

An update of the NAC Meeting 14 August 2004*

The National Advisory Council sent its first set of recommendations to the government of India today. These include significant amendments to the Freedom of Information Act 2002 (renamed Right to Information Act 2004 in its amended version), and also a Draft National Employment Guarantee Act.

The basic aim of the Right to Information Act is to give all citizens the fullest possible access to public documents. In keeping with the principle of maximum disclosure and minimum exemptions, the council recommended a significant reduction in the scope and number of exemptions to be allowed under the act, consistent with constitutional provisions.

Even those agencies who were covered by a blanket exemption, will be required under the amended provisions to provide information on matters of human rights and corruption.

The council unanimously recommended provisions of strong penalties for non compliance with the provisions of the Act. Public servants who deliberately withhold, or delay the furnishing of information will be liable to pay penalties deductible from their salaries, and in case of providing false information will be liable to financial penalties, departmental action, and criminal prosecution.

The amended Act provides for two levels of appeal- the first within the department, and the second level of appeal to an independent appellate authority- information commissioners at the State and National level.

The Council also completed a draft National Rural Employment Guarantee Act and endorsed it to be sent to Government for further action. This draft Act entitles every rural household to at least 100 days of guaranteed employment at the statutory minimum wage every year, as promised in the UPA's Common Minimum Programme. Anyone who applies for work will have to be provided work within 15 days, failing which he or she will be entitled to an unemployment allowance of one third of the minimum wage. All areas of rural India are to be covered within five years of the enactment of the Act. The Act also makes provision for raising the work entitlement beyond 100 days per year in due course, and for extending the guarantee from households to individuals.

*Update forwarded by Shekhar Singh, Convener of NCPRI (National Campaign for People's Right to Information).

NAC MEETING FINALISES NATIONAL RURAL EMPLOYMENT GUARANTEE BILL AND RIGHT TO INFORMATION ACT *

Press Release of Government of India, Press Information Bureau, 14 August 2004

The third meeting of the National Advisory Council (NAC) was chaired by Smt. Sonia Gandhi, today and was attended by nine members of the Council. The discussions began with further consideration of the proposed legislation in respect of an Employment Guarantee Programme and the provisions relating to Right to Information. It was agreed that the draft National Rural Employment Guarantee Bill, 2004 and the suggested amendments to the Freedom of Information Act, 2002 (proposed to be called the Right to Information Act, 2004), as finalized in the meeting, be forwarded to the Government for further action. Discussions took place on issues pertaining to health in the light of the papers circulated for the purpose, including a scheme for health insurance for poor families which is a component of the National Common Minimum Programme. It was agreed that a detailed Agenda for Action would be formulated for further consideration in the Council. The Education sector, including the Mid-day Meal Scheme and the Sarva Shiksha Abhiyan, the ICDS programme, Governance, Tribal Welfare and Development and the status of incomplete irrigation projects in different parts of the country are amongst the subjects to be discussed in the coming weeks. The NAC also decided to engage in wider consultations with experts and practitioners in their respective fields. The next Meeting of the Council is scheduled for August 28, 2004 when the education and irrigation sectors will be discussed.

*This update may also be located at: <http://pib.nic.in/release/release.asp?relid=3124>

NAC finalises draft on right to information, rural employment*

K.V. Prasad, The Hindu (New Delhi), 14 August 2004

The National Advisory Council (NAC) today finalised two drafts, one suggesting amendments to the Freedom of Information Act, 2002 and another recommending a National Rural Employment Guarantee Bill, aimed at providing a minimum 100 days of assured employment.

Diluting the promise made by the United Progressive Alliance Government in the Common Minimum Programme document to provide legal guarantee to "one able-bodied person in every rural, urban poor and lower middle-class household," the proposed Bill restricts it to "rural" areas.

Two drafts

The two drafts were cleared at a six-hour sitting of the NAC, chaired by the Congress president, Sonia Gandhi here. Ms. Gandhi, will forward these documents to the Prime Minister, Manmohan Singh, shortly for further action.

The recommendations include renaming the exist Act as Right to Information and carrying out amendments to make the functioning of the Government more open, from the panchayat level to the Central Government.

The NAC drew from existing Acts in Karnataka and Maharashtra and their use by social activists in Rajasthan under the "Jan Sunwai" (public hearing) programme. The CMP promised the Right to Information Act "will be made more progressive, participatory and meaningful" and the amendments being suggested were keeping this end in view.

The basic aim was to give all citizens the fullest possible access to public documents. In keeping with the principle of maximum disclosure and minimum exemptions, the NAC recommended a reduction in the scope and number of exemptions to be allowed under the Act, consistent with constitutional provisions, NAC member Aruna Roy told The Hindu. Even those agencies that were covered by a blanket exemption will be required under the amended provisions to provide information on matters of human rights and corruption.

Penalties were being recommended for non-compliance with the provisions of the Act. Public servants who deliberately withhold, or delay the furnishing of information will be liable to pay Rs. 250 a day, and in case of providing false information will be lable to financial penalties, departmental action and criminal prosecution. It also provides for two levels of appeal, within the department and an independent appellate authority...

The NAC also decided to engage in wider consultations with experts and practitioners in their fields. The next meeting of the Council is scheduled for August 28, when the education and irrigation sectors will be discussed.

*This article may also be located at:

<http://www.hindu.com/2004/08/15/stories/2004081505750800.htm>

NAC finalises draft on Information Act*
NDTV Correspondent, (New Delhi), 14 August 2004

The National Advisory Council that was set up to monitor and implement the UPA government's Common Minimum Programme has finalised a draft of an updated Right to Information Act.

This will make it much easier for the average citizen to get any information from the government. There is already a similar Act in place, passed in 2002, but there were too many security clauses in it.

The new draft removes all those clauses except for sensitive information that could affect national security.

The council has also finalised the draft for a National Employment Guarantee Bill which will ensure at least 100 days of work to everyone within 5 years.

*This news item may also be located at:

<http://www.ndtv.com/morenews/showmorestory.asp?slug=NAC+finalises+draft+on+Information+Act&id=58782>

Information law draft on Sonia table*

Radhika Ramaseshan, The Telegraph (Kolkata), 13 August 2004

The National Advisory Council, headed by Sonia Gandhi, is likely to finalise a draft of the amendments suggested to the Freedom of Information Act and the National Employment Guarantee Act when it meets for the third time in two months tomorrow in New Delhi. The Freedom of Information Act, passed in 2002, has not been notified even 18 months after it received Presidential assent. Council sources hoped the amendments mooted would be debated and incorporated in the law in the second phase of Parliament's budget session or in the winter session. Among the significant amendments proposed by the Council are renaming the Act as the Right to Information Act because "the right to information has been treated as a part of the fundamental right to speech and expression by the Honourable Supreme Court and should be treated as such". The Council has also proposed a section elaborating the objectives of the Act, which is missing in the present legislation. These include giving effect to the fundamental right to information to strengthen democracy, improve governance, increase public participation, promote transparency and accountability, and reduce corruption. To sharpen the definition of "freedom of information" and "information", the council's preliminary amendments state that the "right to information" means the right to access information held by, legally accessible by or under the control of any public authority and includes works, documents, records, taking notes and extracts and obtaining certified copies of documents or records, taking certified samples of material and obtaining information in the form of diskettes, floppies, tapes, video cassettes or any other electronic mode or through printouts. The present Act does not use the verbs "taking" and "obtaining". While the Act defines "information" as "any material in any form relating to the administration, operations or decisions of a public authority", the Council's version is more expansive on what precisely constitutes "information". It lists 19 heads ranging from records, file notings, memos and advisories to reports, papers, samples and electronic data. On the employment guarantee Act, a draft of which was circulated in the last council meeting under the name of National Rural Employment Guarantee Act, sources said a number of changes were suggested. These include extension of guaranteed employment to large cities, giving an intermediate benchmark of 180 days as a via media between the council's proposal of an employment guarantee for 365 days and the UPA's Common Minimum Programme's 100 days.

*This article may also be located at:

http://www.telegraphindia.com/1040814/asp/nation/story_3624523.asp