TRANSPARENCY AND GOOD GOVERNANCE IN AN ISLAMIC CONTEXT: EVALUATING THE IMPLEMENTATION OF RIGHT TO INFORMATION LAWS IN SINDH

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Abstract:

Islam constitutes a holistic religion, encompassing not only matters of faith and devotion, but also the regulation and organization of daily affairs in order to shape human existence and elevate spiritual growth. On the other hand, the establishment of a functioning government is an essential prerequisite for societal order, as the absence of such governance can result in chaos and upheaval. Government, through the establishment of boundaries, enforcement of laws, and protection of rights and freedoms, plays a crucial role in maintaining social harmony. The practice of transparency in exercising power serves as a clear indicator of effective governance and a robust political system. Islam, being the source of the principle of transparency, places significant emphasis on its implementation within the administration of an Islamic society. The current study aims to explore if Sindh government proactively disclosed and published the information on their official websites or not. For the collection of data, seven official websites of the government departments were selected, which were reviewed and analyzed. The methodology employed in the current study was developed by Freedom of Information Advocates Network (FOIANet) for gauging the implementation of Right to Information.

Keywords: Shariah, Law, Right to Information, Transparency, Accountability, Good Governance, Proactive disclosure and Public Information officers

Introduction:

Islam is a complete religion that includes not only religious observances and customs but also everyday activities that are meticulously organized to shape human life and elevate human spirit. Human life and the human spirit must be honored and safeguarded via fairness, empathy, equity, and devotion to Allah in order to create a society that is just, egalitarian, and civilized [1, 2]. Government is a sensible human

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prerequisite since a society without it declines into turmoil. Government establishes boundaries, enforces laws, and protects the rights and freedoms of human society. It also controls the actions of individuals and the community at large. When considering the primary objectives of the divine prophets, it is evident that formation is necessary to accomplish great objectives like liberating individuals of foreigners' rule and captivity, educating the entire human race, reviving the principles of humanity, setting up justice, and conveying individuals to perfection and advancement.

Transparency in exercising the power is typically an indicative of constructive governance and political system [3]. Despite the fact that this idea may be recognizable to some historical figures, the World Bank's assessments on development plans were where it first came up for discussion. The World Bank first articulated the concept of Good Governance in a report that was published in 1989 regarding the financial crisis in Africa [4], demonstrating the importance of lessening the contribution of governments for attaining stronger financial effectiveness in the execution of different management of developmental programmes. As a consequence, it had been recognized that the present financial crisis had a foundation in the governance issue, and a dearth of consideration for management based on transparency had been depicted as a key traits of poor governance. Following that, the World Bank listed four fundamental components of GG in its 1992 report focused on transparency [5]. According to this view, transparency means that individuals are provided with an opportunity and access to information by the government to assist them to become conscious about what is happening and to enable them to examine, evaluate and contrast, and not being left in a dark [6]. The means for ensuring public access to the decision-making processes serve as the broad foundation for this idea [7].

In these circumstances, transparency is a crucial quality that can significantly increase the power of the anticipated system for defending the political, economic, social, and cultural rights of individuals [8]. Consequently, this idea is an important strategy in the struggle against evil phenomenon like political and financial corruption, which are considered as the primary challenges confronted by any community [5, 9, 10]. Islamic societies call for management the same as any other society. An Islamic society is one

whereby both formal and informal interactions take into account the divine, religious, and moral principles of Islam [11]. Thus, an array of Islamic ethical concerns, attitudes, and beliefs are mixed with and affected by the Islamic management system in an Islamic society. Without acknowledging or understanding such Islamic principles, no effective or productive planning can be undertaken for this attempt, and social institutions like divisions, institutions, or organizations are unable to be managed. As a consequence, an Islamic community longs for a style of leadership that is rooted on moral principles, religious beliefs, and adherence to Islamic norms [12].

Transparency, Good Governance and Islam:

Instead of taking a rigorous, mechanical strategy, the Islamic viewpoint on good governance accentuates qualitative elements. There are seven most important guiding principles that can be used to encapsulate the essential components of good governance in this situation: *Rule of Law* (Stressing the value of group decision-making and consultation in administrative procedures), *Khilafah* (Denoting the idea of stewardship and responsible leadership over societal matters), *Accountability* (the process of making people and organizations responsible for their choices and actions), *Transparency* (Ensuring information availability and fostering transparency and clarity in governmental procedures), *Justice* (Upholding impartiality, fairness, and the defense of rights in government. Equitable distribution of resources, opportunities, and advantages among all societal members is what is meant by equity), and *Al-Amr Bil Maruf Wa Nahi An Al-Munkar* (Fostering good and discouraging evil within the framework of society).

The concept of practicing transparency finds its origins in Islam. Some individuals argue that Westerners are solely responsible for introducing rational ideas, disregarding the fact that they lack familiarity with the Quran or Islamic teachings [5]. Given this context, transparency in government ranks as one of the guiding principles of an Islamic society. The concept has, however, been explored in religious settings in the past because it is part of an Islamic tradition for religious authorities to uphold the principles of transparency in their dealings with people. Concerns about transparency and public awareness of the activities the government undertakes are not specific to today's modern society [13, 14]. In consideration of the cultural and theological traits of Islamic nations, it is thus conceivable to illuminate the paradigm for transparency in government based on

Islamic teachings [15]. Leadership plays a pivotal role in shaping the nature of a society. The character of leaders directly influences the character of society. The Qur'an defines this principle of leadership, as interpreted by Taufiq [16]:

> *"Those (Muslim rulers) who, if We give them power in the land, (they) perform salāt, pay the zakāt (obligatory charity) and they enjoin al-maʻrūf, and forbid al-munkar. And with Allah rests the end of (all) matters (of creatures)"[17].*

"Practicing salāt" is a representation of a strong connection with God, while *"giving the zakat"* signifies a focus on aiding the less fortunate. *"Amr maʻrūf"* encompasses all forms of virtues, traditions, and cultures that align with religious principles, while *"nahy ʻan al-munkar"* stands in contrast to *"amr maʻrūf"*. To fulfill their responsibilities, those in power are expected to consistently engage in thoughtful deliberation *(musyāwarah)* sharing ideas with any relevant individuals to ensure optimal outcomes for all [18]. This approach to leadership embodies the principles of good governance as portrayed in the Qur'an, promoting strong relationships with both God and the community.

Generally, Muslims are encouraged to select a leader and follow their guidance. The concept of leadership in Islam is fundamentally anchored in faith and devotion to Allah. Consequently, the primary responsibilities of leaders involve conducting righteous deeds and striving to establish Islam [19]. The Holy Quran also says:

> *"We made them leaders by sending them guidance and inspiration to perform good activities, offer prayers and practice charity regularly, and they always obliged us"* [20].

Transparent rule requires a God-fearing leadership. In order to preserve the public's trust and faith in government, this is crucial. Consequently, this assurance and trust support the preservation of the political and social order that is necessary for progress. In other words, a leader would be sufficiently motivated to act in a way that promotes national development if he had respect for what is in the best interests of the country, as well as for his own integrity, honesty, fairness, and justice, and above all, if he feared God, the Almighty. As a result, when leaders lack a sense of moral obligation and fear of God, they frequently turn corrupt and even dictatorial [21].

The Prophet Muhammad (SAW) asserted that in Islam, leadership isn't exclusive to a select few. Instead, anyone could assume a leadership role based on the circumstances. The Prophet Muhammad (PBUH) said, " *Every one of you is custodian and will be asked about his matters"* [22].

Transparency is not directly mentioned in the verses of Holy Quran but it is linked with all the verses that are mentioned above. If the dealing with public is not transparent either on smaller scale or on national level, the issues of corruption, accountability, bad governance, or if we can relate all the evils in the society may persist. The leaders will not be entitled to any good activity or good character or good custodian if his deeds are not transparent and if he is unwilling to reveal any information regarding any issue.

Corruption and Transparency:

Stakeholders can look into and analyze any process because of transparency. By making the government's performance more transparent, one can help to enhance staff morale by lowering employee corruption and inefficiency [23]. It should be highlighted that corruption is a global issue that threatens every nation's administrative structure and has existed since the dawn of human civilization. Thus, administrative corruption can encourage inaction in all spheres and impede the establishment of healthy competitiveness by undermining growth. A wide range of explanations, particularly legal, financial, and political ones, can be made in this context due to the multifaceted nature of the elements that contribute to corruption. Corruption is the improper exploitation of an individual's position by authority for personal gain[24]. It is not something recent, but a phenomenon whose roots go back as far as the history of human civilizations. Consequently, every society has had various levels of corruption, and no period in human history or civilization has been an exception. From this perspective, it has been accredited that corruption, which is defined as the exploitation of assets for one's own advantage, is a pervasive occurrence in all cultures. Additionally, it has an impact on all nations' government, institutions, and services [25].

Presently, corruption has permeated all aspects of the administrative systems in various nations, irrespective of their level of democracy, development, or economic status. It implies that these systems are susceptible to various levels of corruption on a

global scale. Any system can experience corruption, which is defined by its political, cultural, and financial elements [26]. Examples of corruption in any system involve offering bribes in order to obtain benefits or authorizations, getting incentives for good service, disregarding clients, engaging in the use of available records for personal or specific group benefits, bribing administrative officials, misappropriating public resources for personal profit, tampering with records, exhibiting poor performance, or failing to address organizational requirements[27].

Transparency is primarily concerned with an open and well-established structure of government, the obliteration of corruption, and the formalization of a system that is equitable, impartial, and founded on the rule of law. In order to foster growth, governance must be transparent or open. It takes seriously eradicating corruption and fostering accountability in how business is conducted by the government. Through the contribution of Transparency International, the pursuit of transparent performance has now gone global. The idea of transparency ensures that everyone has unrestricted access to information concerning governance, the formulation, execution, and outcomes of policy. The open approach to controlling is transparency. Information covers all facets of public policy that are available. The predicted results of information disclosure are tolerance, healthy political competition, and public preference-based policy. Transparency begins with effective performance management [28].

Right to Information Laws in Pakistan:

The Right to Access Information is provided in the article 19-A of the Constitution of the Islamic Republic of Pakistan and the same was incorporated through the 18th Amendment, which reads as: "Right to Information: Every citizen shall have the right to have access to Information in all matters of public importance subject to regulation and reasonable restrictions imposed by law [29].

The following RTI legislations exists in Federal as well as in the Provinces [30, 31].

- Article 19-A (Right to Information) of the Constitution of Pakistan: "Every citizen shall have the right to have access to Information in all matters of

public importance subject to regulation and reasonable restrictions imposed by law".

- Federal Right of Access to Information Act, 2017
- Khyber Pakhtunkhwa Right to Information Act, 2013.
- Punjab Transparency and Right to Information Act, 2013.
- Sindh Transparency and Right to Information Act, 2017.
- Baluchistan Right to Information Act, 2021.

Types of Information:

The public can access the information stored by public bodies in one of two ways. The first is when citizens request for the information and receive requested information (known as reactive disclosure). The second situation is when information is made public on the public body's initiative and without a request being made (known as proactive disclosure). Proactive transparency is the end result of proactive disclosure, which can be achieved through a variety of channels, including publications and official gazettes, notice boards that are open to the public, radio and television announcements, and postings on the Internet via a public institution's website [32].

Pro-active Disclosure:

Section 6 of the Sindh Transparency and Right to Information Act, 2016 states that all public bodies/ Government bodies should proactively disclose and publish the information.

Purpose of the current Research:

In order to promote good governance within an Islamic context, this research study will evaluate the importance of transparency. It strives to investigate the Islamic precepts and teachings that place a strong emphasis on justice, accountability, and transparency in societal governance. The goal of the study is to draw attention to the importance of transparency in defending people's political, economic, social, and cultural rights as well as in overcoming obstacles such political and financial corruption. The main purpose of the study is to analyze the efficacy of Right to Information Laws in Sindh, if the Government of Sindh is compliant to these laws and to what extent, Government of Sindh discloses information proactively.

Methodology:

The status of the online proactive disclosure of the information of Sindh RTI law has been assessed as provided in the section 6 of Sindh RTI law by using the methodology which was developed by Freedom of Information Advocates Network (FOIANet) for gauging the implementation of Right to Information. The availability of information has been checked as per section 6 through sampled websites of randomly selected departments. Under clause 1 of section 6 of the Sindh RTI there are 15 indicators with respect to the proactive disclosure of information. Following is the list of departments of Sindh Government, whose official websites are reviewed for examining the status of proactive disclosure of information.

1. SCHOOL EDUCATION AND LITERACY DEPARTMENT GOVERNMENT OF SINDH
2. HEALTH DEPARTMENT GOVERNMENT OF SINDH.
3. HUMAN RIGHTS DEPARTEMNT, GOVERNEMNT OF SINDH.
4. AGRICULTURE, SUPPLY & PRICES DEPARTMENT, GOVERNMENT OF SINDH
5. BOARD OF REVENUE, SINDH.
6. AUQAF RELIGIOUS AFFAIRS ZAKAT & USHR DEPARTMENT
7. CULTURE, TOURISM & ANTIQUITIES DEPARTMENT

Each public body is scored using the following scale: **Full Disclosure of Information = 1, Full to Partial Disclosure of Information = 0.75, Partial Disclosure of Information = 0.50, Partial to None of Information = 0.25, and None of the Information = 0.** The scores for each public body are then determined by summing the ratings for each institution and dividing the result by 15. (total indicators). The total marked scores for each public body in both sections were then totaled, and the total assessed departments—in this case, seven government departments—were divided. The 2016 Sindh Transparency and Right to Information Act (Section 6) has been cross-checked against published information on websites in the tables below. The first column of the table below shows the metrics for measuring proactive information disclosure. While in the next columns, mentioned government department is scored as per proactively disclosed information by public body.

Table 1 Provision of proactive disclosure of information about the public body.

	2. Indicators	Education	Health	Human Rights	Agriculture	Board Of Revenue	Auqaf ,zakat & Ushr	Culture
3.	4. Particulars of its organization, functions and duties;	0.5	1	1	0.5	1	1	1
B	Powers and functions of its officers and employees;	0.5	0.5	1	0.5	0.5	0.5	1
5.	6. Norms and criteria set by it for the discharge of its daily 7. functions;	0.75	0.75	0.5	0.5	0.5	0.5	0.75
8.	9. Rules, regulations, notifications circulars, instructions and other legal instruments being enforced, issued or used by it or 10. being used by its employees in the discharge of its functions;	1	1	1	0.5	1	0.5	0.75
11.	12. Statement of categories of information that are under its 13. control;	1	1	1	1	1	1	1
14.	15. Description of its decision making processes;	0.5	0.5	0.25	0.25	0.75	0.5	1
16.	17. Details of all its administrative and developmental decisions;	0.5	0.5	0.5	0.25	0.5	0.75	1

18.								
19.	20. Directory of its officers and employees with their **qualifications and** respective remuneration, 21. perks and 22. privileges; 23.	0.25	0.25	0.5	0.5	0.5	0.5	0.5
24.	25. Budget including details of all proposed and actual 26. expenditures; 27.	0	0	0	0	0	1	0.5
28.	29. Manner of execution of subsidy programs;	0	0.25	0	0	0	0.25	0.25
K	Full particulars of the recipients of concessions, permits or authorizations granted by it;	0.25	0.25	0.25	0	0.5	1	0.5
L	Facilities available with the public body for obtaining information held by it;	0.5	0.75	0.5	0.5	1	1	1
M	Complete particulars of its public information officer;	0	0	0	0	0	0	0
N	Any other information as may be prescribed.	0.25	0.5	0.5	0.5	0.5	0.5	0.5
0	Maintenance of record in respect of applications received and actions taken thereto;	0	0	0	0	0	0	0

Results and Discussion:

The status of each indicator is reviewed and assessed on the availability of the proactively disclosure of information on official websites of the Government of Sindh. In this study total seven websites were reviewed and thereafter, following results were found. The first item is the School Education and Literacy Department Government of Sindh in which 40% of the disclosure of information were found. Further, on second number Health Department Government of Sindh was reviewed and 51.6 % proactive disclosure of information were found. Thereafter, on third number Human Rights Department, Government of Sindh website reviewed and found 46.6% of proactive disclosure of information. After that the Agriculture, Supply & Prices Department, Government of Sindh websites was reviewed and found 33.3 % proactive disclosure of information. Moreover, Board of Revenue, Sindh website was reviewed and found 51.6 % of proactive disclosure of information. Furthermore, the website of Auqaf Religious Affairs Zakat & Ushr Department was reviewed and found 60 % of proactive disclosure of information and finally the Culture, Tourism & Antiquities Department website was reviewed and found the 65% of the disclosure of the information.

As the objectives of study was examining the development of proactive disclosure as well as the new standards that are currently being established by the government of Sindh in compliance and implementation of the section 6 of the Sindh RTI Act, 2016. Therefore, the official websites of the Auqaf Religious Affairs Zakat & Ushr Department and Culture, Tourism & Antiquities Departments were satisfactory and these both departments have published and online disclosure of information regarding budget utilization, expenses and ongoing projects were available. Moreover, all the proposed departments have failed to disclose the information regarding the information officers and maintenance of record of application received and action taken on such applications. These factors prompt a variety of recommendations, including the organization and publication of information in such a way is: accessible, discoverable, pertinent, understandable, free or inexpensive, and current. Public organizations should make sure proactive disclosure policies are well-resourced, forward-thinking, promoted (both internally and externally), well monitored, and consistently enforced when establishing or enhancing them.

Conclusion and Recommendations:

The aim of this study was to measure and examine the proactive disclosure of the information on the official websites of Sindh governments departments. In connection with this, 7 departments' websites were randomly reviewed and found that the most of the official websites would not disclose the budget facts and figures properly and its use thereof. Further, the said websites even did not published information regarding the right to information and even the list of the public information officers was also missing. Moreover, in this study the best websites were the Auqaf Religious Affairs Zakat & Ushr Department and Culture, Tourism & Antiquities Department, where almost the budget facts and figures were available and its proper utilization was also present. Furthermore, almost all the websites also lack in the availability of the right to information. These factors prompt a variety of recommendations, such as, to ensure that all public offices and ministries fulfil their obligations to publish their annual budgets, plans of action that include specific information on the timeline, budget allocations, and human resources deployed and needed, as well as the materials and equipment provided and the areas covered by their programs, additional rules and regulations must be made by the government. If every department follows this procedure, citizens will have access to the information and will understand how the government is helping them, which will eventually result in their happiness with the government services. Moreover, the proper training of the newly appointed and existing public officials must be conducted for comply with the proactive discourse of information. Further, there is a dire need to enlist all the indicators of the proactive disclosure of information and same list may be circulated by the Chief Secretary of the Sindh province in the entire province for the true implementation of the proactive disclosure of information as provided in section 6 of the Sindh Transparency and right to information Act, 2016.

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