

Right to Information and Good Governance

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Abstract

If transparency and accountability are the imperatives for sustaining democratic governance, access to information is a vital instrument of societal transformation and the Right to Information Act, 2005 helps in achieving the same. The transformation from governance to good governance is possible, if there is possibility of increasing participation of people in governance and free access of information. By realizing this fact, Indian parliament has passed Right to information act, 2005 to make government, accountable, responsible, efficient and transparent. RTI is a powerful tool that can deliver significant social benefits. It provides a strong support to democracy and promotes good governance, by empowering the citizen's ability to participate effectively and hold government officials accountable. Rather than just providing information, RTI Act in most of the countries has served to be an effective watchdog ensuring all those coming in purview of the Act to work in accordance with rules and regulations, without any irregularities. This paper tries to highlight the basic guidelines of RTI act, the relationship between Right to information act and good governance. And also the paper provides some challenges and recommendations for successful functioning of RTI act.

Keywords: accountability, democratic, good governance, right to information, transparency

Introduction

India is a democratic republic state. Here the Government is of the people, by the people and for the people. Therefore the people of our country have the right to know about state affairs. 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. The available and appropriate information helps citizen to live a dignified life in a civilized society. Moreover 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. So it is necessary that they must have to know all the functioning of government activities to frame a practical regime of good governance in administrative process

Freedom of information brings openness in the administration which helps to promote transparency in state affairs, keep government more accountable and finally reduce corruption. The free flow of information is must for democratic society as it helps the society to grow and to retain a continuous debate and discussion among the people. But the access to information held by a public authority was possible after 2005. Before that the common people did not have any legal right to know about the public policies and expenditures. The concept of good governance directly emanates from the right to know which seems too implicit in the right to free speech and expression.

Good Governance

Good is a term used with great flexibility; Depending on the context, good governance has been said at various times to encompass: full respect of effective participation, human rights, the rule of law, multi-actor partnerships, and accountable processes, political pluralism, transparent and

institutions, an efficient and effective public sector, legitimacy, access to knowledge, information and education, political empowerment of people, equity, sustainability, and attitudes and values that foster responsibility, solidarity and tolerance.

It 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 beneficial to the continuous growth and well-being of all people in India. The Government of India has placed good governance and inclusive growth at the center of the Eleventh Five Year Plan. The enactments of the Right to Information Act aim at forwarding inclusive growth and better governance. Good governance" is a term that is often used to describe the desired objective of a nation-state's political development. The principles of good governance, however, are not new. Good governance in short is described as anti-corruption, whereas authority and its institutions are accountable, effective and efficient, participatory, transparent, responsive, and equitable.

Basic Features of Good Governance

1. 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.

2. Good governance is transparent

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 (when relevant) council followed.

3. Good governance follows the rule of law

This means that decisions are consistent with relevant legislation or common law and are within the powers of council.

4. Good governance is 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.

5. 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.

6. 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.

7. 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.

Right to Information Act

The Right to information is a basic human right derived from Art 19(1) (a) of the constitution of India. It states, —All the citizens have the right to the freedom of speech and expression and Art 21 deals with right to life of citizens. Constitution of India 1950 stated that the court has recognized the right to access of information from government department is fundamental to democracy. However, the right to information does not mean the free flow of information without any restrictions. Like all other fundamental rights, the right to information has also certain reasonable restrictions.

In India, the RTI Act (The Right to Information) was passed by the parliament in October 12, 2005, after passing bill by both the houses of parliament. The Right to Information Bill, 2005 was passed by the Lok Sabha on May 11, 2005 and by the Rajya Sabha on May 12, 2005 and received the assent of the President of India on June 15, 2005 and came to force on October 12, 2005, thus opening up the governance processes of our country to the public.

The basic objectives of the Right to Information Act is to empower the citizens, promote transparency and accountability in the working of the Government, contain corruption, and make our democracy work for the people in real sense. It goes without saying that an informed citizen is better equipped to keep necessary vigil on the instruments of governance and make the government more accountable to the governed. The

Act is a big step towards making the citizens informed about the activities of the Government.

Salient Features of RTI Act

1. This act defines “Appropriate Government” which may be termed as Public Authority
2. This Public Authority is established, constitutes, owned, controlled or substantially financed by funds provided directly or indirectly by the Central Government or the Union Territory or State Government.
3. This act is applicable to all the public authorities’ i.e. all central and state government ministries, departments, organizations, undertakings, autonomous bodies, municipalities, panchayat etc enacted by law and also covers the Union Territories, election commission, Comptroller and auditor general, public service commission, the judiciary and the legislature including the Parliament and the State legislature are also covered under its purview. Internal and Foreign private institutions situated within the country have been kept out of its purview
4. The act requires the public authority and its officers to maintain and keep ready its records and machinery so as to facilitate the right to information.
5. The act provides that if the information sought for relates to another office or another public information officer, then the Public Information Officer receiving the application for information can transfer the application to the Public Information Officer of the concerned office
6. In general cases, normally the request for information shall be disposed by the concerned information officer within 30 days of the receipt of request. Where the information sought relates to third party, the same shall be provided within 40 days of the receipt of request. But if the information sought for concerns the life or liberty of a person, the same shall be provided within 48 hours of the receipt of request.
7. The fee for seeking information shall be reasonable. There shall be no fee for citizens below poverty line.
8. The act provides for constitution of Central Information Commission at the highest level and State information Commissioners at state level. There shall be Chief Information Commissioner and Information Commissioners in both the Commissions.
9. The act provides for two level forum for making appeal, i.e. appeal shall be filed at two levels:
 - One within the organization to the senior officer to the public information officer known as First Appellant Authority
 - The second appeal shall be filed with the central or state information commissions, as the case may be
10. The act provides that if the concerned Public Information Officer does not furnish the required information within specified period or refuses to provide information, the applicant making request for information shall file an appeal within 30 days of the date of such refusal. An appeal shall be disposed of within 30 days of the receipt of the appeal or within such extended period not exceeding a total of 45 days from the date of filing.
11. The central and state information commission shall, after the end of each year, prepare a report on the implementation of this act during that year and forward a copy thereof to

the appropriate government which shall be laid down before each House of Parliament or State Legislature as the case may be

12. The Central Government, by using power vested under this act, shall chalk out programmes to advance the understanding of the public and develop the information machinery.
13. If any public information officer neither furnishes the information nor refuses to furnish the information within specified time, he shall be penalized with 250 per day for the delay period subject to the total amount of such penalty not exceeding 25000.
14. The amount of fee deposited by the applicant for seeking information shall have to be returned, if the information is not furnished within specified period
15. If any person, with one reason or the other, is unable to give written application for seeking information, he can tell it orally to the concerned public information officer and it will be taken as his oral request for seeking information. In such case Public information officer shall render all reasonable assistance to the person making the request orally to reduce the same in writing.

Importance of RTI in India

(1) Participation

The Right to information acts gives people a chance to participate not just one in five years, but every day and question any decisions. Right to information act also strengthen grassroots democracy and ensures peoples participation in local governance and development activities.

(2) 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. The right to know and easy access of government information helps the people to understand the limitations of government at different levels. The availability of information also helps to foster in development process and it is a symptom of true and mature democracy.

(3) Transparency

The Right to Information act is intended to promote accountability and transparency in government by making the process of government decision making more open. Transparency means that decisions taken and their enforcement are done in a manner that follows rules and regulations. It also means that information is freely available and directly accessible to those who will be affected by such decisions and their enforcement. 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. In addition to this, the citizens are taxpayers, so they have every right to ask the government.

(4) Accountability

The Right to Information act provides people with mechanism to access information, which they can use to hold the

government accountable or to seek explanation as to why decisions have been taken, by whom and with what consequences or outcomes. However, accountability cannot be achieved without transparency and rule of law.

(5) Empowerment

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.

(6) Equity and inclusiveness

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 comes forward to fight against inequality, injustice and inhuman activity.

(7) Effectiveness and Efficiency

The Seventh feature of good governance is efficiency and effectiveness. The concept of efficiency in good governance covers doing work at first speed and effectiveness means doing things effectively with result oriented.

Right to Information: Challenges

- a) Low level of awareness among people is the major challenge before successful implementation of Right to Information act. People, particularly in remote areas are not concerned with the Right to Information act.
- b) Illiteracy and poverty is another major challenge before successful implementation of Right to Information act..
- c) Most of the uneducated even educated peoples do not have the proper knowledge about public Information officers, the procedure of paying fees and to get information.
- d) Non-availability of user guide is another main challenge before successful RTI act implementation. Absence of user guide creates difficulty on the part of the Information seekers to gather knowledge about the process for submitting a RTI request.
- e) Due to the lack of efficient record management system, the public Information Officers face difficulty to get accurate and easy access of information from the concerned department, so that it can be provided to information seekers.
- f) The non-cooperation from the part of bureaucracy is another major hurdle before RTI act implementation in India.
- g) Bureaucracy also hides information for fear of criticism and to give a good image of them before public.
- h) Lack of effective coordination and cooperation among state information commissioners and the non-cooperation of departments with PIO hinder the process of smooth implementation of RTI act.
- i) Lack of monitoring and review mechanism also hampers in successful implementation of RTI act in India.
- j) The limited use of technology has hindered effective implementation of RTI act. Except in a few states no effective IT system have been establish to monitor and report on the disposal of application by public authorities.
- k) The implementation of RTI act is uneven. It is not equally implemented to all the states. Therefore, awareness level

also differs from state to state. In states like Arunachal Pradesh, Uttarakhand and Punjab the awareness level about RTI act is high, on the other hand awareness of people in Gujrat, Madhyapradesh, Jharkhand and UP is not high. Moreover different rules for different states especially on fees and costs make the RTI filing ineffective.

- l) Generally, it is observed that retired bureaucrats are being appointed for the post of highest level of RTI officials i.e. the information commission at the central and state levels. These commissions are the independent of the government. Activists are of the opinion that these officials often show sympathetic attitude towards their acquaintances.
- m) Non-availability of basic infrastructure is another serious hurdle before RTI implementation. The smooth implementation of RTI act requires the Public Information Officers (PIO) to provide information to the applicant through photocopies, soft copies etc. Though these facilities are easily accessible at districts level, but it is a challenge to get information from the block/Panchayat level. PIO claims that lack of infrastructure blockade RTI implementation at block level.

Recommendations / Suggestions for effective implementation of RTI act

- a) As stated above due to ignorance, most of people have not heard about RTI act. To tackle this issue government should allocate huge fund for publicity budget of RTI act.
- b) Publicity is very essential for RTI implementation. NGO's and civil society groups can take initiative to make massive awareness campaign to educate citizen about RTI act. This awareness programme may be at national, state and block level.
- c) Children are considered resources for the future health of a nation. Therefore, RTI act should be added in the school syllabus to arouse curiosity of children about RTI at the grass-root level.
- d) As the nodal administrative authority at the district level, every deputy commissioner and district collectors must be given responsibility of monitoring and implementation of RTI act by various departmental authorities within the respective district.
- e) There should be efficient and scientific record keeping agency so that applicants can get accurate information. Without modernizing and digitizing management of information and record providing information would take several days often exceeding the legal deadlines.
- f) Government departments should be entrusted responsibility to make the implementation of RTI easy for applicants seeking information rather than tough procedures.
- g) Inculcation of political will is necessary for judicious working of RTI act. The Bureaucrats must come forward to help the aggrieved citizens.
- h) It is the moral responsibility of the government to protect RTI activists and users and to take legal action against the attackers.
- i) There should be proper coordination among state information commissioner and departments for the effective implementation of RTI act.
- j) Chief information commissioners should have frequent interaction with all information commissioners so that approach of all information commissioners may be similar

in dealing with appeals/complaints before them.

- k) According to the act it is mandatory to provide the information in the given time frame of 30 days. Since the information system is not integrated, therefore it becomes difficult to provide information in the given time. Moreover, many departments could not prepare themselves to respond according to the act.
- l) Training of officials of all departments and representatives of public authorities is essentially required so that they are made aware of their duties and obligations under the act.

Right to Information and Good Governance

The right to information act is powerful instrument to fight against corruption. Good governance and right to information are complimentary to each other. Good governance is characterized by- political accountability, availability of information, effectiveness, efficiency, law abiding citizen and cooperation between government and society. As such the Right to information is a natural corollary of good governance. The enactment of RTI act 2005 introduces an open and transparent government and gives every citizen right to seek and receive information to make administration more responsible and transparent which means good governance. So, World Bank once rightly remarked, —Right to information is an integral part of good governance. I V.K Agnihotri and B.V.R Subrahmanyam opined that Right to Information is a part and partial of success for good governance.

Information is crucial for good governance as it reflects and captures Government activities and processes. It is said that information is the oxygen of democracy. If people do not know what is happening in their society, if the actions of those who rule them are hidden, then they cannot take a meaningful part in the affairs of the society. Access to information not only promotes openness, transparency and accountability in administration, but also facilitates active participation of people in the democratic governance process. The RTI Act is a tool helping to ensure rights already promised in the constitution.

Public participation in Government, respect for the rule of law, freedom of expression and association, transparency and accountability, legitimacy of Government, and the like which are the core values of good governance, can be realized only if the right to information is implemented in the right spirit. PM said this legislation was not a substitute for good governance, but was intended “to support and aid the process of good governance”. The passage of RTI Act has up to a certain extent infused transparency and accountability in the working of public departments. This has increased the efficiency of decision making process.

Conclusion

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 it 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.

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