



*Journal of Advances and  
Scholarly Researches in  
Allied Education*

*Vol. IV, Issue No. VIII,  
October-2012, ISSN 2230-  
7540*

**AN ANALYSIS ON VARIOUS SIGNIFICANCES OF  
RIGHT TO INFORMATION ACT IN THE  
DEVELOPMENT OF GOOD GOVERNANCE**

AN  
INTERNATIONALLY  
INDEXED PEER  
REVIEWED &  
REFEREED JOURNAL

# An Analysis on Various Significances of Right to Information Act in the Development of Good Governance

**Dr. Maharishi Mudgal Dev\***

Chairperson, National and International Council for Scientific Research, Japan

Pro Chancellor, International Open University, Meghalaya

**Abstract – Right to Information is a basic human right of every human being. The renowned French philosopher Michel Foucault once opined, power is derived from knowledge and information is the basic component of knowledge. Information changes the mentality of people and it is competent enough to cope up with the modern world. The free access to information and participation of people in government decisions develops the transformation of the governance into good governance. So, it is the duty of government to inform citizens about day to day happenings whatever within the government. The parliament of India passed the Right to information act, 2005, to foster Accountability, Transparency, Strengthens the Democratic Principles of Polity and reduces Corruption. This paper tries to highlight the role of RTI in good governance and some recommendations for successful functioning of RTI act.**

**Good Governance is prerequisite for democracy. Such governance includes some factors such as transparency, accountability, rule of law and people's participation. India is a democratic country and in every democratic country, there is a need of good governance and transparency. In every development administration experiences indicated that there has always an urgent need for improving government. Today in India there is unprecedented corruption at all levels. All feel its pinch but corruption is roaring high. The main factor behind the corruption is secrecy, which was taken as a tool of faithfulness towards government in past era. If we want transparency in governance, there is a need to crack the corruption by cracking the walls of secrecy. The prevalence of corruption, lack of accountability, efficiency and effectiveness demands the requisite changes and transformations to ensure good governance. Information is power and at International level it is recognized that information is essential for development as a result many countries have enacted Right to Information Act. In that direction government of India too introduces a new era of good governance through the enactment of Right to Information Act in 2005. It provides an opportunity to interact with the officials and institutions. Right to Information is a potent weapon to fight against corruption, arbitrariness and misuse of power. RTI has significant bearing on good governance and development. The Right to Information (RTI) is a vital tool for good governance. Transparency and accountability are for good governance. If there is no transparency, accountability cannot be fixed. There should be maximum disclosure and minimum confidentiality. The Main thrust of RTI law is to change the culture of secrecy, red tapism and aloofness that has long plagued India's monolithic and opaque bureaucracy. Present paper is an endeavor to discuss the major indicators of good governance, role of RTI in good governance and eradication of corruption in India through RTI. Along with that, this paper discusses the position of India in comparison to neighboring countries according to Transparency International (TI) on the basis of governance indicators.**

-----X-----

## INTRODUCTION

India is a democratic republic state. Here the Government is of the people, by the people and for the people. Therefore the people of our country have the right to know about state affairs. Freedom of information brings openness in the administration which helps to promote transparency in state affairs, keep government more accountable and ultimately

reduce corruption. The free flow of information is must for democratic society as it helps the society to grow and to retain a continuous debate and discussion among the people. But the access to information held by a public authority was possible until 2005. Before that the common people did not have any legal right to know about the public policies and expenditures. It was quite ironical that people who voted the persons responsible for policy

formation to power and contributed towards the financing of huge costs of public activities were denied access to the relevant information. The concept of good governance directly emanates from the right to know which seems to implicit in the right to free speech and expression guaranteed under Article 19(1)(a). All modern governments believe that openness is one of the principles of good governance. It serves three purposes, first, evaluation of the government by the citizens; second, their participation in the decision making; and third, it casts a duty on the electorate to keep an eye on the deeds of its representatives and not sit idle after exercising their franchise after five years. The term right to information are often used interchangeably and have long been regarded as a fundamental human right. In its very first session in 1946, the UN General Assembly adopted Resolution 59 (1), stating. "Freedom of information is a fundamental human right and... the touch-stone of all the freedoms to which the United Nations is consecrated."

"Democracy is the form of government established by the people, of the people and for the people". This phrase suits on the text only until and unless there is access of right to information of the activities of their representatives. This right includes right of holding public opinion and to seek, receive information from the public authorities.

There is very close link between right to information and good governance. Right to Information is the tool of achieving the goals of good governance. The essences of good governance are transparency, accountability, responsiveness and consequently these are promoted or facilitated by the Right to Information.

Welfare of the people is considered as the goal of representative form of government and the source of the government's income is generated from the taxes paid by these people, consequently they have justifiable right to know whether their income is properly utilized or not. The extent of this right does not limited to mere getting information but to but also to take legal action in form of PIL etc. and get the justice through the courts of law.

RTI has the very active and vital role in the good governance in India; where, corruption and criminalization is the nerve of administration and the source of this corruption is the secrecy which they have maintained for the long time, therefore introduction of the RTI Act is the measure step towards reducing the corruption to certain extent. "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."

People who have access to information and who understand how to make use of the acquired information in the processes of exercising their political, economic and legal rights become empowered, which, in turn, enable them to build their strengths and assets, so as to improve the quality of life. And ultimately this is only the aim of good governance.

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. 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. The responsibility of ensuring that the RTI Act will deliver its potential rests with us.

In India, after many deliberations over the years, the RTI Act was passed by the parliament in October 12, 2005, thus opening up the governance processes of our country to the public The Right to Information Act is considered to be the most revolutionary of all enactments in Independent India. 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 is perceived as a key to strengthen participatory democracy and ushering in people-centered governance. With access to information on their side, people can function better as an informed and responsible citizenry - investigating and scrutinizing government actions and reviewing the performance of their elected representatives with a view to seriously holding 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 amount of developmental schemes can bring in improvement in the quality of life of the citizen.<sup>6</sup> Good governance has four elements- transparency, accountability, predictability and participation and RTI helps in achieving the same.

The Act also requires the Government to compile a guide in easily comprehensible form and to update it from time to time. The Government has already published four guides in the past, one each for the information seekers, the public authorities, the Central Public Information Officers and the Appellate Authorities. This would help all the information seekers

in getting information; public information officers in dealing with RTI applications; first appellate authorities in taking cogent decisions on appeals and public authorities in implementing various provisions of the Act effectively will help all stakeholders in furthering the objectives of the RTI Act, 2005.

## **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 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.

The right to information act is a path making legislation which brings to light the secrecy of administration. It is an effective means to promote democratic ideology. The act is powerful instrument to fight against corruption. By realizing this significance the Second Administrative Reform Commission had prepared a detailed blueprint for revamping the public administrative system. The second Administrative Reform Commission, government of India has published its first report in —Right to Information: Master key to good governance.<sup>9</sup> Good governance is characterized by transparency and accountability and the best way to ensure transparency and accountability in governance is through increased and informed participation of people. People are biggest stakeholder in governance; they have a critical and crucial role to play. So it is imperative that people must have the right to know the activities of government.

## **IMPORTANT FEATURES OF RIGHT TO INFORMATION ACT, 2005**

- All citizens possess the right to information
- 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.
- Applicant can obtain Information within 30 days from the date of request in a normal case
- Information can be obtained within 48 hours from time of request. If it is a matter of life or liberty of a person.
- Every public authority is under obligation to provide information on written request or request by electronic means.
- Certain information are prohibited.
- 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.
- Penalty for refusal to receive an application for information or for not providing information is Rs. 250/- per day but the total amount of penalty should not exceed Rs. 25,000/-.
- Central Information Commission and State Information Commission are to be constituted by the Central Government and the respective State Governments.
- No Court can entertain any suit, application or other proceedings in respect of any order made under the Act.<sup>10</sup>

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.

## **RTI: A TOOL TO TACKLE CORRUPTION**

Right to Information is a potent weapon to fight against corruption, arbitrariness and misuse of power. RTI has significant bearing on good governance and development. The Right to Information (RTI) is a vital tool for good governance. Transparency and accountability are for good governance. If there is no transparency, accountability cannot be fixed. There should be maximum disclosure and minimum confidentiality.

The Main thrust of RTI law is to change the culture of secrecy, red tapism and aloofness that has long plagued India's monolithic and opaque bureaucracy. Right to Information is a symbol for components of good governance. The components of good governance can be ensured through RTI. It is helpful in ensuring transparency and accountability in the governance. The history of struggle for right to information indicates that, it is the result of efforts made for transparency and disclosure of corruption in the wages system in Devdungri village in the Rajasthan. This effort was started by MKSS ( Mazdoor Kissan Shakti Sangthan) to tackle corruption at grass root level. As a result many states pass bill related to right to information and in 2005 government passed a land mark Act named „Right to Information Act,2005“ with the objectives<sup>14</sup> of :

- Greater Transparency in functioning of public authorities.
- Improvement in accountability and performance of the Government.
- Promotion of partnership between citizens and the Government in
- Decision making process; and
- Reduction in corruption in the Government departments.

All these parameters are critical elements of good governance. There are many instances when right to information is used for the disclosure of corruption in one or other form. Social activist Aruna Roy has described India's RTI Act as "the most fundamental law this country has seen as it can be used from the local Panchayat (a unit of local government) to parliament, from a nondescript village to posh Delhi, and from ration shops to the 2G scam."<sup>15</sup>In January 2013 in Times of India, it is stated that, the right to information (RTI) Act is a very good tool to improve the functioning of the government. This observation was made by Leena Mehendale<sup>16</sup>, a retired IAS officer at an interactive titled 'Role of PIOs and RTI activists in good governance'. The former additional chief secretary of Maharashtra termed the RTI Act as the most important act that has been drawn up and implemented after the constitution of the country. Mehendale felt the RTI can facilitate people's participation in development. She stated that often the common man has no role in government functioning.

Case studies and media reports show that RTI is being used to redress individual grievances, access entitlements such as ration cards and pensions, investigate government policies and decisions, and expose corruption and misuse of government resources. In 2010<sup>17</sup>, K.S. Sagaria, a resident of Kushmal village in rural Orissa, filed an RTI application seeking information on the number of ponds constructed in his village under the government's

national wage employment scheme. The information he received was revealing: the ponds had never been constructed even though money had been allocated and spent. Following complaints from villagers, the local administration was forced to take action and suspend the officials involved in the pond scam addition; a recent experiment of students at Yale University found that India's RTI Act can be as effective as bribery in helping the poor access their entitlements. As part of the experiment, slum dwellers in Delhi were divided into four groups and asked to submit applications for ration cards. While the first group submitted their application and did not follow up, the second group attached a recommendation letter from an NGO to their application, the third group paid a bribe and the fourth group filed an RTI request to follow up on their application. Yale Ph.D. students Leonid Peisakhin and Paul Pinto found that while the group that paid a bribe was the most successful, those that filed RTIs had their applications processed nearly as fast. According to Peisakhin: "Access to information appears to empower the poor to the point where they receive almost the same treatment as middle-class individuals at the hands of civil servants. This is something that payment of a bribe cannot do."<sup>18</sup>

With corruption being viewed as one of the biggest "obstacles in the efficient delivery of development resources to the poor in developing countries," an empirical study concluded that the RTI negatively impacted corruption and its statistical impact on curbing corruption was quite significant. The study, conducted in 20 states over a span of three years, found that the act "reduces corruption in an average state by 18.5 per cent points"<sup>19</sup>. The authors found that the act "explains approximately 62 percent of the actual decline in corruption in Bihar over the period 2005 to 2008"<sup>20</sup>, which is rather a large impact considering Bihar is one of the most corrupt states. The study concluded that the legislation makes significant contribution in controlling corruption, enhancing the quality of public goods and services, empowering citizens and by breaking the informational monopoly of public officials. "It prevents corrupt public officials from misusing this information to advance their own interest. On the other hand, it provides the government with more power and public support for conducting top down audit of corrupt departments,"<sup>21</sup> Bhattacharyya and Jha conclude. Thus right to information has a immense power to make government accountable and transparent. We as individuals have the power and the responsibility of bringing Good governance by using and spreading the use of Right to Information. Going beyond stopping corruption and getting the Citizens their rightful due, Right to Information also lends itself to being used by Citizens to address issues of Governance and a rational basis for public policy. Indian Citizens have an opportunity to realize, Swaraj" and turn it into „Su-raj" – a true and enlightened self-governance and good governance.

## **CHALLENGES IN RTI WAY OF GOOD GOVERNANCE**

### **Low Level of Awareness:**

The Act itself through section 26 states that the appropriate government may develop and organize educational programmes to promote the understanding of the public, especially the disadvantage community, regarding how to exercise the right contemplated under the Act. However according to the surveys, nearly 20% of the respondents were aware of the RTI Act.

### **Sources of this awareness were:**

- Mass media channels like television channels, newspapers etc
- Word of mouth

This awareness level is further lower among disadvantaged community such as women, rural population, and backward classes like SCs, STs, and OBCs.

### **Inconvenient submission channels for RTI application:**

As per Section 6(1) of the Act a citizen can make a request "in writing or through electronic means in English or Hindi or in the official language of the area in which the application is being made..... However, inadequate efforts have been made to receive RTI applications through electronic means i.e., on email/ website etc, which can be done by the appropriate Government using Section 26(3c).

### **Protection of Whistleblowers:**

This is one of the most alarming issues in the way of RTI. Recent data and surveys clearly show the increasing number of assault and murder of RTI activists throughout the country. The whole purpose of the Act will be of no use if such types of activities are not prevented and if strict punishments are not inflicted to the wrongdoers.

### **Lack of Uniformity:**

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, Madhya Pradesh, Jharkhand and UP is not high. Moreover different rules for different states especially on fees and costs make the RTI filing ineffective.

### **Favoritism:**

Generally, it is observed that retired bureaucrats are being appointed for the post of highest level of RTI officials i.e. the information commission at the central and state levels. These commissions are the independent of the government. Activists are of the opinion that these officials often show sympathetic attitude towards their fellow babus.

## **CONSTITUTIONAL ASPECT OF THE RTI ACT**

This Right to Information (RTI) is basically a derivative of the Article 19 of the Constitution which deals with protection of certain rights regarding freedom of speech etc. it says, "All the citizens shall have the right to freedom of speech and expression." The idea is that if we do not have information on how our Government and public institutions function, we cannot express any informed opinion on it. To know this right in a better way, we should try to understand the freedom of press. The freedom of the press is an essential element for a democracy to function. The justification is that the democracy revolves round the basic idea of citizens being at the centre of governance - rule of the people. We need to define the importance of the concept of freedom of the press from this fundamental premise. It is obvious that the main reason for a free press is to ensure that citizens are informed. If this is one of the main reasons for the primacy given to the freedom of the press, it clearly flows from this that the citizens' right to know is paramount. Also, since the government is run on behalf of the people, they are the owners who have a right to be informed directly.

Therefore, the Right to Information becomes a constitutional right, being an aspect of the right to free speech and expression which includes the right to receive and collect information. This will also help the citizens perform their fundamental duties as set out in Article 51A of the Constitution. A fully informed citizen will certainly be better equipped for the performance of these duties. Thus, access to information would assist citizens in fulfilling these obligations.

Alongside Article 19(1) (a), the other articles which secures right to information under Indian constitution are Articles 311(2) and 22(1). Article 311(2) provides for a government servant to make out why he is being dismissed or removed or being demoted and representation can be made against the order. On the other hand Article 22(1) a person can know the grounds for his detention. In *Essar Oil Ltd v. Halar Utkarsha Samiti*, the SC held that right to information emerges from right to personal liberty guaranteed by article 21 of constitution. In *Union of India v. Association for Democratic Reforms*, the apex court held that the right of the voters to know about the antecedents including criminal past of the candidate

contesting elections for MPs or MLAs is much more fundamental and basic for survival of democracy. Voters speak or express by casting votes and for this purpose, information about the candidates to be selected must be made public.

All of these provisions had been decided by the Supreme Court in various cases. Some of them are already mentioned earlier. Recently in *People's Union for Civil Liberties v. Union of India*, a Division Bench of the Supreme Court of India constituted by Justice S.B. Sinha and Justice B.M. Khare held that "Right to Information is a facet of the freedom of 'speech and expression' as contained in Article 19 (1) (a) of the Constitution of India. Right to Information, thus, indisputably is a Fundamental Right."

## CONCLUSION

The right to information act is an agent of good governance. The RTI makes administration more accountable to the people. The people become aware of administration and give them an opportunity to take part in decision making process. The RTI promoted democratic ideology by promoting openness and transparency in the administration. The best way to deal with all these challenges while promoting good governance is by making the act redundant. The governments, instead of waiting for the common people to seek the information, must voluntarily make all the information available to the people. It will not only promote good governance but also increase the trust between government and the people it governs.

Thus it can be correctly said that RTI as a whole is a great step in a democratic set up like India. It is a powerful tool that can deliver significant social benefits. It can provide a strong support to democracy and promote good governance by empowering citizen's ability to participate effectively and hold government officials accountable rather than just an information provider.

The general awareness amongst people about the RTI Act and how it can be used for their benefit is still low. Moreover, there is a lack of sincerity on the part of government officials in disclosing information, who often threaten the applicant or refuse to provide information. Additionally, the Information Commissioners have time and again cited the lack of man power required to comply with all the provisions of the Act.

## REFERENCES

- Ansari M. M. (2008). "Impact of Right to Information on Development: A Perspective on India's Recent Experiences" (paper presented at the UNESCO Lecture, Paris).
- Banerjee, R. (2012). *Right to Information and Good Governance*. Arise publishers: New Delhi. p.1.

- Borah, S. K. (2013). *Right to Information Act: A Key to Good Governance*. International Journal of Humanities and Social Science: VOL -2, Issue- 2, p. 11.
- Borah, Sri Keshabananda. RTI: a key to good governance, International Journal of Humanities and Social Science Invention, ISSN (Online): 2319 – 7722, Volume 2 Issue 2.
- Chaubey, M. K. *Right to information Various Dimensions*. Regal Publications: New Delhi. p. 24.
- Government of India (2006). *Second Administrative Reform Commission, First Report on Right to Information: Master Key to Good Governance*, para1.1.1, p.1. *The Right to Information Act, 2005, A Guide for Civil Society Organisations*.
- Joseph, V. (2001). *Right to Information on a Broad Canvas*. The Indian journal of public administration: vol. xivii. No.2. p. 269.
- Kumar S. B. (2008). *Overview of Good Governance in India" Third Concept* An International Journal of Ideas, Vol.- 22, No.258.
- Nirmala. (2012). *Right to Information and NGO's- A Study*. Indian journal of Social science & interdisciplinary Research: Vol-1. Issue.12.
- Shilpa, RTI: A Tool to Strengthen Good Governance and Tackling Corruption, International Journal of Humanities and Social Science Invention, ISSN (Online): 2319 – 7722, Volume 2 issue 2.
- Shilpa. (2013). *Right to Information Act: A tool to Strength Good Governance and Tackling Corruption*. International journal of Humanities and Social Science invention: p. 46.
- Tiwari S. K. (2010). *Right to Information: An Important Tool of Social Development, Good Governance and Strong Democracy*, Global Medical Journal Indian Edition.
- Vayunandan E. (2003). "Development and reforms in good governance with special reference to India" in "Good Governance: Initiative in India" Prentice Hall of India Publication.

---

### Corresponding Author

**Dr. Maharishi Mudgal Dev\***

Chairperson, National and International Council for Scientific Research, Japan

Pro Chancellor, International Open University,  
Meghalaya

E-Mail – [drmaharishimudgaldev@gmail.com](mailto:drmaharishimudgaldev@gmail.com)