Governance And RTI

Sunaina
Assistant Professor
Dev Samaj College of Edu. For Women,
Ferozepur

Abstract
Right to Information is a basic human right of every human being. It is the duty of government to inform citizens about day to day working of the government by the help of RTI. 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. RTI is a powerful tool in this context that can deliver significant social benefits. It provides a strong support to democracy and promotes good governance, by empowering the citizen’s ability to participate effectively and hold government officials accountable. By realizing this fact, Indian parliament has passed Right to information act, 2005 to make government, accountable, responsible, efficient and transparent. This paper tries to highlight the basic guidelines of RTI act, the relationship between Right to information act and good governance and the issues relating to RTI act. The paper also provides some core recommendations for successful functioning of RTI act. In the concluding part, some suggestions are given for the effective implementation of the act which will lead to good governance.

Introduction
In a democratic country each person has the right to freedom of opinion and expression. This right includes right of holding public opinion and to seek, receive and impart information and ideas from the public authorities. The available and appropriate information helps citizen to live a dignified life in a civilized society. However, with a view to set out a practical regime for securing information, the Indian Parliament enacted the Right to Information Act, which came into effect in 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. Governance is an all-inclusive term covering various aspects of the organization and structure of government, which have an impact on the efficiency of government and the delivery of public services, and incorporates accountability, transparency, financial devolution, political/administrative decentralization and administrative vigilance to check corruption. Good governance can be related to the basic goals of a society as enshrined in its constitution and other policy and plan documents. The right to information and the assurance of widespread citizen participation in public affairs and an active civil society are essential for the full realization of democracy. The RTI Act, which if used sensibly and efficiently can take the country in the direction of new democracy and good governance.

RTI Act And Its Objective
The date of 12th October, 2005 shall be empowered as new era of empowerment for the common man in India as RTI Act came into effect on this date. This was the first law in independent India that made a government officer accountable for non-performance. It is also called “Freedom of
Information” across the world. The Right to information is a basic human right derived from Art 19(1) (a) of the constitution of India. It states, —All the citizens have the right to the freedom of speech and expression and Art 21 deals with right to life of citizens. Constitution of India 1950 stated that the court has recognized the right to access of information from government department is fundamental to democracy. 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. However, the right to information does not mean the free flow of information without any restrictions. Like all other fundamental rights, the right to information has also certain reasonable restrictions.

Features of RTI Act
- All citizens possess the right to information
- To promote transparency and accountability of every public authority.
- To enhance effective functioning of the government.
- Optimum utilization of limited fiscal resources.
- The term Information includes any mode of information in any form of record, document, e-mail, circular, press release, contract sample or electronic data etc.
- Rights to information covers inspection of work, document, record and its certified copy and information in form of diskettes, floppies, tapes, video cassettes in any electronic mode or stored information in computer etc.
- Every public authority is under obligation to provide information on written request or request by electronic means.
- Preservation and confidentiality of sensitive information.
- Restrictions made for third party information Appeal against the decision of the Central Information Commission or State Information Commission can be made to an officer who is senior in rank.
- No Court can entertain any suit, application or other proceedings in respect of any order made under the Act.

The aforesaid mentioned promote transparency in government organizations, makes them function more objectively thereby enhancing predictability. In a fundamental sense, right to information is a basic necessity of good governance.

Preamble of Right To Information
An Act to provide for setting out the practical regime of right to information for citizens to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority, the constitution of a Central Information Commission and State Information Commissions and for matters connected therewith or incidental thereto.

WHEREAS the Constitution of India has established democratic Republic; AND WHEREAS democracy requires an informed citizenry and transparency of information which are vital to its functioning and also to contain corruption and to hold Governments and their instrumentalities accountable to the governed;
AND WHEREAS revelation of information in actual practice is likely to conflict with other Public interests including efficient operations of the Governments, optimum use of limited fiscal resources and the preservation of confidentiality of sensitive information;
AND WHEREAS it is necessary to harmonies these conflicting interests while preserving the Paramountcy of the democratic ideal; NOW, THEREFORE, it is expedient to provide for furnishing certain information to citizens who desire to have it.

**Digital Right to Information System**

Though there are recent efforts on digital governance, Right to Information has seen neglect even after 11 years of its enactment. A recent research on ballot box India [13] outlines that though central ministries are covered by a single Digital window to file Right to Information requests with integrated payment gateways, and tracking mechanism, none of the states have yet come forward to implement their versions or use the existing Right to Information Digital Infrastructure. Every state in India has different rules and fee structures to file an application through registered post without any tracking mechanism as covered in details in the report which puts Right to Information in India riddled with inefficiencies.

**Corelation Between RTI Act And Governance**

Since Independence government of India and state governments have been entrusted by the legislature on behalf of people of India, huge amounts of funds for various schemes for the welfare of the people so that the disadvantaged group of people can enjoy real freedom. Clearly, the Act has laid emphasis on good governance, of which the major elements that have been identified are: informed citizenry for encouraging people’s participation in development process, transparency, accountability and reduction in corruption. Right to information has been seen as the key to strengthening participatory democracy and ushering in people centered governance. Access to information can empower the poor and the weaker sections of society to demand and get information about public policies and actions, thereby leading to their welfare. Without good governance, no amount of developmental schemes can bring improvements in the quality of life of the citizens.

“Open Government is the new democratic culture of an open society towards which every liberal democracy is moving and our country should be no exception. In a country like India which is committed to socialistic pattern of society, right to know becomes a necessity for the poor, ignorant and illiterate masses”. Good governance has four elements- Transparency, Accountability, Predictability and Participation. Transparency refers to availability of information to the general public and clarity about functioning of governmental institutions.

**Right to Information And Good Governance**

Governance means the process of decision making and the process by which decisions are either implemented or failure in implementation is acknowledged and remedied. Actually good governance has eight major facets. It is participatory, consensus oriented, accountable, transparent, responsive, effective and efficient, equitable and inclusive and follows the rule of law. It is assessed that if corruption is minimized, the views of the minorities and vulnerable members of society are heard, that promotes governance. Good governance is an ideal which is difficult to achieve in its totality. However, to ensure sustainable human development, action must be taken to work towards this ideal. The right to information is one of the methods by which success may be achieved in 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 ACT 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 realized only if the right to information is implemented in the right spirit. Information is an antidote to corruption, it limits abuse of discretion, protects civil liberties, it provides consumer information, it provides people’s participation and brings awareness of laws and policies and is the elixir of the media.

**Right to Information Act: Challenges**

Right to Information act has been successfully working in most of the Indian states but they have been facing many severe challenges. These are as follows:

- Low level of awareness among people is the major challenge before successful implementation of Right to Information act.
- Illiteracy and poverty is another major challenge before successful implementation of Right to Information act.
- Lack of resources at ‘RTI State nodal department’ therefore not enough initiatives have been taken by them.
- Non-availability of user guide is another main challenge before successful RTI act implementation. Absence of user guide creates difficulty on the part of the Information seekers to gather knowledge about the process for submitting a RTI request.
- Record management in all the departments will become a major challenge in this RTI era and computerization of this record seems to be only solution and for that budgetary allocation has to be made by state government.
- The non-cooperation from the part of bureaucracy is another major hurdle before RTI act implementation in India.
- Bureaucracy also hides information for fear of criticism and to give a good image of them before public.
- Lack of effective coordination and cooperation among state information commissioners and the non-cooperation of departments with PIO hinder the process of smooth implementation of RTI act.
- Lack of monitoring and review mechanism also hampers in successful implementation of RTI act in India.
- Non-availability of basic infrastructure is another serious hurdle before RTI implementation.

**Suggestions For Effective Implementation Of RTI Act**-

- Government of India should set up a National RTI council, which has members, people from various states, so that problems in implementation the RTI can be monitored regularly.
- There should be proper coordination among state information commissioner and departments for the effective implementation of RTI act.
Publicity is very essential for RTI implementation. It can be done by the National Awareness Program.

RTI education should be introduced in school syllabus.

There should be efficient and scientific record keeping agency so that applicants can get accurate information.

Inculcation of political will is necessary for judicious working of RTI act. The Bureaucrats must come forward to help the aggrieved citizens.

It is the moral responsibility of the government to protect RTI activists and users and to take legal action against the attackers.

Fast action to be taken to integrate different websites of all information commissions through a common IT gateway or national portal on RTI. This will prove to be grateful to common citizens.

Conclusion

The RTI Act, is a strong tool to uphold the spirit of Good Governance. The need of the hour is that the RTI Act should be implemented to ensure that the objects of the RTI Act are fulfilled. Any attempt to dilute the provisions of the RTI Act will only quell its success. We need to build an awareness to seize this opportunity through a sustained campaign- a National Campaign for People’s Right to Information. If we can get a million regular users of the Right to Information across the nation, we can bring about a major positive change in the governance of India. Thus it can be rightly mentioned that 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.

References

5. The Preamble to the RTI Act, 2005.