

Right to Information Act: A unique tool to control Corruption

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ABSTRACT

India is a democratic country and in every democratic country, there is a need for good governance. Such governance includes transparency, accountability in government system. Corruption is widespread in Indian Civilization and it has caused maximum suffering to the human kind. Today in India there is unprecedented corruption at all levels. The main factor behind the corruption is secrecy. If we want transparency and accountability in government there is a need to crack the corruption by the cracking ball of secrecy. The cracking ball comes in the hands of every man in the shape of Right to information Act. The Right to Information Act is a revolutionary step because it has made the administrative system accountable, transparent and almost corruption free. This paper examines the effectiveness of Right to Information (RTI) Act as a tool for combating corruption in India and also discusses the causes and consequences of corruption. The RTI Act was promulgated in October 2005 to ensure transparency and good governance in the country.

Key words: *Transparency, Accountability, Participation, Secrecy, Purposeful, Progressive.*

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Introduction

Good governance has become a buzzword in development today. Fighting corruption, raising accountability and promoting transparency are increasingly perceived as being indispensable to the notion of good governance. The concept of good governance is gaining popularity and is being used unsparingly in the international community to promote development, economic and social security and peace.¹ Right to Information is a potent weapon to fight against corruption, arbitrariness and misuse of power. RTI has significant bearing on good governance and development. The Right to Information (RTI) is a vital tool for good governance. Transparency and Accountability are for good governance. The Main thrust of RTI law is to change the culture of secrecy, red tapism and aloofness that has long plagued India's monolithic and opaque bureaucracy. Right to Information is a symbol for components of good governance. The components of good governance can be ensured through RTI. It is helpful in ensuring transparency and accountability in the governance.²

Right to information Act, 2005.

The Parliament of India passed the Right to Information Act in May 2005. This Act, which received Presidential assent in June 2005, came into full force from October 12, 2005. The Indian Right to Information Act is probably the youngest legislation made on freedom of information around the world. Right to information is oxygen for democracy and development. September 28 is celebrated internationally as Right to Know Day, highlighting the critical importance of people's right to access information held by their governments. In India, following a nationwide campaign led by grassroots and civil society organizations, the government passed a landmark Right to Information Act in 2005. Since then, social activists, civil society organizations, and ordinary citizens have effectively used the Act to tackle corruption and bring greater transparency and accountability in the government. Social activist Aruna Roy has described India's RTI Act as "the most fundamental law this country has seen as it can be used from the local *panchayat* (a unit of local government) to parliament, from a nondescript village to posh Delhi, and from ration shops to the 2G scam."³

Corruption in India

In India today, the state has spread its tentacles to virtually every aspect of public life. The person on the street is condemned to grapple hopelessly with corruption in almost every aspect of daily work and living. Most government offices typically present a picture of a client public bewildered and harassed by opaque rules and procedures and inordinate delays, constantly vulnerable to exploitation by employees and touts.⁴ Corruption in India is the biggest challenge for development. The culture of corruption has become well entrenched in the society. The Prime Minister of India has felt that there is corruption both at political and administrative level. In 2007 when Hon'ble PM addressing the IAS probationers of 2006 stated that *“the barriers of administrative and political corruption should be tackled by the upcoming bureaucrats and quality of governance be improved at all levels to build an India ‘worthy of our dreams’. If there are barriers, there are barriers in our country, in our good governance, in our governance processes. It is a fact that there is lot of corruption, both at the political level and at the administrative level. We must take it head on.”*⁵

Corruption in India is a major issue that adversely affects its economy. A study conducted by Transparency International in year 2005 found that more than 62% of Indians had firsthand experience of paying bribes or influence peddling to get jobs done in public offices successfully. In its study conducted in year 2008, Transparency International reports about 40% of Indians had firsthand experience of paying bribes or using a contact to get a job done in public office. In 2012 India has ranked 94th out of 176 countries in Transparency International's Corruption Perceptions Index, tied with Benin, Colombia, Djibouti, Greece, Moldova, Mongolia, and Senegal. In 2013, India was ranked 94th out of 175 countries. In 2014 India ranked 85th out of 175 countries in Transparency International's Corruption Perceptions Index, compared to its neighbours Bhutan (30th), Bangladesh (145th), Myanmar (156th), China (100th), Nepal (126th), Pakistan (126th) and Sri Lanka (85th). A 2005 study done by Transparency International (TI) in India found that more than 50 per cent of the people had first-hand experience of paying inducement or peddling influence to get a job done in a public office. Taxes and bribes are common between state borders; Transparency International estimates that truckers pay annually \$5 billion in bribes. Officials often steal state property.⁶

With corruption being viewed as one of the biggest “obstacles in the efficient delivery of development resources to the poor in developing countries,” an empirical study concluded

that the RTI negatively impacted corruption and its statistical impact on curbing corruption was quite significant. The study, conducted in 20 states over a span of three years, found that the act “reduces corruption in an average state by 18.5 per cent points”. The authors found that the act “explains approximately 62 percent of the actual decline in corruption in Bihar over the period 2005 to 2008”, which is rather a large impact considering Bihar is one of the most corrupt states. The study concluded that the legislation makes significant contribution in controlling corruption, enhancing the quality of public goods and services, empowering citizens and by breaking the informational monopoly of public officials. “It prevents corrupt public officials from misusing this information to advance their own interest. On the other hand, it provides the government with more power and public support for conducting top down audit of corrupt departments,”⁷

A bench of Justice R. V. Raveendran and A. K. Patnaik gave this ruling (briefly reported on August 10) while allowing disclosure of answer sheets of students in public examinations. The Bench said the RTI Act provisions should be enforced strictly and all efforts made to bring to light the necessary information under section 4 (4) (b) which relates to securing transparency and accountability in the working of public authorities and in discouraging corruption⁸

Accountability and Transparency in administration: A check on Corruption.

Corruption is a global phenomenon and it is omnipresent. Corruption has progressively increased and is now rampant in our society. Corruption spreads day by day in every state of India. It is RTI Act as a weapon to control the corruption. The role RTI Act in bringing the Accountability and Transparency in the administration to tackle the corruption is as discussed below:

1. Accountability is a key requirement of good governance. Without Accountability, the root of any development failure cannot be traced. Not only the government, the private sector institutions also be accountable to the people. Information is power and Right to information act brings accountability and transparency in the administration. Accountability involves the survival of a mechanism, which ensures that both political and officials are answerable for their actions, performances and use of public resources. If they fail to maintain

accountability, their power and authority are finished.⁹ No democratic government can survive without accountability and the basic postulate of accountability is that the people should have information about the functioning of the government. It is only when people know how government is functioning that they can full fill the role which democracy assigns to them and make democracy a really effective participatory democracy. The RTI Act is known to be a landmark legislation enacted to protect the rights of the entire population of the land, promoting human rights and ensuring Accountability. It has given a clear guideline on how to collect, preserve, maintain and provide information. Nowadays, the right to information or "Soochna Ka Adhikar" has made its way into the everyday lexicon of most citizens. People have filed RTIs to redress individual grievances, probe government policies and decisions, expose corruption and misuse of government resources and access their basic entitlements whether its ration cards, wage payments or driving licenses.¹⁰ RTI Act empowered the people to seek definite and officials of their works or lack of it. So, accountability always led to effectiveness and sense of responsibility among government officials. 118 The RTI Act is sufficiently strong in its present form to even attack the roots of corruption. There will forever be corruption at the lower levels as long as its seeds are sown at the highest level. The RTI Act can be used to expose these seeds of corruption which in turn can control corruption at the lower levels.¹¹

2. Right to information enables citizens to see how governments, those in public offices are working. Public should openly come to know what is to be happened and what has happened. Transparency is the corner stone of any good government. Public has right, to know about the policies and programmes of the government. All communication of the government must be opened to the public¹² Access to information is a component of transparency, but the latter also entails conducting affairs in the open or subject to public study. It means keeping observable records of official decisions and activities (for subsequent access). Transparency includes the provision of reasoned explanations for decisions, the giving of sufficient reasons when power affecting the public weal or individuals is exercised in a negative or positive fashion. It also means making processes of governance and law making as accessible and as comprehensible as possible- to simplify them so that they are more easily understood by the public. Complexity, disorder, and secrecy are all features that

transparency seeks to combat.¹³ It has been realized by most of the countries through experience that greater access of the citizens to information enhances the openness of government to community needs. In turn, this facilitates immediate redress of public grievances and thus improves feeling of goodwill towards the government. Capitalist and democratic countries have a higher degree of openness vis-a-vis authoritarian regimes; nowhere in the world is government functioning totally open.¹⁴

Causes and Consequences of Corruption

Indian administration is tainted with scandals. India is among 55 of the 106 countries where corruption is rampant, according to the corruption perception index 2004 report released by transparency international India. Corruption in India leads to promotion not prison. It is very difficult to catch a big shark. Corruption in India has wings not wheels. As nation grows, the corrupt also grow to invent new methods of cheating the government and public.¹⁵ The causes of corruption are many and complex. Following are some of the causes of corruption.

- Emergence of political elite which believes in interest-oriented rather than nation-oriented programmes and policies.
- Artificial scarcity created by people with malevolent intentions wrecks the fabric of the economy.
- The Low Pay scales/ Wages is the cause of corruption. Because most of the employees in government sector are paid low wages and salaries. Hence some employees revert to corruption for more financial benefits.
- The Low Job opportunities are another cause of corruption. Due to lack of job opportunities, there are many people who like to go for corruption mode to get the job offer. They will be ready to pay lump sum amounts for the job offer to the higher officials or politicians.¹⁶
- The Lack of proper justice can be a cause of corruption. The Corruption in judiciary system, leads to improper justice. And the victims of offense might suffer. A crime may be proved as benefit of doubt due to lack of evidence or even the evidence

erased. Due to corruption in the police system, the investigation process goes on for decades. This lets the culprits roam free and even perform more crimes. There are even chances those criminals die due to old age due to delayed investigation. So it leads to “Justice delayed is justice denied.”¹⁷

- Corruption is caused as well as increased because of the change in the value system and ethical qualities of men who administer. The old ideals of morality, services and honesty are regarded as anachronistic.
- Complex laws and procedures deter common people from seeking help from the government.¹⁸
- **Option of many political parties:** In India anyone can establish a political party. So there are many political parties in India. If any political party wins, then the members in it will desire to expand the party to all over the country. To do so, they need enough financial reserves. For this, once they come into power, they opt for corrupt means to make the wealth needed to expand the party.
- **Poverty:** Due to corruption, government is unable to eradicate poverty. Rich are becoming richer by snatching the rights and wealth of poor. Various packages, reservations and compensations for poor people, minorities and backward community are announced by government from time to time. But these disadvantaged sections of society hardly get any benefits. Since, affluent people freely consume benefits meant for poor.

Effects of corruption on Economy

Decrease in foreign investment: There are several incidents where in foreign investments which were willing to come to India have gone back due to heavy corruption in the government bodies.

Delay in growth: Due to desire to cast money and other unlawful benefits, the official who need to pass the clearances for projects or industries delay the process. A work which can be done in few days may be done in month's time. This leads to delay in investments, starting of industries and also growth. Even if started, company growth hinders as every work linked to officials get delayed due to need to provide bribes or other benefits

Lack of development: Many new industries were not started in a particular region. If there are no proper roads, water and electricity, unsuitable places, the companies do not wish to start up there. This hinders the economic progress of that region. To maintain that place, the government instead of took it to the other place.

Differences in trade ratio's: Some countries have inefficient standard control institutes. Or in other word these standard control institutes are corrupt that they can approve low quality products for sale in their country. Hence you can see countries manufacturing cheap products dump them in big markets. These countries can manufacture cheap quality products but cannot dump in countries with strict standard control institutes. They can do so only in countries with chances of corrupt officials in standard control. One best example is China products which can't be just dumped into Europe and US markets. But can be done in Indian and African markets. So there arises trade deficit that these countries cannot manufacture their own products at cheaper price than those exporting to them. So if corruption is minimized than these countries will have less trade deficits in-terms of exports and imports with other countries and their economies can prosper.¹⁹

Conclusion

RTI is a powerful tool that can deliver significant social benefits. It can provide a strong support to democracy. The RTI Act 2005 was promulgated by Government of India to bring transparency and Accountability in the administration. Indian citizens have used this law very effectively to bring about changes that are both big and small. The RTI Act has given a historic opportunity to root out corruption and the culture of secrecy from the Indian government affairs and pave the way for governance reform, greater accountability and transparency in government affairs. Corruption has a corrosive impact on our economy and leads to loss of overseas opportunities. It is the biggest challenge for development. The culture of corruption has become well in entrenched in the society. The corruption is a main barrier for the accountability and effectiveness in Indian democratic, political, bureaucratic and social system. Now the time has come to pour the root of corruption by the appropriate acid for eradicate it. For this reference Right to Information Act is powerful weapon. We may fight against corruption by the proper use of Right to Information Act.

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