



Right to Information in India: Deriving Sustenance from Ancient Indian Culture & Promoting Democracy in India



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Abstract

In fact, transparency or openness providing information and knowledge about the state and government is a primary and natural requisite for a democratic state like India which derives its roots from the ancient India's distinguished cultural identity based upon eternal moral values and universal-ethical ideas and ideals, that altogether pave the way for arousal and inculcating of feelings of righteousness, sincerity, devotion and gratitude etc. in one's heart or mind for realizing his or her responsibility and accountability both in temporal as well as spiritual life in the true spirit of the term.

While such sincere and devotional imperatives in the material life of an individual life may lead one towards sublimation, when applied on a society which is an expanded form of an individual, can pave the way for creation of a perfect or just social and political order i.e. from the erstwhile prevailing system of government to good governance. And that appeals to the people at large who wish to know about the society as well as polity in the temporal world and about their individual selves and the ultimate purpose of human life and divinity in the spiritual world.

Keywords: Culture; Democracy; Accountability; Transparency; Information

Introduction

While the ever-rising wave of popular awareness towards one's self and consequent desire to participate and share in the social, political and economic life of a country taken together is causing widening and deepening of democracy all over the world, the so expanding democracy is again rekindling the quest for information as well as knowledge among all including common masses to lead towards self-creation of a perfect cause and effect relationship between the two - information and democracy.

As obvious, people need information for obtaining better access or greater knowledge of the working of the state or political system so as to accomplish the best of their political selves including all other aspects of life as well, they're so-accrued information and knowledge will not only consolidate the spirit of democracy by arousing their common desire of participation into the day-to-day political affairs of the state but will also strengthen and consolidate the deep rooted ancient cultural moorings and traditional ethos spawning its glorious past evolving through over hundreds of thousands years of antiquity. And that injects strength and obvious sustenance to the so-evolved traditional cultural heritage and gives vigour & vitality and justification and substantiation to its continuing utility and relevance.

Obviously the glorious past of a country pertains to its commitment for upholding eternal, immutable, universal and

ethical-moral moral values because these are the offshoots of the nature - or the divine commandments or pious prescriptions of the almighty God - which bespeak of both internal and external balance and all that is beautiful, good and pleasure- giving in the metaphysical and spiritual sense, thereby establishing a happy union not only within different constituents of nature itself but also between the nature and human beings too.

Hence the Right to Information has not only its temporal connotation and significance as regards expansion and deepening of democracy as well as ensuring transparency, responsibility and accountability in this material world but it may reasonable be infused with the potential to engender the metaphysical instincts and such spiritual inquisitiveness among people at large and even among a normal human-being who can thus ensure one's both ends - temporal and spiritual - meeting in a normal course of leading his or her usual life, as well explained by a Church father St. Aquinas in the 13th Italy, passing through the deep pangs and volcanic intellectual upheaval of the first renaissance and consequent reformation in Europe.

Thus the much talked about Right to Information in India has had the unique distinction of heralding the country into an era of not only strengthening and consolidating Indian democracy in the country but also engendering to thoroughly revive the distinctive and unparalleled ancient Indian cultural attributes and

such humanistic traits of eternal and moral significance which are unfortunately fading and getting diluted to become a little blurred and also meaningless thereby losing its true meaning due to powerful onslaught of the West's fast expanding materialism and consumer culture including the prevailing extremely vulgar depiction on the internet in all over the world.

Right to Information

It is in this respect the successful passage of the much-awaited Right to Information Bill - 2005, had created a land mark in the history of Indian democracy though many countries have already passed this right as a law in the past decades even much prior to India. While this act was to ensure transparency, responsibility and also accountability besides ensuring greater interaction and deeper penetration of common man or people at large into the functioning of public or government authority, thereby consolidating the pith and content of the democracy in India, but its actual practice since its inception has not yet achieved the desired result of building a well-informed and exploitation-free society in India, particularly because there are still a huge crowd of illiterate and uneducated persons in the country who always wish to remain disinterested in knowledge seeking exercise and hard work besides the Indian government's continuing adherence with its anachronistic practice of using and upholding the British government's logic of official secrets act on grounds of maintaining social solidarity, good health and national security.

Although "democracy" is the best form of government in all-over the world, but its long practice has proved it quite otherwise, particularly in India where the socio-political system is still working in a feudal - monarchic manner even after seven decades of its successful experiment with democracy. In fact, the system is very haughty, arrogant, insensitive and even hostile to the desires and aspirations of the common people who are hapless lots as against privileged few as Rajas, Rajkumars, Rajkumaris, Kunwars, Nawabs etc. who still run parallel governments in their areas and grace their people (as loyal subjects) as their ancestors used to do during their sovereign rule before independence of India.

Added to this is the unholy alliance between money and muscle power and also politicians and criminals and also terrorists, besides rampant corruption in the entire polity as well as society leading to a grave crisis of character in the Indian society as the former Chief Election Commissioner Late T. N. Seshan used to worry over fast erosion of classical ethical moral values among Indians as well as in the Indian Society. Obviously Indian democracy continues to be in shambles despite being based upon the strong foundations of ancient India's distinguished rich traditional culture heritage.

India's Cultural Uniqueness

Perhaps no other country in the world occupies such a unique and distinct cultural identity as that of Bharat (India), which has all along been the focus of spiritual and metaphysical attraction and inquiry as well as academic investigation for all the grown up and advanced European and American countries since the dawn of civilization. When a highly acclaimed Indologist and a noted

historian, A L Basham [1] attempted to study the historical and cultural uniqueness of ancient Bharat or India since ancient times, he perhaps became spell bound and got overwhelmed to write the title of his study as a famous book *The Wonder that was India*.

While there are other ancient civilizations like the Mesopotamian, Chinese, Greek etc. to name a few, yet the unparalleled traits and all-pervading remarkable features having global vision - particularly internalizing, practising and also upholding eternal moral values and universal ideals like 'vasudhaiv-kutumbakam' or 'sarve bhavantu sukhinah, sarve santu niramayah...' and 'sahanavavatu, sahanaubunaktu, sahaviryam karvavahai, tejasvinavadhitamastu, ma vidwishvahai', (May God protect us both; may God nourish us both; may we work together with energy and vigour; may our study be enlightening, not giving rise to hostility) and 'aasharma vyavastha' or 'purushartha chatushtaya' or 'unity in diversity' etc. - of Indian culture emphasizing internal as well external balance and harmony and also a sense of belongingness of all living or non-living creatures with each other and also among themselves on the mother Earth while expanding to the entire cosmos, are some of the rarest of the rare features which are unavailable in any other civilization. While the entire cosmos is still unknown to us yet the two fundamental elements in the world - as a part of the cosmos - viz. spirit and matter constitute the primary units of enquiry or analysis, either rational-objective or subjective-faithful. In fact, both spirit and matter control life and the quality of life depend on these both; but no quality is permanent, and it continuously undergoes transformations.

Similarly, human life consists of two aspects: spirit and matter - or spiritual and temporal. In fact, it is the Indian philosophy which associates each body with the eternal soul. What is perhaps the most distinguishing feature of the ancient Indian culture is its emphasis on gyaan or knowledge - or know thyself - which can only liberate an individual self-i.e. the soul, from the mundane world to get union with the Eternal Self or the Supreme Divinity or God or the Brahman. Thus, Indian culture lays emphasis on acquiring knowledge - as the highest end of human life to ensure one's salvation. The human life, while itself demands knowledge of the temporal self and the material world to achieve worldly pleasures and progress on the one hand, it ultimately craves for true knowledge or the spiritual knowledge or Theology to realize the supreme end of this worldly existence, on the other.

While the supreme end of the human life upon earth is salvation, it may possibly be accomplished in this material world with the help of understanding theology or philosophy or metaphysical discourses meant to explain the desired course towards salvation. Thus, the human life is an endless journey to acquire or gain knowledge from the material world to the spiritual world - or from the worldly knowledge to spiritual knowledge - to finally attain divinity or salvation. As obvious, perhaps there exists none other such a humane and humanitarian culture in the world than that in India.

As human beings undergo this journey in the world while living on the earth which is organized in the form of states; and that is described as the best political organization or school or koinonia (in Greek) - a beautiful partnership in all best human qualities - in the unforgettable words of the great political philosopher Aristotle of ancient Greece. And out of all available political organizations, democracy is undoubtedly the best form of government, though it is indeed a way of life as well. In fact, it was very much praised as a 'government of the people, by the people and for the people' by an ancient Greek philosopher Cleon, whose immortal words were later reiterated by a former & highly revered and popular American president Abraham Lincoln. A famous English novelist and thinker George Orwell had also eulogized democracy as 'ours is an age of democracy'.

This is so because it provides ample opportunities to all human beings to participate and run the affairs of state and government themselves and thus, they get the opportunity to know and operate almost each aspect of the political organization as per their own wishes and aspirations. In fact, it is in a democracy wherein the state must ensure transparency, responsibility and accountability for its people to serve and protect their common interests by making them aware about the polity and its functioning; and that, as obvious, allows them to know the society and about the worldly existence. Unfortunately, these extraordinary people-friendly features are unavailable in all other forms of political organizations.

Thus, both Indian culture and the democracy operate on the same plane and on the same wave length with the same purpose to let the people know or keep possessed with knowledge - both spiritual and temporal. Obviously the right to know about political organization may be considered to a reasonable extent in creating an socio-economic environment of material progress providing worldly pleasures and such satisfactions which may eventually help to lay the foundation or background upon which an individual may proceed ahead for his or her ultimate goal of knowledge i.e. salvation, as propounded by the Italian the Sainted-Aristotle, Thomas Aquinas, during middle ages.

The present article attempts to explore the extent of degeneration that has cropped up in the functioning of Indian Democracy against the wonderful and glorious background of India's ancient, moral and universal value-based ethos and so-evolved rich cultural heritage coming down unabated since the dawn of civilization. While such an amazing cultural roots do inspire faith as well as confidence among Indians about the existence of supreme reality or the Almighty God, its gradual decline over the years due to excessive western influence and so-inspired consumerism or consumer culture, has unfortunately inculcated a sense of faithlessness among them about their own selves as well as the God, obviously due to utter ignorance or lack of knowledge - both temporal and spiritual; and that has already shattered the very core of the eternal and universal human values and ideals in many Indians thereby creating violence, chaos, utter

lawlessness, corruptions and many more such things and thus degenerating the spirit of democracy in India.

As a way out, the article suggests that while people's awareness about the Indian Polity and hence Right to Information can only help in reforming and strengthening the spirit of Indian democracy, its continuing and prolonged practice may also help-contribute in strengthening and consolidating the country's ancient cultural roots and its rich heritage by help-evolving all that is good and pleasurable in the human beings life in present times.

Criminalization, Corruption and Politicization of State & Administration

The growing criminalization of politics in India and politicization of crime and criminals pose gave threat as many criminals have already entered politics in the past few decades, encouraged by political parties who wanted candidates strong enough not to be intimidated by rivals. From a trickle of complaints about a few criminals entering legislature in each state, there is now a horrible situation where a huge bulk of honourable parliamentarians and legislators of both Parliament as well as state assemblies in India are suffering the stigma of criminal records.

According to an old Election Commission study in 1997, there were 40 sitting members of Lok Sabha and around 700 of the 4072 members in various state assemblies who had proven criminal records to their credit. Indeed, it is perhaps only in Bharat (INDIA) that criminals stand a higher chance of being elected than non-criminals. The situation continues to be so dire that the former President of India K.R. Narayanan, felt compelled to plead with political parties in January 2001, for not nominating criminals for public offices. Then there is rampant corruption and misuse of government power along with looting of public money particularly by the ruling classes and people's representatives at all levels of governance. In fact, the Tehelka Tapes had provided an audiovisual proof over the electronic media about the well - entrenched corrupt practices even in army where officials in collusion with political masters and bureaucrats were more interested in lining their pockets rather than giving the best equipment's to the Army Jawans.

Today the situation is far more painful and worrisome with unearthing of so many big scams like Bofors Howitzer, 2-G Spectrum, Adarsh society allotment, Coal scam, Augusta Wasteland scam to name a few, involving billions of billions hard earned public money. In fact, the bribe - culture in almost all government offices at levels has become the order of the day in the country. Even Indian Judicial system is not immune from the virus of corruption as the former Chairman of the Law Commission B.P. Jeeva Reddy had already deplored that corruption had crippled the Indian Judiciary. The politicization of state and administration is another serious problem. Similarly, a noted Political scientist Paul R, Brass [2] had aptly described the Indian State as an 'institutionalized riot system.'

Should the People of India not know all these murky dealings going unabated in the Indian polity as well as society? In fact, these are only few tips of the iceberg. The cumulative result of all these factors is fast erosion of Indian democracy which is unable to develop the rule of law in the interest of all. There are several other colossal challenges too attached with the system where politics itself has become a 'means without ends'; and this poses ominous portents to the future of democracy in India. Hence what is needed is a complete overhauling of the social, economic and political system in India. An important aspect of this process should be total decentralisation of administration providing for maximum popular participation along with clear accountability from top to the bottom [3].

There is an urgent need to reform and update various rules and procedures including criminal procedure codes. Strengthening the criminal justice system to ensure speedy resolution of disputes is also the need of the hour. The representatives be made accountable to their electorates by introducing the system of recall. The Lok Pal Bill must also include the Prime Minister, ministers and senior officers within its purview. Nevertheless, these macro-reforms need to be matched by the reformist policy for ensuring that the right people are at right jobs, and they have the freedom to act without fear of revenge and reprisals. But none of the above is likely to happen to any significant degree unless people themselves become active, responsible and enlightened citizens [4,5].

Hence what comes out to be most important is the requirement of transparency, responsibility and accountability in governance and administration and in the entire functioning of the government. Thus, information and its smooth flow/circulation among people at every nook and corner, assumes considerable significance. Consequently 'right to information' becomes a sine-qua-none of a modern system of democratic governance. While information here only pertains to the material world, yet it shall to a considerable extent lay the foundation for the onward journey towards realization of the spiritual world too.

Information and knowledge

Naturally the question arises as to what is information. Information may be a set of coherent and consistent data which are used for communication and that leads to production of knowledge in the temporal world, because knowledge is innately inherent in all human beings as Swami Vivekanand opined. A noted scholar Porat operationally defines information as 'data that has been organized and communicated.' Information provides knowledge which gives opportunity and capacity to exercise freedom of choice and provides confidence and effectiveness in making of decisions. The Freedom of Information Bill, 1997 defines 'Information' as any material relating to the affairs, administration or decision of a public authority and includes any document or record relating to the affairs of public authority [6].

Information which is required for daily living in a society are: information of laws, services that human being make use of,

the different functions of government, tax benefits, scholarships, social welfare services etc., has till recently, only been available in print, as government publications or as verbal communications from government offices and press briefings as direct written communication between state and individual. Without free access to such information, a modern society would experience great discomfort and would gradually enter chaos and disorder. In fact, the information deprived societies slide downwards into an ignorant mess or worse into excessive controlled economies.

As obvious it has now become an established fact that openness and accessibility to information about government's functioning is an essential ingredient of democracy. The hitherto traditional curtain of secrecy which had long overshadowed the activities of governments is gradually waning and this has created a salutary effect on functioning of governments in all free societies. In most of the democratic societies, the right to know is now a well-established right created under law. It is a right that has evolved with the maturing of the democratic form of governance in all over the world. Democracy is no longer perceived as a form of government where the participation of people is restricted merely to periodical exercise of the right to franchise, with citizens retiring into passivity between elections [7].

It has now a more positive and dynamic content with people having a say in how and by what rules they would be governed. Meaningful participation of people in major issues affecting their lives is not a vital component of the democratic governance but such participation can hardly be effective unless people have information about the way government business is being transacted. Thus, democracy means choice and a sound and informed choice is possible only based on knowledge which obviously has two aspects: temporal and spiritual.

As for knowledge, seeking of information is a pervasive human activity which has a large social dimension in the modern social context. We collect information through a series of sources: universities, libraries, media and now internet to increase our knowledge both for practical reasons and for comfort. In fact, we want quality information. Evidently, knowledge is not only good for us but is an essential requirement because our very survival depends up on it. Therefore, western countries have already enacted the legislation for freedom of information. Similar trends have been also appearing in the developing countries as well. Even in Pakistan, a Freedom of Information Ordinance was promulgated few years ago. The new South African Constitution specifically provides the right to information in its Bill of Rights, thereby giving it an explicit constitutional status. Malaysia too operates an online data base system, known as Civil Service Link, through which a person can access information regarding functioning of the public administration.

Unfortunately, prior to the present Freedom of information Bill, the Indian citizens did not have a constitutional right to freedom of Information - even if that information was linked to his or her survival. There are a plethora of laws, rules and regulations

which make it impossible for the ordinary citizen to get access to basic information relating to vital areas such as health, safety and environment. A worker working in an atomic plant does not have the legal right to see the medical report on all levels of radiation; a villager living near a chemical factory need not be warned of possible air or water pollution even if there is danger to his fields and a woman being tested for side effects of a contraceptive has no right under the law to results of the research [8].

Even victims of state atrocities have no right to know about the government's findings on the case. For instance, the family of a person tortured to death in a police lock up or killed in a fake encounter does not have a right to see the magistrate's enquiry report. They do not even have the right to look at the post mortem report too. Then there are specific laws which make it legal for the government and government servants to withhold information. Perhaps the earlier was the Indian Official Secrets Act passed in 1880's, and the amendment of the Commissions of Enquiry Act. In addition, there are innumerable rules and regulations which make it illegal for even government servants to publish an article, or speak at a meeting, or give an affidavit in a public interest litigation.

Need of Openness and Transparency

All these led to realization of the importance of openness and transparency at all levels. There have long been demands for greater openness and transparency in administration which have gained momentum in the past particularly by the happenings at Ajmer in Rajasthan where villagers fed up with corruption in the panchayat system, started demanding copies of bills, vouchers and muster rolls relating to expenditure incurred by the panchayats. Under the banner of the Mazdoor Kisan Shakti Sangathan (MKSS) they organised jan sunwais (public hearings) between Dec. 1994 and April 1995, where these muster rolls and vouchers were read out to the whole village, which revealed to utter dismay of villagers, that many of the works that were supposed to have been undertaken in the village and for which bill-voucher existed, had in reality never been carried out [9].

The news of this experiment spread across the country which strengthened the local people's resolve for ensuring transparency in public expenditure [10]. The slogan they adopted was: Harmara Paise, Hamara Hisab (our money, our accounts). Motivated by the happenings in Rajasthan, a national campaign on the right to information was launched which worked with other groups and an initial draft bill for the right to information was formulated. Subsequently, the Press Council of India formulated its own bill, using the earlier bill of the campaign as a base and involving members of the national campaign committee in the drafting work. This bill was presented to the Government of India which, in turn, setup its own committee to examine the bill.

The committee had come up with a report and another draft bill which incorporated many of the suggestions made in the Press Council Bill [11]. These various draft bills were discussed across the country and recommendations for additions and

amendments were sent to the government of India. Reportedly this issue received support from political parties too. A consensus also emerged in the Conference of Chief Secretaries held in November 1996, on the need for an early enactment of the law on Right to Information. This conference also urged for incorporation of specific provision relating to transparency in the draft code of Ethics too the Civil Services and the initiatives to formulate Citizen's Charter in various organizations under the Government.

The terms of reference establishing the above-mentioned Working Group formally recognized the need for legislation to affirm the right to information which had received judicial recognition in 1982 [12]. Nevertheless, there is also a cogently expressed theory of government accountability in parliamentary democracy: Increasingly, the trend is towards accountability in terms of standards of performance and service delivery of public agencies to citizen's groups they are required to serve. Such accountability is possible only when the public have access to information relating to the functioning of these agencies. The group highlighted the importance of transparency and openness which have a cleansing effect on the operations of public agencies. As it noted, 'sun light is the best disinfectant.'

Conclusion

Thus, transparency or openness is a primary requisite for the good political health of a democratic state like India having distinguished cultural identity based upon eternal moral values and universal ideas and ideals. And that appeals to the people at large who wish to know about the polity as well as society in the temporal world and about their selves and ultimate purpose of life and divinity in the spiritual world. While democracy is a participative form of government in which people are expected to play an active role in their governance, their effective participation will be possible only when they have prompt and adequate access to information pertaining to the state. In fact, too much of secrecy in a government leads to arrogance and defective decision making [13].

In a free society it is therefore very necessary to maintain a reasonable balance between people's access to information and preserving confidentiality where disclosure would be entirely against public interest. Hence there is a close nexus between democracy and the right to information in this temporal world. Without this right no democracy can ever succeed, as the right is the hinge upon which alone can democracy smoothly rotate and become dynamic and vibrant. And that may pave the way for the country's unmatched cultural uplift and civilizational progress to revive the ancient India's glory in the present times which is, unfortunately, witnessing massive upheavals and tumultuous changes, heinous crimes and macabre terrorism and such many more things beyond imagination and description, thereby ensuring hitherto unexplored material and spiritual benchmarks simultaneously [14].

Because it is, indeed, India's unique message to the entire humanity founded on its ancient cultural ideals and the legacy

of peace, solidarity and brotherhood in the world which firmly believes the whole world constituted as a family i.e. vasudhaiv-kutumbakam. Obviously what else can be the global vision not present in the Indian culture which does not promote the very spirit of democracy in the true sense of the term. And that continues to grow and march from strength to strength with the help of providing the required thrust for expansion of education at every nook and corner of the country so that "We, the People of India" may become well-versed in the working of government to governance thereby contributing towards accomplishing the greater enrichment of democracy in India. Obviously, this may also pave the way towards better realization of the human self in a more humanitarian perspective and congenial environment to proceed towards sublimation for the ultimate attainment of salvation. This is possible as nothing is beyond human endeavour.

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