

Review

RIGHT TO INFORMATION ACT: A VITAL TOOL TO FIGHT AGAINST CORRUPTION IN INDIA

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India is a democratic country and in a every democratic country there is a need for good governance. Such governance includes transparency, accountability, rule of law and public participation in government system. Today in India there is unprecedented corruption at all levels. The main factor behind the corruption is secrecy. If we want transparency in government there is a need to crack the corruption by the cracking ball of secrecy. The prevalence of corruption, lack of accountability, efficiency and effectiveness demands the requisite changes and transformations to ensure good governance. Information is power and at International level it is recognized that information is essential for development. As a result many countries have enacted Right to Information Act. In that regard Government of India too introduces a new era of good governance through the enactment of Right to Information Act in 2005. It provides an opportunity for citizens to interact with the officials and institutions. Right to Information is a potent weapon to fight against corruption, arbitrariness and misuse of power. The Right to Information (RTI) is a vital tool for good governance. This paper is an endeavor to discuss the major indicator of corruption in India, Right to Know and Right to Information Act 2005. Along with this paper discusses that how we can use Right to Information Act as a vital tool for fight against corruption in India.

Keywords: Democracy, corruption, information, transparency, accountability, right to know, public, authority

INTRODUCTION

Corruption is an age-old phenomenon. The word corruption means destruction, ruining or spoiling – a society or nation. Selfishness and greed are at the root of it; it also implies lack of integrity and honesty. A corrupt society is characterized by immorality and lack of fear or respect for the law. When it stops valuing integrity, virtue or moral principles it starts decaying. Corruption is the abuse of public power for private gain. Corruption comes under many different guises: bribery, misappropriations of public goods, nepotism (favoring family members for jobs and contracts), and influencing the formulation of laws or

regulations for private gain.

Corruption is not just the clearly “bad” cases of government officials skimming off money for their own benefit. It also includes cases where the systems don’t work well, and ordinary people are left in a bind, needing to give a bribe to get a work done or the licenses they need (Understanding Corruption in India, 2011).

The state of economy also plays an important role in corruption. Inequality of wealth distribution, exploitation

by employers, and low wages and salaries provide ideal breeding ground for corruption. A license-permit regime or scarcity of basic commodities adds fuel to the fire. India is a textbook example of how license-permit Raj can vitiate political as well as economic atmosphere of the nation.

Vito (1998) Corruption has been defined in many different ways, each lacking in some aspect. A few years ago, the question of definition absorbed a large proportion of the time spent on discussions of corruption at conferences and meetings. However, like an elephant, even though it may be difficult to describe, it is generally not difficult to recognize when observed. In most cases, though not all, different observers would agree on whether a particular behavior connotes corruption. Unfortunately, the behavior is often difficult to observe directly because, typically, acts of corruption do not take place in broad daylight.

The most popular and simplest definition of corruption is that it is *the abuse of public power for private benefit*. This is the definition used by the World Bank. From this definition it should not be concluded that corruption cannot exist within private sector activities. Especially in large private enterprises, this phenomenon clearly exists, as for example in procurement or even in hiring. It also exists in private activities regulated by the government. In several cases of corruption, the abuse of public power is not necessarily for one's private benefit but it can be for the benefit of one's party, class, tribe, friends, family, and so on. In fact, in many countries some of the proceeds of corruption go to finance the political parties.

Not all acts of corruption result in the payment of bribes. For example, a public employee who claims to be sick but goes on vacation is abusing his public position for personal use. Thus, he is engaging in an act of corruption even though no bribe is paid. Or the president of a country who has an airport built in his small hometown is also engaging in an act of corruption that does not involve the payment of a bribe.

It is important to distinguish bribes from gifts. In many instances, bribes can be disguised as gifts. A bribe implies reciprocity while a gift should not. However,, even though the distinction is fundamental, it is at times difficult to make. At what point does a gift become a bribe? Does the distinction depend on the size of the gift? What about cultural differences that can explain different sizes of gifts? What if a large gift is not given to the person who provides the favor but to a relative of that person? Does the distinction depend on whether the gift is given in broad daylight, for everyone to see, or privately? In any case, this indicates that the identification of a bribe may not always be simple.

Acts of corruption can be classified in different categories. Some of these categories are mentioned below without specifically commenting on them or even defining them. Thus, corruption can be:

(1) Bureaucratic (or "petty") or political, i.e. corruption by the bureaucracy or by the political leadership. -

- (2) Cost-reducing (to the briber) or benefit-enhancing.
- (3) Briber-initiated or bribee-initiated,
- (4) Coercive or collusive.
- (5) Centralized or decentralized.
- (6) Predictable or arbitrary.
- (7) Involving cash payment or not.

Undoubtedly, others classification could be added to this last.

CORRUPTION IN INDIA

Corruption in India (Corruption in India from Wikipedia, 2014) 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.

Most of the largest sources of corruption in India are entitlement programmes and social spending schemes enacted by the Indian government. Other daily sources of corruption include India's trucking industry which is forced to pay billions in bribes annually to numerous regulatory and police stops on its interstate highways.

Indian media has widely published allegations of corrupt Indian citizens stashing trillions of dollars in Swiss banks. Swiss authorities, however, deny these allegations.

The causes of corruption in India include excessive regulations, complicated taxes and licensing systems, numerous government departments each with opaque bureaucracy and discretionary powers, monopoly by government controlled institutions on certain goods and services delivery, and the lack of transparent laws and processes. There are significant variations in level of corruption as well as in state government efforts to reduce corruption across India.

Abdulraheem (2009) Corruption is widespread in India and it affects all the sectors of Indian democracy. There are so many kinds of corruption describe by various laws. Some kinds of corruption are following:

Corruption in Government Offices

In cities and villages throughout India, "mafia raj" consisting of municipal and other government officials, elected politicians, judicial officers, real estate developers

and law enforcement officials, acquire, develop and sell land in illegal ways. Many state-funded construction activities in India, such as road building, are dominated by construction mafia, which are groupings of corrupt public works officials, materials suppliers, politicians and construction contractors. Shoddy construction and material substitution (e.g. mixing sand in cement while submitting expenses for cement) result in roads and highways being dangerous, and sometimes simply washed away when India's heavy monsoon season arrives. In government hospitals, corruption is associated with non-availability of medicines, getting admission through back-door, consultations with doctors and availing diagnostic services illegally. Civil servants /public officials were rated by 13 of respondents as the second most corrupt institution in the country. Other institutions that were polled included Parliament/ legislature, the private sector, media and the judiciary. The Barometer, now in its sixth edition, surveyed 73,132 people in 69 countries including 12 countries from Asia Pacific. In India, the survey was conducted in five metros – Delhi, Mumbai, Kolkata, Chennai and Bangalore.

Corruption in Politics

Political parties are perceived to be the most corrupt institutions by Indians, according to 2009 Global Corruption Barometer. The Barometer, a global public opinion survey released by Transparency International, found that 58 per cent Indian respondents identified politicians to be the single most corrupt individuals. Forty-Five per cent of the people sampled felt that the government is ineffective in addressing corruption in the country. The survey in India, conducted at the national level between October and November last year, also indicated that the perception of government effectiveness in relation to addressing corruption had improved from 2007. Forty-two per cent respondents analyzed that government's actions in the fight against corruption was effective.

Corruption in the Private Sector

Almost 9 per cent of those surveyed considers business and private sector to be corrupt. The private sector used bribes to influence public policy, laws and regulations, believe over half of those polled for the survey. The business-related findings of the Barometer send a powerful signal to the private sector to prove that they are clean and to communicate this clearly to the public. Forty-five of those polled felt that the existing channels for making corruption-related complaints were ineffective. Very few lodged formal complaints, demonstrating

serious defects in the perceived legitimacy and effectiveness of channels for reporting and addressing bribery.

Corruption in Media

As many as 8 per cent of the respondents in India consider that corruption in the media affects the lives of the people. The media, while not being perceived as clean, scored best with just over 40 per cent of respondents labelling the sector as corrupt, globally.

Corruption in Judiciary

Corruption is rampant in India's courts. According to Transparency International, judicial corruption in India is attributable to factors such as "delays in the disposal of cases, shortage of judges and complex procedures, all of which are exacerbated by a preponderance of new laws". Almost 3 per cent respondents in India consider the judiciary to be corrupt. Anti-corruption tools such as the Right to Information Act (RTI, 2005), social audit, citizens' charters and use of technology are wonderful tools to check corruption, but majority of the population in the country are not aware of these instruments. Transparency International has also devised tools such as Integrity Pact and Development Pact to check corruption in areas of procurement and political institutions, respectively.

Corruption in Police

Despite state prohibition against torture and custodial misconduct by the police, torture is widespread in police custody, which is a major reason behind deaths in custody. The police often torture innocent people until a "confession" is obtained to save influential and wealthy offenders. G.P. Joshi, the programme coordinator of the Indian branch of the Commonwealth Human Rights Initiative in New Delhi comments that the main issue at hand concerning police violence is the lack of accountability on the part of the police.

CORRUPTION IN INDIA: IMPACT ON DEVELOPMENT (SHILPA, 2013)

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." On the inaugural of the conference of CBI in 2011, the same PM stated that there is very large scale of corruption, even in high places and many big fishes are escaping and they should be caught and severely punished. Corruption in India is deep rooted and people are concerned in corruption „at the cutting edge level of administration". A detailed empirical research in 2007-08, focusing on 22,728 households living below the poverty line, found that they paid about 9000 million in bribes to access basic and need based public services⁷. A similar survey was conducted in 2005 on 14,405 responds found that citizens had paid the bribe to the tune of Rs. 21068 crores to avail public services⁸. These studies set up corruption as one of the major obstacle in governance. A corruption in governance affects the economy of the country and indirectly affects all types of development of the citizens. Recently in times of India it was reported that out of many lakhs of crores released by the government of India for eight national schemes. It was founded by the CAG that at least a sum of Rs. 51000 allocated to these schemes has not been counted for. Imagine if in a single year so much have been big amount been siphoned off by only eight schemes, suppose how much money earmarked for the poor have been siphoned off by all government initiatives .

In 1986 Rajiv Gandhi , the then PM reported that out of every rupee earmarked for the benefit of the citizen, only 15 paise reaches to the beneficiaries. Over the time this amount has reduced and reached the prediction at 10 paise. It arise a question in every one's mind that if only 15 percent of sanctioned amount reaches to beneficiaries than left sanctioned amount goes where? "The remaining 40 percent was spent on administrative costs and nearly 45 percent disappeared into the corruption column"¹⁰

Corruption is the abuse of entrusted power for private gain. It is generally comprises illegal activities, which mainly come to light only through scandals, investigations or prosecutions. It is thus difficult to assess absolute levels of corruption in countries or territories on the basis of hard empirical data. In 2012 india"s rank has declined in one rank but it is not the appropriate ranking for the point of good governance .Though during the above mentioned period indicates the serious corruption problem in the country. There continues to be a decline in India's Integrity Score to 3.1 in 2011 from 3.5 in 2007, 3.4 in 2008 and 2009, 3.3 in 2010. Accordingly, India's rank on Transparency International's corruption Perception

Index (CPI) has also declined further to 94 out of 176 countries surveyed in 2012, indicating a serious corruption problem.

RIGHT TO KNOW: THE ROOT OF DEMOCRACY

Lairenjam (2007) Almost every person talks about corruption. People attribute every failure or problem to the corruption in machinery and leave at that. Unfortunately, India has the dubious distinction of being 20th most corrupt country in a list of 91 countries, in 2001. Enforcing the accountability of the authorities has its roots in right to know. The transparency will automatically limit the abuse of discretion, and thus acts as the check on the corruption in any regime. Most notorious scams like distribution by the Union Minister for petroleum, of petrol pumps among the kith and kin instead of deserving unemployed youth. Information about public distribution system, availability of sugar in ration shops, housing schemes, employment schemes, availability of land pattas (Title deed for the house-plot issued by the Government) and related rights will enlighten the eligible youth to agitate for them, which naturally prevents the misuse and wrongful distribution. Similarly the displaced people should know when the irrigation project would be completed and what are the rehabilitation packages available to them are. The people have right to know the disastrous impact of contamination and environmental problems to avoid them or to prepare themselves for confronting them. Corruption worsens socio-economic conditions and facilitates growth of anti-national movements or activities. Corruption acts as a regressive tax on industrial growth, especially for the small-scale industries that are major sources of employment in many developing countries. It also reduces revenue collections of the state. Consequently, the state's capacity to allocate substantial resources to basic services such as health and education is reduced. Various corrupt practices, from petty bureaucratic corruption to big scams, directly facilitate anti-national activities. For instance, India's most wanted criminal, the mastermind behind the Mumbai serial bomb blast Abu Salem was given passport on the pretext that he was living in Kurnool, Andhra Pradesh by a few corrupt lower rung officials. On a larger scale, the recent stamp-scam, is estimated to be around Rs. 3,200 crores , and has led to the arrests of two MLAs, one each from Maharashtra and Andhra Pradesh. The news reports suggest that the scam is part of a larger scheme of the ISI to slowly wreck the Indian economy.

Since June 2005, when Right to Information Act, was passed, it has been hailed as the hallmark of democracy for the reasons that it purports to make, as regards government information, disclosure the norm and secrecy as the exception. Experts feel that as the Act aims at

making the government transparent and more accountable, the effective use of it would, in a long run, curb corruption. It was not the case of fighting corruption at high power centre, which might affect the economy of the nation in a big way. It was a fight for protecting the bare minimum needs of small people from small corruption of petty officials, which became a life and death question for villagers. This was a not a new right conferred on citizens, but was an essential part of our Fundamental Rights about which we were ignorant. The Right to Information Act is only a codification of a fundamental right of citizens, to implement and enforce it. It is the means through which we can make our freedom of expression a meaningful right. If we do not have information on how our government and public institutions function, we cannot express any informed opinion on it. This has been accepted by various Supreme Court judgments since 1975.

The idea of preventing corruption through Right to Information is the idea, which has such a power, and the time has come to cure the disease of corruption. Right to information as such will bring transparency of the government activities and allow the people to find remedies for those things by which they suffered. Right to information means right information of the need of the hour. It's a weapon in the hands of every citizen without license. Corruption is rampant in India. It is almost impossible to get any work done in any government office without paying bribes. If one does not pay bribe, unnecessary objections would be raised and the person would be made to run around. But now every person has an option. One need not to pay bribes anymore to get the legitimate work done in any government department. The simple act of demanding to know the status of our grievance petition and the names of the officials who have been sitting on our file does wonders. The Right to Information empowers citizens to ask for information from their government, and has the potential of enforcing the majesty of the Indian citizen. It ensures that a citizen sitting in her house and spending less than an hour and about Rs 50 to 70 can curb corruption, improve policy implementation or sometimes get a grievance redressed. Citizens do not need to go to any office, or even telephone anybody. They can enforce good governance from their homes. In the event, the public servant treats an RTI requisition with contempt or indifference; he faces the threat of paying a personal penalty for this. People have also been making a difference in the quality of works carried out by the government in their area. Absent sweepers turned up for duty when their attendance registers were sought. Incomplete works were completed and quality of works improved when copies of contracts of the works was sought. MLA was forced to release money for a work demanded by the people, when the people obtained details of expenditure made by her out of

her MLA Development Fund. A number of ghost works were found when copies of contracts of all the works carried out by the government in an area were obtained. Right to Information is also redefining the relationships between the people and the governments. Till now, the people had to run around the government officials to get any work sanctioned or to get any work done in their area. Not any more. Right to Information provides such critical information and evidence in the hands of the common man that equipped with this evidence, a person is able to take on the most entrenched vested interests. The officials run for cover and at times almost plead before the applicant. The greater the access of the citizen to information, the greater would be the responsiveness of government to community needs. Alternatively, the greater the restrictions that are placed on access, the greater the feelings of 'powerlessness' and 'alienation'. Ensuring the right to information would go a long way to strengthening democracy and curbing corruption through establishing transparency in the administration.

Corruption is a prevalent disease whose roots can never be detected even by those who are experts in investigating things. Corruption as it means today cannot be defined for a reason of limiting its contents. There is a controversial issue between any illegal act that could be considered to be defined as corruption and only those who do illegal acts being public servants. This is because Prevention of Corruption Act mentions not all persons who do illegal acts as being corrupt, but only those who are significantly public servants. Corruption arising out of secrecy is thus has no solution until the veil of secrecy is removed through transparency. In a Democratic society, a Citizen can realize his right to live in corruption free society only when the iron veils of secrecy are lifted and culture of transparency brought down. There are two significant phases in bringing in the culture of transparency in imposing an obligation of the state to inform and providing a substantial Right to Know on the part of the citizens. In modern constitutional democracies it is axiomatic that citizens have a right to know about the affairs of the Government which having been elected by them, seeks to formulate sound policies of governance aimed at their welfare. But like all other rights even this right has recognized limitations. It is by no means absolute. In transactions which have serious repercussions on public security, secrecy and like nature, public interests demand that they should not be publicly disclosed or disseminated. To ensure the continued participation of the people in the democratic process they must be kept informed of the vital decisions taken by the Government and the basis thereof. Democracy, thus, expects openness is a concomitant of a free society. Sunlight is the best disinfectant. Right to Know is an inherent attribute of every person. Right to know differs

only in one sense with right to information. Right to know is a natural right and right to information is a provision given by government to its people. It came into existence for the first time in India in Rajasthan. People revolted against the corrupt activities for the Government. Every citizen should curb corrupt activities in society through the help of this right. It is most possibly done only in a democratic government. Indian Constitution speaks impliedly about this right with a reasonable restriction. It can be considered as a natural right. Natural rights do not have any value legally until they are legally considered. Hence right to know as such implied in the freedom of speech and expression which is a legally considered right must have to be given a special value. It should be considered as a special Fundamental Right by the Legislature. The idea of preventing corruption through such an effective instrument namely, the Right to Information act should be considered by the people and taken recourse to. Armed with such a power and time have come to address the issue and cure the disease of corruption. Right to information as such will bring transparency of the government activities and allow the people to find remedies for those things by which they suffered.

HOW TO MAKE EFFECTIVE LAW FOR RIGHT TO KNOW: Transparency International (2006)

The right of access to information is a fundamental human right crucial to the development of a democratic society. As of January 1st, 2006, 68 countries around the world had adopted access to information laws (up from only 12 countries which had such laws in 1990). The Justice Initiative works with partner organizations to promote implementation of these laws and to press for adoption of robust laws that entrench the Right to Know. To assist these efforts, the Justice Initiative has developed the following principles, in consultation with our partners, based on international law and standards and the comparative law and practice in these 68 countries. These principles represent evolving international standards on how governments should respect the Right to Know in law and practice.

1. Access to information is a right of everyone.

Anyone may request information, regardless of nationality or profession. There should be no citizenship requirements and no need to justify why the information is being sought.

2. Access is the rule – secrecy is the exception!

All information held by government bodies is public in principle. Information can be withheld only for a narrow

set of legitimate reasons set forth in international law and also codified in national law.

3. The right applies to all public bodies

The public has a right to receive information in the possession of any institution funded by the public and private bodies performing public functions, such as water and electricity providers.

4. Making requests should be simple, speedy, and free.

Making a request should be simple. The only requirements should be to supply a name, address and description of the information sought. Requestors should be able to file requests in writing or orally. Information should be provided immediately or within a short timeframe. The cost should not be greater than the reproduction of documents.

5. Officials have a duty to assist requestors

Public officials should assist requestors in making their requests. If a request is submitted to the wrong public body, officials should transfer the request to the appropriate body.

6. Refusals must be justified.

Governments may only withhold information from public access if disclosure would cause demonstrable harm to legitimate interests, such as national security or privacy. These exceptions must be clearly and specifically defined by law. Any refusal must clearly state the reasons for withholding the information.

7. The public interest takes precedence over secrecy.

Information must be released when the public interest outweighs any harm in releasing it. There is a strong presumption that information about threats to the environment, health, or human rights, and information revealing corruption, should be released, given the high public interest in such information.

8. Everyone has the right to appeal an adverse decision.

All requestors have the right to a prompt and effective judicial review of a public body's refusal or failure to disclose information.

9. Public bodies should proactively publish core information.

Every public body should make readily available information about its functions and responsibilities, without need for a request. This information should be current, clear, and in plain language.

10. The right should be guaranteed by an independent body.

An independent agency, such as an ombudsperson or

commissioner, should be established to review refusals, promote awareness, and advance the right to access information.

Other than above principle to establish effective law for Right to Know following tips will also be beneficial in addition to the standard elements of the right to information which must be contained in an access to information law -

- **Anticipate administrative reforms:** Parties involved in drafting the law need to take into consideration the public administration's capacity for the new legislation, otherwise a law may be created that is excellent for citizens but leaves the administration incapable of providing proper services and with a considerably reduced capacity to deliver. A few provisions in the law which require, for example, standardizing the classification of internal documents and the proactive publication of certain classes of information such as budgets and annual reports, can greatly help in preparing the administration for answering the most common information requests.

- **Sanctions for secretive institutions:** Sanctions should penalize the institutions that have failed to respond to requests for information, along with the heads of these agencies, to avoid the possibility of individual, lower rank civil servants being penalized – the burden of responsibility should rest with those with the power to make change.

- **Retrospective action:** Any new access to information legislation and policies should include a clause that entitles requestors to obtain access to copies of information contained in official documents which originated before the adoption of the access to information law.

- **Specify which private bodies are covered:** Some freedom of information laws also oblige private entities to provide information, particularly where these private bodies receive public funds and/or perform a public function and/or hold information that is necessary for the defence of other rights, such as the right to education or health or participation in public life. To ensure clarity on which bodies are bound to respond to requests for information, they should either be named within the law or the law

should specify the criteria to be applied when determining when a public body has an obligation to respond and which of the information it holds must be made public.

- **Fair fees:** Access to information regimes usually establish fees for obtaining copies of the information requested. International standards such as the Council of Europe Recommendation on Access to Official Documents and many national laws establish that the

fees charged may only be for the actual costs incurred by the public authority, such as the cost-price of photocopying the document requested. ATI laws should establish that information may be viewed free of charge; it is also the norm that where information is delivered electronically, such as by e-mail, it be free of charge. Where IFIs charge fees for providing information they should also adhere to these standards.

- **Proactive transparency:** It is increasingly common to find that access to information laws contain provisions requiring public bodies – and private bodies to the extent that they are covered by the law – to make certain types of information available proactively, such as by posting the information on websites and/or having printed reports available in the reception of the institution. Such proactive transparency can be a source of very important information for anti-corruption activists. For example, activities of the state with reference to public procurement can be made available automatically (on the Internet and in the national gazette or similar publication), which means that everyone has an equal opportunity to know about upcoming tenders and about contracts that have been awarded. Such measures are needed to overcome traditions of keeping business-related information secret, even where the so-called “business secrecy” relates to the spending of the tax-payers money as part of public-private partnerships and service contracts.

- **Independent oversight is essential:** Experience has shown that where Information Commissioners or Ombudspersons are responsible for the implementation of access to information laws, they can make a positive contribution to building a new culture of openness within government. Such officials should have independence of mandate and budget and those appointed to the post should have relevant experience and be selected by a public process, with an opportunity for civil society organizations to make submissions related to the qualifications of the candidates.

- **Oversight of oversight is also essential:** Bodies such as Information Commissioners and Ombudspersons do, however, need to be monitored in order to determine their effectiveness in promoting implementation. This is a role for civil society and the media; for example in Mexico the NGO LIMAC has analyzed the decisions of the Mexican Information Commission (IFAI) for trends in the interpretation of the transparency law and consistency of decision-making 6

RIGHT TO INFORMATION ACT (2005)

The Right to Information Act (RTI) is an Act of

the Parliament of India "to provide for setting out the practical regime of right to information for citizens" and replaces the erstwhile Freedom of information Act, 2002. The Act applies to all States and Union Territories of India except Jammu AND Kashmir. Under the provisions of the Act, any citizen may request information from a "public authority" (a body of Government or "instrumentality of State") which is required to reply expeditiously or within thirty days. The Act also requires every public authority to computerize their records for wide dissemination and to proactively certain categories of information so that the citizens need minimum recourse to request for information formally. This law was passed by Parliament on 15 June 2005 and came fully into force on 13 October 2005.^[1] Information disclosure in India was restricted by the Official Secrets Act 1923 and various other special laws, which the new RTI Act relaxes.

The Act covers the whole of India except Jammu and Kashmir, where J&K Right to Information Act is in force. It is no to all constitutional authorities, including the executive, legislature and judiciary; any institution or body established or constituted by an act of Parliament or a state legislature. It is also defined in the Act that bodies or authorities established or constituted by order or notification of appropriate government including bodies "owned, controlled or substantially financed" by government, or non-Government organizations "substantially financed, directly or indirectly by funds" provided by the government are also covered in the Act.

Private bodies are not within the Act's ambit directly. In a landmark decision of Sarbajit Roy versus Delhi Electricity Regulatory Commission, the Central Information Commission also reaffirmed that privatised public utility companies continue to be within the RTI Act-their privatisation not withstanding.

The Central Information Commission (CIC) has held that the political parties are public authorities and answerable to citizens under RTI Act. The CIC, a quasi-judicial body, has said that six national parties:- Congress, BJP, NCP, CPI(M), CPI and BSP and BJD have been substantially funded indirectly by the Central Government and they have the character of public authority under the RTI Act as they perform public functions^{[3][4]} On 12 August 2013, the Congress Party tabled RTI Amendment Bill 2013 in Lok Sabha to keep political parties out of RTI ambit.

The Bill to amend the Act so as to keep political parties out of its ambit, was on September 3, 2013 deferred to the Winter Session of Parliament. On December 17, 2013 the Standing Committee on Law and Personnel said in its report tabled in Parliament.

"The committee considers the proposed amendment is a right step to address the issue

once and for all. The committee, therefore, recommends for passing of the Bill,"

The RTI process involves reactive (as opposed to proactive) disclosure of information by the authorities. An RTI request initiates the process. Each authority covered by the RTI Act must appoint their Public Information Officer (PIO). Any person may submit a written request to the PIO for information. It is the PIO's obligation to provide information to citizens of India who request information under the Act. If the request pertains to another public authority (in whole or part), it is the PIO's responsibility to transfer/forward the concerned portions of the request to a PIO of the other authority within 5 working days. In addition, every public authority is required to designate Assistant Public Information Officers (APIOs) to receive RTI requests and appeals for forwarding to the PIOs of their public authority. The applicant is required to disclose his name and contact particulars but not any other reasons or justification for seeking information.

The Central Information Commission (CIC) acts upon complaints from those individuals who have not been able to submit information requests to a Central Public Information Officer or State Public Information Officer due to either the officer not having been appointed, or because the respective Central Assistant Public Information Officer or State Assistant Public Information Officer refused to receive the application for information. The Act specifies time limits for replying to the request.

- ❖ If the request has been made to the PIO, the reply is to be given within 30 days of receipt.
- ❖ If the request has been made to an APIO, the reply is to be given within 35 days of receipt.
- ❖ If the PIO transfers the request to another public authority (better concerned with the information requested), the time allowed to reply is 30 days but computed from the day after it is received by the PIO of the transferee authority.
- ❖ Information concerning corruption and Human Rights violations by scheduled Security agencies (those listed in the Second Schedule to the Act) is to be provided within 45 days but with the prior approval of the Central Information Commission.
- ❖ However, if life or liberty of any person is involved, the PIO is expected to reply within 48 hours. Since the information is to be paid for, the reply of the PIO is necessarily limited to either denying the request (in whole or part) and/or providing a computation of "further fees". The time between the reply of the PIO and the time taken to deposit the further fees for information is excluded from the time allowed. If information is not provided within this period, it is treated as deemed refusal. Refusal with or without reasons may be ground

for appeal or complaint. Further, information not provided in the times prescribed is to be provided free of charge. Appeal processes are also defined.

RIGHT TO INFORMATION ACT : A VITAL TOOL TO FIGHT AGAINST CORRUPTION IN INDIA :-

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. If there is no transparency, accountability cannot be fixed. There should be maximum disclosure and minimum confidentiality. 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. The history of struggle for right to information indicates that, it is the result of efforts made for transparency and disclosure of corruption in the wages system in Devdungri village in the Rajasthan. This effort was started by MKSS (Mazdoor Kissan Shakti Sangthan) to tackle corruption at grass root level. As a result many states pass bill related to right to information and in 2005 government passed a land mark Act named „Right to Information Act,2005“ with the objectives¹⁴ of :

- ❖ Greater Transparency in functioning of public authorities.
- ❖ Improvement in accountability and performance of the Government.
- ❖ Promotion of partnership between citizens and the Government in
- ❖ Decision making process; and
- ❖ Reduction in corruption in the Government departments.

All these parameters are critical elements of good governance. There are many instances when right to information is used for the disclosure of corruption in one or other form. 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."¹⁵In January 2013 in Times of India, it is stated that, the right to information (RTI) Act is a very good tool to improve the functioning of the government. This observation was made by Leena Mehendale¹⁶, a

retired IAS officer at an interactive titled 'Role of PIOs and RTI activists in good governance'. The former additional chief secretary of Maharashtra termed the RTI Act as the most important act that has been drawn up and implemented after the constitution of the country. Mehendale felt the RTI can facilitate people's participation in development. She stated that often the common man has no role in government functioning.

Case studies and media reports show that RTI is being used to redress individual grievances, access entitlements such as ration cards and pensions, investigate government policies and decisions, and expose corruption and misuse of government resources. In 2010¹⁷, K.S. Sagaria, a resident of Kushmal village in rural Orissa, filed an RTI application seeking information on the number of ponds constructed in his village under the government's national wage employment scheme. The information he received was revealing: the ponds had never been constructed even though money had been allocated and spent. Following complaints from villagers, the local administration was forced to take action and suspend the officials involved in the pond scam addition; a recent experiment of students at Yale University found that India's RTI Act can be as effective as bribery in helping the poor access their entitlements. As part of the experiment, slum dwellers in Delhi were divided into four groups and asked to submit applications for ration cards. While the first group submitted their application and did not follow up, the second group attached a recommendation letter from an NGO to their application, the third group paid a bribe and the fourth group filed an RTI request to follow up on their application. Yale Ph.D. students Leonid Peisakhin and Paul Pinto found that while the group that paid a bribe was the most successful, those that filed RTIs had their applications processed nearly as fast. According to Peisakhin: "Access to information appears to empower the poor to the point where they receive almost the same treatment as middle-class individuals at the hands of civil servants. This is something that payment of a bribe cannot do.

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"¹⁹. The authors found that the act "explains approximately 62 percent of the actual decline in corruption in Bihar over the period 2005 to 2008"²⁰, 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,"²¹ Bhattacharyya and Jha conclude. Thus right to information has a immense power to make government accountable and transparent. We as individuals have the power and the responsibility of bringing Good governance by using and spreading the use of Right to Information. Going beyond stopping corruption and getting the Citizens their rightful due, Right to Information also lends itself to being used by Citizens to address issues of Governance and a rational basis for public policy. Indian Citizens have an opportunity to realize Swaraj " and turn it into „Su-raj" – a true and enlightened self-governance and good governance.

CONCLUSION

"Power corrupts and absolute power corrupts absolutely"
Lord Akton's above quote is absolutely correct for current Indian democratic phenomenon regarding corruption. The supreme court of India also stated that the corruption is just like a cancer for Indian democracy. 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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