

COMBATING CORRUPTION IN INDIA THROUGH RIGHT TO INFORMATION: AN ANALYSIS

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I. Introduction

Corruption is a universal menace that ruins nations and cripples the administration of governance. In a democracy, every government servant is under an obligation to disclose information regarding the expenditure made by them on behalf of the taxpayers and the decisions taken by them for the welfare of the people. Absence of such accountability results in abuse of power leading to rampant corruption hindering the growth and development of the nation. Poor implementation of laws dealing with corruption is another hurdle in preventing such corrupt practices. The enforcement of the laws to a great extent lies with the bureaucrats who use them conveniently to their own advantage. Most of the civil servants work under political leaders and remain loyal to them till they are in power. This loyalty shifts with the shift in the ruling government leading to a never ending cycle of unbridled corruption.

This insidious plague called corruption is found in all countries – big and small, rich and poor undermining democracy and rule of law. Corruption hurts the poor disproportionately by diverting funds intended for development, undermining a Government's ability to provide basic services, feeding inequality and injustice and discouraging foreign aid and investment.² Corruption is a key element in economic underperformance and a major obstacle to poverty alleviation and development. Every year, since the passage of the United Nations Convention against Corruption on 31 October 2003, 9th December is observed as International Anti-Corruption Day to facilitate and support international cooperation and technical assistance in the prevention of and fight against corruption. Transparency International, an international non-governmental organization that works against corruption has placed India in the 81st position in the global corruption perception index in 2017.³ It reflects India's dominant position as a corrupt nation. The existing governmental machinery across the states and

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² "United Nations Convention Against Corruption" available at: <://www.unodc.org/documents/brussels/UN_Convention_Against_Corruption.pdf> (last visited on December 10, 2017)

³ Available at <https://www.transparency.org/country/IND> (last visited on February 21, 2018)

central governments has not been able to inspire confidence among the people of India as far as eliminating corruption is concerned.⁴

In order to wriggle out the corruption that has been spreading in India like a disease, and to ensure a corruption-free society, umpteen attempts have been taken up by the government of India in the form of legislations and establishment of institutions to tackle the menace of corruption but little progress have been achieved in this sphere so far. The colonial legacy of secrecy in India has inspired the government officials to keep public, away from the affairs of the government restricting the progress of the nation. However, soon it was realised that corruption can be reduced to a great extent if there is greater transparency and accountability in governance. This can be effectively done if people have the knowledge of the information that concerns them and resist the practices of corruption ingrained in the system.

Therefore, an opportunity to the public to have access to information became the need of the hour. Subsequently, this initiative was taken up by the judiciary, civil society and the media that came forward and fought against corruption existing in the public administration. The efforts led by the these institutions led to the enactment of the historical Right to Information Act, 2005 .The Act has achieved tremendous support from all sections of the society since then. The present paper highlights the role of the Right to Information Act in preventing the menace of corruption ensuring transparency and accountability in the administration and suggests measures to tackle corrupt practices existing in India.

II. Overview of Corruption in India

The World Bank defines corruption as an act where public officials including both bureaucrats and politicians, violate formal rules of conduct in pursuit of their private benefit, whether for wealth in the form of bribes or for political advantage. Corruption has a disproportionate impact on the poor and most vulnerable, increasing costs and reducing access to services, including health, education and justice.⁵ Corruption in India not only poses a significant danger to the quality of governance; it also threatens in an accelerated manner the very foundation of India's democracy, rule of Law and statehood⁶

One of the factors that work as a major hurdle in tackling corruption today is the existence of colonial immunities and privileges for the

⁴ C.Raj Kumar, *Corruption and Human Rights in India*, 163 (Oxford University Press 2011)

⁵ Combating Corruption, available at: www.worldbank.org/en/topic/governance/rief/anti-corruption (last visited on December 30 2017)

⁶ *Id* at 4

bureaucracy. Another important factor that validates this immunity is the archaic laws that still hinder transparency and accountability from the bureaucrats. In India, corruption is present in almost all departments be it politics, judiciary, media, police administration. The chief causes that encourage corruption include lack of Information, lack of transparency and accountability, inadequate government control, misuse of power by politicians and irresponsible attitude of citizens.

Dispensing MP and MLA funds at the sweet will of the politicians is a common phenomenon in India. In cities and villages throughout India the Municipal and Panchayat 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 mafias which are usually groups of corrupt public works officials, materials suppliers, construction contractors and also politicians. In government hospitals, corruption is associated with non-availability of medicines, duplicate medicines, bribing for hospital beds and consultation with doctors and availing diagnostic services. Corruption is also rampant in the public distribution system. The Judiciary is also not spared as we often hear judges of the lower courts taking bribes and are guilty of acquiring disproportionate assets. The higher Judiciary also has not been transparent in its appointment procedure and disclosure of Assets and liabilities. The police atrocities also are a common aspect of corruption where the innocent people are often tortured to save influential and wealthy offenders. The chief economic consequences of corruption are the loss to the exchequer, an unhealthy climate for investment and increase in the cost of government-subsidised services.⁷

III. International Perspective on Corruption

Corruption is a global phenomenon and with the emergence of the multinational businesses including international banking and finances carried out among the states, the frequent transnational crime effecting the states and the almost free movement of people and information from one state to the other necessitates international moves against corruption. The major treaties that address corruption are discussed below:

(i) Inter – American Convention against Corruption

This was the first Convention that addressed the question of Corruption. Adopted on 29 March, 1966 by the member countries of the Organisation of American States, the Convention promotes the States Parties

⁷ Farzana Begam, '*Right to Information in Developing World*', 125 (2010)

to prevent, detect, punish and eradicate corruption.⁸ In addition it also facilitates and regulates cooperation among the States Parties to ensure the effectiveness of measures and actions to prevent such practices in the performance of public functions and acts of corruption specifically related to such performances.⁹

(ii) The OECD Anti- Bribery Convention

The Convention on Combating Bribery of Foreign Public Officials in International Business Transactions adopted on 17 December 1997 and came into force on 15 February 1999 establishes legally binding standards to criminalise bribery of foreign officials in international business transactions by effective, proportionate and dissuasive criminal sanctions. The Convention further establishes a monitoring mechanism to ensure that obligations under the Convention are carried out.¹⁰

(iii) The African Union Convention on Preventing and Combating Corruption (AUCC)

The Convention was adopted in July 11 2003 and came into force in 2005. It was primarily meant to fight political corruption on the African continent. It aims to eradicate corruption in both the public and private sector.¹¹ It requires the signatories to establish, maintain and strengthen independent, national anti-corruption authorities or agencies to fight against corruption.¹²

(iv) The United Nations Convention against Corruption

The United Nations Convention against Corruption that came into force on 14 December 2005 with over 140 parties to it is the global agreement among countries to fight corruption. It obliges the States to prevent and criminalise different corrupt practices, promote international cooperation, cooperate for the recovery of stolen assets and enhance technical assistance and information exchange.¹³ The Convention addresses both the public and private spheres and provides a set of comprehensive agreed upon obligations and provisions to criminalise corruption and enhance transparency and accountability. In order to monitor the progress in implementation of the Convention, the Member States have agreed to conduct “peer review mechanisms” among themselves, for which UNODC

⁸ Available at: www.oas.org/en/sla/dil/inter_american_treaties_B-58_against_Corruption.asp (last visited on January 16, 2018)

⁹ *Ibid.*

¹⁰ Available at: www.oecd.org/corruption/oecdantibriberyconvention.htm (last visited on January 16, 2018)

¹¹ Available at: <https://au.int/en/treaties/african-union-convention-preventing-and-combating-corruption> (last visited on 16 January, 2018)

¹² *ibid*

¹³ Available at <https://www.unodc.org/unodc/en/treaties/CAC/> (last visited on 21 January. 2018)

acts as a Secretariat.¹⁴ It makes it mandatory for countries to criminalise corruption offences like bribery, misappropriation, embezzlement and money laundering.

I. Position in India

Part III and IV of the Constitution of India encompass right to dignity, equality and freedom and also socio-economic rights to all individuals. It is the obligation of the state to respect, promote and fulfil the constitutional principles. This requires the state to take positive steps to ensure transparency of all public procurement processes including through the investigation of allegations of corruption or improper conduct in procurement processes. The government of India has enacted various laws criminalising corruption and has established various institutions to contain corruption at all levels.

India has also welcomed the UNCAC, which provides for international co-operation and mutual legal assistance in investigating cases of corruption and recovery of assets. India signed the UNCAC in December 2005. By signing the Convention India has reiterated its resolve to strengthen international co-operation, cooperate for the recovery of stolen assets and enhance technical assistance and information exchange as envisaged in the Convention.¹⁵

IV.I. Existing Laws to Combat Corruption in India

The British government included various provisions in their laws to prevent corruption and certain provisions still remain operative as laws in force post independence. In addition to some of the pre-constitutional laws dealing with corruption, the government of India has enacted various laws to prevent corruption in India which is enumerated below:

(i) The Indian Penal Code, 1860

The Indian Penal Code criminalises corrupt practices that includes gratification in order to influence public servant, offences relating to cheating and dishonestly inducing delivery of property¹⁶ and criminal breach of trust¹⁷. The Act defines “public servant” as a government employee,

¹⁴ Government Ratifies Two UN Conventions Related to Transnational Organized Crime and Corruption, *available at*: <https://www.unodc.org/southasia/frontpage/2011/may/indian-govt-ratifies-two-un-conventions.html> (last visited September 24, 2017)

¹⁵ India: Government ratifies two UN Conventions related to transnational organized crime and corruption, *available at*: <https://www.undoc.org/southasia/frontpage/2011/may/Indian-govt-ratifies-two-un-conventions.html>(last visited on December 5, 2018)

¹⁶ Indian Penal Code, Sec-169

¹⁷ *Id.* Sec.- 409

officers in the military, navy or air force; police, judges, officers of Court of Justice and any local authority established by a central or state Act.¹⁸

(ii) The Benami Transactions (Prohibition) Act, 1988

The Benami Transactions (Prohibition) Amendment Act, 2016 amends The Benami Transactions (Prohibition) Act, 1988 making it more stringent. The amended Act prohibits benami transactions¹⁹ and empowers the prescribed authority to provisionally attach *benami* properties which can eventually be confiscated. The Act further imposes a punishment with rigorous imprisonment for a term not less than one year but which may extend to 7 years and shall also a fine which may extend to 25% of the fair market value of the property if a person is found guilty of offence of *benami* transaction by the competent court.

(iii) The Prevention of Corruption Act, 1988

The Prevention of Corruption Act, 1988 is the main law for dealing with offences pertaining to corruption in India. It was enacted to consolidate different anti-corruption provisions from various pieces of legislation under one umbrella and to make them more effective. The Act widened the scope of the definition of a “public servant”; enhanced penalties provided for offences in earlier laws; incorporated the provisions of freezing of suspected property during the trial; mandated trial on a day-to-day basis prohibited the grant of stay on trial etc.

(iv) The Prevention of Money Laundering Act, 2002

Many public servants are able to hold their ill-gotten wealth in foreign countries, which they subsequently transfer to their homeland through money laundering, disguising them as funds, apparently from a legal source. This Act empowers the Directorate of Enforcement, India, and Financial Intelligence Unit, India, both agencies of the Government of India, to investigate and prosecute such persons under the said Act. The punishment for committing the offence is rigorous imprisonment for three years which may extend to seven years and also be liable to fine.²⁰

(v) The Competition Act 2002

The Competition Act ensures competitiveness in market and includes both the public and private sector. It provides for the establishment of Competition Commission responsible for amongst other things, the investigation of prohibited practices including corruption.

¹⁸ *Id.* Sec.-21

¹⁹ According to Sec-2(9) of the Benami Transactions (Prohibition) Act, 1988 *benami* transaction means any transaction in which a property is held by or transferred to a person, but has been provided for or paid by another person who does not pay for the property except when a person purchases property in his wife’s or unmarried daughter’s name.

²⁰ The Prevention of Money laundering Act, 2002, Sec-4

(vi) The Companies Act, 2013

The Companies Act, 2013 lays down provisions to prevent corruption and fraud in the corporate sector including the duty of statutory auditors to disclose any instances of fraud committed by company employees. It imposes penalties for fraud offences and makes provision for establishment of vigilance mechanisms and audit committees. The Act has increased the responsibilities of independent directors.

(vii) Whistleblowers' Protection Act, 2011

Whistle Blower is a person who exposes information or activity that is deemed illegal and plays a major role in the fight against corruption detecting passive bribery, misuse of public funds, waste or fraud. The Whistle Blowers Protection Act, 2011 provides a mechanism to investigate alleged corruption and misuse of power by public servants and also protect anyone who exposes alleged wrongdoing in government bodies, projects and offices.

(viii) The Lokpal and Lokayuktas Act 2013

The Act provides for establishment of offices of the nodal ombudsman for the Central and state governments, Lokpal and Lokayuktas respectively to investigate and prosecute cases of corruption in the public sector and also has the power of superintendence over the Central Bureau of Investigation.

(iv) The Right to Information Act, 2005

The Right to Information Act aims at ensuring efficiency, transparency and accountability in public life. This Act requires all public authorities, except the ones that handle work relating to national security, to publish all information about their functioning at regular intervals through various means of communication, including the Internet. The Act empowers the citizens to seek any information from the concerned public authority just by filing an application at almost no cost. The public authority has to reply to the application compulsorily within 30 days. If the information sought is denied, the applicant has a right to agitate further before the appellate authorities under this Act. This has been considered as a revolutionary step towards the eradication of corruption from public life. The present paper focuses mainly on the Right to Information Act, 2005 as a tool to eliminate the malaise of corruption existing deep in the governance and increase administrative efficiency.

V. Emergence of Right to Information Act, 2005 as a Tool to Curb Corruption

India is the 48th country to implement a law that guarantees right to information. The enactment of such a revolutionary Act is no less than a miracle which has been made possible by the civil society groups working selflessly and creating pressure on the government to initiate the passage of

the Act. The initial demand for such a right to access information began with the organization of the rural poor, “Mazdoor Kisan Shakti Sangathan (MKSS)” in the state of Rajasthan. The organization for the first time demanded information relating to government’s development projects for the uplift of the dispossessed masses and demanding accountability of the policy makers and implementing agencies. Their long struggle finally led to the political acceptance of the people’s right to information. Between 1997 and 2004 nine states of India had their own legislation on the right to information. These legislations in the states could not bring the expected reforms as the acts were overprotective of the bureaucracy, imposed high fees for application and photocopying and provided no penalty for officials refusing to divulge information or delaying beyond stipulated time without any justification. A need was felt for a central legislation to make this right a reality.

In response to the nationwide demand for the right to information, the Parliament led by the NDA government enacted the Freedom of Information Act in 2002, with the objective of making government open, transparent, responsive and accountable to the people. The Freedom of Information Act, 2002 was never enforced because its rules were not framed, nor was its enforcement date notified as it suffered from some inherent, substantive and procedural problems and was repealed by the new UPA government which came into office in 2004 and a new legislation was passed in the name of Right to Information Act, 2005 which gave the citizens a weapon to get rid of the secrecy regime that subsisted for the last 55 years.

Under the Act, every citizen is statutorily empowered to put questions and demand answers about governance and development issues that affect their lives. The Act ensured greater transparency and promised to reduce corruption. In India, Right to know and receive information was already there and had emanated from the right of freedom of speech and expression guaranteed by of the Constitution of India²¹. The Right to Information was judicially recognized by the Supreme Court’s observation in the *U.P. Vs. Raj Narain*²², and *S.P Gupta Vs. Union of India*²³ in which by a generous interpretation of the guarantee of freedom of speech and expression the Supreme Court elevated the Right to know and right to information to the status of a fundamental right. Also through its liberal view of *locus standi*, the Supreme Court has facilitated public participation in the judicial process.²⁴ However, due to lack of awareness made it difficult

²¹ Art.19 (1) (a) Constitution of India

²² (1975) 4 SCC 428

²³ AIR 1982 SC 149

²⁴ S.P.Sathe, ‘*Right to Information*’ 57 (Lexis Nexis Butterworths 2006)

for the common people to approach the courts for accessing information. This hindrance was removed by the enactment of the Right to Information Act, 2005 that enabled every citizen to seek information from the public officials by introducing a practical and concrete mechanism to access all kinds of information barring few exceptions enumerated under the Act.

V.I. Significant Features of the Right to Information Act, 2005

The Right to Information Act, 2005 provides for setting out a practical regime of right to information for citizens to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority, the constitution of a Central Information Commission and State Information Commissions.²⁵ The Preamble reflects that the right promises to set out a goal to ensure its citizens to have access to the information and to primarily make arrangements to secure access to information under the control of public authorities excluding the private bodies which will promote transparency and accountability in the public administration.

A citizen under the Act means only natural and not juristic persons like firms, companies or other corporate bodies but if any RTI application is filed on behalf of an organization, it is accepted as a personal application on the behalf of the name of the person mentioned in the RTI application. The Act defines “information” as any material in the form of records, documents, memos and even press release, log books etc. and those in electronic form like e-mails etc. The word ‘record’ embraces any document, microfilm and microfiche, while the reproduction of images embedded in such material in microfilm and computer-based reproduction are also included. Under the Act, the citizen is empowered to inspect such information in forms of diskettes, floppies, tapes, video cassettes or any other electronic mode or through printouts where such information is stored in a computer or in any other device. The Act comprehensively covers a wide spectrum of bodies as a ‘Public Authority’ like the departments and undertakings of Central governments and state governments, Panchayati Raj institutions, urban local bodies, other bodies established, constituted, owned, controlled or substantially financed by the government including governmental organizations. This may also include private schools, hospitals and other commercial institutions that receive subsidies or concessions in taxes from the government.

In addition to these, the act also covers private sector since the citizens can obtain all information indirectly from the government offices who are authorized to control or monitor them, or connected in any way under any other laws for the time being in force. So, in this way indirectly citizen can access the information related to the private bodies from the

²⁵ Preamble of the Right to Information Act, 2005

government offices that are authorized to control or monitor them or connected in any way under any other laws for the time being in force.

The Act ensures to eradicate any type of corruption in Public Authority by providing a mandatory obligation to the Public Authority to disseminate the information sought by the Indian citizen within a certain time period with a nominal fee.²⁶ It also imposes the Public Authority to maintain and provide access to all the information by applying *suo motu* action. So, due to the mandatory dissemination of information in the accessible format definitely, transparency and accountability can be established because that information not only helps to aware the people as well as could admit as evidence in any legal proceeding.

Every Public Authority shall designate as many officers as Public Information Officers (PIOs) or Assistant Public Information Officers (APIOs) in all administrative units or offices under it as may be necessary to provide information to persons requesting the same. If the required information is not provided to the applicant within 30 days, the same will be construed as deemed refusal under the Act and the applicant can prefer an appeal against it to the Appellate Authority who is a senior official of the same department. Furthermore, the Act also mandates the constitution of Information Commissioners and State Information Commissioners (SICs), to inquire into complaints, hear second appeals, oversee and guide the implementation of the Act. It also prescribes penalties on public information officer if found guilty of the violation of the Act.

Under the Act, the first party is the applicant for information; the second party is the public authority of which the Public Information Officer is the officer; the third party is the person to whom the information relates and which information is available with the second party. If the third party claims that the information as confidential, its claim whether confidentiality overweighs the public interest shall be examined and if the PIO decides that the public interest overweighs the purpose of confidentiality he should disclose the information to the applicant.

Though the Act gives us the right to access a wide variety of information, section 8 lays deals down with certain categories of information which are exempted from disclosure if such disclosure prejudicially affect the sovereignty and integrity of India, security, strategic, scientific or economic interests of the state, relation with foreign state or lead to incitement of an offence. Publication of such information is expressly forbidden by the court of law or tribunal and disclosure may constitute contempt of court. Also exempt is information received in confidence from foreign government or information, the disclosure of which would impede

²⁶ The Right to Information Act, 2005, Sec-4

the process of investigation or apprehension or prosecution of offenders, or would endanger the life or physical safety of any person or identity, the source of information or assistance given in confidence for law enforcement or security purposes.

However, these exemptions are not absolute as information pertaining to the allegations of corruption and human rights violations shall not be excluded. Information on such cases shall only be provided after the approval of the central information commission and within 45 days from the date of the receipt of the request. Section 24 of the Act exempts certain organizations from the provisions of the Act. The Act through clearly lays down that any information which cannot be denied to a Parliament or a State Legislature cannot be denied to us. These exceptions, on the other hand, have a shelf life and will not be exempt forever. The Act allows us to request information about any event, occurrence or matter after 20 years, even though at one time or another it may have been covered by one or more exemptions. The Act bars jurisdiction of all courts including High Courts to the extent of its original or appellate jurisdiction to entertain any suit, application or other proceedings in respect of any order made under this Act.

V. II. The Journey so far

The Right to Information Act had raised high hopes that it would reduce corruption to a considerable extent. There is no denying of the fact that the Act has brought in successful results in the matters of civic action such as roads, sanitation, streetlights and information on utilization of MP and MLA funds. It has also highlighted scams worth millions, to ensuring attendance of sweepers in cities to identifying lost postal orders. Today getting access to answer scripts, selection and recruitment procedures are only made possible through this Act. The establishment of Central Information Commission providing for an institutional framework ensuring transparency is engaged in the implementation of the right to information. However, its misuse has also not gone unnoticed. There are instances where the provisions of the Act are misused as information is demanded for petty matters which halts the functioning of government or causes wastage of time and money. The veil of secrecy still exists in the governance of the country. The Official Secrets Act, 1923 has not been formally repealed, although the Right to Information Act has an overriding effect on the Act. The Evidence Act, 1872, also gives unbridled power to the bureaucrats to continue with the disclosure policy.

Government to carry out its constitutional obligation of promoting and protecting the socio-economic interest of every citizen, implements development projects, poverty alleviation programmes and various welfare schemes from time to time. Information relating to these programmes are not available to the citizens. Lack of accountability and transparency in such policies leaves doubts in the minds of the public. Even when we have

structured Panchayati Raj Institutions (PRIs) and the Urban Local Bodies (ULBs) to carry out these functions, most of the times these institutions are also bypassed. In the rural areas, even the Gram Panchayat has no access to such information. Denial of such information results in criticism of the government and encourages corrupt activities.

The Act is still a tool in the hands of bureaucrats as it gives an umbrella protection to the government from disclosure under the garb of exemption. There are ambiguities in the definition of certain terms that can be easily misused by the authorities. Moreover, the right only makes the information accessible but the citizens do not have the power to question the authorities.

VI. Summing up

Corruption has reached such an alarming proportion in India that it has undermined the foundation of democratic governance. In spite of the several legislations to combat corruption, this menace has outnumbered other crimes. It was felt that with the enactment of Right to Information Act, corruption could be wiped out from the country but the reality is that corruption may have reduced in the lower levels of administration to a certain extent but it largely exists at the higher level. It is true that, after the passage of the Act, many citizens got that were long overdue but mere giving the right to the public to secure information would not bring in the change in combating corruption.

A citizen by making an application accompanied by a nominal payment in the concerned department secures the right to get the information he requires. It is only the information that he can expect and nothing beyond that. The information if denied can be taken to his senior official within the department in the form of an appeal. Most of the time a common man is ignorant about this provision and the officer takes advantage of his ignorance.

Those who approach the First Appellate Authority, if dissatisfied with the decision, can file a second appeal with the Information Commission at the Central or State level. Due to lack of awareness, the citizens often do not approach the Appellate authorities when the information is not disclosed within the time frame. This ignorance encourages the erring official to indulge in corrupt activities without any fear of being caught.

It is the duty of the government to raise awareness about the legislation and ensure that all of its affairs are conducted in a manner that promotes transparency, accountability and integrity in public administration. Criminal law and public policy approaches to the problem dealing with corruption have been met with mixed results. The government often turns

deaf ears to RTI applications that have unearthed incidences related to corruption.

The right to information in India needs to be integrated with the right to transparency²⁷ and the right to corruption-free governance. This approach integrated into handling corruption will ensure that the political and bureaucratic machinery in India is accountable to its people. The Central Information Commission needs to assume a leadership role so that, with a view to promoting transparency, whatever information is available with governmental bodies, is obtained and made public.²⁸ Empowerment of the citizens, active involvement of the media in exposing the corrupt actions of politicians and bureaucrats can make a huge difference. The judiciary should be vigilant and punish acts of corruption within a stipulated timeframe. Also the accountability mechanism has to be extended for the promotion of good governance with the active support and cooperation from the government, civil society and media accountability. In addition to this, the following measures should be adopted:

(i) Government should set up minimum standards of proactive disclosure of information and promote better and more standardized distribution of formally published information to give effect to the provisions of the Act enabling the citizens to have access to all government publications. This will reduce the tendency of corrupt activities and create fear in the minds of the erring officials.

(ii) Monitoring and reporting on the performance of public authorities and offices, providing specialized training to officials, issuing clear guidelines on how to implement information management can also make the officials more responsible and reduce corrupt practices.

(iii) The whistleblowers risk their lives to expose illegal activities and providing them with proper protection is the duty of the state. Despite having a specific legislation, the whistleblowers are not given adequate protection and are often subjected to retaliation and victimization. The government should adopt new measures to give them better protection and encouragement so that they fearlessly come forward and blow whistles in their respective departments.

(iv) The erring officials who refuse information to public without any reason under the Right to Information Act is imposed penalty of Rs. 250 per day which may extend to Rs.25000.²⁹ If there is punishment in the Act, there should have been a provision of rewarding the public official on the

²⁷ See Moshe Maor, 'Feeling the Heat? Anti-corruption Mechanisms in Comparative Perspective' 17 *Governance* 1(2004)

²⁸ *Supra* note 3

²⁹ Right to Information Act, 2005, Sec-20

basis of their performance every year in answering to the queries of the citizens.

Right to Information if properly implemented is likely to reduce corruption and increase administrative efficiency. It provides every citizen with 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.³⁰ It is the first step in checking governmental corruption and can be used as a more powerful tool for formulating the right to corruption-free governance. It has been more than a decade now since the law has been passed and therefore concerted efforts by both the citizens and the government can certainly help eliminate corruption from India.

³⁰ Rajiv S.Dhaka, '*Right to information Act and Good Governance: Operational Problems and Road ahead*' 516 *Indian Journal of Public Administration* (Vol LV, no.3 July-Sep 2009)