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Right to Information: A Remedy Against Corruption

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Introduction

Open government¹ is a vital characteristic of democratic society. A number of related justifications flow from the recognition of this democratic mandate.² In a democratic society people are expected to be fully informed about the government's actions, policies and decisions. Without information, individuals are unable to exercise their rights and responsibilities effectively. There is also an accompanying expectation by citizens to be able to participate in and perhaps even to influence government policy-making. Government consultation with the community has been enormously increased by the availability and sophistication of information technology. Indeed the increased consultation has raised expectations of openness and greater transparency and accountability. Electing a parliamentary representative every few years seems to be an insufficient involvement with the business of governance. Although the issue of openness has been hardly touched upon by politicians, the possibilities of democracy in the world today have changed. The merits of participatory democracy could be re-examined now that the technical feasibility is closer at hand. Such ideas cannot be entertained unless sufficient information is available.

Information is power, and the executive at all levels attempts to withhold information to increase the scope for control, patronage and arbitrary, corrupt and unaccountable exercise of power. Therefore, demystification of rules and procedures, complete transparency and pro-active dissemination of the relevant information amongst the public is potentially a very strong safeguard against corruption.

Transparency and accountability is the key to good governance and one way to bring this about

is by allowing people access to government held information as enshrined in Article 19 of the Universal Declaration of Human Rights (UDHR) and also recognized in our Constitution.³

Right to Information and Transparency

Ultimately the most effective systemic check on corruption would be where the citizen herself or himself has the right to take the initiative to seek information from the state, and thereby to enforce transparency and accountability.

It is in this context that the right to information is vital. A statutory right to information is in many ways, the most significant reform in public administration in India in the last 60 years. This is because it secures for every citizen the 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, probity and justice. It would promote openness, transparency and accountability in administration, by making government more open to continuing public scrutiny.

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.

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herself or himself has the right to take the initiative to seek information from the state, and thereby to enforce transparency and accountability. It is important to identify the sources of corruption inherent within the character of the state machine. These include a determined denial of transparency, accessibility and accountability, cumbersome and confusing procedures, proliferation of mindless controls, and poor commitment at all levels to real results of public welfare.

Right to Information and Control of Corruption

Information stands out to be a great tool for fighting corruption. Shailesh Gandhi an RTI activist has said that "*Corruption is routine in India, and is often brushed under the carpet. RTI is effective in exposing it.*"⁴ Lack of transparency was one of the main causes for all pervading corruption and the Right to Information would lead to openness, accountability and integrity.⁵ Mr. P.B. Sawant, a retired Justice stresses the need for the right to information, which according to him will be the fighter against corruption. He says that "*the barrier to information is the single most cause responsible for corruption in society. It facilitates clandestine deals, arbitrary decisions, manipulations and embezzlements. Transparency in dealings, with their every detail exposed to the public view, should go a long way in curtailing corruption in public life.*"⁶

The daily mounting of scams and scandals linking Ministers and highly placed government officials are the never ending examples of the corruption in India. It starts from the lowest cadre employee to the highest official of the state. As per the latest report of the Transparency International, the corruption rate is increasing in world and India stands still in its position.⁷ All this happens due to lack of transparency and the general public and the other concerned authorities are devoid of any information. There have been various scams and most of them have been tried and have not seen the light of the day. Access to information of the public works or documents will help in countering corruption to a great degree. But the question still remains why corruption still continues in India. It's the lack of awareness

and sincere implementation of any of the RTI provisions. The need of the hour is to clear the mist of corruption and to make the government more efficient and accountable.

END NOTES

1. 'Open Government and freedom of information are synonymous concept. Freedom of information requires governments to disclose information requested by interested parties whereas open government suggests more transparency but not necessarily any right to enforce it.' See Stephanie Palmer, FREEDOM OF INFORMATION: THE NEW PROPOSALS, Jack Beaton and Yvonne Cripps, FREEDOM OF EXPRESSION AND FREEDOM OF INFORMATION ESSAYS IN HONOUR OF SIR DAVID WILLIAMS, p. 253. (Reprinted Edn. 2002, Oxford University Press, New Dehli).
2. *Ibid.*, at p. 253.
3. Refer Aditi Datta, RTI BILL: OLD WINE WITH A NEW LABEL?, The Hindu, Open Page dated 08/02/2005.
4. See, Anuj Chopra, NEW TOOL TO FIGHT RED TAPE, CORRUPTION, <http://www.indiatogether.org/2005/oct/rti>.
5. Soli. J. Sorabjee at *Ibid.*
6. *Ibid.*
7. Transparency International, 2005, India stands 85th position with 3.4 points, www.transparency.org.