

Right to Information: A Way to Crack the Wall of Corruption

Dr. Mohit Sharma,
Amity Law School,
Amity University Madhya Pradesh, Gwalior

Abstract:

Good governance is the pre-requisites for any democratic government that includes openness, accountability, transparency, rule of law and the participation of the common people of the country in the policy making decision. The common people are considered the real sovereign or the master and the government is only the servant of the master. The servant works only for his master not only by making the good policy for them but also by making them informed about the policy necessary for democratic governance. Keeping the common people unaware about the policy is one of the major factor behind the corruption prevails in the country almost at all levels. In order to create the openness and transparency in the good governance there is a need to crack the wall of secrecy. As a result India has also enacted Right to Information Act, 2005 with a view to provide an opportunity to all its citizens to interact with the authorities. This Act is considered as one of the great tool and weapon to crack the wall of secrecy, misuse of power, arbitrariness and corruption. Present paper is an endeavour to discuss the major indicator of corruption along with the use of Right to Information Act, 2005 as a way to crack the wall of corruption.

Keywords: democratic government, corruption, transparency, accountability.

Introduction:

Corruption is a concept which is not a new one for the society and considered an age-old phenomenon. Almost every common people of all religion, caste or sex talk about the corruption and shoulder the responsibility upon the machinery for every problem or failure. The degradation of the socio-economic conditions and progress of anti-national movements or activities is also one of the reason occurred due to the corruption prevails in the very root of secrecy. In order to make the authorities accountable and to bring the concept of transparency and openness in governance the roots only lies in the right to know. The concept of openness and transparency has the mechanism to limit the abuse of discretion and acts as the check on the corruption almost in all regimes.

The root of the corruption always lies in the greed and selfishness along with lack of honesty and integrity that destroys, ruins or spoils any nation or society. Any society equipped with the corruption mostly characterized not only as immoral but also a society having no fear or respect for their laws. A society that accepts the culture of declining the moral principles or prevents the valuing integrity, starts decaying. The simplest and popular definition of the word corruption is explained by the Word Bank that is the abuse of public power for private gain or benefit. There are so many several appearances that come within the purview of the corruption i.e. misappropriations of public goods, bribery, influencing the formulation of laws, rules or regulation especially for personal use, nepotism (favouring family members for any contract or jobs). Apart

some more instances also plays similar role in corruption i.e. exploitation by employers, inequality of wealth distribution, state of economy, low wages and salaries.

The definition of corruption does not mean that it exists only within the public sector and not in the private sector. There are so many large private organisations where the phenomenon of the corruption clearly exists especially in the procurement or even in hiring including those private organisation regulated by the government. Corruption also does not mean to appropriation of public power for personal benefit or gain, it can be used for the beneficial of one's family, friends, class, tribe etc including financial benefit to any political parties. The involvement of money in any transaction is also not necessary for the concept of corruption. Many of the times a public employee got the sick leave and goes on vacation, through this way uses the position for his personal gain and engaged himself in the clear cut act of corruption. A person can be indulged in the corruption even without paying a single rupee as bribe. A person got the degree of the Ph.D. awarded earlier than their batch mates because the Chancellor of the university was in the relation of that person. It is also one of the act of corruption that does not involve the payment of any bribe.

The difference between bribe and gift is essential and necessary to be considered as many of the important times bribe is considered the gift. A bribe implies reciprocity while a gift should not. When a gift converts into any bribe depends upon the number of things as size of the gift, cultural difference, etc even sometimes the gift is given to a person other than the person who provides the favour.

Political Corruption

Whenever the government officials used the power entrusted for their private gain is considered the political corruption but the power entrusted must be directly related to their duties. It creates a very bad impression on any nations living style, occupation, education and most importantly on humanity. The corruption varies but includes mainly patronage, parochialism, nepotism, cronyism, extortion, bribery and embezzlement. It also facilitate criminal enterprise that include human trafficking, money laundering, drug trafficking and more. Political leaders use wealth, women, wine and almost everything in order to win the election including violence, murder, kidnapping injustice etc.

Administrative Corruption

When the person of higher authorities includes officers, police officers and sometimes lower rank persons including peons, clerk's etc uses their position for their private gain is considered administrative corruption. Basically it is a technically term which means infringing on or spreading of the public funds and profiteering from public posts in the society.

Professional Corruption

In order to make much money for better living the businessman and professionals generally made duplicate import items, duplicate medicines even mixes the duplicate hygienic in eatables etc. as animal fats in ghee, kerosene in petrol, stones in cereals, mixture in spices etc. The people involved in such kind of activity do even without thinking about their country or nation and its future.

Corruption (A big problem):

In every developing and developed countries the corruption has become one of the global problem. A person involved in any type of corruption always busy in increasing his money or getting his work done through any means and never worried about his country or nation or its image. Politicians played an important role resulting into the loss of public esteem. It is the culture of India that makes the country famous all over the world and resulted into the country a great country but due to corruption bears losses and damages in the form of investor confidence for investing their amount that affects the economic growth of the country. Corruption also impacts towards a nation's living style, occupation, humanity and up to a certain extent the education.

A study conducted by Transparency International in India in past couple of years has shown that more than 60% Indians were in the habit of paying bribes or influencing the hire authorities of public offices or using their contact to get their work done in public office. One of the largest sources of corruption was the entitlement programme and social spending schemes started by the Indian government. Other sources of corruption also include Indian's trucking industry that pay billions in bribe to very regulatory and police officers who stops their trucks on interstate highways. Some of the main causes of spreading the corruption in India are the complicated taxes and licensing systems, monopoly by the government controlled institutions on certain goods and services delivery, various government departments each with opaque bureaucracy and discretionary powers, excessive regulations and the most important the lack of transparent laws and processes.

Corruption has become one of the major challenges that restrict the development of the country in all respect and has been deep-rooted in the society. Many of the Prime Ministers had accepted that the root of the corruption had rooted both at political and administrative level that should be taken off in order to improve our good governance. Also accepted that the corruption was at very high scale, even in high places and many big fishes were escaping and they should have been caught and severely punished. Corruption is considered the abuse of the entrusted power especially for private gain that generally comprises within some illegal activities, which mainly come into light through some scandals, investigations or prosecutions. In all way corruption indicates a serious problem to the growth and development of the nation.

Transparency and Openness

Transparency is always considered as the information is freely available and directly accessible to all those who may be affected by any of the decision and of their enforcement. Access to any information is a great enabler of transparency and the citizens right to information is considered as the soul of the transparency that improves the quality, ethics and the decision making power of the concerned authorities. In the perspective of governance, openness and transparency refers to the availability of information to all the common public and clearness about the functioning of all government institutions. Without openness and transparency that is unencumbered access to timely and reliable information on the decisions and performance, it would be much difficult to call the general public sector entities to account as failure to supply information on any matter is a major problem with most of the legal system of the developing world. Without the concept of accountability, transparency and openness would be of minute value. The presence of both accountability and transparency is a precondition to effective, competent and equitable management in public institutions.

Accountability

Power corrupts and absolute power corrupts absolutely. Right to Information attempts to lose the power syndrome of those entities that control the communication, gathering, processing, distribution and storage of information system because they will lose their power if such information is transferred from such power group to the common man. By transferring the information from such power groups to the common people they will be made accountable as the notion of democracy prescribed that the government is for the benefit of the common people at large and for the few of the chosen ones. Modern democracy embraces a wider and more direct concept of accountability as that goes beyond the traditionally well deified principle of accountability of the executive towards the legislature. Accountability is possible only when common people have access to information relating to the functioning of the government agencies. Hence not only the government institution but all the private as well as civil organizations must be accountable and responsible towards the public and also to their institutional stakeholders. Accountability is considered as one of the prerequisites for any democratic setup or for good governance. It may be categorized into the four broad types:

- (a) Accountability is accompanying with the awareness of answerability, based on the principle that an individual's identity is determined by one's position held in a structured relationship;
- (b) Liability, that is a second form of accountability, realizes individual identity deep-rooted in more-formalized expectations that developed through rules, contracts legislation and parallel relationships based on the legalistic standing;
- (c) Accountability is accompanying with role-based expectations and such roles stand-in blameworthiness as a source for shaping, directing and leading one's behaviour;
- (d) Accountability expectations are mostly derived from an individual's perceived position in a community where attributions and credits come into play.

Public Accountability

Public accountability is a facet of administrative efficiency and the publication of any information serves as an instrument for the oversight of citizens. Information is considered as one of the means for fighting against the corruption therefore the government that creates or produces the trustworthy flow of information creates greater openness, transparency and accountability. International experience also shows that countries allow their citizen's access to public information held by the government, have checked on the reduction of the corruption and this resulted into the substantial increase in the administrative efficiency.

The public accountability is a part of the governance and the Government consist of public servant is accountable to the public for their service. Therefore accountability and governance is the part and parcel of the government, which acts as principle and the agent and make an impact on the public. When any government agency translates any government policy into any programme, the success of such transaction is very much dependent on a clear understanding and outcome of the result that was sought. There is no surprising fact that the history of accountability and governance within the public has shifted from measuring inputs to measuring outputs and matching outputs to identifying outcomes. The only point that weakens the accountability or the effectiveness of the government or the public sector is the lack of information on any matter.

Right to Information and Corruption

The right to information, likely to reduce the corruption and increase administrative efficiency in so far as it provides every citizen of the country an enforceable right to question, examine, audit, review and assess government acts and decisions to ensure that these are consistent with the principles of public interest, integrity.

Different aspects of the importance of the right to information are discussed in a different way as: Abraham Lincoln, the very first President of the USA, understood the importance of right to information, when he rightly said, Government is of the people by the people and for the people. The first part of the people includes participative management the second by the people includes openness and transparency for the people and the third part for the people includes accountability, which means participation, minimizing corruption and good governance by sensitization of bureaucracy and bringing efficiency in the system. Right to Information Act, 2005 was accepted with the objectives of:

- Greater and superior Transparency in the working of public authorities.
- Enhancement in the accountability and performance of the Indian government.
- Decision making procedure: and
- Reduction or decrease in the corruption of the government departments.

Right to Information Act has become really a consistent with the objectives of having a stable, honest, transparent and efficient government. True governments are not elected just by holding elections but from informed franchise. Efficient government cannot be run, by its mystic babu but from the enlightened

participation of its populace in public affairs. The Act ensures free flow of information to the public, while inter alia protecting the national interest, sovereignty and integrity of India and friendly relations with foreign states.

It is much important to identify the main sources of the corruption inherent within the character of the state machine that include a determined denial of transparency, accessibility, accountability, cumbersome and confusing procedures. Ultimately the most effective check on the corruption is that where the citizens of the country themselves have the right for seeking the information from the state and thereby to enforce the transparency and accountability.

The information kept by the Government is the national resources, neither the particular government of the day nor any public officials creates those information for their own benefit but such information is created in order to discharge their legitimate duties and for the service of the public for whose benefit the institution of the government exist. It follows that the government and their officials are the trustees of such information created for the common people. The Right to Information enables the members of the public to access the information contained into the documents that may otherwise be available only at the discretion of the government.

There are a numerous ways in which the information kept by the government is at least in theory accessible to the citizens of the country and the parliamentary system promotes such kind of procedure by transferring the information from the government to the parliament or to the respective legislatures and from there to the people, members of the public can also seek information on the concern matters from their elected representatives. Annual reporting, different committee reports, publication of the information and the requirements of the administrative law also increase the flow of information from the government to the common people. However in practise the overwhelming culture of the bureaucracy remains as that of the secrecy, distance and mystification and not fundamentally different from the colonial times. In fact this preponderance of the bureaucratic secrecy is usually legitimised by a colonial law, the Official Secrets Act, 1923 that made the disclosure of any official information to the common public by any public servant an offence.

There is an expectation from the Right to Information laws in order to improve the quality of the decision making by the public authorities in both policy and administrative matters by removing the unnecessary secrecy that surrounded the decision making process. It also enables the groups and individuals to be informed about the criteria applied by the government agencies in making their decisions. It is hoped that this would enhance the quality of the participatory political democracy by providing all the citizens an opportunity to participate in a more full and informed way. By securing access to the relevant information and knowledge, the citizens of the country be enabled to understand the government performance and the cumulative impact of such procedure will be the control on the corruption and the arbitrary exercise of the power.

Suggestions:

1. An exclusive widespread public awareness campaign be organized at all levels - national, state as well as district. An efficient national information and communication system are required for accessing the information as it is an essential part of open and transparent governance.
2. Punish all those persons not following the RTI Act in true letter and spirit, existing punishment has no deterrence at all.
3. The rules in terms of designation of PIOs, fees for supplying the information, templates of the Information Commissions website, etc. must be uniform among the state governments.

4. An annually confidential report should also include a column indicating 'RTI performance' and the concerned reporting officer should give his assessment on the performance of the concerned information officer in terms of both pro-active disclosures as well as disposal of the RTI requests made to the information officer.
5. All the application filled for seeking the information, if rejected for any reason must be justified and certified from an independent agency.

Conclusion:

It is observed that corruption restricts the development of the country all most in all respect, also adversely affects the common people. But corruption is a clandestine act which is never recorded in any official documents. It has penetrated into deep system of the society and supported by the top. Though Right to Information Act plays a very important role in making the nation transparent and corruption free but even it has a limited role. This is the right time to come ahead to stop further spreading the corruption, to expose the maladies of corruption and fine tune the functioning of public organizations. Responsibility will be taken by the civil societies in order to strengthen the values and culture of the openness.

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