

**Right to Information and Good Governance**  
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**Introduction to Transparency,**  
**Accountability and Good Governance**  
**Part - 01**

(Refer Slide Time: 00:14)



Introduction to Transparency  
Accountability and Good  
Governance

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Hi, everyone. Welcome to the course on Right to Information being offered by the National Law School of India University, Bangalore. My name is Sairam. I will be the course instructor for this course and we would probably take you through the history, the background to the Right to Information. As we are well aware of, in India this is a law that is around 15 years old. It was enacted in 2005. There is a lot of international comparative development on the Right to Information.

This law has contributed to several other legislations, both in the state and in the center. It has contributed to a great deal of transparency and accountability in governance. Its importance in contributing to the understanding of the legal system, the Constitution of India, and to governance, in general, is immense. And this course will probably take you through the legal developments, the policy perspective, and also, the interpretive challenges that are required for making this law far more effective in administrative processes.

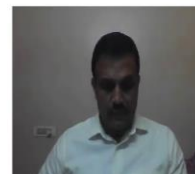
We will start this course with the module on Transparency and Accountability and Good Governance. As you are well aware of, this is an effective measure required in any legal system and the Right to Information Act actually tries to ensure these three thumb rules. That is, one, transparency, it tries to bring about transparency in governance. Two, it tries to hold the government accountable to the people because we are in a democracy and RTI is probably an effective tool in good governance.

So, these would be the three contributing factors to what the Right to Information Act actually is something that is nurturing from the law on right to information. So, how do we look at transparency, accountability and good governance?

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### Why 'Right to Information': Importance and significance

- '*Forma*' and Information
- Why should citizens get information



I think, we must look at these three things in terms of, is this required? And what is probably the Right to Information Act doing in terms of its contribution? So, the importance and significance of this Right to Information is something that has to be understood in a primary context. Now, if you look at the terminology itself, information, it comes from the Latin expression *Forma*, where probably what is being expected is the formation of those kinds of ideas.

So, information creates, and it gives you those ideas, those inputs that are necessary to give clarity of mind. So, what does information do? It actually removes the weakness of the mind. It gives you something that you are more equipped and well aware of. Probably what *forma* means in Latin is that it gives shape to something.

So, when you have information, what is a vague idea probably gets concretized into something that is acceptable and something that is very important. And what does information do? Actually it brings about awareness. It brings about a greater degree of knowledge in a given society and we get information today, in the digital age in the WhatsApp age or in the 4G age, information of all kinds. Some information we are also grappling with the issue about whether the information is authentic or whether it is authentic or whether it is fake information.

So, there is so much abundance of information today. However, what does this Right to Information does? It is not about private information, it is about seeking information from the government. The government that is supposed to be accountable to its own citizens and the Right to Information is a right that is demanded from the government to share that kind of information about how the government actually goes about its functionalities, how does it exercises its power in functions, where is the tax payer's money being utilized, whether it is utilized effective or not.

And hence, if you look at the Right to Information, it is quite an inherent human right. So, we say it is one of those human rights, which was never defined in the Constitution, it was never part of the original Constitution, however, it was probably read into the constitution as one of the human rights under Article 19(1)(a) as the Constitution of India.

Article 19(1)(a) as you are well aware of, is the right that deals with the freedom of speech and expression. It is also dealing with the freedom of press and we will talk about the constitutional dimension about how the courts in India brought this as an enumerated right, which was the right to freedom of speech and expression and the un-enumerated part of it was Right to Information that was read into it.

So, I think, what is the significance of the Right to Information? The significance is, I think, every citizen, every human being requires information and without information probably you cannot probably take appropriate decisions about what to do or how to go about it and I think, to put it in a very generic sense, in India where we are a news-hungry nation, a lot of people say we have news channel 24 into 7, which are feeding us with so much of information.

They gave us information from all sides, we probably need information depending upon our own interest. Many of us may be interested in the information that is coming from the film world or from Bollywood, from films-stars about who is associating with whom, what kind of films are being made. So, there is a lot of information that probably some of us do like about all you want to call as the Page 3 information.

It is information that is about the limelight of the film industry, about what is happening with the T.V. shows, soap operas and so on and so forth. So, that is information that many of us are, we look forward to the same. Some of us are, maybe sports enthusiasts. So, we are looking at information that is coming through sports. Many of us are enthusiastic about information that is coming from the stock marke. That is also information that we are very keen and eager to.

Many of us may have different interests or different dimensions to seek this information, and what is this do? Probably, it equips you with a kind of knowledge that is required to actually develop ourselves as a perfect human being, and with information, I think, what happens is, it

contributes to innovation and it contributes to development. So, if a country has to be fully developed, I think, the Right to Information becomes a very, very important inherent human right that should be given to citizens and it should contribute to a knowledge society from an information society.

Why should citizens get information? Very often than not, this is a question that one may arise or one may ask. What will citizens do finally with this information? Should information really be shared? If so, what kind of information should be shared and what should not be shared? Now, you cannot probably give all the kind of information because probably one would assume that there are state secrets that cannot be shared.

But I think, you know, when citizen seek information, they know that there is some information that they are entitled to, it is hence the duty of the State to share that information and there are some information probably the citizens may not know or need not know. So, it is on the need to know basis that the citizen would be very interested to get that kind of information.

How is information relevant? Let me tell you, information is probably very relevant when I am doing a Ph.D. thesis. Now, unless I will get the requisite information for the research that I am going to pursue, probably my thesis is not going to be complete; it may not contribute to the purpose for which the Ph.D. or the thesis is actually going forward to.

So, I think information is required and the purpose of seeking this information can be actually plenty. It could be our own inquisitiveness to know certain information, it could be our own self-interest to actually get this information and dissect it or use the information for your own purpose or it could be information just to hold the government accountable. I just want to know how the government goes about its decision-making process. Where is the money being diverted to? Is the money actually going to those who are entitled to the same?

So, there are many reasons and purposes why this information is to be required and is sought by the citizens. However, let us note down certain necessary reasons why citizens want to get information, and this is keeping the three rules of transparency, accountability and good governance as the main touch tones of how and what does Right to Information tend to achieve. So, let me start giving some of those reasons.

The first reason is, I think, what does information do is, it tends to achieve a purpose that probably know the legislation can probably go about achieving it directly. And that is corruption. Now, we all know that corruption is in different forms, corruption is probably quite inherent even in the society. Probably even when you go to get a driving license, we need to bribe that official. There are corruptions in multiple stages where there is favoritism, there is nepotism. So, the government probably requires to free itself of the clutches of corruption. It needs to show that it has the intent and the object to deliver what citizens expect from it as just and fair and ease them.

Now, what does probably information do is that it gives a citizen some kind of control or some degree of control on how there are these kinds of decisions are being generally undertaken by the government and hence, the impact of information can be felt on corruption. In a sense, that you probably have this law, which may actually reduce the degree of corruption that is actually required in a given situation, and hence, reduction of corruption is an important achievement that one can reach up to if the Right to Information is actually rightfully implemented.

Second, now what does control on corruption do? The control on corruption also limits the abuse of power. So, we always say that power corrupts and absolute power corrupts absolutely. However, what information does is to actually to check that abuse of power. Now, when you get information, you exactly know whether the power was used fairly reasonably or was it used

arbitrarily or in a mal of our interest. This is something that there can be scrutiny that citizens can do of the government and its officials and that scrutiny, I think, is something that is very importantly achieved through Right to Information.

Third, I think, when we say, 'Why should you have Right to Information?', I think, Right to Information is required simply because we are in a democracy, it is not a dictatorial form of government, it is not a government that is not supposed to be accountable to its people.

So when you look at India or when you look at the strongest democracies in the world, they have ensured Right to Information as a fundamental right. It is core and important for democracies to survive. And hence, in India, if we say that we are the largest democracy in the world in terms of the kind of population and the size that it has, then you will definitely come to this conclusion that it is important that in a democracy this right is actually granted. Why? Because, when we defined kinds of democracy, we have defined it as, of the people.

So, what does it mean 'of' the people? It is a government of the people, so the people have created the government. It is of the people, it is by the people and it is for the people. And hence, when the government of the day is of, by and for the people, it is just duty-bound to actually share the necessary information that is required for its citizen. So, one of the important reasons why a citizen should get this information is simply because the government is democratic government, it is expected to share this information with its citizens.

Fourth, very important; I think, one would assume that the government does not hold this information, the government is not the owner of any information, especially in a democratic society. The information that the government has is not of the government, it is of the people of whom the government is actually governing.

And hence, when you look at the information the government does not own this information, rather you will assume that in a democracy, the government is the only trustee of this information and hence, we apply what is known as 'public trust doctrine' in which we say that this information is a national resource and this being the national resource, the real owner of this national resource, all this information lies with the people. It is the people who are the owners and hence, the government as the trustee must probably have a duty to manage this information, share this information in the interest of the beneficiary who are finally the citizens of this country.

The next point. Why should we have information? It is particularly relevant and important if you are looking at citizen's participation in government. It is important to see that if the government has to be functioning in a public participatory manner, where the public are involved in governance and that is what democracy is all about, that we all feel that we have a role to contribute in governance, then if public participation has to be effective, citizens should have the right to information.

So, how will a public participate in governance unless he is fed with a requisite information that is necessary for the citizen to actually contribute? So, when the government comes about with public consultation or public information system where they are seeking advice from citizens, you will notice that it is important for the government to actually first share this information and then get the ideas and the suggestions from the citizens. So, to improve public participation in governance, I think, citizens should get information.

Next, how do I look at why the citizens should get information. I think citizens should get information simply because what does information do? It gives you the chance or the idea of the



free society where you can debate, you can argue, you can probably confront, you can actually disagree, you have the right of dissent.

Now, information actually gives you, as I told you earlier, it clears the weakness of the mind. It gives you the ideas to express. So, when we talk about debates and forums, unless you have the appropriate information, can you really take part in debate? Can you really take part in a descent march? I think what does information do, it gives you the right to choose between the right and the wrong and hence, I think, one of the basic requirements for information is to give citizens the choice of right and wrong, the choice between what they are for and what they are against. I think, in an open system it is inevitable to have information as a pre-requisite because it is just fair and equitable for people to get that kind of information as required.

Finally, if I should say why should citizens get information or if I should answer this question about why should citizen get information, I will only say this, that in a country like India, information will be bridging the gap between the government and the governed. Government is the functionary, it is elected by the people, but governments are the people themselves, the citizens themselves.

So, the deficit of the gap of the ruler is actually closed up. We say that the gap is actually narrowed down when information is shared and probably the government of the day will actually have more faith from its people, it will actually get more encouragement from its people if it moves us ahead and shares information as is required.