

# **Right to Information and its Relationship to Good Governance and Development**

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# Right to Information and its Relationship to Good Governance and Development

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*“We live in an age of information, in which the free flow of information and ideas determines the pace of development and well being of the people. The implementation of RTI Act is, therefore, an important milestone in our quest for building an enlightened and at the same time, a prosperous society. Therefore, the exercise of the Right to Information cannot be the privilege of only a few.”*

**Dr. Manmohan Singh**, Prime Minister of India,  
Valedictory Address at the National Convention on RTI, October 15, 2006

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## 1. Introduction: Information Regime and Development

Right to information (RTI) is harnessed as a tool for promoting participatory development, strengthening democratic governance and facilitating effective delivery of socio-economic services. In the knowledge society, in which we live today, acquisition of information and new knowledge and its application have intense and pervasive impact on processes of taking informed decisions, resulting in overall productivity gains.

People who have access to information and who understand how to make use of the acquired information in the processes of exercising their political, economic and legal rights become empowered, which, in turn, enable them to build their strengths and assets, so as to improve the quality of life.

In view of this, almost every society has made endeavours for democratising knowledge resources by way of putting in place the mechanisms for free flow of information and ideas so that people can access them without asking for it. People are thus empowered to make proper choices for participation in development process.

The efforts made thus far to disseminate information and knowledge through the use of communication technologies such as print media, radio and television as well as internet, have yielded positive results. Sharing of information, for instance, about the new techniques of farming, health care facilities, hazards of environmental degradation, opportunities for learning and earning, legal remedies for combating gender biases, etc., have made significant contributions to the well being of poor people.

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Every individual or section of the society, whether working in farm, industrial or services sectors, requires a wide range of information to be able to effectively function in the knowledge and technology driven economy.

Until 2005, an ordinary citizen had no access to information held by a public authority. Even in matters affecting legal entitlements for such subsidized services as food for work, wage employment, basic education and health care, old age pension and food security for destitute, it was not easy to seek the details of decision making process that affected or harmed him. Without access to relevant information, it was not possible for a common man to participate in a meaningful debate on political and economic options or choices available to him for realizing socio-economic aspirations.

The Constitution of India has guaranteed (u/s 19) the freedom of expression and speech. Even then, a citizen had no legal right to know about the details of public policies and expenditures. And, therefore, it was not possible for a common man to observe and scrutinize the public actions with a view to developing an understanding about the outcome of public activities and/or providing feed back for rectifying the deficiencies in policy planning and the execution of programmes.

In case of the promises made by the political leaders during general elections, it was not possible for a common man or voter to question his elected representative about their contributions to the development process.

Under the Official Secret Act, 1923, the entire development process has thus been shrouded in secrecy. The people who voted for the formation of democratically elected governments and contributed to the huge costs of financing public activities, had no legal rights to know as to: what process has been followed in designing the policies affecting them, how the programmes have been implemented, who are the concerned officials associated with the decision making process and execution of the schemes and why the promises made for delivery of essential services to the poor have not been fulfilled?

Not surprisingly, the culture of secrecy beginning from the colonial rule till the first six decades of Independence fuelled rampant corruption, in which large amount of public money was diverted from development projects and welfare schemes to private use through misuse of power by the authorities. Lack of openness in the functioning of the Government, provided a fertile ground for breeding inefficiency and corruption in the working of the public authorities, which, in turn, has perpetuated all forms of poverty, including nutritional, health and educational.

Despite planned efforts of six decades, over one-third of the total population is illiterate, poor and un-healthy. In order to rectify the deficiencies in the mechanisms for ensuring the reach of entitlements, particularly the basic human needs, the people in general and NGOs, in particular, demanded for a greater access to the information held by the public bodies, which was acceded to by the Government in 2005.

In this backdrop, the Right to Information Act 2005, the RTI hereinafter, was passed by the National Parliament to dismantle the culture of secrecy and to change the mindset of the bureaucrats and political leaders and to create conditions for taking informed decisions.

The major concern of the Act is to allow for greater probity in the functioning of the government departments so as to promote transparency and accountability in the working of the public bodies and contain the scourge of corruption, which are critical for ensuring good governance and development.

In view of the foregoing, the major objective of this paper is two folds: one is to assess the impact of RTI on the elements of good governance; and the other is to examine the extent to which RTI induced governance has strengthened the indicators of developments. Finally, measures for utilizing the potential tool of right to know are indicated with a view to expediting the process of human development.

## **2. Links between RTI and the Elements of Good Governance**

The RTI Act was implemented in October 2005. Though a period of three years is too a short period to assess the success of this Act, it may be worthwhile to analyze some evidences for developing an understanding on how it works and what it does or does not do. We, therefore, propose to find an answer to the question: whether the objectives of the Act are being realized?

It must be admitted that the assessment of the RTI on good governance and development is indeed a daunting task, since data are lacking to permit methodological rigor of analysis. However, reliance is made on (i) the responses of the RTI requesters and the activists, particularly during the course of hearings conducted by the Author in the cases listed before the Commission to resolve the disputes between information seekers and providers; (ii) media reports on the issues pertaining to RTI matters; and (iii) preliminary research studies and publications of results, mainly those relating to corruption and accountability of public bodies.

The assessment of impact is proposed to be made in terms of the stated objectives of the RTI Act, which are outlined in its preamble, as under:

***An Act to provide for setting out the practical regime of right to information for citizens to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority.***

It is stated further more that:

***Democracy requires an informed citizenry and transparency of information which are vital to its functioning and also to contain corruption and to hold Governments and their instrumentalities accountable to the governed;***

In addition to the above, the Prime Minister of India, while piloting the Bill for its passage by the National Parliament, stated, as under, on May 11, 2005:

***I believe that the passage of this Bill will see the dawn of a new era in our processes of governance, an era of performance and efficiency, an era which will ensure that benefits of growth flow to all sections of our people, an era which will eliminate the scourge of corruption, an era which will bring the common man's concern to the heart of all processes of governance, an era which will truly fulfill the hopes of the founding fathers of our Republic.***

Clearly, the Act has laid emphasis on good governance, of which the major elements that have been identified are: informed citizenry for encouraging people's participation in development process, transparency, accountability and reduction in corruption. Thus, the major objectives of the Act are:

- i) Greater Transparency in functioning of public authorities;
- ii) Informed citizenry for promotion of partnership between citizens and the Government in decision making process;
- iii) Improvement in accountability and performance of the Government; and
- iv) Reduction in corruption in the Government departments.

All these parameters are critical elements of good governance, which entails full accountability to stakeholders, who are partners in development process. And, have the powers to enforce accepted policies, common norms and recognized bench marks.

It is expected, therefore, that the citizens, armed with information obtained through their exercise of right to know, would be able to protect life and liberty as well as secure equity and justice before the law. An attempt is therefore made below to examine the extent to which the RTI has been successful in influencing the above factors in the desirable direction.

### **2.1. Greater Transparency**

With a view to ensuring maximum disclosure of information regarding government rules, regulations and reports including decision making processes, every public authority is required to ***'maintain all its records duly catalogued and indexed in a manner and the form which facilitates the right to information under the Act'***. The public authorities are therefore expected to make pro-active disclosures through publication of relevant documents, including web-based dissemination of information.

Besides, the public authorities are also required to ***'provide as much information suo motu to the public at regular intervals through various means of communication, including internet, so that the public have minimum resort to the use of this Act to obtain information'***.

In addition, a public authority, u/s 4(1)(d) of the Act, is required to ***"provide reasons for its administrative or quasi-judicial decisions to the affected persons"***.

In compliance of the above provisions of the Act, all the levels of the Government – the Centre, States and Local Bodies, including Village Councils (Panchayats) have put all the records in public domain, through publications as well as internet in the regional languages. And, to facilitate the access to information, a citizen has, u/s 2 (j) of the Act, the right to:

- (i) inspection of work, documents, records;
- (ii) taking notes, extracts or certified copies of the documents or records;
- (iii) taking certified sample of material; and
- iv) obtaining information in electronic form, if available.

Thus, all the public authorities have duly placed the information in public domain and that a citizen has the right to observe as to what is going on inside an organization.

In the cases where the information sought for are not provided within the stipulated period of 30 days or the information furnished are incomplete, misleading or incorrect, a requester is free to file a complaint or appeal before the Information Commission, for necessary directions to the parties as per the provisions of the Act.

The Commission, u/s 20(1) of the Act, has the mandate, *inter-alia*, to impose penalty and/or to recommend disciplinary action against the information providers, if held responsible for obstructing the free flow of information. The Commission may also award compensation for any detriment suffered by a requester for seeking information.

The information seekers and the NGOs have put pressure on the public authorities for promoting the culture of openness in functioning of the Government. A large number of PIOs have already been fined for violation of the provisions of the Act, which has, in effect, created conditions for providing information to a requester.

Due to perceived benefits of transparency and accountability, RTI applications have annually increased by 8 to 10 times. There is thus massive use of the right to know. Of the millions of applications for information, less than 5 per cent have been denied information under various exemption categories, u/s 8(1) of the Act, on the grounds of national interest, personal or third party information or those pertaining to commercial confidence, the disclosure of which would affect competitiveness of public authorities.

In effect, thus, there is greater transparency than ever before in the working of the public bodies. In a large number of cases, the Commission has ordered for providing the details of the decision-making processes, which include 'file noting, cabinet papers, records of recruitment, selection and promotion of staff, documents pertaining to tender processes and procurement procedure, the lists of beneficiaries of the Government's subsidized schemes, such as, food grains supplied through ration shops, water and electricity, domestic gas, educational and health facilities, shelter for poor, muster rolls under employment guarantee schemes, health insurance scheme for poor, old age

pension, food security for destitute, etc. The disclosure of vital information, such as above, has thus resulted in checking corrupt practices in delivery of services and ensuring the reach of entitlements to the poor.

The disclosure of information relating to use of funds allocated to poverty alleviation schemes, MLA/MP local area funds, details of performance of elected leaders, have contributed to advocacy in the election campaign to highlight the roles of political leaders in fulfilling their obligations. The media and civil society have raised development issues, based on facts about the use of funds as well as the best practices in formulation and implementation of pro-poor schemes. The citizens are thus better informed about the performance and contributions of the elected representatives, which augurs well for a healthy democracy and democratic governance of projects.

## **2.2. Promotion of Citizen-Government Partnerships**

The RTI Act provides a framework for promotion of citizen-government partnership in designing and implementation of development programmes for improving quality of life, which calls for increasing people's options for higher earnings, better education and health care, a cleaner environment and a richer cultural life.

The principle of partnership is derived from the fact that people are not only the ultimate beneficiaries of development, but also the agents of change. The stakeholders' participation leads to better projects and more dynamic development.

Under the RTI regime, citizens' participation has been promoted through (a) access to information and involvement of affected groups/communities in design and implementation of projects; and (b) empowerment of local government bodies at village level through the involvement and cooperation with NGOs/self help groups.

The pro-active disclosure of information has enabled the beneficiaries, mainly through NGOs, to assume a central role in design and execution of projects. RTI has instilled a wider sense of ownership in the development activities. Besides, access to information has enabled the people to participate in economic and political processes through a dialogue between people and the government officials or public campaign on public policies.

For instance, information obtained under RTI, in respect of utilization of funds allocated under various welfare schemes, have been used by NGOs and media to create awareness among the masses about the contributions of the political leaders, which have had desirable impact on the outcome of democratic process.

Therefore, almost all the welfare projects, particularly at the States and Village levels, are being designed and developed in cooperation and support with the NGOs or affected persons, with a view to raising the satisfaction level of people. A high degree of participation by the people in realizing the assured entitlements is unprecedented in the economic history of India. This is

corroborated by the fact that rural to urban migration is, for the first time, showing the sign of deceleration.

### **2.3. Greater Accountability**

The RTI provides people with the mechanism to access information, which they can use to hold the government to account or to seek explanation as to why decisions have been taken, by whom and with what consequences or outcomes. In addition, every public authority is required *'to provide reasons for its administrative or quasi-judicial decisions to the affected persons'* u/s 4(1)(d) of the Act. There is therefore no scope for any arbitrary decision.

Until the implementation of the RTI Act, it was not possible for an ordinary persons to seek the details of a decision making process, which was found most often, as ineffective in terms of its outcome. It was, therefore, not possible to hold a free and frank discussion on issues of common concern of people or to fix the responsibility for any action. Such an era of darkness in policy planning, including monitoring and evaluation of schemes by affected persons, is over.

The information regime has, in effect, created conducive conditions for every one to have a better understanding of how the government works or how a particular decision was reached. Such a chance given to people empowers them to make appropriate choice of leadership and the policies that affect them. This has begun to happen with salutary effects on delivery of socio-economic services, particularly for the poor.

For instance, being full aware that the records pertaining to the decision making processes, including file notings, are required to be put in public domain, the concerned officials at all levels objectively record the reasons for the observations made by them. And, due care is taken to formulate a professionally sound policy that meets people's expectations. Attempts are also made to effectively implement the programmes as the relevant details are proactively disclosed. In effect, thus, the quality of decision making and delivery of services have duly improved.

Also, due to effective implementation of the flagship programmes for poverty alleviation, and infrastructure development, the mis-match between the planned targets and actual realization has, of late, been minimized, which has enabled the people to build their strengths and abilities to realize their socio-economic objectives. We shall return to this again in the following paragraphs of this paper.

Even before the enactment of the right to information, poverty alleviation and empowerment programmes were implemented but the achievements were always below the general expectations, mainly because of the absence of the transparency and accountability norms. Lack of legal right to know and to scrutinize the public action or to question the authority contributed to inefficiency and corruption resulting in lower outcomes of public activities. With empowered citizens and free flow of information, there is significant quantitative and qualitative improvement in the delivery of services.

For instance, disclosure of information relating to:

- i) attendance of staff in schools has helped in checking teachers' absenteeism and students' drop out;
- ii) attendance of doctors and nurses at primary health centres has led to improvement in health care facilities in rural areas;
- iii) the details of supplies and distribution of food grains through ration shops has assured the reach of entitlements to the beneficiaries;
- iv) the supply and demand for petroleum products, such as, domestic gas has reduced black marketing;
- v) muster rolls and beneficiary of employment guarantee schemes has exposed corruption and ensured effective delivery of services to the poor who are entitled for wage employment on demand for at least 100 days in a year @ Rs.60 – 80 per day, which means additional income of Rs.6000 – 8000 per year; and
- vi) allotment of retail outlets (petrol pumps) and agencies for distribution of LPG gas, including the registered beneficiaries has ensured fair play and objective decisions, as reflected from substantial reduction in litigation cases in the matter.

The disclosure of the list of beneficiaries for income support like wage employment and subsidized food grains and subsidized services like domestic gas has helped in weeding out the fictitious names, resulting in better targeting of services to the poor. And, reduction in corruption due to checks on black -marketing of subsidized goods and services.

As a result of increased Government's accountability in delivery of services, rural to urban migration has, of late, decelerated, as widely reported in the media. This is also corroborated by the findings of a national level survey conducted by the Transparency International and the Centre for Media Studies. The survey has revealed that in the opinions of 40 per cent of respondent (all below the poverty line), corruption and mal-practices in implementation of poverty alleviation programmes have declined due to RTI induced accountability of the Government and its functionaries at various levels.

RTI route has generally been followed by a large number of people for resolving disputes between the parties on the issues pertaining to the decisions on administrative, business and commercial matters. Disclosure of information regarding the process of decision making or the grounds for action taken has helped resolve disputes on such issues as claim of refund of taxes paid by the individuals/companies, settlement of insurance claims, payment of dues of contractors, process of sanction and recovery of loans, etc.

Since a reply is to be given within thirty days, disputes have been resolved faster than never before in the India's history. A large number of grievances pertaining to service matters, mainly promotion and pension benefits have also been redressed due to openness and promptness in taking action on requests made under the RTI.

As a result, filing of appeals in the Courts has substantially declined, as reported, for instance, by the Oil Marketing Companies, which grant dealerships for distribution of petroleum products through retail outlets and domestic gas agencies. The Courts have also advised the petitioners to obtain information under the RTI before filing the cases before the Courts. It thus shows a strong and positive impact of RTI on transparency and accountability of the Government.

#### **2.4. Reduction in Corruption**

The culture of secrecy, as known, encourages the government officials to indulge in corrupt practices, which result in lower investments due to misuse of power and diversion of funds for private purposes. As a result, the government's social spending yields no worthwhile benefits, because, for instance, the teachers do not teach, doctors and nurses do not attend health centres, ration card holders do not receive subsidized food grains and, thus, livelihood support is denied, and the promised jobs are not provided to the poor, who are assured of income support. In the process, it perpetuates poverty and harms the poor. It creates an environment of distrust between the people and the government, which impinge upon the development and jeopardize democratic governance.

Under the RTI regime, there is unprecedented transparency in the working of public departments. There is thus better understanding of the decision making process and greater accountability of government. This has led to reduction in corruption in the country as evident from the following:

- i) The Transparency International (TI) has reported that perceived corruption in India has declined, due mainly to the implementation of the RTI Act. This is evident from corruption reduction score of 3.4 (out of 10) in 2008, after an initial rise of 3.5 in 2007, compared to 2.99 in 2006, which indicate a decline in corruption to the extent of 15%.
- ii) The TI-CMS has recently accomplished an all India survey study of the poor below the poverty line. The views of the poor have been elicited in respect of all the flagship programmes that have been implemented for alleviation of poverty. At least 40 per cent of the respondents have reported that corruption has declined.
- iii) It has also been observed that wherever NGOs are actively involved in the development activities, the perceived corruption is abysmally low.

### **3. RTI and its Impact on Major Indicators of Development**

The challenge of development is to improve the quality of life, which calls for increasing people's options for higher earnings, better education and health care, a cleaner environment and a richer cultural life.

The record of long-term performance show that while there has been steady progress in improvement of the major indicators of development, the achievements fall far short of our expectations. At least, one third of our people suffer from all forms of deprivations, such as, inadequate livelihood support, lack of basis education and health care.

Of the various factors attributable to slow progress, lack of effective mechanisms for sharing information and knowledge and people's participation in governance of development projects, is chiefly responsible. Since people's participation in decision making process is essence of democracy, they have the right to access information held by the public bodies.

In this backdrop, rights-based approach to development has proved to be very effective in realizing socio-economic goals, as this approach provides legal guarantee for realizing entitlements and promoting empowerment of people. And, the implementation of RTI provides a framework for promoting Citizen-Government participation in development process.

People can access information held by the Government to develop an understanding as to how they are affected or how can they benefit from the programmes? While the Government has obligations to function in an open and transparent manner, people have right to observe and scrutinize decision making process, which forms the basis for seeking accountability of the Government.

Of late, there has been massive use of right to know by the citizens, including the poor, who have sought to empower themselves with the new ideas, information and knowledge for changing the way they live in. The issue therefore is whether the use of RTI has helped in improving accountability of Government, resulting in realization of entitlements of poor, through effective delivery of services.

It must be admitted that the observations made herein below are largely based on the direct feel, which I have had during the last three years of my experience that I gained as a Central Information Commissioner, while adjudicating on the petitions submitted before me. The feedback obtained from the appellants, PIOs and the activists has been of immense value in providing desirable inputs and perspectives on RTI and its linkages with the factors that affect the welfare of people.

### **3.1. Poverty Alleviation**

RTI is used as a tool for facilitating effective delivery of socio-economic services. RTI empowers people to seek details about their entitlements and, accordingly, to take informed decisions in all matters affecting them so as to secure equity and justice.

Recognizing the significance of right to know for ensuring free flow of information and good governance, the RTI Act exempts the poor from payment of fees of Rs.10/- for seeking information. And, the information is to be furnished within the stipulated period of thirty days, failing which penalty may be imposed.

An estimate reveals that at least 20 per cent of the information seekers are those who belong to BPL category. In rural areas, this share is as high as 37% of the total applicants. They have, in general, sought to know the details

of services assured to them and the reasons as to why the services meant for them are not reaching them. In the RTI regime, the poor persons armed with information through the exercise of right to know, are getting increasingly involved in designing and implementation of poverty alleviation programmes, as discussed below.

### **3.1.1. Guarantee of Income and Food Security**

The Governments – the Centre and States – have launched from time to time a number of schemes for providing wage employment to the poor, the benefits of which have hardly reached them due to ineffective implementation of programmes, including rampant corruption.

In the absence of right to information, it was not possible to create conditions for accountability of public servants or authorities, which resulted in both perpetuation of poverty and unproductive use of resources that were allocated for eradication of poverty. In this backdrop, the adoption of rights-based approach is significant to weed out corruption and to guarantee the reach of entitlements of poor persons.

Accordingly, almost all the poverty alleviation programmes are designed such that a citizen can observe and scrutinize the public activities with a view to providing critical feedback for shaping the policies and programmes that would assure optimum gains to society, particularly the poor. In this context, a mention may be made of the following schemes:

**i) *Implementation of NREGA:*** With a view to providing work opportunity on demand for at least 100 days in a year and to secure livelihood of people in rural areas, NREGA has been implemented. The right to work has thus been legally guaranteed and the manner in which entitlement for employment is to be claimed has been clearly articulated. Rural poor have been effectively participating in the programme for not only just to secure income security but also to build rural infrastructure, which is critical for raising productivity in the future.

In effect, annual income of a rural job card holder has thus risen by Rs.6,000 - 8000 (100 days x Rs.60 – 80 per day wages), which is in addition to other incomes. The development of rural infrastructure under the scheme would surely enhance productivity of various activities and augment further opportunities for employment and income.

In view of the above gains, the rural community in cooperation with the Panchayats (Village Councils) has been effectively participating in changing the landscape of poverty scenario in the country. The outcome is encouraging as the affected persons are able to get their grievances redressed under the provisions of the RTI Act.

Taking advantage of the transparency norms, which are duly built in both the NREGA, and the right to information, people have sought to know the details of schemes and its relevance to the rural community, utilization of funds,

payment of wages to the target beneficiaries, etc. The disclosure of relevant details, such as muster rolls, has helped in containing corruption, ensuring the reach of benefits to the target groups and identification of officials responsible for creating obstruction in effective implementation of programmes. The RTI has thus proved very effective in providing grounds for initiating remedial actions with a view to realizing the objectives of public policies.

For urban poor, Jawaharlal Nehru Urban Renewal Mission (JNNURM) has been launched to provide basic services, namely, water supply and sanitation, transport, education, health care, etc. Through RTI, citizens ensure effective delivery of services in a time bound manner, which has desirable impact on poverty reduction and quality of life in urban areas.

ii) **Mid-Day Meals to School Children:** As a measure of food security, all the school children are provided with mid-day meals in schools, which not only helps in reducing nutritional deficiency among the poverty stricken children but also enhances their learning attainments due to adequate intake of balanced diets. All the stakeholders, mainly the students, teachers and parents, are able to observe and monitor the service delivery system. Since there has to be almost total openness in operationalisation of the scheme, people have access to relevant information, which they utilize for improving effectiveness of the scheme. This, in turn, assists in reducing both food poverty as well as dropouts, which have been rampant among the children from poor families. In effect, the scheme improves physical health and learning abilities of children.

iii) **Integrated Child Development Scheme (ICDS):** One of the components of this scheme is to provide nutritional support to children from poor families. The use of RTI by the target group, including the NGOs, has ensured effective implementation of the scheme to the advantage of the poor children.

iv) **Grant of Food Security and Pension for the Poor Senior Citizens:** With a view to providing income and human security to the poor and destitute, financial assistance to families with low means of subsistence is provided to all poor persons, above 60 years. The grant of pension of Rs.500/- per month has been universalized. Moreover, the destitute are entitled for 10 Kgs of food grains per month free of cost. Those who could not claim for their entitlements of pensions or free food grains, for different reasons, are able to do so through the use of RTI. There are umpteen numbers of instances which demonstrate that the people are accessing the above benefits that have been assured by the Government. The issue of livelihood being important as it affects life and liberty of people, information is furnished within 48 hrs as per the provisions of the Act.

Since these schemes, namely, ICDS, mid-day meals, NREGS and old age pension cover the entire target population, and the Government is committed to implement these schemes and is actually doing so, there is no reason why the food poverty cannot be annihilated over night. The RTI encourages everyone to ask the Government to explain as to why assured benefits are not

reaching them. And, by asking this, grievances are redressed under the auspices of the Information Commission.

### **3.1.2. Delivery of Services under Subsidized Schemes**

The Governments have launched a number of schemes which make essential services available to the poor at low rates. Under the schemes, such items as food grains, kerosene, sugar, etc, are provided to the poor in order to alleviate costs burden on them. Besides, subsidy is provided for housing, education and health services.

i) **Public Distribution System (PDS):** The implementation of schemes like Public Distribution System (PDS) has, till recently, been adversely affected by unacceptably poor quality of governance at all levels of execution of the scheme, resulting in leakages and siphoning of materials to non-poor.

The issue of how to improve the quality of governance at all levels of public administration to curb leakages and plug loop holes has never been effectively addressed. However, under the RTI regime, which seeks transparency and accountability of public bodies, the quality of governance has begun to improve, as discussed above in this paper.

As a result, the services meant for the poor are reaching them since the beneficiaries are using RTI to seek such details as the stock of supplies and distribution, rate lists, list of beneficiaries - the disclosure of which ensures weeding out of fictitious names. It has thus been possible to curb corruption and plug loopholes in the PDS, which, in effect, has improved the delivery of services and, thus, reduced incidence of poverty also.

ii) **Shelter for the Poor:** Housing is recognized as one of the human rights since a shelter is essential asset that improves physical and mental well-being of people. Accordingly, under *Indira Awaas Yojna* (IAY), financial support is provided to the rural poor for construction of houses as per their choice of design and requirement. The scheme is fully participatory between the Government and beneficiaries as per the guidelines which are in public domain. The identified beneficiaries, having known of their entitlements, are able to create effective demand for release of funds, for construction of houses. The instrument of RTI has helped in maintaining total transparency in operationalisation of the scheme, which, in effect, minimize corruption and improve satisfaction level of target groups.

### **3.2. Human Capital: Education and Health Care**

Education and health care are critical services for empowerment of people, in general, and the poor, in particular. In the knowledge economy, which is driven by new ideas and technologies, it is not possible to function and expedite the process of national development without enhancing the technical and professional competence of the entire manpower. The share of educated and vocationally trained labour force in the total manpower is one of the lowest, below 5% for the country, as compared to other countries, having a corresponding share of 60 to 80%, with which India has to compete in the global market.

The implementation of relevant policies and programmes in the past has yielded less than desired results due mainly to lack of people's participation in delivery of services that empower the poor. The use of RTI has contributed to improvements in quality and quantity of services under the following flagship programmes.

i) **Sarva Shiksha Abhiyan:** Under this scheme, the Governments have committed to provide minimum school infrastructure for universalization of elementary education. In the absence of any question asked by the major stakeholders, mainly students or parents, quality of education was compromised and there was no check on drop-out or teachers' absenteeism. But, under the provisions of the RTI, the citizens have raised issues pertaining to management of the schools, mainly the availability of infrastructure support, teachers' attendance, students' enrolment and performance, implementation of mid-day schemes, utilization of funds and process of recruitment of teachers.

The Government has been providing financial assistance, including scholarships to the students from deprived groups, mainly women, SC/ST, minorities and physically challenged persons. Through the use of RTI, the target groups are able to claim for their entitlements, which was, however, not possible before the implementation of the Act. The participation of deprived groups in the educational processes has thus been encouraged.

In effect, thus, there are signs of improvement in the schools' performance since the parents and the civil society have asked the school authorities to provide explanations in respect of all those activities, which are contrary to the accepted policies, norms and guidelines and people's expectations.

In the areas of technical and vocational education, including higher education, the governments have articulated plans for expansion of facilities and improvement of quality of teaching and research. Through the use of RTI, the progresses made are monitored by the information seekers, who have raised issues and sought for details relating to the expenditures on various educational activities, namely, admissions and recruitment processes, conduct of examinations including disclosure of answer sheets. The involvement of students and teachers have thus exposed the extent to which relevant policies, norms and guidelines are followed, which, in effect, have been helpful in improving both internal and external efficiency of education system.

ii) **National Rural Health Mission:** Healthcare services have largely remained on paper due to lack of accountability of staff. Using the tool of RTI, the citizens have sought for details of primary health services. The disclosure of such details as stock of medicines and its distribution, procedure for procurement of medicines, attendance of medical staff and number of patients treated, etc., has resulted in better management of primary health centres. Thus, in pursuance of the goal of the Mission, access to primary health care

has significantly improved, which is due to the use of RTI by the poor, who are ultimate beneficiaries of the rural health policy.

The people's pressure on improvement in health services in urban areas is even more pronounced as the Government hospitals as well as private hospitals have, of late, become somewhat more responsive to the needs of common man, who are duly aware of their human rights than those in rural areas. The RTI has thus created effective demand for improvement in quality of services provided by the hospitals.

iii) **Aam Admi Insurance Scheme:** Under the insurance scheme and family benefit scheme, the Government provides financial support to the specified groups of the poor families. Whenever there is perceived laxity or delay in extending the benefits to the beneficiaries, the implementation agencies have been called upon to explain the reason for delay or denial of assistance to the poor, failing which penal action are initiated against the responsible persons.

### 3.3. Basic Economic Infrastructure

An informed citizenry, armed with information obtained under the provisions of Act, have not only been promoting participatory governance but also putting considerable pressure on the Government for effective implementation of flagship programmes like *Bharat Nirman*. This programme seeks to provide critical infrastructure like rural roads, electricity, water and sanitation for rural population. It is expected that the partnership between citizen and the Government would help create solid infrastructure, which, in turn, would create conducive conditions for improving quality of life.

Over two hundred fifty **public enterprises** under the Central Sector have been engaged in development of infrastructure as well as various utility services in the areas of transport and communication, banking and insurance services, power, etc. Issues relating to efficient management of such enterprises have been raised to seek accountability in terms of the stated objectives. These include disclosure of details pertaining to costs and pricing policies, use of resources, choice of technologies, competition strategy, fairness and objectivity in finalization of tenders, recruitment and promotion of staff. An informed and enlightened citizenry has been able to create conditions for good governance through openness in functioning of public enterprises. In this regard, the following specific nature of cases may be mentioned:

- i) Manipulations in tendering processes or outsourcing of various services have been major source of corruption or diversion of funds for private purposes. Scrutiny of the decision making processes have discouraged the Government companies from their indulgence in corrupt practices;
- (ii) The process of selection and award of retail outlets and domestic gas agencies, having been, of late, in public domain has not only checked malpractices in the selection process but also controlled black-marketing of subsidized services, namely, petrol, kerosene and cooking gas; and
- (iii) People have sought to know the adherence of environmental norms by the manufacturing companies for checking water and air pollutions, maintenance

of ecological balance, etc., resulting in desirable impact on sustainability of environment.

A large number of public enterprises under the States' sector have similarly been called upon to improve their performance and show results in terms of their accepted corporate social responsibilities.

### **3.4. Empowerment of Weaker Sections**

The development initiatives have duly laid emphasis on protection of vulnerable sections of the society, mainly women, SC/ST, minorities and disabled persons. In almost every policy and scheme for promotion of welfare and empowerment of deprived groups, there are relevant components that assure the reach of specified benefits through the policy of preferential treatments and positive discrimination. Having known the entitlements for reservations in employment and admissions in educational institutions, scholarships, old age pensions, health insurance, etc., the citizens have begun to effectively realize the entitlements through the use of RTI. The deficiencies in implementation of policies, if any, have also been raised, which provide necessary feedback for formulating sound policies for empowerment of weaker sections. There are umpteen numbers of cases pertaining to human rights issues that have been raised by the affected persons and groups, who seek accountability of service providers and the concerned departments.

### **3.5. Environmental Protection**

A clean environment is closely associated with issues of human rights. In carrying out their obligations, all the public and private enterprises are required to adhere to specific norms and standards so as to ensure sustainability of environment. The citizens, armed with information, have questioned the polluting units, particularly the regulatory bodies, and sought to know whether the prescribed standards for protection of environment are adhered to.

RTI induced people's pressure on the public authorities has led to: (a) closure of certain polluting units; (b) stoppage of projects having adverse impact on environment; (c) adherence to the norms and standards prescribed by the regulatory bodies; and (d) exposure and identification of officials who are responsible of violation of environmental norms. The NGOs and affected persons have made use of RTI as a tool to monitor the standards for environmental protection. As the polluter has to pay for the damages, the use of RTI has been effective in ensuring environmental sustainability.

Finally, the information seekers have sought for details of utilization of funds earmark for MPs/MLAs local area development so as to seek accountability of elected leaders. The activities and performance of people's representatives, in matters of the development of local areas are considerably exposed, which has begun to show positive sign for democratic governance of projects and efficient utilization of funds. The relevant information is used for the purpose of political campaign to influence the outcome of election results in favor of honest and competent leaders. In effect, thus, RTI has empowered people to

take charge of development of the areas where they live in. And, thus, effectively realize their entitlements through the exercise of their legal rights for access to essential services including protection of human rights that are critical for maintaining a decent standard of life.

#### **4. Concluding Remarks: Tasks Ahead**

Right to know, as a tool to access public held information, has significant bearing on good governance, development and the implementation of flagship programmes for alleviation of poverty. India's economy in the last three years has grown at unprecedented high rate of about 8 per cent per annum, which also coincides with RTI induced good governance. This is unprecedented in India's history of development. A common man, like an elected Member of Parliament (MP), is empowered to seek accountability of the Government in terms accepted policies and approved budgetary expenditures.

The Central and the State Information Commissions have played a critical role in enforcing the provisions of the Act as well as educating the information seekers and providers. Without their statutory interventions, including use of penal provisions against the public authorities, the benefits of RTI could not have been reaped by the citizens and the society. The implementation of the law on right to know for setting up information regime, therefore, augurs well for strengthening the knowledge society as well as for increasing the accountability of public bodies.

The trend in improvement in delivery of services, due to the perceived good governance, provides sufficient indication for alleviation of poverty, good health and liquidation of illiteracy in a much shorter duration than envisaged for the realization of Millennium Development Goals (MDGs).

RTI has enabled people to participate in the process of development, which has resulted in reduction of corruption and establishing an open and participatory governance system. In effect, RTI protects and promotes the socio-economic interests of every citizen, particularly the poor, who are receiving the benefits of development as per their entitlements.

With a view to realizing the development goals, the followings are suggested to strengthen the RTI regime:

**First**, all the development projects, particularly poverty alleviation programmes should incorporate transparency and accountability norms to allow for objective scrutiny of the process of execution of programmes and to assess the extent of adherence of the norms of equity and justice in delivery of essential services to the persons who are entitled for the specified benefits.

**Second**, with a view to reaping the benefits of RTI for rapid poverty reduction, the Government should develop the capacities for access to information. The capacities of both the public authorities (i.e. the duty – bearers) and the citizens (i.e. the claim holders) may have to be enhanced, for which a two-pronged strategy would be needed.

i) A comprehensive Information Management System should be developed by each public authority for storage and retrieval of data and information that may be shared with anyone who seeks to inspect the records and use the information for development purposes. Use of information technologies would not only facilitate faster dissemination of information but would also reduce the costs of servicing and sharing information.

ii) In order to properly manage the demand for information from the NGOs, in general, and the citizens, in particular, a concerted effort should be made to create mass awareness among the people to promote information literacy. Awareness level among the poor is less than 10 per cent, which is a major obstacle in reaping the benefits of RTI for securing entitlements to the poor.

**Third**, in view of high illiteracy among the poor, a multimedia approach should be adopted to educate and train people of diverse linguistic backgrounds. They should be enabled to decide and select as to what information should be sought for and that from where and how? Besides, they should also know as to how to make best use of information for effective participation in economic and political processes. This alone can ensure cost-effective use of the provisions of the RTI Act and promote efficient use of resources that are allocated for development purposes, including poverty alleviation.

**Fourth**, the role of NGOs is critical for creating effective demand for maximum disclosure of information relating to public activities so that an informed citizenry can participate in designing and implementation of socio-economic programmes. This task is challenging in deed. At least, one-third persons, largely illiterate, have awfully low level of awareness about RTI and the manner in which it could be used as a tool to ensure the realization of their entitlements. Therefore, increase in awareness about the human rights and how to realize them would lead to a strong multiplier effects to eradicate poverty and to create necessary conditions for good governance, of which all the stakeholders would be duly proud of.

**Finally**, democratization of information and knowledge resources is critical for people's empowerment to realize the entitlements as well as to augment opportunities for enhancing the options for improving quality of life. The strengthening of information regime is therefore *sine quo non* for promoting democratic governance and right to development.

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