

**RIGHT TO INFORMATION AND ITS RELATION WITH  
GOOD GOVERNANCE: A CASE OF JAMMU AND  
KASHMIR**

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**Abstract**

Right to Information (RTI) act is an important step towards good governance and has resulted into democratization and dissemination of information regarding certain rights and responsibilities of both state and its citizens and making it available to all its citizens irrespective of caste, colour, creed and religious beliefs. The act helps in seeking information from all the government offices and institutions who are duty bound to give information about all government activities and other related matters including a copy of any record in the form of documents, memos, emails, opinions, advices, press releases, circulars, orders, log books, contracts, reports, papers, samples, models, data materials held in any electronic form and information relating to any private body which can be accessed by a public authority under any law for the time being in force. Right to Information is a fundamental right which means the right to access the information from any public authority. Under RTI act, one can seek and receive information from any govt office viz. Panchayat office, office of the Municipal ward officer or office of the Chief Minister and even the office of the President of India. In this paper an attempt has been made to review the present performance of RTI act in Jammu and Kashmir and its role in good governance.

**Keywords:** RTI, Rule of law, open government, Bill of rights, Independence of judiciary, good governance, citizenship, democracy, Public safety Act.

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## Introduction

In the present world, the activities of the state has increased continuously so does the functions of the democratic state and thus powers of the executive wings of the government has grown manifold. The vast power's in the hands of the executive are not always used for public purposes, public goods and in public interest. There are instances where the power has been used for private gains and with corruptive motives. In such a scenario there is always a conflict between power and justice. Thus the societies need to evolve control mechanism to displace the power to promote justice, rationality and non arbitrariness, the need of disciplining the power of executive calls for evolving better accountability mechanism. Right to information (RTI) is one such device experimented and promoted in mature democracies as a remedial measure.

In Jammu and Kashmir, the state has spread its tentacles to virtually every aspect of public life. The person on the street is condemned to grapple hopelessly with corruption in almost every aspect of daily work and life. Most government departments typically present a picture of client public puzzled procedures and inordinate delays, constantly vulnerable to exploitation by employees and touts. In the quest for systemic answer to this chronic dissatisfaction, it is important to indentify the sources of corruption inherent with the character of the state mechanism. These include a persistent denial of transparency, cumbersome and confusing procedures, proliferation of mindless control, and poor commitment to raise them at the level valid for public welfare.

In this section, we will argue that information is power and that the executive at all level attempts to with hold information to increase its scope for control, patronage, and the arbitrary, corrupt and unaccountable exercise of power, therefore, demystification of procedures, complete transparency and pro-active dissemination of this relevant information amongst the public is potentially a very strong safeguard against corruption. Ultimately the most effective systemic check on corruption would be where the citizen herself has the right to take the initiative to seek information from the state and thereby to enforce transparency and accountability.

The Jammu and Kashmir state in terms of corruption presently tops the Union of India and our laws are too weak to take on corrupt officials and therefore, we need a tougher legislation and harsh Public Safety Act (PSA) to deal with it. In this regard RTI is an important step towards effective and corrupt free government. The Jammu and Kashmir Right to Information (RTI) Act

was implemented in the state on March 20, 2009. The act helps in seeking information from all the government offices and institutions who are duty bound to give information about all government activities and other related matters including a copy of any record in the form of documents, memos, emails, opinions, advices, press releases, circulars, orders, log books, contracts, reports, papers, samples, models, data materials held in any electronic form and information relating to any private body which can be accessed by a public authority under any law for the time being in force. Right to Information is a fundamental right which means the right to access the information from any public authority. Under RTI act, one can seek and receive information from any govt office viz. Panchayat office, office of the Municipal ward officer or office of the Chief Minister and even the office of the President of India. In this regard, Public Information Officer (PIO) has been appointed in all the states government offices as well as central govt offices to deal with RTI related applications from citizens. If any official is reluctant to provide information then he may also be penalized for not providing information within the stipulated period, the concerned official may be fined at the rate of Rs. 250/= per day to a maximum limit of Rs. 25000/= per application per day. RTI acts as a tool for promoting participatory development, strengthening democratic governance and facilitating effective delivery of socio-economic services.

The anti corruption bodies such as State Vigilance Commission, State Accountability Commission should be able to take disciplinary action against any person whether security officials, bureaucrats, politicians if involved in any fraudulent case. One can seek any information from Army, CRPF, BSF, Police, CID or any other security agency if the information pertains to corruption or human rights violation. However, they may be exempted to provide information pertaining to corruption under RTI act but if the information pertains to human rights violations, they have to provide the requisite information and this is clearly mention in the Jammu and Kashmir RTI act (2009) and as well as central RTI act of (2005) as all the central govt offices located in Jammu and Kashmir which includes Army, CRPF, BSF, Police etc came under the purview of Jammu and Kashmir RTI act, 2009 and the State Information Commission has already issued a circular in this regard. If the Public Information Officer (PIO) refuses to accept RTI application, denies information within the stipulated time limit, demands additional fees which one think is unreasonably high, does not reply application at all, denies access to information in an unreasonable manner or give false/misleading or incomplete information,

destroys the records whose copies had requested. The RTI makes it mandatory right to file an appeal with the same public authority within 30 days.

The primary concern of the citizens in a good civil society is that their government must be fair and good. For this, it is essential that their systems and sub-systems of governance are efficient, economic, ethical and equitable. Besides, the governing process must also be just, reasonably fair and citizen friendly. For all this, the administrative system must also be accountable and responsive besides promoting transparency and people's participation. The test of good governance, in the manner of this execution, in the general perception of the people about quality of functioning of various agencies, their attitude and behaviour towards the people, their sincerity, honesty, and commitment towards the public duties must be the priority of the RTI act. The right to information (RTI) has empowered citizens to ask for even basic information which they could never get before, in this regard the primary job of the officials involved with the RTI should be to encourage people about utilisation of certain services rendered to the people through awareness campaigns, symposiums, workshops, print and electronic media, hoardings on important public places and free distribution of pamphlets among people in order to make them aware enough to raise their voice against corruption. Therefore, creating awareness is very important. The more aware and informed the citizen, the more responsive or careful the information provider will be. Responsible and accountable rule-based governance depends on the maturity of both sides. RTI is harnessed as a tool for promoting participatory development, strengthening democratic governance and facilitating effective delivery of socio-economic services. In the knowledge society, in which we live today, acquisition of information and new knowledge and its application have intense and pervasive impact on processes of taking informed decision, resulting in overall productivity gains.

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 became empowered, which, in turn, enable them to build their strengths and assets, so as to improve the quality of life. 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 bias, etc. have made significant contribution to

the well being of poor people. RTI is used as a tool for facilitating effective delivery of socio-economic services. RTI empowers people to seek details about their entitlements and accordingly, to take informed decisions in all matters affecting them so as to secure equity and justice. A clean environment is closely associated with issues of human rights in carrying out their obligation, all the public and private enterprises are required to adhere to specific norms and standards so as to ensure sustainability of environment. RTI induced peoples pressure on the authorities has lead to: closure of certain polluting units, stoppage of projects having adverse impact on environment, adherence to the norms and standards prescribed by the regulatory bodies, exposure and identification of officials who are responsible of violation of environment norms. The use of RTI has been effective in ensuring environmental sustainability.

In a democratic state, democracy plays an important role for providing information which promotes knowledge and insight, helps in holding the government accountable through openness. The survival of the democracy depends upon the accountability and participation of the citizens. The essence of progressive democracy is good governance based on transparency and accountability. Good governance requires the administration to be participatory, accountable, responsive, equitable, effective, and efficient and follower of the rule of law. The provision of corruption free transparent and accountable govt is the underlying idea of good governance to provide the opportunities to the people to participate in the decision making and implementation process. The citizens should actively participate in the governmental projects and policies. RTI act is an important step towards reducing corruption, but it can't be panacea for all the ills of governance. Lack of implementation in work and decision making process leads to a system of ineffective and corruptive governance. To be effective, RTI regime has to travel from urban areas to the rural areas along with literacy and capacity building programme. The RTI act can only be one of the components of this change which will have to encompass the civil society both at national and state level as well as at the grass root level. The RTI act 2009 is a good move towards the building of governance in the state. But the condition is peaceful negotiation, censuses and also requires good attention of political parties to clause the help in safe guarding the life and property of the people, looking towards the present situation of the state in terms of need and importance of good governance.

That the RTI act, 2005 has come into force in India, with its legislation, it is said that Indian citizen has now the right to demand information the mere conferment of the RTI without

changing the prevalent style of governance, would make the entire exercise futile .in the context of our present scenario characterise by the lake of political will and reluctant attitude of bureaucracy to recognised the people's. RTI the role of civil society organisation would be crucial and significant in ushering in a new era of open, transparent and accountable governance. The more these organisations come forward to enlighten and mobilise the people at the grass roots, the more would be realisation of the immense potential of the right to information. As for as the Indian judiciary is concern about the assume a significant position as it is the guardian and custodian of the constitution. The constitution of India as it was originally adopted contained a Bill of rights incorporated in part III. when incorporated in the constitution, the bill of rights is made the organic and fundamental law of the country.the development of the welfare liberal state and in increase in the coercive authority of the state touching every aspect of individual life stressed their necessity One of the most important principle of just democratic governance is the presence of constitutional limits on the extent of government power.The judicial system has an important role to play in ensuring better public governance. There is no area where the judgments of the supreme court of india have not played a significant contribution in the governance –good governance- weather it be environment ,human rights, gender justice ,education minortie s, police, reforms, election, etc

### Performance of RTI

The RTI in Jammu and Kashmir was implemented in March 20, 2009. So far as the progress of RTI in J & K is concerned about 15987 applications have been filed in Jammu and Kashmir during the past three years. The year wise progress of RTI in Jammu and Kashmir is given in below:

### Performance of RTI in J & K over the last three years

S No.	Year	No. of Applications filed	Growth Rate	Revenue Generated	Growth Rate
1.	2009-10	741	-	37050	-
2.	2010-11	3110	76.17	155500	76.17
3.	2011-12	12136	74.37	606800	74.37
<b>Total</b>	-	<b>15987</b>	-	<b>799350</b>	-

Source: - Annual State Information Report, J & K Govt., 2012.

It is evident from the above table that total number of RTI applications filed in J & K increased from 741 in 2009-10 to 12136 in 2011-12. So far as the revenue generated is concerned an amount of Rs 37050 were generated as fee and charges from information seekers in 2009-10 which increased to Rs 606800 in 2011-12. The data reveals that 741 RTI applications were received by the public authorities in the first year of the implementation of the J&K RTI Act 2009. In the second year (2010-11), 3,110 RTI requests were received by the public authorities whereas the year 2011-12 has accounted for the highest number of 12,136 applications filed by the information seekers before various public authorities in the state.

According to SICs report which was tabled by Minister for Finance and Ladakh Affairs, Abdul Rahim Rather, in both the Houses of state Legislature on 2<sup>nd</sup> April 2013, the highest number of RTI applications were received by the University of Kashmir (1,043) followed by School Education, Jammu (875), Social Welfare (830), School Education, Kashmir (787), Public Service Commission (923), J&K Police (712) and GAD (383). The report further said that the percentage of rejection of request under different provisions of the Act for the same period is 4.45 percent. The rejection of RTI applications under different provisions of the Act was 9 percent in the first year (09-10) which has come down to 4 percent during second year and 1.37 percent in third year (2011-12). It also said that 1,011 complaints (2nd appeals) were received in which 592 were decided by the commission. In five cases penalty was imposed under section 17 of the Act and only one case was awarded with compensation to the information seeker.

The implementation of the Act has involved almost all the departments, governmental organisations, autonomous bodies in the state in carrying out statutory task of disposing of RTI applications and providing information to the information seekers.

### Conclusion

The survival of the democracy depends upon the accountability and participation of its citizens in democratic set up. The essence of progressive democracy is good governance based on transparency and accountability. Good governance requires the administration to be participatory, accountable, responsive, equitable, effective, and efficient and follower of the rule of law. The provision of corruption free transparent and accountable govt. is the underlying idea of good governance to provide the opportunities to the people to participate in the decision making and implementation process. The citizens should actively participate in the governmental

projects and policies. RTI act is an important step towards reducing corruption, but it can't be panacea for all the ills of governance. Lack of implementation in work and decision making process leads to a system of ineffective and corruptive governance. To be effective, RTI regime has to travel from urban areas to the rural areas along with literacy and capacity building programme.

### Bibliography

1. Chadah Sapna, "Right to Information Regime in India- a critical appraisal" Indian journal of public administration Vol.LII-No 1Jan-Mar. 2006, pp1-2.
2. Chaturvedi T.N, (1999), "Towards Good Governance", Indian institute of public administration indraprastha estate, ring road, New Delhi.
3. Geol S.L, (2007), "Right to information and good governance", Deep and deep publication, New Delhi.
4. Kaushik D. S, "Right to information act- A tool of good governance" Excel journal of engineering technology and management science(An International Multidisciplinary Journal), January- June 2012, pp 1-6.
5. Khosla Sunil (2011), "Right to Information and Good Governance" Journal of political science.
6. Niranjana Oulac, "Right to information and the road to Heaven" Economic and political weekly (2006). pp 4870-4872
7. S. K. Tiwari (2010), "Right to Information: An Important Tool of Social Development, Good Governance and Strong Democracy", Global Medical Journal Indian Edition.
8. The Jammu and Kashmir right to information act, 2009, Jammu and Kashmir govt. gazette. Vol. 121.
9. Jammu and Kashmir State Information Commission Annual Report 2012.