

The Role of Right to Information in Promoting Good Governance

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In partial fulfilment of the requirement for the award of the degree

Of

Master of Arts in Political Sciences

By

Zeche Peter Koza

Regd No: 11309577



Lovely Professional University

Phagwara, Punjab (India)

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Declaration

I hereby declare that the work entitled, "The Role of Right to Information in Promoting Good Governance" has been submitted in the partial requirement for the degree of the award in MA Political Science and all the ideas and references presented here from the various sources are acknowledge and presented to the best of my knowledge. Also, the contents of this thesis in full or in parts are not submitted for the award of any other Degree or Course to any other institute or University.

Zeche Peter Koza

Registration No: 11309577

Lovely Professional University

Phagwara, Punjab

Date:9th May 2015

Certificate

This is to certify that Mr. Zeche Peter Koza is a bonafide student of Lovely Professional University and he has completed his dissertation on the Topic, "The Role of Right to Information in Promoting Good Governance" under my guidance. No part of this dissertation has been submitted by him to any other degree or diploma in any other university. The dissertation is fit for submission for the partial fulfilment of the requirements for the award of Master of Arts in Political Science degree.

Mr. Braja Kishore Sahoo

Assistant Professor

School of Social Sciences

Lovely Professional University

Punjab

Date: _____

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List of Abbreviations

AAP -Amm Admi Party,

ATI -Citizens' Access to Information

BJP -Bharatiya Janata Party

FoI - Freedom of Information

FOIAs - Freedom of Information Acts

GoI - Government of India

IAS - Indian Administrative Service

ICDS - Integrated Child Development Services

IPS - Indian Police Service

IT- Information Technology.

MKSS - Mazdoor Kisan Shakti Sangathan

NCPRI - National Campaign on People's Right to Information.

NDA - National Democratic Alliance

NREGS - National Rural Employment Guarantee Scheme,

NRHM - National Rural Health Mission,

PDS - Public Distribution System,

PM - Prime Minister

RTI - Right to Information

UNESCAP - United Nations Economic and Social Commission for Asia and the Pacific

UPA - United Progressive Alliance

Abstract

It is said, 'Knowledge is Power' and information is the main source of knowledge. With the availability of information, people can develop and explore their full potential on its timely utilization. The overall individual sphere like personality, attitudes, socio-political and economic capabilities mostly are shaped by the information available to them. Right to Information (RTI) is the key to strengthening participatory democracy. It will give thrust to the growth of the State through better governance and accountability in all spheres of the State's functioning. Access to official information can empower the people of all stake holders especially the weaker sections of society. It will help them claim their rights and privileges without infringing on the rights and privileges of others. In the absence of timely flow of information and accountability, no amount of policies can bring about development nor its various programmes can truly improve in the standard of people's life. Public participation through RTI is expected to help check corruption, injustice, biasness, delays and misinformation in the government departments. It is expected to encourage public authorities to do away with maintaining official secrecy and go for openness to official information so as to bring effective governance.

Key Words:

Right to Information, Good Governance, Public Authority, Transparency, Accountability, Official Information.

Chapter: 1- Introduction

"Freedom is not free; every generation must earn its own freedom".

The Constitution of India provides its citizen under article 19 'Freedom of Speech and Expression' which encompasses the Right to Information in spirit. The access to the official information of the government and its activities is a basic right of the citizens as the Government's sole responsibility is to serve the people. When the world is in the 21st Century and we live in the 19th Century, it not backwardness but the absence of Good Governance. Availability of information is a prerequisite for ensuring good, speedy and reliable governance. RTI builds a closer relationship between the government and its citizens and various other agencies. Through implementation of RTI, people can understand better the various policies of the government and enhance their interest in democratic participation. Thus, RTI can effectively harness for the promotion and securing towards of Good Governance.

1.2 Significance of the study

Today, every country looks towards getting better Governance from their respective States. They want their government to do the work effectively and efficiently. They want to assess the performance of their government. They want information to enable them participate in the process of decision making. Everyone is talking about RTI as something which can significantly change the system of government. Most of them have little knowledge about the scope of the application of RTI Act or its possible big impact on delivering good governance. In the past era of secrecy in government functioning system, it was easy for corruption to creep in leading to exploitation and oppression of the weak. The Official Secrets Act 1923 could even be used against an upright official acting in good faith by the one above him in authority. But the introduction of RTI Act 2005 has done away with the impediments to the free flow of information. Information has given power to the people and it has made public authorities more accountable and more transparent. Therefore, it is significant to study the role of RTI in promoting good governance.

1.3 Statement of the Problem

It is an acknowledged fact that the RTI plays an important influential role in the people's public life. It is also an acknowledged fact that majority of the citizens lack basic knowledge about the RTI and the impact it can do for promoting Good Governance. However, there is also no assurance to practically provide security to the life and liberty of all the RTI activists or the whistle blowers. Against this established background, the study seeks to determine the extent to which the RTI has achieved and helped in making towards good governance. Essentially, it determines the strength of current day RTI in checking the administrative weaknesses. Knowledge is power when people know its strength, its role and the duties & responsibilities attached to it.

RTI provides information which is helpful to people for making meaningful decisions, raising awareness and voice informed opinions. Besides, it influences government policies which have immense ramifications to the society. Its impact does not only affect the present generation but will also affect the future generation as a precedence will be created in shaping the government's governing style while striving towards achieving better services, more people centric goals. In fact, today the impact of RTI gives everyone a scope for Participatory Democracy whereby people not only know but also has the power to question the government decision by voicing their opinion or even by demonstrate their protest. RTI has been providing crucial information how the government is working thus, enabling the public to check and assess the performance of the government. Availability of information also guide people in choosing the most suitable government which would be best capable to meet their expectations and demands. RTI has become the best form of cheap court that does not involve a lawyer and his fees or the other expenses of the court. Besides, most of the information are also circulated widely in original in the spirit of RTI which means the information cannot be tempered with. Besides, a heavy penalty to the concerned official is also incorporated in the Act for not providing information within the stipulated time or in providing false and incomplete information. Therefore, most of the people who find it difficult to approach the court due to various constraints be it time, money or even security, find it as a more effective means to get justice.

1.4 Hypothesis

RTI can initiate a significant change in shaping the system of governance towards more efficient, effective and result oriented goals. Earlier, corrupt officials could hide behind the Official Secrets Act 1923. But now by Participatory Democracy, citizens can break through

the information barrier. In this Hypothesis, the role of Governmental Officials before RTI act could not be checked effectively. Corrupt officials could abuse their office without any compunction. They could harass people easily without having to worry about its repercussion. But now, people can retaliate effectively to such behaviour through the use of the RTI and even take to task those corrupt officials with imposition of grievous penalty. RTI has made the contemporary bureaucrats very conscious about the need to work in compliance with the government guidelines and policies. They cannot consciously or wilfully act contravening the laid down rules and procedures without daring to face the risk of disciplinary actions. By this RTI, people can have faith in the fidelity of information so provided by the public authority. Thus, the role of RTI is not insignificant in promoting good governance and accountability. It could establish a new era of government and alter the entire system of administration henceforth.

1.5 Objectives

The main objectives of the study are:

- To understand RTI
- To apprehend Good Governance
- To comprehend the Impact of Right to Information
- To view three factors namely Role of people, Government and RTI
- To analyse Role of Right to Information and how it promotes Good Governance
- To get the interrelation of Right to Information and Good Governance.
- To analyse some relevant case study in India which provided benefits to the common man living in India or abroad
- To explore the results of the Impact of RTI in promoting Good Governance

1.6 Research methodology

The methods that will be used to study the given topic is historical descriptive with analytical perception and it will focus on the concept of Good Governance through RTI. Primary sources of Right to Information Act (2005); book will be used to understand RTI in a broader way with clarity in concept and the practical usages in everyday lives. Internet sources will also be used as Secondary data source for the study to provide facts in a clear understandable and learnable way for further improvement. The data are reviewed for relevant theories, key concepts, opinions and other facts bearing on the subject. The data analysis - both qualitative and quantitative method are adopted. Qualitative research which involves collection, data

analyses like social trends, cognitive perception and practice. Its main aim is to describe the variation in a phenomenon, situation or attitude. Quantitative Research means to use data which is collected in quantities (numerical manner) in an inter-relationship of factors affecting the outcome. This however is difficult to correctly interpret in social sciences, as it is not always certain to control external factors which have direct impact on qualified data. Besides, it is not an easy task to study the relation to two variables, especially that relation between the government (which usually is just termed as officials) and people due to corruption and loopholes. Real oral issues relating to the research in this study are minimised and kept on the background due to ethical consideration and also to avoiding biasness, a mix approach of both Qualitative research and Quantitative Research is adopted. Thus, a Mixed Method is used to understand further the promotion of Good Governance.

1.7 Scope of the study

The power of RTI in bringing Good Governance is indeed a very important tool for the ruling as it is their duty and for the ruled as it is their rights. It is very crucial that the role played by RTI has brought immense impact for the benefits of the society, therefore the scope and the means to manage RTI is given primary importance. The Role of RTI in terms of providing Good Governance is in the chief interest of the people as they look for either things directly concern with them or those to whom they are close to. In fact, RTI can make a lot of differences here if it is used more for the general public. When the world is in the 21st Century and we live in the 19th Century, it is not backwardness but the absence of Good Governance. To promote it, we must see that people are aware of the policies and activities of the government. Also, we must see that through RTI, people participate and contribute towards good governance.

1.8 Delimitations of the Research

1. Using oral unrecorded background
2. Difficult to state the known Present Contemporary real life's experiences for Ethical reasons
3. No real confirmed document of work in theory and practice due to corruption.
4. Most of the unrecorded experiences about corrupt practices have been discuss with known/ interested and like-minded persons who know about the govt. or are govt employees themselves.

5. Officials were found to be very unwilling and suspicious to provide official documents.
6. The secondary data was collected from the Internet sources as reference of real life contemporary issue based experience sometimes is diverse.
7. Among other limitations, unavailability of necessary resource to carry out full authentic research.

Chapter: 2- Literature review

First Report Second Administrative Reforms Commission Right to Information Master Key to Good Governance(JUNE 2006) stresses that RTI is the key to strengthen anticipatory democracy and bring in people centric governance. RTI can empower the weaker sections of society to extract information about the government's policies and actions, thereby leading to their welfare. In the absence of good governance, no amount of policies can bring about development nor can its various programmes truly improve in the standard of people's life. Good governance has major characteristics like transparency, accountability, predictability and participation. It plainly pointed out that a "Minister is a bridge between the people and the Government and owes his primary allegiance to the people who elect him."

Agere, Sam, (2000) *Promoting Good Governance; Principles, Practices and Perspectives* views in the relationship between the government and its citizens and various other agencies. Major areas of concern is that political, institution and management of public agencies. The need for transparency/ accountability in the Public Administration and financial areas are very crucial so that the policies of the government are clear and the Public have the knowledge of the purpose and confidence in the institution. In short, the quality and effectiveness of Good Governance can be brought through people's participation and thus nation will prosper.

Dr. Kumar Ramesh, (2013), *Freedom of Expression and the right to seek information* asserts that these two concepts are directly related to each other and that they are fundamental human rights and acknowledge by the Universal Declaration of Human Rights under its Article 19. He states that Information enables the empowerment of the people by giving them the knowledge that can help them gain control over their own lives. It supports participatory democracy enabling the citizens with the capacity to engage in public debate and to hold governments and others to be responsible and accountable towards the discharge of their duties. Other highlights includes curbing Corruption, checking undue abuse of power and most importantly safeguards Civil Liberties. The effective role of RTI in disclosing of essential information resulted in checking corrupt practices in the governmental delivery system.

Kumar.Rai, K.B Prakash, (2009); *Right to know* is a book which gives in detail of what Right to Information as a powerful tool towards transparency. Its salient features, the purpose and the scope of RTI which is extended to every governmental control with the exemption of Jammu and Kashmir. The rules and procedure of RTI on how information can be sought from the concern department by addressing the PIOs, it provides the provision on what the information sought, the grounds of reply are discussed along with its responsibility and action in case of non compliances. The book matures in the actual practice of RTI provisions, duties and responsibility.

RTI Cell, ATI, Kohima: *Right to Information Act and the Role of Media* talks about the important aspects of the right to information which embodies the some of the important features of good governance like Public Participation, rule of law, transparency, responsiveness, equity and inclusiveness, effectiveness, efficiency, accountability, strategic vision and consensus-orientation. RTI provides the ground for the government functionaries to operate in the best possible way as well as being accountable for their actions. The focus is to establish a responsive State and also to put an end to differing government practices by enabling Public participation through RTI Act. The significant role of RTI impacts is listed as:–

- 1) Empowerment
- 2) Social Awareness & Action
- 3) Good Governance

The main aim is to bring public awareness, enables social and cultural discourse, participation and accountability.

Geol S. I, (2007) *Right to Information and good governance* opinions that the success of Right to Information depends education of people (awareness), and also training in record keeping is very important. With the help of RTI, the People to understand the government's policies better and enhance their interest. Transparency is a very important citizens right. It makes the people in power accountable; it encourages People's participation for development progresses. The Author strongly feels that retired persons should not be appointed as RTI officials as they may manipulate. Further appointing eminent persons from all walks of life could lead to promote effective Governance.

Dhaka, Rajver, (2010); *Right to Information and good governance* states that Right to Information which is a prerequisite for ensuring accountability and Good Governance. The global trend of RTI reached India when she finally adopted the RTI in 2005. RTI arms people's interest in not only the government sector but also in the Private /corporate sector. It can be effectively used for checking power and ensuring accountability. They help as an antidote in misuse of power, thus check corruption which has impacts on other areas like efficiency of public administration, rights of the citizens, managements, etc. The Author speaks of the limitations like misuse of information, blackmailing, old era mind set of the secrecy with exception of Jammu and Kashmir. The recommendation to be noted includes activating the Public authority, effective computerised record management, RTI should be available not only in the Headquarters but also in the District and Block Level with proper staffs.

Mohapatra, Nishikanta, (2009); *Accountable Governance and RTI Act* it views that majority of India's population today is behind other countries. The problems faced are age old basic i.e. Socio-economic baseline and colonial history of caste communal prejudices continue to restrain the Indian polity. Besides, there are numerous input demands, increased expectations from the desperate population and the need for elements of Good Governance that has compelled the state to raise its standard through transparency and accountability in their schemes like Public Distribution System (PDS), Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS), National Rural Health Mission (NRHM), Integrated Child Development Services (ICDS), Old Age Pension at each stage of policy and programme preparation. The author speaks of the ruling power belonging to the people only in theory. With RTI act, people won't have to bribe the officers. RTI will also ensure limitation on power; encourage participation in legal decision-making processes.

Singh, Rajbir, (2010); *Right to Information and Good Governance* provides the historical enactment of RTI by major pioneering countries. It recognises RTI as a tool that gives the people the power to look for information which empowers the people's participation, enabling them to make it the duty of the authorities to disseminate the same for better governance in its institution be it centre, state or even Panchayati Raj. It highlighted RTI as a major landmark which became an act in 2005 like poor infrastructure of Public Information Officers, lack of effective record movement and cost of implementation. The author thus seeks for separate cadres of PIOs with proper training. Legislation alone isn't sufficient, it needs fully armed RTI to bring people's participation for getting Good Governance.

CHRI's 2003 Report; *Open Sesame: Looking for the RTI in the commonwealth*. It views that RTI as the touch stone for democracy and Development. The report states that power is solely controlled by the Powerful. The book suggest for the sharing of Information and assisting the member countries.

Borah, Sri Keshabananda, (2013); *Right to Information Act: a key to Good Governance* stresses on the need for transparency and efficient to achieve the goal of Good Governance. Borah views the office of bureaucracy in India is abused today with corruption . RTI act is an antidote to it to bring Good Governance through Participation of the people, easy Accessibility of information, Transparency by government, Accountability, Empowerment, etc. Limitation of Awareness level is low among people of illiterates; poverty, and proper knowledge, lack of efficient record management system, Bureaucracy conceal information due to criticism, Lack of effective support and cooperation. Administrative authority must implement of RTI act, protect RTI activists, proper coordination and also arose Public awareness. RTI gives people an idea of administration with the platform enabling them to influence the decisions. There is more probably chances in reduction of corruption and power abuse. For success, active public participation, Organisations like the Non Governmental Organisation and other civil society groups along with the coordination of Governmental officials, its various departments and elected MPs and MLAs is required.

Malik, Varun, (2013); *Right to Information in India: A Hallmark of Democracy* views that Access to information is very important to bring transparency. One of the biggest problem today is corruption along caste system as problem cause of extremes of wealth and poverty in rural India and the leaders and policy makers are ignorant of ground realities in outskirts areas. the author remarks that Prime Minister Rajiv Gandhi concern to the fact that only 15 paise out of every rupee seeps through the Government's delivery mechanism. There is no transparency or accountability and corruption is rampant with false bills. Access to information freely is important to check menaces. The author argued that home pages are not sufficient and that there should be more relevant pages. Any refusals should be justified by transparent internal review process that includes top officials to ensure the proper application of its exemptions without having any manipulation. Only by letting people to access public documents can serves as an agent for fighting corruption, making citizens to participative in public activities, ensure government to be more efficient. Thus by opening up the system and

ending secrecy of the government, there can be better governance in the public administration.

Shilpa, (2013), *Right to Information Act: A Tool to Strengthen Good Governance and tackling corruption* points out that for good governance factors like transparency, accountability, rule of law and Citizens's participation are the basis of Indian democracy. In order to ensure good governance, the existence of corruption ought to be checked, mechanism for providing accountability, efficiency and effectiveness by the government is required. The then Indian Prime Minister Manmohan Singh states that corruption is present both at political and administrative level. Corruption is notoriously known as one of the major "obstacles in the efficient delivery". Thus, the Right to Information (RTI) is passed with the chief aim of RTI Act is focused towards changing the culture of secrecy, red tapist delay and the administrative aloofness which keeps the bureaucracy in the dark. It comes as a handy building tool which not only gives transparency and also enables accountability. Besides these, rule of law and people's participation are necessary to implement them effectively.

Chapter: 3- Right to Information and Good Governance

The Constitution of India provides its citizen the right to Freedom of Speech and Expression which encompasses the Right to Information in spirit but the existence of the Official Secrets Act (OSA) 1923 sometimes interferes with the flow of vital information to the public. There is a room for misusing the OSA by the government functionaries for their selfish purpose even though access to the official information of the government and its activities is a basic right of the citizens. There is also a need to check corruption at same time safeguard the government servants from penalty while discharging their duties in good faith.

It must be understood that all official information belong to the citizens and are held by the public authority for the benefit of the public. The Supreme Court once rightly gave a ruling that 'Disclosure of Information as regards to the functioning of the Government must be the rule and secrecy an exception.' The United Nation too recognizes that 'Freedom of Information' is a basic human right. India as an active UN member is embracing and promoting the principles of UN. Thus, a separate legislation is required to pave way for a participative democracy which finally came to effect through RTI Act 2005.

Under RTI Act, 'information means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for time being in force'.¹ The right to information under this Act means the right to access information 'which is held by or under the control of any public authority and includes the right to –

- i) inspection work, documents, records,
- ii) taking notes, extracts or certified copies of documents or records,
- iii) take certified samples of material,

¹ The Right to Information Act, 2005, (2014), Universal Law Publishing Co. Pvt. Ltd, New Delhi, India. p. 2

iv) obtain information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device'.²

Availability of information is a prerequisite for ensuring good governance. The need for transparent and accountable Public Administration, in Financial Management which are very crucial to establish confidence in the Government and in the State's institution. The Right to Information is a powerful tool as it does not provide immunity even to the President or the Prime Minister of India. It does not respect any official hierarchy and it is the only Act which is supervised by the citizen for implementation by the public authority. The effectiveness of the RTI lies in the fact that no information is to be denied to a citizen for that which can be accessed by a Member of Parliament. RTI builds a closer relationship between the government and its citizens and various other agencies. Through RTI, people can understand better the government's policies and enhance their interest in participation for better governance.

3.1 Citizen's Charter

It is a document representing a systematic effort focusing on the commitment of the Organisation towards its Citizens in terms of Service Standards, Information, Choice and Consultation, Non-discrimination and Accessibility, Grievance Redress, Courtesy and Value for Money. It includes expectations of the Organisation from the Citizen for fulfilling the commitment of the Organisation..³ The term 'Citizen' here implies to the clients/ customers whose interests and values are addressed by the Citizen's Charter, thus, it includes all the stakeholders as well like the citizens, customers, clients, users, beneficiaries, other Ministries/ Departments/ Organisations, State Governments, UT Administrations etc.⁴ They just represent a yardstick and therefore is not justiciable.

By definition of UNESCAP, governance is the process of decision-making and the process by which decisions are implemented (or not implemented).⁵ Good Governance is defined as people centric in nature whereby the Government puts the interest of the people first. Only

² The Right to Information Act, 2005, (2014), Universal Law Publishing Co. Pvt. Ltd, New Delhi, India. p. 2,3

³ Department of Administrative Reforms and Public Grievances, in the Ministry of Personnel, Public Grievances and Pensions, Government of India, Available at : <http://goicharters.nic.in/faq.htm>

⁴ ibid pg1

⁵ UNESCAP (2008), What is Good Governance?, p. 1

then can Democratic Countries for example India can acclaim as "Government of the people, by the people and for the people". Failure to provide access to information by the State to its citizen is against democratic principles.

Table:- UNESCAP good governance features



Source: Prashant Sharma, (2012), The Right to Information Act in India: The Turbid World of Transparency Reforms, p 41

3.2 The main ingredients for establishing Good Governance are -

(1) Participatory

Public Participation is the main source of promoting good governance by taking into account the various interest everyone especially the most vulnerable class in the society. Joseph Stiglitz, former Chief Economist of the World Bank and Nobel laureate stated, 'Participation does not refer simply to voting ... [but] requires that individuals have a voice in the decisions that affect them'.⁶

⁶ Pruitt & Thomas (2007), Democratic Dialogue– A Handbook for Practitioners, p. 13

(2) Accountability

RTI act as a tool to access information, citizens can use the information to make the public servants accountable and to seek details relating to the process of decision making. Accountability can only be achieved through transparency.

(3) Consensus Oriented

Having people's opinion/ approval is the key feature of good governance in the contemporary socio-political landscape of 'the world's largest democracy'.⁷

(4) Easy Access to Information

The availability of easy access to information could reduce the traditional long delay of disposal of work by the public servants and foster faster developmental works through working together.

(5) Transparent Decision Making

Transparency of the government in decision making and their enforcement is an important factor in checking whether it is done in accordance with the guidelines thus promoting good governance.

(6) Empowerment

Years back, people were ignorant due to corrupt officials hiding the information but now RTI has helped the citizens to know more about the governmental activities. It removed the unnecessary age old era of secrecy and hurdles pertaining to decision making process of the government.

(7) Promoting Equity

Although the constitution provides measures that the State does not make any discrimination, its effectiveness sometimes is out of track. Through RTI, people can come rise against inequality, injustice and inhumanity.

(8) Effectiveness and Efficiency

It means doing things effectively with result orientation in a specific time bound manner.

⁷ Prashant Sharma (2012) The Right to Information Act in India: The Turbid World of Transparency Reforms, p 15

Thus, information is regarded as the vital piece of any successful democracy. If people are ignorant to things around them and the actions of their rulers are hidden, it is nearly impossible for them to contribute to the affairs of the state meaningfully. Citizens only have the power to evaluate and judge the performance of the Government when all the relevant information is available to them. Thus, the success of Right to Information depends on creating awareness of the people to utilize it. Free flow of information compels the public authorities to be transparent and accountable. A very popular maxim is that 'power corrupts and absolute power corrupts absolutely'.⁸ RTI prevents corruption i.e abuse of office for personal gain; it encourages more of people's participation in enlightened decision making process. India's populace today faces the age old basic problem i.e. socio-economic baseline and colonial history of caste- communal prejudice continues to restrain the Indian polity. Besides, there are numerous input demands, increased expectations from the desperate population and the need for elements of Good Governance has compelled the State to raise its standard through transparency and accountability in their schemes like Public Distribution System (PDS), National Rural Employment Guarantee Scheme (NREGS), National Rural Health Mission (NRHM), Integrated Child Development Services (ICDS), Old Age Pension⁹ etc. at each stage of policy implementation and programme preparation. There is a need to empower people in practice not only in theory to achieve better outcomes. With RTI act, there is no to bribe the public officials to obtain information. RTI will also ensure abuse of power, encourage participation in decision-making process.

One of the single big challenges India faces today is corruption. In 1986, the then PM Rajiv Gandhi reported that out of every rupee made for its citizen's benefit, only 15 paise reaches to the beneficiaries¹⁰. With no transparency or accountability, corruption is rampant with false bills. The highest office in India particularly the bureaucracy is abused today. It needs fully armed RTI into bring peoples active participation for getting Good Governance. RTI act thus serves as an antidote to it to bring about Good Governance by letting people to access Public documents which can serves as an agent for fighting corruption, making citizens to participate in public activities, ensure government to be more efficient. Changes come through participation of the people, easy accessibility of information, transparency by

⁸ Shiv Khera, Living with Honour, p-108

⁹ Mohapatra, Nishikanta, (2009); Accountable Governance and RTI Act, p- 67

¹⁰ Shilpa, (2013), Right to Information Act: A Tool to Strengthen Good Governance and tackling corruption , International Journal of Humanities and Social Science Invention. p-48

government, accountability, empowerment etc. RTI gives people an idea of administration with the opportunity to participate in the decision making process. It curtails the chances of corruption and power abuse by bureaucrats. For success of good governance, active participation of the people, NGOs, maintaining integrity of government servants, elected members and political will of the Government is required.

In short, RTI has introduced a new concept of government by opening up the system of government while ending the system of age old secrecy of the Government. It has compelled public authorities to deliver justice, maintain transparency & accountability, maintain records properly and usher in good governance. RTI also has made it possible for the people to judge the quality of their government. It has improved the citizens' interaction with the Government.

Chapter- 4: The History of evolution of RTI in the World and its Impact to India

Citizens' Access to Information (ATI) is a vital move towards giving transparency and accountability in all governmental systems and their functioning. When a government is more transparent, there is lesser possibility for corrupt practices and it is easier to maintain accountability. This may be the cause for Freedom of Information Acts (FOIAs) which has become standard benchmark for good governance internationally. Right to access information held by public authorities is not just an essential to the citizens for them to know but is also an important precondition for good governance. To be more concise, 'ATI makes democracy more vibrant allowing the citizens active participation in the governance process of the State. In particular, it empowers ordinary citizens, especially those who belong to the disadvantage or weaker section of the society or live in rural areas' where proper or even basic needs are not fulfilled. With ATI, the people naturally tend to make more meaningful decisions, raise informed opinions, influence policies affecting their society and even help shape a more assured future for the next generation.¹¹ RTI has been recognised in Sweden for over 200 years since it enacted the first RTI law in 1766, which was largely motivated by the parliament's interest in access to information held by the King.

Later on, the US too enacted its first RTI law 'in 1966 and then by Norway in 1970. The interest in Freedom of Information (FOI) laws took a leap forward when the US, reeling from the 1974 Watergate scandal, passed a strong FOI law in 1976, followed by several western democracies enacting their own laws (France and Netherlands 1978, Australia, New Zealand and Canada 1982, Denmark 1985, Greece 1986, Austria 1987, Italy 1990). By 1990, the number of countries with FOI laws climbed to 13. A big step forward was the EU Charter of Fundamental Rights in 2000, which included both freedom of expression and the right of access to documents. By 2010, more than 85 countries have national-level RTI laws or regulations in force including the major developing countries like China and India'.¹² It is predicted that 'Mexico has taken the lead with one of the best examples of a well-functioning FOIA in the world. The law passed in 2002 represents a vital element of Mexico's democratic transition, and became a model worldwide'.¹³ Its Impact on India was one major milestone.

¹¹ Simi T.B., Madhu Sudan Sharma & George Cheriyan (2010), Analysing the Right to Information Act in India, Breifing Paper CUTS International, p1

¹² Simi T.B., Madhu Sudan Sharma & George Cheriyan (2010), Analysing the Right to Information Act in India, Breifing Paper CUTS International, p1

¹³ *ibid*

The Right To Information was passed in 2005 by the Indian Parliament to give the people access to Government's Record.

Right To Information in India

Realizing the importance of this right and need provide transparent and accountable the Government of India passed the RTI Act 2005. The basic premise is that the formed citizens and transparency of information is necessary to control corruption and make the Government accountable.

In spite of the various problems faced in the course of its implementation, the Act is successful in its aim for which it was passed. To make it more success and informed citizen and participant in the decision making process and democracy, some improvement required in the process of giving transparent administration for the development of the country.

In **The Movement for Right To Information in India**, People's Power for the Control of Corruption, Harsh Mander and Abha Joshi, points out that in India today, the state has spread its tentacles to virtually every aspect of public life from politics to economic activities. India today wrestle with hopelessness the ill-effects of corruption in most aspects of daily life.

Information is the currency that every citizen needs to make effective participation in a democratic setup. when the citizen more the access to information, the better would be the responsiveness of government towards the people's needs.

The right to information can influence the quality of decision making by the authorities. In both administrative policy and its matters, RTI Act can be used to remove the useless secrecy that keeps the decision making process in the dark. RTI can facilitate groups and individuals constantly informed about the decision making process that is likely to affect them. Only by using it, there would be enhanced quality democratic participation. By providing relevant information to the citizens, governmental performance can be efficiently accessed. Also through the participation and influencing factor, the process of government's decision-making and its policy formulations on any issue of concern can be better made and more beneficial.

All of the governmental sanctions/ estimates, and bills for all public works from selection of beneficiaries to relevant details, Human rights of persons in custodial institutions including jails even to environmental concerns like Air and water emission levels can be checked.

The Right To Information took its course in the scorching heats of Rajasthan. One of the most important feature that distinguishes the movement is that it is deeply rooted in the struggles and concerns for survival and justice of most disadvantaged rural people. In India, this inspiring struggle in the large desert state of Rajasthan in Devdungri village , the Mazdoor Kisan Shakti Sangathan (MKSS) formed as part of a people's movement for justice in wages, livelihoods and land. The movement initially was started by MKSS (Mazdoor Kissan Shakti Sangathan) to tackle corruption at grass root level. They demanded the Collector issued instructions for copies of the muster rolls, bills and vouchers to be given to the activists. This helped combat issues like corruption, wrongful or arbitrary exercise of patronage or power, exploitation, exercise of power in contravention and even failure to perform duties effectively. It was an important part of a larger movement for equity and people's empowerment.

RTI was first introduced Tamil Nadu and Goa in 1997, then Rajasthan and Karnataka in 2000, Delhi (2001), Maharashtra (2002), Madhya Pradesh (2003), Assam (2002) and Jammu and Kashmir (2004).¹⁴ However due to security reasons, Jammu and Kashmir¹⁵ RTI was restricted later on. but in other part of India, It flourished so much as there is so much rise in the number of RTI application in various states.

¹⁴ ibid p 2, 3

¹⁵ A GoI-UNDP Initiative (2006), The Right to Information Act, 2005, A Guide for Civil Society Organisations p 101

Chapter- 5: Growth of RTI and emergence of a new era of Governance

5.1 RTI Introduction and its impact in India

The Right To Information took its course in the scorching heats of Rajasthan. One of the most important feature that distinguishes the movement is that it is deeply rooted in the fight back as it is concerned with survival and justice for the most disadvantaged section in the village. In India, this moving struggle started in the large desert state of Rajasthan of Devdungri village when the Mazdoor Kisan Shakti Sangathan (MKSS) formed as part of a people's movement for justice in wages, livelihoods and land. The movement initially was started by MKSS (Mazdoor Kisan Shakti Sangathan) to tackle corruption at grass root level.¹⁶ They demanded the Collector issued instructions for copies of the muster rolls, bills and vouchers to be given to the activists. This helped combat issues like corruption, wrongful or arbitrary exercise of patronage or power, exploitation, exercise of power in contravention and even failure to perform duties effectively. It was an important part of a larger movement for equity and people's empowerment.

This movement helped other movements to bud. Thus, RTI was first introduced Tamil Nadu and Goa in 1997, then Rajasthan and Karnataka in 2000, Delhi (2001), Maharashtra (2002), Madhya Pradesh (2003), Assam (2002) and Jammu and Kashmir (2004).¹⁷

Realizing the importance of this right and the need to provide transparent and accountability, the Government of India passed the RTI Act 2005 in the Parliament. The basic objective is to provide information to citizens and brings about transparency which is essential to control corruption and make the Government accountable and efficient. In spite of the various problems faced in the course of its implementation, the Act is by and large successful in attaining its aim for which it was passed. To make it a major success and enable informed citizen in the participation of the decision making process which features the spirit of true democracy, some improvements in the attitudes of people are required to give transparent administration for the development of the country.

In *The Movement for Right to Information in India - People's Power for the Control of Corruption*, Harsh Mander and Abha Joshi points out that in India today, the state has spread

¹⁶ Shilpa, (2013), Right to Information Act: A Tool to Strengthen Good Governance and tackling corruption , International Journal of Humanities and Social Science Invention, pg 50

¹⁷ Simi T.B., Madhu Sudan Sharma & George Cheriyan (2010), Analysing the Right to Information Act in India, Breifing Paper CUTS International, p-2,3

its tentacles to virtually every aspect of public life from politics to economic activities. India today wrestles desperately with corruption in different aspect of daily work. A popular notion is that Information is the currency, every citizen requires it for participate in the Governmental and governance of society. In S P Gupta Vs Union of India, Justice PN Bhagwati Observed, 'disclosure of information in regard to the functioning of the Government must be the rule and secrecy an exception.¹⁸ Greater the access to information, the greater would be the responsiveness of government to the citizen and their community needs.

The right to information can check and influence the quality of decision making by the authorities. In both policy and administrative matters, RTI can be used to remove the unnecessary secrecy surrounding the decision making process. It would enable groups and individuals to be kept informed about the functioning of the decision making process as it affects them. It is hoped that this would enhance the quality of participatory political democracy by giving all citizens further opportunity to participate in a more full and informed way in the political process. In the service delivery, governance responsibility is shared between the state, people and private sectors (Pierre 2000; Roelofs 2009; Sarker 2006b).¹⁹ By securing access to relevant information and knowledge, the citizens would be enabled to assess government performance and to participate in and influence the process of government decision-making and policy formulation on any issue of concern to them.

With RTI, a citizen van get information for all estimates, sanctions, bills, vouchers and muster rolls (statements indicating attendance and wages paid to all daily wage workers) for all public works from selection of beneficiaries to relevant details and list of persons in custodial institutions including jails even to environmental concerns like Air and water emission levels .

5.2 Developments

The first step by enacting RTI laws Tamil Nadu and Goa in 1997, Rajasthan and Karnataka in 2000, Delhi (2001), Maharashtra (2002), Madhya Pradesh (2003), Assam (2002) and Jammu and Kashmir (2004). These has helped in giving the major thrust in the National level at the centre till it adopted the RTI act in 2005 under the UPA-II government under the Prime

¹⁸ Basu, Sabyasachi, Chaudhury Ray, Dey Ishita (2011) Sustainability of Rights after Globalisation, SAGE Publications India Pvt Ltd, New Delhi, edited p. 97

¹⁹ Waheduzzaman (2010), People's Participation for Good Governance: A Study of Rural Development Programs in Bangladesh pg 24

Ministership of Dr. Manmohan Singh. Any citizen can apply for this provision to seek any information relating to Government of India.

The United Progressive Alliance (UPA-II) Government had introduced the Right to Information Act in 15, June 2005. This was the pride of the previous Congress led Coalition ministry. RTI act finally came into force on 12 October 2005 after 120 day of its enactment.²⁰ With RTI been given a solid foundation, there is a huge expectation from the PM Narender Modi led Government to deliver "modernity" which implies better governance and more benefits.

However due to security reasons, RTI was restricted later on in Jammu and Kashmir.²¹ But in other parts of India, it flourished so much which is indicated by the enormous rise in the number of RTI application in various states.

The disposal period of RTI application is given below.

Table 1: Disposal of RTI Applications	
Situation	Time limit for disposing the application
Information in normal course	30 days
Information concerning the life or liberty of a person	48 hours
Information if the application is received through APIO	5 days added to above time periods
If application received after transfer from another public authority: <ul style="list-style-type: none"> • In normal course • Information concerns the life or liberty of a person 	<ul style="list-style-type: none"> • Within 30 days of receipt by the concerned public authority • Within 48 hours of receipt by the concerned public authority
Supply of information by organisations specified in the second Schedule: <ul style="list-style-type: none"> • If information relates to allegations of violation of human rights • If information relates to allegations of corruption 	<ul style="list-style-type: none"> • 45 days from receipt of application • Within 30 days of receipt of application
Information relating to third party who has treated it as confidential	Provided after following certain prescribed procedure given in the Act under Section 11
Information where the applicant is asked to pay additional fee	Period between informing the applicant about additional fee and the payment of fee excluded for calculating the period of reply
Source: Right to Information Act, 2005	

Source: Source: Simi T.B., Madhu Sudan Sharma & George Cheriyan (2010), Analysing the Right to Information Act in India, Briefing Paper

²⁰ A GoI-UNDP Initiative (2006), The Right to Information Act, 2005, A Guide for Civil Society Organisations p 101

²¹ ibid P-101

Development of RTI in India and its course

The cumulative impact on control of corruption and the arbitrary exercise of power, of the availability of such information to the citizen, would be momentous. All estimates, sanctions, bills, vouchers and muster rolls (statements indicating attendance and wages paid to all daily wage workers) for all public works.

Some of the uses of RTI can be in gathering day-to-day essential information to achieve or avail their benefits. A few practical ways are mentioned as follows:

1. Criterion and procedure for selection along with the list of applicants and selected persons of beneficiaries for any government programme.
2. Governmental guideline of eligibility for available schemes and their allotments along with beneficiaries.
3. Details of Allotments and procurement of medicines and other goods necessary for the hospital.
4. General regulations and procedures for award of permits, licences, house allotments, gas, water and electricity connections, contracts.
5. Rules related to imposition of taxes such as property tax, stamp duty, sales tax, income tax, etc., copies of tax returns, and reasons for imposition of a particular level of tax in any specific case.
6. Official documents of all land records to avoid land issues. Some common problems faced are land grabbing and land encroachment. Besides, a few cases of land ownership issues arises.
7. Detail list of Employment.

There are various job and opportunities which are not yet been published. this is usually filled through the so called back door appointment giving undeserved persons jobs while those deserving are deprived.

8. Open criteria to Admission

General and Reserved criterion for college admission, details of those selected applicants with relevant documents be notified. These makes sure that these truly deserving get their due.

9. Human Rights

It is important to know the status custodial institutions particularly jails, juvenile homes and other social institution. By getting adequate Information the government can take necessary action and also bring changes.

10. Environment Protection

The duty of government to check the safety and pollution norms like Air and water emission levels to every manufacturing units, coupled with the right of citizens' committees to check its approval so that another Bhopal tragedy won't take place or Chernobyl accident in Kudankulam Nuclear Power Plant.

By applying for RTI, the people can get information and be aware of the government policies and provisions available to them. It will enable them to get what they deserved and further help them to give innovative ingestion to government. Moreover the government can be checked and redirected in case of flaw policies for e.g. the recent Modi Government's Land Acquisition Bill which seems to threaten the native rural villagers. In a more broader terms, any act or policies that is not that beneficial or anti people in nature.

5.6 Case Study of Successful RTI that has turned the table Towards People:

1. Income tax refund story

An Tushar Dalvi, Non Resident Indian used RTI provision to obtain his income tax refund without having to pay the charged bribe fee of Rs.50,000.²² Five years earlier, he got no reply from the income tax office, therefore he finally filed an application under RTI Act and got his refund within a short period.

2. Passport story

Radhey Shyam, a construction worker applied for a passport in may to work in Gulf country. Sadly, no passport news or result came to him till October 2006. On filing an RTI application to the Regional Passport Office, He manage to have the same by the end of the year in December.

3. National Eligibility Test (NET) Qualified Story

The University Grants Commission conducts NET exam in the objective type twice every year for award of lectureship eligibility and Junior Research Fellowship (JRF) for the qualified of candidates. Kumar Ashish had appeared for the UGC NET in June 2012 but failed to qualify even after scoring well above the mark. The OMR carbon copies response sheets were attached had a different story which was cross checked. No action was taken by the concerned officials at the UGC even after the underreport

²² Available at: http://www.cic.gov.in/Best%20Practices/nri_uses_new_info_law.htm

had been notified. Finally, an RTI application did the job although the UGC sent a delayed reply to his RTI application without answering the details. Subsequently, the UGC NET website was updated where he was declared qualified for the UGC NET June 2012.²³

Case Study of RTI that can be further checked:

4. Bofors Gun

This is a infamous scandal related to the payment of US\$1.3 billion deal between the Swedish arms manufacturer Bofors with the government of India for the sale of 410 field howitzer guns.²⁴ Chitra Subramaniam, The Hindu's correspondent , reported that an amount of Rs 65 crore was paid to get the deal done. Bofors gun is a 155mm 39-calibre field howitzer with a range of 25-30 km. The Swedish company paid Rs. 640 million in bribes to top Indian politicians and key defence officials.²⁵ The former PM Rajiv Gandhi who wanted Bofors money to run Congress claimed Dr A P Mukherjee, Ex-CBI chief during 1989-90 in his book, "Unknown Facets of Rajiv Gandhi, Jyoti Basu, Indrajit Gupta". A case filed on 22 January 1990 which involved Rs 65 crore. the chargesheet filled on 22 October in 1999 with none yet to be convicted so there was no recovery.

5. Fodder case

The Fodder Scam was a corruption scandal that involved the sum of more than Rs 9.4 billion from the government treasury of the eastern Indian state of Bihar.²⁶ Among those implicated are the big Shots and top politicians like then Chief Minister of Bihar, Lalu Prasad Yadav, his predicesor, Chief Minister, Jagannath Mishra. This typical issue that concerns with bihar's nexus of Politic-Bureau-middlemen involving of Rs 950 crores. this Case was Filed in 1996, many were convicted but the recoveries were nil.²⁷ However, it led to the end of Lalu's reign as Chief Minister and many others involved are put behind bars.

²³Available at: <https://www.saddahaq.com/humaninterest/userti/how-rti-helped-in-passing-national-eligibility-test>

²⁴ wikipedia, available at: http://en.wikipedia.org/wiki/Bofors_scandal

²⁵ Khera, Shiv (2009); Freedom is not Free pg -124

²⁶ wikipedia, available at: http://en.wikipedia.org/wiki/Fodder_Scam

²⁷ ibid pg -124

6. 2 G scam

A. Raja, the then tele-communication Minister, is infamously known for the 2G scam where he deliberately advanced the cut off date for Rs.3,000 crore as bribe to favour accused firms in 2G allocation. The main issue here was that it was not a opened bid for major tele-communication companies as they did not participate effectively. It also pointed out that the difference between the money collected and that mandated to be collected as estimated by the Comptroller and Auditor General of India was Rs 1766.45 billion based on 2010 3G and BWA spectrum-auction prices. In 2 April 2011 chargesheet filed by CBI, the loss was estimated to Rs. 309845.5 million.

7. Health Services Improvement

Boru, a small village in Gujarat has a Primary Health Centre which is situated about 8 km away from the village. Here, deaths occurring in the village was chiefly pointed out as the lack of inadequate medical facilities. The people filed RTI application on the health facilities provided to the villagers. Their main concern were simply; what they were entitled to? what is the duties to be fulfilled by the Health worker? who was supposed to visit the village? ... administer medicines and vaccinations to children, pregnant women and TB patients,etc. Once the application was filed the health worker started visiting the village regularly.²⁸ Still then, the villagers pressed on having RTI answered. They want to know what are the provision which they are entitled which is highly admirable.

8. Fake Certificate

An RTI application filed in the caste verification department with the issue of providing fake certificate by Santosh Shrimant Jadhav, in Swar Gate, Pune. Shrimant Jadhav is a resident of Ward no.42 same as that of Suresh Shivaji Kulkarni, corporator from Navi Mumbai . It revealed that Suresh Shivaji Kulkarni's caste certificate was fake. He was a Telgu Brahmin from Andhra but he claimed to be an OBC (Vadari) from Maharashtra.²⁹ In India, we have this big issue due to illegal immigrants from Bangladesh, Nepal. etc. They take the opportunities of the rightful citizens, which if not checked will be problematic to India.

²⁸ Manzra Dutta and Nandita Chauhan, (2013), Right to Information and Good Governance, pg 11

²⁹ *ibid*, pg 14

These are some of the few cases which proved as a driving force to other scams. Some other note worthy cases includes adarsh Scam, CWG Scams, Coalgates Scams, AgustaWestland chopper scam, etc. All these are important driving forces of Civil Society role towards getting better governance. Good delivery can be made when the Governments works are constantly checked through people's active participation.

Chapter- 6: Results and Analysis

With the Global trend of RTI brand promising to provide better governance like a socialist hats of various shapes, it is important to note that although every such acclaimed countries talks about the existence of RTI, there are different frequency rate and various degree of success. A brief look at the RTI prevailing around the world can be studied to check why and how some of these countries are able to provide better good governance, some lesser and some more and how these factors also affect other areas.

6.1 Difference of RTI Legislation

1. Comparison of India with Developed Countries

Country	Sweden	UK	US	India
Constitutional Protection	Protected	Not protected	Not protected	Protected (by interpreting)
Legislation	Freedom of the Press Act 1766	FOI Act 2000	FOI Act 1966	RTI 2005
Right of Access	Not limited by nationality or residence	Not limited by nationality or residence	Not limited by nationality or residence. But with exceptions	Limited only to citizens
Procedural Guarantees	Personal details of the applicant + reasons for request	Personal details of the applicant + description of the information desired	Personal details of the applicant + description of the information desired	Only contact details required
	No specific timelines, requests dealt quickly and promptly	Has a longer set of time limits	Special time limits apply to cases of compelling need	48 hour time limit applies to protect life or liberty
	No mention about transfer of requests or consultation with third parties	Direct transfers of request are permitted	No mention about transfer of requests or consultation with third parties. In practice, transfer of requests is common	Allow transfers of request
	Inspection of document provided free of charge. Rates apply when copies exceed nine pages	Contains two separate systems for fees, one for ordinary request and another for more complicated requests	Contains provisions relating to fees, distinguishing between commercial, educational or scientific institutions, and other requesters	Access upon payment of fee, including for information provided in electronic format. No fee for BPL
	When information refused, notice sent giving reasons	When information refused, notice sent giving reasons	Refusal notice includes name of the deciding official, quantity of information denied	When information refused, notice sent giving reasons and how to lodge an appeal
Duty to Publish	No obligation to publish. In practice, information provided via websites	No information regarding publication	Certain information published in the Federal Register; while others available for inspection	Extensive rules on proactive or routine publication and regular updates
Exception	Unique exception – relating preservation of animal/plant species	Contain rare or peculiar exceptions relating to the royal family	Contain rare or peculiar exceptions – relating to information about oil wells	Do contain rare or peculiar exceptions – information which would incite offence

Figure 1: - Legislation; comparison between advanced counties and India

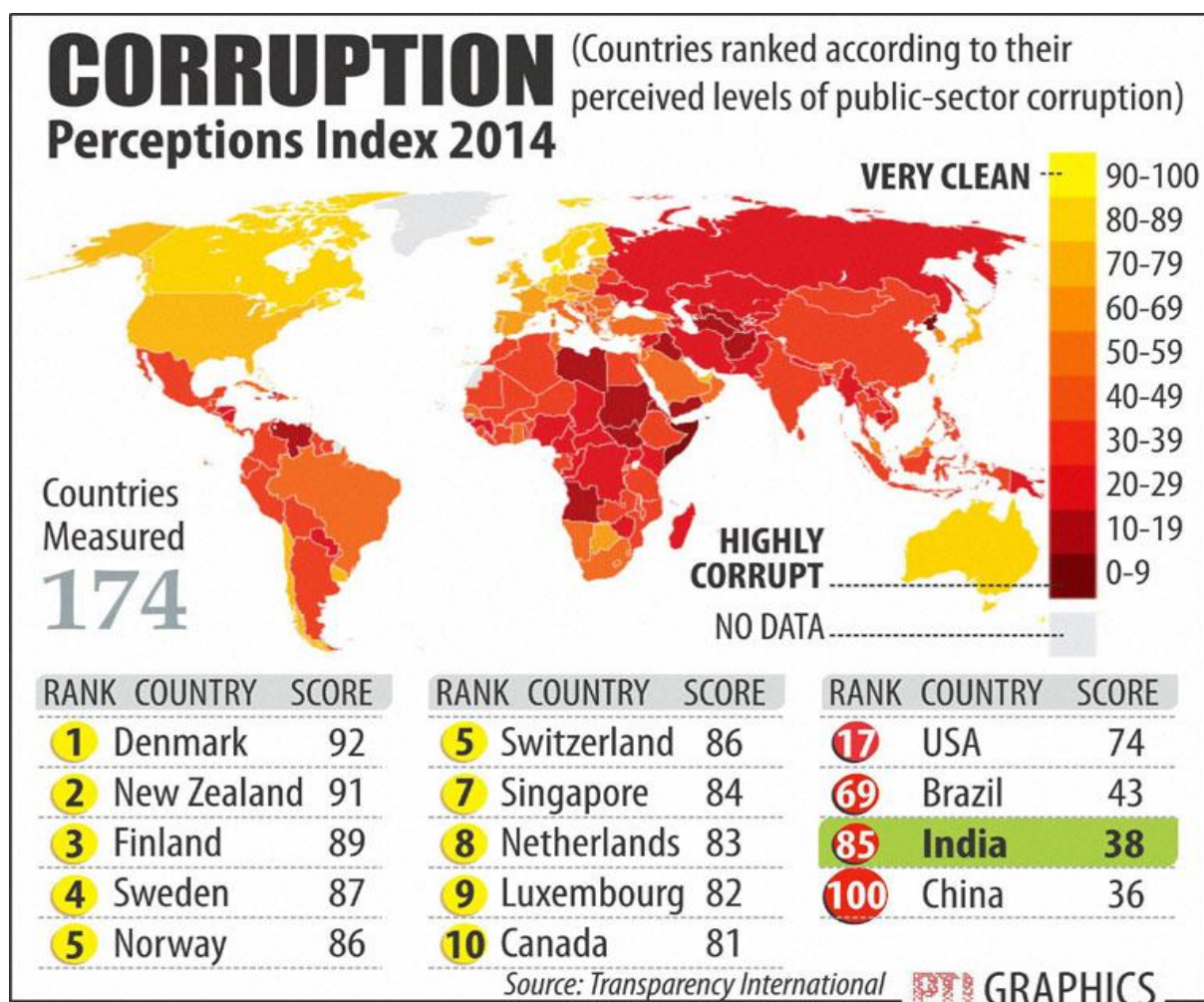
Source: Source: Simi T.B., Madhu Sudan Sharma & George Cheriyan (2010), Analysing the Right to Information Act in India, Briefing Paper.

A glance into the RTI which was first established in Sweden in 1766³⁰ and how it spreaded to other developed and developing countries. Given below are the Uniqueness of the legislation made by various countries. They are briefed as in the earlier table. Every country has their own laws and other provisions, Effectiveness is usually followed by government's decision to accommodate the people's participation by giving them the information openly. The states which are more transparent have lesser scams when compared with other states in terms of least corrupt countries.

6.2 Corruption Perception Index 2014 with advanced developed world

A survey of least corrupt countries Table is given below.

Figure: Corruption Perception Index 2014 with advance world



Source: Available at <http://www.financialexpress.com/photos/business-gallery/15628/corruption-perceptions-index-2014-indian-rupee-bse-sensex-nse-nifty-gold-price-and-more/>

³⁰ Simi T.B., Madhu Sudan Sharma & George Cheriyan (2010), Analysing the Right to Information Act in India, Breifing Paper CUTS International, p1

Citizen's role in governmental works especial by their interest and active participation can also leads to better effective governance as given by the HDI survey. A survey Table is given below.

6.3 Latest Human Development Index:

HUMAN DEVELOPMENT INDEX (HDI) RANKS 2014

Top 5 Countries

- 1 Norway
- 2 Australia
- 3 Switzerland
- 4 Netherlands
- 5 United States



Bottom 5 Countries

- 1 Sierra Leone
- 2 Chad
- 3 Central African Republic
- 4 DR Congo
- 5 Niger

Source: HDR 2014

Available at: <http://timesofindia.indiatimes.com/india/India-ranks-135-in-human-development-index-UNDP/articleshow/38959685.cms>

HDI index covers the general quality of life. This standard is high in advance countries and low in underdeveloped countries.

6.4. Comparison of India with South Asian Countries

India is not the only nation in the South Asia to boast of RTI, other neighbouring countries like Pakistan, Nepal and even Bangladesh which got its Independence from Pakistan in 1971³¹ has proved to be a force companion towards giving people more knowledge and information so as to enable them to know, understand and participate in the effective democracy. It is to be noted that though some of these countries fall into instability due to various reasons, even to an extent of Military Dictate, they all claim to be a nation in which prevail "democracy".

³¹ Available at : http://en.wikipedia.org/wiki/Bangladesh_Liberation_War

Figure 2: - Legislation; comparison between India and South Asian countries

RTI Legislations – A Comparison				
Table 3: India vs South Asia				
Country	Bangladesh	Nepal	Pakistan	India
Constitutional Protection	Protected (by interpreting)	Protected	Protected	Protected (by interpreting)
Legislation	RTI Act, 2009	RTI Act, 2007	FOI Ordinance, 2002	RTI, 2005
Information about private bodies	Private organisation running on foreign or government funding/ exchequer; organisation undertaking public functions under contract with government or public organisation	Body receiving grants from the government; NGO running on foreign or government funding or international organisation	No provisions	Body owned, controlled or substantially financed and NGO funded directly or indirectly by the government; private bodies regulated by public authorities
Proactive Disclosure	Too limited. Allows only four kinds of information voluntarily	Provides for 12 kinds of information voluntarily	Too limited. Provides only five kinds of information voluntarily	Provides for 17 kinds of information voluntarily
Exemptions	20 exemptions	5 categories of exemption	4 categories of exemption + 9 exemptions related to the type of record. 5 additional grounds for refusal	10 exemptions + 1 additional ground for refusal (infringes copyright)
Public Interest Disclosure	No provision	No provision	No public interest override. Government can refuse to disclose in public interest	Exempted information's can be disclosed if public interest outweighs harm to protected interests
Fee Exceptions	Government in consultation with ICs may exempt from paying fee	No exemption	Fee as it may be prescribed but with aim of providing information promptly and at the lowest reasonable cost	Exempted for those below poverty line. Also free if the public authority fails to comply with time limits
Urgent Request	Relating to life and death, arrest and release from jail. Within 24 hours	Relating to defence of human life. Within 24 hours	No Provision	Relating to life and liberty of a person. Within 48 hours
Protection for Whistle-blowers	No protection to whistleblowers. Protection to officials for anything done in good faith under the Act	Partial protection provided	No protection to whistleblowers. Protection to officials for anything done in good faith under the Act	No protection to whistleblowers. Protection to officials for anything done in good faith under the Act. However, the Public Interest Disclosure (Protection of Informers) Bill 2010 is before the Parliament.

Source: Simi T.B., Madhu Sudan Sharma & George Cheriyan (2010), Analysing the Right to Information Act in India, Briefing Paper

Here, in the context of the South Asian countries, we can see that where the people and government interact more, there is better result. The product of effective delivery system is directly proportional to people's movement. In countries that are more citizen conscious, the government tends to make better changes faster. A comparative outlook with Bangladesh shows that India's RTI is more productive and its success result is much more. A secular country has better scope towards More Human freedom as we can see from the above mentioned exemption with India Just 9 +1 and Nepal a hand pick of 5 such category.

6.6 Corruption Perception Index 2014 with South East Asia

Figure: Corruption Perception Index 2014 with South East Asia

Country Rank	Country/Territory	CPI 2014 Score
30	Bhutan	65
85	Sri Lanka	38
85	India	38
126	Nepal	29
126	Pakistan	29
145	Bangladesh	25
100	China	36

Source: Transparency International (2014)

Thus In a latest 2014 glance, the CPI of India in comparison with Bangladesh, Nepal and Pakistan is far lesser. The major factor could be Democratic in Nature, Economy or other cause, yet it can also be Concluded from the given figures that the role of RTI has a major impact in checking corruption thus enabling better governance.

6.7 SWOT analyses on the Implications of RTI.

For a more discrete and easier understanding of the RTI and good governance, a SWOT analysis is adopted. Primarily, RTI has been checked so as it has direct impact on good governance as stated above in comparison with various countries of the world.

Here a small glance of RTI:

<p>Strengths</p> <ul style="list-style-type: none"> Seek Information for Power Use Information for Understanding Redressing of Grievances Limiting Dirty Politics Strengthens Participatory Democracy Social Equity Economic Growth Enhance better Governance 	<p>Weakness</p> <ul style="list-style-type: none"> Illiteracy Narrow self interest goal Risk of conflict in sensitive issues Risk of Life of RTI applicant Providing wrong Information Ineffective 30 days Delivery System. Less Number of Public Relations Officers
<p>Opportunity</p> <ul style="list-style-type: none"> Platform for Participatory Democracy Means to help others/ community Guiding government mechanism by RTI Shaping Policy effectively Redressal of anti-people bill Promotion of Civil Rights Sharing values and benefits 	<p>Threats</p> <ul style="list-style-type: none"> Personal Target/ enmity Activist Risk to life Risk to social security work Overloading Ineffective mechanism

Table: Author

6.7 .0 SWOT analyses on the Implications of RTI.

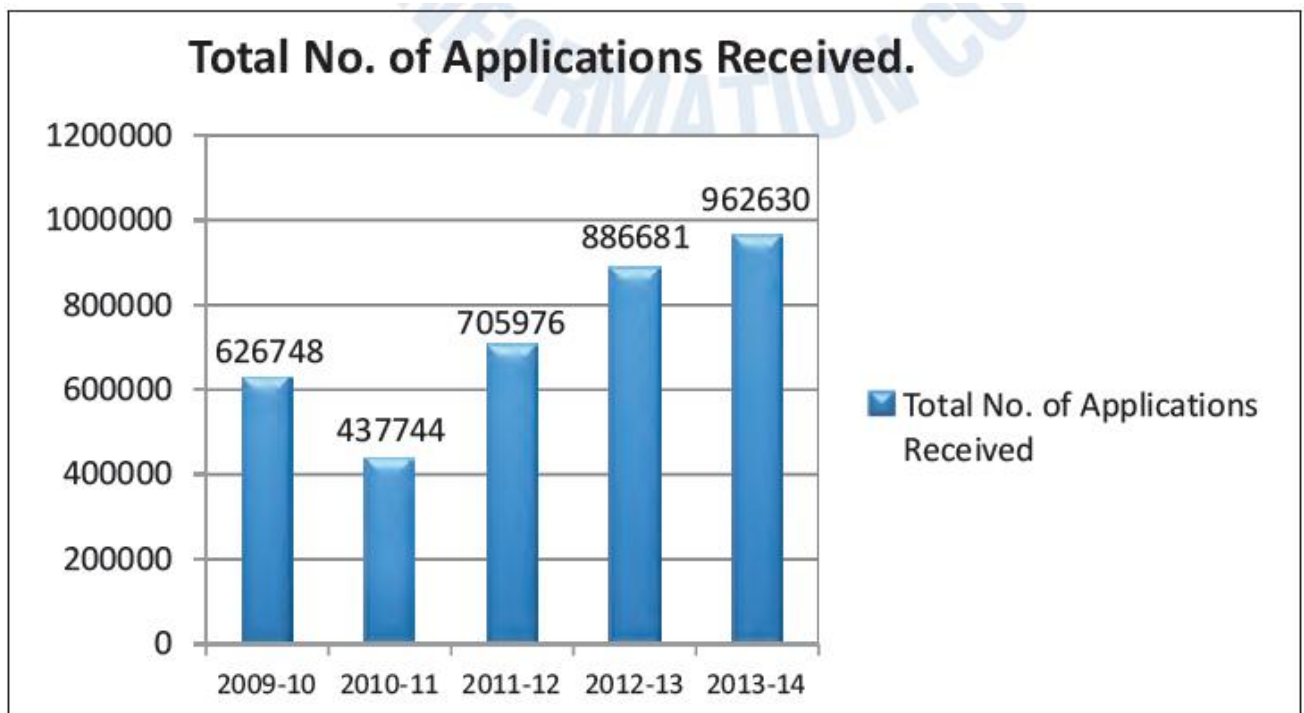
To ensure the success of RTI, Education and Training in the technological art of record keeping is very crucial. RTI can liberate people to understand the government and its Policies better to serve their interest faster and in more effective way. Transparency and

Accountability encourages people's participation in developing activities and tapping Human Resources.

6.7 .1 Positive outcomes

The global trend of RTI reached India when she finally adopted the RTI In 2005. It also recognises the need to look into the limitation like misuse of information and the concept of the age old era mind set of the secrecy. Areas of concerns address include activating the Public authority for effective implementation.

A list/ table of RTI application from 2000- 2014



Source: Annual Report 2013- 14, Central Information Commission.

The main challenges present here are; low awareness, illiteracy, effective mechanism and efficient co-ordination and cooperation. People are talking of RTI as something which can be fully used for development. They want the government to do their work effectively and efficiently. Besides few have made exploitation while many aren't able to use it. The concern is to look at the role of RTI, we see that the government is constantly challenged to work properly and efficiently.

More transparency will lead to better management and more effective governance. The picture of least corruption countries like from South Asian countries like Singapore, Japan shows that where there is more transparency, there is lesser chances of corruption and more efficient governance. Today, even in India, the coming of RTI has drastically checked the

misuse of Power and it has brought to light the failures of the Government which has put the government in its toes. Now, the government is aware that they must bring outputs to the people's aspirations. E.g. Emergence of AAP in Delhi.

A good change in Government can lead to a big impact as seen in CM Arvind Kejriwal 49 days whereby a little change moved the entire system of governance.

Shiv Khera famously points out that even education is compromised with money. We also have the latest case of Bihar whereby the families and well wishers climbed the window to give answers to their wards to make the pass.

6.7 .3 Shiv Khera famously gave the example of "The Good Doctor Don".³²

Admission	Price
1. CBSE Medical examination	10 Lakh
2. Engineering examination	10 Lakh
3. State Medical or Dental College Entrance exam	8 Lakh
4. CDS/NDA exam	4 Lakh
5. Staff Selection Grade exam	3 Lakh
6. BPS Commission Exam	5-8 Lakh
7. Bank Probationary exam	5-8 Lakh

Source: Khera, Shiv; Freedom is not Free. pg no.12

6.7 .4 Hindrances to RTI

There is however, some hurdles to implementation of the Right To Information Act. Some of them are due to lack of awareness, others due to difficulty in adaptation to change by the establishment and there are still some other factors like institutional and infrastructural aspects. Besides the lack of Governmental infrastructure, the authorities aren't not in a position to protect the life and liberty of all RTI activists as corrupt officials caught in the net of RTI pose a serious threat to the life of the RTI activists. The Government just cannot provide full proof security measures necessary to ensure the well being of all the whistle blowers and public activists because of their huge number. Below is a list of a few notable Indian activists who brought to light a new India at a very big price with their life.

³² Khera, Shiv (2009); Freedom is not Free. pg no.12

Figure 4: Renowned RTI victims who greatly can the course

Box 3: RTI Victims – Just Naming a Few
<ul style="list-style-type: none"> ● RTI activist Amit Jethwa was the latest to pay for exposing corruption with his life. He was gunned down outside the Ahmedabad High Court in July 2010. Jethwa had named an MP while exposing illegal mining on the Gir forest periphery; ● RTI activist Datta Patil was found murdered in Ichalkaranji in May 2010. Patil, had unearthed a corruption racket, which had resulted in removal of a deputy superintendent of police and action against Ichalkaranji corporation officials; ● Vitthal Gite, an education activist, was killed in Aurangabad in April 2010, who had exposed irregularities in a village school in Beed; ● Shashidhar Mishra of Begusarai in Bihar was murdered by unknown assailants in February 2010. Mishra had exposed corruption at the <i>panchayat</i> and block levels; ● Arun Sawant, who had filed many RTI applications in connection with the municipal corporation of Badlapur, was shot dead on February 2010. ● Vishram Laxman Dodiya of Ahmedabad had filed a RTI application to get details about the illegal electricity connection by a private firm. He was murdered shortly after a meeting with the officials of the company in February 2010. ● Sola Ranga Rao of Andhra Pradesh had filed many applications seeking information from the Mandal Parishad Development Office on the funds sanctioned and utilised for the village's drainage system. He was murdered on April 2010. ● Ramdas Ghadegavkar, 43-year-old RTI activist was found dead in August 2010 under mysterious circumstances after he exposed the sand mafia in Nanded. The death of Ramdas, who used the RTI Act, adds another name in the victim list of whistleblowers in the country.
<p>Source: Compiled from various sources</p>

Source: Simi T.B., Madhu Sudan Sharma & George Cheriyan (2010), *Analysing the Right to Information Act in India*, Briefing Paper.

6.7 .5 Other problems faced are:-

1. Corruption

It is the abuse of official position for private gain at the expense of general public. For instance, politicisation of work in the form of give and take. Most common feature in Indian Administration is the delay tactic which forces the public to pay bribe to get work done faster. In some cases, work order, financial disbursement is kept pending till some amount is paid to do the Magic. Mostly corruption is done to take undue advantage.

3. Exploitation

Officials sometimes favour the few elites and known persons against the established law and procedures. There are constitutional provisions which have in some way limited it. However, it can be said that this method is one of the main characteristics of Indian Politics next to 'Money Power'.

4. Exercise of power

Power is an important factor to the governance process. Only when it is used in the right way, there will be good governance. For example, bringing good legislation into acts and proving means to access it like the Delhi Reform under the Chief Ministership of Arvind Kejriwal. The cases where many innocent citizens are deprived or get killed due to Armed force Special Power

act (AFSPA) like Jammu and Kashmir, Manipur, etc represents the misuse of power. Even Social Activist like Irom Sharmila is accused of trying to commit suicide when infact she's following Gandhi's way(Father of the Nation).

5. Anti-People Legislation

One of the major aspects of good governance is the legislation of a country. When the laws are good and implemented properly, people get what they deserve. Other case is reverse, when these is anti-people legislation, people do not only get what they deserve, they get what they don't deserve (injustice). The new NDA government is under attack for its so called anti-people's Land Acquisition Bill.

6. Failure of Duty

The army policy of Duty comes first is missing among the people centric administration due to various discussed reasons. For instance, The old syndrome in the rural where the Doctors either do not come or reside in the village where they are posted.

7. Limitation like misuse of information. Public are sometimes misguided orally, therefore the only possible way is to file an RTI and demand for the photo copy of the original official record. Sometimes vital information's related to official record go missing. Recent Punjab Police arrested some officials who were responsible for the lost of official files.

8. Blackmailing and other forms of unnecessary harassments. In some unavoidable circumstances, the officials become a victim of overload due to shortage of time and sometimes technical errors. a doubted cases like the recent IAS officer, DK Ravi who was reportedly found hanging in the ceilings as published by the Newspapers.

9. Major Limitation is that the people have very little knowledge of the big impact of RTI. Awareness level is not that high in rural areas due to low Literacy rate, Public ignorance and governments ignorance.

10. Lack of not only civility, but also a big crisis of no Morality. As pointed out by Shiv Khera, it is easy to be French in France, but not easy to be an Indian in India, this is due to decay in moral fibre. honesty and Dedication comes at a wrong price like the case of another IPS Officer, Sanjay Butt, who had an estrange relation with PM Narendra Modi in the 2002 Gujarat riot case. Another current issue is related to the recent transfer of Ashok Kemla IAS who was kicked 44 times into various places (departments) in his 26 years service.

Thus, these are the few limitations which blocks the way to efficient good governance. As Langlands pointed out, "Good governance leads to good management, good performance, good stewardship of public money, good public engagement and, ultimately, good

outcomes".³³ By the proper management of the short coming, a better result can be expected as discussed in the case studies. Besides, a lot of rooms for further improvements when the Government is serious to check the short comings. By leaps and bounds as the saying goes, Rome is not build in a day. So also, By allowing the way for effective role of RTI, Governance structural and functioning system can improve to people friendly and purpose oriented achievements.

³³ Langlands, Sir Alan, (2004),The Good Governance Standard for Public Services, The Independent Commission for Good Governance in Public Services, pg v.

Chapter- 7: Conclusion and Suggestions

Today, every country looks for getting better Governance from their respective States. It is an acknowledged fact that the RTI plays an important influential role in the overall life of people like Political, social, economic, religious, cultural, traditions as they strengthens their beliefs and shape ethical values. A big hurdle to effectiveness RTI is the citizens lack basic knowledge about the RTI which can be brought by creating awareness and to impact it for promoting Good Governance. RTI has achieved a big breakthrough and further help in making giant leap towards promoting good governance. The role of RTI as a tool gives the people the power to look for information which empowers the people's participation, enabling them to use it as a magic wane and compel the concern authorities do their duty which implicates better governance in its institution, be it in centre level, state level or even Panchayati Raj level. RTI arms peoples' interest in not only the government sector but also in the Private /corporate sector. It can be effectively used for checking power and ensuring accountability in areas like safety provisions like meeting governments norms. There is a need to create a Strong Lok Pal model with the model framework of the UN Convention Against Corruption (UNCAC) if corruption is to be contained. The issues of Black money and other illegalities must be dealt in a proper and timely manner. An effective Judicial Standards is a must whereby Justice is accessible to the layman. Martin Luther Jr. famously pointed out that Justice delayed is Justice denied for which Accountability Bill would change the scenario. Fully well equip and complete independence to Central Bureau of Investigation has been suggested.³⁴ In Governmental sectors, they are effective to check the misuse of power, in checking corruption which have impacts on other areas like efficiency of public administration, rights of the citizens, managements, etc. Essentially, it determines the strength of current day Political scenario in limiting administrative weakness and in shaping its effectiveness in the course of States functioning. Knowledge is power only when the people know its strength and uses them. Its role and the duties attached in them provides an excellent spice to the delivery of good governance. RTI is indeed a very important tool for the ruling as it is their duty and for the ruled to know their rights as well as duties. It is very crucial that the role played by RTI in its effort to bring in good governance for the general benefits of the

³⁴ Shilpa, (2013), Right to Information Act: A Tool to Strengthen Good Governance and tackling corruption , International Journal of Humanities and Social Science Invention p-49

society is making leaps and bounds. In fact RTI here if use more for the general interest can make a lot of differences especial for India which wants to get to the level of Developed Nations. The revolutionised good governing system can be a new history. A simple fact is that when the world is in the 21st Century and we live in the 19th Century, it not backwardness but the absence of Good Governance. To promote good governance, people must be aware of the policies and activities of the government. RTI should not be limited to checking the government alone but also a means to participate and communicate with the Government. Furthering promotion of partnership between citizens and the Government in Decision making process the available means of RTI, people get better chances to participate collaboratively with the government in carrying out effective development and to contribute towards better and more efficient governance. That is the enlightening role of RTI and it can create major impacting force in the functioning of the entire system of government ministries and their concern departments. Thus, RTI can empower people towards good, effective, efficient and better governance.

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