

RTI ACT: THE ROAD PATH FOR GOOD GOVERNANCE

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Abstract: Right to know is closely linked with other basic rights such as freedom of speech and expression and right to education. Right to Information Act has an important economic dimension as it embraces not only political freedom to lead life with dignity, but also unfettered by dominations and discriminations. Good governance has become a buzzword in development today. Fighting corruption, raising accountability and promoting transparency are increasingly perceived as being indispensable to the notion of good governance. The concept of good governance is gaining popularity and is being used unsparingly in the international community to promote development, economic and social security and peace. This paper highlights the role of RTI Act in achieving the objective of “good governance” of Indian government.

Keyword: Right to Information Act, Good Governance, Corruption, Accountability, Transparency,

I. INTRODUCTION

Development in all walks of life depends on information generated in the concerned spheres, up to the present. Democracy is impossible unless the citizens have free access to all information that can help them to acquire average knowledge about everything related to their society, government, trade, health etc. as well as correct information on administrative actions affecting them. This information, knowledge gives them power to understand things in their correct perspective and to defend against wrong decisions affecting their life and activities. Ready access to information generated by society and accumulated through time is a fundamental right of every citizen. It should be ensured by sound legislation.

The Right to Information act is a weapon for today’s democratic citizens to be involved in every political decision which is made for the welfare of the people. Access to information not only promotes openness,

transparency and accountability in administration, but it facilitates active participation of people in democratic governance process. For this every individual and every young citizen must know about the proper use of RTI Act.

“We live in an age of information, in which the free flow of information and ideas determines the pace of development and well-being of the people. The implementation of RTI Act is, therefore, an important milestone in our quest for building an enlightened and at the same time, a prosperous society. Therefore, the exercise of the Right to Information cannot be the privilege of only a few.”

Dr. Manmohan Singh, Prime Minister of India,

Valedictory Address at the National Convention on RTI, October 15, 2006

Until 2005, an ordinary citizen had no access to information held by a public authority. Even in matters affecting legal entitlements for such subsidized services as food for work, wage employment, basic education and health care, old age pension and food security for destitute, it was not easy to seek the details of decision making process that affected or harmed him. Without access to relevant information, it was not possible for a common man to participate in a meaningful debate on political and economic options or choices available to him for realizing socio-economic aspirations.

The efforts made thus far to disseminate information and knowledge through the use of communication technologies such as print media, radio and television as well as internet, have yielded positive results. Sharing of information, for instance, about the new techniques of farming, health care facilities, hazards of environmental degradation, opportunities for learning and earning, legal remedies for combating gender biases, etc., have made significant contributions to the well being of poor people.

In order to promote, transparency and accountability in administration, Parliament passed “Right to Information Bill, 2004 on 15th June, 2005, “The Right to Information Act” was notified in the

Gazette of India on 21st June, 2005. The “Right to Information Act” has become fully operational from 12th October, 2005. so as to enable a citizen of India to secure access to information under the control of Public Authorities.

II. RTI ACT AND GOVERNANCE

Its about the completion of six years, the impact of RTI Act provisions can be seen in the implementation of good governance by the various evidences and with the awareness level of RTI Act.

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. Thus, the major objectives of the Act are:

- i) Greater Transparency in functioning of public authorities;
- ii) Informed citizenry for promotion of partnership between citizens and the Government in decision making process;
- iii) Improvement in accountability and performance of the Government; and
- iv) Reduction in corruption in the Government departments.

Thus, this paper highlights the descriptive evaluation of all above critical factors.

I) Greater Transparency

With a view to ensuring maximum disclosure of information regarding government rules, regulations and reports including decision making processes, every public authority is required to ‘maintain all its records duly catalogued and indexed in a manner and the form which facilitates the right to information under the Act’. The public authorities are therefore expected to make pro-active disclosures through publication of relevant documents, including web-based dissemination of information. Besides, the public authorities are also required to ‘provide as much information suomotu to the public at regular intervals through various means of communication, including internet, so that the public have minimum resort to the use of this Act to obtain information’. In addition, a public authority, u/s 4(1)(d) of the Act, is required to “provide reasons for its administrative or quasi-judicial decisions to the affected persons”.

In compliance of the above provisions of the Act, all the levels of the Government – the Centre, States and Local Bodies, including Village Councils (Panchayats) have put all the records in public domain, through publications as well as internet in the regional languages. And, to facilitate the access to

information, a citizen has, u/s 2 (j) of the Act, the right to:

- (i) Inspection of work, documents, records;
- (ii) Taking notes extracts or certified copies of the documents or records;
- (iii) Taking certified sample of material; and
- iv) Obtaining information in electronic form, if available.

In the cases where the information sought for are not provided within the stipulated period of 30 days or the information furnished are incomplete, misleading or incorrect, a requester is free to file a complaint or appeal before the Information Commission, for necessary directions to the parties as per the provisions of the Act.

The Commission, u/s 20(1) of the Act, has the mandate, inter-alia, to impose penalty and/or to recommend disciplinary action against the information providers, if held responsible for obstructing the free flow of information. The Commission may also award compensation for any detriment suffered by requester for seeking information.

The information seekers and the NGOs have put pressure on the public authorities for promoting the culture of openness in functioning of the Government. A large number of PIOs have already been fined for violation of the provisions of the Act, which has, in effect, created conditions for providing information to a requester.

Due to perceived benefits of transparency and accountability, RTI applications have annually increased by 8 to 10 times. There is thus massive use of the right to know. Of the millions of applications for information, less than 5 percent have been denied information. In effect, thus, there is greater transparency than ever before in the working of the public bodies. In a large number of cases, the Commission has ordered for providing the details of the decision-making processes, which include ‘file noting, cabinet papers, records of recruitment, selection and promotion of staff, documents pertaining to tender processes and procurement procedure, the lists of beneficiaries of the Government’s subsidized schemes, such as, food grains supplied through ration shops, water and electricity, domestic gas, educational and health facilities, shelter for poor, muster rolls underemployment guarantee schemes, health insurance scheme for poor, old age pension, food security for destitute, etc. The disclosure of vital information, such as above, has thus resulted in checking corrupt practices in delivery of services and ensuring the reach of entitlements to the poor.

The disclosure of information relating to use of funds allocated to poverty alleviation schemes, MLA/MP

local area funds, details of performance of elected leaders, have contributed to advocacy in the election campaign to highlight the roles of political leaders in fulfilling their obligations.

Ii) Promotion Of Citizen-Government Partnerships

The RTI Act provides a framework for promotion of citizen-government partnership in designing and implementation of development programs for improving quality of life, which calls for increasing people's options for higher earnings, better education and health care, a cleaner environment and richer cultural life.

The principle of partnership is derived from the fact that people are not only the ultimate beneficiaries of development, but also the agents of change. The stakeholders' participation leads to better projects and more dynamic development.

Under the RTI regime, citizens' participation has been promoted through (a) access to information and involvement of affected groups/communities in design and implementation of projects; and (b) empowerment of local government bodies at village level through the involvement and cooperation with NGOs/self help groups.

Besides, access to information has enabled the people to participate in economic and political processes through a dialogue between people and the government officials or public campaign on public policies.

A high degree of participation by the people in realizing the assured entitlements is unprecedented in the economic history of India.

iii) Higher Accountability

The RTI provides people with the mechanism to access information, which they can use to hold the government to account or to seek explanation as to why decisions have been taken, by whom and with what consequences or outcomes. In addition, every public authority is required 'to provide reasons for its administrative or quasi-judicial decisions to the affected persons/s4 (1) (d) of the Act. There is, therefore, no scope for any arbitrary decision.

The information regime has created conducive conditions for everyone to have a better understanding of how the government works or how a particular decision was reached. Such a chance given to people empowers them to make appropriate choice of leadership and the policies that affect them.

For instance, being full aware that the records pertaining to the decision making processes, including file notings, are required to be put in public domain, the concerned officials at all levels

objectively record the reasons for the observations made by them. And, due care is taken to formulate a professionally sound policy that meets people's expectations. Attempts are also made to effectively implement the programmers as the relevant details are proactively disclosed. In effect, thus, the quality of decision making and delivery of services have duly improved. With empowered citizens and free flow of information, there is significant quantitative and qualitative improvement in the delivery of services.

For instance, disclosure of information relating to:

- attendance of staff in schools has helped in checking teachers' absenteeism and students' drop out;
- attendance of doctors and nurses at primary health centers has led to improvement in health care facilities in rural areas;
- the details of supplies and distribution of food grains through ration shops has assured the reach of entitlements to the beneficiaries; etc.

The disclosure of the list of beneficiaries for income support like wage employment and subsidized food grains and subsidized services like domestic gas has helped in weeding out the fictitious names, resulting in better targeting of services to the poor. And, reduction in corruption due to checks on black - marketing of subsidized goods and services.

As a result of increased Government's accountability in delivery of services, rural to urban migration has, of late, decelerated, as widely reported in the media.

RTI route has generally been followed by a large number of people for resolving disputes between the parties on the issues pertaining to the decisions on administrative, business and commercial matters. Disclosure of information regarding the process of decision making or the grounds for action taken has helped resolve disputes on such issues as claim of refund of taxes paid by the individuals/companies, settlement of insurance claims, payment of dues of contractors, process of sanction and recovery of loans, etc. Since a reply is to be given within thirty days, disputes have been resolved faster than never before in the India's history. A large number of grievances pertaining to service matters, mainly promotion and pension benefits have also been redressed due to openness and promptness in taking action on requests made under the RTI.

iv) Reduction In Corruption

Time and again corruption has been identified as the biggest challenge in development in India. The culture of corruption has become well entrenched in the society and is expected to be a part of any

transaction. In the past, people paid a bribe or an additional fee to get an illegal benefit, but now public servants have to be bribed even for a legitimate demand or for services citizens are entitled to. 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 block the road of democratic governance.

Under the RTI regime, there is unprecedented transparency in the working of public departments. There is thus better understanding of the decision making process and greater accountability of government. This has led to reduction in corruption in the country as evident from the following:

- The Transparency International (TI) has reported that perceived corruption in India has declined, due mainly to the implementation of the RTI Act. This is evident from corruption reduction score of 3.4 (out of 10) in 2008, after an initial rise of 3.5 in 2007, compared to 2.99 in 2006, which indicate a decline in corruption to the extent of 15%.
- The TI-CMS has recently accomplished an all India survey study of the poor below the poverty line. The views of the poor have been elicited in respect of all the flagship programs that have been implemented for alleviation of poverty. At least 40 per cent of the respondents have reported that corruption has declined.

III. CONCLUSION

The challenge of development is to improve the quality of life, which calls for increasing people's options for higher earnings, better education and health care, a cleaner environment and a richer cultural life. All this is possible with the fair dealing of government. As we, live in mixed economy, democratic citizen has full right to get transparent process information. Thus, RTI Act is the road path to the success of any government. The areas of corruption/inefficiencies were known earlier in the Government, but citizens could not take recourse. However with the advent of the RTI Act, citizens have found a tool to bring in transparency and accountability at all levels of Governance. In particular, the RTI Act has a much higher impact on the quality of life of the poor and marginalized section of the society.

However, the power of the Act is still to be fully realized. The citizens, Government, media and Civil

Society Organizations need to do a lot to attain the intended objective of the Act and to address various issues and constraints in accessing the information under the Act.

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