



Role of RTI of Good Governance : An Study of RTI Act 2005

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Abstract

The Right to Information Act, 2005 is a landmark piece of legislation. After nearly a decade of hectic lobbying, the efforts of civil society for entrenching the Right to Information in India were finally rewarded on June 15, 2005 with the President's assent to the Right to Information Act 2005. The greater challenge now is the actual implementation of the act. It is a major step towards more accountable and transparent government. Each member of the community has an interest in disseminating and receiving information, opinions and arguments concerning top government and political matters that affect the people. Good governance is the need of the hour. Access to information is a tool to ensure the elements of good governance. Enactment of RTI Act, 2005 is a path breaking way for good governance. Presenting the elements of good governance and its genesis, the paper introduces the journey of RTI Act and provisions of section 4 in ensuring good governance.

INTRODUCTION

The original root of the word "Information" is the Latin word "Intormore" which means to fashion, shape or create, to give, form to Information is an idea that has been given form, such as the spoken or written world. It is a means of representing an image or thought so that it can be communicated from one mind to another rather than worrying about all the information afloat in that world, we want to know its having ideas and learning to deal with issues that is important not accumulating lots and lots of data. The act specifies that citizens have a right to request any information taker copies of documents, inspect documents, works and records, take certified samples of materials of work, obtain information in form of

printouts, diskettes, floppies, tapes, video cassettes or iii any other electronic mode or through printouts.

India, one of the world's largest countries, has made tremendous strides in its economic and social development in the past two decades. India currently stands .at the threshold of a unique opportunity regarding governance and public management reforms. There is another face of Indian economy and governance. Another area of concern is corruption, which is lagging us as a nation. India is one of the corrupt countries in the world. India ranked 95 out of 183 countries with 3.1 score in the corruption perception index. India's neighbor countries like Sri Lanka, Bhutan have better score. In last few years so many seams have disclosed like 2G Spectrum scam, common wealth game scam, Bombay Aadarsh housing society scam, Karnataka's mire scam and many more. What is the reason behind all this? On one side India is going to become a big economy and proving its competency in the area of technology, defense and other areas but on the other hand it is not improving the quality of life of common people. The reason behind this corruption and irresponsiveness is secrecy and inaccessibility. Most of these problems have been common to most of the third world countries.

CONCEPT OF GOOD GOVERNANCE

The concept of good governance has been coined by the World Bank in 1989 with reference to the development administration o Sub Sahara nations, the World Bank in his document mentioned four key dimensions of governance: (i) public sector management (ii) accountability (iii) legal framework for) development and (iv) information and transparency. According to document improving governance would begin with an assessment of the institutional environment, which determines the parliament profile of the country high when all other factors arc absent and low when they are present Thus, good governance focuses on accountability, rule of law, openness and transparency. The World Bank's concern for good governance has been linked to the problem of sound development in the third world countries. The World Bank had identified some parameters of good governance. These are:

1. Legitimacy of the political system which can be best achieved through regular elections and political accountability. This implies limited and democratic government.
2. Freedom of association and participation by various socio-economic, religious, cultural and professional groups in the process of governance.

3. An established legal Framework based on the rule of law and independence of judiciary to protect human rights, secure social justice guard against exploitation and absus of power.
4. Bureaucratic accountability including transparency in administration.
5. Freedom of information and expression required for formulation of public policies, decision making, monitoring and evaluation of government performance.
6. A sound administrative system leading to efficiency and effectiveness. This in turn means value for money cost effectiveness.
7. Cooperation between the government and civil society organizations.

The above mentioned parameters of good governance might be summed up as limited government, legitimate government, political and bureaucratic accountability, freedom of associations and people's participation in process of governance, freedom of information and expression, transparency, rule of law and checking abuse of power.

The concept of good governance requires accountability and people's participation. To bring these elements the need to have a law to allow access to government files, records and reports to the public had been popular demand for many years in India. The RTI Act was passed by parliament in 2005 but it was not easily coming to the common people in India. A lot of efforts and activities had preceded the enactment of the Act. These initiatives were launched by individuals, group of enlightened citizens and civil society organizations leading to a strong nation wide movement for right.

Importance of the Right to Information Act

Since power tends to corrupt and absolute power corrupts absolutely there is an inherent danger that the vast power available to the executive may be used not for public good but for gain or for corrupt motive selfish and unscrupulous politicians can always benefit from uninformed people. It is therefore, essential that the people since they are the real masters in democracy must have as much information about government operations as possible.

Information is the resource which empowers people to act more meaningfully as electors as well as elect representatives of the people. If people are well informed democracy is bound to be prosperous and vibrant. People will be well informed if information or knowledge is freely available. Information is oxygen for any democratic society. Information

is a national wealth, the government and public officers are none-else than, the trustees of this national resource. Such a resource must be equitably accessible and distributed to sub-serve the common good. It is moral, legal and constitutional obligation of the government to furnish information.

Hence, we can say that, the Right to Information Act if propagated properly for educating the masses can indeed benefit the citizen to a great extent. It is evident that, it is necessary that the general awareness regarding the act should be promoted as people are not much aware of the provisions of this act. The government has not taken enough significant steps in this regard, but the role played by NGOs and people organizations is of significant importance.

There are many hurdles in the implementation of Right to Information Act. The major challenges in the implementation of the Right to Information Act are as under:

An important challenge is for the commissions as adjudicators to build an image of strong, independent and open institutions that teach out to the common people to deliver prompt justice, some litigants expect the commissions to resolve disputes unrelated to information supply.

Common man has not been informed of his new power under Right to Information Act. Much efforts energy has to be committed by the government to create public awareness in towns and villages about the Right to Information Act.

An effectively transparent information regime demands a transformation in the mindset of the bureaucracy which realizes that opening up official bureaus to fresh air will not reduce its authority, but strengthen its own role in a vibrant democracy.

At the time of introducing the Act, it was visualized that at time the revelation of information in actual practice is likely to conflict with other public interest including efficient operators of the government, optimum use of limited fiscal resources and preservation of confidentiality of sensitive information.

JOURNEY FOR RIGHT TO INFORMATION ACT

The right to information campaign in India began in the early 90's in Rajasthan. It all began with a former IAS officer Aruna Roy who brought in her experience as a former government officer in favors of the villagers. It began with Mazdoor Kisan Shakti Sangthan (MKSS) movement to bring in transparency in village accounts via the demand for minimum

wages in rural India. MKSS demand official information recorded in government files. The movement spread over India and it led to the genesis of a broader discourse on the right to information in India. In 1993, a draft RTI law was proposed by the Consumer Education and Research Council (CECR) Ahmadabad. In 1996 a draft model law was presented by P.B. Sawant head of press council of India but none of these drafts were seriously considered by the governments. National Campaign people's Right to Information (NCPRI) in the late 90's become a broad based platform for this purpose. Since 1997 a silent revolution was sweeping across the whole country. In one state after another governments were granting citizens the rights to demand information, inspect government works and take copies of tenders.

In 1997 H.D. Shourie committee was set up by central government and given the mandate to prepare draft legislation on freedom of information. The report of Shourie committee and draft law were published but was never introduced in parliament. The Shourie draft, in an extremely diluted form was the basis for freedom of information bill 2000 which eventually become law under the Freedom of Information Act, 2002. The Act was severally criticized for permitting too many exemptions. A date for the bill coming into force was never notified and it never comes into effective force.

In 2004 general elections brought the SPA led by the congress to power. The leader of the congress, Sonia Gandhi appointed national advisory council to guide as a post making body for the government. Among the members of this council were Aruna Roy and John Dreze who were involved in the effective campaign for effective RTI law. The council took up the task of drafting the bill at its very first meeting. They involved the NCPRI and the Common Wealth Human Rights Initiative (CHRI) in the activity. The first draft for RTI bill was presented to parliament on 22 December 2004. After intense debate, more than a hundred amendments to the draft bill were, made between December 2004 and 15 June 2005, when bill finally passed. The Act came into effect on 13 October 2005.

The Act has imposed a duty on the public authority that it shall maintain its records which shall be fully catalogued and indexed in the manner or form which facilitates the right to information, The word 'catalogue' means complete alphabetical or otherwise ordered list of items, which is often kept with a description of each and index means alphabetical list of subjects at the beginning or at the end of the record. Another duty on public authority is that it shall ensure that all records which are to be stored in the computer are so computerized that it can easily be produced by the computer. It shall equip with its offices with computers and maintain a complete catalogue and index of the record in the computer as well. Such

computerization work is to be completed with reasonable time. The Act has made it mandatory for each public authority to publish within 120 days from the enactment of the Act, all the particulars specified in clause (b) (I) to (17) sub section I of sec.4. Section 4 has a provision to provide information about 'the particulars of the organization, functions and duties. It is expected the organization would provide first prime in formation about their organization that they have. The Act made it mandatory to publish the power and duties of its officers and employees.' That means the power and duties of all its employees and officers that they have in their department from top to bottom. The Act has made it compulsory to publish the procedure and channels of supervision used in decision making process. Channels of accountability must be mentioned as per RTI Act provisions. According to the provision of, the Act all rules, regulations, instructions, manuals and records held and used by it employees have to be published. All that should be published separately because there is no facility to choose one or two things in it.

Every public authority holds some records and manuals. They follow some rules and regulations for discharging their duties. So, it is mandatory that they publish the rules and regulations of their department as well as the records and manuals that they have kept for discharging their duties. This section also contemplates that it shall be a constant endeavor of every public authority to take step in accordance with the provisions of the Act to provide as much information suo-moto to the public at regular intervals through various means of communication. The Act requires that every public authority should publish all relevant facts while formulating important policies or announcing the decisions which affect the public. This clause has put a mandatory duty on every public authority in this regard. The policy must be such which is important and effect the public in general. The compliance of this clause is not subject to availability of resources; therefore it must be complied with.

Suggestions to make the Right to Information Act successful

Education and training in the art and science of records keeping Right to Information can be successful only if the government at all levels maintains information seriously.

The creation of awareness is integral to social and economic development of the possibility for the power of communication of liberates the minds and potential of people to critical awareness is real in every field linked to human development.

The constitutional and administrative role of the public services is to assist the duly constituted governments of whatever political colour in formulating and implementing

policies of the government and in administrating the public services under the central government in the most effective and efficient manner within the framework of the Indian constitution.

Employees in the public services should not seek to frustrate or undermine the policies, decisions and actions taken in the public interest by a duly constituted government by declining or obtaining from action which flows from ministerial decision or statutory obligation.

Consistent with accountability to the superior officers and the ministers in accordance with constitutional provisions employees in the public services should be accessible to the people and practice accountability to them in terms of quality of service.

Employees in the public services should be consistent equitable and honest in their treatment of the members of the public, with particular care for the weaker section of society and should not ever be or appear to be unfair or discriminatory decisions in pursuit of discretionary powers should be justifiable on the basis of non auditory and objective criteria.

We cannot leave the fate of our policies and programmes in which we spend thousands of crores of rupees each year to the care of the bureaucracy alone. The active participation of the people and of people's elected representatives is a must for the success of all our developmental endeavours.

The purpose of public relations is not only to supply information but also to encourage on understanding and cooperation between the citizens and the public servants, the objective of public relations should be to increase prestige and goodwill and to protect the life of the organization by safeguarding it against unwarranted attacks as well as to remove the genuine complaints and grievances of the people.

Conclusion

A government in a democratic set up as the servant of we the people is perform all the duties assigned to it under the constitution. The decisions of executive branch of any government are taken in the closed room and may be without consulting the affected parties this it is a matter of great concern that the so called servants of we. The people should given people sovereignty back in their hands. True democracy cannot exist unless all citizens have right to participate in the affairs of the policy of the country. Information is the soul of every government, its governance desires public participation in governance. It is meaningless for

citizens to participate in governance without having information in respect of which they are called upon to express their views.

Thus we can say that the crux lies in section 4, which makes obligatory on the part of various public agencies to not only maintain the records in a set format but also update it on a regular basis. It is believed that if a department has not maintained its information according to section 4 of the Act, it will not be possible for them to provide the information to the information providers. It provides a path to responsiveness accountability, transparency, openness and people's participation which are the major indicators of good governance. It is only possible when RTI Act has been executed in true form and with a positive spirit.

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