

RTI: A TOOL OF GOOD GOVERNANCE



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Transparency and accountability in administration are the basic elements for successful operation of democracy in the country. Like pure oxygen, information is the major element that citizens need to live in the social structure of the society and maintain its democratic balance. The enactment of the Right to Information Act in 2005 is a historic event in the annals of democracy in India. Right to Information (RTI) in India was implemented through Judicial pronouncements as a Fundamental Right under Article 19 (1) (a). This RTI Act became a pioneer tool for the Indian citizens to promote, protect and defend their Rights, apart from ensuring greater transparency it also acts as a deterrent against the arbitrary exercise of public powers. A major drastic change can be achieved towards transparency and accountability in governance by implementing the Act both in letter and spirit.

The Right to Information is not only guaranteed by the Constitution but also provides a powerful tool in the hand of citizens to get information from the Government as a matter of right. This law is very comprehensive and covers almost every aspect of governance. It has the widest possible reach, which is applicable to all the Governmental apparatus at all, levels- Union, State and Local as well as recipients of government grants.

However, with the growing consciousness for participating in democracy, RTI paved the way which brings the objective of transparency and accountability in the administration. In the International arena, the RTI law was first enacted in Sweden in 1766, largely motivated by the parliament's interest in access to information held by the King. Later it was followed by the US, which enacted its first law in 1966 and then by Norway in 1970. Similarly, several western democracies like France and Netherlands 1978, Australia, New Zealand and Canada 1982, Denmark 1985, Greece 1986, Austria 1987, Italy 1990 enacted their own laws. By 1990, around thirteen countries implemented the Freedom of Information (FOI). In 2000 it took one step forward when European Union Charter included both freedom Expression and right of access to document. By 2010, more than eighty-five countries implemented national-level RTI laws or regulations. And in Asia almost 20 nations have adopted FOI laws like Kazakhstan, Afghanistan, Bhutan, Maldives etc.

RTI is perceived as a key to strengthen participatory democracy and ushering in people-centred governance. With access to information on their side, people can act in a better way as an informed and

responsible citizenry - They can investigate and scrutinize the actions of government and review the performance of their elected representatives which hold them accountable. People can access information on how officials are delivering on their commitments, how the bureaucracy is spending public money and how representatives are interacting with special interest groups. Without good governance, no developmental schemes can bring in improvement in the quality of life of the citizen. Good governance has four elements; such as: transparency, accountability, predictability and participation and RTI helps in achieving the same.

GOOD GOVERNANCE:

The concept of "governance" is not new. It is as old as human civilization. Simply "governance" means: the process of decision-making and the process by which decisions are implemented". Governance can be used in several contexts such as corporate governance, international governance, national governance and local governance. An analysis of governance focuses on the formal and informal actors which involved in decision-making and implementing the decisions in both formal and informal structures to achieve the pre-set goal.

Government is one of the actors in governance. Other actors involved in governance vary depending on the level of government that is under discussion. In rural areas, for example, other actors may include influential land lords, associations of peasant farmers, cooperatives, NGOs, research institutes, religious leaders, finance institutions political parties, the military etc. All actors other than government and the military are grouped together as part of the "Civil Society."

In the last twenty years, the concepts of "governance" and "good governance" have become widely used in both the academic and donor communities. These two traditions have dissimilar conceptualisations. First, there is the academic approach, which focuses mainly on the study of the different ways in which power and authority relations are structured in a given society. Second, there is the donor community's approach, which puts emphasis on the role state structures play in ensuring social, economic and policy equity and accountability through open policy processes.

The concept of "good governance" often emerges as a model to compare ineffective economies or political bodies with viable economies and political bodies. The concept centres on the responsibility of governments and governing bodies to meet the needs of the masses as opposed to select groups in society. Good governance has 8 major characteristics. They are such as; it is participatory, consensus oriented, accountable, transparent, responsive, effective and efficient, equitable and inclusive and follows the rule of law. It also incorporates political/administrative decentralization and administrative vigilance to check corruption. So it assures that corruption is minimized, the views of minorities are taken into account and that the voices of the most vulnerable in society are heard in decision-making. It

is also responsive to the present and future needs of society. Now a faceless citizen is now blessed with a tool with the help of which he can now demand from the high and mighty in the government to know the details of every action they take, professedly on behalf of the people.

RIGHT TO INFORMATION AND GOOD GOVERNANCE:

'Right to Information' (RTI) refers to the right of every citizen to access information held by or under the control of public authorities. Information is crucial for good governance as it reflects and captures Government activities and processes. It is said that information is the oxygen of democracy. If people do not know what is happening in their society, if the actions of those who rule them are hidden, then they cannot take a meaningful part in the affairs of the society. Access to information not only promotes openness, transparency and accountability in administration, but also facilitates active participation of people in the democratic governance process. The RTI is a tool helping to ensure rights already promised in the constitution. Public participation in Government, respect for the rule of law, freedom of expression and association, transparency and accountability, legitimacy of Government, and the like which are the core values of good governance, can be realised only if the right to information is implemented in the right spirit.

Right to information can be used as an effective tool to usher in a regime of good governance. The major characteristics of good governance include: strategic vision and consensus orientation, participation, rule of law, transparency, responsiveness, equity and inclusiveness, effectiveness, efficiency and accountability.

Transparency means that decisions are taken openly and enforced in a manner that follows rules and regulations. It requires that information is freely available and directly accessible to those who will be affected by such decisions and their enforcement.

Public accountability means that public institutions are answerable to the people and to their institutional stakeholders. In general, an organisation or an institution is accountable to those who will be affected by its decisions or actions. Accountability cannot be enforced without transparency.

A direct relationship exists between right to Information and good governance. For RTI Act to achieve its purpose, the public should have free access to Government information. This provides them the opportunity of being informed of what the Government does for them, why and how it does it. Good governance provides a platform that enables the Government to operate efficiently, effectively and transparently and to be accountable to the public. It aims to put an end to inconsistent Government practices and help in establishing a responsive State. Public participation in Government, respect for the rule of law, freedom of expression and association, transparency and accountability, legitimacy of Government, and the like which are the core values of good governance, can be realised only if the right to information is implemented in the right spirit. The principles of good governance clearly highlight the

need for Governments to include Civil Society in the governance process. However, the Government fails to do so.

CIVIL SOCIETY:

We are living in an era characterised by decline of state. The decline of state is accompanied by increasing attention towards civil society institutions. The social groups and association of various kinds that are considered making up civil society or non-governmental organisations (NGOs) have become essential in the last two decades. After independence or we can say in the end of twentieth century people exhorted the state to take initiative with respect to social transformation but now the expectation is that the NGOs will perform the same role. In current scenario in the field of education, health, providing drinking water, working for children, women and in many more NGOs are leading from the front. It shows a dramatic shift occurred and civil societies are considered as such an important part of human societies.

In a simple word to understand civil society we can say, “Civil Society consists of Non-Governmental Organisation and institution that manifest interest and will of citizens”. The civil society according to political dictionary, it means, “An individual or an organisation in a society which are free from government control”. Volunteering is often considered as a defining character of the organisation that constitutes civil society. According to Neera Chandhoke the meaning of civil society, “is the public sphere where individuals come together for various purposes both for their self-interest and for the reproduction of an entity called society. It is a sphere which is public because it is formally accessible to all, and principle all are allowed entry into this sphere as the bearers of rights”.

Development needs to become a people-centric and people-driven process. In current phenomenon there is a growing consensus that it is essential to involve people in the design and implementation of public policies and programmes if desired outcomes are to be achieved. There is a silent revolution taking place within the development processes in the country. The single most important feature of this revolution is the growing involvement of Civil Society in developing long-term and replicable social and economic development initiatives through public-private partnerships. The ethos of good governance demands that the Government, the Private Sector and the Civil Society work together in cross-sectoral partnerships to advance social progress and equity. The Civil Society is one of the key actors in governance; a pro-active Civil Society is a key instrument for securing good governance.

Civil Society could be defined as those organisations found in the space between the state and the household, which are voluntary in nature, and which have significant autonomy from the state. In the context of welfare this includes trade unions, consumer organisations, Non-Governmental Organisations (NGOs) and Community-Based Organisations (CBOs), religious organisations

delivering welfare services, social workers in private practice etc. Therefore, any people's association or organisation can be referred to as a Civil Society Organisation (CSO).

In the present-day scenario, CSOs are actively engaged in community mobilisation, economic development and social transformation. They work at international, national and local levels and play different roles like capacity building, asset creation, representation, lobbying, advocacy, service delivery etc. These organisations and institutions have taken many forms based on their goals and purpose of involvement in the developmental process.

Civil Society's involvement occupies a critical place in the development process as it facilitates people's collective action in attaining sustainable socio-economic outcomes for the common good of the society. Essentially, it is the instrument of people's action and the means of protecting and promoting vital rights of citizens. Civil Society is not identical with the society, but a part of it. The size of 'Civil Society' in relation to 'society' as a whole (that is, the totality of individuals and groups in a country), varies according to its relationship with the state.

CIVIL SOCIETY AND GOOD GOVERNANCE:

The process of governance encompasses the political, social and economic aspects of life which have an impact on each individual, household, village, region or the nation. Governance improves when the processes of decision-making and implementation of Decisions is carried out in a proper way and here the Civil Society plays an effective role. Good Governance is the equivalent of purposive, development-oriented, citizen-friendly, citizen-caring, participatory and responsive public management committed to improvement in quality of life of the people. It entails equity in access to public services, participation of all stake holders in service delivery process, as well as their full access to information.

Civil Society Organisations aid the process of good governance in several ways such as:

1. Citizenship Development;
2. Policy Formulation and Advocacy;
3. Plays the role of Watchdog;
4. Welfare Service Delivery;
5. Impact on Electoral Politics;
6. Reform and Social Change;

CSOs can act as important collective platforms for demanding better services and ensuring that the Government responds to people's needs. To ensure sustained growth of the society, the involvement of CSOs in the development process has to be more vocal and they must be well-informed about the various initiatives undertaken by the Government. The Civil Society will be in a position to play its role

effectively only when it has access to information on the existing developmental programmes and their implementation processes.

CIVIL SOCIETY AND RIGHT TO INFORMATION (RTI):

The Civil Society Declaration to the World Summit on the Information Society, held at Geneva on 8 December 2003 declared that: "We are committed to building information and communication societies that are people-centred, inclusive and equitable. Societies, in which everyone can freely create, access, utilise, share and disseminate information and knowledge, so that individuals, communities and peoples are empowered to improve their quality of life and to achieve their full potential."

"Everyone, everywhere, at any time should have the opportunity to participate in communication processes and no one should be excluded from their benefits. This implies that every person must have access to the means of communication and must be able to exercise their right to freedom of opinion and expression, which includes the right to hold opinions and to seek, receive and impart information and ideas through any media and regardless of frontiers."

The Right to Information Act, 2005 is an important legislation that provides opportunities to CSOs to be involved in governance and social transformation processes by using the Act as a weapon to monitor, review and evaluate Government policies, programmes and schemes. CSOs can infuse greater transparency and accountability in the administration of developmental programmes and arrest the abuse of power and misuse of public resources with the help of the RTI Act.

Under the RTI Act, Civil Society Organisations can:

- Demand from the Government information pertaining to any of its departments
- Demand photocopies of Government contracts, payment, estimates, measurements of engineering work etc.
- Demand from the Government samples of material used in the construction of roads, drains, buildings etc.
- Demand to inspect any public development work that may be still under construction or completed
- Demand to inspect Government documents - construction drawings, records books and registers etc.
- Demand status of requests or complaints, details of time delays etc.

CORRUPTION AND RIGHT TO INFORMATION:

Corruption is one of the age-old phenomena, the word 'corrupt' was first used by Aristotle, who advocated for the mixed form of government ensuring that none had a monopoly over political power

and tried to prevent offices from being used for personal gains. According to him, "Corruption can lead to Revolution". The word corruption means destruction, ruining or spoiling – a society or nation. Selfishness and greed are at the root of it; it also implies lack of integrity and honesty. A corrupt society is characterized by immorality and lack of fear or respect for the law and when the society stops valuing integrity and virtue or moral principles it starts decaying, which put seeds for the complete destruction of society. Corruption is the abuse of public power for private gain. The main cause of corruption lies in both the society as well as in the character of the bureaucratic machine. The corruption begins in the mind of individual; it is the selfish and unwillingness desires which led the individual in the path of corruption. The lack of transparency, accountability and poor commitments provide opportunities for corrupt practice in the bureaucratic machine. Corruption comes under many different guises: bribery, misappropriations of public goods, nepotism (favouring family members and contracts for any job to be done), and influencing the formulation of laws or regulations for private gain.

Corruption has no positive effects ever. Corruption is a very serious social evil which cuts mass welfare and quality of chances. It creates discrimination between the different groups in society, feeds inequality and injustice, discourages foreign investment and aid, and hinders growth. It is, therefore, a major obstacle to political stability, and to successful social and economic development. It is compared with virus like HIV leading to AIDS, being incurable. From Colgate to Commonwealth Games India has witnessed a series of scam in the last few years.

In current Indian phenomenon, if we want to explain corruption we can say it as – The Bhastachar (corruption) becomes Sastachar (good behaviour) and the Durneety (evil activities or corruption) becomes Neety (divine policy or work) in India.

The political mobilization against corruption started with the RTI. The culture of secrecy, as known, encourages the government officials to indulge in corrupt practices, which result in lower investments due to misuse of power and diversion of funds for private purposes. It creates an environment of distrust between the people and the government, which impinge upon the development and jeopardize democratic governance. The legislation on RTI can act like an antidote to vested interests which try to conceal or misinterpret information or which try to manipulate the media directly or indirectly to plant misinformation. The Right to Information Act 2005 has provided us the right to get information from the government. Through this we can now expose corruption and also bring to light those duties that are not being performed by the officials. We can ask information about projects and plans. We can inspect files and check for any misappropriations. The government spends a huge amount of money for development work. We can ask for information about the work being done in our area.

Experiences suggest that in the states where the Right to Information Act has been implemented, it has become an important tool of social development and governance. Tackling pendency at the Information Commission and stringent punishment to guilty officials as well as massive awareness

campaigns among the masses for proper use of RTI constitutes the key to the success of RTI regime.

THREATS TO RTI ACTIVISTS

Though the RTI Act is helping in promoting good governance, yet it has major lacunae when it comes to the safety and security of the activists who risk their lives for public good. The RTI activists are the risk takers who often put their life into danger for the benefit of others. Yet it is a bitter truth that the risk that they take to expose corrupt practices many times end with the end of their lives. There have been several media reports about incidents of harassment, threat, coercion and violence against RTI users and their family members by both state and the non-state actors. Media and civil society organisations have particularly been instrumental in raising the issue of protection of the RTI users with the policy makers.

The issue to protect the whistle-blowers caught the attention of the entire nation when Satyendra Dubey, an Engineer working for the National Highways Authority of India was killed after he wrote a letter to the office of the then Prime Minister detailing corruption in the construction of highways. His confidential letter was leaked out and after a few days he was murdered. This led to a national outcry regarding the safety of RTI activists. The Supreme Court taking the notice of this issue pressed the Government to take notice of this matter and give immediate effect to the cause. Many times, the issue has been raised in the parliament yet no permanent solution is achieved.

DEVELOPMENTS IN 21ST CENTURY:

Governance and Good Governance are compelling concepts, and may get even higher prominence in the future. Good governance in public administration means providing quality services to the citizens with diverse interests, administrative independence and managerial autonomy. It is needed for equity, poverty alleviation and enhancement of quality of life for all the citizens. Good Governance through E-governance is necessary for developmental processes.

The 21st century has brought new discipline in understanding public administration, which shift from a bureaucratic model of administration to a market model of management closely related to private sector. The rigid, hierarchical, bureaucratic form of public administration, which has dominated foremost of the twentieth century, has changed to a flexible, market-based form of public management. This is not simply a matter of reform or minor change in management style, but a change in the role of government in society and the relationship between government and citizen, market and government, government and bureaucracy and bureaucracy and the citizen.

E-GOVERNANCE:

E-government refers to the use by government agencies of IT that have the ability to transform relations with citizens, business and other arms of government. These technologies can serve a variety of different ends like: delivery of government services to citizens, improved interactions with business

and industry, citizen empowerment through access to information, or more efficient government management. The benefits can be less corruption, increased transparency, greater convenience, and revenue growth and cost reductions.

E-governance will facilitate an open government and access to information and knowledge by providing transparent and open dealing in government services through simultaneous use of infinite, expandable, diffusive and instant transmission of information. E-governance is a precondition for good and transparent administration. Government role in e-governance lies in developing high-capacity communications infrastructure, linking communities locally and globally, and enhancing potential of individual through knowledge sharing, developing self-confidence and self-respect.

The introduction of IT does not mean automating the manual processes. It has to go in tandem within overall existing manual processes so as to minimize the benefits for the use of new technology. Use of it should not create a new class of haves and have-nots, but have to increase the use of computer and ensure that they are accessible and functional in the rural and remote areas. It can be understood that like any development and technological innovation-governance is also in the throes of slow evolution. To bring in the change there is need to educate all bureaucrats, facility-makers and decision takers. It needs a trained workforce to translate e-governance into reality and knowledgeable citizen who would ensure quality service to their needs and aspirations. People will then be able to bring about a radical change in the society and its governance.

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