



RIGHT TO INFORMATION LAW IN INDIA; ITS IMPACT AS AN EFFECTIVE TOOL AGAINST CORRUPTION

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Abstract: This study investigates the effectiveness of the Right to Information (RTI) Act in combating corruption in India. Enacted in October 2005 to promote transparency and good governance, the RTI Act has been found, through content analysis and in-depth interviews with bureaucrats and activists, to have successfully reduced information asymmetries and exposed corruption. The promulgation of the RTI Act has also led to increased responsiveness and accountability among public servants.

Index Terms - Right to Information Act, Transparency, Information Asymmetries, Corruption.

Introduction:

The statement that "information alone is not power" is not entirely accurate. However, information plays a crucial role in gaining economic and political power. Opening up channels of information changes the dynamics of who has the ability to take action. In recent years, there has been a global demand from citizens for more information and an end to secretive decision-making. Consequently, numerous countries including the United Kingdom, Japan, India, South Africa, Mexico, and others have implemented laws to ensure public access to government-related information (Florini, 2007). Advocates of transparency argue that it not only helps in cleaning up the government but also enhances the effectiveness and efficiency of public policies. In the Indian context, the RTI Act of 2005 was enacted by the Indian Parliament to promote transparency in an environment plagued by intrigue, secrecy, and corruption. The following section will delve into specific instances of corruption within India's administrative system. It will also provide a brief overview of the historical struggle that led to the passage of the RTI Act, highlighting the unique nature of India's fight and how the masses have developed and utilized this tool.

Indian Public Sector

The Indian public sector continues to be the largest employer in the country. According to the recent Economic Survey conducted by the Ministry of Finance in 2008-09, there were 18.188 million individuals employed in the organized Indian public sector. In terms of its contribution to the economy, the public sector accounted for approximately 35% of the industrial value added in India (Ahluwalia, 2002). Economic reforms were implemented relatively late in India, with significant efforts beginning in 1991 following a severe balance of payments crisis (Ahluwalia, 2002; Arun and Nixon, 2000). Privatization tends to progress slowly in developing economies, and in the Indian context, it proceeded at a slower pace than initially anticipated (World Bank, 1996). This was partly due to concerns that the disinvestment program would threaten the interests of politicians, civil servants, and organized labour (Arun and Nixon, 2000). The World Bank (1995) ranked India among the countries that faced the greatest challenges in reforming their state enterprises. Consequently, Arun and Nixon (2000) concluded that India provided a list of what not to do in terms of disinvestment/privatization. India's public sector can be categorized into three groups: (i) governmental bureaucracy at the central, state, and local levels, (ii) departmental enterprises such as postal services, railways, and parts of the telecommunication system, and (iii) non-departmental enterprises incorporated as independent companies, including manufacturing and service firms (Mohan, 2005). This study specifically focuses on the first category - the governmental bureaucracy. The following section examines the characteristics of the Indian bureaucracy, with a particular emphasis on the issue of corruption that has plagued the bureaucratic system in India.

Indian Administrative/Bureaucratic System

The Indian administrative system, which was initially established by the British government to serve their colonial interests, has been inherited and continued by India. According to Barthwal (2003), the British rule in India spanned for centuries and resulted in the creation of a state that prioritized law and order, resembling a police state. The administrative system implemented by the British was characterized by strict regulations and occasional oppression. Its primary objective was to maintain law and order and collect revenues, thus lacking a connection with the people and their needs and preferences (Barthwal, 2003; Perumal, 2003). The concentration of absolute authority in the hands of bureaucrats has paved the way for corrupt practices and decision-making influenced by vested interests. Consequently, corruption has become a defining feature of the present-day Indian administrative culture. Transparency International's 2011 ranking placed India at the 95th position out of 183 countries, reflecting the perceived high levels of corruption within the country.

Transparency and Rural Livelihoods: The Story of MKSS

The Indian journey towards implementing people's right to information heavily relies on grassroots movements advocating for transparency. In 1990, Shankar Singh, Nikhil Dey, and Aruna Roy, along with peasants and workers from villages surrounding Devkumari in Rajasthan's Rosamund District, established the Mazdoor Kisan Shakti Sangathan (MKSS). Through their organization, they effectively raised awareness about the importance of the right to information, transforming it from an academic concern to a pressing issue. The MKSS played a pivotal role in pushing for the passage of the right to information legislation in Rajasthan. In 1996,

they joined forces with other activists and movements to create a national platform known as the National Campaign for People's Right to Information (NCPRI), aiming to advocate for a nationwide RTI law.

Policies, Laws and Institutional Structures

Efforts were made for more than ten years to establish a national law on the Right to Information (RTI). The NCPRI, consisting of activists, journalists, lawyers, professionals, academics, and retired civil servants, played a crucial role in drafting a RTI law that could serve as the foundation for the proposed national law. Collaborating with the Press Council of India, the NCPRI presented the initial draft to the Government of India. Subsequently, another committee, chaired by the late H. D. Shourie, was formed by the government, which produced a somewhat diluted version of the 1997 draft. The draft underwent further amendments and was introduced as the Freedom of Information Bill in Parliament in 2000. Finally, in December 2002, the bill was passed by Parliament with minimal alterations. Interestingly, even this relatively weak act remained inactive until the elections and the arrival of a new government in May 2004 (Singh, 2007).

Amending the RTI Act of 2002

The 2002 Freedom of Information Act failed to meet the criteria of minimum exclusions, independent appeals, stringent penalties, and universal accessibility, which are the four indicators of a strong transparency law. In response to this, the NCPRI collaborated with civil society groups working on transparency and proposed a set of amendments in August 2004 to strengthen and enhance the act. These suggested amendments were forwarded to the National Advisory Council (NAC), which endorsed most of them and subsequently sent them to the Prime Minister of India for further action.

Based on the recommendations of the NAC, the Government of India introduced a revised RTI Bill in Parliament on December 22, 2004. While this bill was notably stronger compared to the 2002 act, certain critical clauses recommended by the NCPRI and endorsed by the NAC were either amended or removed. Notably, the 2004 bill only applied to the central government and lacked effective penalty provisions. This led to strong reactions from civil society groups, prompting the government to establish a group of ministers to review the changes and refer the proposed act to a Standing Committee of the Parliament.

During this time, the NAC expressed their unanimous support for the original recommendations both personally and in writing to the Prime Minister. These efforts proved successful as the committee and group of ministers recommended the restoration of most of the deleted provisions, including the applicability to states and the inclusion of severe penalty provisions. Subsequently, both houses of the Indian Parliament passed the amended RTI Bill in May 2005. The bill received presidential assent on June 15, 2005, and officially came into force on October 13, 2005. (Singh, 2007).

Implementation of the RTI Act

Effective execution of the RTI Act relies upon different elements, both specialized and political. The Public authority of India decided to give this regulation to making administration viable also, straightforward. Neuman and Calland (2007) recommends that in the Indian case the common society assumed a basic part in upholding a more grounded RTI Act and campaigned around for key arrangements which brought about the genuine thriving of the data system. The civil society organizations that emerged from the campaigns of the law in India thereby urging greater government compliance carry out effective monitoring and testing of the system

(Neuman and Calland, 2007). The RTI Act can only be effectively implemented with political commitment from the top. The Indian government is acclimated to working in a clandestine design and the idea of straightforwardness is a long way past the scope of involvement and outlook of generally open civil servants. Hence solid political will is important to have a central brain shift. This political will has been demonstrated by Indian Prime Minister Rd. Manmohan Singh in the past and in the present. Rd. Manmohan Singh, Prime Minister of India, gave the opening address at the Third Annual Convention on Right to Information on November 3, 2008. "Right to Information and its Ramifications for Good Governance" was the convention's theme. The Head of the state rehashed his responsibility at the yearly show: The Right to Information Act has been implemented with great pride by our government. Naturally, this transition from a tradition of official secrecy has not been easy. It has involved not just setting up of a proper institutional component yet in addition a change in the outlook of community workers.' (<http://www.hindustantimes.com:http://cic.gov.in/convention-2008/PM-Speech.pdf>).

In order to ensure civil servants' comprehension and compliance with the supply side's mechanics, the Indian government has established internal processes, systems, and procedures. The Indian government has comprised Data Commissions which can practice its powers without being exposed to course by any authority. These Commissions have been laid out the nation over and their primary capability is to get and ask into the protests from residents with respect to their RTI

applications. RTI cases can be settled by these Commissions with the same authority as a Civil Court (<http://cic.gov.in/index.html>). Under the RTI Act, the appellate authority for information access disputes between citizens and the government is the Information Commission, which is tasked with rendering impartial verdicts. They are assuming the vital part of an oversight authority that through its requests and decisions is supposed to start an adjustment of the outlook of the organization. Further, proper preparation is given to the Public Data Officials the nation over to manage demand from residents looking for data under the Demonstration and render sensible help to them. One of the rules for estimating the prevalence of the RTI can be demonstrated by the quantity of RTI applications recorded throughout some stretch of time.

As per the 2010-11 Yearly Report ready by the Focal Data Commission, the quantity of data searchers expanded by twice (5,55,726 solicitations) over the previous year 2009-10 (<http://cic.gov.in/AnnualReports/AR-2010-11/AR2010-11E.pdf>). This additionally shows the outcome of the RTI Act in making states of free progression of information, as imagined by the Parliament on entry of the RTI Act. In addition, only 5.2% of RTI requests were denied in 2010-11, compared to 6.43 percent in the previous year. According to the PM's remarks (<http://cic.gov.in/AnnualReports/AR-2010-11/AR2010-11E.pdf>), the decrease in the number of rejections can be one measure of success in empowering citizens with information.

The global experience demonstrates that information freedom significantly reduces corruption. Eight of the top ten countries on Transparency International's 2011 Annual Corruption Perception Index had effective laws allowing the public to access government records, while none of the ten "most corrupt" countries had access to information. Clearly, admittance to data has arisen as a device to battle defilement. (http://www.transparency.org/policy_research/surveys_indices/cpi/2008).

Methodology

Information from both the supply side (public officials) and the demand side (RTI activists) was helpful in determining whether the RTI Act is increasing transparency in the Indian administrative system. Social activists, civil society organizations, and the media have all been crucial in spreading word about the RTI Act. News articles based on the RTI investigation have primarily raised awareness. Therefore, newspaper articles, interviews (as described in the appendix), and internet research served as primary data collection sources.

Indian bureaucrats and RTI activists were the subjects of in-depth, face-to-face, standardized interviews. Going by the thumb rule, one specialist ought to generally do 15-25 interviews, 15 meetings were directed which included 7 with RTI activists and 8 with public authorities. Interviews were led with just those RTI activists (purposive examining) who have been chipping away at the RTI before the Demonstration was passed by the Parliament with the goal that they can portray their encounters with the Indian administration both when the Demonstration was passed. The meetings were held between July 2009 and August 2009. Content examination (See Addendum) of the paper articles was done. The leading Indian newspaper Hindustan Times and the magazine India Today published the articles. They were chosen due to their significant national presence. As proposed by Krippner (2004), content investigation of media should be possible to gauge popular assessment. Further, Krippner (2004) proposes that content investigation empowers specialists to go through enormous volumes of information effortlessly in a methodical style. It permits inductions to be made, which can then be supported utilizing different information assortment strategies. Accordingly, interviews with public authorities and RTI activists were led to further investigate the grassroots reality. It is additionally upheld by optional information investigation of the study done by Value Water House Coopers in a joint effort with the DFID and the board Specialists, specifically Improvement Choices.

Results

The result section broadly has four parts – a) Content Analysis, b) Interview with RTI Activists, c) Interview with Indian Bureaucrats and d) Secondary Data Analysis. Each section discusses the results of the study.

Content Analysis

One national magazine, India Today, and one national newspaper, Hindustan Times, were used to select 100 articles from a total of 1500. The articles were chosen from 2005 to 2009, or from October 15, 2005, when the Act went into effect, to June 16, 2009. The code values were 0= straightforwardness isn't getting through the RTI; 1= straightforwardness is coming through the RTI; 2= different issues relating the RTI. It's interesting that 75% of the articles said that the RTI Act is making the Indian administrative system more transparent. Around 20% of the articles conveyed the view that the RTI Act isn't effective in that frame of mind because of different reasons though 5% of the articles were in regards to different issues connected with the RTI Act.

Individual success stories, corruption scams being busted through the RTI, corrupt officials being punished as a result of the RTI, pending work being done without bribe as a result of the RTI, public officials trying to suppress the RTI due to fears of exposure, and public officials being forced to make processes transparent as a result of the RTI were among the reasons why 75% of respondents supported the RTI Act, which brought transparency into the Indian administrative system. Below are snippets of the content:

On Walk 7, 2006 Hindustan Times distributed a story how the RTI is making its presence felt in the Public Area Units. The entire scenario is portrayed in the following quote: "RELUCTANTLY, YES, but government departments are beginning to bow to the right to information law."

Two requests for government departments to make the tender selection procedures transparent have been granted by the Central Information Commission (CIC) in the last month. (http://www.hindustantimes.com/Landing_page/Homepage.aspx) On June 29, 2006 India Today cited the accompanying: It was utilized by a daily wage labourer from Delhi to obtain a duplicate ration card. The Right to Information Act has helped hundreds of Indians get their work done without having to bribe their way through red tape and laxity. One father used it to get his passport in time to visit his pregnant daughter in Germany. (<http://indiatoday.intoday.in/>) One of the most interesting individual examples of overcoming adversity was distributed by Hindustan Times on June 15, 2009. The accompanying citation from the paper sums up the entire story 'The Right to Data Act can find you a line of work. Sounds unimaginable? Ask 30-year-old Dharendra Kumar. Kumar, who is presently a common appointed authority in Dumroan in Bihar, neglected to clear the Bihar Legal Help Assessment in 2007, or possibly his outcomes showed so. However, it was his certainty of having done well in the test and the force of the RTI Act that helped him fix the treachery distributed to him.' (<http://www.hindustantimes.com>) The 20% of the articles that proposed that the RTI Act had neglected to acquire straightforwardness the Indian authoritative framework was principally because of the accompanying reasons: RTI applications being rejected by Information Commissions, citizens being unaware of or unable to use RTI, and the government not providing sufficient infrastructure for the RTI to function effectively. Coming up next is one model from India Today to depict the above picture: On July 3, 2006 India Today cited 'Notwithstanding the Right to Data Act being in force in the Express, the Guwahati Metropolitan Improvement Authority (GMDA) has denied a resident the data he had requested on the supposition that he had not applied for the reason appropriately.' (<http://indiatoday.intoday.in/>) Subsequently as opposed to recommending that the RTI Act is ineffectual, the wide picture painted by these articles was the shortfall of a reasonable climate for the RTI Act to work actually. The 5% of articles that were neither in support of the RTI Act nor opposed to it because they primarily discussed the RTI in general with RTI activists, political figures, Indian bureaucrats, and members of society. To finish up, generally happy examination of paper articles obviously upholds that the RTI Act is getting straightforwardness the Indian regulatory framework. These outcomes were confirmed by the meetings and the auxiliary information examination. The accompanying sections extensively sum up the data assembled during the meetings and optional information investigation.

Interviews: RTI Activists

In general of the respondents (RTI Activists) recommended that the RTI Act is acquiring significant changes the Indian managerial framework. The way of life of mystery, no responsiveness what's more, unimportant responsibility is evolving bit by bit. They are all of the opinion that one of the most important changes that RTI has brought about is that it has made public officials at least aware that the Indian public can hold them accountable. RTI Lobbyist Subash Chandra Agrawal who has documented in excess of 500 RTI petitions because of the inquiry 3 expresses that 'the RTI Act has been fruitful in aiding Indian masses not just via giving admittance to data yet additionally filling in as a compelling guard dog. 'Out of the few individual experience cases, the instance of Mr. Ajay Patel, a notable RTI Dissident in the Varanasi Area of Uttar Pradesh, is both

fascinating and summarizes the contention communicated in the wide range of various cases talked with. In the paragraph that follows, he discusses his own personal experience in response to question 2. Mr. Patel explains: 'It was impossible to locate one's query in the government's workflow before the RTI Act was passed. This brought about candidates feeling weak and defenceless. My refusal to offer incentive to a police official prompted a long-term delay for my identification application to be handled. I was unable to determine my application's actual status without RTI. Yet, with the RTI coming into drive, it required precisely fourteen days from the date I documented a RTI application to be aware the justifications for why my application is being postponed for my identification to show up. The RTI Act required the police official to respond promptly and act in accordance with established guidelines. Mr. Patel alongside the other RTI Activists talked with felt that RTI has given voice to the Indian public to raise their interests and interest for better open administrations from the government and the organization.

Interviews: Public Officials

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The third step is to put forth attempts to defer the reaction. Then, we attempt to persuade the candidate that the imperative data doesn't qualify as data. If all of these steps fail, we give in.' Because of inquiry 3, larger part of the respondents was to be sure glad the way in

which the RTI is associating the Indian masses with the public authorities. They made the observation that the Indian public and media criticized even the sincerest efforts of public officials when outcomes fell short of expectations. Mr. Saurabh Singh, a public official with the Service of Country Improvement, Administration of India saw that 'the RTI Act has given a stage to both Indian civil servants and people in general as in the previous can legitimize their choices to the last option. They think it's a great way to build trust between officials and citizens. Mr. S. N. Sabat, senior authority in the Indian Police Power raised a significant point that 'the RTI Act ought not be abused to dole out private retributions'. To summarize, they generally trusted that the RTI is a significant apparatus in the possession of the residents which is being utilized to request straightforwardness and responsibility from the Indian officials.

Secondary Data Analysis

Price Water House Coopers (PwC) and Development Alternatives, management consultants, conducted an insightful study to investigate the anticipated and unanticipated effects of the RTI Act. This adventure was upheld by DFID - Office for Worldwide Advancement under the English Government. The Poorest Areas Civil Society (PACS) Program was managed by PwC and Development Alternatives for seven years, from 2007 to the present. Some portion of the program was to concentrate on how RTI contacts the existence of a normal resident. With the assistance of social workers and a variety of non-profit organizations, the campaign "Mere Gaon ka Sawal," or "The Issues of My Village," was conducted in five districts of Uttar Pradesh to investigate this. The report expresses those residents, because of their RTI applications, had the option to prevail in different regions for example they constrained government authorities to consider their issues followed by fundamental activity. It demonstrates the way that even uneducated, minimized however an educated populace can acquire straightforwardness and improvement the framework. The review finishes up by saying that despite the fact that areas of defilement/failures were known prior in the public authority, residents couldn't take any response. The RTI Act, on the other hand, has provided citizens with a means of bringing transparency and accountability to all levels of government. All relevant information of the report can be gotten to at (<http://www.empowerpoor.org/>).

Conclusions

The RTI Act of 2005 was enacted by the Government of India to bring transparency to an environment marred by secrecy, corruption, and intrigue. Indian citizens have successfully implemented both major and minor changes through the use of this law. The RTI Act has fundamentally altered the balance of power between the government and the governed—on the one hand, those with any form of state power and, on the other, millions of people whose lives are impacted by decisions and how the state works. On account of the RTI Act, in India, genuine expert - the supposed 'everyday person' is at long last being perceived by the 'local officials'. There is no other law in India's statute book that grants citizens such simple authority to question any public authority. The concentrate obviously showed that the RTI Act has offered a noteworthy chance to uncover defilement and the way of life of mystery from the Indian government issues and prepare for administration change, more

noteworthy responsibility and straightforwardness in government issues. The nation over, a developing number of individuals are involving the RTI applications as a weapon to battle defilement and request their freedoms. The RTI is empowering individuals to express no to pay-offs. The Right to Information Act (RTI) has been used to change policies and feed hungry people. It is a widely inclusive demonstration with outcomes that have provoked some to say that it is the most significant regulation since freedom. The review upholds that adjusting public help engineering to fitting straightforwardness instruments advances straightforwardness. The study also backs up Jenkins and Goetz's (1999) assertion that the RTI's power should not be underestimated. The writing of defilement and against debasement overemphasizes the job of the state as cause furthermore, cure and neglects to perceive the job of social developments in surfacing the presence of various types of debasement. However, much needs to be done before the RTI can be used to its full potential. Indian Government ought to give better foundation and guarantee fast handling of the RTI cases to propel the interest side for example common society. Indications of straightforwardness are becoming apparent and assuming the latest thing needs to proceed and to go along with the Demonstration in letter and in soul, a basic change in the demeanour inside the organization is essential. Therefore, in order for the Act to be utilized to its full potential, the Indian government will need to make significant efforts to instil respect for citizens' rights in the bureaucracy and abandon its previous method of operation, which was marked by secrecy and opaqueness.

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