

Right to Information and Good Governance
Dr. Sairam Bhat, Professor of Law
National Law School of India University
India's Progress in Ensuring Transparency and Accountability

(Refer Slide Time: 0:14)

India's progress in ensuring
transparency and accountability



- Colonial history
 - Official Secrets Act 1923
 - Land Acquisition Act 1894
- Judicial Activisms
- Election Reforms
- Privatization and Globalization
- Consumer Protection legislations
- Growth of Media: freedom of the press
- 73rd and 74th amendment to the Constitution
- Bhopal Disaster; EIA and Public Hearing
- E-Governance



The next step for us to take note is to look at India's progress in ensuring transparency and accountability. Friends, you must accept and understand that enacting the Right to Information Act in 2005 is just one of those steps that are necessary to ensure transparency and accountability in this country, especially from the government. However, one law cannot ensure it, and one law is not complete, and one law cannot change or transform the legal system in this country. And suddenly you cannot expect after 2005 of the enactment of the Right to Information Act, that you will have an open government.

And hence, even before 2005, we did bring about India's journey in ensuring transparency and accountability. And I think it has been a very progressive one. And hence, it is important for us to understand, before RTI was enacted, what all small or big steps did India take to bring about transparency and accountability in governance.

So, this slide gives you an idea, please note it is not a complete discussion on all the aspects that are required. However, this should give you a brief idea about India's journey in bringing about transparency and accountability, especially by looking at India's history, India's background.

And, I think genesis through RTI is just a journey that we have understood, whereas the journey can be brought about through the discussion of other legislations.

So let us look at those kinds of legislations and try and see how India has marched in the journey of transparency and accountability. One should understand that when we got our independence, we did inherit a colonial heritage, a legacy and this is in terms of both, the kind of laws that were made by the Britishers and the kind of legal system that they left back. And to a larger extent, I think we did not change that legal system at all. We had a lot of legislations that were enacted with the Britishers, which we thought were good to go ahead.

So we did give them continuity and some of the legislations like the Indian Penal Code is an 1860 legislation. It defines offenses and crimes and that continues even today. So the Britishers were good draftsman and they did draft some of the fantastic legislations that we thought, after independence, there was no requirement for a change. Take the example of the Indian Contract Act 1872. We have continued that law even today without any major changes. We did look at the Indian Evidence Act, it is also an 1882 legislation, so on and so forth.

However, some of the legislations that were challenging as problematic, as we discussed in the past, were legislation such as the Official Secrets Act 1923. I think after independence, the Official Secrets Act was used to declare areas that were restricted and prohibited. It could be very important institutions or establishments that protect the secrets of the government. It could be a defense establishment, it could be an establishment that deals with national security.

And those areas were used or declared as restricted and prohibited areas, and people were stopped from going near those places, and even the media could not actually go within the vicinity of 100 meters of such kind of areas that were declared as prohibited and restrictive. And hence, I think to a larger extent, while we talk about this law that was enacted by the Britishers, we did try and dilute the use of this law only to those that were essentially national security establishments.

I think to that extent, the democratic government, the independent government in India did realize that the Official Secrets Act should not be blanketly used and the exemptions that were there in denying access to places and information should probably be confined only to certain areas. And, I think the government did realize that the Official Secrets Act is very important, it should continue to be there. However, its application and scope could be restricted only to certain areas and certain places.

Take the example, which I have just put out in the slide on the Land Acquisition Act 1894. I think the Land Acquisition Act is a challenge even today and you will notice that this law has not been replaced. So right now, we have a 2013 legislation on what is called as the Right to Fair Compensation on Land Acquisition Rehabilitation Resettlement Act of 2013. So it has completely replaced this colonial law on the Land Acquisition Act 1894.

However, when I look at transparency and accountability here, it is easy to define and explain how this process was, and when the government of the day, the then British government, enacted the Land Acquisition Act 1894, the purpose was that the government wanted to take lot of land that was in the private domain and the state got this power to acquire that kind of land. And this power is what we call as a power of the eminent domain, where the state has right to call for your land, take over your land, and probably give you some fair composition as required, which means that the Land Acquisition Act 1894 very clearly established and said that your land can be acquired for public purpose.

Now, the definition of public purpose was never defined under this law and hence, the State had rampantly started misusing, abusing this law, and took over a lot of land even after independence. If you recollect after independence, with the kind of socialistic pattern of governance and society that we adopted, we expected the state not only to govern, but also to start businesses, and in India, the state, fortunately, entered into businesses, ranging from running buses to trains, to generation of power, to building aircrafts, which is probably a core national or a state function in terms of air defense.

But it also entered into so many other businesses that were not necessarily a government business. Example, the government started making soaps - bathing soap. The government started entering into silk manufacturing, silk garment, silk business in terms of khadi, and so on and so forth. The government also started entering into milk production, the government started entering into so many other areas that were probably what the government thought were essential to create employment.

The governments of the day were only running educational institutions, there were no private institutions during those days. And hence, a large amount or tracts of land was recovered by the government, and the Land Acquisition Act was then used. And each of these were then considered as public purpose, which means the government had a right to take over the land and the citizen was very less given the option of objecting to that acquisition.

What he could finally do was to only object to the fair amount of compensation that was awarded to him. And hence, having taken away the right to property as a fundamental right from the Constitution of India, a citizen, unfortunately, felt disgusted by the use of the Land Acquisition Act 1894. However, you will notice that the judiciary did try and intervene in the abuse of power under the Land Acquisition Act.

It did try and intervene and try and moderate the need of the state as well as the right of the citizen, despite that fact that the right of, right to property was removed from the Constitution of India and the Supreme Court, time and again laid down or stressed on the fact that acquisition should be in a fair and a transparent manner. There must be adequate disclosure, there must be adequate consultation. I think the public must know why the acquisition is taking place. What is the purpose of the acquisition? And interestingly, the Supreme Court in one case also held that if the purpose of acquisition that was disclosed and if the land is not used for the same purpose, then the land should be returned back to the farmers.

So that was the way in which the Supreme Court started slowly asking the government to be fair, to be accountable, to go about the acquisition process in a fair, more transparent manner, which means that there is some kind of public participation. The public should not see acquisition as a

police or exercise of police power. But it should see acquisition as something that the state necessitates out of its compulsion to have that land and I think, the citizen's right should be also addressed when such acquisition takes place.

One will also notice cases like the Medha Patkar - Narmada Bachao Andolan case, where Medha Patkar went to the Supreme Court to protest about dam building, the Narmada dam building, and stating the challenges of rehabilitation and resettlement of forest dwellers was also taken up by the court, in saying that, 'look if people are going to be displaced from their original habitat, from the original land and these are not those who are entitled to compensation because simply they do not have the title to the land. However, they are dependent on that kind of land, they should also be involved'.

So, it should be an inclusive method in which probably the state must exercise its power and hence, those people who are probably displaced should also get the right of rehabilitation. And hence, the rehabilitation and resettlement aspect was introduced in the land acquisition process, and I think that was very important in the way, in the method in which the state started exercising its powers. And, I think this was a great progress. I think this is a great change that India brought about, and I think in the last 20 or 25 odd years, I think, rehabilitation resettlement has been the emphasis of most acquisition projects.

I think the state has realized that, though state has the right to acquire, it cannot do so at the cost of infringing the rights of the citizens or rights of those land losers, rights of those land dependents and hence, there must be a just, fair acquisition process and a just, fair acquisition process would mean that those who are displaced are also rehabilitated to an extent that is required by the law.

And hence, I believe India's progress in ensuring transparency and accountability through the colonial laws changed the way it was administered later on in independent India. Especially in the past 25 years, by the way the judiciary intervened to abate the kind of infringement of rights that were happening on citizens.

So, I think it is very important to understand this development because the state started acquiring huge amounts of land, and I think this continued even after 1991, where huge land was required for dam-building activity. It was necessary because, what do dams do? I think they store a large amount of water that is required during the summer season. They do provide water for irrigation purposes. I think there is larger public interest or public benefit that is probably made out through dam-building activity.

But remember, the original inhabitants of the land where the dam is built and where due to the building of the dam, there is submergence of this land due to rising water, I think unless you fulfill their ambitions, their rights, unless you actually rehabilitate them or take care of their rights, I do not think the larger public interest is going to be served by any dam-building activity.

I think this was stressed upon, this was brought upon. And, I think one of the most important aspects that one will see over here is, I think the public consultation process. I think this is very important to bring in transparency and accountability in the exercise of the power of acquisition that was done under the Land Acquisition Act. I think the public consultation were very, very important, though in some places it was done farcically.

But I think, it was a step in the right direction in ensuring that there is some kind of an accountable, transparent acquisition process and I think this is a great example to see how India changed its acquisition law in 2013, how India changed its approach towards acquisition and it has made it more citizen-centric and not government-centric. I think that study on land acquisition brings to fore the necessity of transparency and accountability and the necessity to bring in good governance in the acquisition process so that you bring in lesser confrontation in societies.

I think when I talk about the judiciary or judicial activism in India, I think, it is an important discussion to have at this stage. Because, I think, the judiciary has played a very, very important role, something that is indispensable in terms of the kind of legal system that we have now inherited. The kind of rights, duties, that we have looked into, and judiciary, especially the

Supreme Court and the various high courts, the so-called Constitutional Courts that we call them, have played a very pivotal role in ensuring transparency and accountability.

I think the judiciary in India, when it developed the concept of public interest litigation, I think they brought in a huge change, a huge reform. They went beyond the statute to actually address the aspects of grievances that citizens would face from the legal system and the judiciary was their last pillar of hope. And the judiciary delivered the same, by what we call as dilution of the locus standi principle.

The dilution of the locus standi principle clearly meant that any person can approach the court for seeking justice. So you do not have to be a victim, you do not have to be an affected individual, you can actually be a public-spirited individual, you can be someone who is fighting for somebody else's cause and you had the right to approach to the court to see that the court intervenes in terms of the justice delivery system.

I think judicial activism thereby brought in a huge change. I think what the judiciary expected was that, in case rights of citizens are being infringed; the rights could be a legal right, it could be a fundamental right, does not matter. Fundamental rights are those rights that are defined in Part 3 of the Constitution, so we have a few fundamental rights, but there are huge gamut of legal rights, if there is an infringement, the court said, please come to us, we will try and help you out, we will try to hold the other two organs of the government that is executive and the legislature accountable. And in case of infringement, you are entitled to a fair procedure, and a fair compensation is what we got through the various interventions that the judiciary did through its activist approach in bringing about a transparent and accountable system in this country.

I think one of the high points in India today is that, when we speak about transparency and accountability, the role of the judiciary, the contribution of the judiciary has been completely, absolutely immense. It is something that has been the most important development and the study of the same should be taken due note and consideration of.

Please note, when we talk about judicial activism, inevitably we will have to discuss the contribution of certain judges in the court; like Justice V. R. Krishna Iyer, Justice P. N. Bhagwati. These two judges actually championed the cause of judicial economy, judicial independence, and the strength of the judiciary to finally be the final apex authority to interpret the Constitution in terms of the rights of the citizen and the duty of the state.

I think the judiciary to a larger extent, brought this into effect and they did see that whenever the legislature overstepped, then the judiciary intervened and called it back. Whenever the administrative agencies overstepped, the judiciary was the one to create that kind of check and to balance the interest of the citizens as well as the interest of the government.

So I think, India's progress in transparency and accountability, especially through the study of judicial activism becomes the most important aspect of understanding how the judiciary through its own efforts, not with the statute, not with any bureaucracy, but the judiciary through its own judgments brought in kind of a completely contrasted change about how the government was answerable to its own citizens.

In the next chapter we will be talking about the role of the judiciary vis-a-vis constitution and Right to Information. So, a lot more information is going to be shared with you, when I talk about the role of the judiciary at this, in this course as well.

Thirdly, and I think this is very important. When I talk about the election reforms in India, one cannot forget naming the gentleman, Mr. T. N. Sheshan. Single-handedly, this man, when he was made the Chief Election Commissioner in India, went about bringing good election reforms in this country. Elections in India are very important because it is the right of franchise that you actually exercise about who should be a representative and who should govern.

I think an important aspect of democracy is the right to vote. In India, we did ensure this right from the Constitution and its adoption. And men and women have equal rights to go and vote and express their franchise in terms of who should be their representative. However, if you look at India's history vis-a-vis the Constitution, in the first couple of years, I think the legislatures

were very powerful. We had almost a single-party system, almost. That single party would have a lot of majority and they probably did decide to do what they wish to do vis-a-vis using the legal system for their own advantages.

For example, we remember those days when emergency was imposed because there was no solid opposition party. We did not have a very powerful President to check the abuse of power of the Prime Minister. I think the judiciary stepped in and the judiciary to check the abuse of power during emergency. But, the legislatures or what I would want to call as the political parties had an upper hand. And till judicial activism came into place, the political parties actually ensured that the system was neither transparent nor accountable. And, I think the judiciary stepped in to actually bring about some kind of reform in that sphere.

However, the Election Commission of India is supposed to be a constitutional body. A body that is autonomous and independent, equal to that of the Supreme Court, equal to that of the judiciary. Because elections in India and remember, if democracy has to survive in India if we have to have a robust system of governance in India, elections have to be fair and transparent. And hence, those who are appointed as Election Commissioners have to work independently. They cannot work as agents of the political parties.

However, unfortunately, till T. N. Seshan came into place, we did not have election reforms in this country. He single-handedly decided to bring in those elections reforms. He single-handedly decided that political parties must have a sense of accountability to the system under which they are actually seeking elections and some of the small steps that T. N. Seshan did take, had a huge impact.

For example, I remember Mr. T. N. Seshan actually decided that there will be a campaign time and campaign days. So you cannot campaign at all times and all days. So the circular said that you cannot campaign after 10 P.M. in the night. Because probably what does this campaigning do? They disturb the right of sleep that citizens have. The right to peaceful enjoyment of your property. So elections and political parties could not abuse and go about performing their own actions as if there was no regulator in place, there was no policeman in place.

So the Election Commission decided that it had to step in, it had to bring in regulations and rules for political parties to play in the elections. That is very important, and I think that is one thing that we have seen in terms of bringing political parties into a system where there is some sense of accountability. There are rules and regulations of the game, and I think if there is misuse or abuse of any of the aspects of a fair game in election, I think the Election Commission of India will have the right to intervene and that is what we see even today.

Whenever elections happen and if a political party actually abuses or misuses any form, say, false campaigning, false news or campaigning beyond permissible time, I think the opposition parties have a right to complain to the Election Commission and the Election Commission also takes action against those candidates or those political parties.

So, I think election reforms have played a critical role in India's march, which has ensured that political parties clearly know that before they become or form the part of the government, they are still accountable. And once you have become a part of the government, you are accountable to the people.

But even before you become part of the government, during the process of election, there is a body that will watch what you do and whether you are going to give hate speeches, whether in instigating the communities, what did your manifesto say, etc. I think that is where the Election Commission plays that critical role and I think to a larger extent, I think election reforms have been a step in the right direction to bring about transparency and accountability in the Indian legal system.

Fourth, I think the era of privatization and globalization was critical to India. Especially, post-1991, we know that this is the LPG era; Liberalization, privatization, and globalization. After 1991, when you see that there was the opening up of the market, we decided that certain areas can be privatized. So it is not necessary that the government must hold on to it. For example, airlines. We decided that Indian Airspace or air passenger can be done through private airlines.

So we had Air India, which was providing the only service in air, but we decided that private airlines can also come in and build their own business on passenger air traffic. In those circumstances, you will notice that it was important that once privatization happened and when private airlines were allowed to fly out of India, to a larger extent, this meant that the government was competing with the private.

And hence, it was important that during this phase, the government realize the need to bring in an independent, autonomous regulator in every space where privatization took place. And the regulator would then be the agency that will ensure transparency and accountability of the players in that particular sector.

For example, in the air passenger sector, we had the Director-General of Civil Aviation that was established and which took care of the competitors, for example, Air India and say, airlines like Jet Airways or Indigo. Fair competition is a very important rule and the regulator also demanded a lot of information from these private players. We can talk about the regulators like IRDA, Insurance Regulatory Authority; or you have TRAI, the Telecom Regulatory Authority. So various such authorities.

So wherever the space was privatized or open for private participation, the regulator was brought into place, the regulator was given both the tasks. One, to ensure that the businesses are ethical and profiteering is not the sole motive, so there is a fair competition that is played between the players.

Second, it also ensured that these regulators play an adjudicatory role. So if there are disputes between the competitors, if there is a dispute between the citizen and the service provider, I think the regulators had a very key role to play over there as well. And, I think privatization did bring in that kind of aspect where citizens did get a choice and the choice is that it is not only the government service that was available. I think the citizens had a choice between government service and private service. So, whichever was far more efficient and whichever was far more effective, I think the citizens did have a choice to take about. And that is what privatization actually did.

So from, say taking a BSNL service to an Airtel service, the citizen had the choice. He could choose, he could migrate from one service provider to another as well. And, I think that competition brings in a sense of accountability, that brings in a sense of transparency as well. If the government is a sole service provider, I think it is difficult to bring in transparency and accountability, but when the government is one of the competitors, I think it is easier to attain or get.

So, I think privatization and globalization was one of the important milestones in India's march, and I think, through World Bank and Asian Development Bank, we did realize that if India has to achieve the sense of growth for its own citizens, then achieve the sense of kind of happiness index, to achieve the kind of GDP growth that was relevant, I think India had to bring in privatization as a rule, India had to open up its borders. However, while it did so, it did want to ensure accountability from private players and transparency from the government agencies as well.

The next step, just as a factor which will probably display to most of us how India's march did take place, was properly through the enactment of the Consumer Protection Act in 1986. Look, the Consumer Protection Act was an important step and even today, currently is probably one of the key legislations that protects citizen's interest vis-a-vis private service providers or private manufacturers. Please note, Consumer Protection Act also applies to the government, so there is no distinction regarding the same.

However, I think what privatization did was, manufacturers and service providers in the private sector had a tendency to exploit consumers. They had a tendency to take them for granted and hence, under the Consumer Protection Act, we defined two aspects. One is a defect in goods and deficiency in service. And whenever there is a defect in goods or deficiencies in service, the manufacturer, the producer, the service provider is going to be answerable and accountable to the consumer by paying compensation.

And that is what the consumer protection legislation actually does. It brings in transparency and accountability of all service providers. Be it, say a government hospital, be it a private hospital. What does it do?

When you are giving the services, you are supposed to know that you are accountable under Consumer Protection Law. You can be sued. You will have to pay compensation if there are deficiencies of service.

Secondly, what it does is, suppose you are a manufacturer of a particular product and if you do not produce it edibly, portability or consumably fit for human consumption, then being defect in that goods, you are going to be held accountable and you will be held liable for violation of consumer rights.

What is also relevant vis-a-vis the Consumer Protection Act is one of the most essential aspects that I view from this course on right to information is the right of the consumer to be informed. Please note, when you read the Consumer Protection Act and its fine prints over there, you will notice that today a consumer has the right to be informed.

Right to be informed about the quality of the product, quantity of the product, about its nutritious value, whether it is vegetarian and non-vegetarian, whether it has added preservatives or not, what is its weight. So I think, the labeling requirements or the disclosure requirement today on a packed commodity verily, clearly ensures an important category of right to information. And, I think that clearly means that consumer protection legislation added a step on Right to Information. So the manufacturer's duty to disclose that information was very much there.

This legislation ensures that remember, when I am selling a product, I should not wait to the consumer to ask me, what were the ingredients used. I have the duty to disclose proactively, up front. It should be disclosed on the packet, these are the ingredients that were used.

Second, I have the duty to disclose that this has this fat, trans-fat is used or not. I have the duty to disclose what its weight is. I have the duty to disclose whether I have used genetically modified

corn, so on and so forth. So, I think this is an important step. It is an important step in the market space, it is an important step in the space where we expect that when citizens and consumers are using something, their right to information is completely protected and if the manufactures do not give those adequate disclosures, I think that is also a violation of the Consumer Protection Law. I think that clearly meant that the Consumer Protection Act ensured consumer right to information, and I think that is a significant step in the right direction.

Friends, the next step that should give you an adequate idea of India's progress in transparency and accountability is the fourth estate as we call. The fourth estate is the media, is the press. Now, look at the progress that the press has made in this country. If one sees Article 19(1)(a), the freedom of speech and expression under Constitution of India, the Supreme Court time and again, right from Bennett Coleman case has said that under Article 19(1)(a), under the freedom of speech and expression, the integral part is the freedom of this press and the state cannot infringe the freedom of the press.

Press is an important pillar of democracy and the press has to be ensured with the kind of freedom that is required. However, post LPG era, 1991, it was privatization of the press as well, especially the visual medium. Though in the print media we had private newspapers, but in the visual media, we only had government through Doordarshan. But later on, you had NDTV and so on and so forth that came into place and then you had a choice of seeing either the government-sponsored television news or a private news, which was probably something that you had a choice to do.

And the growth of the media now has ensured that the media is going to bring you information at your doorstep and you can access this information readily and freely as well. Freely, because online is just the internet charges that you are going to use unless there is a subscription fee for the same.

So I think, today, the media is playing a very critical role. I think the way you have social media, with the way you have print media or the way you have visual media, the way you have the digital media, I think to a larger extent, I think what the media does is, it is probably a

representative of the citizens. It is actually representative of the given society because the media then tries to communicate the information from the government to its citizens.

So citizens do not have to go personally. I think the media does that job and the media also ensures lot of awareness of government schemes because the government then does not have to give necessary advertisements. Through media campaigning, I think the government is able to reach out to the people. I think media critically bridges the gap between the government and its citizens. It critically evaluates the functions of the government, it allows the citizen information about whether the government is progressing right or wrong. And, I think that kind of a free debate platform is provided by the media.

I think through the growth of media in India, we can actually see that the government knows that there is somebody watching and I think that is where I think, a lot of progress has happened in India through the freedom of the press.

The next point that we can think about is about a third system that we introduced to the 73rd and 74th amendment to the Constitution. I think when you talk about government and governance, and if it is a top-down approach, I think governance fails. In 1992, constitutional amendment, the 73rd and 74th amendments that were brought about did create the third tier of government. These are the local panchayats, they can be the municipalities. I think what the 73rd and 74th amendments did was, you had a government at the local level, which means government that is close to its people and certain services from the municipalities were supposed to be provided.

To a larger extent, the local government represented local aspirations. The citizens found that those who were governing them were approachable. 'I can actually go and meet my local corporator in the city, I do not have to go to Delhi or to the capital city at all'. So, this means that your representatives are close to you and you can actually go and seek answerability from them. They are there on the field, they are there in the picture and I think to a larger extent, people felt that there was a connect between them and the government.

And I think, to a larger extent, the way the municipalities and municipal corporations or town councils are functioning, I think they are ensuring a sense of transparency and accountability in the government as well. And I think this is what we call as 'the local self-government', 'LSG' as we call it. And this means that I know that I can take part in my own governance and it is not a top-down approach, it is not an external approach as well. I think a critical phase in India was brought about in 1992 through this amendment and I think to a larger extent, the way the panchayats play a very critical role in villages.

I think we have a system where we have a local government, which can respond to people's aspiration, which can take into account people's considerations and which can actually communicate to the people directly rather than either through media or through some other mechanism. I think, that also I think is one of the milestones in India's progress and I think what we achieved over there was a sense of local institution and I think it is an important measure that we can definitely track about.

If I look at transparency and accountability, especially when we see environmental aspects, one cannot forget the Bhopal Disaster, 1984. December 2nd night and 3rd morning, we did come across a situation of gas that was leaked in Union Carbide Factory, this was Union Carbide India Limited Factory in Bhopal. It was the darkest hour in India, especially in terms of an industrial accident. A lot of people died, nearly 2,000 people probably died, lost their lives due to this disaster.

It was an industrial accident as one would want to call it. However, through the court decisions, we have come to know that the accident had occurred due to negligence. But it opened the floodgates for debate and discussion about how industries or businesses should be held accountable, especially from an environmental perspective. I think the enactment of the Environmental Impact Assessment in 1994, thereby followed by the Public Hearing notification in 1997, kindly note, these two now have been combined in the 2006 notification. However, the '94 and '97 notifications that were enacted under the Environmental Protection Act 1986, clearly display a very important factor.

That factor is that every industry before it goes about its business must have an environmental impact assessment done. So, what is the impact of my industry or industrial activity on the environment? I have to make a study of the same and this study has to be put in the public domain. I must make this study available to the citizens, to the people, to the government.

Now, after this, you will notice the process is that this EIA report shall be submitted in a public hearing. There will be a public consultation, it will be reported that 'public have the right to know that what is happening within my vicinity. What is the industrial activity? What is the pollution that it will do for rather, the land, air or water? I have the right to object, And the industry must take note of my objections and my considerations or my suggestions and thereby it should go about only then exercising its right to business'.

I think that is what the Bhopal disaster has taught us that industrial activity must be a regulated one, it must be strictly not done in secrecy. I think the state administration has the right to know what is happening within the industry, what is being stored, if it is stored, is hazardous or not. If it leaks, then what should be the external response, I think all of these is something that we realized, we probably learned from the Bhopal disaster. And the legal system adequately has responded after the Bhopal disaster to avoid any such further disasters at all.

And I think public consultation in the decision-making process, especially in giving environmental clearance to industry has been a major step in ensuring that businesses are transparent, businesses are accountable to the local people and I think that is something that has been a major step in India's progress in bringing about good governance as well.

Last but not the least, I think we are talking of e-governance today. Online digital services to be rendered by the state through the internet. People do not have to visit you. There need not be face to face meetings. I think e-governance reduces corruption to a larger extent, it brings in accountability as well and the state has been trying to ensure this in a major way.

For example, I can give you two instances where e-governance has ensured transparency and accountability. First is that how e-governance has been adopted by the judiciary today, especially

by the High Court is that you can actually note when your case is coming, you can actually take the judgments online, it is viewed online.

So today, litigants need not always run to the court physically and they can actually get information and data online, advocates get this data online. So that physical travel, the physical journey or the physical strain or the eye-to-eye meeting between the individuals has been reduced, especially if there is an implementation of e-governance. And the judiciary has also stepped in to implement this vis-a-vis the justice delivery system.

Second example, which is critical, is how e-governance has been adopted in government contracting. E-governance has meant that today, all government contracting through tender should be done online, through e-tendering mechanism. This very clearly means that I can upload or I can participate in a government contract by submission of bid anywhere from the country. I do not have to physically travel to the place where the government is actually calling for the bids. I do not have to meet an officer, I do not have to see him, I do not have to bribe him, I do not have to develop my personal contact.

And this one-to-one meeting has reduced a lot of corruption that unfortunately the system of contracting had. And what does e-governance do? The information and the data is online available, it is easy to actually view it, get it scrutinized, and share it as well with the concerned stakeholders or if required, under the Right to Information regime as well.

And hence digitalization of records, digitalization of government functions has, to a larger extent, has contributed to a system of transparency and accountability. However, please note, we have a major step to take this forward. We have only implemented e-governance in a staggered manner, it has been significant but it has not been substantial and I think there is a lot that the government can do in trying to bring about the process of e-governance and trying to march the process of transparency as well.

