

Thr Role Of Rti In Ensuring Ethics In Administration: An Analysis Of The Indian Rti Act.

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Abstract

Good governance and the right to information are intimately connected. The right to information is a tool to achieve good governance objectives. This paper emphasises the significance of RTI as a key to good governance, ushering in an era of transparency, openness, participatory democracy, and people-centered governance, and analyses the numerous ways in which it has brought about a substantial transition in the culture of administration and governance.

Keywords: RTI , Good Governance , Transparency, Issues of Implementation.

INTRODUCTION

Information is a form of power. The open flow of information within the government and to the people is critical to a country's success. The right to knowledge is a unique human right and a powerful weapon in the hands of the general public, who can use it to hold the bodies that govern them in check. Even though it is fundamental that every government action must be motivated by public interest, there are situations, though not many, where government activity is motivated by personal gain or other non-public concerns. Sometimes governmental action is influenced by political and other motivations and pressures. There are also instances of executive misuse or abuse of authority. If secrecy is observed in the functioning of government and the processes of government are kept hidden from public scrutiny, it will tend to promote and encourage oppression, corruption, and misuse or abuse of authority, because everything will be shrouded in the veil of secrecy without any public acclaim. However, if the government is transparent and the public has access to information, the public will have a better understanding of how the government works, which will help to ensure that the people receive better and more efficient service. The Right to Information Act was passed in India in 2005 in response to the need for greater transparency in government. This act is a law that gives people more authority and creates a force that can enforce accountability. The Act further lays out the required basis for citizens to obtain information on all subjects of governance, as the right to information is indeed a constitutional right.

RIGHT TO INFORMATION AND ITS PROVISIONS

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The word "Information" derives from the Latin verb '*informare*', which meaning giving form to mind, discipline, and teach.¹ Information is incredibly significant, as it empowers citizens by acquiring knowledge about their government's operations and processes. Satyam and Mishra

define RTI as “the right of holding public opinion and to seek, receive information from the public authorities.”²

Simply said, RTI means "access to any information in any form related to public authority administration, operations or decisions."³ Thus, RTI is every citizen's right to access information owned or controlled by public agencies.

Though several state governments had RTI Acts in place, such as Goa and Tamil Nadu in 1997, Madhya Pradesh in 2003, and Jammu and Kashmir in 2004, it wasn't until 2005 that a Central Law was approved to establish a standardised framework for citizens to access public information. The passage of the RTI Act provided the public with access to official information in order to empower themselves. It is important to highlight that the RTI Act applies to the Central, State, and Local Governments, as well as NGOs that get major funding.⁴

The Right to Information Act, enacted in 2005, is divided into 31 (thirty-one) Sections and 6 (six) Chapters. The Prologue to the RTI Act of 2005 emphasises that India is a democratic republic, and that “democracy requires an informed citizenry and transparency of information, which are vital to its functioning, as well as to contain corruption and hold Government and its instrumentalities accountable to the governed.”⁵

According to Section 2(j) of the RTI Act, RTI means the right to access information under this Act which is held by or controlled by any public authority and includes the right to inspect work, documents, records; to take notes, extracts or certified copies of documents or records; to take certified samples of material; to obtain information in the form of diskettes, floppies, tapes, video cassettes .Whatever information held in any form, such as advice, contracts, circulars, data, document, emails, logbooks, memoranda, models, opinions, orders, papers, press releases, reports, records, samples, etc. By record, we mean any document, manuscript, file, microfilm, microfiche, facsimile, etc.

Changing the culture of secrecy to that of openness is RTI's major goal. Transparency, the aim underpinning RTI, is a vital principle of 'good governance.' Thus, RTI is a tool in people's hands to bring transparency and administrative openness. This right, exercised as it should be, is so potent that it can control corruption practise, maintain efficiency among public employees, and hold the government accountable to the governed. The basic concept underlying this right is to empower citizens to bring about improvements in terms of government transparency and accountability. It is aimed to create a culture of transparency in the operation of public authorities to hold them accountable for their activities.

Scope of the Right to Information Act :

Except for the state of Jammu and Kashmir, which has its own RTI law, the RTI Act applies to the entire Indian Union. "No person shall be refused any information that cannot be refused to the Parliament or State Legislature."⁶ The law includes all public authorities and non-governmental organisations receiving major funding. Exemptions have been granted to security and intelligence organisations, although the Act applies to them in circumstances of corruption and human rights breaches. People can also ask for information and access to how public money is spent by conducting social audits and accountability.

GOVERNANCE AND GOOD GOVERNANCE

Governance implies different things to different people. It is widely acknowledged that excellent governance is vital for equitable development and spiritual growth. Governance is about processes, not outcomes. It is defined as a technique by which power is wielded without overtly articulating the desired outcomes. It's the use of economic, political, and administrative power to control a country's affairs at all levels. It consists of methods, procedures, and organisations that enable persons and groups to articulate their interests, exercise their legal rights, satisfy their obligations, and arbitrate their disagreements. Good governance is democratic, transparent, and accountable, as well as effective and equitable, and it promotes the rule of law. It guarantees that political, social, and economic agendas are based on broad societal consensus, and that the poorest and most vulnerable people's views are heard in decisions about the allocation of development resources.⁷

Good governance is a notion that has captivated people's interest since time immemorial. Even in ancient times, it existed under several nomenclatures in various communities. For centuries, good governance has been the ideal concept of political theorists, policy planners, decision makers, and academics.⁸

In 1989, the World Bank coined the term 'Good Governance' to refer to the development administration of Sub-Saharan nations and this gave a signal for the entry of the concept of 'Good Governance' into the vocabulary of Public Administration.

Although there are various definitions of good governance, there is no universally acknowledged concept. But what's evident from all these is that good governance entails adopting techniques that make the government open, responsible, and citizen-friendly with emphasis on people's engagement, and is "connected in a democratic framework with efficient and effective administration."⁹

RTI AS A KEY TO GOOD GOVERNANCE:

The Right to Information and good governance are inextricably linked. The right to information is a tool for accomplishing good governance goals. RTI plays an important part in good governance in India, where corruption and criminality are the core of administration, and the cause of this immorality is the confidentiality that they have maintained for a long time, therefore the RTI Act is a step towards lessening corruption to a certain amount.¹⁰

The Right to Information fosters or supports the traits of transparency, accountability, and responsiveness, which are the foundation of good governance. The RTI Act's objectives and purpose are to achieve these goals, hence it serves as a tool for good governance in this way. The objectives of the Act are:¹¹

Greater Transparency: The rights set forth in various sections of the Act undoubtedly help greater transparency in the operations of government agencies. For example, under Section 2(j) of the Act, a citizen has the right to:

- Inspection of work, documents, records
- Taking notes extracts or certified copies of the documents or records

- Taking certified sample of material, and
- Obtaining information in electronic form, if available

A public authority is required to provide reasons for its administrative or quasi-judicial decision to affected persons under section 4(1)(d) of the Act. If the commission is found to be impeding the free flow of information, it has the authority under Section 20(1) to impose penalties or recommend disciplinary action against the information providers. In other words, the framers of this Act intended that there should be no bottleneck in the process of free flow of information to citizens. Citizens are thus better informed about the performance and contributions of their elected representatives, which augurs well for a healthy democracy and democratic project governance.

Greater Accountability: One of RTI's most amazing aspects is that it holds public officials accountable to the broader people, strengthening participatory democracy. Under section 4(1)(d) of the Act, every public authority is compelled to communicate reasons for its administrative and quasi-judicial decisions to the affected persons, and therefore the likelihood of arbitrariness is greatly reduced.

Ensures Citizen's Participation: Good governance necessitates the participation of both men and women. Representative democracy does not imply the rule of a selected few; it must consider the interests of all segments of society, particularly the most vulnerable. The Right to Information Act allows citizens to participate not once every five years, but every day, and to challenge any choices made. The right to information act empowers ordinary people to participate in governance, reducing power imbalances, providing a tool to combat injustice, and allowing a collective spirit to make democracy work for everyone. The Right to Information Act also strengthens grassroots democracy and ensures citizens' participation in local governance and development.¹²

Rule of Law: Good governance necessitates just and impartially implemented legal frameworks. Businesses and individuals need a fair, predictable, and stable legal environment in order to analyse economic opportunities and act on them without fear of arbitrary interference or expropriation. This demands that the rules are known ahead of time, that they are in effect and administered consistently and equitably, that conflicts can be resolved by an independent legal system, and that processes for altering and repealing the rules exist and are publicly known.¹³

Accessibility: The right to information allows all segments of the community to have easy access to information from government departments, papers, records, services, finances, and policies. The Right to Information Act, by allowing easy access to information, bridges the gap between individuals and government, assisting in the nation-building process. The right to know and simple access to government information assist citizens in understanding government constraints at various levels. Access to information also contributes in the development process, and it is a sign of a true and mature democracy.¹⁴

'Good Governance' means making sure that people are the centre of administration, creating an environment of an open and transparent system. Stressing the significance of 'Information' for Good Governance, the RTI Act says: "Information is crucial for good governance as it reflects and captures Government activities and processes. Transparency means that decisions are taken openly and enforced in a manner that follows rules and regulations. It requires that information is freely

available and directly accessible to those who will be affected by such decisions and their enforcement. It also means that enough information is provided to all the stakeholders in easily understandable forms and media.”¹⁵

Therefore, it is obvious that RTI and Good Governance are interwoven and inseparable. By opening government records, RTI enables citizens to have their views informed about the government's activity. It empowers them with a powerful instrument to judge the efficiency of the government's programmes, so making them accountable. The desire for transparency results in functioning objectivity, and at the same time improves predictability. The more aware people are about the functioning, the greater will be their engagement in governance.

PROBLEMS /CHALLENGES IN IMPLEMENTATION OF RIGHT TO INFORMATIONACT, 2005 :

There are certain impediments to reaching the full potential of people's valuable right to information. Some of the issues which hinders the proper implementation of the Act are as follows:

Lack of public awareness: The Section 26 of the Act states that “the appropriate Government may develop and organize educational programmes to advance the understanding of the public, especially disadvantaged communities, regarding how to exercise the rights contemplated under the Act”. Various studies, however, suggest that authorities have taken no significant measures to promote the RTI Act. The efforts of the relevant governments and public authorities have been limited to the publication of guidelines and FAQs on websites. These initiatives have failed to raise public awareness about the RTI Act. In comparison to the RTI Act, ordinary residents (and members of disadvantaged areas) are much more aware of other government programmes aimed at socioeconomic improvement. It was also discovered that disadvantaged people, such as women, schedule castes, schedule tribes, and rural populations, have a low degree of awareness.¹⁶

People' constraints in filling applications: PIOs are obligated to provide appropriate assistance to applicants in the writing and submission of RTI applications under Section 6 of the RTI Act. Similarly, under Section 26 of the RTI Act, the competent government is required to create and disseminate user manuals for information seekers within eighteen months of the Act's passage. However, it has been noted that these guides have not been issued by Nodal Departments .¹⁷

Lack of desire : Another element that seriously jeopardises the process of releasing information into the public realm is the authorities' apparent lack of desire for it to succeed. The ruling establishment in India has frequently employed ingenious trickery to pass radical reforms with no intention of implementing them.

The fourth impediment is the inability of responsible authorities to deliver information within 30 days. As per the Act, information must be submitted within the specified period. However, Public Information Officers believe that they are challenged to produce information within the specified period due to insufficient record management practises with the Public Authorities. It's a known fact that government record-keeping is a major difficulty. This problem is further compounded by the non-availability of skilled PIOs and infrastructure (computers, scanners, internet connectivity, photocopiers etc.). Public authorities must meet the RTI Act requirements to examine their present record-keeping practises and other constraints and plan resources.¹⁸

CONCLUSION

To recapitulate, the passing of the Right to Information Act, 2005 by the Indian Parliament is a defining moment in the country's democratic governance in general, and grassroots/local democratic governance in particular.

The right to information is an important tool to ensure transparency in the hands of citizens. Information can only be accessible if it is made public by the authorities concerned. RTI is not merely a technique for enabling citizens to obtain official information. It also allows citizens to register complaints and appeals against people in charge of information and, as a result, Public Information Officers (PIOs) can be held liable for their actions or inactions.

The success of the Right is heavily reliant on the efforts made by public authorities to gather information and their commitment to Proactive Disclosure. It also relies on a high level of citizen participation in understanding what the Right to Information means and asserting that Right.

If the law is to function properly, Public Authorities must ensure that they are well-versed in the Act's Clauses. Priority should be given to Proactive Disclosure and record maintenance in order to ensure accessibility. The strict observance of penalty provisions by those in authority is required to ensure accountability of Public Authorities. To ensure that RTI fully empowers citizens, decisions in their favour must be given top priority.

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