

Right to Information Act- Catalyst for Good Governance in India

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Abstract

Right to information is the right given to Indian citizens by the government to increase the level of transparency in the democratic system of India. As stated by Supreme Court of India that "People are the masters, the masters have a right to know how the governments, meant to serve them, are functioning."With this basic right we have the right to know what government and its various departments, departmental officers are doing and we can ask for that information from them. In this paper we have discussed that how RTI can prove to be a vehicle for good governance for a developing country like India, why it is crucial for India to have successfully implemented RTI Act and what are the hurdles in its successful implementation for our country.

Keywords : Government, good governance, implementation, transparency.

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INTRODUCTION

Governance is the action of developing and managing consistent policies and processes for a given area of responsibility. Frequently a government is established to administer these policies and processes. As a process, governance may be carried out for any size organization from a single human being to all of humanity and it may be carried out for any purpose good or evil, for profit or not. Perhaps the most natural purpose of governance is to assure a worthy pattern of good system. The ideal purpose obviously would assure a perfect pattern of good with no bad. Various systems have been used to govern.

Recently the term “governance” and “good governance” are being increasing by used. Bad governance is being regarded as one of the root cause of all the evils within our society. Fair governance implies that mechanism should function in such a way that allows the executives “the agents” to respect the rights and interests of the “stakeholders” in a spirit of democracy. (2008)

The concept of governance is not a new one. It is as old as human civilization. It is not an alien or new concept for India also according to Bhauron Singh Shekhawal even today “Ram Rajya” connotes the highest achievement level of good governance simply it means the process of decision-making and the process by which decisions are implemented. Various journal and informal actors, structures are involved in the making of decisions and implement the decision of course govt. is one of the actor in governance.

As per Report of UNDP good governance has few major characteristics: Accountability, Transparency, Responsiveness, equity, inclusive, consensus-oriented, participation, following the rule of law, effectiveness and efficiency. So if this needs to be achieved then implementation of RTI is of utmost importance. It assures that corruption is minimized the views of minorities are taken into account and that the voices of the most vulnerable underpinned in society are heard in decision making. It is also responsive to the present and future needs of society.

Accountability and transparency are the key requirement of good governance. Not only governmental institutions but also the private sector and civil society organizations must be accountable. An organization should be accountable to those who will be affected by its decisions or actions. Former Chief Justice of India JS Verma said transparency and accountability are for good governance, if there is no transparency then accountability cannot be fixed. Transparency creates an everyday participation in the political process by public.

Modern democracies built on such participation influence the decisions at all levels in society. Referendum, elections are no longer the prime or only way left for

the people to rule. Everyone should be participant in the decision-making and policy making processes at all levels of governance.

Liberal democracies like Norway or USA are developing their democracy on this line. Transparency is introduced as means of holding public official accountable and fighting corruption, government meetings are open to press and public budget and financial statement may be reviewed by anyone. Laws are open for discussion in their countries.

NEED OF RTI IN INDIA

India got independence and adopted British model of democracy. After independence it had to face many problems of state building, nation-building and economic backwardness as a legacy of British imperialism. India adopted parliamentary democracy with unique federal features followed by path of mixed economy. Various measures have been taken to rebuild the political and economic system on track. But soon the system got deposed and led to frustration among the people. Power holders resorted to every track to remain in power. We are finding ourselves in a dark.

In spite of best efforts we have not been able to evolve a political system rooted in our people, hence, we are still struggling with our electoral system. Our ruling elite continue to show signs of immaturity. They have consolidated their own gains; crores are still illiterate; millions of people are still living below poverty line. Despite 7 decades of democracy India could not translate into fair, honest and caring governance structure. As just one indicator 40% of India's children suffer from malnutrition. Assimilation of democracy in Indian Governance could not fulfill the needs of large no of its population. Election, constitutions, existence of fourth estate could not ensure a participatory democracy. Many reasons are there for this failure. Mere governance is not the agenda of priorities of our leadership which have a major downside resulting in the growth of corruption in major sense, and then there comes absence of spirit of accountability and lastly no transparency at local level.

In such a dismal scenario several remedial measures like electoral reforms; administrative reforms will take long time to put the derailed system in the right order. Government's are supposed to facilitate the welfare and ensure all round development of the individual so that he can take active part in decision making process and arm him with information which can prove to be an effective instrument in assuring governance. Individual freedom, social justice and participation in political and economic decision making are some of the virtues that political instructions are supposed to optimize. Thus, Right to Information have become a hallmark of good

governance. The parliament of India has the RTI on 12th Oct, 2005 to change the culture of secrecy and aloofness that has plagued India's monolithic and opaque bureaucracy.

RTI is not a new right given to Indian citizens but was essential part of fundamental rights of citizens. It is means through which we can make our freedom of expression a meaningful right. If we do not have information on how our government and public institutions functions, we cannot express informed opinion on it. It is only through information and resultant expression that people can influence the government. So RTI is crucial as freedom of expression in our country. RTI has been reinforced time and again by judiciary. The people of this country have right to know, every public act everything that is done in a public way by public functionaries. On Oct 15, 2005, during discussion on bill PM Dr. Manmohan Singh, said "It is not enough that government should go to public in 5 yrs. It is necessary to find the means of empowering our citizens to feel that process of governance truly serve the public. The right to information is quest for that sort of purpose, which will empower citizens with information by which they can judge whether government is functioning in accordance with public interest. Right to information has long proven to be a key component of healthy democracy because it empowers citizens with the right to know what decisions are being made in their name. It ensures that citizens sitting in their houses can curb corruption, improve policy implementation or sometimes grievances can also be redressed. The act seeks to end excessive secrecy in governance and strive for open system with reasonable safe of guards and empower the people in curbing corruption."

Justice Verma strongly pitched in for judicial transparency and called for judge's declaration of their personal assets. The former chief justice said that there are no reasons as to why judges should not file their property returns and be in the public domain if the candidate contesting elections are required to furnish the statement of their assets and even criminal cases pending against them it is totally justified as people will be able to make an informed decision while casting their votes in the favor of the best candidate.

SALIENT FEATURES OF RTI

1. The act extends to whole of India except state of J&K.
2. It provide for a definite day of commencement i.e. 120 day days from the day of enactment.
3. It plies to public authorities.
4. All citizens have right to information.

5. Public information officers and APIO will be responsible to deal with request for information and able to assist persons seeking information.
6. Fee will be payable by the applicant depending upon the nature of information.
7. Intelligent and securities agencies have been exempted from the ambit of the subject to certain conditions.

MECHANISM FOR PROVIDING INFORMATION

Under the RTI officers of information have been constituted at the central and state level known as:

- (a) Central information commission
- (b) State information commission

WORKING OF THE ACT:

Any citizen who wants to have information from the government will have to submit an application in writing to information commission with a fee of Rs. 10 and no fee will be charged from persons below poverty line. Any citizens can request for information. Such information will be provided within 30 days of the application and if information concerns the life and liberty of person or person's information will be provided within 48 hours, failure to give information will be deemed as refusal of information. But if there are genuine reasons for refusal of information reasons for such refusal will be given. Those seeking information could then go to appellate authority if not satisfied with the information provided.

CHALLENGES

RTI is not absolute like other rights it is subject to certain limitations which can be put on keeping in view the national and public interests. The matters dealing with central intelligence and security agencies, directorate of revenue intelligence international relations have been kept out of the ambit of the RTI, 2005. There may be occasions when information may be disclosed in public interest with comprising the national interest or public safety. Therefore only information which is likely to jeopardize the friendly relations with the outside world and affects the national interest is exceptions to the RTI.

· **Level of awareness** among people is one of the major challenges before successful implementation of Right to Information act. People, particularly in remote areas of India are not concerned with the Right to Information act. The research studies observe that the major sources of awareness like mass media like- television

channels, newspapers, magazines, journals etc. are of least significance for making people aware of RTI Act. The nodal agency specifically the state government has not taken any probable step to promote Right to Information act.

· **Illiteracy and poverty** is another major challenge before successful implementation of Right to Information act. Right to Information act does not have any meaning for persons who does not have enough money for basic necessities; one who is not educated cannot make the use of RTI judiciously.

· **Lack of Knowledge-** Even educated people does not have the proper knowledge about public Information officers, the procedure of paying fees and to get information. If there is no knowledge of procedures, of implementation or taking action the act will not prove to be fruitful in fulfilling the purpose for which it was made.

· **Non-availability of user guide** is another main challenge before RTI act implementation. It creates difficulty on the part of the Information seekers to gather knowledge about the process for submitting a RTI request.

· **Lack of commitment** in efficient record management both state and central government documents and information proves to be dead end for RTI Act implementation.

· The **non-cooperation** from the part of bureaucracy is another major hurdle before RTI act implementation in India. The Babu type mentality makes them to use information as their own benefits. Sometimes to appear superior they use the information for their own leverage.

· **Lack of monitoring and review mechanism** also hinders implementation of RTI act in India.

The implementation of RTI act is **uneven**. It is not equally implemented to all the states. Therefore, awareness level also differs from state to state. In states like Arunachal Pradesh, Uttarakhand and Punjab the awareness level about RTI act is high, on the other hand awareness of people in Gujrat, Madhyapradesh, Jharkhand and UP is not high.

It is a general observation that **retired officers** are appointed for extracting information and this act fails the whole purpose of the act. Activists are of the opinion that these officials often show sympathetic attitude towards their fellow 'babus.'

Besides **non-availability of basic infrastructure** is another serious hurdle before RTI implementation. The smooth implementation of RTI act requires the Public Information Officers (PIO) to provide information to the applicant but lack of solid infrastructure does not let it happen at equally smooth rate.

SUGGESTIONS

The implementation of RTI can be accelerated if we follow a few of the following suggestions:

- **Inclusion of RTI in academics** – The behavior of a person is directly related to what he knows. So if RTI Act is included in the course of students at a very early age then with the increase in awareness a better implementation can be done.
- **Role of Media-** Media can also prove to be of great support to the implementation scenario as more we know about RTI and its benefits more we will look forward to it as a solution of many major problems.
- **Development of strong infrastructure** – It can also play a pivotal role in RTI implementation. People will know how to and where to go.
- **Proper follow up** – Whenever complaints are made of information is sought then how it is provided, to what extent it is given all should be supervised.

CONCLUSION

Thus, RTI should be implemented seriously so that people could have access to information and the government should bring transparency in its functioning. The information act is vital tool in the hands of general public and the government should on its own move towards a culture of absolute transparency which can be done if rather than people asking for information by making application under RTI government provide information to the people on its own.

This act has made Indian government and its institutions to be more liberal and responsible towards their duty and any common man, who earlier appeared powerless can ask them for a detailed report and thereby have gained the power to question when he feels something is wrong. This act has helped a lot in removing corruption and improving the transparency in our system. This act is the true sign of a real democracy. There is no such failure of his act except that the RTI activists were attacked repetitively around India, so it's the duty of the government to provide adequate security to people and it should not be necessary to mention the name of the applicant in the request that is being made.

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