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Q4

**(a) Explain the basic principles of citizens' charter movement and bring out its importance. (10 marks) (b) There is a view that the official secrets act is an obstacle to the implementation of Rights to Information act. Do you agree with the view? Discuss (10 marks).**

UPSC Civil Services Mains 2019 · 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) Explain the basic principles of the citizens' charter movement and its importance
- (b) Discuss whether the **Official Secrets Act** is an obstacle to implementing the Right to Information Act

**Revision summary**

A citizens' charter promises standards, time, courtesy, transparency and redress.

The UK movement of 1991 travelled to India; **Sevottam** and public-service guarantee laws give it teeth.

Its importance is dignity and less speed-money, if staff and penalty exist.

RTI **Section 22** overrides the **Official Secrets Act, 1923** in case of clash.

OSA remains a practical obstacle when used to scare disclosure of routine files; genuine security sits in RTI **Section 8**, not in a blanket secret stamp.

**Introduction**

A citizen at a counter needs a promise that can be timed and complained against. Part (a) is that promise, called a charter. Part (b) is the older secrecy law sitting beside the Right to Information Act, 2005.

**Body****(a) Citizens' charter movement: principles and importance**

- A citizens' charter is a public written promise of the standard, time, and quality of a service, and of what the citizen may do if the promise fails.
- The movement began in the United Kingdom in 1991 under John Major as a way to treat users of public services as entitled persons, not as petitioners.
- India took it up in the 1990s; the Department of Administrative Reforms and the **Second Administrative Reforms Commission** pushed ministries and States to publish charters.

- **Basic principles:** clear standards of service; transparency of procedure and fees; choice and consultation where possible; courtesy and helpfulness; redress when the standard is missed; and value for money.
- A charter should name the officer, the time limit, the documents required, and the next appeal, in language a first-time user can read.
- **Sevottam**, the Union quality framework, joined charter, public-grievance redress, and service delivery excellence as one loop.
- Many States later passed Right to Public Services laws that give the charter a statutory bite: delay can attract a penalty on the named officer.
- **Importance:** it shifts the ethic from "mai-baap" grace to a measurable duty.
- **Importance:** it reduces the market for speed-money, because a published time is harder to sell as a favour.
- **Importance:** it helps the poor most, because the rich already buy a tout; a charter is meant to be a free tout on the wall.
- **Importance:** it lets a manager audit delay, not only corruption.
- **Limits:** a charter without staff, software, or penalty is a poster. Importance is real only when the promise is resourced and when failure has a door - a public-service guarantee Act, a Centralised Public Grievance Redress and Monitoring System ticket, or an **Information Commission** for hidden process.

## (b) **Official Secrets Act and the Right to Information Act**

- The **Official Secrets Act, 1923** is a colonial statute that punishes spying and unauthorised communication of official information, in wide and often vague words.
- The Right to Information Act, 2005 gives citizens a legal right to information held by public authorities, subject to listed exemptions in **Section 8** and 9, and it has an overriding clause in **Section 22** over inconsistent laws.
- There is a view that the 1923 Act blocks the 2005 Act. I partly agree as a matter of practice, and I do not agree that the 1923 Act lawfully repeals RTI.
- **Section 22** of the RTI Act says it prevails over the **Official Secrets Act** to the extent of inconsistency. A public information officer cannot refuse a file only by muttering "OSA".
- **Section 8(1)(a)** of the RTI Act already protects sovereignty, security, and strategic interests. That is the proper secrecy door, with a harm test and a public-interest override in **Section 8(2)** for many exemptions.
- **The obstacle is cultural and residual:** officers still stamp routine land and tender files as secret because the 1923 Act trained a habit of silence, and because prosecutions under OSA have been used against journalists and whistle-blowers in ways that chill disclosure.
- The **Second Administrative Reforms Commission** and several parliamentary discussions recommended replacing or narrowing the **Official Secrets Act** with a modern national-security information law. That unfinished reform is why the obstacle remains in the corridor even when the RTI Act is superior on paper.
- **Agreement with the view, then, is this:** OSA is an obstacle when it is used as a scarecrow against legitimate RTI. It is not a lawful trump card over **Section 22**.
- Ethical public service uses RTI as the default and OSA only for genuine espionage and grave security, never as a shield for a corrupt note.

## Flow diagram

Citizens charter -> Standards time redress  
Standards time redress -> Citizen as entitled user  
RTI Act 2005 Act 2005 -> Section 22 override  
Official Secrets Act 1923 -> Habit of secrecy  
Section 22 override -> Disclosure as default  
Habit of secrecy -> Disclosure as default

## Conclusion

A citizens' charter makes service a timed duty and matters most when a penalty or a grievance door backs it. The **Official Secrets Act, 1923** should not defeat the Right to Information Act, 2005; **Section 22** says so. The remaining obstacle is habit and fear, which a narrower secrecy law and courageous public information officers must still remove.

## Facts & figures

### Citizens' Charter, United Kingdom, 1991

John Major's programme that treated users of public services as entitled to published standards and redress.

### Sevottam

A Union quality model linking citizens' charter, grievance redress and excellence in service delivery.

### Right to Information Act, 2005, **Section 22**

Gives the **RTI Act** overriding effect over inconsistent laws, including the **Official Secrets Act, 1923**.

### **Official Secrets Act, 1923**

Colonial law on spying and unauthorised official communication; often criticised as over-broad.

### **RTI Act, Section 8(2)**

Allows disclosure of exempt information when public interest in disclosure outweighs the harm, for several exemption heads.

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