

RIGHT TO INFORMATION ACT : A LAW TO THWART CORRUPTION AND ENSURE GOOD GOVERNANCE

By

—Dr. K. RAGHURAM, Principal
Sri R.K.M. Law College,
RVS Nagar, Chittoor, AP

Right to information is a fundamental human right. It is a key to democracy and development, making participatory democracy meaningful, cementing trust in the Government, supporting people-centre development, facilitating equitable economic growth, tackling corruption and bolstering media capacity.

The right to information is a part of fundamental right under Article 19(1) of the Constitution of India¹. The Supreme Court in *Raj Narayan v. State of U.P.*,² said that India is a democratic country. People are the masters and people cannot speak or express unless they know. Therefore, the people have a right to know as to how the Government meant to serve them, or functioning. Every citizen pays taxes hence they have a right to know how their money paid in the form of taxes was being spent.

The Right to Information,³ means the information accessible under this Act which is held by or under the control of any “public authority” and includes the right to:

- Inspection of work, documents, records;
- Taking notes, extracts or certified copies of documents or records;
- Taking certified samples of material;
- Obtaining information in the form of diskettes, floppies, tapes, video cassettes

or in any other electronic mode or through printouts where such information is stored in a computer or in any other device;

This is a significant clause which fits into the scheme of good governance ultimately this Act will work in transparency and thereby make democracy real.

No democratic Government can survive without accountability. The people should have information about the functioning of the Government and public authorities. Then the people can fulfil their role and make democracy a really effective participatory democracy. The basic postulate of accountability of the Government is that the right to information and transparency in the Government are necessary elements to thwart corruption, as air and water are necessary for survival of human being.

The transparency means clarity of information of everything should be open and disclosed to all. We the common people of India put over faith in the system expecting the public authority to work efficiently, fairly and impartially but today the evil of the corruption has increased as high as that we have forgotten about transparency in the system. The basic idea behind the transparency is to curb the evil of corruption and increased openness of the Government departments but in practice most of the Government departments keep secrecy in the proceedings and no one can identify their mistakes and no one can keep a check on them. What an approach of these departments? For them everything is secret unless permitted to be disclosed. Some of

1. Article 19(1) says that every citizen has a freedom of expression and includes rights to know

2. AIR 1975 SC 885

3. Section 2(j) of the Right to Information Act.

the incidents in India in general and Andhra Pradesh, Karnataka and Tamil Nadu in particular have been challenging the very ideology of transparency and the Right to Information because high level public authorities and the people from political sector have been involved. The entire system has become so putrid and if a concerted action is not taken up in this regard, the situation will never improve. If we want to change the system we need to be a part of that system (to curb the corruption). The main reason for non-transparency in the system is the corruption.

Corruption is a complex phenomenon, penetrated deep into the system, receives support from the top levels resulting the honest and right officers are often harassed and mortified by higher authorities. The tentacles of corruption are pervasive, entrenched and rampant in every facet of the society, be it, economic, political, administrative or social. No doubt, Right to Information Act has worked so far, as a means to maintain transparency and clarity in the system and used as weapon of anti-corruption. But what the fishy is, in the name of barring information in the Act every public authority within their permissible limits are not able to give such information by citing exemption clauses in the said Act one way or the other leaving aside the core ethical and moral values of the democracy such as justice, liberty, equality and fraternity. We need to re-enforce these values in the name of rule of law. Both the people and the public authorities are the instrumental and responsible for the menace of the corruption because it is the people who may offer some bribe or gratification to carry out the work of public authority and of course, the public authority may also keep demand for such gratification. A simple example for such a situation is, a

poor family wants to have a new ration card and if he applies for it, he needs to give a bribe of at least Rs.1,000/- to Rs.2,000/- and the bribe givers will be given immediately the ration cards and whereas the poor citizen instead of giving Rs.1,000/- as a bribe if he makes an application to Public Information Officer under the Food and Supplies Department, he would clear the situation and the corrupt officials would be made answerable for their behaviour. 50% of the citizens are not aware of their right to share the information. The Right to Information Act has promised us and empowering citizens to get accountability and act as an enforcer of good governance. We need to bring awareness in the public and capture this opportunity through National campaign like this seminar for the “People’s Right to Information” and to bring a major positive change in the governance of India.

Finale

To get ride of corruption and to ensure good governance the Right to Information is signalled as powerful movement towards a real free democracy. The people should treat this Right to Information Act as a way of life. The information available through Right to Information Act was not an end but means to an end leading to good governance. Creating awareness in the society and sensitizing the bureaucrats about the rights of others to know, are the key rudiments for captivating recognition of Right to Information Act.

A more human approach is to be adopted in between the public authority and the people. Therefore, a lot more is to be done in future through the movement to reduce corruption if not absolutely frustrate corruption.