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## **Right to Information and Good Governance in the Indian Context**

**M. R. Biju**

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### **Part I**

#### **Introduction**

Transparency seems to be the only means for sustaining democratic governance. That is why the right to information has been legislated in about 70 countries of the world, and another 30 countries are in the process of legislation. It was in this context that the RTI was enacted in India in 2005. The experience of 5 years shows that the response to this Act has been very positive and optimistic. It has also been widely welcomed by the people at all levels. They have been seeking various types of Information from different authorities. The RTI Act confers on all citizens the right to seek information and makes it the duty of the public authorities to disseminate the same for better governance and accountability. It covers the central, state and local governments and recipients of Government Grants but does not apply to the intelligence and security organizations except if the information released to the allegations of corruption.

Objections to the Official Secrets Act have been raised ever since 1948, when the Press Laws Enquiry Committee recommended certain amendments. In fact, the Act has been used time and again to suit the purposes of the government. In 1977, a Working Group was formed by the Janata Party government to look into the possibilities of amending the Official secrets Act. Unfortunately, the Working Group did not recommend changes, as it felt that the Act related to the protection of national safety and did not prevent the release of information in the public interest; despite overwhelming evidence to the contrary, Official Secret act remained unaltered. In early 1989, V. P. Singh's National Front Government came to power and declared its decision to make Right to Information a fundamental right.

Later a Committee set up in 1989 by the National Front Government recommended limiting the areas where government information could be hidden and opening up of all other spheres of information. As most of the members of the Committee were bureaucrats, something different was not expected, so no legislation followed from these recommendations. Finally, the focus of citizens' groups shifted from demanding merely an amendment to the Official Secrets Act, to its replacement by a comprehensive legislation towards the Right to Information. The initiative for the Right to Information was taken by a

mass based organization, the Mazdoor Kisan Shakti Sangathan (MKSS) in early nineties in a very backward region of Rajasthan-Bhim Tehsil. This agitation for transparency was started by asking for copies of bills and vouchers and names of persons who have been paid wages mentioned in the muster rolls for the construction of school, dispensaries, small dams and community centers in the Block Development & Panchayat Officer office. After years of knocking at officials' doors and despite the usual apathy of the State Government, MKSS succeeded in getting photocopies of certain relevant documents.

Misappropriation of funds was clearly obvious. MKSS organized several Jan Sunwai (People's hearing), between December 1994 and April 1995, in Rajasthan. This grass root movement spread very fast to other areas of Rajasthan and to other States establishing firmly that information is power and people should have the right to official information.

Subsequently, the National Campaign for People's Right to Information (NCPRI) formed in the late-1990s became a broad-based platform for action. As the campaign gathered momentum, it became clear that the right to information had to be legally enforceable. It was demanded that information that cannot be denied to Parliament or state legislatures cannot be denied to a citizen either. In 1996, Justice P. B. Sawant, the Chairman of the Press Council of India, drafted the bill keeping in view the dire need of the day and the observations made by eminent persons that in a democracy, it is the people who are the masters and those utilizing public resources and exercising public power are their agents.

### **The Press council of India and the 1998 Resolution**

The Press Council of India, the Press Institute of India, the National Campaign for People's Right to Information and the Forum for Right to Information unanimously submitted the Resolution on February 20, 1998 to Government of India for amending the proposed bill.

*Main Points of the 1998 Resolution are as follows*

- (i) The Right to Information should also be extended respect of companies, NGOs and international agencies whose activities are of a public nature and have a direct bearing on public interest;
- (ii) The law must contain strong, penal provisions against willful and wanton withholding or delay in supplying information or deliberately supplying misleading or inaccurate information;
- (iii) The law must contain an appeal mechanism of an independent nature to provide reliable redress to any citizen dissatisfied with any decision of public authority under this law;
- (iv) The categories of information, which can be restricted or withheld by the Government, are too wide in the draft Bill. In particular, the restriction on disclosing internal nothings and official correspondence between public officials and offices has no justification whatsoever;
- (v) Similarly the restriction on confidential communications between the State and Centre and their agencies have no justification, unless they harm public interest; and
- (vi) The restriction on disclosure of the record of discussions of Secretaries and other public servants also needs to be removed. However, this draft also went into cold storage due to the fall of two United Front Governments;

### **Freedom of Information Bill 2000**

The BJP led National Democratic Alliance reworked on the Shourie's draft to finalize the Freedom of Information Bill, 2000. It was introduced in the Lok Sabha on July 25, 2000. However, after the president's signature this Act could not be notified in the Government Gazette. This Freedom of Information Bill included some provisions that were not in the Shourie draft, such as the requirement that urgent requests in cases involving life and liberty should get a response within 48 hours. Various provisions of the Act were similar to that of the RTI Act except on the points on which it has been criticized.

The Act has been criticized on the followings main points: It reinforces the controlling role of the government official, who retains wide discretionary powers to withhold information. For example, requests for information involving "disproportionate diversion of the resources of a public authority" can be shot down by the public information officer. This leaves open the danger that government officials might be transformed from gatekeepers of the Official Secrets Act to gatekeepers of the Freedom of Information Act.

The most scathing indictment of the Act has come from the critics who focus on the sweeping exemptions it permits viz. restrictions on information relating to security, foreign policy, defense, law enforcement and public safety. The Act also excludes Cabinet papers, including records of the Council of Ministers, secretaries and other officials. Information shared between the Centre and States were not subject to disclosure. These exemptions effectively shielded the whole process of decision-making from mandatory disclosure.

### **The Right to Information Act 2005**

The Parliament of India passed legislation on Right to Information in 2005. It is landmark legislation in Indian context. It is in consonance with provisions of

International Covenants on the issue and has brought India in line with other development democracies of the world. Right to Information Act, 2005 was passed by both the Houses in the Summer Session of the Parliament and received assent of President on June 15, 2005. Around 150 amendments were introduced in the original draft. The Act replaces relatively weak and ineffective legislation, the Freedom of Information Act, 2002.

#### *Salient Features*

- The Act provides all citizens the right to information, subject to the provisions of the Act.
- It covers all the three tiers i.e. central, state and local government and also the three branches i.e. legislative, executive and judiciary of the government.
- It applies to "Public Authorities" established or constituted by or under the Constitution; by any law made by the appropriate Government or, any other body owned, controlled or substantially financed directly or indirectly by the appropriate Government and includes non-government organization substantially financed by the government.
- The ambit covers even the private bodies and their information can be accessed through the controlling public authority.
- The Act provides that information of the third party can be accessed after giving ten days notice to the third party.
- It casts an obligation on Public Authorities to grant access to information and to publish certain categories of information. Public Authorities are also supposed to maintain their record in the indexed and cataloged manner. The responsibilities about suo moto disclosure/publication by public authorities have been considerably enlarged.
- The Act lays down the machinery for the grant of access to information. The Public Authorities are required to designate Public Information Officers and Assistant: Public Information Officers for dealing with requests for information and also to assist persons' seeking information.
- Provision has been made for transfer of a request by a public authority to another public authority, wherein the subject matter/information is held by the latter.
- A time limit has been prescribed for compliance with requests for information under the Act, viz. 30 days for normal information; 40 days for third party information; life and liberty information in 48th hours and information relating to human rights violation in 45 days.
- The Act provides that in case PIO rejects the application, he/she is bound to give reasons of such rejection; the period within which can appeal against such rejection may be referred as well as the particulars of the appellate authority.
- The Act excludes the time taken for calculation and intimation of fees from the time frame.
- The Act prescribes for reasonable fee for providing information. Also, no fee to be charged from persons who are below poverty line. Further, information to be provided free of charge where the response time limit, is not adhered to.
- Certain categories of information have been exempted from disclosure. The categories, by way of illustration, include information likely to affect security of the State, strategic, scientific or economic interests of the State, detection and investigation of offences, public order, conduct of international relations and Cabinet papers. Trade or commercial secrets, information the disclosure of which would cause breach of privilege of Parliament of State Legislature and personnel information which has no relationship with public activity and could cause unwarranted invasion of the privacy of any person are also exempted from disclosure. However, exemptions provided are not absolute and -withholding of information must be balanced against disclosure in the public interest. Information is to be released even if harm is shown to the public authority if the public benefit in knowing the information outweighs the harm that may be caused by disclosure.
- The Act contains a provision for reveal of certain information, which is otherwise, exempted from disclosure on completion of 20 Years after the incident.
- The Act also incorporates the principle of severability.
- Envisages creation of an independent non-judicial machinery, viz., Central Information Commission and State Information Commissions comprising a Chief Information Commissioner and Information Commissioners to decide 2nd stage appeals. At the same time, there is no hierarchy of Commissions.
- Legal framework for exercise of powers by the Commission defined in the Act.

- The Commission while inquiring into any matter has the same powers as are vested in a civil court while trying a suit under the Code of Civil Procedure.
- The Act provides a two-tier Appellate Forum. First appeal to departmental officer senior to the Public Information Officer. The second appeal to be made to the Commission.
- On a request for information being refused, the applicant can prefer an appeal to the prescribed authority within 30 days of the decision; the time limit for disposal of appeal being also 30 days extendable to 45 days. The second appeal can be made within 90 days of the decision of the first appellate authority.
- In case of a grievance at PIO level, there is a provision for making a complaint directly to the Commission
- Intelligence and security agencies specified in Schedule II to the Act have been exempted from being covered within the ambit of the Act. However, the exemption is not absolute; agencies shall have the obligation to provide information in matters relating to corruption and human rights violations.
- The decisions of the Commission are binding.
- The jurisdiction of subordinate courts has been barred.
- The provisions of the proposed Act have been made over-riding in character, so that the scheme is not subverted through the operation of other minor Acts.
- Under the provision of the Act CIC/SIC can impose a penalty of Rs. 250 per day on PIO. This penalty can go up to a maximum of Rs. 25000.
- There is a provision of disciplinary action against PIO for any contravention of the Act. A disciplinary action can be recommended as per the service rules applicable to the PIO.
- The Act provides that there is no criminal liability of the PIO and the PIO is immune from the actions done in good faith.
- Central Information Commission and State Information Commissions to monitor the implementation of the Act and prepare an Annual Report to be laid before Parliament/State Legislature.
- Rule making power for effective operationalization of the Act is with the competent authority i.e. Central/ State Government subject to the approval of Parliament and Assembly

respectively.

- The Act repeals the Freedom of Information Act, 2002.

## Part - II

### Good Governance in India

The concept of "governance" is not new. It is as old as human civilization. Simply "governance" means the process of decision-making and the process by which decisions are implemented (or not implemented). Governance can be used in several contexts such as corporate governance, international governance, national governance and local governance. Since governance is the process of decision making and the process by which decisions are implemented, an analysis of governance focuses on the formal and informal actors involved in decision-making and implementing the decisions made and the formal and informal structures that have been set in place to arrive at and implement the decision.

Government is one of the actors in governance. Other actors involved in governance vary depending on the level of government that is under discussion. In rural areas, for example, other actors may include influential landlords, associations of peasant farmers, cooperatives, NGOs, research institutes, religious leaders, finance institutions political parties, the military etc. The situation in urban areas is much more complex. Figure 1 provides the interconnections between actors involved in urban governance. At the national level, in addition to the above actors, media, lobbyists, international donors, multi-national corporations, etc. may play a role in decision making or in influencing the decision-making process.

All actors other than government and the military are grouped together as part of the "civil society." In some countries in addition to the civil society, organized crime syndicates also influence decision-making, particularly in urban areas and at the national level.

Similarly formal government structures are one means by which decisions are arrived at and implemented. At the national level, informal decision-making structures, such as "kitchen cabinets" or informal advisors may exist. In urban areas, organized crime syndicates such as the "Land Mafia" may influence decision-making. In some rural areas locally powerful families may make or influence decision-making. Such, informal decision-making is often the result of corrupt practices or leads to corrupt practices.

Fig. 1: Urban Actors

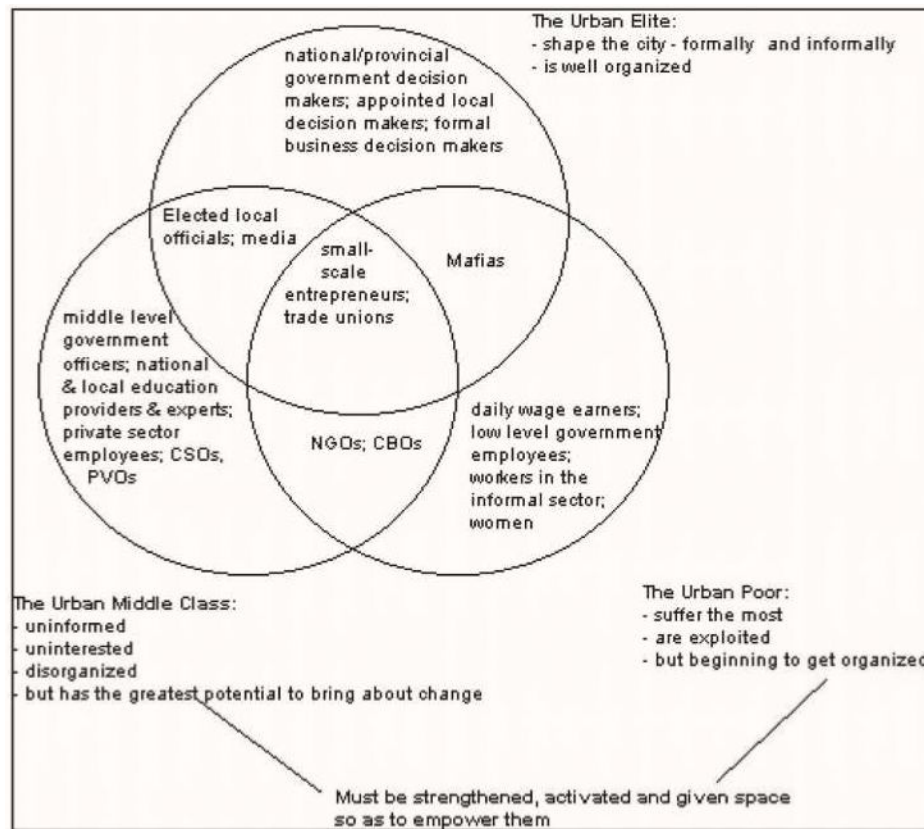
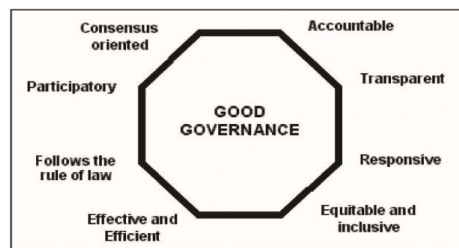


Fig. 2: Characteristics of good governance



**Characteristics of Good Governance**

Good governance has 8 major characteristics. It is participatory, consensus oriented, accountable, transparent, responsive, effective and efficient, equitable and inclusive and follows the rule of law. It assures that corruption is minimized, the views of minorities are taken into account and that the voices of the most vulnerable in society are heard in decision-making. It is also responsive to the present and future needs of society.

*Participation*

Participation by both men and women is a key cornerstone of good governance. Participation could be either direct or through legitimate intermediate

institutions or representatives. It is important to point out that representative democracy does not necessarily mean that the concerns of the most vulnerable in society would be taken into consideration in decision making. Participation needs to be informed and organized. This means freedom of association and expression on the one hand and an organized civil society on the other hand.

*Rule of Law*

Good governance requires fair legal frameworks that are enforced impartially. It also requires full protection of human rights, particularly those of minorities. Impartial enforcement of laws requires an independent judiciary and an impartial and

incorruptible police force.

#### *Transparency*

Transparency means that decisions taken and their enforcement are done in a manner that follows rules and regulations. It also means 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 and that it is provided in easily understandable forms and media.

#### *Responsiveness*

Good governance requires that institutions and processes try to serve all stakeholders within a reasonable timeframe.

#### *Consensus Oriented*

There are several actors and as many view points in a given society. Good governance requires mediation of the different interests in society to reach a broad consensus in society on what is in the best interest of the whole community and how this can be achieved. It also requires a broad and long-term perspective on what is needed for sustainable human development and how to achieve the goals of such development. This can only result from an understanding of the historical, cultural and social contexts of a given society or community.

#### *Equity and Inclusiveness*

A society's well being depends on ensuring that all its members feel that they have a stake in it and do not feel excluded from the mainstream of society. This requires all groups, but particularly the most vulnerable, have opportunities to improve or maintain their well being.

#### *Effectiveness and Efficiency*

Good governance means that processes and institutions produce results that meet the needs of society while making the best use of resources at their disposal. The concept of efficiency in the context of good governance also covers the sustainable use of natural resources and the protection of the environment.

#### *Accountability*

Accountability is a key requirement of good

governance. Not only governmental institutions but also the private sector and civil society organizations must be accountable to the public and to their institutional stakeholders. Who is accountable to whom varies depending on whether decisions or actions taken are internal or external to an organization or institution. In general an organization or an institution is accountable to those who will be affected by its decisions or actions. Accountability cannot be enforced without transparency and the rule of law.

Citizens all over the world look up to the nation-state and its organs for high quality performance. When good governance is guaranteed, citizens go about their personal business and pursuits with enhanced expectations. On the other side of the spectrum, bad or indifferent governance not only restricts opportunities of success but it can even degenerate into sectarian conflicts and civil wars. In such an atmosphere personal accomplishments as well as social achievements get severely restricted. Good governance helps create an environment in which sustained economic growth becomes achievable. Conditions of good governance allow citizens to maximize their returns on investment. Good governance does not occur by chance. It must be demanded by citizens and nourished explicitly and consciously by the nation state. It is, therefore, necessary that the citizens are allowed to participate freely, openly and fully in the political process. The citizens must have the right to compete for office, form political party and enjoy fundamental rights and civil liberty. Good governance is accordingly associated with accountable political leadership, enlightened policy-making and a civil service imbued with a professional ethos. The presence of a strong civil society including a free press and independent judiciary are pre-conditions for good governance.

### **Good governance in the Indian context**

What is 'good' governance in the Indian context? The central challenge before good governance relates to social development. In his famous 'tryst with destiny' speech on 14 August 1947, Jawaharlal Nehru articulated this challenge as 'the ending of poverty and ignorance and disease and inequality of opportunities'. Good governance must aim at expansion in social opportunities and removal of poverty. In short, good governance, as I perceive it, means securing justice, empowerment, employment and efficient delivery of services.

The concept of governance was decisively shaped

by the freedom movement led by Mahatma Gandhi and the aspirations of founding fathers of the Constitution. Every nation is guided by certain values which are shared by the people and the government. National commitment to such values greatly influences the content and the quality of governance. These values in the Indian context at the time of the inauguration of the Republic were those of nationalism, democracy, secularism, non-alignment and mixed economy.

For the last sixty years, our ideological frame of reference was determined by public choice. It is another matter that it was not always real. But it was fashionable to be left or left of the centre rather than being a rightist or a conservative. Socialism was preferred over capitalism and minimal state. The mixed economy which in ideal terms would have meant an equal role for the private sector and the public sector overwhelmingly yielded in favor of the latter. The belief in the state apparatus as a major instrument of social and economic change gave the public sector the primacy of position and placed it at what was picturesquely described as "commanding heights of the economy". Since 1991 we have slowly moved towards the capitalist path.

A bold and magnificent decision was taken to introduce one person one vote system in the country. The universal suffrage paid rich dividends and the subsequent devolution of power to grassroots levels has helped consolidate the gains. Democracy is at the heart of governance in India. However, in its working, democracy has revealed several inadequacies. The chain of accountability from the civil service to legislature and political authority is weak; follow-through at higher levels of administration is poor; and limited oversight by Parliamentary committees is part of the problem. Criminalization of politics and increasing role of caste and religion in electoral politics are major concerns. The performance of the civil service, the primary agency of implementing development is often undermined by overstaffing, low salaries, graft and political interference. Many people wonder as to whether it was appropriate to expect that a constitution largely based on the colonial model of Government of India Act of 1935 would ensure good governance in a democratic set-up?

In the initial years of the Republic, the executive functioned with considerable autonomy in as much as district officers regularly heard petitions and grievances, intervened in the maintenance of public order particularly in case of ethnic and communal disturbances and enjoyed considerable discretion in implementation of land reforms and community

development projects. The hold of politicians and specially ministers began with demands for allocation of scarce resources in favor of ruling elites and powerful interest groups. The State gradually started shedding its neutral stance in favor of the demands of the ruling party or coalition groups. The 'neutrality' of the civil service came under stress with ministerial instability since 1960s in the states. The fragmentation of the authority at centre characterized by coalition governments since the late 1980s has only deepened and extended this process.

But election after election common people are asserting their voice, changing their representatives in a manner that has ensured change in government in the states and also at the Centre. This phenomenon supported by the civil society groups, the media and an active judiciary has ushered in demands for accountability of the executive. Democracy has really moved beyond periodic elections towards 'good' governance.

### **Inter-related Aspects of Good Governance**

#### *Threats to Peace*

The most important public good is the supply of security especially security of life and property. The responsibility of the Indian nation-state to protect the life and property of every citizen is being seriously threatened particularly in areas affected by terrorism (Jammu and Kashmir), insurgency (north-eastern states), and naxalite violence in 150 districts of India's mainland. The Indian nation-state is aware of complexities of the situation and the need is to show greater determination and relentless in support to its instruments of law and forces of democracy and social cohesion to defeat the elements of terror, insurgency and naxalite violence.

#### *Access to Justice*

Access to justice is based upon the basic principle that people should be able to rely upon the correct application of law. In actual practice there are several countervailing factors. Some citizens do not know their rights and cannot afford legal aid to advocate on their behalf. A related aspect is fairness of access as some people involved in the legal proceedings and large numbers of criminal prosecutions are not voluntary participants. The most severe challenge relates to complexity of adjudication as legal proceedings are lengthy and costly and the judiciary lacks personnel and logistics to deal with these matters.

### *Rule of Law*

The concept of good governance is undoubtedly linked with the citizens' right of life, liberty and pursuit of happiness. This could be secured in a democracy only through the rule of law. The rule of law is expressed through the axiom that no one is above the law. One has to clearly understand that the rule 'of' law is different from the rule 'by' law. Under the rule 'by' law, law is an instrument of the government and the government is above the law while under the rule 'of' law no one is above the law not even the government. It is under this framework that rule of law not only guarantees the liberty of the citizens but it also limits the arbitrariness of the government and thereby it makes government more articulate in decision-making. In our constitutional system, every person is entitled to equality before law and equal protection under the law. No person can be deprived of his life or personal liberty except according to the procedure established by law. Thus the state is bound to protect the life and liberty of every human being. In the majority opinion in *Keshvananda Bharti vs. State of Kerala* that "rule of law" and "democracy" was declared as the basic structures of the Indian constitution not amenable to the amendment process under article 368 of the constitution.<sup>5</sup> It flows there from that the courts have the final authority to test any administrative action on the standard of legality. The administrative or executive action that does not meet the standard of legality will be set aside if the aggrieved person brings an appropriate petition in the competent court.

### *Empowerment*

An empowering approach to poverty reduction needs to be based on the conviction that poor people have to be both the object of development programs and principal agency for development. The Indian Constitution is committed to two different set of principles that have a decisive bearing on equality. First, is the principle of equal opportunities to all and the second, the principle of redress of educational and social backwardness? The social and political climate has radically changed in the country from what it was in 1950 or 2000. However, notwithstanding, an increasing role of the market and the NGOs as institutions of modernization and progress in the country, the State continues to have a leading say in transformation of society to make it just and equal. The question is, not only of the extent to what reservation in Government employment can really change things for the better, but how it could, in order to benefit the socially, educationally and economically backward ones.

### *Employment*

Generation of gainful employment for the youth is the most challenging task facing India's political economy. India's working age population is over 50 per cent. This share will continue to rise and reach 60 per cent in 2050. A fast-growing working population will ensure more workers, more saving and hence more investment. This mechanistic view of growth assumes that demography is destiny and that economic policies and programs play little or no role. But population growth by itself does not add to prosperity, unless young people are educated and new jobs are created. If we fail to generate employment and equip the youth with good quality education and skills, India's demographic dividend could become a demographic liability.

The history of economic development clearly demonstrates that development of non-farm sector is tied to modernization of agriculture and its improved productivity. The increasing application of modern technology also frees labor to move to urban areas for gainful employment in non-farm sector. The need is to prepare the youth with such education (we have more than 300 million illiterate children adding to the enormity of the problem) that would help them acquire vocational skills and mastery over new technology, including internet. This would make the youth employable in the job-market and also help those who want to work on their own. In addition, there is an imperative requirement to pay special attention to generation of employment opportunities in agriculture, expand area of coverage of rural employment guarantee schemes, accelerate the pace of implementation of Bharat Nirman schemes and several other programs. Similarly, it would be essential to encourage private sector partnership and support movement of self-help groups and micro-financing institutions.

### *Delivery of Services*

The principal feature of the scheme of effective delivery of services needs to be seen in the context of the fact that demands have to flow from the bottom up and not the top down. It is true that both the Government of India and the State Governments have been allocating a fairly good size of public funds to health and education. A closer scrutiny of as to whom these facilities reach has revealed that public spending on health and education is typically enjoyed more by the non-poor. The schools and health centers in areas where poor live are often dysfunctional and extremely low in technical quality. The three institutions which have played remarkable roles in



improving public service delivery in India are: (i) the judiciary; (ii) the media; and (iii) the civil society.

#### *Administrative Responses*

The Indian administrative scene is marked by few successful innovations and practices in public service delivery and a large number of pathetic performances. The general weakness of accountability mechanisms is an impediment to improving services across the board. Bureaucratic complexities and procedures make it difficult for a citizen as well as the civil society to navigate the system for timely and quality delivery of services. The lack of transparency and secrecy that have been associated with the administrative system from colonial times, besides generating corruption, has also led to injustice and favoritism. The frequent transfer of key civil servants has enormously contributed to failures in delivery of services. In some states, the average tenure of a District Magistrate is less than one year. Development projects have also suffered as a result of frequent changes in project directors.

#### *Capacity Building*

Capacity building at all levels of an organization is widely perceived as the most important approach to achieve quality of services and customer's satisfaction. In a federal democracy, decentralization of power is viewed as necessary to empower people in rural and urban areas to improve their lot. The empowerment of the local levels of administration would foster confidence and enable more individuals even outside the bureaucracy to come forward to handle community needs and enhance public good effectively without hesitancy or the need of approval by higher level authorities. The concept of capacity building in public administration heavily relies upon professionalism of the civil service. There is increasing awareness about the low level of professional quality of public servants employed in districts and in rural areas. Resistance to the capacity building program comes from the staff as well as from the supervisor. People normally do not like change. There is also a myth that capacity building means bigger work-loads. Resistance also comes from supervisors and managers who often perceive that staff capacity building would lead to reduction of their own powers.

#### *Challenges to Good Governance*

The Criminalization of the political process and the unholy nexus between politicians, civil servants, and business houses are having a baneful influence on public policy formulation and governance.

Political class as such is losing respect.

The Indian State is facing a serious challenge to its authority from lawless elements. The Jehadi terrorism in Jammu & Kashmir and its ad hoc but frequent spread to other parts of India, the insurgency in the North-East, and rapidly expanding base of naxalite movement in mainland India constitute grave challenge to democratic governance. Fortunately, one sees national consensus against Jehadi terrorism and it is for the Indian State to deal firmly with this menace. Insurgency in India's North-East is largely confined now to Nagaland, Manipur and Assam and these are being tackled by democratically elected state governments with full support from the Centre. Of late, one sees a political resolve to deal with naxalites as well. Dialogue process alone would provide the final answer but in every eventuality the State has to be continually firm in order that it discharges its basic responsibility of protecting life and property of its citizens.

#### *Corruption*

The high level of corruption in India has been widely perceived as a major obstacle in improving the quality of governance. While human greed is obviously a driver of corruption, it is the structural incentives and poor enforcement system to punish the corrupt that have contributed to the rising curve of graft in India. The complex and non-transparent system of command and control, monopoly of the government as a service provider, underdeveloped legal framework, lack of information and weak notion of citizens' rights have provided incentives for corruption in India.

A conscious program for strengthening of public awareness and also empowering the existing anti-corruption agencies would be required. The statutory right to information has been one of the most significant reforms in public administration. The Right to Information Act provides a strong national framework within which public awareness programs could take place. Corruption takes place within a frame. Accordingly, basic reforms in file management, government rules and regulations, provision of public expenditure review could provide the concerned citizens the relevant knowledge to hold service providers accountable. This would ensure that the resources that belong to people are used in the right way.

#### *Electoral Reforms*

The hitherto laissez-faire system of funding of elections is the biggest countervailing factor in the

emergence of democratic India as an honest state. It is widely agreed that state funding of elections/parties will provide a certain degree of financial independence to parties and their candidates and that in turn will help reduce the incentives to raise party/election funds through corrupt means. Public financing holds great promise because it levels the playing field and gives candidates an incentive to accept spending limits. With public financing, poorer candidates can challenge well-funded ones, enlivening the debate and opening up the system. Public financing should be accompanied by free media space.

### Part - III

#### *Concluding Observations*

India's democracy is at the centre of governance architecture. It creates opportunities, sustains leadership and generates hope. Good governance being central to the Indian democratic experience could be seen more clearly when we look at what is happening in our part of the world. Pakistan is making experiment with various forms of governance, democracy as well as military dictatorship, and merely succeeding in saving the nation-state from being a failed one. The Bangladesh Army seeks similar justification in managing and calibrating the transition to democracy, as does the Gayoom regime in the Maldives. In Sri Lanka, notwithstanding high rates of literacy and economic growth through decades-old democracy, it has not been able to secure cooperation of the Tamil minority, with the result that democracy thrives side by side with a bloody civil war. In Nepal, democratic institutions which have been undergoing serious strain under the Maoist threat are trying to resurrect under a fledgling inclusive republican order.

The quality of democracy and the commitment and caliber of public servants both in the executive and in the judiciary would determine the outcome of the country's performance in key areas – empowerment, employment and effective delivery of services. Women are keys to good governance. Their increasing representation in democratic institutions has provided stability to Indian polity. Women can bring constructive, creative and sustainable solutions to the table. Women participation in economic programs needs to be augmented for in women we get expendable providers, educators, caretakers and leaders.

Second relates to livelihood. Livelihood does not

only mean factory jobs. It should relate to social economy and local resources as well. It should also mean upgrading of existing and traditional skills that people have possessed from time immemorial in agriculture, in animal husbandry, in fishing, in textiles and so on. Investment in up gradation of such skills would lead to harmonious relationships with nature. In view of deep-rooted social and economic inequities of centuries, India cannot blindly follow capitalist model of growth that puts excessive reliance on market forces. For such a model would fail to provide stability to Indian polity. And yet rapid economic growth is essential to meet aspirations of the Indian youth. Placed in these circumstances, the innovators have to devise ways and means that secures both fast growth and an approach that combines Gandhian ethics with democratic temper.

Innovations are taking place in the government, in the market and in the civil society. Social and political processes are getting increasingly interlinked changing the character of the elites in the countryside. The nature and content of good governance would undergo changes in tune with rising expectations and fresh demands of the people. Democratic governance would expect and secure from its leadership to be alive to such aspirations and to continually tune institutions of polity to be effective instruments of citizens' welfare. The search for good governance seemingly is an endless one. It has been an eternal challenge to rulers since the very dawn of 'state', irrespective of its nature, structure and form. Alexander Pope has very rightly provided the touchstone: "For forms of government, let fools contest, whatever is best administered is best".

Clarity promotes transparency, participatory and efficient governance. Conviction promotes accountable and effective governance. Compassion promotes consensus oriented, equitable and inclusive governance. Consistency promotes responsive governance, follows the rule of the law and modernizes itself according to the needs and changes of the society upholding the guiding principles of the Constitution. The Government shall act as a facilitator for the people, market and civil society and remain a prudent regulator to ensure social equity and fair competition in the society. The changes in the role of the Government will be carefully defined and communicated so that the people will understand that changes are in their interest. Decentralization is an essential part of the government to make more efficient and responsive. The Government shall strengthen local government and management by devolving administrative and economic powers and responsibilities. The Government will directly involve

people in the management of the services they use. The Government is committed to minimize citizen interface with the Government Departments by introducing the Internet, Web and groupware technologies will be used to create national electronic highways and networks at all points of contact between the people and the Government. The primary task of the government shall be to ensure efficient and responsive services, making it easy for the people to gain essential information from the government and ensure that they have recourse to mechanisms that punish wrongdoing. Charters shall be introduced to improve the quality and effectiveness of public services.

Every citizen has the right to know how the government is functioning. Right to information empowers every citizen to obtain information from the government. It is duty of public authorities to maintain records for the easy access and to publish within 120 days the name of the particular officers who should give information and in regard to the framing of the rules and regulations. All information shall be disseminated widely and in such form and manner which is easily accessible to the public. It has been provided that it is required that the request to be disposed of within 30 days provided that where information sought for concerns life or liberty of a person, the same shall be provided within 48 hours. If a request is rejected it shall be communicated giving reasons and specifying the procedure for appeal and the designation of the appellate authority. The Act also exempts granting information where it would disproportionately divert the resources of the public authority or would be detrimental to the safety and preservation of the record in question.

Knowledge and information is the prerequisite for the enjoyment of this right because the lack of authentic information on matters of public interest leads to the wild rumors. Freedom of speech and expression includes the right to receive and collect information. Since the democracy is the government of the people who are the sovereign masters. There can be no government by the people if they are ignorant of the issues to be resolved, the argument for and against different solutions and the facts underlying those arguments. The taxes collected by the government belong to the people. They have the right to know in what manner they are being governed and how their money is being spent. The business of the government should be a participatory process. The fact should be made public. Only a fully informed citizenry can be better equipped for the performance of these duties.

The Right to Information Act enables the citizens

to get the required information for the redressal of the grievances within a specified time from the date of filing application. Any citizen can ask for information under this law by applying in writing or through electronic means to the Public Information Officer (PIO) specifying the particulars of the information sought for. The right to information has been judicially recognized as a part of the fundamental right to speech and expression. Information is sine qua non for the efficient functioning of democracy. It keeps the people informed about the socio-political and economic affairs and issues. In a developing country like India, the availability of the information is required to be assured to the people in a simple and speedy manner because the development process depends on it.

Over the past few years, RTI has gained increasing importance in the human rights discourse as well as the larger democratic discourse. Since a democratic government must be sensitive to the public opinion for which information must be made available by it to the people. Effective accountability rests on the peoples' acquaintance with the information. A system that operates in secrecy tends to lose the faith of the people as much as its own legitimacy and credibility. Openness and full access to the information are the two pillars of the democratic state. It will equip the citizens to participate meaningfully in the democratic and political process. Governance is undoubtedly strengthened by the RTI. That is why the RTI has been recognized as an essential requirement of the good governance. The enactment of the RTI Act, 2005 is a bold step. The Act covers not only the public sector but also the NGOs and the private sector to some extent. In addition to this, it has various other positive features like provision of First and Second Appellate Authorities. It is also one of the toughest legislations in the world, as it is the only RTI Act imposing penalty for any contravention of the provisions of the Act.

However, mere conferment of the right is not enough. Its successful implementation in the true spirit is needed. The revision and review of legislations contrary to this right is required. Suitable amendments in the conduct rules for public servants, attitudinal change in the behavior of the bureaucracy, creation of efficient information management system, more frequent use of this right by press and will of the citizens are also required. Many loopholes need to be plucked. However, despite the weaknesses, it is a Magna Carta for introducing reforms in the governance in the country and will go a long way in strengthening the roots of democracy by introducing

transparency and accountability in governance.

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