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Q2

(a) What is meant by public interest? What are the principles and procedures to be followed by the civil servants in public interest?

(b) "The Right to Information Act is not all about citizens' empowerment alone, it essentially redefines the concept of accountability. Discuss.

UPSC Civil Services Mains 2018 · GS IV · 10 marks · Probity in Governance

Probity in Governance: Concept of public service; Philosophical basis of governance and probity; Information sharing and transparency in government, Right to Information, Codes of Ethics, Codes of Conduct, Citizen's Charters, Work culture, Quality of service delivery, Utilization of public funds, challenges of corruption.

Core demand of the question

- (a) What is meant by public interest? What are the principles and procedures to be followed by the civil servants in public interest?
- (b) "The Right to Information Act is not all about citizens' empowerment alone, it essentially redefines the concept of accountability." Discuss

Revision summary

Public interest is the welfare of the whole community under the Constitution, not popularity or official prestige.

Civil servants serve it through legality, impartiality, proportionality, recorded reasons, published criteria and a preference for the weakest.

Upward reporting is not enough if the file stays secret.

The **RTI Act, 2005** empowers citizens to seek information and redefines accountability as an answer owed to the public.

Suo motu disclosure, time limits and the **Information Commission** make that new accountability real, though exemptions and fear still weaken it.

Introduction

Public interest is the reason a civil servant holds a stamp. Part (a) says what that interest is and how an officer must walk it. Part (b) shows how the **Right to Information Act, 2005** changed accountability from a private file to a public answer.

Body**(a) Public interest: meaning, principles and procedures**

- Public interest is the welfare of the community as a whole, not the convenience of a minister, a caste, a contractor or the officer's family.
- It is not identical with what is popular this week. A noisy crowd can still demand an illegal demolition.

- It is also not identical with the State's prestige. Hiding a disaster death-count is State interest, not public interest.
- **Principles for a civil servant:** legality under the Constitution; equality and non-discrimination; proportionality; transparency where secrecy is not strictly required; economy of public money; and a preference for the weakest person who will bear the cost.
- **Fiduciary duty:** the officer is a trustee of land, money, data and force. Trustees do not self-deal.
- **Natural justice is a procedure of public interest:** hear the person who will be hurt, give reasons, and do not be a judge in your own cause.
- Recorded reasons and a speaking order let a citizen and a court test whether the public was served or only a patron.
- Consultation and, where the law requires it, environmental and social impact assessment stop a project from treating a silent village as empty land.
- Follow the file, not the oral hint. If an oral instruction is unlawful, ask for it in writing and put your dissent on the note, as service rules expect.
- Use published criteria for licences, relief and tenders. Discretion without a criterion is a market for bribes.
- When interests clash - a road versus a grove, speed versus a hearing - name the clash, weigh it, and choose the option that law and the weakest stakeholder can survive.
- **Review and audit after the act are also public interest:** a dam that was opened without a warning siren has already failed the public even if the file was neat.

(b) RTI and a new idea of accountability

- **Older accountability was mostly upward:** the clerk to the officer, the officer to the minister, the minister to the House.
- **The Right to Information Act, 2005 added a sideways and downward door:** the citizen may ask, and the public authority must reply in time or give a lawful exemption.
- **Empowerment is real:** a ration card, a muster roll, a tender and a marksheet can be pulled into the light without a patron.
- The deeper change is the definition of accountability. The officer is now accountable not only to a superior who may share the secret, but to a person who was never in the room.
- **Section 4** of the Act asks for suo motu disclosure, so accountability is not only a reaction to an application; it is a duty to publish.
- The **Information Commission** and penalties for delay make the duty justiciable in an administrative way, which a courtesy circular never was.
- **Accountability after RTI is also documentary:** if it is not on the file, it did not happen. Oral government becomes harder.
- **Limits remain:** **Section 8** exemptions, poor record-keeping, threats to applicants, and a culture that still treats the file as private property.
- RTI does not replace the Comptroller and Auditor General, the legislature or the court. It redefines the first question: "to whom must I explain this file?" The answer is now, in principle, the public.
- Used with social audit and the **Public Records Act, 1993** duties of custody, RTI turns accountability from a confidential annual confidential report into a public conversation.

Flow diagram

Public interest -> Legality and equality
Public interest -> Hearing reasons audit
RTI Act 2005 -> Citizen empowerment
RTI Act 2005 -> Accountability to the public
Citizen empowerment -> The file must answer
Accountability to the public -> The file must answer

Conclusion

Public interest is the community's lawful welfare, served by legality, equality, recorded reasons and a bias toward the weakest. RTI empowers the applicant and, more than that, makes the officer answerable to people who do not sit in the secretariat.

Facts & figures

Right to Information Act, 2005

Gives citizens a statutory right to information from public authorities, with time limits, a Commission, and listed exemptions under **Section 8**.

Section 4, RTI Act, 2005

Obliges public authorities to disclose specified categories of information suo motu, so that people need not always file an application.

Natural justice

The administrative-law duties to hear the affected person and to act without bias; a core procedure of public interest.

Comptroller and Auditor General of India

A constitutional auditor of public money; RTI adds citizen audit of documents but does not replace CAG.

Public Records Act, 1993

A Union statute on custody and management of public records, without which an RTI right is a right to an empty cupboard.

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