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Messing with RTI

The Centre backs off, leaving officials sullen

As was the case with the National Rural Employment Guarantee Scheme (NREGS), the Right to Information Act was an idea relentlessly pursued by the National Advisory Council (NAC), when it was headed by Sonia Gandhi. When the government, under sustained bureaucratic pressure, sought to dilute the act,

over the disclosure of 'file notings' came from President A.P.J. Abdul Kalam, while giving his assent to the act in June 2005. In a letter to the Prime Minister, Kalam noted that 'this (disclosure of the note portion of the file, which contain advice/opinion tendered by the official) is not a fair approach and will harm the process of

the opinion he had received from the ministry of defence that the three Service Chiefs were of the view that the new disclosure regime simply could not work in the defence forces, where protection of confidentiality was a must to protect enemy designs. The message that went out from the MoD was "it would be a sad day if the government were to believe the word of an NGO over that of a Service Chief/'

The government had also to take into view the possibility that the new 'information tool' may be used by a section of the bureaucracy to settle internal scores. Already, officials facing charges of corruption, misconduct or indiscipline have been demanding access to file notings. There could also be a 'politically motivated' demand for information on former cabinet ministers and prime ministers.

The government thus came to the conclusion that, while visibility on file notings on social and developmental issues would continue, the curtain should be pulled down on sensitive subjects. That was the trigger for activists like Aruna Roy and Anna Hazare to jump into the fray and for politicians, particularly from the Left parties, to

clamber onto the bandwagon. The BJP also sensed an opportunity in the face-off and threatened to block the amending bill in Parliament.

Roy now rebuts the notion that the file notings could be misused or that their disclosure could open the floodgates of complaints and recriminations with the somewhat naive and NGO-style, chest-thumping logic, "You can only blackmail those who have something to hide. Thanks to years of secrecy, today, the IAS is not a steel frame but a wooden frame riddled with ants." But she has a point when she says that for every frivolous or mischievous resort to file notings, there are 99 others for whom the information is relevant.

The government may have bought peace with civil society activists but it is in a bind in addressing the concerns of the bureaucracy.

• RAKESH JOSHI



Roy (extreme right): leading the charge

Magsasay Award winner Aruna Roy, one of its strongest proponents, quit the NAC. And as public pressure built up to withdraw the proposed amendments, the hand that moves the levers of the government came into play. Sonia forwarded a bunch of petitions she had received from NGOs, jurists, human rights activists, electoral reforms advocates, social workers, students and even peasant groups to the ministry of personnel and public grievances. That was the signal that the Centre needed to back off on the amendments.

At the heart of the raging controversy was the lingering suspicion that the Indian Act had turned out to be too radical under pressure from activists and NGOs, who crowded the NAC. The tricky part was the provision that all official files, including file notings, would be subject to the new disclosure regime.

The first expression of reservation

decision making, as officials would be even more cautious or even refrain from rendering objective, written or frank advice on file." The President's concern was that, while the "sharing of information on decisions taken" was one thing, "sharing of information on how that decision is actually arrived at" is another matter altogether.

Kalam's missive

The PM, who had got feedback from various official wings of the government on their opposition to the act, is believed to have agreed with the substance of Kalam's missive. Earlier, Union Public Service Commission (UPSC), a constitutional body, had taken the view that sharing the notes of its internal decision-making process would be impractical, as it would affect the candour of expression of officers concerned in dealing with policy and non-policy issues.

Manmohan had to contend with