

Implementing A Right To Information Act Is Crucial For Effective Government

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Abstract

A piece of legislation that was passed in 2005 and given the name the Right to Information Act was created in order to better protect the right to access information that is provided by Article 19 (1) an. The efforts of Parliament have resulted in the creation of a legislation that gives the right to information a more definite expression. Requests must be fulfilled by all government entities in order to comply with the RTI's mandate that public documents be made accessible. The standards of the Freedom of Information Act do not apply to requests for information that might put the safety of the country or the public's faith in government in jeopardy. This is an example of a sentence that deviates from the standard practise in some way. Despite the fact that the current legislation was passed in 2005, the impacts that were supposed to result from it have not yet been seen due to a variety of obstacles. Given the centrality of sound administration and openness in the decision-making process in a democratic society, it is essential that all members of the population have unfettered access to those in positions of authority. It's possible that the Right to Information Act is the first act of its kind to address this issue, but it's important to note that it draws on a long-standing history of transparency and candour around the sharing of data. Even though RTI may be traced back to the Vedic period, it wasn't until Kautilya's work Arthshastra that the qualities of an effective leader were described in any significant length. He felt that a great king would care more about the happiness of his people than he did for his own. The RTI method places a significant emphasis on the availability of relevant information. Article 19(1) A of the Constitution has, for a very long time, served to protect people's freedom to search for and get information. Within the context of the "Right to Know" framework, the court further provided a broad interpretation of this Article. In order to fulfil its responsibility to defend the right to free speech, the highest court in India has issued an order mandating that all people be granted unrestricted access to information on the operations of all government bodies and departments.

Keywords - *Openness, Access, Transparency Corruption, RTI,*

Objective of The Paper

- 1. To discuss about Right To Information And Good Governance**
- 2. To discuss about Relation between Right To Information and Good Governance**
- 3. To discuss about Governmental Privilege in Evidence**

1. Introduction

Acquiring knowledge is essential to one's ability to live. A democracy cannot operate well without the protection of the right to free speech as well as the acceptance of a variety of points of view. Any citizen has the legal right to access public information, to carry out their own research, and to communicate both their results and their views to the government authorities that are relevant to the situation. Widespread access to correct and up-to-date information may make it easier for members of a civilised society to preserve a sense of dignity in their daily lives. In addition, the right to information is inextricably bound up with the functioning of democratic governments. A good government is one that is open and honest with its citizens, takes responsibility for its actions, and looks out for their best interests. In today's world, it is generally agreed upon that the public's right to know is an instrument that may effectively promote openness, transparency, and accountability on the part of the government. In the end, a representative democracy has no choice but to rely only on the people it serves as its constituents. They need to know all there is to know about the government in order to exercise adequate control over the administrative process. **(Banerjee 2012)**The "Right to Information" for Native Americans is more significant now than it has ever been. To be able to take full use of life and all the riches it has to offer, one has to be able to pursue knowledge without any limitations. In the absence of more education on the subject, a great number of people will continue to slip through the cracks that exist in society and will never discover who they really are. This strategy for preserving the fundamental rights of individuals is quite effective. The continuation of the modern Indian bureaucracy is contingent upon criminal activity and corrupt practises. They have been intimidated and paid in order to maintain their silence. In spite of the fact that it is the largest democracy in the world, India's government often has trouble gaining the support of its people. The public has a responsibility to be kept informed about how the money they have contributed via taxes is

being used. People in a democracy are only useful as a resource if they are able to successfully collect and use knowledge of all different kinds. Otherwise, they cannot be deemed valuable. There is no way for there to be a democracy if individuals aren't allowed to freely voice their thoughts. When it comes to the efficient running of any government, information is more crucial than it has ever been. Good governance can only be achieved by putting a premium on transparency and efficiency in government operations. In his incisive commentary on the First Amendment of the United States Constitution, Thomas Enderson argues that the protection of free speech and the press provides support for four fundamental pillars of society. Enderson's comments may be found here. There are four groups of people: those who value people pursuing their own happiness; those who value the means by which the truth can be discovered; those who value people's involvement in political and social decision-making; and those who value striking a fair and reasonable balance between the maintenance of the status quo and the pursuit of social progress. Those who value people pursuing their own happiness make up the first group of people. The principle that individuals have a "right to knowledge" has garnered widespread support and been included into a diverse assortment of human rights declarations throughout the world. **(Borah 2013)** Two excellent examples of this are the International Covenants on Civil and Political Rights and the International Covenants on Economic, Social, and Cultural Rights. Numerous international documents and regional treaties, such as the Universal Declaration of Human Rights, the European Convention for the Protection of Human Rights and Fundamental Freedoms, and the American Convention on the Rights and Dignity of All People, have recognised the right to access information as a fundamental human right. There are now safeguards in place to protect citizens' access to or sharing of government documents in 93 countries. Four of these countries are located in South Asia. In 2002, the Indian Congress passed the Freedom of Information Act to make the country's government more accessible to its people. Countries other than Bangladesh, India, Nepal, and Pakistan are also included. After the Freedom of Information Act of 2002 was repealed in May of 2005, the National Common Minimum Programme report was finally made available to the public thanks to the Right to Information Bill of 2004. (RTI). Published for the first time in the Indian Government Gazette on June 21, 2005, the "Right to Information Act" has been in effect since. India was the location of this occurrence. A new legislation in India guarantees access

to all public information maintained by any government agency, making Indian government more transparent and accountable to its people.(**Shilpa 2013**)

Review of literature

Arora Krishan14(2006) has The Right to Information Act was introduced in 2005 as an efficient piece of legislation. This abstract is a shortened version of the whole statute. Right to Information (Regulation of Charge and Cost) 2005 is also included in this agreement. Given the RTI Act's significance to the growth of the rural economy throughout time, experts from a broad range of social science fields have offered their informed perspectives on a variety of topics related to that growth. This book uses information from both secondary and primary sources to describe the many aspects of the RTI Act and how it has contributed to economic development in rural areas. The author of this page states that the Official Secrets Act does not preclude the police, investigating Magistrate, or Trial Court from providing the accused with a copy of any witness testimony they have recorded. The attorney's right to review the file and take the statement, as well as the need to provide both to the proper court upon request, are also noted.

Das P. K.9(2009) explains the terminology employed in Article 19 and clause (1) (a) of the Constitution of India, from which the Right to Information is derived. He explains why voters should not be duped by the legislative, judicial, and executive branches of a state government and argues for the need of public education on these topics. This is why, he says, biased news helps keep people uneducated. The writer dwells on a single topic and explains its relevance. All requests must pertain to material previously sought by the Public Information Officer or be in the form of copies of such requested documents.

Knowledgeable writer Goel S. L.12.(2008) has examined the Right to Information from several perspectives, including the history, the present, and the potential future. This book examines the Right to Information Act of 2005 in great detail, going much beyond a simple summary or critique. A free and open society's ultimate goal is good governance, and the right to knowledge is a powerful tool in the fight for this ideal. Dr. Goel gives a clear and compelling account, proving that the freedom to seek and exchange knowledge has become a cornerstone of modern democracies. He starts with an informative and insightful

introduction, then moves on to a breakdown of the issues at hand and an analysis of the most effective means of achieving democratic ideals in the realms of open data and accountable leadership. He elaborates on the legislation's breadth, the method for implementing it, and the early results. He has made the most of the little data we have on the rollout of the new information regime and has voiced some legitimate concerns.

Shah Abha (2002) She explains in depth the Right to Know Act (RTI Act), its provisions, the roles of the Central Information Commission and the State Information Commission, and the procedures for appealing rulings and paying penalties. He also included the Freedom of Information Act (USA) from 2002 and the Maharashtra Right to Information Act (India) from 2002. He asserted that they made the call so that the Freedom of Information Act of 2002, which had already been passed by parliament, would be more progressive, participative, and timely. The RTI Act was passed in order 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, to promote transparency and accountability in the working of every public authority, the constitution of a Central Information Commission and State Information Commission and for matters connected therewith or incidental thereto," as he put it.

RTI in India

Many people consider India's 2005 Right to Information Act (also known as the RTI Act) to be one of the world's most successful pieces of legislation. And it's been used successfully in the past, so you know it works. It's a piece of legislation that came into effect when India became a free nation. Progressive in nature, it is one of the laws that bestows power to the people. Aware locals began filing public records requests as soon as the legislation was implemented, hoping to either get the police involved, ensure they received their food grain allotments via the public distribution system, or expose corrupt authorities. Those individuals immediately began using the Act when it became law. One of the most novel aspects of the Act is a provision making it unnecessary for a requester to provide a reason for or explain his locus standi before receiving the requested information. Some issues, however, need to be resolved before the law can be completely put into effect. Several problems, including some that are quite important, have delayed the Act's implementation. In order to access

information, one must overcome a number of challenges, including a bureaucratic culture and attitude, a lack of public awareness (particularly in rural areas), and a lack of knowledge on the part of public information officers (PIOs). This is because PIOs often lack the manpower to adequately respond to all of the questions they get. **(Act 2005)**

Right To Information And Good Governance

Promotes openness, which helps the government function better and is thus beneficial. Citizens' ability to monitor the performance of their governments and public authorities is enhanced by their freedom to access information. The condition of circumstances and the history of events must be communicated to the public in a straightforward and simple way. A trustworthy and open government is necessary for a stable society. The government must enlighten the people on its policies and initiatives. The public has a right to see all government communication with them. The capacity of individuals to access such information is crucial to transparency, which may be defined as the practise of making information readily available to the general public and providing clarity on the actions of governmental organisations. Citizens are given more insight into how their representatives make policy choices because to the Right to Information Act, which was passed to increase government openness and transparency. The obligations of this legislation do not apply to all branches of the federal government, although anybody may request information about a possible infringement of human rights. Even though the relevant institution is a private entity, the governing body is nonetheless responsible for providing the notice required by Section 11 of the Act. Most nations have learned from their own experiences that when individuals have more access to information, their governments are better equipped to meet their requirements. Since problems are addressed more swiftly, the public's opinion of the government improves. Promotes openness, which helps the government and also makes it better. Citizens' ability to monitor the performance of their governments and public authorities is enhanced by their freedom to access information. A clear and comprehensive explanation of the present situation and the events that have led up to it is a public service that must be provided. A trustworthy and open government is necessary for a stable society. The government must enlighten the people on its policies and initiatives. The public has a right to see all government communication with them. The capacity of individuals to access such

information is crucial to transparency, which may be defined as the practise of making information readily available to the general public and providing clarity on the actions of governmental organisations. Citizens are given more insight into how their representatives make policy choices because to the Right to Information Act, which was passed to increase government openness and transparency. The obligations of this legislation do not apply to all branches of the federal government, although anybody may request information about a possible infringement of human rights. Even though the relevant institution is a private entity, the governing body is nonetheless responsible for providing the notice required by Section 11 of the Act. Most nations have learned from their own experiences that when individuals have more access to information, their governments are better equipped to meet their requirements. Since problems are addressed more swiftly, the public's opinion of the government improves. When compared to authoritarian governments, capitalist and democratic nations have a better degree of openness; yet, the operation of government is never completely transparent anywhere in the globe. **(Nirmala 2012)**

The Relation between Right To Information and Good Governance

1. Good governance and the right to know are inextricably linked concepts that cannot be fully realised in isolation from one another. All of the requirements for Good Governance are met via RTI. People pay taxes that go toward the betterment of the country, and RTI gives them insight into how those funds are being used.
2. To that end, the Right To Know Act is in line with the principles of Good Governance, which emphasise transparency. The public have the right to access all records under Section 2(j) of the RTI Act, and the authorities have the responsibility to explain their administrative decision under Section 4 of the RTI Act.
3. The next reason is that the Right To Information encourages public participation, which is crucial to Good Governance. Citizens previously had no avenue through which to query the government on the policies adopted on their behalf, but thanks to the RTI Act of 2005, they do. All workers at RTI are treated with dignity and respect regardless of their background or position in society.

4. Ordinary people have the opportunity to actively participate in the decision-making process of their government. They may voice their complaints regarding the implementation of the policies on this forum. The public has an interest in knowing how their taxes are being spent by the government. Consequently, being truthful is equally important.

5. In the absence of accountability, it is hard to determine who is to blame for the failure of public or private sector initiatives. **(Laxmi 2006)**

Governmental Privilege in Evidence

- If you have "privilege" in a court dispute, no one can force you to testify or give over documents that might benefit the opposing side without your consent, and you can keep confidential information that could be crucial to the case from being made public.
- According to Section 123 of the Indian Evidence Act, 1872, evidence derived from unpublished official documents related to matters of State is not admissible without the authorization of the Head of the Department.
- Confidential communications with a public official are not subject to disclosure if the official believes that doing so would be counterproductive to the public interest (Section 124 of the Act).
- Both the 69th (1977) and the 88th (1983) reports of the Law Commission on the Indian Evidence Act proposed updating Section 123.
- The Shourie Committee also studied sections 123 and 124 of the Indian Evidence Act and made recommendations for their amendment.

Accountability

Good governance must always adhere to the principle of accountability. It is impossible to determine the cause of any failed progress when accountability is lacking. It is not only the government that must answer to the people; the institutions of the business sector must do so as well. Knowledge is power, and the Right to Information Act ensures that the government is accountable to its citizens and operates in an open and transparent manner. It is necessary to maintain a framework in order to maintain accountability; this guarantees that political leaders and public officials are held responsible for their actions, performances, and use of

public resources. If they are unable to demonstrate responsibility, both their power and authority will be rendered null and void. The RTI Act gave citizens the ability to question public authorities on the effectiveness of their work or the lack thereof. Therefore, accountability has always contributed to a feeling of duty and efficacy among those who hold government positions. The RTI Act, in its current iteration, is powerful enough to even go after the foundations upon which corruption is built. As long as its seeds are planted at the highest level, there will always be corruption at the lesser levels. **(Roberts 2010)** This cannot be avoided. It is possible to utilise the RTI Act to uncover the seeds of corruption, which may then lead to a reduction in instances of corruption at lower levels. Participation The idea of participation is to include every member of a community in the process of governance. The participation of both men and women is essential to effective government. A representative democracy does not entail the rule of a selected few; rather, it must take into consideration the interests of all segments of society, particularly the most vulnerable segments of society. The Right to Information will continue to be a non-starter in the absence of people's engagement in it. Many different meanings may be attached to the concept of participation. On the one hand, researchers describe participation as the process by which people have an effect and share power over development projects. On the other hand, researchers understand participation to mean merely interacting with any given activity. The Right to Information Act establishes a channel of communication between the general public and their government. **(Saxena 2009)** For there to be good governance, it is necessary to allow for the participation of civil society in the process of formulating development strategies, as well as the participation of communities and groups that will be directly impacted by these strategies in the process of designing and carrying out the projects and programmes themselves. Even in situations in which a project would only have a secondary influence on a certain area or demographic group, there should still be a consultation procedure that takes those people's opinions into consideration. Citizens who have an understanding of public affairs and the activities of their government are in a better position to have their voices heard on matters that have an impact on their lives; in other words, they may participate in the operations of their government. The right to knowledge empowers individuals to participate in political and economic decision-making, which in turn helps to improve democracies. The RTI Act made it easier for everyday citizens to participate in government decisions and actively encouraged

them to do so. People in the past had the desire to participate in what are now considered "official activities," but they lacked the means to do so. The Right to Information Act, on the other hand, makes it easier for ordinary people to take part in government. **(Harsh and Joshi 2016)**

Empowerment

gives people a voice in government decision-making and gives them access to information about those choices. By dismantling needless walls of secrecy, the Right to Information Act gives the people a greater voice in government. **(Burman 2013)**

Fairness and Acceptance for All

Having this characteristic is also crucial for effective leadership. That everyone is included in the government is a good sign that people are not feeling marginalised. People of all backgrounds should be given equal say in policy decisions. Furthermore, the Right to Information Act applies equally to all citizens of India regardless of socioeconomic status. Through the ages, it has been an integral aspect of the fight against oppression, cruelty, and inequality. **(Singh 2006)**

Consequence

As a direct result of this, it is reasonable to assert that the Right to Information Act contributes to the development of an administrative structure within the public sector that is more efficient. This statement is supported by the fact that it is plausible to make such an assumption. Consequently, this assertion is supported. The Administrative Branch of the Government, commonly referred to as the Admin Branch, is held to a higher standard of accountability before the public than any of the other components of the Government. Not only do the people have the chance to educate themselves on how their government really functions, but they also have a say in the decisions that are made as a direct result of the information that they have received. It is possible that this purpose was realised by cultivating an atmosphere inside the government that was more open and transparent, which, in turn, would have led to an increase in support for democratic concepts and objectives. The risk that individuals of the public sector would engage in behaviour that is corrupt or abuse the power that has been placed upon them as a direct consequence of this diminishes as a direct result of

this. Because this particular piece of legislation was created with the well-being of the general population in mind, the method by which it is put into effect will have a direct impact on how successful the law ultimately is. [Analogy of causes and effects] In addition, the political will of the government and elected officials is necessary, as is the active involvement of the general people, the cooperation of non-governmental organisations (NGOs), the honesty of government agencies, and the transparency of the RTI itself. These are the most important aspects to consider. These are the most significant aspects to take into account. Each of these components need to get an equal amount of attention and consideration.(Sharma 2013)

The part that India's Right to Information Act (RTI) has played in the country's continuing fight against corruption.

The prevalent problem of corruption is now India's most difficult difficulty, since it is also one of its most critical ones. Consequently, India must work hard to overcome this obstacle. People working at higher levels, such as ministers and bureaucrats, are also participating; it's not only individuals working at lower levels that are interested. It has been reported to the Central Bureau of Investigation (CBI) that a significant number of ministers were involved in instances of bribery, and the CBI has been urged to investigate the claims and take appropriate action. When there is a lack of transparency and communication in a culture, it creates an environment that is conducive to the growth of corrupt practises and abuses of power. Because it encourages openness and responsibility, the right to knowledge is one factor that helps bring about a decrease in instances of inappropriate behaviour. Corruption is a self-perpetuating loop that only works to prolong and intensify poverty, which in turn damages people who are already living in poverty. The current poor suffer as a result of this vicious cycle. The distrust it fosters between citizens and their government has a chilling effect on progress and threatens the viability of democratic rule. Directly attributable to the RTI policy, government agencies are more transparent than they have ever been before. There has never been such openness before in the history of these organisations. This means that the government needs not just a better understanding of how decisions are made, but also more accountability for making sure the right choices are being made. The result has been a dramatic drop in instances of corruption throughout the country. The political and

administrative branches of the Indian government are rife with corruption, according to the country's prime minister. He claims that corruption permeates every level of society. Prime Minister of India at the time, Dr. Man Mohan Singh, gave a lecture to the 2006 IAS probationers in 2007. In order to "create an India that is worthy of our ambitions," he challenged the young officials to "tackle the hurdles of administrative and political corruption" and "raise the quality of governance at all levels." Our nation, its form of administration, and the means by which we govern ourselves are all to blame if there are difficulties. Corruption in political and administrative institutions is widely believed to be pervasive. Extensive research has shown this to be the case. (Noronha 2010) Nothing can be done but to deal with it front on. "No campaign against corruption can work till or until the administration itself is entirely devoted to the aim of weeding out dishonest and corrupt officials, regardless of ranks and position," as declared by the Dr. Man Mohan Singh government. Dr. Manmohan Singh's government is accurate in declaring, "No campaign against corruption can succeed till or until the government of Hoshiar Singh and Mandir Singh, the higher authority to control the corruption from, is in place." It has been noted, and correctly so, by the government of Prime Minister Dr. Manmohan Singh that "No campaign against corruption can succeed unless or until the government." Punishment for corruption should be severe, with the culprit facing dismissal at the very least. Corrupt behaviour has to be punished in whatever way possible. That's why people's access to information is such a powerful tool in the battle against corruption. The RTI has greatly increased the government's effectiveness, openness, accountability, and involvement with its constituents. In conclusion, we suggest that the RTI opens a channel of communication between the government and the people, enabling the latter to ask the former for input in order to enhance the standard of government. (Chaubey 2005)

Conclusion

The Freedom of Information Act was created to improve the public's access to information held by the government as well as its level of transparency. One of the ways in which RTI may help promote accountability is by increasing the transparency of the government. As a consequence of this, the general public now has a greater access to information that is pertinent and may participate more actively in governance. In the interest of advancing

democratic ideals, the RTI advocated for a greater level of public scrutiny of the activities of the government. Eliminating the need that the act be in place altogether is the most effective strategy to address these issues and advance the cause of good governance. It is unreasonable to expect citizens to go to further effort to get information; rather, the government ought to provide it to the people without charge. If effective governance is encouraged, both those in positions of authority and those who are ruled will forge more trustworthy relationships with one another.

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