

**Government considering Kalam's points on Right to Information Law
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New Delhi, June 25

The Congress-led UPA government is actively considering incorporating in the Right to Information Law the suggestions of President A P J Kalam that confidentiality of communication between the Head of State and the Prime Minister should be maintained.

In case the Manmohan Singh government accepts the President's suggestions, then it will have to come forward with the necessary amendments in Parliament. Even though Mr Kalam has given his assent to the Right of Information Law, it is yet to be notified by the Union Law Ministry. On the relevant notification, the proposed Act takes effect making it mandatory for the government to part with information on demand from the public or individuals.

Mr Kalam felt the communication between the First Citizen and the country's chief executive should be considered privileged as it usually did not have any bearing on the people. On the other hand, the disclosure of such exchanges had the portends of creating unnecessary controversies affecting the effective functioning of the two high offices.

In this context, the President is believed to have pointed out that Rashtrapati Bhawan denied access to the Nanavati Commission to a 2002 communication between the then President, Mr K R Narayanan and Prime Minister Atal Bihari Vajpayee on the Gujarat riots.

Mr Kalam is said to have also suggested that the notings of senior bureaucrats should also be kept out of the purview of the proposed Act to enable them to take right decisions without coming under pressure from any quarter.

This is particularly so as the legislation has penal provisions against top officials who fail to provide such information within a time frame.

With the passage of the bill in the Lok Sabha and the Rajya Sabha, the Prime Minister had hailed it as historic as it will bring transparency, efficiency and accountability in the functioning of the government.

Striking a note of abundant caution, the President has also highlighted the need for the Prime Minister to ensure Presidential immunity and stipulate that documents emanating from the President's secretariat were not brought within the ambit of the Act.

Under the Act, both the Centre and the states could come up with rules on how to ensure accountability of ministries and departments. Mr Kalam is said to have observed that since it is a Central legislation, the rules should also be framed by the Centre.

Under the new Law every public authority has the obligation to provide information and maintain records about its operations. The Law also lays down the architecture for accessing information which is simple, time bound and inexpensive.

In his OK to info law, Kalam adds cautionary note to PM

By Bhavna Vij-Aurora

The Indian Express, 24 June 2005

NEW DELHI, JUNE 24: While giving his consent to the landmark Right to Information Act on Monday evening, President A P J Abdul Kalam has reminded Prime Minister Manmohan Singh of maintaining the sanctity of communication between the Head of State and the Head of Government.

A consistently vocal advocate of openness and transparency in governance, Kalam has put in writing to Singh that communication between the President and the Council of Ministers, including the Prime Minister, should not come under the purview of the Act.

He wants this communication to remain privileged as he feels that this rarely affects the people at large. He has also pointed out that this provision is guaranteed by the Constitution.

In his letter, Kalam has urged Singh to continue with Presidential immunity and suggested to him to exclude documents in the President's office from the proposed law. The President had given a green signal to the Act after Rajya Sabha had sent the Bill, passed by both houses, for the Rashtrapati Bhawan's ratification 10 days ago.

This comes in the wake of the controversy over the Nanavati-Shah Commission, probing post-Godhra communal riots, seeking privileged documents pertaining to communication between then President K R Narayanan and then Prime Minister Atal Behari Vajpayee. Rashtrapati Bhavan, in fact, refused to send the documents citing the same privilege clause.

The President has also asked the PM to consider exclusion of notings that senior bureaucrats make on various files from the Act. He apparently said that these notes should remain classified and confidential so that government officials do not feel hampered or tied down in taking crucial decisions.

Kalam said that only the Centre should be allowed to frame rules under the proposed law and that State governments should be kept out of it. According to the Act, both Centre and the states can make rules on its various provisions, as to how the accountability of different government departments will be fixed. Kalam noted that since Right to Information is a Central Act, only

the Union Government should make rules to ensure its smooth working and implementation.

Kalam was of the view that the multiplicity will cause confusion, with different states framing their own rules. For proper functioning of the law, uniformity is required.

Although the government is technically not bound to follow the President's advice—since he gave his assent in the first place—the Law Ministry will have to consider Kalam's suggestions before it notifies the Act. Senior officials said that government may have little options but to incorporate Kalam's advice as it is coming from the Head of State.

The proposed legislation — seeking to promote openness, transparency and accountability in administration — entitles every citizen to have access to information controlled by public authorities. The legislation also covers state authorities and NGOs substantially funded by government.

The much-awaited Act is expected to introduce far-reaching changes in the process of governance, making it much more transparent and accountable. After the President gave his assent, only the notification to be issued by the Law Ministry is awaited.