

**RTI --- A Pathway to Good Governance****Sunil Dutt Sharma,**Assistant Professor (Political Science),  
C.R. Law College, Hisar**Abstract:**

Democracy and Good Governance is all about people's participation, accountability and empowerment. The best way to ensure these in governance is through collaborative approach having increased and informed participation of people. People are biggest stakeholder in governance; they have a critical and crucial role to play. So, it is imperative that people must have the right to know about the activities and functioning of the government. Accordingly, year 2005 is watershed in Indian socio-political history by heralding a New Information Regime. This paradigm shift came with the enactment of historic legislation – The Right to Information Act (RTI Act), 2005.

RTI has played a significant role in strengthening democracy by promoting decentralization of power and good governance. RTI made it possible, to a great extent, for the people to decide and determine the way they want to be governed by enabling them to be part of decision-making processes. It gave the common citizen the right to seek information regarding government projects, schemes and other activities. RTI act has the potentiality to tackle with this rampant corruption in both at grass root level and at power corridors of high and mighty. Governance is no more an arbitrary privilege of select few. It has transformed representative democracy into participative democracy. It lent voice to the aspirations of ordinary citizens in issues of governance.

However, in order to make it a effective vehicle for bringing the desired changes, there is a need to consider the flip side of RTI Act and gaps to be filled to reap the fullest of the benefits. Both the information provider and seeker need to be trained and sensitised for the complimentary approach where both appreciates each other's requirements. If all above grey areas are worked upon as suggested it will not only promote good governance but also increase the trust between government and the people it governs. All in all, governance is undoubtedly strengthened by the RTI.

“Nothing is safe that does not show that it can bear discussion and publicity”

- Lord Acton

**Introduction:**

Meaningful substantive democracy ought to be founded on the notion of an informed public adequately equipped to participate thoughtfully and actively in the governance of the country. If transparency and accountability are the imperatives for sustaining democratic governance, access to information is vital instrument of social transformation. The Right to Information (RTI) Act, 2005 has been enacted to provide for setting out the practical regime of right to information for the citizens to ensure access to information under the control of public authorities, and its chief aim is to promote transparency and accountability in the working of public authorities. RTI has the potential to

empower the citizens in relation to the state by making administration more accountable and participatory. Besides, apart from ensuring greater transparency it acts as a deterrent against the arbitrary exercise of public powers. The governance is therefore, undoubtedly strengthened by the RTI.

#### **RTI and Good Governance:**

Right to Information (RTI) means the freedom of people to have access to government information. It implies that the citizen and non-government organizations (NGOs) should enjoy a reasonable free access to all files and documents pertaining to governmental operations, decisions and performance. In other words, it means Good Governance having openness, transparency, popular participation and accountability in its functioning.

Good Governance, in modern democracy, means democratization of governance. In participatory democracy people elect their leaders to govern them. But governance is not the monopoly of elected leaders. When governance becomes the privilege of select few or when the people who are governed are kept out of the affairs of governance, it degenerates into misgovernance and becomes a mockery of democracy with wide gulf between government and the governed. Good governance is synonymous of transparency and accountability and the best way to ensure these in governance is through collaborative approach having increased and informed participation of people. People are biggest stakeholder in governance; they have a critical and crucial role to play. So, it is imperative that people must have the right to know about the activities and functioning of the government. In 1992, the World Bank released a document entitled "Governance and Development". The document has mentioned seven aspects or elements of governance – one of being transparency and information.

Overcoming the dilemma as observed by Paras Kuhad, "Secrecy as a component of executive privilege or transparency through right to information – which of the two be adopted as paradigm for governance. Both offer public interest as their rationale. Which in fact serves public interest and can be harmonized", Year 2005 is watershed in Indian socio-political history by heralding a New Information Regime. This paradigm shift came with the enactment of historic legislation – The Right to Information (RTI) Act, 2005 which gave the common citizen the right to seek information regarding government projects, schemes and other activities. It was a landmark Act which came with the potentiality to change the very idea of governance and the power equation between common people and the government. The act was promulgated with the vision of democratization of governance and empowerment of common people. Failure of state to provide access to information or state suppression of information can lead to any number of Human Rights violations. Therefore, Right to Information has been given the status of a fundamental right under Article 19(1) of the Constitution. It is fundamental to the realization of rights as well as effective democracy, which requires informed participation by all.

#### **Positive Outcomes of RTI:**

RTI as pathway to good governance and participatory democracy has become indispensable because of the following positive observations, experiences and outcomes after its implementation. RTI through its objective to provide independent, proactive and time bound disclosure of information to any citizen ensures the following desired virtues in Indian socio-political culture.

**Transparency:** “Everyone knows corruption thrives in secret places and avoids public places”  
-Woodrow Wilson

Transparency is the cornerstone of any good government. But in Indian bureaucratic system and government functionaries, transparency was an exception rather than being a norm. The functioning of government is still marred by the hangover of permit licence raj and there is an inherent unwillingness amongst government servants to part with information regarding the working of government. However, trend has started to take a reverse for the larger benefit of the society since 2005. RTI act has the potentiality to tackle with this rampant corruption in both at grass root level and at power corridors of high and mighty. After enactment of this act, numerous cases of corruption like in Commonwealth Games, 2G scam, Coal scam and so on came on surface through the weaponry of RTI exercised by the common people of India. It is the most powerful tool in hands of common people to challenge the impenetrable fortress of officialdom. It effectively curbed down the despotic tendency of bureaucracy and political masters. Now, once the functioning of government is open to public scrutiny, it becomes difficult for government functionaries to get away with corrupt practices.

**Accountability:** RTI ensures that the people have access to information regarding the working of the government and hence empowers the people to seek definite and direct answer from the officials of their works or lack of it. So, accountability invariably led to efficiency and sense of responsibility among government officials. It forces the government to adopt the same set of rules and procedures for all people and any deviations from norms can be brought into public domain.

**Accessibility:** RTI has established a two way dialogue between citizens and the government where as in pre-RTI era people’s role was only restricted to the election of their leaders people did not have any right to know about the issues of government activities. But RTI act gave the common people the much-needed right to seek information about the works of their government. The act was given the status of fundamental right and it is evident from the fact that how crucial it is for the proper functioning of the government. It has reduced the distance between people and government and thereby combating feelings of alienation.

**Empowerment:** Power is derived from knowledge and information is the basic component of knowledge. So, in this age of technology driven information revolution, empowerment means access to information. The first thing any tyrannical government does is to restrict the people’s access to the resources of information and monopolize over it while the principle of good governance demands free flow of information. Concentration of information inevitably leads to centralization of power. RTI act democratized the information and decentralized the power. Power no more remains confined to select few, rather it was made available equally to all the citizens and reduces the feeling of powerlessness in them. So, undoubtedly RTI serves as a great tool of empowerment for the common people by enabling people to be part of decision-making processes.

**Participation:** RTI has transformed representative democracy into participative democracy as democracy without people is like grass without roots. This act facilitated and encouraged the participation of common people in the process of governance. Earlier people had the will, but did not have the way to take part in so-called ‘official’ affairs. But RTI act paved the way for active participation of the common people in governance. People showed increased interest in the affairs of government and sought information regarding various issues affecting their lives and well-being. Today, number of people has actually exercising RTI to get information about ration shop quotas and

procedural aspects regarding public distribution (PDS). There are many more areas where common people came forward to monitor the services rendered by government rather being passive beneficiary.

For any vibrant society participation of people in governance is very essential. The main reason behind this is that governance is not a prerogative of a particular group or class, it affects the whole society. So, the government policies and schemes must be formulated keeping in mind the interests of all the sections of the society, especially the downtrodden and marginalized. It would only be possible when all the sections are given right to take part in it. Vision and reason for inclusion of marginalized section of society can only be possible through RTI.

#### **Critical Gaps in RTI:**

On the part of information provider, the journey of RTI has not been a smooth sailing. It faced challenges and resistance from various quarters. For many it was like Frankenstein's monster which started haunting and hounding its creator. Bureaucrats and *babus*- the kingpin of Indian administration put stiff resistance and showed grudging reluctance while parting away with information sought under RTI. The obvious reason for their discomfort is that their activities were made open to public scrutiny and they want to shield his agency/department or colleagues who appear to have committed either an inadvertent or even a malafide mistake. Therefore government officials often indulge in dilatory tactics by putting forth some lame excuses and use technical grounds and tactics to delay the provision of, or to withhold, certain information. In such cases Information Commissioners have significant role to play.

RTI activists played the role of whistleblower in many cases of corruption involving powerful people which exposed the crusader of transparency to considerable risks. Recently many RTI activists were attacked and killed for seeking information. Such incidents discouraged people from seeking information. Measures must be taken to maintain confidentiality of identity of information seekers and ensure their security.

On the part of information seeker, often people vitiate the provisions of RTI Act like use of BPL (Below Poverty Line) family member to ask for information so as to get it free. As per the Act this cannot be avoided since the person asking for the information does not have to provide any reasons for asking for the information. The common people need to exercise considerable restraint while using RTI. Many a times the information sought, breached the privacy of public figures. Such practices will give the government reasons good enough to limit the act in the name of safeguarding privacy.

Apart from this, the act is often used or misused to settle personal grudges and vendetta. Many a time mischievous elements ask for voluminous information or make repeated and multiple requests for information with the intention of harassing a information provider, or the functionaries of a particular office. In such cases the information provider has no option but to patiently deal with each request for information under the Act strictly on merits as per the Act and Rules even if the intention of the information seeker has become obvious. Doing this will only reduce this act of empowerment into a tool of blackmailing and will do more harm than any good for the society.

#### **Suggestions and Conclusion:**

The RTI Act, 2005 is a landmark piece of legislation. It has proved its efficacy as game changer. Provision of proactive disclosure if religiously followed, is the master key to organic assimilation of

gap between state and society. The governments, instead of waiting for the common people to seek information, must voluntarily make all the information available to the people. Various measures like uniform rules regarding RTI across the country, prompt and vigilant Central and State Information Commissions to safeguard the interest of information seeker. Moreover, there is urgent need to develop a training strategy for capacity building of information providers and sensitise them towards the provisions of the act. If all above grey areas are worked upon as suggested it will not only promote good governance but also increase the trust between government and the people it governs.

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