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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. The right to information Act 2005 is a comprehensive legislation enacted to confer statutory rights on the citizens of India for seeking information from any public authority. This has opened new vistas of governance through transparency and accountability in administration. True democracy cannot exist unless all citizens have a right to participate in the affairs of the polity of the country. The right to participate in the affairs of the country is meaningless unless the citizens are well informed on all sides of the issues in respect of which they are called upon to express their views. A successful posits an 'aware citizenry'. One sided information, disinformation, misinformation and non-information makes democracy a farce. Right to information can be used to elevate democracy to participatory democracy. This paper tries to highlight the role of RTI in good governance and some recommendations for successful functioning of RTI act.

Keywords: Right to Information Act, Competent, Foster, Transparency, Corruption, Transformation.

INTRODUCTION

Governance is an all-inclusive term covering various aspects of the organization and structure of government, which have an impact on the efficiency of government and the delivery of public services, and incorporates accountability, transparency, financial devolution, political/administrative decentralization and administrative vigilance to check corruption. Good governance can be related to the basic goals of a society as enshrined in its constitution and other policy and plan documents. A faceless citizen is now blessed with a tool with the help of which he can now demand from the high and mighty in the government to know the details of every action they take, professedly on behalf of the people. – ‘if secrecy was to be observed in the functioning of government and the processes of government were to be kept hidden from public scrutiny, it would tend to promote and encourage oppression, corruption and misuse or abuse of authority for it would be all shrouded in the veil of secrecy without any public accountability. But if there is an open government with means of information available to public, there would be greater exposure of the functioning of the government and it would help to assure the people a better and more efficient administration’. With the right to Information Act coming into force, it seems that the foresight of an open government is going to be true. The Right to information Act, 2005, which came fully in to effect on 12 Oct. 2005 is one of the most significant legislation enacted by the parliament of India. This act confers an all citizens the right to access to the information and correspondingly, make the dissemination of such information an obligation on all public authority. It has the widest possible reach covering central government, state government, panchayati Raj institutions, local bodies and recipients of government grants.

In a democratic society for good governance transparency and right to information are important factors; Right to information means the freedom of people to have access to government information. It implies that the citizen and non-governmental organization should enjoy a reasonable free access to all files and documents pertaining to the governmental operations, decisions, and performance. In other words, it means openness and transparency in the functioning of government. Thus it is antithetical to secrecy in public administration. Article 19 (i) of the constitution of India provides the right to freedom of speech and expression to its citizens. This was included in the fundamental right with the intention of building a coherent environment and bringing forward the thought of the people in a democratic set up. The right to freedom of speech and expression was incomplete without information. Unless the people have complete, factual, updated and primary information about the government machinery, it is not possible to think having and useful, discussion on the subject. When there was no right to information, citizens were faced to grapple in the dark while the bureaucrats kept all the information hidden. To make matters worse, bureaucrats had the weapon of the official secret Act which was more important than the right to freedom of speech and expression as result of which he rights to citizens remained limited. However, now the RTI Act, which if used sensibly and efficiently can take the country in the direction of new democracy and good governance. It should be remembered that Public bodies hold information not for them, but as custodians of the public good and everyone has a right to access this information, subject only to clearly welldefined rules established by law. In a government of responsibility like ours, where all the agents of the public must be responsible for their conduct, there can be but few secrets. The people of this country have a right to know every public act, everything that is done in a public way, by their public functionaries. They are entitled to know the particulars of every public transaction in all its bearing.

The Indian democracy is going through a new phase. It is difficult to hypothesize about a real democracy without good governance, transparency and responsibility. Right to information has made all these possible. It has brought the common citizen into a new democratic role where he can directly question the administration. Sustained human development requires that the people especially the poor have the right to know and are provided with access to relevant information, including that relating to the conservation of the environment so that they can take their own informed decisions and realize their rights to development.¹

The right to information act 2005(RTI) is an act of parliament of India “to provide for setting out a practical regime of right to information for citizens.” The Act applies to all states and union territories of India except the state of Jammu and Kashmir. Jammu and Kashmir has its own act called Jammu and Kashmir Right to information act 2009. Under the provisions of the act, any citizen may request information from a “public authority” (a body of government or “instrumentally of state”) which is required to reply expeditiously or within 30 days. Information is an inalienable and natural right of every human being. In a democratic country each person has the right to freedom of opinion and expression. This right includes right of holding public opinion and to seek, receive and impart information and ideas from the public authorities. The available and appropriate information helps citizen to live a dignified life in a civilized society. The Right to information Act 2005 enables every citizen access to public information from government records. Earlier this access was available to citizens of only nine states in the country but with the enforcing of the Central Act on 12th October 2005, this right is now available to every citizen. Freedom of information brings openness in the administration which helps to promote transparency in state affairs, keep government more accountable and ultimately reduce corruption. Governance and good governance have become the theme and matter of discussion and deliberations. Government has played a vital role in the life of man. The act and process by which a government governs our people is called governance. The need of good governance is universally accepted. It has recognized that the state and its machinery should work for the welfare of the peoples. Good Governance constitutes the cornerstone of every democracy. Good Governance includes wide range of issues like economic, political, administrative and judicial as well. There is a close link between right to information and good governance. Good governance is characterized by transparency, accountability and responsiveness. Consequently, the citizen’s right to information is increasingly being recognized as an important mechanism to promote openness, transparency and accountability in government administration. People are the sole part in a representative form of government. The RTI Act has brewed a quiet revolution and played a vital role in the governance of the country. RTI users and activists in practically every nook and corner of the country are asking questions on varied subjects. The Act has produced a better impact on the quality of the life of the poor and marginalized. During the past five years, the Act has brought positive changes in the governance. Information is now the sole of every government. The need for transparency and efficiency in the governance become more important to achieve the goal of good governance.

Thomas Enderson in his commentary on the First amendment to the US constitution remarked that the society uses freedom of information and expression to protect certain values, which can be grouped into four broad categories. The first of these is assuring individual self-fulfilment, the second set of values focuses on means of attaining the truth, the third addresses a method of securing the participation of members in the society in social and political decision making, the fourth set of value seeks to maintain the balance between stability and change in the society.²⁻⁹

SIGNIFICANCE OF THE ACT

This act has provided us the right to get information from the government. Through this we can now expose corruption and also bring to light those duties that are not being performed by the officials. Through all this we can also seek solutions to our problems. We can ask information about projects and plans. We can inspect files and check for any misappropriations. The government spends a huge amount of money for development work. We can ask for information about the work being done in our area. We can find out the amount of money for development work. We can ask for information about the work being done in our area. We can find out the amount of money that is being spent and where. Information relating to tenders, agreements, payments and estimates of engineering work etc can be obtained with the help of the Right to information Act. The right to information is necessary due to the following reasons:- 1. It makes administration more accountable to people. 2. It makes people aware of administrative decision making. 3. It facilitates better delivery of good and service to the people by the civil servant. 4. It facilitates intelligent and construction criticism of administrative. 5. It promotes public interest by discouraging arbitrariness in administrative decision making. 6. It makes administration more responsive to the requirements of people. 7. It reduces the chance of abuse of

authority by the public servant. Right to information has provided a base for new democracy. Until now all public information was out of the reach of the people as it came under the purview of the officials secrets Act 1923. Right to information has removed this cover. Hence it has provided a lead on the basis of which the foundations of a new democracy can be set. For good governance it is essential to have maximum transparency in the work of governance and the citizens should be able to get maximum information about how they are being governed. It is only when citizens have all the relevant information that they will be able to review the extent to which the governing bodies in the state and those managing their infrastructure are moving towards good governance.

On this basis, citizens will also be able to determine the extent to which bureaucrats are conducting their responsibilities towards them. When there was no right to Information, citizens were forced to grapple in the dark while the bureaucrats kept all the information hidden. To make matters worse, bureaucrats had the weapon of the Officials Secret Act which was more important than the right to freedom of speech and expression as a result of which the rights of citizens remained limited. However, now the RTI Act, which if used sensibly and efficiently can take the country in the direction of new democracy and good governance. The role of right to information is quite effective in informing crores of grassroots people whose development is marred due to corruption. Even today the greatest challenge of India is bad governance. The use of RTI at the lowest level of the administrative arrangement, i.e at the village, block and district levels has shown tremendous possibilities in making democracy dynamic, energetic and useful for the public.¹

II - 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 characterised 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.^{10,11}

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.¹²⁻¹⁶

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. The RTI Act can be used to expose these seeds of corruption which in turn can control corruption at the lower levels.¹⁷⁻²⁰

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. On the one side, some researchers take participation to mean simply engaging with any particular activity (Bishop & Davis 2002; Paul 1987); on the other side, researchers define participation as a process through which people influence and share control over development initiatives (Arnstein 1971; Shand & Arnberg 1996; World Bank 1996). 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 facilities 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.²¹⁻²⁶

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.²⁷⁻²⁹

EMPOWERMENT

To ensure development in the local fields and peoples participation power must be decentralised. 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 centralisation 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.³⁰

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.

III -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 lead 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 cans 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 the 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."³¹⁻³⁴

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.

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