

NOTE

Save RTI Act

B D writes:

Recently the issue of right to information (RTI) has been in the middle of a fierce controversy of amending the existing law. This controversy has centred mainly on the issue of file notings. What exactly is a file noting? As the campaign to save RTI Act says, “A file noting is a separate (normally green) sheet on the left side of files. While the right side of a file contains the proposal, the left side gives any officer’s considered comments on the issue. After expressing his/her views, the officer passes the file to his superior who, in turn, expresses his/her approval or disapproval on this page. In short the dynamics of the decision making process is contained in this page.”

The Cabinet has taken a decision to amend the Right to Information Act, 2005. This amendment concerns a few issues of which file notings have attracted the most attention.

The government’s view is that by this amendment it is improving transparency and providing access to file notings, even though to a limited extent, for the first time. As the Prime Minister Dr Manmohan Singh has said in a letter written to former Prime Minister V P Singh dated July 26, “File notings were never covered in the definition of ‘information’ in the RTI Act passed by Parliament. In fact, the amendments being currently proposed expand the scope of the Act to specifically include file notings relating to development and social issues.”

This interpretation is hotly disputed by the Campaign to Save RTI Act and its supporter organisations like the NCPRI, MKSS and Parvartan. They say that file-notings were most certainly included in the 2005 Act and this was confirmed dearly by the Central Information Commissioner. Therefore the recent government decision to permit the transparency of only a few categories of file-notings seriously restricts the right and certainly does not expand it. The proposed amendment allows disclosure of only ‘substantial file notings on plans, schemes, programmes of the Central Government or a State Government, as the case may be, that relate to development and social issues.’

It is interesting that several retired senior officers who were known for their integrity have come forward to support the activists against the government’s decision to amend the RTI Act 2005.

Reflecting on his own experience a senior bureaucrat says, “I started my career in the Bihar Secretariat in 1955. During the next 25 years, I happened to hold several key assignments in the state and central secretariats. Looking back, I can recall several important cases in which I expressed my views frankly and fearlessly. I am unable to think of any case where the publication of my note would embarrass me.” 