

Right to Information and Good Governance*

An Assessment of Linkages

Professor MM Ansari**

Introduction

Until the implementation of Right to Information Act (RTI) 2005, an ordinary citizen had no access to information held by a public authority. He had no legal rights to know as to: what processes have been followed in designing the policies affecting them or how the programmes have been implemented. It was, therefore, difficult to question as to why the entitlements such as subsidised food grains, assured employment, etc. were not reaching the intended beneficiaries.

Lack of openness in the functioning of the Government, provided a fertile ground for breeding inefficiency and lack of accountability in the working of the public authorities, which, in turn, perpetuated all forms of poverty, including nutritional, health and educational. Therefore, the people in general and NGOs, in particular, demanded for a greater access to the information held by the public bodies, which were acceded to by the Government and the Act was passed by the National Parliament in 2005.

The major concern of the RTI Act is to allow for greater probity in the functioning of the government departments so as to, promote transparency and accountability in the working of the public bodies and contain the scourge of corruption, which are critical for ensuring good governance.

RTI: A Response to Paradigm Shift in Development Approach

RTI has been envisaged as an instrument to effectively deal with the major forces that have brought about changes in the approach to development. These generally focus on :-

- (a)** Sharing of knowledge and communication strategies for dissemination of information
- (b)** Involvement of NGOs in designing of policies and implementation of schemes and
- (c)** Adoption of citizen centric approach to development.

Democratisation of Information and Knowledge

Information and knowledge are critical for realising all the human aspirations, such as, improvement in quality of life. 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. In view of this, the RTI seeks to set up the facilitation process for free flow of information, which forms the basis for a healthy debate on issues of vital importance to every section of the society.

Increasing Demand by NGOs for Participation in Development Activities

The NGOs/self-help groups have demanded at various fora, for creating conditions for democratic governance, mainly because of unsatisfactory outcomes of public activities.

For instance, NGOs have exposed the inclusion of fictitious names in the list of beneficiaries. The NGOs have also conducted social audits of the schemes, particularly the poverty alleviation programmes, the outcomes of which have resulted in appropriate reforms in governance of the projects.

Therefore, the RTI Act has envisaged for providing a framework for promoting interface between the citizens and the Government.

Citizen-Centric Approach to Development

As people live in diverse socio-economic and geographic conditions, the approach to fit for all sizes, particularly in respect of poverty alleviation programmes, has failed.

The RTI therefore empowers every citizen to take charge of his life and make proper choices on the basis of freely available information and knowledge, for effective participation in political and economic processes or activities.

Salient Features of Right to Information Act, 2005

Right to information (RTI) is inherent in democratic functioning and a pre-condition to good governance and realisation of all other human rights,

The main objectives of the law on RTI are: to operationalise the fundamental right to information; to set up systems and mechanisms that facilitate people's easy access to information; to promote transparency and accountability in governance; to minimise corruption and inefficiency in public offices and to ensure people's

participation in governance and decision making.

RTI is based on the following key concepts:

- (a)** The right of the public to access the information and the corresponding duty of the Government to meet the request, unless specifically defined exemptions apply
- (b)** The duty of the Government to proactively provide certain key information even in absence of a request.

The scope of the Act extends to all authorities and bodies under the Constitution or any other law, and inter alia includes all authorities under the Central Government, State Governments and Local Bodies.

A citizen has to merely make a request to the concerned Public Information Officer (PIO) specifying the information sought by him. The fee payable is reasonable and information is to be provided free of cost to citizens living below the poverty line. The PIO is required to provide the information within 30 days. If the information requested concerns the life or liberty of a person, it has been made mandatory to provide it within 48 hours of the receipt of the request. The Act provides for penalties in case of failure to provide information in time, or for refusing to accept application for information.

The categories of information exempted from disclosure in this Act are kept to a bare minimum. Even the exemptions are not absolute if disclosure of the information outweighs the harm to the public authorities. Even in the case of security and intelligence agencies and organisations, which are exempted from the provisions of this Act, if there were cases of allegation of corruption and human rights violation, such exemption would not be available.

The Central/State Information Commission has a major role in enforcing the implementation of the provisions of the Act as well as for educating the parties, mainly information seekers and providers. For effective implementation of the Act, the Commission may impose penalty, recommend disciplinary action against the information provider and also award compensation to information seekers.

Assessing the Impact of RTI on the Elements of Good Governance

The preamble of the Act states that :

"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 government."

There are thus four major elements of good governance :-

- (a)** Greater transparency in functioning of public authorities.
- (b)** Improvement in accountability and performance of the Government.
- (c)** Promotion of partnership between citizens and the Government in decision making process; and
- (d)** Reduction in corruption in the Government departments.

Greater Transparency

Every public authority is mandated 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 also required to 'provide as much information suo moto' to the public at regular intervals through various means of communication.

A citizen has the right to observe as to what is going on inside an organisation. In effect, thus, there is greater transparency than 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 notings, cabinet papers, records of recruitment, finalisation of tenders, allotment of petrol pumps and gas agencies lists of beneficiaries of subsidised goods and services.' The disclosure of information has effectively contributed to advocacy by the civil society.

Greater 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. Also, due to effective implementation of the flagship programmes for alleviation of wide-spread poverty, the mis-match between the planned targets and actual realisation has been minimised.

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. The survey has revealed that in the opinion of 40 per cent of respondents (all below the poverty line), corruption and malpractices in implementation of poverty alleviation programmes have declined due to RTI induced accountability of the Government and its functionaries at various levels.

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 and commercial matters. These include redressal of grievances on account of settlement of pension and post-retirement benefits, insurance claims, income tax

refunds, payment of dues to contractors, etc.

In particular, the aspects of good governance are reflected from disclosure of information relating to the following :-

- (a) Attendance of staff in schools has helped in checking teachers' absenteeism and students' drop out;
- (b) Attendance of doctors and nurses at primary health centres has led to improvement in health care facilities in rural areas;
- (c) The details of supplies and distribution of food grains through ration shops has assured the reach of entitlements to the beneficiaries;
- (d) The supply and demand for petroleum products, such as, domestic gas has reduced black marketing;
- (e) Muster rolls and beneficiary of employment guarantee schemes has exposed corruption and ensured effective delivery of services to the poor; and
- (f) Allotment of retail outlets (petrol pumps) and agencies for distribution of LPG gas has ensured fair play and objective decisions, as reflected from substantial reduction in litigation cases in the matter.

Promotion of Citizen-Government Partnership

The principle of partnership is derived from the fact that people are not only the ultimate beneficiaries of development, but also the agents of development and change. Under the RTI regime, citizens' participation has been promoted through the following:

- (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.

RTI has instilled a wider sense of ownership in the development activities. For instance, information obtained under RTI, in respect of utilisation of funds allocated under rural employment guarantee scheme, MLA/MP local area development fund, etc. has been used by NGOs for campaign in favour of or against the political leaders during recent elections in some states, with a desirable impact on political process.

Reduction in Corruption

Lack of transparency and accountability encourage the government officials to indulge in corrupt practices, which results in lower investments due to mis-use or diversion of funds for private purposes.

- (a) The Transparency International (TI) has consecutively reported in the last two years that perceived corruption in India (a score of 3.5 out of 10) has declined at the rate of about 15-20 per cent per year, due mainly to the implementation of the RTI Act.
- (b) The Centre for Media Studies in collaboration with TI has recently accomplished an all India survey study of the poor below the poverty line (forthcoming). The views of the poor have been elicited in respect of all the flagship programmes that have been implemented for alleviation of poverty. At least 40 per cent of the respondents have reported that corruption has declined.
- (c) It has also been observed that wherever NGOs are actively involved in the development activities, the perceived corruption is already lower.

Future of RTI: Tasks Ahead

A major challenge is to develop capacities for access to information. The capacities of both the public authorities (i.e. the duty - bearers) and the citizens (i.e. the stake holders) may have to be enhanced, for which a two-pronged strategy would be needed. Firstly, a comprehensive information management system (IMS) should be developed by each public authority for storage and retrieval of data and information that may be shared with anyone who seeks to inspect and use the information for development purposes. Secondly, in order to properly manage the demand for information from the NGOs, in general, and the citizens, in particular, a concerted effort would be needed to create mass awareness among the people to promote information literacy. Awareness level among the poor is less than 10 per cent, which is a major obstacle in reaping the benefits of RTI.

A multimedia approach should be adopted to educate and train people as to how to decide and select what information should be sought for and that from where and how? Besides, they should be educated as to how to make best use of information for effective participation in economic and political processes. This alone can ensure cost-effective use of the provisions of the RTI Act.

Concluding Remarks

The RTI has significant bearing on good governance and development. India's economy in the last three years has grown at unprecedented high rate of 8 - 9 per cent per annum, which also co-incides with the RTI induced good governance. The implementation of the law on 'right to know' for setting up information regime therefore, augurs well for strengthening the knowledge society as well as for increasing the accountability of public bodies.

The trend in improvement in delivery of services, due to the perceived good governance, provides sufficient indication for alleviation of poverty and liquidation of illiteracy in a much shorter duration than envisaged for the realisation of Millennium Development Goals (MDGs). RTI has enabled people to participate in the process of development, which has resulted in reduction of corruption. It has just begun to happen for the first time for

establishing an open and participatory governance system that protects and promotes the socio-economic interests of every citizen, particularly the poor, who are receiving the benefits of development as per their entitlements.

The stakeholders, namely, the Government, NGOs and media should therefore, make a concerted effort to create mass awareness among the people, particularly to educate them, as to how to seek information and how to make the best use of such information. The role of NGOs is critical in respects of both to constantly exert pressure for maximum disclosure of information relating to public activities and to participate in designing and implementation of socio-economic programmes. The task is critical and challenging as well, since less than 10 per cent of the poor have awareness about the RTI and the manner in which it could be used as a tool to assure the reach of their entitlements.

A little effort in the directions indicated above would lead to a strong multiplier effects to the advantage of the poor, of which all the stakeholders would be duly proud of. In view of diversity of situations in which people live, in different parts of the country, a multimedia approach should be adopted to promote information literacy and to democratise knowledge, which, in turn, are vital for empowerment of the people, ensuring the reach of entitlements to the beneficiaries and for equalising opportunities for sharing the benefits of development.

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**Professor MM Ansari is an economist and education specialist of international repute. Presently, he is Information Commissioner of the Central Information Commission, which has been constituted for effective implementation of the Right to Information Act 2005.

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