

THE ROLE OF TRANSPARENCY AND ACCOUNTABILITY IN ADMINISTRATION

Abstract

Meaningful substantive Democracy ought to be founded on the notion of an informed public adequately equipped to participate thoughtfully and actively in the governance of the Country. If transparency and accountability are the imperatives for sustaining democratic governance. Access to information is a vital instrument of societal transformation. The publication of “Right to Information Act and governance” has therefore, made timely contributions to the growth of awareness of this vital element of our democratic polity. Democracy is the best instrument for good governance provided that democracy is real, which means that there is public participation in governance.

Keywords: Accumulation of Power, Effective Mechanisms, Public Information Officer, Landmark Decision, Business Enterprises, Data Security

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In a world of 195 countries, every country, big or small, is governed by some or the reform of government. By government we mean a group of people/institution who control and make decisions for a country, state, etc. These institutions have the authority to make decisions for the society on policies affecting the maintenance of order and the achievement of certain societal goals. This article shall examine the different aspects of good governance, focussing primarily on transparency and accountability.

I. CLASSIFICATION OF GOVERNMENTS

Government can be of three major categories- monarchy, aristocracy and democracy; depending upon the accumulation of power by one, a few, or many.

India is home to 1.3 billion people, reflecting diverse cultures, languages and beliefs, united under one nation. Governing such an immensely populated and diverse land is challenging, and demands a proactive, visionary and an all-inclusive approach.

Dictatorship vs. democratic government: We have adopted the system of parliamentary democracy, which means that the people of India have the right to elect their representatives and the executive branch of government is held responsible to the legislative branch.

Authoritative government on the other hand denotes the accumulation of power in the hands of a leader or a small elite group which is not constitutionally responsible to the people.

Democratic governance is synonymous with good governance. It holds people as the natural claimants of power. UNDP's definition of good governance refers to the existence of effective mechanisms, processes and institutions through which citizens and groups articulate their interests, exercise their legal rights, meet their obligations and mediate their differences. It is a process of exercising authority, taking decisions and delivering services to the citizens.

II. OBJECTIVES

Transparency, accountability, rule of law, responsiveness, equity, etc, are some of the essential characteristics of good governance.

Transparency ensures that the policy makers must provide comprehensive and accessible information to those concerned, and accountability ensures that the decision makers are accountable to the public as well as institutional stakeholders. These along with other features lead the way to good governance. Good governance must ensure inclusive growth, employment generation, equal opportunities, empathetic approach and poverty alleviation. It is based on the joint efforts of government and nongovernment institutions.

1. Divices to Ensure Transparency and Accountability in Governance

- **Right to Information Act, 2005:** RTI is a fundamental right under Article 19(1) of the Indian constitution. This article holds that every citizen of the Indian shall have a freedom of speech and expression as his fundamental right. The Supreme Court in *Raj Narain Vs State of UP* held that the people cannot speak or express themselves unless they know. This Judgement paved the way to the introduction of a transparency law

which entitles the citizens with the right to know or seek information on any matter. Enactment of this Act enables anybody to ask for any information on a payment of Rs. 10 to the Public Information Officer (PIO). It sanctions its citizen the right to inspect the work of the government and ask for certified copies to know the status of the work of different government projects. The PIO can also ask an amount higher than this, depending upon the type of question asked. Proper justification shall be provided for such a demand. Information so asked must be provided to the applicant, within a period of 30 days.

- **Filing an RTI**

- Online- Visit rtonline.gov.in and log in to file an RTI online.
- Via Post - send your application to the concerned department via registered post or speed post.
- In Person-Visit the public Information Officer of the concerned department and file the RTI.

However, it is to be noted that information can also be restricted. Issues demanding high confidentiality, for example, subjects of defence, intelligence and security, international relations, internal deliberations of the government, etc, do not fall under the purview of this Act.

Supreme Court in a landmark decision (*RBI Vs Jayantial Minstry*) declared that RBI too falls under the ambit of RTI Act, to ensure transparency in its working.

Section 4 (2) of the RTI Act directs every public authority to provide timely information to the public Suomoto through various mass communication platforms, so that the public need not resort to the use of RTI Act.

On 31 st March 2017, certain amendments, known as RTI rules, were proposed to the RTI Act, 2005. They introduced the following concerning and debatable clauses.

- The appellant can withdraw his/her RTI application in case he is no longer seeking that information.
- The application of an RTI applicant will stand withdrawn after his death, implying that no information shall be provided to anybody after the death of the applicant.

These clauses call for concern as they directly or indirectly endanger the life of an applicant. There have been enough instances of RTI applicants or whistle blowers being murdered by the other party. These amendments can further intensify the issue of an applicant's security, as the party involved in any kind of a scam or forgery might murder or blackmail the applicant to safeguard its interest. Debates continue to take place on these propositions and the fate of this Bill is yet to be decided.

- **Lokpal and Lokayuktas Act, 2013:** The Lokpal Act, is an anti - corruption Act of the Indian Parliament, which seeks to provide for the establishment of the institution of Lokpal to inquire into allegations of corruption against certain public functionaries and for matters connecting them. It was first introduced by the 1st ARC

recommendation and is based on the ombudsman model of the UK. It calls for the appointment of a Lokpal at the Centre and a Lokayukta at the state level to enquire into such allegations. After being introduced in Loksabha 2011, the bill was passed by both the houses in December 2013 and received the President's assent in January 2014.

This institution has a wide area of jurisdiction bringing the present and former PM's present and former Union ministers and MP's public servants of groups A, B, C and D, any company or trust established by an Act of Parliament or funded by the Central government, religious institutions, NGOs receiving foreign funding via FCRA, etc, under its purview. Lokpal lays down a clear timeline for the disposal of cases, including trial and provides for setting up of special courts to achieve the same.

- **Appointment Panel:** The lokpal Appointment panel (or selection committee) shall be a five-member body consisting of the Prime Minister, Speaker of the Lok Sabha, Leader of Opposition in Lok Sabha, Chief Justice of India or a sitting Supreme Court Judge nominated by Chief Justice of India and an eminent jurist nominated by the President. The selection committee shall constitute a search committee of 7 members to assist them in the appointment of a Lokpal.
- **Guidelines for Removal:** Members of the Lokpal may be removed by the President after an inquiry by the Supreme Court.

The institution of Lokpal is a statutory body and shall consist of a Chairperson and a maximum of 8 members of which 50% should be from the judicial background. Further, at least 50% of the members shall be from SC/ST/OBCs, other minorities and women.

Since the enactment of this act, no Lokpal has been appointed as the selection committee reserves a seat for the Leader of Opposition in the Lok Sabha and this position is currently vacant in the Parliament of India

The Lokpal and Lokayuktas (**Amendment**) **Bill, 2016** was introduced in Lok Sabha on July 27, 2016 by the Minister for Personnel, Public Grievances and Pensions, Dr. Jitendra Singh. It amends the Lokpal and Lokayuktas Act, 2013 in relation to declaration of assets and liabilities by public servants. The provisions of the Bill would apply retrospectively, from the date of the coming into force of the 2013 Act. The Lokpal Act requires a public servant to declare his assets and liabilities, and that of his spouse and dependent children to the competent authority within a period of 30 days of entering office. This provision has been eased as the new act requires a public servant to declare his assets and liabilities, but the form and manner for such a declaration will be provided by the government.

Another provision of this bill proposes to replace the Leader of Opposition in Lok Sabha to the Leader of the single largest opposition party in Lok Sabha. The Lokpal and Lokayuktas (Amendment) Bill, 2016 has been passed by both the houses of the Parliament but is yet to become an act.

2. **E-Governance:** As per the Department of Administrative Reforms and Public Grievances, e-governance is defined as the use of Information and communication Technology (ICT) at all levels of the Government to provide services to the citizens, interact with business enterprises and communicate and exchange of information between different agencies of the Government in a speedy, convenient and transparent manner.

This platform links us, as citizens, to the different schemes announced by the Government and enable the different Government departments to ensure a transparent and easy exchange of information between them.

The Government has launched multiple apps to invite participation of the citizens in Nation building. MyGov, eGov Connect, e-Sampark are some the popular e governance apps that empower the public with awareness of the different schemes and surveys in place.

To ensure efficiency in the delivery of services, Government of India has also implemented the *Aadhaar Act 2016*. This enables the government to transfer subsidies directly into the citizen's bank account by using the data in his/her Aadhaar card. Aadhaar is a 12-digit random, unique identification number issued to the Indian citizens by the GOI. The UIDAI is the issuing and managing agency of the same. This is a multi-utility document which can act both as identification and address proofs. This act was put in place to identify the beneficiaries of government's welfare schemes and deliver services efficiently to ensure transparency in governance. However, this has been a debatable Act having some reasonable benefits as well as concerns.

- **Advantages**

- This is a multi-utility document which can be used as a proof of identity as well as address.
- Eased the process of opening a bank account as an Aadhaar card alone can be used to do so, therefore making the process hassle free.
- Easy filing of tax returns.
- Keeping a track of financial records using the Aadhaar card of a person can help to check the flow of black money.
- Accurate identification of beneficiaries and effective delivery of services to them.

- **Concerns**

- Contradictory to the Right to Privacy, as this fundamental right empowers us to choose the extent of personal information we would like to disseminate to the government. This act however mandates us to provide any information asked by the UIDAI.
- Issues of data security; monitoring of the regional centres to ensure data safety.
- Threat of data leakage.
- All these tools, along with many others are working towards building a transparent and accountable government.

III. CONCLUSION

Good governance and administration does not depend only on good laws, rules and procedures but more on the goodness of the human beings in-charge of implementing these laws, rules and procedures. Proper shaping and training of the administrative personnel who are the instruments of governance and administration deserve much greater attention. But persons manning administration are not to be looked upon mechanistically as tools as they constitute value in themselves. A conscious, confidence and proud public service, which is not denigrated day in and day out, is an asset for any nation. The adage that a bad workman quarrel with his tools does hold true. But the callousness, indifference and rudeness towards the *common man* has to be removed through appropriate training and good examples set by the seniors. It has to be borne in mind by public servants that they exercise authority on behalf of the people and that authority is limited by time and space. They cannot be oblivious of the fact that they themselves are part and parcel of the citizenry

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