

## **Much ado about notings of the file Part II**

By Zahid Abdullah

This article is primarily in continuation of the one published in this newspaper, with the same title, on January 1. The basic objective of the earlier article was to initiate a debate on the issue as to whether or not file notings and the minutes of meetings should be declared public documents. The response that the article generated was two-fold in nature: some people asked questions aimed at understanding the concept of making file notings available to the citizens and the officials raising concerns, suggesting the possibility of the whole official machinery crumbling if the citizens were allowed to lay hands on the file notings.

Whereas the former can be attributed to the relative lack of debate in the national media on the linkage between the officials to be held accountable and the degree of access to public records enjoyed by the citizens, the latter has roots in the colonial legacy due to which the bureaucracy has not been able to replace 'the ruler and the ruled' relationship between an official and the common person with that of 'the public servant and the citizen'. The explicit manifestation of the latter can be found in the letter "File notings" published on January 6 by Mohammad Sharif. Nevertheless, it is an encouraging sign that the bureaucracy wants to be engaged in this issue and this article attempts to address the concerns raised in the letter, along with answering other queries made through electronic mail.

The central theme of the above mentioned letter is that file notings should not be made available to the citizens and, in order to drive home his point, he puts forward different arguments. Responding to our example of the countries which have functional access to information laws, the writer states: "The example of some countries appears to have been misquoted (as the information regarding access to the laws of these countries also contain exemption clauses) besides ignoring the majority of other countries that do not even have such legislation". This argument seems unconvincing on two counts. First, how could the example of the countries that lag in putting in place legislative mechanisms to give citizens access to information factor into deciding the merits and demerits of making file notings available to common people?

Furthermore, does the presence of exemption clauses in the laws of the countries which have enacted information laws mean that file notings should not be declared public documents at all, or, should we look into the specific circumstances in which file notings should not be made available to the public?

Had the writer exercised the latter option, he would not have to give vent to the misplaced fears of bureaucracy when he wrote: "An official may jot down notes or comments purely on merit and in the public interest against some individual or firm. But if these are handed over to the latter, there could be recrimination against the official. Making the process of decision-making public would only result in the sabotaging of decisions by vested interests."

For a closer scrutiny of information laws enacted by different countries establishes the fact that access to file notings is denied whilst the matter is being debated. File notings are only declared public documents and made accessible to the general public once the decision making process has run its full course and the final decision has been made. Furthermore, we all know that 'the vested interests' exercise various ways and means to keep track of the whereabouts of the concerned files and employ different tactics to manipulate the decision making process whereas the general public, the tax payers and the ultimate owners of the resources, remain in the dark about the role played by different officials regarding different

matters directly impacting their lives, even long after a particular decision has been made. What are the consequences going to be if the file notings are made available to citizens?

Heavens would not fall as the writer implies when he says: "If notes on files and minutes of meetings are made public documents, nobody would dare to speak or write in favour or against a matter under consideration, thereby forcing decisions to be made without debate".

The official machinery has not crumbled down in the countries where the citizens have the privilege to view file notings once the decision has been reached.

The crux of the problem is that the bureaucracy finds it extremely difficult to transform itself from the colonial mode of thinking to the necessities of the present day governance structures wherein people are real masters and officials are public servants assigned to put the public funds to judicious use on behalf of the general public rather than managing 'the ruled' whilst extracting money from them and exploiting their resources at the behest of foreign rulers as was the case in the days gone by.

Even in India, which has a similar colonial experience, file notings were originally declared public documents under its Right to Information Act but the Indian bureaucracy tried to have them exempted through a cabinet proposal.

However, the move was thwarted, thanks to the strong opposition mounted by the civil society organisations. At the end of the day, it is the question of making those accountable who manage public funds. It has to be ensured that the decision making process is not only fair but also the one in which the officials are bound to do proper homework and give sound and expert judgments regarding the use of public funds. Access to file notings is important to determine the quality of the input that goes into arriving at a particular decision. It is only through access to such information that we will be able to take those to task who contribute to the wasting of public money either through negligence or personal greed.

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