

## Governance Class 05

18th February, 2024 at 1:00 PM

### REVISION OF THE PREVIOUS CLASS (01:03 PM)

#### MISUSE OF RTI (01:08 PM)

- It has been observed by the **Second Administrative Reforms Commission** that RTI has been misused by **Private individuals, media, and Political Parties** to further their **Self-interest**.
- They use that information to blackmail other people and also for political interest.
- The second Administrative Reforms Commission suggested Amendments to Section 4 of RTI where in the Public Information Commissioner in consultation with a member of the Information Commission can reject an RTI application if they believe that no public interest is served by providing this information.
- **It has two advantages:**
  - **1. It can prevent the misuse of the RTI;**
  - **2. It can also reduce the burden on Information Commissions.**
- **But this solution has been criticised for the following reasons:**
  - 1. This discretionary power can be misused by the Public Information Commission to deny information;
  - 2. The objective of the RTI is to ensure **Transparency** whereas this solution only results in **more secrecy in administration**, defeating the purpose of the RTI.
  - Instead of amending Section 7 of the RTI, it is suggested that Section 4 of the RTI should be amended.
  - 3. Officials working at Lower levels in the hierarchy must be given the power to make the information available to the public by putting the information on their Websites on a **Real-Time basis** without obtaining permission from their superiors.
  - It can be done by amending all India Civil Services Conduct Rules and Regulations, 1964.
- **Deliberate Destruction of information:**
  - It has been observed that there is deliberate destruction of information by the governments to escape accountability.
  - It is suggested by the **Second Administrative Reforms Commission (2nd ARC)** that the entire information should be digitalized and also it should be put on the Websites of Ministries and departments to avoid destruction.
  - There are many institutions that are outside the **scope of the RTI** including **the Judiciary, Political parties, NGOs, the Army, and Parliamentary committees**.
  - It has restricted the **effective implementation of the RTI**.
  - Second ARC recommended that all these institutions should be brought under the scope of the RTI.

- **Lack of awareness:**
- More than 90% of the RTI applications are filed by insiders and most of the applications are also filed by people from urban areas whereas there is a complete lack of awareness among the rural population about the benefits of the RTI.
- NGOs, Civil Society Organisations, media, and the Government must take proactive measures to create awareness among the rural population about the benefits of the RTI.
- The procedure should also be simplified.
- Applicants should be allowed to file applications through digital platforms.
- **Colonial attitudes of bureaucracy:**
- It has been observed by the 2nd ARC that these structural reforms have failed to realise the objectives due to the colonial attitudes of our bureaucracy.
- They still believe that they are the masters and should treat ordinary people as their servants.
- **Sensitivity training** should be imparted to the bureaucracy to change their attitudes, values and behaviours.
- Recently the government had launched **Mission Karmayogi** in this regard.
- Transparency in administration has not resulted in accountability of administration.
- This is due to the fact that accountability mechanisms in administration are not effective.
- There must be separate vigilance cells from the lowest level that is the district level to the topmost level that should investigate corruption cases and come out with **time-bound reports** so that accountability can be fixed also.
- **Protection of whistle-blowers:**
- Since RTI came into existence in 2005, it is found that hundreds of RTI activist have been killed, raising questions about their safety and security.
- Information about the applicants should be kept secretive.
- Information should be in encrypted form to protect the **privacy of individuals**.
- Article 21 of our Constitution makes the right to Privacy a part of the **Right to Life and personal Liberty (KS Puttaswamy Case)** whereas Article 19(1)(a) emphasises on **Right to information** as a part of the **Right to Freedom of Speech and Expression**.
- DPDP Legislation has made significant changes to the right to privacy under Section 8 (1)(j) of RTI legislation.
- It has excluded all personal information from the scope of the RTI.
- In the process, it has given complete immunity to **Public officials** for their actions.
- Previously the information could be denied by the officials only after he/she has proved that it is part of his/her Right to Privacy and also that no public interest is served by providing this information.
- However, DPDP legislation has removed this provision, officials can claim privacy without proving it.
- In case of any conflict, it will adjudicated by the **Data Protection Board** consisting of members appointed by the Government.
- According to the critics, these changes have effectively ended the scope of the RTI because officials can take protection under DPDP Legislation.

## **FAILURES OF PUBLIC POLICY (03:04 PM)**

- India had opted for a **Welfare state** immediately after independence.
- As part of the Welfare state especially from the 1970s onwards, hundreds of welfare schemes were launched targeting different sections of the society but poverty removal has not been realised because the emphasis was more on poverty alleviation than on poverty removal.
- In poverty alleviation, the focus is more on providing temporary relief to people from poverty by giving subsidies but they cannot remove poverty on a permanent basis.
- It has resulted in the **vicious cycle of poverty**.
- The government has provided more subsidies because people are poor and these subsidies in turn made sure that people would always remain poor.
- **Identification of beneficiaries:**
- *Sometimes, the information needed to identify who needs help isn't complete or accurate.*
- *This can make it hard to reach the right people with the right support.*
- *Unfortunately, corruption and unfairness can creep into the process.*
- *This might mean that only certain groups or individuals get help, while others who need it just as much are left out.*
- *Sometimes, deserving individuals are left out by mistake.*
- *This could happen due to administrative errors or because the criteria are too strict and don't account for certain situations.*
- *On the other hand, there may also be cases where people who aren't really eligible manage to get benefits.*
- *Without proper monitoring and evaluation, it's difficult to know if the beneficiary selection process is working as intended.*
- *Addressing these challenges requires a concerted effort from policymakers, administrators, and civil society.*
- *By improving data collection, refining targeting criteria, promoting transparency, and ensuring effective oversight, India can enhance the fairness and efficiency of its public policy governance system, ultimately benefiting those who need assistance the most.*

**The topic to be discussed in the next class-** Civil Society Organisations.