

Right To Information: Bright Step To Good Governance

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ABSTRACT : *The Right to information is an Act of the parliament of India “to provide for setting out the practical regimes of rights to information for citizens” and replaces the erstwhile Freedom of Information Act, 2002. The first privilege of the any state is Good Governance. It is prerequisite for democracy. Such governance includes some factors such as transparency, accountability, rule of law and people’s participation. India is a democratic country and in every democratic country, there is a need of good governance and transparency. In every development administration experiences indicated that there has always an urgent need for improving government .Today in India there is unprecedented corruption at all levels. All feel its pinch but corruption is roaring high. The main factor behind the corruption is secrecy, which was taken as a tool of faithfulness towards government in past era. So, it is the duty of government to inform citizens about day to day happening whatever within 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*

I. INTRODUCTION:

The right to information is implicitly guaranteed by the Constitution. However, with a view to set out a practical regime for securing information, the Indian Parliament enacted the Right to Information Act, 2005 and thus gave a powerful tool to the citizens to get information from the Government as a matter of right. This law is very comprehensive and covers almost all matters of governance and has the widest possible reach, being applicable to Government at all levels- Union, State and Local as well as recipients of government grants. A citizen has a right to seek such information from a public authority which is held by the public authority or which is held under its control. This right includes inspection of work, documents and records; taking notes, extracts or certified copies of documents or records; and taking certified samples of material held by the public authority or held under the control of the public authority. It is important to note that only such information can be supplied under the Act which already exists and is held by the public authority or held under the control of the public authority. The Public Information Officer is not supposed to create information; or to interpret information; or to solve the problems raised by the applicants; or to furnish replies to hypothetical questions. The Act gives the citizens a right to information at par with the Members of Parliament and the Members of State Legislatures. According to the Act, the Information which cannot be denied to the Parliament or a State Legislature shall not be denied to any person. A citizen has a right to obtain information from a public authority in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through print-outs provided such information is already stored in a computer or in any other device from which the information may be e-mailed or transferred to diskettes etc.

Governance and good governance have become the theme and matter of discussion and deliberations. Government has played a vital role in the life of man. The act and process by which a government governs our people is called governance. The need of good governance is universally accepted. It has recognized that the state and its machinery should work for the welfare of the peoples. Good Governance constitutes the cornerstone of every democracy. Good Governance includes wide range of issues like economic, political, administrative and judicial as well. Governance is a process or a system that ensures certain activities to be carried out, managed or controlled within the parameters of accountability, legitimacy and transparency. Good Governance rests on positive, responsive and sensitive administration. It is a value-laden concept, which emphasize on public interest, public welfare, public service and public goods. According to the World Bank, good governance entails sound public sector management (efficiency, effectiveness and economy), accountability, exchange and free flow of information (transparency), and a legal framework for development (justice, respect for human rights and liberties). In seeming agreement with the World Bank, the Overseas Development Administration of the United Kingdom of Great Britain and Northern Ireland (now the Department for International Development), defines good governance by focusing on four major components namely legitimacy (government should have the consent of the governed); accountability (ensuring transparency, being answerable for actions

and media freedom); competence (effective policy making, implementation and service delivery); and respect for law and protection of human rights.

ATTRIBUTES OF GOOD GOVERNANCE :As per the World Bank, the United Nations Commission on Human Rights and Asian Development Bank the good governance includes some attributes and some of them are discussed here:

Accountability: Accountability is a key requirement of good governance. Without accountability, the root of any development failure cannot be traced. Hence not only governmental institutions but all private and civil society organizations must be accountable to the public and to their institutional stakeholders. Accountability is one of the prerequisites of democratic or good governance. Accountability may be categorized into four broad types: (a) Accountability is associated with the idea of answerability, based on the premise that individual identity is determined by one's position in a structured relationship; (b) Liability, a second form of accountability, sees individual identity rooted in more-formalized expectations developed through rules, contracts, legislation and similar relationships based on legalistic standing; (c) Accountability is associated with role-based expectations. Such roles foster blameworthiness as a basis for shaping and directing one's behavior; (d) Accountability expectations are derived from an individual's perceived status in a community where attributions come into play.

Transparency: Transparency means information is freely available and directly accessible to those who will be affected by these decisions and their enforcement. Access to information is a great enabler of transparency. In the context of governance, transparency refers to availability of information to the general public and clarity about functioning of government institutions. Transparency and accountability are interrelated and mutually reinforcing concepts. Without *transparency*, that is, unfettered access to timely and reliable information on decisions and performance, it would be difficult to call public sector entities to account. Unless there is *accountability*, that is, mechanisms to report on the usage of public resources and consequences for failing to meet stated performance objectives, transparency would be of little value. The existence of both conditions is a prerequisite to effective, efficient and equitable management in public institutions”.

Rule of Law: Good governance requires fair legal frameworks that are enforced impartially. A fair, predictable and stable legal framework is essential so that businesses and individuals may assess economic opportunities and act on them without fear of arbitrary interference or expropriation. This requires that the rules be known in advance, that they be actually in force and applied consistently and fairly, that conflicts be resolvable by an independent judicial system, and that procedures for amending and repealing the rules exist and are publicly known.

Participation :Good governance requires that civil society has the opportunity to participate during the formulation of development strategies and that directly affected communities and groups should be able to participate in the design and implementation of programmes and projects. Even where projects have a secondary impact on particular localities or population groups, there should be a consultation process that takes their views into account. This aspect of governance is an essential element in securing commitment and support for projects and enhancing the quality of their implementation. Lack of these components turns the governance into bad governance. The deficit of all these indicators leads the path of abuse of power, corruption and aloofness in the administration.

WORK AGAINST CORRUPTION : 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 cannot 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 cannot 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. Infact, Corruption in India is the biggest challenge for development. The

culture of corruption has become well entrenched in the society .The Prime Minister of India has felt that there is corruption both at political and administrative level. In 2007 when Hon“ble PM addressing the IAS probationers of 2006 stated that “*the barriers of administrative and political corruption should be tackled by the upcoming bureaucrats and quality of governance be improved at all levels to build an India ‘worthy of our dreams’ . If there are barriers, there are barriers in our country, in our good governance, in our governance processes. It is a fact [that] there is lot of corruption, both at the political level and at the administrative level. We must take it head on.*”

Objective of the Right to Information Act: The basic object of the Right to Information Act is to empower the citizens, promote transparency and accountability in the working of the Government, Contain corruption, and make our democracy work for the people in real sense. It goes without saying that an informed citizen is better equipped to keep necessary vigil on the instruments of governance and make the government more accountable to the governed. The Act is a big step towards making the citizens informed about the activities of the Government. Right to Information is a potent weapon to fight against corruption, arbitrariness and misuse of power. RTI has significant bearing on good governance and development. The Right to Information (RTI) is a vital tool for good governance. Transparency and accountability are for good governance. If there is no transparency, accountability cannot be fixed. There should be maximum disclosure and minimum confidentiality. The Main thrust of RTI law is to change the culture of secrecy, red tapism and aloofness that has long plagued India’s monolithic and opaque bureaucracy .Right to Information is a symbol for components of good governance. The components of good governance can be ensured through RTI. It is helpful in ensuring transparency and accountability in the governance. The history of struggle for right to information indicates that, it is the result of efforts made for transparency and disclosure of corruption in the wages system in Devdungri village in the Rajasthan. This effort was started by MKSS (Mazdoor Kissan Shakti Sangthan) to tackle corruption at grass root level. As a result many states pass bill related to right to information and in 2005 government passed a land mark Act named „Right to Information Act,2005“ with the objectives of :

- [1] Greater Transparency in functioning of public authorities.
- [2] Improvement in accountability and performance of the Government.
- [3] Promotion of partnership between citizens and the Government in
- [4] Decision making process; and
- [5] Reduction in corruption in the Government departments.

Therefore in a democratic state, Right to Information act is an agent 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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