

# Right to Information: A Tool of Good Governance

**Manisha Kumari**

Research Scholar, Department of Political Science, Netaji Subhas University, Jamshedpur, Jharkhand

## Abstract

In the present paper, emphasis has been given on transparency and accountability in administration are the basic elements for the successful functioning of democracy in the country. Like oxygen information is the key element through which a citizen needs to live in the social structure of society and maintain democratic balance. RTI in India evolved through judicial pronouncements. It was declared as a Fundamental Right under Article 19 (1) (A). The Right to Information (RTI) Act of 2005 is a landmark event in this history of Indian democracy. The RTI Act is tools to promote, protect and defend the right to know of Indian citizen. Good Governance can be described as the work done by the government where maximum benefits are given to maximum people. India is a democratic country so participation is required to implement Good Governance. By implementing the RTI Act a big change can be made toward transparency and accountability in governance. The Right to Information is not only mentioned in the constitution but is also a powerful tool for citizen to obtain information from the government as a matter of right. Its reach is very wide. It applies to all government machinery, whether it is all the union, state and local levels or those receiving grants. RTI laws were first enacted in Sweden in 1766, largely motivated by the parliament interest in accessing information held by the like king. Similarly many western democracies like France, Netherland, Australia, New-Zeeland, Canada, and Italy made their own laws. This paper will study the involved peoples implication and extent of key legislation in India that involves people participation and activism. RTI is considered as a means strengthen democracy and usher in focus Good Governance. Responsible citizen – can scrutinize the workings of the government and hold their elected representatives accountable by reviewing their performance and also gain insight into how the bureaucracy in spending public money. No development plan can improve the quality of citizens without Good Governance. The four elements of Good Governance are transparency, predictability, accountability, and participation. RTI helps in achieving this.

**Keywords:** RTI, Good Governance, Participatory Democracy, Fundamental Rights Implementation, RTI Activities.

## Introduction

The RTI Act 2005 is an Act of the Indian parliament. This provides the right to information to citizens in practical from. This Act applies to all state and union territories in India except Jammu and Kashmir. Under the RTI Act any citizen can request information from a “public authority” which is required to respond expeditiously on within 30 days.<sup>1</sup> The Right to Information Act 2005 provides citizen access to public information from reads of government activities. Earlier this Act was available only to citizens of

nine states but after the enactment of the central Act on 12 October 2005 this right is now available to every citizen.<sup>ii</sup> The need for Good Governance in a democracy is universally accepted. It recognizes that the state must serve the people. Good Governance is the cornerstone of every democratic system. Good Governance includes administrative, practical, economic and judicial assay.<sup>iii</sup> Information and Good Governance are closely related. Good Governance is characterized by transparency and accountability. The right to information is recognized as an important mechanism for promoting openness transparency and accountability government administration. Democracy is part of representative government.<sup>iv</sup> Every person in the country has the right to freedom of opinion and expression. This includes the right of the public to express their opinions and to receive information from public authorities. Paper information helps citizens to live a respectable life in society.<sup>v</sup> In the first Amendment to the U.S Constitution, Thomas Anderson noted that society uses freedom of information and expression to protect certain values that can be divided into four categories. The first assures individual self fulfillment. The second focuses on the means of attaining truth. The third addresses the methods of ensuring the participation of member in society and politically in decision making matters and the fourth attempts to maintain a balance between change and stability in society. RTI is inherent in the functioning of democracy. It is a prerequisite for Good Governance and the attainment of human rights. The objectives of the legislation on Right to Information Act 2005 areas follow.

- Implementing information as a fundamental right.
- Promote transparency.
- Ensuring accountability in governance reducing corruption in public office and ensuring people's participation in governance and decision making.<sup>vi</sup>

### **Features of the RTI Act 2005**

The main objective of the RTI Act is to empower the people of the country. This Act is an important effort towards providing information about the functioning of the government to the citizens of the country. The objectivities of the right to information Act 2005 are as follow.

- Every citizen should have access to information.
- The functions of RTI include inspection of information records document ect. Through electronic means.
- Generally the time period for giving information is 30 days. But the time period for giving information regarding life and liberty of a person has been fixed at 48 hours.
- Due to security reason it is prohibited to disclose some information.
- Provision has also been made to take action against the concerned officer for not giving information.
- RTI is a medium of Good Governance.

### **RTI and Good Governance**

The RTI Act 2005 is a law which was a milestone in the history of public administration. It exposes the secrecy of the administration. Right to information is a leading tool in controlling corruption and exclusion of government work and controlling delay in public work. The second Administrative Reforms Commission of the government of India has published its first report on "Right to Information: The Master Key" to Good Governance.<sup>vii</sup> Information and knowledge age vital for realizing human aspiration. Before this Act accountability of public authority was practically minimal. People who doled

democratically to from governments and paid taxes for public activities had no legal powers and policies that affect them. The lack of openness not only led to inefficiency but also perpetuated poverty of all kinds.<sup>viii</sup> The best way to ensure transparency and accountability in governance is the increased and informed participation of people. People are the biggest stakeholders in governance and have a crucial and decisive role to play so it is important that people should have right to know about government activities.<sup>ix</sup> Good Governance basically compare of four elements- transparency accountability predictability and participation. This element refers to the availability of information to citizens and clarity about government action. An organization or an institution is accountable to those who are affected by decision on actions. Accountability cannot be implemented without transparency. Good Governance provides platform that enables the government to work efficiency transparency and be accountable to the public. It aims to eliminate irregular government practices and helps establish an accountable state. The principles of Good Governance highlight the right to information.

### **Role of RTI Reducing Corruption in India**

Corruption in India is an age-old phenomenon. The term corruption was first used by Aristotle, who advocated a mixed system of government to ensure that no one has a monopoly on political power and to prevent the office from being used for personal gain. Corruption is rampant not only at the lower level but also at the top level where ministers and bureaucracy are involved. Many cases of corruption involving ministers have been referred to the CBI for investigation and action.<sup>x</sup> Corruption is inherent in both society and bureaucracy. Corruption starts in the mind of an individual. It is the selfish desires that lead an individual to the corrupt behavior in bureaucracy. Corruption comes in many form bribery, nepotisms, misuse of public goods, influencing laws and rules for private gain. Corruption is a social evil that works on public welfare and quality of opportunities. This promotes inequality and others. Secrecy and lack of information create a favorable environment for corruption and abuse of power. Promoting transparency and accountability curbs most of such misuse of information.<sup>xi</sup> Right to Information Act 2005 gives us the right to obtain information from the government. Through this we can expose corruption and draw attention to the duties that officers are not performing we can inspect files and investigate any kinds of tampering. There is transparency in the functioning of public departments under the RTI Act which has led to a better understanding of the decision making process and greater accountability of the government. This has reduced corruption in the country.<sup>xii</sup> We have to make India “worthy of our dreams”. If Good Governance in our country is hindered by governance process then it is a fact there is a lot of corruption at the political level and at the administration level. We must fight is strongly.<sup>xiii</sup> RTI is an important tool and a powerful weapon in the hands of people which helps to fight against corruption. So we can say that RTI paves a way for people to connect with the government and Trans form government into Good Governance.

### **Important Judicial Pronouncement Related to Right to Information**

Some landmarked cases our mentioned to highlight various aspects related to the Right to Information Act.

- In *Bennett Coleman v. Union of India*<sup>xiv</sup>, for the first time, right to know as a Fundamental right was realized and consequently the Supreme Court ruled that the right to freedom of speech and expression guaranteed by Art. 19(1) (a) included the right to information.

- In *S.P. Gupta v. Union of India*<sup>xv</sup>, the right of the people to know about every public act, and the details of every public transaction undertaken by public functionaries was illustrated by the Apex Court of India.
- In *Secretary, Ministry of I&B, Government of India v Cricket Association of Bengal*<sup>xvi</sup>, the Supreme Court held that the right to impart and receive information from electronic media was included in the freedom of speech.
- In *People's Union for Civil Liberties v. Union of India*<sup>xvii</sup>, the right to information was further elevated to the status of a human right, necessary for making governance transparent and accountable.

### Conclusion

Right to Information Act 2005 is a tool of Good Governance, people become aware of the administration and get an opportunity to participate in the decision making process. RTI makes the administration more accountable to the people. RTI promotes democratic ideology through transparency and openness in administration. The government should voluntarily provide all information to the people instead of the general public seeking information. This will not only promote good governance but will also increase the trust between the people governed by the government.

### Suggestions:

The following suggestions are put forward.

- The process of filing RTI should be made simple. The literacy rate of rural India is low so they find it difficult to comply with the procedures.
- RTI gives the dual effect to Good Governance and inclusive development. Thus the utility and impact of RTI should be disseminated among the common people through awareness campaign.
- There is need to provide protection to whistleblowers who are targeted or attacked. A strict bill should be passed on this.
- The rate of disposal of RTI applications is low. Unless the pendency of cases is reduced, the objective of the ACT will not be fulfilled. Therefore, there is a need for proactiveness in the functioning of the Information Commission.

### References:

1. Banerjee, R. (2012). Right to Information and Good Governance, Arise publisher: New Delhi. p.1.
2. <http://www.caluniv.ac.in/global-media-journal/WINTER%202010%20COMMENTARIES/Commentaries%201.pdf>
3. Shilpa. (2013). Right to Information Act: A tool to Strengthen Good Governance and Tackling Corruption. International journal of Humanities and Social Science invention: p.46.
4. Ibid, N2, p.11.
5. Borah, S. K. (2013). Right to Information Act: A Key to Good Governance. International Journal of Humanities and Social Science: VOL -2, Issue- 2 p.11.

6. M. M. Ansari, Impact of Right to Information on Development: A Perspective on India's Recent Experiences, (24/08/2016; 1.35 pm), [cic.gov.in/CICIntlEvents/IC-MA-LectureAtUNESCO-15052008.pdf](http://cic.gov.in/CICIntlEvents/IC-MA-LectureAtUNESCO-15052008.pdf)
7. Ibid, N2, p.17.
8. Smita Srivastava, the Right to Information in India: Implementation and Impact, Volume 1, No. 1 Quarter IV, Afro Asian Journal of Social Sciences, 2010.
9. Ibid, N2, p.17.
10. Ibid, N16, p.136.
11. Ibid, N11, p.25.
12. Nirmala. (2012). Right to Information and NGO's- A Study. Indian journal of Social science & interdisciplinary Research: Vol-1. Issue.12.
13. Ibid, n4, p. 47.
14. AIR 1973 SC 106.
15. AIR 1982 SC 149.
16. 1995 (002) SCC 0161 SC.
17. 2003 (001) SCW 2353 SC.