

RTI and Good Governance: An Analysis

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ABSTRACT:

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. 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.

KEY WORDS: Information, Governance, Transparency, Democracy, World.

INTRODUCTION:

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 Right to Information is the need of hour. Human security, shelter, food, environment and employment opportunity are all bound up with right to information. In the absence of information on this issue, people can not live a dignified life and will remain ever marginalized group in the society. It is a powerful instrument to protect the fundamental rights of people. Corruption and criminalization is the nerve of Indian bureaucracy 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 taxpayer, 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 asset only when citizen develop the skill to gain access to information of all kinds and to put such information to effective use. Without intellectual freedom the success of democratic governance can not be imagined. 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-fulfillment, 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. In international arena, Right to information has warmly welcomed and incorporates in various

international human rights document. These document namely- the Universal declaration of Human Rights, the International covenant on civil and political rights and International Covenant on Economic, Social and Cultural Rights.

At regional level also the documents like European convention for the protection of human rights and fundamental freedoms, the American convention on human and people rights incorporates right to information as a basic human rights. Out of 93 countries in the world that have adopted right to information or freedom of information laws, four are in South Asia. They are – Bangladesh, India, Nepal and Pakistan. The Indian parliament had enacted the –Freedom of Information act, 2002 in order to promote transparency and accountability in the administration. The report envisaged by the National common Minimum Programme, the –Freedom of Information Act, 2002 has repelled and –Right to Information Bill, 2004 (RTI) was passed by both the houses of parliament on May 2005. The –Right to Information Act|| was notified in the Gazette of India on 21st June, 2005. This new law empowers Indian citizens to seek any accessible information from a public authority and makes the government and its functionaries more accountable and responsible.

HISTORICAL BACKGROUND OF RTI IN INDIA:

Some Landmarks in the RTI Journey

1975: Supreme Court of India rules that the people of India have a right to know.

1982: Supreme Court rules that the right to information is a fundamental right.

1985: Intervention application in the Supreme Court by environmental NGOs following the Bhopal gas tragedy, asking for access to information relating to environmental hazards.

1989: Election promise by the new coalition government to bring in a transparency law.

1990: Government falls before the transparency law can be introduced.

1990: Formation of the Mazdoor Kisan Shakti Sangathan (MKSS) in Rajasthan and the launching of a movement demanding village level information.

1996: Formation of the National Campaign for People's Right to Information (NCPRI).

1996: Draft RTI bill prepared and sent to the government by NCPRI and other groups and movements, with the support of the Press Council of India.

1997: Government refers the draft bill to a committee set up under the Chairmanship of HD Shourie.

1997: The Shourie Committee submits its report to the government.

1999: A cabinet minister allows access to information in his ministry. Order reversed by PM.

2000: Case filed in the Supreme Court demanding the institutionalization of the RTI.

2000: Shourie Committee report referred to a Parliamentary Committee.

2001: Parliamentary Committee gives its recommendations

2002: Supreme Court gives ultimatum to the government regarding the right to information.

2002: Freedom of Information Act passed in both houses of Parliament.

2003: Gets Presidential assent, but is never notified.

2004: National elections announced, and the –strengthening|| of the RTI Act included in the manifesto of the Congress Party.

May 2004: The Congress Party comes to power as a part of a UPA coalition government, and the UPA formulates a –minimum common programme which again stresses the RTI.

June 2004: Government sets up a National Advisory Council (NAC) under Mrs. Sonia Gandhi.

August 2004: NCPRI sends a draft bill to the NAC, formulated in consultation with many groups and movements. NAC discusses and forwards a slightly modified version, with its Recommendations to the government.

December 2004: RTI Bill introduced in Parliament and immediately referred to a Parliamentary Committee. However, Bill only applicable to the central government.

Jan-April 2005: Bill considered by the Parliamentary Committee and the Group of Ministers and a revised Bill, covering the central governments and the state introduced in Parliament.

May 2005: The RTI Bill passed by both houses of Parliament.

June 2005: RTI Bill gets the assent of the President of India October

2005: The RTI Act comes into force.

In 1944 a mass based organization called the Mazdoor Kisna Saghathan took bold initiative to arouse the people in a very backward district of Rajasthan Bhim Tehsil to assert their right to information by asking copies of Bill and vouchers and names of persons who have been paid wages in the construction of schools, dispensaries, small dams and community centers. After getting information, the villagers came to know that most of the public funds were misused. As most of the school buildings were roofless, dispensaries without wall, dams left incomplete and community centers have no door and windows. Mazdoor Kishan Sangha raised famous slogans like –Hamare Paisa, Hamara hisab (our money, our account) and –Ham Janenge, Ham Jiyenge|| (We will know, we will live). On account of their intense pressure on the government, Press council of India prepared a draft bill in 1996 to make a provision for securing right to information known as right to information bill, 1996. For the smooth functions of right to information bill, the government of India on January 2, 1997 appointed working group. The working group recommended that the bill should be named as Freedom of Information bill as Right to information bill has now recognized as a part of freedom and expression.

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.|| 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 fulfill the aspirations of common man. Good governance is the only avenue, which can provide guaranty the life of individuals. Good governance is characterized 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.
- Minimization of Arbitrariness.
- Prompt information in delays, waiting times etc, and
- Prompt information on status of application.

In the following paragraph, this paper tries to examine the right to information and transparency of administration as an effective tool of good governance.

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 gape 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 can not 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 mentions, –It 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.||

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