are prohibited.
- VIII. Restrictions made for third party information Appeal against the decision of the Central Information Commission or State Information Commission can be made to an officer who is senior in rank.
- IX. Penalty for refusal to receive an application for information or for not providing information is Rs. 250/- per day but the total amount of penalty should not exceed Rs. 25,000/-.
- X. Central Information Commission and State Information Commission are to be constituted by the Central Government and the respective State Governments.
- XI. No Court can entertain any suit, application or other proceedings in respect of any order made under the Act.²

The aforesaid mentioned promote transparency in government organisations, makes them function more objectively thereby enhancing predictability. In a fundamental sense, right to information is a basic necessity of good governance.³

RIGHT TO INFORMATION AND GOOD GOVERNANCE

No democratic government can survive without accountability. The basic requirement of accountability is that the people should have information about the functioning of the Government. Open government is a sure technique to minimize administrative faults.

“Open Government is the new democratic culture of an open society towards which every liberal democracy is moving and our country should be no exception. In a country like India which is committed to socialistic pattern of society, right to know becomes a necessity for the poor, ignorant and illiterate masses.”⁴

Whenever we talk about good governance, basic and first things that strike in our minds are transparency, accountability, participation of the people, informed citizenry etc, and these elements are core value of any good governance. The objectives and purpose of the very RTI Act is to achieve these objectives, so in this way it acts as a tool for good governance.

Good governance requires fair legal frameworks that are enforced impartially. A fair, predictable and stable legal framework is essential so that businesses and individuals may assess economic opportunities and act on

² http://rti.kerala.gov.in/highlights_rtiact.pdf

³ FIRST REPORT, SECOND ADMINISTRATIVE REFORMS COMMISSION, RIGHT TO INFORMATION JUNE 2006, Master Key to Good Governance

⁴ SP Gupta v. UOI (AIR) 1982 SC (149)

them without fear of arbitrary interference or expropriation. This requires that the rules be known in advance, that they be actually in force and applied consistently and fairly, that conflicts be resolvable by an independent judicial system, and that procedures for amending and repealing the rules exist and are publicly known.⁵

Good governance requires the participation of the society in formation of policies, legislations, strategy, etc. since all these policies affect the society as a whole or say a particular part of the society, whatever the case may be but the participation of people is very crucial in determining the path of governance. Even if a particular part of society has the secondary effect of the particular programme or policy, there should be consultancy process so that their view should be taken into the account. Governance which lacks these components certainly turns into a bad governance. The path without adoption of these components leads to abuse of power, corruption, aloofness in administration.

RTI activists played the role of whistleblower in many cases of corruption involving powerful people which exposed the crusader of transparency to considerable risks. Recently many RTI activists were attacked and killed for seeking information. Such incidents discouraged people from seeking information. Measures must be taken to maintain confidentiality of identity of information seekers and ensure their security.

CONCLUSION

Thus it can be correctly said that RTI as a whole is a great step in a democratic set up like India. It is a powerful tool that can deliver significant social benefits. It can provide a strong support to democracy and promote good governance by empowering citizen's ability to participate effectively and hold government officials accountable rather than just an information provider.

The governments, instead of waiting for the common people to seek 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.

However, there are challenges in the effective implementation of the Act but the same can be removed by taking suitable measures and the goal of good governance, i.e. transparency, accountability, greater participation etc. can be achieved through RTI. Currently, the RTI Act is passing through the decisive phase, much more needs to be done to facilitate its growth and development.

⁵ Shilpa, RTI: A Tool to Strengthen Good Governance and Tackling Corruption, International Journal of Humanities and Social Science Invention, ISSN (Online): 2319 – 7722, Volume 2 issue 2.

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