

Transparency and accountability in administration: A study of Right to Information Act

Jhansi Rani Kannepamula

Arts and Science College for Women, Hyderabad

Abstract

The Right to Information Act 2005 was passed by the UPA (United Progressive Alliance) Government with a sense of establishing truth based society. It is a milestone in India's democratic system. It is seven years since the RTI was passed; the performance on the implementation front is far from perfect. Hence the present study will analyse the impact on the attitude, mindset and behaviour patterns of the public authorities to reveal RTI to the people. Most of the people are still not aware of their newly acquired power. It will analyse and focus on major portion of ethics, transparency and accountability in building up the moral society through good governance. It will also look at the way the Government, NGOs and other enlightened and empowered citizens can supplement the benefits of this Act manifold. The study will stress on how RTI will not only help in mitigating corruption in public life but also in alleviating poverty- the two monstrous maladies of India.

Key Words: *Transparency, Accountability, Public administration, anti-Corruption movement, South Asia*

Introduction

India now is witnessing not mere corruption but national plunder (Brahma Challeny, 2010). There are still millions in India who dream of transparency and accountability/answerability in public administration for corruption free society; although, it is considered as fourth largest economy in the world with the land of natural resources. Moreover, India is a country with multiple identities and incomparable & prosperous cultural

heritage. However, the rich resources of the nation have been facing perpetual problems like poverty, illiteracy and corruption in its own land by its own politicians and bureaucrats and still being considered as a developing country. The expansion of constitutionalism and democratic system has given rise to the notion of administrative accountability (Shamsul,1970). Mass democratic state of present times is not realistic without a huge army of permanently employed state officials, generally characterized as the

Jhansi Rani Kannepamula (mahimaesther@yahoo.com) is Head of the Department cum Sr. Lecturer, Department of Public Administration, Arts and Science College for Women (Autonomous) Andhra Mahila Sabha, Osmania University Campus, Hyderabad, Andhra Pradesh, India.

bureaucracy with rationalized mentality with high ethical back ground. This raises the question of managerial accountability. (Shamsul also stated that "the goal of politics is to manage the behaviour of administration; the behaviour of administration are carried on by structure of government; whoever controls the administration controls the activities of government". Here in this paper an attempt will be made as to how both administrative and political accountability could be ensured for good governance in India.

Notion of political responsibility

Wolf understood that "Accountability/answerability/responsibility relationships engage election process and designated legislative body, it indulge people's representatives and decision-making authority, it also engage government legislative members and its civil servants, it includes internal hierarchical relations and network in the civil service and it deals between administrative authority and citizens". He addressed the theme of accountability/responsibility in language of four fundamental questions. Obaidullah observed that "the contemporary notion of accountability/answerability is linked with four essential questions of Why? Who? What? And How?" These will help us to settle conflicting demands of egalitarianism, efficiency and ethics. "Accountability/answerability is concerning relationships of authority and power, it is concerning giving accounts in trade of delegated powers and responsibilities and regarding the processes and institutions that can help to produce relevant and reasonable accounts" (Wolf, 2000). Wolf recognized at least five proportions in the perception of

accountability:

- ◆ Lawful proportions (Rule of Law)
- ◆ Economic proportions (make use of public resources)
- ◆ Strategy and performance dimensions (Meeting goals, promises and opportunity)
- ◆ Self-governing proportions (Informing and consulting legislatures and citizens)
- ◆ Ethical proportions (Behaving in accordance with codes of ethics or general decent standards).

These proportions of all exist completely in the daily relationships of public administration and conduct behaviour even if they are not raised as open concerns. How can we recover accountability in public administration? In several nations, including India, effectiveness has been the centre of current decades of reorganization and other proportions such as self-governing accountability and ethics have been missing out. "Answerability is an essential constituent of any structure of government that seeks to be efficient. Accountability and effectiveness are, consequently, the two sides of the public service coin". While massive gains in good organization, flexibility and service to general public have been made, the mission ahead should be underpinning good governance and accountability/answerability while moving on in recovering the effectiveness of public administration. Good organization of policy making and policy functioning is in itself a key aspect of good governance. The malicious effects of corruption — the lack or poor quality of essential public infrastructure and services effected the most marginalized sections in the third world societies in general and

India in particular. Therefore third world administrative societies have to invite modern technologies to overcome unethical activities of people's representatives as well as bureaucrats such as bribes, favouritism and discrimination on the basis of caste and creed and religion. Henceforth they need to improve their administrative procedures and practices to achieve efficiency in administration.

Moreover the present day administration requires faith of its people in delivering goods and services to them on time with this much mental revolution in bureaucrats and politicians can be a stepping stone towards economy, efficiency and Excellency in administration. A report on bribery in India published by *Trace International* in January, 2009 (as sited in "Battling India's...") states that...

- 91% of the bribes were demanded by govt. Officials.
- 77% of the bribes demanded were for avoiding harm rather than to gain any advantage.
- Of these 51% were for timely delivery of services to which the individual was already entitled, example, clearing customs or getting a telephone connection.

Bill Gates (2008) in his article "Making capitalism more creative" talks about Creative Capitalism where he tries to find new ways to bring for more people into the system in order to achieve equal opportunities. Moreover, in his conception he wants to strengthen the capitalism instead of socialism to provide opportunities for large section of society where socialism can bring limited people

in to the sphere of opportunities which leads to grab the a massive wealth. In addition he believes that capitalism has provided opportunities and improved the lives of billions of people.

The explosion of new information and technology that leads to communication technologies is also allowing for a rapid, global circulation of theories and practices, enabling the public to demand higher standards of ethics, transparency and accountability in the government as well as private sectors which determines the nation's growth. These precondition values of good governance and sustainable developments not only support reactive to public policy but also to the high levels of public sector performance which also play a crucial role in preventing the onset of systemic corruption. There is now global recognition that corruption impedes economic development, undermines strength and trust in public institutions. Hence, we should make capitalism more creative. Moreover, deprivation, poverty and discrimination may exist among all societies all though in different proportions.

Amartya Sen's (1999) book on *Development as Freedom* explores the relationship between freedom and development. According to Sen, development should be measured by how much freedom a country has since without freedom people cannot make the choices that allow them to help themselves and others. He defines freedom as an interdependent bundle of political freedom and civil rights, economic freedom including opportunities to get credit, social opportunities: arrangements for health care, education, and other social services,

transparency guarantees, by which Sen means interactions with others, including the government, are characterized by a mutual understanding of what is offered and what to expect, protective security, in which Sen includes unemployment benefits, famine and emergency relief, and general safety nets.

Based on the example of the former Soviet Union, Sen argued that political liberties are necessary for sustainable development. He also tackled the paradox of the Chinese hare and the Indian tortoise in terms of economic growth, pointing to the fact that China had invested in general literacy and basic health before opening its economy in 1979, while the "socialist regime" in India in the 1960s and 70s neglected those very areas in pursuit of full nationalization under the license Raj. While Indian democratic processes can be painfully slow, they provide a firmer guarantee of stable growth in the long run

Perhaps, education is being abandoned since independence is one of the primary reasons for nation's sick development. In addition, higher education is being terribly neglected since then. Possibly, that could be the reason why now more than forty percent of the un-educated/semi-literate youth are coming for politics to gain economic properties through various state ideological apparatus. It is known fact that in history those countries which have played and playing crucial role in international organizations like United Nations organization and World Bank are hundred percent educated countries since centuries. With their powerful weapon of education, they are still remaining as great countries.

In order to attain such a proper society, first of all people need to be educated. Although education doesn't belong for any particular group, it is in the hands of few people especially among those who can offer. Moreover, developing country like India where majority of the population remains as poor and education is not their primary preference. In fact, a pure and honest transparent and accountability state is a dream for those who are financially weak. Indeed, after globalization, most of the government institutions have become self financed and hardly getting funds from the government. Moreover, number of corporate institutions have emerged and started asking heavy amount of fee especially in professional courses like Engineering and Medicine. In fact, ability is nothing without opportunity. Consequently, one can imagine if a person is deprived of basic needs and having a choice to pursue higher education, how can he/she enter in this expensive institutes without financial assistance. Equal Opportunity Commission Report, (2008) recommended that an Equal Opportunity Commission Bill should be constituted by the government to look into the grievances of the deprived groups in public and private sector defined on certain grounds such as sex, disability, religion, caste, language etc. Moreover, The Equal Opportunity Commission Bill seeks to address discrimination of all kinds. "Its primary aim is to create an equality benchmark and code of fair practices for both the public and private sectors.

Apart from that, committee has given straight instructions that the proposed commission should be independent of political interference but subject to political scrutiny and judicial review.

However, the proposed bill must have judicial and legal powers such as civil and summon and investigate, it should be a recommendatory body without any authority to handout sentences. This is in keeping with the view that ombudsman ought not to duplicate authority. Unlike, other commissions this commission should have the distinctive features basing its cases only on hard evidence. Finally, the proposed commission should go into cases relating to all sectors like education, employment and policy making. However, proposed commission has recommended the interests of the deprived can be guarded not only against the state but also as against a private employer.

Therefore, one needs to explain the importance of transparency and accountability in administration in the era of globalization. Perhaps, education is the key for all existing problems in the society. However, it becomes a quite challenging factor among many of the developing countries in spreading the awareness of education. Education is the solution of many of problems. It is education which promotes good habits, values and awareness towards anything like terrorism, corruption and disease. Likewise, It's the education which transforms a person to live a better life and more importantly in a socially well being. Education does make a remarkable effect on one's personality. Education involves gathering of knowledge in multiple aspects. It helps a person to draw the best out of their mind and spirit. Moreover, Education plays a vital role in the personal growth and the social development among all of us.

Nussbaum (2003) in her article "Capabilities as Fundamental

Entitlements: Sen. and Social Justice" classifies the central human capabilities into ten types for human wellbeing, i.e. real opportunities based on personal and social circumstance such as 1. *Life*: being able to live, 2. *Bodily health*: being able to have good health, being adequately nourished; being able to have adequate shelter. 3. *Bodily integrity*: being able to move freely from place to place. 4. *Senses, imagination, thought*: being able to use the senses; being able to imagine, to think, and to reason--and to do these things in a way informed and cultivated by an adequate education; being able to use imagination and thought in connection with experiencing, and producing expressive works and events of one's own choice. 5. *Emotions*: being able to have attachments to things and persons outside ourselves. 6. *Practical reason*: being able to form a conception of the good and to engage in critical reflection about the planning of one's own life. 7. *Affiliation*: Being able to live for and in relation to others, to recognize and show concern for other human beings, to engage in various forms of social interaction; being able to imagine the situation of another and to have compassion for that situation; having the capability for both justice and friendship. 8. *Other species*: being able to live with concern for and in relation to animals, plants, and the world of nature 9. *Play*: being able to laugh, to play, to enjoy recreational activities. 10. *Control over one's environment*: (A) *Political*: being able to participate effectively in political choices that govern one's life; having the rights of political participation, free speech and freedom of association. (B) *Material*: being able to hold property (both land and movable goods); having the right to seek employment on an equal basis with others.

Finally, Nussbaum classifies capabilities into three types such as Basic, Internal, and Combined Capabilities. According to Nussbaum, the aim of public policy is the promotion of combined capabilities; this requires two kinds of efforts (1) the promotion of internal capabilities (say, by education or training) and (2) the making available of the external institutional and material conditions.

Education is the property that gives confidence, self-respect and, dignity. Moreover, Amartya Sen defines Education as development. Besides, Education is the heart and soul for any nation in order to achieve prosperity. Similarly, education plays an important role in providing human beings with all the needed equipments in leading a harmonious life. It has been an acceptable fact all throughout the world that education is the only fundamental way by which a desired change and upliftment in the society can be taken into effect. Moreover, Education is the solution of many types of problems. It provides with the knowledge in determining what is good and bad for people.

David Levine (2004), in his essay "Poverty, Capabilities and Freedom", opined the idea of capabilities is developed in a specific direction to suggest a way of thinking about poverty suitable to a modern society. Poverty is defined as the opposing pole to freedom, and freedom is linked to creativity in work. Creativity in work is considered the exercise of a human capability, specifically the capability to do skilled labour. Poverty results, then, either when this capability does not develop, or when the opportunity to exercise it is unavailable.

Against this Melanie Walker, (2006) in his paper "Towards a capability-based theory of social justice for education policy-making", sets out to contribute to the emerging debate to show how the capability approach offers an assertive alternative discourse to dominant human capital ideas in education. It considers core ideas of capability and functioning, and the emphasis in Sen's approach on each person's freedom and opportunities to develop valued beings and doings. The article then shows more concretely how the ideas might be operationalized by producing a provisional, situated list of education capabilities, with specific attention to gender equity in contemporary South African schools. It closes by presenting and emphasizing the importance of public debate and discussion around the policy potential of the theoretical and empirical ideas raised.

Khparde (1992) says that according to Ambedkar material negligence and indifference to knowledge were the reasons behind the backwardness of the Indian people particularly of the lower strata of the society. B R Ambedkar considered acquisition of knowledge to be the 'Sine qua non' (an essential condition or requirement) for the success of democratic experience. He said that when three-fourths of the population was drenched in ignorance and did not know its rights and responsibilities there could be no hope for self-government notwithstanding the fact that three-fourths of the population is drenched in ignorance, our representative system will be a shame, and there would be a rule of wealth against poverty, of power against weakness.

It is now clear that there is a 'checks and balance' system for the administration of

the country through the vigilant civil participation. Quite often it is apparent that the larger scams have equal participation in the media which is invisible to the common man.

Albert Weale (1978), in “Equality and Social Policy”, he talks about the basic difference between Procedural equality and Substantive equality in making any social policy. He advocates substantive equality is rational in distributing the resources in unequal society instead of procedural equality. So according to him consideration of substantive equality is very important in making any social policy under which people may be treated differently, in order to produce among them greater equality of benefit.

Understanding resistance

For centuries, people have been resisting for various reasons and these resistances have taken different forms and shapes. Be it a global protest against globalization, or public rallies against corruption, or resentments because of cut in social welfare spending, resistance is everywhere, showing its omnipresent nature. And ‘why do people resist’ has been attracting different answers from leading thinkers for years with no consensus. People’s resistance is witnessed in the form of public anger, a movement or a revolution which can result from dissatisfaction of individuals over a particular issue or for a greater common goal. These resistances irrespective of their outcomes, i.e., success or failure, play a significant role in introducing changes in society though the amount of change varies and depends on the effectiveness of the resistances. ‘People often succeeded in

movements and resistance demanding change, but even when they failed, their actions set in motion important political, cultural, and international changes.’ (Tarrow 1994).

People’s resistance can be broadly of two types. while in the first category, we see people resisting because they are the immediate victims of any law, or policy, or a decision taken and implemented by any authority; in the second category, we can keep protesters who are not the immediate victims (at least not in near future) and they are mainly concerned about a better future for the generations to come. We can take the examples of people’s resistance against anti-corruption movement, land grab and environment movement to fit into these three categories respectively.

All these people’s resistances have many things in common but all of them are unique in nature. The common features may include: the act of challenging, resisting, or making demands upon authorities, power holders, and/or cultural beliefs (Goodwin and Jasper 2009) with a common goal and belief etc. While the resistances differ from each other on the ground of the *ideology, persistence, reach and kinds of people’s participation, modus operandi, the outcome, etc.*

With typological changes of people’s resistances, the modes of resistances have also been changing. And this calls for a detailed study. This chapter conceptualizes people’s resistance, studies the change in scholarships on resistance and analyzes the relation between power and resistance in the context of modernist and post-modernist approach.

Anti-corruption movement

The world's largest democratic country India today seems one of the most vulnerable countries for corruption too. Recently India witnessed the ever big corruption scandal after independence. If we put the biggest scams in order of priority it can be like this. 2G Spectrum Scam, Commonwealth Games Scam, Telgi Scam, Satyam Scam, Bofors Scam, The Fodder Scam, The Hawala Scandal, IPL Scam, Harshad Mehta & Ketan Parekh Stock Market Scam and Reddy's scams. As a result there is a serious distrust among the civil society who now moving against the established corrupt system which demands the civil participation in the administrative mechanism other than the elected body to monitor the funds and to make the administration more transparent.

The call for these anti-corruption movements appear to have its seed from a party called 'Jago Party'. This party though not active in electoral politics put its agenda through various mass media. This party has a strong *mantra* against corruption. The anti-corruption movement demanded the establishment of a *lokpal* at the centre and *lokayukta* at the state and district levels to curb and punish the culprits. The *lokpal* committee as per the demand by the anti-corruption movement urged to establish *lokpal* at the centre level. It must be consisted of a chair person along with eight members and subordinate officials having a five years tenure which could only be removed by the president on a Supreme Court conference. Moreover, they demanded the unconditional probe of corruption charges against the union ministers and the officials of group A and above.

It also demanded the prime minister and the judiciary in *lokpal* ambit. It also sought harsher punishment for the accused based on their ranks. In response to this the government demanded there should be five government nominees and again demanded the exception of MPs for their acts in the parliament. Besides the government refuted saying the probe of corruption charges against the low level officials should be dealt with CBI and *lokpal* can deal with higher level officials. They also demanded that the *lokpal* cannot prosecute but only can refer the case to Supreme Court. The government again demanded the exemption of PM and judges but provide for inquiry into the graft charges after they vacate the office.

There were series of hunger strike or fasting which were held in different places. The recent protest in the form of fasting was held at Delhi which acquired wider popular attention. There were almost one lakh people who are believed to have been in this movement. The arrangements as follows, 2.5 lakh sq meter water proof marquee, air conditioners, ceiling fans, 100 water tapes, 100 LCD Television sets, 650 movable bathroom and toilets, well trained doctors, ambulances and the service of 250 fulltime volunteers. This move was forcefully suppressed and the leaders were arrested and many of them were mercilessly beaten up.

As we mentioned in the beginning about the genesis of this movement, the Jago Party had regularly been giving its ideas through the leading mass media of the country before the onset of this movement. This party is basically an endeavor of the upper or middle class whose politics is apolitical. Their main agendas are

reservation for none, job and education for everyone, education through free English medium mode. Capital punishment for terrorists, murderers and rapists and corrupts. Twenty four hours electricity, comfortable train journey through privatization of various services, less involvement of governments in the market, more private enterprises through tax reforming and finally no income tax whose annual income is up to 4 lakh along with the reduction of the number and rates of taxes. This party which represents the upper or middle class are the key players who are active in this episode of anti-corruption movement. From the very agendas of this party it's apparent that they are not even bothered about the lower middle class or the bottom group.

Now let us come back to the movement. This anti-corruption movement received a wider popular attention but as time passed, the right wing ideologies took gave a strong support and it turned out to be more of a political than a social movement.

Summary of key observations

A research study was undertaken in Andhra Pradesh to understand the nature and seriousness of government to implement transparency and accountability in public administration in order to create a corruption free society through Right to Information Act. A related aim of the study was to explore policy recommendations and strategies using the study outcomes as a basis. The study findings suggest the need for some urgent policy measures to arrest and punish culprits severely in the State such as formulation of a comprehensive anti-corruption laws by the Government, regulating the

punishments severely by setting up threshold levels for minimal diversion, formation of a fully functional State support to eradicate corruption, forming the ACB courts at the earliest, comprehensive land reforms implementation with appropriate legislation to prevent the alienation of land from the hands of the poor, reviewing the APSEZ policy and bill and a moratorium on further diversion of land for SEZs, projects like coastal industrial corridor etc reviewing the approvals to existing SEZ, implementation of the Anti-Corruption movement recommendations at the earliest etc. The study findings clearly points to the need to address the growing problem of entering of corruption into judiciary offices.

The study is a preliminary attempt to understand the phenomenon of transparency and accountability and its impact on ethics and democratic structures. Notwithstanding the limited time frame and resources for the study as well as paucity of data related to various dimensions of accountability and transparency in new public administration, it is hoped that the study will provide a useful framework and a basis for a more detailed analysis and building of data base in future on the nature and forms of corruption in Andhra Pradesh in general and India in particular.

Summary in the words of anti-corruption movement leaders

On one side India has 80% of India's 1.2 billion earn less than 2\$ per day, one third of global poor live in India, every second child in India is malnourished, a mother has to chose to educate or send a child to

work with grinding 17+% inflation, where majority of the country's people life has reduced to a life of daily struggle for existence and one third of India's districts are engulfed by Maoism that is direct threat to nation. Corruption impoverishing people, stunting development, causing insurgency and weakening the ability of country to defend itself and eventually will destroy the nation. What India is facing today is nothing less than existential threat. The lack of development is fueling Maoist insurgency that has affected 1/3 rd of the country and is poised to engulf the nation. The military purchase kickbacks and shoddy equipment is weakening India's military so much that India today cannot withstand wars with its neighbors and for a county of its size has none worthy indigenous development. All the progress and development being talked about in India today is helping only 13-15% of the people, leaving behind a sea of humanity impoverished. Billions worth of country's mineral wealth that belongs to all citizens is looted to the hilt by select few with the connivance of politicians, bureaucrats and media.

What is the scale of scandals? Just last few months, the 2G scam worth 1.76 lakh crore rupees (40 billion dollars) and the CWG (commonwealth games) scam is 40,000 crore rupees (9 billion dollars). Every day it is getting more audacious, more ruthless. According to Transparency International India ranks among worst in corruption, it stands same as impoverished African nations. More than 140 countries ratified UN Convention against corruption but India refuse to ratify it. It is time to put a stop to this. It is time to get the stolen funds back. It is time for India to remove the oppressive barriers to India's genius which

until 1700's held 25% of World's GDP. This genius is suppressed today with a high percentage of highly corrupt people.

Endnotes

In order to promote, transparency and accountability in administration, Parliament passed "Right to Information Bill, 2004 on 15th June, 2005, "The Right to Information Act" was notified in the Gazette of India on 21st June, 2005. The "Right to Information Act" has become fully operational from 12th October, 2005 so as to enable a citizen of India to secure access to information under the control of Public Authorities. After the Act came into existence, it has become evident that there are many anticipated and unanticipated consequences of the act. These have manifested themselves in various forms. While some of the issues pertain to procedural aspects of the government others pertain to the capacity aspects. Hence, there was a need to evaluate the implementation of the Act based on actual data and information. With the above context, DoPT, Ministry of Personnel, Public Grievance and Pension, Government of India has engaged PricewaterhouseCoopers (PwC) for assessing and evaluating the Act with specific reference to the key issues and constraints faced by the "Information Providers" and "Information Seekers". For more information see: [http://www.rti.gov.in/rticorner/RTI_meth odology\[1\].pdf](http://www.rti.gov.in/rticorner/RTI_meth odology[1].pdf)

References

Battling India's malaise of corruption. Retrieved March 12, 2013 from <http://cvc.nic.in/CEO.pdf>.

- Challeney, Brahma. (2010, December 6). *The Hindu*
- David, P. Levine. (2004). Poverty, capabilities and freedom. *Review of Political Economy*, 1465-3982, Vol. 16, 101 – 115.
- Gates, Bill. (2008). Making Capitalism More Creative. *Time Magazine*
- Hoque, A. N. Shamsul. (1970). *Administrative Reforms in Pakistan*. Dhaka: NIPA, 127
- Khaparde, Soroj (1992). Dr. Amedkar's concern for Dalit Education. In Shashi S.S. (Ed.) *Dr.Ambedkar and Social Justice*. New Delhi: Ministry of Information and Broadcasting, Government of India
- Ministry of Minority Affairs, Equal Opportunity Commission. (2008). *Equal opportunity: What, why and how?* New Delhi: Government of India
- Nussbaum, Martha (2003). Capabilities as fundamental entitlements: Sen and social justice. *Feminist Economics*, Vol. 23 (23), 33-59.
- Obaidullah, A.T.M. *Democracy and good governance: The role of ombudsmen* (Doctoral dissertation). Department of Public Administration, University of Rajshahi, Bangladesh.
- Sen, Amartya. (1999). *Development as Freedom*. Oxford: Oxford University Press.
- Weale, Albert. (1978). *Equality and social policy*. London: Routledge & Kegan Paul.
- Wolf, Adam. (2000, July 12-15). *Accountability in public administration: Efficiency and ethics*. Paper presented at the first specialized international conference in London.