

Shining Light on Democracy: The Triad of Good Governance, Transparency, and the Right to Know"

Siddharth Keswani

"Better one's own duty (Dharma) ill-performed than the duty of another well-performed. Performing the duties prescribed by one's own nature, one incurs no sin."

The above quoted lines mean and emphasize on the importance of adhering to one's duties and responsibilities, suggesting that individuals, including those in governance, should focus on fulfilling their own roles rather than seeking to perform the duties of others. Governance is essentially the delegation of tasks and obligations assigned by approved individuals or authority. Good governance involves delegating responsibilities to the appropriate person, with the appropriate competencies, at the appropriate time, and with the appropriate degree of power to carry them out.

I. INTRODUCTION

Governance is a broad and multifaceted concept that refers to the processes, structures, and mechanisms through which individuals, organizations, or societies make decisions, implement policies, and manage their affairs. It encompasses the exercise of authority, the distribution of power, and the establishment of rules and regulations. Governance occurs at various levels, including individual, organizational, community, national, and global levels.

Key components of governance include

1. **Decision-Making Processes:** Governance involves the formulation and implementation of decisions. This can range from individual decision-making to complex, collective processes in organizations or governments.
2. **Power and Authority:** Governance addresses how power is distributed and authority is exercised. It explores the relationships between leaders, institutions, and the individuals or groups they serve.
3. **Rule of Law:** The rule of law is a fundamental aspect of governance, ensuring that decisions and actions are guided by established laws and regulations. It promotes legal certainty, fairness, and accountability.
4. **Institutions and Structures:** Governance is influenced by the institutions and structures in place, including governmental bodies, organizations, and informal systems that shape decision-making and influence behavior.
5. **Accountability:** Accountability is a core element of governance, holding individuals and institutions responsible for their actions and decisions. It ensures that there are mechanisms in place to assess performance and address misconduct.

II. GOOD GOVERNANCE:

The phrase "good governance" first came up in a World Bank report from 1989. The notion of good governance in the context of international law has also been positively embraced when it comes to human rights. The idea of good governance is increasingly being used in international development literature to resemble normative (rule-setting) formulations, which indicates how much it upholds the universality of civil, cultural, economic, political, and social rights. Good governance is an aspirational concept that represents a set of principles and practices aimed at creating a system characterized by transparency, fairness, accountability, and effective decision-making. It emphasizes the ethical and responsible exercise of power and authority for the benefit of all members of a society. The concept of good governance is particularly relevant in the context of public administration and the functioning of governments. Good governance is associated with efficient and effective administration in a democratic framework. It is regarded as a responsive, compassionate, and citizen-friendly administration. When international and bilateral organisations like the World Bank, UNDP, OECD, ADB, etc. realised that the state of governance in the aid recipient nations had a significant impact on project performance, good governance became a potent concept. In its broadest sense, administrative law views good governance as a normative ideal that requires the State to carry out its duties in a way that upholds the principles of effectiveness, integrity, and responsiveness to civil society. Good governance is a cornerstone of a just and

equitable society. It encompasses a set of principles that ensure effective, accountable, and transparent decision-making for the benefit of all citizens. Two fundamental principles within the realm of good governance are transparency and the right to know. These principles form the bedrock of an open and participatory system that fosters trust between the government and its citizens.

There are in total eight principles of good governance, which are as follows :

1. **Transparency:** Transparency involves openness and accessibility of information. In a system of good governance, there is a commitment to providing clear, timely, and accessible information about decisions, policies, and actions.
2. **Participation:** Good governance encourages the active involvement of citizens in decision-making processes. This includes mechanisms for public consultation, engagement, and participation in shaping policies that affect their lives.
3. **Rule of Law:** Good governance upholds the rule of law, ensuring that decisions and actions are consistent with established legal frameworks. This principle promotes stability, predictability, and fairness.
4. **Responsiveness:** A system of good governance is responsive to the needs and concerns of the people. It involves timely and appropriate responses to the changing needs of society.
5. **Equity and Inclusiveness:** Good governance promotes fairness and inclusivity, ensuring that all members of society have equal opportunities to participate in and benefit from the development process. It works to address disparities and promote social justice.
6. **Consensus Orientation:** Good governance seeks to build consensus among diverse stakeholders. It involves dialogue and negotiation to ensure that decisions are made with the input and agreement of various interested parties.
7. **Effectiveness and Efficiency:** Good governance emphasizes the effective and efficient use of resources to achieve desired outcomes. It involves accountability for results and the responsible use of public resources.
8. **Accountability:** Accountability is a fundamental principle of good governance, holding individuals and institutions accountable for their decisions and actions. It involves transparency, oversight, and consequences for misconduct.

Transparency : Transparency is the bedrock of good governance, emphasizing openness, accountability, and accessibility of information within the government. It serves as a mechanism to build trust between the government and its citizens. Let's dissect the key components of transparency:

- **Access to Information:** Access to information is a key component of transparency. Governments must provide avenues for citizens to obtain information about public policies, expenditures, and decision-making processes. The right to access information empowers individuals, enabling them to make informed choices and actively participate in the democratic process. Transparency hinges on the idea that citizens have the right to access information held by public authorities. Access to information is not just a privilege but a fundamental right that empowers individuals to be informed about government activities, decisions, and policies. Enshrining this right in laws and ensuring its effective implementation is crucial for creating an environment where citizens can actively participate in the democratic process.
- **Open Decision-Making Processes:** Open government initiatives, such as open data and public consultations, enhance transparency by making government data and activities accessible to the public. These initiatives promote collaboration, innovation, and accountability by allowing citizens to analyse and contribute to the decision-making process. Transparent governance involves making decisions openly, with a clear understanding of the processes leading to those decisions. This means that information about the decision-making process, including the factors considered and the alternatives weighed, should be accessible. Open decision-making not only enhances accountability but also allows citizens to comprehend the rationale behind governmental actions.
- **Disclosure of Financial Information:** Transparent governance demands the disclosure of financial information, budgets, and expenditures. By presenting this information in a clear and understandable manner, governments enable citizens to scrutinize how public resources are utilized, promoting accountability in fiscal matters. Financial transparency is a critical aspect of good governance. Governments must disclose information about public finances, including budgets, expenditures, and

revenues. This not only helps prevent corruption but also enables citizens to evaluate whether public resources are being allocated efficiently and in line with societal priorities.

- **Disclosure of Administrative Information:** Administrative transparency involves providing information about the functioning of public institutions, their structures, and the procedures they follow. This includes making available details about the roles and responsibilities of public officials, organizational charts, and the processes through which decisions are made. Such transparency is essential for understanding how government bodies operate.
- **Whistle blower Protection:** A transparent governance framework includes safeguards for individuals who expose corruption or misconduct. Whistle-blower protection laws are crucial to encourage individuals within government or organizations to come forward with information about wrongdoing without fear of retaliation. This fosters a culture of accountability and discourages unethical practices.

III. NEED FOR TRANSPARENCY IN PUBLIC ADMINISTRATION

1. To guarantee the efficacy of the public service delivery system, transparency is necessary. However, ensuring that public services are provided to the "intended" beneficiaries in a satisfactory and efficient manner requires more than just understanding rights and who is accountable for delivering them.
2. The main concern of citizens in a healthy civil society is the justice and fairness of their governance. A government's governance structures and subsystems need to be economical, efficient, moral, and fair in order to function well.
3. The governance process also has to be fair, rational, equitable, and easy to use. To accomplish these and other attributes of good governance, the administrative system has to be responsive and responsible in addition to encouraging openness and public engagement.
4. Transparency makes sure that the government and its agents at all levels may make sure that the public knows what is happening and why choices are being made. Accountability guarantees that a public worker bears responsibility and accountability for all actions and inactions in government and the ensuing repercussions to the government, society, and citizens.

Right to know : The "Right to Know" is a fundamental pillar of good governance that underscores the importance of providing citizens with access to information held by public authorities. This principle is rooted in the idea that an informed citizenry is essential for a thriving democracy, accountability, and the promotion of transparency within governmental institutions. The Right to Know is recognized as a fundamental human right and is often considered an integral part of the broader right to freedom of expression. It emphasizes the idea that individuals have the right to seek, receive, and disseminate information, especially information held by public authorities. At its core, the Right to Know empowers citizens by providing them with the necessary information to make informed decisions. In a democracy, informed citizens are better equipped to participate actively in civic life, engage in public discourse, and hold their representatives accountable. This empowerment strengthens the democratic fabric of a society.

The Right to Know is closely intertwined with transparency and accountability. Governments are expected to be transparent in their actions, decisions, and policies, and providing access to information is a key mechanism for achieving this transparency. When citizens have the right to know, it acts as a powerful tool in holding public officials accountable for their actions. The right to information, like other right is subject to several exemption / exceptions. There is rational behind exempting areas like national Security, military, Deployment, international relations and like from the RTI ambit, the judiciary has no valid reason to claim such immunity from public gaze. Since Right to Information has turned out to be a grate cheque on the executives, this is said to be strong case for extending the Act, two sectors like the judiciary that remained insulated from it.

Constitutional prospective for Right to know : There is no doubt that the right to knowledge is one of the fundamental rights. As stated in art. 19(1)(a), it is a component of the "right to speech and expression." The process of making decisions is now more efficient thanks to the right to know. It has established accountability and openness in public department operations. The Right to Information Act of 2005's adoption is to blame for the decline in corruption inside governmental agencies.

With the adoption of Article 19 of the Universal Declaration of Human Rights in 1948, which guaranteed that "everyone has the right to freedom of opinion and expression," the phenomenon of the right to knowledge gathered speed. This right encompasses the ability to express one's beliefs freely and the freedom to look for, receive, and share knowledge across all boundaries and media.

The provisions that provides for right to know can be classified in this way:

A) Article 19(1) (a) - freedom to Speech and expression.

B) Article 21

C) Right to information Act, 2005

Article 19(1) (a) - freedom to Speech and expression - The right to freedom of speech and expression is guaranteed to all citizens by Article 19(1)(a) of Clause 2 of 19; however, nothing in subclause (a) of clause (1) shall affect the operation of any existing law, to prevent the state from making any law, insofar as such law imposes reasonable restrictions on the exercise of the right conferred by the said subclause in the interest of India's sovereignty and integrity, security of state, friendly relations with foreign states, public order, decency and morality, or in relation to contempt of court, defamation, or incitement to an offence.

Article 21 - Article 21, which encapsulates the "right to life and personal liberty," serves as a comprehensive provision encompassing a variety of rights and attributes within its ambit. Some of these rights also find resonance in Article 19, creating dual sources for their protection. In the case of *R.P Ltd v Indian Express Newspaper*, the Supreme Court interpreted Article 21 to include the "right to know," emphasizing its role as a crucial element in participatory democracy. Article 21, therefore, confers upon all individuals the right to know, which inherently includes the right to receive information. The scope and breadth of Article 21 are considerably broader when compared to Article 19(1)(a), highlighting the inclusive nature of the right to life and personal liberty. This expansive interpretation aligns with the realities of a changing world, acknowledging that liberty extends beyond mere physical constraints to encompass the full range of rights necessary for the flourishing of individual opinions and the democratic process.

Right to information Act, 2005 - The Right to Information Act, 2005 is essentially a legislative manifestation of the broader right to know. It provides a legal framework through which citizens can exercise their right to know by seeking information from public authorities. The Act empowers individuals to be active participants in governance by making government information accessible to them. The RTI Act not only acknowledges the importance of the right to know but also operationalizes it by laying down procedures and mechanisms for citizens to obtain information. It serves as a crucial tool in the hands of the public to hold the government accountable and ensure that transparency is upheld. The RTI Act is a tool for promoting transparency and accountability in government functioning. It enables citizens to scrutinize government actions, policies, and decisions, fostering a culture of openness.

IV. CONCLUSION

The symbiotic relationship between good governance, transparency, and the right to know serves as the illuminating force behind a robust and flourishing democracy. This triad acts as a beacon, guiding nations towards a governance model that is accountable, inclusive, and responsive to the needs of its citizens. Good governance, with its pillars of accountability, rule of law, and inclusiveness, lays the groundwork for a society where power is wielded responsibly and decisions are made in the best interest of the people. Transparency, as a fundamental component of good governance, ensures that the mechanisms of power are open and accessible, fostering trust between the government and its citizens. Crucially, the right to know emerges as the dynamic catalyst within this triad, empowering individuals with the knowledge and information necessary to actively participate in the democratic process. Recognized as a fundamental human right, the right to know acts as a cornerstone of freedom of expression, enabling citizens to seek, receive, and impart information. In doing so, it not only enhances individual empowerment but also acts as a bulwark against corruption and malfeasance.

In a world where distances are shrinking, and global cooperation is becoming imperative, the principles embedded in this triad are not confined within national borders. They resonate globally, emphasizing the interconnectedness of democratic values and the universality of human rights. As nations navigate

The complexities of the 21st century, embracing the triad becomes not just a choice but a necessity for fostering a world where democracy thrives, citizens are empowered, and governance is truly of, by, and for the people.