



The evolution of the concept of transparent governance and the right to information in India

Inder Pal¹, Dr. Meenu D. Sharma²

¹ Research Scholar, Faculty of Law, Madhav University, Pindwara, (Sirohi), Rajasthan, India

² Research Supervisor, Faculty of Law, Madhav University, Pindwara, (Sirohi), Rajasthan, India

Abstract

Transparent governance is a fundamental requirement of modern democracy. The historical structure of governance in India has long been based on secrecy and bureaucratic control, but, the concept of transparent governance has continued to evolve as a result of democratic values, judicial interpretations, citizen movements and legislative reforms. The development of the concept of Right to Information (RTI) in India represents a significant change in the democratic framework of the country, advocating transparency and accountability in governance.

The journey of RTI can be traced back to the early judicial pronouncements that emphasized the right to access information to ensure accountability. Initially, public access to government information was restricted, but growing public awareness, social movements, and legal challenges gradually changed this narrative. The Right to Information Act of 2005 is a pivotal step in this development. The present research article analyses the historical and constitutional development of the concept of transparent governance in India, the role of Right to Information, contemporary challenges and its relevance in the digital age.

Keywords: Transparent governance, RTI, good governance, democracy, concept, democracy, fundamental rights, right to information, administrative accountability etc.

Introduction

The success of democratic governance is depends on how transparent, accountable and people-oriented the governance process. The colonial administrative system in India was based on secrecy and control, with limited access to governance for ordinary citizens. Despite the adoption of a democratic constitution after independence, the concept of transparent governance evolved slowly ^[1]. The free flow of information and ideas is crucial for democracy and the effective respect of human rights. This is reflected in the right to freedom of expression. This includes the right to seek, receive, and impart information about a subject. This principle, in practice, guarantees the public free flow of information and ideas, which is at the core of the concept of the right to information.

Human rights are guaranteed in the United Nations Declaration of Human Rights and adopted in the national constitutions of many countries to the extent that individuals must have access to them to realize their fundamental right to participate in governance ^[2]. In the present context, when governance is becoming digital and citizen awareness is increasing, Right to Information has emerged as the most effective tool for transparent governance.

Meaning and importance of the concept of transparent governance

Transparent governance refers to a system of governance in which the decisions, policies, processes and actions of the government are open, accessible and understandable to the common citizens. In this, availability, clarity and accountability of information are given priority over administrative confidentiality ^[3]. The fundamental principle of transparent governance is that governance is conducted by and for the people, so citizens have the right to know how and on what basis government decisions are being taken ^[4].

The importance of transparent governance lies in strengthening democracy. When governance is subject to public scrutiny, the potential for corruption, arbitrariness, and abuse of power is reduced.

Transparency makes the administration accountable to the public and promotes fairness and rationality in decision-making. This increases citizens' trust in governance and strengthens the government's legitimacy.

Furthermore, transparent governance is the foundation of citizen empowerment and good governance. Informed citizens are not only aware of their rights but can also play an active role in the implementation of policies and plans. Transparency promotes participation, accountability and effective governance, thereby ensuring social justice, development and protection of democratic values.

The concept of the Right to Information plays a vital role in reducing corruption, increasing accountability, and access to information, and deepening trust between citizens and governments. Public access to government information helps individuals better understand the role of government and the reasons behind government decisions.

They can be held accountable for their policies, and an informed citizenry can more effectively select its representatives. The information law can be used to request information from the public to improve health care, education, and other services.

The importance of the right to access information held by public bodies, called the right to know, has been recognised in Sweden for over two centuries. However, the important thing is that in the last ten to twenty years it has gained widespread recognition in all parts of the world.

The right of access to information held within government institutions is generally justified as a means of promoting political participation. It has been argued that this is necessary to access the fundamental rights to freedom of thought and expression.

The Right to Information has played a vital role in efforts to reduce corruption, increase accountability, and deepen trust between citizens and their governments. Public access to government programs and policies through this Act helps individuals better understand the role of the government and the decisions being taken on their behalf ^[5]. So that citizens can choose their representatives more effectively. Equal access to information laws can be used to improve people's lives as they request important information related to health care, education, and other public services ^[6].

The right of access to information held in government institutions is usually justified as a means of promoting political participation. It has been argued that such access is necessary for the realization of the fundamental rights to freedom of thought and expression. It is essential for people to have unhindered access to their fundamental right to participate in the governance of their country and live within a system based on the consent of the citizens. In any state, especially in states where civil society's policy-analysis capabilities are poorly developed, rights to political participation cannot be effectively exercised without access to government information ^[7].

Knowledge and transparency are the antidotes to the dark forces under which corruption and abuse thrive. Democracy depends on an informed citizenry whose widespread access to information allows them to participate fully in public life, set priorities for public expenditure, it enables people to have equal access to justice and hold their public officials accountable. When government and semi-government agencies operate under a veil of secrecy, the people are denied the right to know about public affairs, and the press is left to rely only on speculation and rumors ^[8]. Meaningful participation in democratic processes requires informed participants. Secrecy reduces the information available to citizens, hindering their meaningful participation ^[9].

Freedom of information is gaining acceptance in many new constitutions adopted in countries undergoing democratic transition. To give practical effect to this right, it is being implemented in laws and policies by a rapidly increasing number of countries and international organizations ^[10].

The right to know which establishes the notion that all information held by public bodies should be subject to disclosure unless there is an overriding public interest justification for its disclosure. This principle also implies the introduction of effective mechanisms through which the public can access information. This includes request-driven systems as well as the active or suo motu publication and dissemination of key content by custodians of such information ^[11].

Historical Evolution of the Concept of Transparent Governance in India:

The concept of transparent governance in India can be traced back to the colonial period, where the fundamental nature of governance was based on secrecy and control. The British administration centralized power through laws and regulations and kept administrative information away from the general public ^[12]. Laws like the Official Secrets Act of 1923 limited the possibilities for transparency by treating information as state property. During this period, the goal of governance was administrative control, not public participation.

The demand for transparent governance began to emerge ideologically during the independence movement. Mahatma

Gandhi and other national leaders emphasized responsible and ethical governance, in which rulers are accountable to the people ^[13]. Although this idea could not be fully implemented in practice, the freedom struggle made it clear that in democratic India the privacy of governance would have to be subordinated to the rights of the people.

After independence, with the implementation of the Indian Constitution in 1950, the concept of transparent governance got an indirect constitutional basis. The fundamental rights enshrined in the Constitution such as freedom of expression, equality and right to life encouraged a spirit of openness and accountability in governance. However, in the early decades the administrative culture remained influenced by colonial traditions and secrecy prevailed.

In the 1960s and 1970s, the judiciary played a significant role in promoting transparent governance. In several decisions, the Supreme Court recognized the "right to know" as an integral part of freedom of expression. These judicial interpretations proved that in a democracy it is necessary for citizens to be aware of the government's actions, so that public control over governance can be established ^[14]. In the 1990s, economic liberalization, globalization, and the strengthening of civil society further strengthened the demand for transparency. Various mass movements, particularly those related to information and accountability in rural areas, made it clear that development and welfare are possible only through transparent governance. In this era, transparent governance came to be considered an essential element of good governance ^[15].

These historical processes culminated in the Right to Information Act, 2005, which gave legal form to the concept of transparent governance. The passage of the RTI Act in 2005 marked a turning point in Indian democracy, giving every citizen the right to access information held by public authorities.

The RTI Act not only empowered individuals but also made public officials accountable, thereby helping to curb corruption and promote good governance. The institutionalization of Information Commissions at the central and state levels further ensured effective implementation of the Act. The RTI Act has significantly enhanced transparency, but challenges remain in terms of its implementation, resistance from some political and bureaucratic factions, and growing concerns about misuse. However, the development of RTI in India has been a powerful symbol of citizen participation in the democratic process and a step towards making the government more transparent and responsive to the needs of the people ^[16].

Conclusion

The concept of transparent governance in India has developed as a natural outcome of democratic values. Emerging from the secrecy-oriented administrative structure of colonial rule, India gradually moved towards a system of governance in which the public had the right to obtain information about the processes and decisions of governance. This change is a sign of the maturing of Indian democracy.

The Indian Constitution, while not directly mentioning transparency, laid the conceptual foundation for transparent governance through the right to freedom of expression, equality and life. The concept of "right to know" developed by the judiciary made it clear that access to information is

an essential element of democratic governance and without it, accountable administration is unimaginable.

The Right to Information Act, 2005 elevates the concept of transparent governance from a moral and ideological level to a legal right. This Act has provided citizens with a powerful means to monitor the functioning of the government and has made the administration more accountable to the public.

In the present context, the RTI Act has played an important role in strengthening administrative transparency. The availability of information on government decisions, policies, schemes and public expenditure has made the governance process more open and accountable, thereby increasing public confidence.

The Right to Information has also made a significant contribution in controlling corruption and establishing control over administrative discretion. When administrative actions come under public scrutiny, the possibilities of arbitrariness, favoritism and abuse of power automatically reduce, which is essential for good governance.

The concept of transparent governance has taken on a new dimension in the digital age. E-governance, online portals, and digital services have simplified the availability of information and the RTI Act has provided legal backing to this digital transparency. This has reduced the distance between government and citizens.

Although transparent governance and the right to information strengthen democracy, balancing confidentiality, national security and individual privacy remains a complex challenge. In the present context, it is essential that the principle of transparency is used judiciously and within constitutional limits.

Problems such as high pendency of cases in Information Commissions, weak enforcement of suo motu disclosure and protection of RTI activists continue to hinder the effective implementation of transparent governance. Without addressing these challenges, the goal of transparency cannot be fully achieved.

Looking ahead, it is essential to further strengthen the Right to Information Act institutionally. Administrative training, technological enhancements, citizen awareness, and clear policy guidelines can make transparent governance more effective.

It can be said that the development of the concept of transparent governance in India and the Right to Information are complementary to each other. In the current context, the Right to Information Act remains a powerful tool for transparency, accountability, and citizen empowerment. With appropriate reforms and a balanced approach, this Act can further strengthen the culture of good governance in Indian democracy.

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