



‘RTI- KEY OF GOOD GOVERNANCE’

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ABSTRACT : Right to information is a basic right of every human being. The renowned French Philosopher Michel Foucault once opened, power is derived from knowledge. Information makes men wise and it is capable enough to cope up with the modern world. So it is the duty of government to inform citizens about whatever is happening

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today in the government. 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 realising this fact, Indian parliament has passed Right to Information Act, 2005 to make government accountable, responsible, efficient and transparent. In India Right to Information is the need of hour. Human security, food, shelter, environment and employment opportunities are all bound up with right to information. India is the world largest democracy. India’s political executive is dependent on permanent executive (bureaucracy) for making and implementation of policy. But corruption and criminalisation is the nerve of Indian democracy today. The secrecy they have maintained is a source of corruption and harassment. Though India is the world largest democracy, it now fails to attain confidence from common people. As a tax payer, each person should have the right to know the functioning of government machinery. In addition to this, in a democratic country, citizen can be regarded as an asset only when citizen develop the skill to gain access to information of all kinds and put such information to effective use. Without intellectual freedom the access of democratic governance cannot be imagined. ‘RTI’ is the best way for it.

INTRODUCTION

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



civilised society. Moreover there is a close link between right to information and good governance. Good governance is characterised by transparency, accountability and responsiveness. Consequently, the citizen's right to information is increasingly being recognised 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. In India RTI Act, 2005 is a positive step taken by government to bring transparency in administration.

RIGHT TO INFORMATION ACT, 2005(RTI)

Right to Information (RTI) is an Act of the Parliament of India to provide for setting out the practical regime of right to information for citizens and replaces the erstwhile Freedom of information Act, 2002. Under the provisions of the Act, any citizen of India may request information from a "public authority" (a body of Government or "instrumentality of State") which is required to reply expeditiously or within thirty days. The Act also requires every public authority to computerise their records for wide dissemination and to proactively certain categories of information so that the citizens need minimum recourse to request for information formally.

This law was passed by Parliament on 15 June 2005 and came fully into force on 12 October 2005. The first application was given to a Pune police station. Information disclosure in India was restricted by the Official Secrets Act 1923 and various other special laws, which the new RTI Act relaxes. It codifies a fundamental right of citizens.

PROVISIONS OF RTI ACT, 2005

- ❖ Every public authority has to provide to the citizen the right to information within a prescribed time limit. Public Authorities has been ascertained by the Act itself, which includes the office of the President, Vice-President, Prime Minister, Chief Justice of India, the Parliament, State Legislatures, the Supreme Court, High Courts, constitutional bodies such as CAG (Comptroller and Auditor General), Election Commission etc. It also includes all the departments, Ministries, Boards, PSUs (Public Sector Undertakings), Agencies of Central Government, State Governments & Local Governments.



- ❖ It is mandatory for a public authority to create a separate office called as PIO (Public Information Officer), with an objective to provide information within a prescribed time limit of 30 days. If the information is related to life and personal liberty than the information should be provided within 48 hours.
- ❖ If any citizen is not satisfied with the content, context or subject matter of any information or the information is not provided within a prescribed time limit of 30 days than an appeal can be filled before 1st level Appellate Authority (i.e. the Joint Secretary of the respective department) and against the adjudication of 1st level Appellate Authority the appeal can be filed before the 2nd Appellate Authority (i.e. CIC- Central Information Committee & SIC- State Information Committee).
- ❖ This Act also prescribes/describes the term Information in a comprehensive manner. Information means any material in any form including records, documents, e-mails, opinions, advices, orders, law books, contracts, samples etc.
- ❖ RTI Act also determines some exceptions under which the public authorities have no obligation to give any official information to any citizen. These exceptions are as follows:-
 - Information relating to integrity, security, sovereignty and strategic, economic & scientific interest if the State.
 - Information which has been expressly restricted by any court of law to be published.
 - If disclosure will cause a breach of privilege of Parliament or State Legislature.
 - Information including IPR (Intellectual Property Rights) & trade secrets.
 - Information received in confidence from any foreign government.
 - Information the disclosure of which would endanger the life or physical safety of any person.
 - Information related to the process of investigation and prosecution.
 - Cabinet papers including records of deliberation of Council of Ministers and other high level officials.
 - Personal information, disclosure of which has no relationship with nay public activity or interest.



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 realising 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. Through this report the commission directly mentioned that access to information can empower the poor and weaker sections of society to demand and government information about public policies and actions, thereby led to welfare of all.

Good governance and right to information are complimentary to each other. A nation whatever form of government it pursues must fulfil the aspirations of common man. Good governance is the only avenue, which can provide guaranty the life of individuals. Good governance is characterised by- political accountability, availability of freedom, bureaucratic 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. V.K Agnihotri and B.V.R Subrahmanyam opined that Right to Information is a part and partial of success for good governance. They said the minimum expectations of citizens from the governance are:-

- Timely prompt service.
- Minimum Red Tape.
- Minimum waiting time.



- Minimum visit to multiple officers.
- Minimisation of Arbitrariness.
- Prompt information in delays, waiting times etc, and
- Prompt information on status of application.

The right to information and transparency of administration is an effective tool of good governance in the following ways:-

❖ Participation-

Participation of 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. The Right to information acts gives people a chance to participate not just one in five years, but every day and question any decisions. The right to Information act gives an opportunity to the common men to participate in governance and reduce the imbalance in power relationship, provides a tool to oppose injustice and allows collective spirit to make democracy work for everyone. Right to information act also strengthen grassroots democracy and ensures peoples participation in local governance and development activities.

❖ 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 Information act by providing easy access of information reduces the traditional long gap between citizens and administration and thus helps in nation building process. 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.

❖ Transparency-

Transparency is the milestone of good governance. 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. Transparency and accountability is possible only when



the public have access to information. The enactment of Right to Information act 2005, people are now able to seek information from any government department with a definite time frame. 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. In addition to this, the citizens are taxpayers, so they have every right to ask the government.

❖ Accountability-

Accountability is another requirement of good governance. Not only the government, the private sector institutions should also accountable to the people. Information is power and Right to Information act brings accountability and transparency in the administration. 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.

❖ Empowerment-

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. 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-



Equity is another prominent feature of good governance. It implies everybody is a part of the governance and they do not feel excluded from the mainstream of society. 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.

❖ 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. In this connection Right to Information act will bring more effective and efficient record management techniques that are needed to facilitate the provision of information in response to public interest. Under RTI provision 4(1), it is clearly mentionend that itt is the obligatory of public authority to maintain all its records duly catalogued and indexed. Under section 4(b), every public authority is requested to publish within 120 days from the enactment of the act as many as 17 manuals.

RIGHT TO INFORMATION ACT: CHALLENGES

Since came into force on 15June, 2005 Right to Information act has been successfully working in most of the Indian states but Research studies shows that in their operation area the Right to Information act has been facing many severe challenges.

The challenges are-

- ❖ 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. The research studies observe that the major sources of awareness are –
 - Mass media like- television channels, newspapers, magazines, journals etc.
 - Word of mouth. The nodal agency specifically the state government has not taken any potential step to promote Right to Information act.



- ❖ Illiteracy and poverty is another major challenge before successful implementation of Right to Information act. Right to Information act has does not have any meaning for a Persons who does not have enough money to live, who is not educated and who does not have freedom. In fact, their first requirement is the right to live (right to eat, right to work and right to shelter) and then Right to Information.
- ❖ 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.
- ❖ 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.
- ❖ Lack of commitment in efficient record management both state and central government instructions posing challenge before successful implementation of RTI act.
- ❖ 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.
- ❖ The non-cooperation from the part of bureaucracy is another major hurdle before RTI act implementation in India. The —Babul type mentality (colonial mindset) makes them to use information as their own prerogative. Sometimes for their vested interest or to show their superiority, the bureaucrats do not want to disclose the basic information to citizens.
- ❖ Bureaucracy also hides information for fear of criticism and to give a good image of them before public.
- ❖ 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.
- ❖ Lack of monitoring and review mechanism also hampers in successful implementation of RTI act in India.
- ❖ 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.



- ❖ 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 Gujarat, Madhya Pradesh, Jharkhand and UP is not high. Moreover different rules for different states especially on fees and costs make the RTI filing ineffective.
- ❖ 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 fellow babus. ‘
- ❖ 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.

CONCLUSION

Thus it can be rightly mentioned that Right to Information act is a key 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 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.

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