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RIGHT TO INFORMATION: THE TOOL FOR ADMINISTRATIVE REFORM



Surendra Mishra

Assistant Professor , Department of Political Science & Public Administration ,
Guru Ghasidas Central University , Bilaspur (CG)

ABSTRACT

RTI have appeared in the administrative machinery. Undoubtedly, the most significant tool is RTI. It is very interesting to note that battle for enactment of effective RTI Act Indian Public administrative system more responsive, accountable, transparent and effective it needs overhauling of all its structures, processes and mindset of civil servants. Administrative reforms apply to improvements in executive machinery ranging all the way from fundamental realignments in the structure of government to relatively minor changes in the methods of carrying on work within a department or ministry.

KEYWORDS :RTI, Good Governance, Administrative Reform, Transparency, Accountability .

INTRODUCTION

“There is nothing more powerful than an idea whose time has come”, says **Victor Hugo**. Greater than the tread of the mighty armies has been an idea, but the present era of extensive scientific development and the liberalization proves that ‘information’ is the zeitgeist of neo generation. The first decade of new millennium has witnessed a remarkable transformation in the sphere of administration, technology, economy, societies and mankind as well. Third President of US, **Thomas Jefferson** remarked rightly-“We must realize seriously that *information is the currency of the democracy*....whenever the people are well informed, they can be trusted with their own government.” Obviously, it is clear that democratic values and traditions can only be saved through the common man’s accessibility to that information, which is kept by bureaucracy and have been labeled

as 'secret'. If we want to change the traditional image and face of bureaucracy, then we must disclose the information to the public as when required, because monopoly of bureaucracy or public servants over information and data is the main source of their coercive power. Generally, such type of power leads to 'Natural Anarchy'. So to make Indian Public administrative system more responsive, accountable, transparent and effective it needs overhauling of all its structures, processes and mindset of civil servants. It is generally quoted that administrative reforms in India seem like second freedom movement. **Prof. S.L. Goel** opined- "Right to information would provide open surgery to administration and make efforts to improve the health of the administrative system."¹

Our administrative system---a legacy of colonial rule---stands in the way of accelerated socio-economic development, causing stress and strain to our polity which is struggling to much towards socio-economic equity. The emerging challenges of economic globalization, political decentralization and social empowerment tend to go along with liberalization of economy, regionalization of polity and localization of society. These factors have had a consistent impact on the role of the administrative systems. The responsibility of the public service in the changing circumstance is being concentrated in certain areas and transformed in other areas. The state agencies and their personnel are generally alleged to be insufficient, with most functionaries serving no positive purpose. The bureaucracy is generally seen to be trady, insufficient and unresponsive.² The exposition of **Pandit Jawaharlal Nehru**, the founder president of Indian Institute of Public Administration, at the inauguration of institute is still relevant: "**Administration is meant to achieve something and not to exist some kind of ivory towers following certain rules of procedures and looking Narcissus like. The test of administration is the welfare of people**". Administrative reforms are *sine qua non* for good governance and economic development for the country.³

ADMINISTRATIVE REFORM

Public Administration is a continuous process and in this sense it is an always undergoing reform. So, in public administration 'reform is a journey rather than destination'.⁴ Reforms are obvious response to the new challenges confronting state institutions managing public affairs. The term administrative reform has different meanings in different nations according to their political systems. Administrative reform is concerned with the process and the specific devices, techniques, systems and procedures of national federal government which identify prepare support or put into effect improvements in administration or the machinery of government. Administrative reforms apply to improvements in executive machinery ranging all the way from fundamental realignments in the structure of government to relatively minor changes in the methods of carrying on work within a department or ministry. Training is an instrument of administrative reforms. However there is often gap between ideal and real.⁵

Public administration as an academic discipline was born with a bias towards change and reform. The term 'reform' literally means *forming again*. The *Oxford English Dictionary* define 'reform' as 'to convert into another and better form, to amend or improve by some change of form, arrangement or composition; to free from previous faults or imperfection. Following this definition, 'administrative reform' is to convert public administration into a better, improved form. In other words, administrative reform is a deliberately planned exercise to improve public administration.⁶ **Gerald Caiden** defines administrative reform as '*the artificial inducement of administrative transformation, against resitance*'. According to him, 'it is artificial because it is manmade, deliberate, planned, it is not natural, accidental or automatic. It is induced because it involves persuasion, argument, and the ultimate threat of sanctions; it is not universally accepted as the obvious or true course.'⁷ **Gerald Caiden**

argues that administrative reform is based on the premise that governments need effective machinery to operationalize their policies and that effective machinery can be designed on rational principles. What it suggest that

- (a) Administrative reform is about deliberate planned change affecting the society in purview.
- (b) It is synonymous with innovation.
- (c) Improvement in public service efficiency and effectiveness are the intended outcomes of the reforms and
- (d) The reforms are justified by the need to cope with the uncertainties and rapid change in organizational environment.⁸

NEED FOR ADMINISTRATIVE REFORM:

Each reform situation is peculiar, just as administrative cultures differ from one country to another, so organization cultures differ among and even within organization. Reform aim to change the culture in some way and the more dramatic or drastic the change sought the more that can go wrong of the success⁹. The need for administrative reform arises from the malfunctioning of the natural processes of administrative change. Reform movement begin with the intention of removing obstacles to change or of improving on the result of change where it is accommodated. Administrative reform is needed where administrative change is insufficient to keep an administration abreast of developments, and performance gaps appear. This means tat it is, 'a significant discrepancy exist between what is doing and what it "ought" to be doing'¹⁰. According to Caiden, administrative reform is needed in the following situation:

- (a) When the administration is obviously failing to meet the demands put on it-In the context of globalization, the recent conceptualization of 'e-governance or digital governance' is significant in administrative reforms.
- (b) When the administration with reserve capacity is unable to anticipate future demands:
- (c) When the administration with reserve capacity is unable to anticipate future demands; and
- (d) When the administration that does have reserve capacity and the ability to anticipate future demands does not adopt the most effective methods¹¹. Thus, the inability of the administration to meet the present demands and anticipate future demands make a space for administrative reforms.

OBJECTIVE OF ADMINISTRATIVE REFORMS:

It is an accepted fact that the existing machinery of governance has failed. The success of our efforts at economic growth, development, social justice has been limited because the instruments of administration are ineffective, inefficient and not accountable. Many initiative were undertaken to improve the system. Several committees and experts looked into it, but without much success. In the schemes relating to development, it is the delivery system at the grassroots which need to be efficient, accountable and responsive. The lower bureaucracy represents the face of the government. When all plans are finalized for unemployment, food for work programmes, housing and sanitation. It is the district rural development officer at the bottom who holds key to implementation. The reform in the present shape are applicable to just the top 10 percent of the government here comes the role of panchayats which needs effective governance. If important areas like health, education and employment schemes to be succeed. To make the official accountable, restricting the institutions of governance comes cooperative so that responsibilities can be fixed. Passing the buck between individuals and organization

must come to an end. Corruption in any form must be curbed. Those civil servants who indulge in corrupt practices must be punished. However, there is a word of caution. As the Prime Minister observed while speaking in parliament on the introduction of Right to Information Bill, 2005, that there is a difference in decision taken with malafide intentions and those that are bonafied errors.¹²

In the context of above mention problems the main objective of administrative reforms is to develop and put into effect whatever changes are required to enable the administrative organs of a government to execute public policies in an effective and responsible manner. It is just not enough to pass laws designed to meet the essential needs of the people, unless the system of administration follows prompt and efficient execution of those needs. Improvements in administration, therefore, assure to help that the intentions of a government are actually translated into action. They also help to produce maximum benefits for the money which a government is able to devote to a particular public purpose. Any change of responsibility in social, economic and political sphere is possible through its instrument. In reference to these sphere, it is public administration which play the role of the instrument of 'total' transformation, thus widening its scope vastly. The nature and scope of reforms vary depending on the magnitude of the problem.¹³

RIGHT TO INFORMATION AND ADMINISTRATIVE REFORM

There are so many methods and means to achieve the targets of administrative reforms across the world, so far as developing countries like India are concerned, some traditional methods i.e. setting up commissions and committees, task forces, and working groups, O&M, changing in laws and regulations, automation, internal reshuffling and amalgamation or separation of internal sections of an administrative institution or even change in nomenclature, etc., are being adopted. However, since the last decade of twentieth century some new tools and trends, i.e. e-governance, citizen's charter and RTI have appeared in the administrative machinery. Undoubtedly, the most significant tool is RTI. It is very interesting to note that battle for enactment of effective RTI Act was fought by labourers and marginal farmers of rural India. Famous social activist **Aruna Roy** says-*"A government system till date has never brought a revolution nor can it."*The prologue to India's RTI Act, 2005 says-*"This bill is to provide setting out the 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...democracy requires an informed citizenry and transparency of information which are vital to its functioning and also to certain corruption and to held government and their instrumentalities accountable to governed...revelation of information in actual practice is likely to conflict with other public interest including efficient operation of the governments, optimum use of limited fiscal resources and the preservation of confidentiality of sensitive information...it is necessary to harmonise these conflicting interests while preserving the paramountcy of the democratic ideal."* All the provisions of RTI Act, 2005 are made in the light of good governance.¹⁴

Central Information Commissioner Dr. O.P.Kejriwal quotes an interesting episode. He writes---*"In 1764, an Englishman by the name Edward came to India. A traveler, he went around many places and finally came to Taj and that evening he wrote in his diary-'Henceforth let the people of this world be divided into two cateriges-Those who have seen the Taj and those who have not.'* Similarly, we can say that today, people of India can be divided into two categories—those who are living with a mindset of pre-october, 2005 and those who have adopted themselves to the pro-October, 2005 scenario.¹⁵

Here we have discussing some example of RTI that are related to positive and negative reactions on RTI application:

- + Prime Minister's one day visit (07 April, 2008) to Bokoro Steel Plant costs Rs.19.2 million. After getting this information through an RTI application, a PIL, has been submitted to Jharkhand High Court against misuse of public money by officials deployed for this visit.
- + The *Rashtrapati Bhawan's* electricity bills for the past five years have totaled a whopping Rs. 167.1 million. The government spent 3.7 million during the last three years on prime minister's official residence. Now, cannot a layman raise some basic question?
- + As per PMO (Prime Minister's Office) of India, the application regarding former prime minister Lal Bahadur Shastri's death (11 January, 1966) in Taskhent, cannot be entertained, because it could harm foreign relations, cause disruption in the country and cause breach of parliamentary privileges. Significantly, while Government of India had officially declared, that Shastri died of a cardiac arrest, however, his wife Lalita Shastri had alleged that her husband was poisoned.
- + Department of Personnel (DoP) of Government of Rajasthan think that disclosure of *Information regarding state government ministers' tours and their expenses* (TA and DA) would prejudicially affect the sovereignty and integrity of India, the security, scientific or economic interests of the state, relation with foreign state or led to incitement of an offence. Similarly, this information may endanger the life or physical safety of any person. This reply was given by DoP to an RTI applicant in June, 2009.
- + Central Chief Information Commissioner **Wazahat Habibullah** has clarified that Chief Justice of India (CJI) is a public servant, while **CJI Justice K.G. Balakrishnan's** contention was that the CJI is not a public servant but a constitutional authority. As per a case of 1991 ruling by a five judges bench of Supreme Court which held that all judges of the apex and high courts were public servant.
- + Ministry of Home Affairs, Government of India does not keep the record of corruption case against the officials of BSF, CRPF, NSG, Assam Rifles, SSB and IB, etc. Even PIO of this ministry stressed that such type of case fall under section-8 of RTI Act, 2005.
- + CIC has opined in an appeal under RTI Act that all the Institutions including Stock Exchange, Shiromani Gurudwara Prabandhak Committee receiving financial help from government and all the constitutional bodies fall under the RTI.
- + CIC has issued an order that the President, Vice-President, Prime Minister, Speaker of Lok Sabha, Governors of State including judges of Supreme Court and High Court, Chief of armed forces and other constitutional dignitaries are to abide to produce account of gift received by them from foreign countries.
- + Administrative Reform Department of Uttar Pradesh issued an administrative order (2 June, 2009) for protecting the political leaders and public servants from RTI Applications. The order broadens the sphere of section-8 of RTI and narrows the public interest.
- + CIC in its full bench decision directed the government of India to release the grant-in-aid to NGO only after ensuring that the NGO has the system of RTI.
- + CIC and Delhi High Court both have accepted the plea of civil services aspirants regarding disclosure of Scaling System of UPSC.¹⁶

Although it is not a proper and enough span of time to access the impact of RTI in term of Administrative Reform, yet we can observe a few changes in Indian administration----

Keeping Records Updated: The phase before October, 2005 was an era of 'Chaordic **Organization' in government sector** where chaos and order co-existed. Hardly a civil servant bothered to keep all

records in a proper and discipline way. It is RTI who has forced public authorities not only keep record safely for 20 years but display all the important information on public domain too. How funny to mention that CIC started keeping its records of complaints and appeals only after facing an RTI application on the issue.

Timeboundness: The RTI Act, 2005 ensure the maximum time limit to provide required information to the applicant by PIO and or first appellate authority. In such a legal tightness *babucracy rarely* find any place for red-tapism.

Transparency: It has been made mandatory for public authorities to expose all their information on notice board, media, internet or any mode including citizen's charter that can be accessed by every citizen of nation. Not every organization, but most of the public offices have carried out the task. Various studies conducted on RTI, publing hearing (*Jan Sunvai*) and social auditing have proved that the concept of transparency is entering in public administrative institutions.

Politeness: Days are gone when a civil servant threw the application or letter without giving a proper cause of discarding the matter to the client. Present day a civil servant know that anyone can seek information under RTI simply by paying Rs. 10 only.

Transparency Accountability: The civil servants of a government office can enjoy collective responsibility or none's accountability or swim altogether in a shiny weather, but acid test comes through an RTI application. In order to dispose off the RTI issue it becomes inevitable to fix the accountability for each task performed by the organization.¹⁷

CONCLUSION:

Public Administration has becomes the central point of all hopes and expectations of the mankind due to its universal and inevitable utility. The concept of 'Administrative State' is emerged to realize the goal of welfare state. F.M. Marx says—"The 'Administrative state' should be through of not as a state devoid of legislative and judicial organs but as a state in which administrative organization and operation are particularly prominent at least in their quantative aspects." **Honore de Balzac** says ironically—"Bureaucracy is a giant mechanism operated by Pygmies." In this context the non committed, selfish, inefficient, egoistic and lazy civil servants are the disease to be cured. It is true that people have been empowered to avail information from public authorities under RTI Act, 2005 but the basic problem is what to do with the information received? Since the internal working and machinery of public administration has not been changed its mindset so accountability does not prevail. Of course, there is no capsule made treatment to make civil servants accountable and sensitive towards public duties. However a modified law on the lines of Jammu-Kashmir's Accountability Act, 2004 can be enacted by the central government to ensure accountability of each administrative action. In fact, India needs to get rid of her '**soft-state**' image. People with slave's mentality seldom understand the meaning of democratic values. Administrative reform can take place in better way if the system protects its whistleblowers. On the lines of US **Whistleblowers** Protection Act, a law should be enacted in India. In the era of New Economic Order (NEO) and fast feeding mobile culture India does not need half hearted efforts. **Nandan Nilekani** says—"India's policy makers and politicians have been great at making agenda and blueprints, and our five year plans have been nothing if not exhaustive. Our big weakness has been in execution....A fast-growing economy such as India's has a very short window for implementing

reforms that broaden access for a large group of people....We need committed and honest efforts for overall reforms for betterment of our beloved citizens.... In fact, half reforms are worse than no reforms.”

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Surendra Mishra

**Assistant Professor , Department of Political Science & Public Administration ,
Guru Ghasidas Central University , Bilaspur (CG)**

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