

LEX SCRIPTA MAGAZINE OF LAW AND POLICY, VOL-2, ISSUE-2
ISSN-2583-8725

LEX SCRIPTA MAGAZINE OF LAW AND POLICY
ISSN- 2583-8725

VOLUME-2 ISSUE-2
YEAR: 2023

EDITED BY:
LEX SCRIPTA MAGAZINE OF LAW AND
POLICY

LEX SCRIPTA MAGAZINE OF LAW AND POLICY, VOLUME-2: ISSUE-2

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**GOOD GOVERNANCE AND RIGHT TO INFORMATION:
AN ANALYSIS**

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Abstract

Thomas Jefferson once said, "Information is the currency of democracy."

Freedom of information, that is, freedom to know, is essential for a developed democracy. There should be curiosity in people's minds to know. They should seek information. Such kind of informed citizenry is only possible by having widespread access to information about how their government functions. Participatory democracy cannot exist without management that is transparency and accountability. The health of a democratic society depends on the free flow of knowledge. The Right to Information Act was a groundbreaking instrument for promoting, defending, and upholding people's right to information in India. It arrived as a march that disturbed the mysterious quiet. The goal of good governance must be implemented from all angles in India, a massive democracy, and the Right to Information Act serves as an indicator of the country's development and growth. It also enables citizens to participate in any social, political, or economic debate pertaining to national issues or interests.

Keywords: democracy, right to information, accountability, transparency, good governance

Introduction

Transparency and accountability are reciprocally supporting. Transparency involves ready access to reliable, comprehensive, timely, understandable, and internationally comparable information on government activities¹. Accountability encapsulates firstly, answerability, that is, justification of actions, secondly, sanctions that could be imposed if the action is found unsatisfactory and thirdly, the ability of those held accountable to respond to the demands made.

Making such a government that is susceptible and transparent involves establishment of such legal rights for a citizen to access information they want, proactive transparency² and a platform where data is accessible conveniently, and this is provided by good governance. To promote good governance, we have the Right to Information³ (RTI) Act, 2005. Right to know or right to information is considered as a fundamental right under Article 19 (1) of the Constitution of India.⁴ This was held in the case of **Raj Narain v. State of UP**⁵. “This right gives the citizen the authority to ask any question of a government official or even to demand the production of any records pertaining to that individual’ s work. Since this is not strictly followed, therefore the need to implement the RTI Act, 2005 was observed. The Act simply describes the process on how one can apply for information, when and what fees are required for doing so. The main objective is to promote pellucidity in the working of the government”⁶.

Every human being has the unalienable and inherent right to information. Each individual has the right to freedom of expression in a democracy. This freedom of speech includes the ability to seek for, receive, and share information and ideas with public authorities. The proper and readily available information aids citizens in leading respectable lives in a society with civility. Every citizen now has access to public information from government records under the Right to Information Act of 2005. Prior this entrance was accessible to residents of just nine states in

¹ Central Information Commission,
<https://cic.gov.in/sites/default/files/Impact%20of%20the%20Right%20to%20Information%20Act.pdf>

² Law Corner, Right To Information And Good Governance, Law Corner (Aug. 30, 2021),
<https://lawcorner.in/right-to-information-and-good-governance/>.

³ Law Corner, Right To Information And Good Governance, Law Corner (Aug. 30, 2021),
<https://lawcorner.in/right-to-information-and-good-governance/>.

⁴ Law Corner, Right To Information And Good Governance, Law Corner (Aug. 30, 2021),
<https://lawcorner.in/right-to-information-and-good-governance/>.

⁵ 1975 AIR 865, 1975 SCR (3) 333.

⁶ Raj Narain v State of UP 1975 AIR 865, 1975 SCR (3) 333

the nation however with the authorizing of the Focal Follow up on twelfth October 2005, this right is currently accessible to each resident.

Concept of Good Governance

All forms of administration, including the institutions, procedures, and practices used to deliberate on and control matters of public interest, are referred to as governance⁷. Good governance adds a normative or evaluative attribute to the process of governing.⁸ “Although there is no universal definition of good governance, it may encompass the following areas – full respect of human rights, the rule of law, effective participation, multifactor partnerships, political pluralism, transparent and accountable processes and institutions, an efficient and effective public sector, legitimacy, access to knowledge, information and education, political empowerment of people, equity, sustainability, and attitudes and values that foster sustainability.”⁹

Good governance has following eight major characteristics:

- i. **Participation** - Direct “participation or participation through credible intermediary institutions or representatives. It is crucial to note that representative democracy does not automatically imply that the issues of society's most disadvantaged people will be considered when making decisions. Participation must be planned and educated, referring to both a civil society that is structured and the freedom of association and speech”.¹⁰
- ii. **Rule of law** - Fair legal “structures that are uniformly enforced are necessary for good governance. Moreover, complete protection of human rights, particularly those of minorities, is necessary. Unbiased and uncorrupted police officers are vital for the impartial implementation of the law.”¹¹

⁷ Sahina Mumtaz Laskar, Importance of Right to Information for Good Governance in India, Bharati Law Review (2016).

⁸ About good governance, United Nations Human Rights Office of the High Commissioner.

<https://www.ohchr.org/en/good-governance/about-good-governance>

⁹ About good governance, United Nations Human Rights Office of the High Commissioner.

<https://www.ohchr.org/en/good-governance/about-good-governance>

¹⁰ Yap Kioe Sheng, *What is Good Governance*, United Nations Economic and Social Commission for Asia and the Pacific.

¹¹ Yap Kioe Sheng, *What is Good Governance*, United Nations Economic and Social Commission for Asia and the Pacific.

- iii. Transparency - Straightforwardness is the strategy for simply deciding and completing them such that agrees with regulations and guidelines. Additionally, it suggests that people who might be affected by such decisions and their execution have open admittance to data. It likewise suggests that there is adequate data offered, and that introduced in arrangements and mediums are easy to understand.
- iv. Accountability - It's a critical necessity of good administration. Different parties may be held accountable, depending on whether an organization or institution makes decisions or takes actions internally or externally. As a general rule, an organization or foundation should answer to people who might be influenced by its decisions or deeds. Without authenticity and the requirement of the law, responsibility can't be forced.
- v. Responsiveness - Establishments and methodology should really try to serve all partners as soon as possible as a state of good administration.
- vi. Consensus Oriented - There are a variety of factors and points of view in any given culture. Good governance requires that the diverse interests of society be mediated in order to achieve widespread social agreement on what is in the best interest of the entire community and how this can be accomplished. A comprehensive and long-term perspective on what is needed for sustainable human development and how to achieve its goals is also required. The only way to do this is to learn about the social, cultural, and historical contexts of a particular civilization or group.
- vii. Equity and inclusivity - Making sure that every member of a society believes they are stakeholders and does not feel excluded is essential to its health. All gatherings must, notwithstanding, have the potential chance to upgrade or keep up with their prosperity, particularly the most helpless.
- viii. Efficiency and effectiveness - Institutions and mechanisms that work well together produce outcomes that meet the needs of society while making the most of the resources at their disposal. The supportable utilization of regular assets and ecological protection are remembered for the possibility of productivity in the system of good administration

- ix. Right to Information, E-governance¹², legal reforms, ease of doing business, decentralizations, Model Police Act, 2015 are some initiatives of good governance in India.

In its entirety, good governance is a difficult ideal to attain. Very few societies and countries have even come close to achieving total good governance. However, in order to guarantee long-term human development, efforts must be made toward realizing this ideal.

Right to Information

“where a society has chosen to accept democracy as its creedal faith, it is elementary that the citizens ought to know what their government is doing.” – Justice P N Bhagwati.

“The Right to Information (RTI) index is used to gauge a nation's progress and development. Citizens in India did not have access to any information managed by a public authority until 2005. Public interest issues were difficult for the average person to access.¹³ The Right to Information Act, which was passed in 2005, paved the way for the government and its different agencies to operate transparently.¹⁴ Every person now has a legal right to request information from a public agency owing to this Act. It had been stated at the time of its enactment that the Indian political system is so opaque that common folks are not well-informed about how choices are made and how public resources are used. In effect, the RTI Act serves as a tool for more transparency in how public entities operate. As occasionally noted in the media and studies, there have been some significant advancements in information disclosure”¹⁵.

According to the Act, “information” means anything in any form, including records, documents, memos, e-mails, opinions, advice, press releases, circulars, orders, logbooks¹⁶, contracts, reports, papers, samples, models, data in any electronic form, and information about a private body that a public authority can access under any other law that is currently in effect.¹⁷

Information of any private entity can also be accessed only if the public authority is legally entitled to seek information.

¹² Rouf Ahmad Bhat, Right to Information Act: A Tool for Good Governance, 5 Research on Humanities and Social Sciences (2015).

¹³ Rouf Ahmad Bhat, Right to Information Act: A Tool for Good Governance, 5 Research on Humanities and Social Sciences (2015).

¹⁴ Rouf Ahmad Bhat, Right to Information Act: A Tool for Good Governance, 5 Research on Humanities and Social Sciences (2015).

¹⁵ Yap Kioe Sheng, *What is Good Governance*, United Nations Economic and Social Commission for Asia and the Pacific.

¹⁶ A.C. Sekar v. The Deputy Registrar of Co-operative Societies, The Special Officer, H.H. 517 Vettavalam Primary Agricultural Co-op Bank and G. Azhagammal AIR2008Mad224, 2008(1)CTC838, (2008)2MLJ733

¹⁷ A.C. Sekar v. The Deputy Registrar of Co-operative Societies, The Special Officer, H.H. 517 Vettavalam Primary Agricultural Co-op Bank and G. Azhagammal AIR2008Mad224, 2008(1)CTC838, (2008)2MLJ733

“Record” on the other hand includes-

- (a) Any document, manuscript, and file.
- (b) Any microfilm, microfiche and facsimile copy of a document.
- (c) Any reproduction of image or images embodied in such microfilm (whether enlarged or not);
and
- (d) Any other material produced by a computer or any other device;¹⁸

Information relating to anybody can be accessed by a public authority. Now the question is who or what is public authority? As defined by under the RTI Act, 2005, public authority is any authority or body or institution of self-government established or constituted –

- (a) by or under the constitution.
- (b) by any other law made by parliament.
- (c) by any other law made by State Legislature;
- (d) by notification issued or order made by the appropriate government,
and includes any-
 - (i) body owned, controlled, or substantially financed;
 - (ii) non-government organization substantially financed,

directly or indirectly by funds provided by the appropriate government;¹⁹

Under S. 4²⁰ of the Act, it is mandatory for the authorities to maintain records. The records should be dated and indexed and updated in a database within a reasonable time frame for easy access of the information.

Individuals seeking information need to file an application which must be answered by the authorities within 30days. If the information pertains to life or personal liberty, it shall be provided within 48 hours of filing application. If the authority fails to provide the information, then it is liable for a fine of Rs. 250 per day. However, the cost of the fine cannot exceed Rs. 25 000/-.²¹

Though citizens have the right to know about any such data accessible by the public authorities, there are certain exception to it. Public authority is bound to provide information, however if the authority is able to demonstrate that the data or information sought falls under any of the

¹⁸ The Right to Information Act, 2005 (Act 22 of 2005) s. 2(i)

¹⁹ The Right to Information Act, 2005 (Act 22 of 2005) s. 2(h)

²⁰ The Right to Information Act, 2005 (Act 22 of 2005).

²¹ The Right to Information Act, 2005 (Act 22 of 2005).

exempted categories of information, it would be mandatory for the authority to provide with reasons for such exemption.²²

Sections 8 and 9 of the said Act provides for the exemption from disclosure of information.²³

Relation between Good Governance and Right to Information

The revolutionary right to information act reveals the opaque nature of government operations. It is effective in promoting democratic ideals. Corruption can be effectively dealt with using the law. Data access has the power to empower the poor.²⁴ Admittance to data can enable poor people and more vulnerable segments of society to request government data about open approaches and activities, consequently prompting government assistance of all. Great administration and the right to data are integral to one another. Whatever form of government a nation chooses, it must meet the needs of the common man. Political accountability, freedom, bureaucratic accountability, information availability, effectiveness, efficiency, law-abiding citizens, and cooperation between the government and society are all hallmarks of good governance.²⁵ The Right to Information follows from good governance naturally. Every citizen now has the right to request and receive information through the RTI Act of 2005, which establishes an open and transparent government and makes administration more accountable and transparent—which is good governance.

RTI complies with all the conditions of good governance, for example, people pay taxes that are used for a nation's development and RTI enables a person to know the tax paid is utilized by the government. The Right To Information Act also upholds good governance, which encourages transparency. People have the right to access all records²⁶ under Section 2(j) of the RTI Act, and Section 4 of the RTI Act requires authorities to give a justification for any administrative decisions they make.²⁷

²² Rouf Ahmad Bhat, *Right to Information Act: A Tool for Good Governance*, Research on Humanities and Social Sciences, Vol. 5, No. 5 (2015)

²³ The Right to Information Act, 2005 (Act 22 of 2005).

²⁴ Sri Keshabananda Borah, *Right to Information Act: A Key to Good Governance*, 2 International Journal of Humanities and Social Science Invention 11-22 (2013).

²⁵ Sri Keshabananda Borah, *Right to Information Act: A Key to Good Governance*, 2 International Journal of Humanities and Social Science Invention 11-22 (2013).

²⁶ Gaganpreet Kaur, *Implementing a Right to Information Act Is Crucial for Effective Government*, 12 International Journal of Research in Social Sciences (2022).

²⁷ Law Corner(2021, August 30), *Right to information and Good Governance*, Law Corner.

<https://lawcorner.in/right-to-information-and-good-governance/>

The next component of good governance is citizen participation²⁸, which is made possible by the right to information. Before the RTI Act of 2005, individuals had no voice to challenge the government about the policies that were enacted for them, but since then, people have had the opportunity to participate and enquire about the actions of the government. Regardless of an individual's status, RTI treats them equally. Participation enables the general public to be involved in their government. People may use their voices to enquire about how the policies are being put into practice. People also prefer to know how the government operates, how taxpayer money is used, and what else the government gets up to. Transparency is crucial, therefore.²⁹ Accountability is what completes the requirements of effective governance, without it is impossible to trace the failure of policies, be it policies of the public or private spheres.³⁰

Corruption in India has become the most perplexing issue.³¹ It includes ministers and bureaucrats at the upper level as well as the lower level. The CBI has been tasked with conducting investigations and taking action in numerous instances of corruption involving ministers. Corruption and abuse of power are fueled by secrecy and a lack of knowledge.³² Abuse of this kind is prevented by the right to information, which encourages accountability and openness. Corruption causes harm to the poor and contributes to their continued poverty. It encourages an environment of doubt between the general population and the public authority, which prevents progress and risks vote based rule. Under the RTI framework³³, government departments operate with an unprecedented level of transparency. Thus, the dynamic cycle is better perceived, and the public authority is held to a better quality of obligation. As a culmination, there is less defilement now in the country.

²⁸ Gaganpreet Kaur, *Implementing a Right to Information Act Is Crucial for Effective Government*, 12 International Journal of Research in Social Sciences (2022).

²⁹ Law Corner(2021, August 30), *Right to information and Good Governance*, Law Corner. <https://lawcorner.in/right-to-information-and-good-governance/>

³⁰ Law Corner(2021, August 30), *Right to information and Good Governance*, Law Corner. <https://lawcorner.in/right-to-information-and-good-governance/>

³¹ Gurinderjeet Singh Gill & Dr. J.K Gulati, *Evaluating the Role of Right to Information Act, 2005 on Good Governance in India*, 4 RESEARCH REVIEW International Journal of Multidisciplinary (2019).

³² Gaganpreet Kaur, *Implementing a Right to Information Act Is Crucial for Effective Government*, 12 International Journal of Research in Social Sciences (2022).

³³ Gurinderjeet Singh Gill & Dr. J.K Gulati, *Evaluating the Role of Right to Information Act, 2005 on Good Governance in India*, 4 RESEARCH REVIEW International Journal of Multidisciplinary (2019).

The right to information act is an agent³⁴ of good governance.³⁵ An advocate for good governance is the right to information act. The RTI increases public accountability for the government. People are made aware of administration and given the chance to participate in decision-making.³⁶ In encouraging cooperation and candor in the administration, the RTI fostered democratic ideas.³⁷ Making the act superfluous is the greatest approach to address all of these issues while encouraging good governance. Governments must voluntarily make all information accessible to the public rather than relying on the general populace to do it. It will improve confidence between the government and the people it rules as well as encourage effective governance.

Conclusion

The freedom to information act is a ground-breaking piece of legislation that exposes the opacity of government. It is a powerful tool for advancing democratic ideas. The law is a potent tool in the battle against corruption. By realizing this significance, the Second Administrative Reform Commission³⁸ had prepared a detailed blueprint for revamping the public administrative system. The second Administrative Reform Commission³⁹, government of India has published its first report in —Right to Information: Master key⁴⁰ to good governance.⁴¹ Through this report the commission explicitly mentioned that access to information can empower the poor and weaker sections of society to demand government information about public policies and actions, thereby leading to welfare of all. Good governance and the right to

³⁴ Gurinderjeet Singh Gill & Dr. J.K Gulati, Evaluating the Role of Right to Information Act, 2005 on Good Governance in India, 4 RESEARCH REVIEW International Journal of Multidisciplinary (2019).

³⁵ Rouf Ahmad Bhat, *Right to Information Act: A Tool for Good Governance*, Research on Humanities and Social Sciences, Vol. 5, No. 5 (2015)

³⁶ Rouf Ahmad Bhat, *Right to Information Act: A Tool for Good Governance*, Research on Humanities and Social Sciences, Vol. 5, No. 5 (2015)

³⁷ Rouf Ahmad Bhat, *Right to Information Act: A Tool for Good Governance*, Research on Humanities and Social Sciences, Vol. 5, No. 5 (2015)

³⁸ Sri Keshabananda Borah, Right to Information Act: A Key to Good Governance, 2 International Journal of Humanities and Social Science Invention 11-22 (2013).

³⁹ Sri Keshabananda Borah, Right to Information Act: A Key to Good Governance, 2 International Journal of Humanities and Social Science Invention 11-22 (2013).

⁴⁰ Sri Keshabananda Borah, Right to Information Act: A Key to Good Governance, 2 International Journal of Humanities and Social Science Invention 11-22 (2013).

⁴¹ Rouf Ahmad Bhat, *Right to Information Act: A Tool for Good Governance*, Research on Humanities and Social Sciences, Vol. 5, No. 5 (2015)

information are complementary to each other.⁴² A nation whatever form of government it pursues must fulfill the aspirations of common man. Good governance is the only avenue which can provide guaranty the life of individuals. Good governance is characterized by- political accountability⁴³, availability of freedom, bureaucratic accountability, availability of information, effectiveness, efficiency, law abiding citizen and cooperation between government⁴⁴ and society.

To guarantee responsibility the RTI will target bungle, maltreatment of circumspection, debasement and other regulatory acts of neglect. Right to Information can be seen as the key to promoting people-centered governance and strengthening participatory democracy. Giving the most disadvantaged members of society access to information can empower them to demand their well-being and actually implement the numerous beneficial government programs that, due to administrative inaction, largely remain on paper.

⁴² Sri Keshabananda Borah, Right to Information Act: A Key to Good Governance, 2 International Journal of Humanities and Social Science Invention 11-22 (2013).

⁴³ Sri Keshabananda Borah, Right to Information Act: A Key to Good Governance, 2 International Journal of Humanities and Social Science Invention 11-22 (2013).

⁴⁴ Sri Keshabananda Borah, Right to Information Act: A Key to Good Governance, 2 International Journal of Humanities and Social Science Invention 11-22 (2013).