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## **RIGHT TO INFORMATION: A TOOL OF GOOD GOVERNANCE**

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### **ABSTRACT**

Information is the basic component of knowledge and power is derived from knowledge. - Michel Foucault (French scholar)

Right to information is an elementary and fundamental right. People use information to make sense of their lives and situations. Information alters the way of thinking of people and it makes them competent to adjust with the contemporary world. Every citizen in the society needs to maintain their democratic balance especially where society accept democracy as its stated belief and Information acts as an Oxygen to the society. The contribution of citizens in government decisions and a free access to information can transform the governance into good governance. The Indian parliament in 2005 enacted RIGHT TO INFORMATION (RTI) ACT 2005. RTI is the most dynamic and powerful hit on developing countries and to their endemic corruption. It is an instrument which uplifts the veil to the custom of government secrecy, promotes trust and transparency which will indirectly promotes good governance. In an egalitarian country every citizen has a freedom to express and share his opinions and this right inculcate right to hold public opinions. A natural or a basic human right to access information enables native's participation by having knowledge of programs and schemes brought by the government for the welfare of public. Information is the wampum which enables the citizens to contribute in making the governance in effective administration and management. So, it is the responsibility of the government being the agents of public to make people aware of their conduct and everything that is done in a public way. The idea of open government is the direct product of right to seek information, being an integral part of freedom of speech and expression. Good governance is marked by accountability, transparency, impartiality and by promoting openness. RTI Act has thus successfully achieved its objectives by providing the people to access the information regarding the accounts of political parties, the expenses incurred during the year by government and right to

student regarding their Board Papers. This article tries to highlight the relationship between Right to Information and good governance, some basic guidelines, the amendments and some successful stories.

### **Introduction:**

The term "Information" is defined under Section 2(f) as any material in form of e-mail, records, documents, memos, opinions, advice, contracts, press releases, circulars or orders etc. It also refers to electronic form as well as information possessed by public authorities regarding private entities. Information is stimuli, an abstract, a concept, knowledge, wisdom for its receiver and right to information is the basic, fundamental and inalienable right for every human being. The people of a state used their right to freedom of information and expression in order to protect certain values and these values can be categorised into four categories. First category of values assures individual self fulfilment, second set of values focuses on means of attaining the truth and third is the method of obtaining the participation in the society's social and political problems and lastly is to maintain the balance between the change in the society and stability, remarked by Thomas Anderson on the very First Amendment to the United States constitution in his commentary. To strengthen the process of a prototype shift from state centric to citizen centric model and to promote transparency, accountability, responsibility and good governance, the Parliament of India passed (The Right to Information Act 2005.). Right to information is an instrument for countering excess power abuse, mismanagement, corruption, an important tool to maintain a kind of balance and equity. Right to Information is a revolutionary Act that aims to promote open government in India. The scope of the Act is not limited as it covers almost each and every sphere.

Right to Information is a remarkable piece of legislation and a revolutionary Act with a basic objective of transparency, openness, and accountability of government functionaries. Right to information is the right of people of India to know, to seek and to receive information from the government bodies about the various expenditures are incurred, pending income tax returns, reasons of delayed in scholarship, Status of EPF, Delayed IRCTC funds, conduct social audit of Government projects, can seek information of how MP/MLA spent the funds allocated to them. Equipped with the knowledge about RTI, a common man can demand from any government agency to furnish information. The organisation is bound to provide the

information within 30 days, failing which the officer concerned is slapped with the monetary fine.

### **Historical Background of Right to Information in India**

In 1977, on eve of the Lok Sabha Elections, first political party came up with the commitment to the citizen's right to information as a corollary against abuse of power, press censorship, suppression of Information. The Janata party declared and promised "an open government" no misuse of governmental authorities and powers for personal ends. The Janata government headed by Morarji Desai constituted a working committee to ascertain the modification of Official Secrets Act 1923 in order to facilitate free flow of information to the public of India. The cabinet Secretariat, Ministers of Home Affairs, officials recommended that the Official Secrets Act 1923 should be continued without change.

Our Prime Minister V.P. SINGH, in month of December 1989, in his first broadcast addressed to the nation "right to information will be enshrined in the Indian Constitution". The Official Secrets Act 1923 will be amended and government will run more transparently. Despite of such strong commitments, there was no openness in the governmental functioning. National Democratic Alliance declared first commitment to the people and introduced the Freedom of Information Bill, 2000 in the Parliament of India. The Bill was passed after two years by the parliament on 4<sup>th</sup> December 2002 and received the assent of President of India on 6<sup>th</sup> January 2003. This was followed by the present Act and by 73<sup>rd</sup> and 74<sup>th</sup> constitutional amendment, Right to Information Act 2005 was passed In India by parliament and fully enforced on 12<sup>th</sup> October 2005, with a vision to strengthen participatory democracy for the welfare of the people of India and to reduce the gap between the information provider and the information seeker.

### **Right to Information and Good Governance:**

Transparency, accountability and access to information is pivotal for the effective functioning of a democracy. In the Silicon age, access to reports, data, document, records etc are *sin quo non* of every individual. Access to information in a participatory democracy empowers the people to look over the actions and policies of the government. The term 'governance' is not a new concept. It simply means 'the process of decision making and the implementation of decisions'. Where on the other side the term 'Good Governance' has 8(eight) major

characteristics. It is Participatory, Oriented, Accountable, Transparent, Effective, Efficient, Equitable, Inclusive, Consensus and follow Rule of Law. It ensures and responsive to the present and future needs of the society. It takes into consideration the views of minorities and voices of most vulnerable in society should be heard. It assures a corruption free Nation. Right to information Act is an add up to the Good Governance, as it brings accessibility to the administration. The conducts and affairs of the state become transparent to the public and with transparency the public officials become accountable and suppression to the rampant corruption can be minimised. With the help of this Act, the public policies can be rectified with the help of feedback provided by the people as it empowers a common citizen to have the exact knowledge that a legislator has. The right to information Act is a powerful tool to fight against the corruption, mismanagement, misuse of funds, a way to revamp the public administration. It is a path making legislation which brings to light the secrecy of administration and a perfect epitome of democratic ideology.

**Promotes Transparency and good governance:**

Transparency involves availability of reliable, comprehensive, timely, understandable and internationally comparable information of government activities and clarity about functioning of government institutions to the general public. Access to information is a great enabler of transparency and Right to information is a master key to promote good governance. Transparency and accountability are the main characteristics of good governance and the method to promote transparency and accountability is through free flow of information and participation of people. People are the main stakeholders in governance and play a very critical and important role. We should not forget the commentary of Abraham Lincoln “The country, with its institutions belongs to the people who inhabit it and the concept, Government of the people, by the people, for the people should not be perish from the Earth. Transparency is the linchpin of a good government and Right to Information enables the public to look how government and public offices are working, what is to be happened and what has happened. Most of the countries has experienced that greater access to information by people enhances the openness of government to community needs and in return, immediate redressal of the public grievances improves goodwill of the government.

**Promotes Accountability:**

The second main key requirement of good governance is Accountability. It simply means

holding public officials responsible for their actions. Without accountability, the root cause of any development failure cannot be traced. Not only the government but also the private institutions are accountable to the public. Free flow of information is essential for the health of the democratic society and democracy required informed citizens. Accountability encapsulates three main elements; answerability- the need for justification of actions, enforcement- the sanction that could be imposed on failure of actions, responsiveness- those who are held liable to respond. Right to information provides citizens to access the mechanism and hold government and public officials accountable for their actions and can seek explanation. However, the accountability cannot be achieved without transparency.

**Participation and Empowerment:**

The Right to Information is a path-breaking legislation which signalled the march from darkness of secrecy to the dawn of transparency. The Act is tool by which awareness could be raised to change the mind-sets of the public authorities and governmental bodies which are usually clouded by the suspicion and secrecy. Before 2005, the common man has no access to information held by public authorities due to Official Secrets Act 1923 in India held over from the British Colonial Period which in clear term states that one cannot approach, inspect or even pass over the government prohibited sites. People did not have any right to express their views and opinions in the social political decisions made by the government. Due to this, people felt excluded and became ignorant and indifferent towards the policies. There was always a sense of secrecy surrounded the policies of the government. The Act creates a bridge between the people and government by requiring the participation of civilians during the formulation of strategies, implementation of programmes and projects. Participation envisages involvement of the entire society which promotes open government. Even the group of people who are affected by these strategies, implementation and policies deserve a say in their formulation and government can in turn should try to redress. It is important that every citizen irrespective of sex should participate in the political and social decisions of the society. Right to Information promotes decentralised and participatory governance.

**Accessibility:**

Right to information makes it possible to easily access any document, record, finances, policies from any sector of government department. A common man now interferes in the matter of government regarding development, expenditure, questioning any aspect related to income tax,

pensions, EPF, Road tenders. This easy access to the information and a form of open government reduces the long gaps between the people and the government. The greatest impact has been in empowering the citizens and making the governments more responsive. Sharing the information is a form of co-option as it makes the seeker of the information a partner in the decision making process which enhances efficiency in the administration of public authorities, mitigate corruption and promote good governance. Democracy requires an informed citizens and government being the agents of the public have responsibility to share the information in respect of right to know is the right of every person. 'Right to Know' is inherent in the Fundamental Rights under Article 19(1)(a) "Freedom to speech and expression" of Indian Constitution. The majority hold the opinion that freedom of speech and expression includes right of citizens of India to read and informed.

**Equity and Inclusiveness:**

The important feature of good governance is equity and inclusiveness. Equity means equality and Inclusive governance is when government effectively serves and engages all the people, takes into account and other facets of personal identity and when institutions, policies, processes and services are accessible, accountable and responsive to all the members of society. It implies everybody is the part of the governance and do not feel expelled and ignorant from the main stream of the society. Every person should have equal status in the government decisions. The Act does not make any kind of discrimination between rich and poor and plays a greater role to fight against inequality, injustice and inhuman activities.

**Conclusion:**

The Right to Information is a progressive, revolutionary Act. The Act is a very powerful tool if used in the correct manner and the effective implementation is much needed. This is not a mere information provider but it empowers the common people to take part in political and social decisions and policies of the government. It acts as an agent of good governance which makes administration more transparent, accountable and open to the public. The Act promoted democratic ideology in the administration by making people aware of their participation in decision making process of the government. The Act makes the governance very smooth, participative, transparent, effective, accountable by establishing a connection between the common people and government. A tool to minimise Corruption the most perplexing issue in

India by making public officials more accountable and answerable to their actions. This will not only promote good governance but also built trust between governments.