



# INTERNATIONAL JOURNAL OF CREATIVE RESEARCH THOUGHTS (IJCRT)

An International Open Access, Peer-reviewed, Refereed Journal

## Right to Information Act and Good Governance in India

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### Abstract:

The term 'Governance' refers to a method or system of government or management; in other words, the persons (or committees or departments etc.) who make up a body for the purpose of administering something; or it is termed as an act of governing and exercising authority. Governance belongs to those important pillars that work together for the purpose of assuring that an organization meets its objectives. Now, good governance is about the processes for making and implementing decisions. It's not about making 'correct' decisions, but about the best possible process for making those decisions. Good decision-making processes, and therefore good governance, share several characteristics. All have a positive effect on various aspects of local government including consultation policies and practices, meeting procedures, service quality protocols, councilor and officer conduct, role clarification and good working relationships. Good governance is an indeterminate term used in 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). Main features of a good governance are accountability, transparency, responsibility, equitability, inclusiveness, effectiveness, participatory. Accountability is a fundamental requirement of good governance.

Further, Right to Information means every citizen's right to get information and copies of documents. The government has a duty to provide the information, though not absolute, for a smooth functioning and establishing a good exercising of various policies in the country like India. Earlier, the Central Government passed the freedom of Information Act, 2000. But it was never brought into force. After the UPA government came into power in 2004, the National Advisory Council (NAC) was set to monitor the passing of the legislation. The Lok Sabha passed the RTI Bill on 11<sup>th</sup> May 2005 and on the following day the Rajya Sabha passed the Bill. On the 15<sup>th</sup> June 2005, the Right to Information Act received the assent of the President of India and a historic landmark Act was presented to us.

**Key words:** Governance, accountability, transparency, responsibility, equitability, inclusiveness, effectiveness, participatory.

**Introduction:**

By 'Governance' we mean the overall framework, process, and system of decision-making and implementation, defining how societies and organizations manage the works they want to do. It refers to the act or regulations of governing a nation or state; or it is the exercising authority that has considerable experiences of government. As we know that there are three major pillars of a successful state; viz. Governance, Risk management and Compliance. So governance belongs to such important components or pillars that work together for the purposing of assuring that an organization meets its objectives. In other words, we can say that governance is the combination of processes established and executed by the board of directors that are reflected in the organization's structure and it is managed and led toward achieving goals. An important discipline synchronizes information and activity across the governance along with other disciplines in a country. So far the basic concepts of the term governance are concerned we know that it describes the overall management approach through which senior executives direct and control the entire organization, using a combination of management information and hierarchical management control structures. Activities related to Governance ensure that critical management information reaching the implementing authority sufficiently complete, accurate and timely to enable appropriate management decision making, and provide and control mechanisms to ensure that strategies, directions and instructions from management are carried out effectively and systematically.

To implement a meaningful and true democracy, it has to be built on the foundation of an enlightened and empowered citizens. The enactment of the Right to Information Act 2005 is an important step in promoting a really transparent, vibrant and responsible government. The actual implementation of Act is bound to pose a great challenge to the various agencies of the Government at the Central, State and Local Levels since the functionaries at these levels have to change their mindset about sharing the information they hold with the common citizens. However, the Act further envisages the harmonization of public interest with the right to information. In spite of all these said and done in favor of right to information, it is important that there are some areas where the public interest demands some elements of secrecy also. It is due to some constraints revealing in national and public interest in disclosure of any information. However, a standard balance should be tried between the protected interests and the public interests to achieve the goals of transparency and accountability and to eradicate corruption from the society.

**Statement of the Problem:**

As we know that Governance, Risk Management and Compliance (GRC) is a combination of Discipline that aims to synchronize information and activities across the areas concerned in order to operate more efficiently, enable effective information sharing, more effectively report activities and avoid wasteful overlaps. But we also find that substantial duplication of tasks evolves when the GRC are managed independently in the system of a successful society and it is really more relevant in a country where a multiple culture, creed, religion of people are living together like our India.

On the other way, for the success of a democratic system of government and smooth functioning of the various government sectors and for the better interest of its citizens, a state should have a transparent mechanism with which they can get each and every information or data in due course of time and the concerned agencies can take actions for or against a person properly.

It is seen that so many works in these fields for the time in its inception have been done; but no such work or study made elaborately so far in respect of the fact that how far the matter of governance is properly implemented in Indian context and how much we are successful in materializing the benefits of the RTI Act of 2005. So this study will work with a view to taking an account and analysis on governance and RTI in Indian context.

**Objectives:**

The main objectives of this paper is to discuss and analysis the meaning of governance as well as to chalk out an overview on the Right to Information (RTI) Act of 2005 in India for which the contemporary Indian Parliament offered a chance to the people of its citizens for being aware of their various rights and accordingly to make better improvement of their native land.

**Review of Literature:**

A number of works are found to be done in the fields of Governance and RTI Act of 2005. In respect of governance, we find that deferent fields including finance, corporate governance, earning management, firm performance, firm value, etc. have been studied and investigated. Such as, corporate illegality (Kaur, 2017), Financial Disclosure (Halder and Raithatha, 2017), Equity (Fruin and Dossani, 2012, Srivastava, et. el. 2019), Quality of Financial Information (Hundal, 2016), Stock Market Volatility and Efficiency (Prasanna, 2013), Sustainability (Kansil and Singh, 2018) and Talent Management (Chahal and Kumari, 2013), etc. are of great importance. Further the RTI Act of 2005 relates with the public and their interests directly. So it mandates response to citizens' requests for information of the government; and it also aims at promoting accountability and transparency in the working of all public authorities. So in this regard some important works have also been done; such as, Right to Information and Good Governance by S. L. Goel (2007), Right to Information by K. B. Rai (2016), Right to Information in India by S. Najib (2013), and Right to Information Act 2005: A Handbook by S. Najib (2011) are of also great importance. Bringing together the major aspects of Right to Information Act of 2005, these works present a clear a concise introduction to the evolution of the Act and various privileges conferred under it and the procedures involved in seeking information from various angles, etc.

**Material Resource and Methodology:**

Both the primary and secondary sources of data available in English, Hindi or Urdu languages will be consulted for the study of this topic. As to follow up the methodology to his article, both descriptive and historical analysis research design will be accepted.

**Results and Discussion:**

The term 'governance' is derived from the Greek verb *Kubernaein* that means 'to steer' or 'to pilot' a ship, which metaphorically represents the steering or guiding a state. Governance is the system of creating decisions within the arena of organization or society. It is also the process of interaction through some social or political norms, or a communicative system of an organized society that run over a social system like family or else. Good governance is termed as that type of effective body that describes the overall management approach through which senior executives direct and control the entire organization, using a combination of management information and hierarchical management control structures. Good governance is the term of such progressive literature which is regarded as global level 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 be applied 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.<sup>[2]</sup> 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 will often 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 various different contexts.

Further, we find that good governance is about the processes and implementing the decisions to reach its goal. And therefore it has several special characteristics; such as, accountability, transparency, responsibility, equitability, inclusiveness, effectiveness and participatory. Now let us talk about these issues with a little bit details.

**Accountability:** Good governance is accountable. Accountability is a fundamental requirement of good governance. Local government has an obligation to report, explain and be answerable for the consequences of decisions it has made on behalf of the community it represents.

**Transparency:** Where there is good governance, there is transparency in its every aspect. People should be able to follow and understand the decision-making process. This means that they will be able to clearly see how and why a decision was made – what information, advice and consultation council considered, and which legislative requirements council followed.

**Consistency:** Good governance follows the rule of law. This means that decisions are consistent with relevant legislation or common law and thus results evolve in a unique way.

**Responsibility:** Good governance is always responsive. Local government should always try to serve the needs of the entire community while balancing competing interests in a timely, appropriate and responsive manner.

**Equitability:** Good governance is equitable and inclusive. A community's wellbeing results from all of its members feeling their interests have been considered by council in the decision-making process. This means that all groups, particularly the most vulnerable, should have opportunities to participate in the process.

**Effectiveness:** Good governance is effective and efficient. Local government should implement decisions and follow processes that make the best use of the available people, resources and time to ensure the best possible results for their community.

**Participatory:** Good governance is participatory. Anyone affected by or interested in a decision should have the opportunity to participate in the process for making that decision. This can happen in several ways – community members may be provided with information, asked for their opinion, given the opportunity to make recommendations or, in some cases, be part of the actual decision-making process.

### **The Right to Information**

The right to information as propounded in the Right to Information Act 2005, is basically known as the culmination of a stage in the advancement of human civilization. This right is also an index of growth of human rights and liberties. Freedom is an inborn desire of human being. Simultaneously, with the mental growth and advancement of science, technology and industry the growing consciousness of human rights and liberties paved way for democratic form of Governance. Therefore, this growing consciousness for various liberties resulted in revolutions against the autocracies and monarchies in the world and accordingly the political scenario were visited by the idea of democracy.

It is in 1947, India got independence and the new Constitution established the democratic form of governance on 26<sup>th</sup> January 1950. Since our independence was the result of centuries old struggle and sacrifice, the people cherished high hopes and aspirations from the new setup. The citizens were thrilled with the spontaneous flow of powerful feelings of equality, liberty and independence. Accordingly, the Constitution of India provided befitting provisions in the form of Fundamental Rights and Directive Principles of State Policy. So the concept of Right to Information for a citizen has been generated from the Fundamental Rights dealt in Art 19 of Part III of the Constitution of India; where it has been guaranteed that all citizens have the right to freedom of speech and expression. Though the right to information is not included in the list of Fundamental Rights, but it has been recognized by Indian Judiciary as fundamental rights necessary for democratic functioning. In various land mark judgments, the Hon'ble Supreme Court of India has recognized the right to information as an integral part of the Fundamental Rights as to freedom of speech and expression. The

Central Government passed the freedom of Information Act, 2000. But it was never brought into force. After the UPA government came into power in 2004, the National Advisory Council (NAC) was set to monitor the passing of the legislation. The Lok Sabha passed the RTI Bill on 11<sup>th</sup> May 2005 and on the following day the Rajya Sabha passed the Bill. On the 15<sup>th</sup> June 2005, The Right to Information Act received the assent of the President of India and it came into force on the 12<sup>th</sup> October 2005; *i.e.* 120<sup>th</sup> day of its enactment, and a historic landmark Act was presented to us. Right to Information means every citizen's right to get information and copies of documents. The government or its competent authority has a duty to provide the information for a smooth functioning and establishing a good exercising of various policies in the country like India.

Now 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 materials held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law by the time being in force but does not include 'file-notings'. Further, Right to information also means the right to inspect works, documents, records; take notes, extracts, or certified copies of documents or records or certified samples of material; and to obtain information in form of printouts, diskettes, floppies, tapes, video cassettes or any other electronic mode also.

We find that it will bring about transparency and accountability in public administration at all levels in significant measure. Citizens in villages, towns and cities have been empowered to demand and actually get information on policies, programmes and projects that affect to their day-to-day lives. The enforcement of this Act is one of the most important means by which another equally historic legislation passed by the Parliament. The National Rural Employment Guarantee Act was once subject to continuous social audit and be under constant public scrutiny for effective implementation. So, social groups, NGOs and civil society organizations can use the provisions of The Right to Information Act on behalf of the poor and weaker sections of the society so as to make sure that the various rural development and social welfare schemes deliver benefits to the people as intended.

But this right is not absolute. Rather some restrictions are there in this regard. Information which prejudicially affect sovereignty and integrity of India, security of the country and some other information, shall not be disclosed for better interest of the state and as such these are excluded from the purview of the Right to Information Act.

### **Conclusion:**

To conclude it can be said that for a true and meaningful democracy it has to be built on the foundation of a well-informed, enlightened and empowered citizens. The Right to Information has the instrumentality to achieve these objectives. The enactment of The Right to Information Act, 2005 is an important step in promoting a really transparent, vibrant and accountable government. This land mark legislation is expected to usher an area of performance and efficiency, eliminate the scourge of corruption and make the common man alert with all the processes of governance.

The actual implementation of the Act is bound to pose a great challenge to the Governments at the Central, State and Local Levels since the functionaries at these levels have to change their mindset about sharing the information they hold with the common citizen. This is not very easy since all the authorities are trained to maintain a complete veil of secrecy on all matters concerning issues of Governance.

**References:**

1. Khan, Haroon A, *The Idea of Good Governance and the Politics of Global South: An Analysis of its Effects*, ISBN 9781138066731, Routledge, 2017.
2. Saha, Amritlal, *PRIMARY ASSISTANCE ON Right to Information*, Saikat Prakashan, Agartala, 799007, 2007, ISBN 81-903954-5-9.
3. Vayunandan, Etakula and Mathew Dolly, *Good Governance: Initiatives in India*, ISBN 8120322037, PHI Learning, 2009.
4. Yadav, Abhe Singh, *Right to Information Act, 2005*, ISBN 978-9381292914, Central Law Publications, New Delhi, 2016.

