

Title: Further discussion on the Freedom of Information Bill, 2000. (Consideration deferred)

MR. CHAIRMAN: Now, the House shall take up the legislative business.

Item No. 9 – Shri Pawan Kumar Bansal.

Shri Bansal, you had already taken 15 minutes yesterday.

SHRI PAWAN KUMAR BANSAL (CHANDIGARH): No, Sir. I took 13 minutes yesterday. I keep account of my time. Yesterday, I started at 1547 hours.

MR. CHAIRMAN: All right.

SHRI PAWAN KUMAR BANSAL (CHANDIGARH): Mr. Chairman, Sir, as I said yesterday, the objective behind this Bill is, indeed, laudable. This intends to do away with certain practices which have, in the past, come in the way of the general public in seeking redressal to their grievances and to have access to the Government-held knowledge.

For instance, beat of drum. That is a farcical practice. And, after the passage of this Bill, I think, a practice like that would come to an end. Similarly, everywhere, we find, without giving any reasons, the order passed always is "considered and rejected." This will hopefully not happen in the future.

'Public interest' is the expression used to deny access to the public to any information whatsoever.

There are certain amendments that I had suggested. I would not like to go into the details of those amendments at the moment because I hope that the hon. Minister would give an assurance that some of them would be met. But there are certain basic difficulties that I find in this Bill.

I do not have the right and I do not have the competence even to doubt the legal expertise or legal skill of the gentlemen who have drafted this Bill. But I have not been able to appreciate the legal finesse as far as clause 8 (2) of this Bill is concerned. ...(*Interruptions*)

I do not know what the hon. Minister of Parliamentary Affairs wants to convey to me.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF INFORMATION TECHNOLOGY (SHRI PRAMOD MAHAJAN): Nothing. You may please continue. ...(*Interruptions*)

MR. CHAIRMAN : He is supporting you.

SHRI PAWAN KUMAR BANSAL : Sir, discretion gets the better of me. I think, I should not really comment on that.

Even if I have to make a demand for referring this Bill to a Select Committee or a Standing Committee, I think, it is my duty to refer to a particular point to say that this is the reason behind my demand. It is for the hon. Minister to accept it or not. If that is the attitude, I would continue with my argument. I did of course say – and let me not hesitate in saying it – that I had put across a viewpoint that this Bill requires to be referred to a Committee. For that, I think, I have to make a point. If it is expected of me that I just say that and do not even make my argument, I think, that is really stifling the debate, which, of course, nobody can really do excepting you. ...(*Interruptions*)

In clause 8(2), it has been said:

"Any information relating to any occurrence, event or matter which has taken place, occurred or happened twenty-five years before the date on which any request is made under section 6 shall be provided to any person making a request under that section."

1413 hours (Shri Basu Deb Acharia *in the Chair*)

I have tried to read, re-read and discuss this clause with anyone I could and I have really failed to understand what this conveys. The words used here are 'occurrence, event or matter', which have not been defined in the Bill. So, do you mean to suggest that if a person seeks information on an event that is not 25 years old, it would be denied to him under this clause? What could be the nature of information sought? It could be, for instance about the Government's decision and the reasons for the transfer or the change of telecom policy from the licence fee regime to the revenue sharing regime. It could be regarding the hon. Minister's Department itself regarding any award of Arbitration not being accepted by the Government. It could even be regarding the recent disinvestment decisions. If we want to seek some information on these and many other matters, does this sub-clause convey that that information would be denied? I have very serious doubts about the efficacy of this Bill. That is precisely the reason

why I said yesterday that this Bill when enacted could turn out to be a dead letter. If that is not so – as I infer the hon. Minister of Law wishes us to understand – I am happy. Then, I have all my words of appreciation for their bringing in this piece of legislation.

THE MINISTER OF STATE OF THE MINISTRY OF INFORMATION AND BROADCASTING AND MINISTER OF STATE OF THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI ARUN JAITLEY): Since it is an important query that has been raised, I would like to respond. The tenor of this clause is that everything under clauses 3 and 5 is open to public gaze, inspection or for copies. The only exceptions are listed in clause 8 (1). Clause 8 (2) says that after 25 years, even those exceptions listed in clause 8 (1) – if you read it in harmony – will not be a secret and everything will be made public on the expiry of 25 years.

SHRI PAWAN KUMAR BANSAL (CHANDIGARH): I thank the hon. Minister for clarifying this point. This in fact removes one of the very serious doubts in my mind. If any information, whether classified or relating to any of these matters, would be made available to the citizens after 25 years – even about those exceptions which are listed – I would welcome the initiative. Those exceptions are also very valid ones and any Government ought to bring in those exceptions which have been incorporated there. If the purpose of clause 2 is to rather do away with those exceptions after lapse of twenty five years, I would welcome this initiative.

Besides this, there are many other things. On one particular matter, I feel that it would cause a lot of difficulties for the Government. In a particular clause, it is mentioned that the Government ought to publish the procedure or the system devised by it for arriving at various decisions. Clause 4 (b) (ii) at page 3 of the Bill, says:

"Public the powers and duties of its officers and employees and the procedure followed by them in the decision-making process."

If the Government really wishes to bring it to the people, I would welcome it. But this could cause difficulties for the Government. This is my feeling because this would open floodgates to filing of writ petitions in courts. There could be a lot of problems. Always directions would be issued to the Government to frame detailed procedures, etc. It may not be codified, but it would be expected to be something akin to codified laws.

I think, these are the points among others, which need to be deliberated at length, in a Joint Select Committee. I am cutting short all my points like appellate authority etc. If the hon. Minister responds to this, we need not proceed further with the arguments or with the debate here; and we would certainly like to put all the points across in a Committee. I think, the right forum to do this is the Select Committee of the two Houses where Members could sit and deliberate.

If the hon. Minister respond to this at this stage, I would not have to proceed further with my points.

SHRI PRAMOD MAHAJAN: As far as the Freedom of Information Bill is concerned, the whole country is waiting for this Bill for the last about a decade. It has gone through many processes and many Governments. Really, the Government of Shri Vajpayee is very keen to give freedom of information to the people of this country. We are really very keen to get it passed in this very Session. But if this is the consensus of the House that it should be sent either to the Standing Committee or to the Select Committee – which we will decide later – I think, the Government has no objection in sending it to the Committee. But it should be the consensus of the House. If that is the consensus of the House, we can take up the next Bill, leaving aside this Bill.

SHRI PAWAN KUMAR BANSAL : It will again transmit it to this House within two or three months.

MR. CHAIRMAN : Maybe, the first week of the next Session.

SHRI K.P. SINGH DEO (DHENKANAL): Sir, I had the privilege of piloting the first Cable Television (Regulation) Bill. It was a very innocuous Bill. The hon. Minister was a Member of the then House. Along with him was my distinguished successor, Shrimati Sushma Swaraj. The Chair directed me that it should go to the Standing Committee. At that time, it was the Standing Committee. An innocuous Bill like the Cable Television (Regulation) Bill, had to go and come back within seven days.

Now, there are very valid points in the present Bill and it is a very important legislation. Right to information is fundamental today. There are many judicial pronouncements on it. So, I feel that it should go to a Joint Select Committee.

SHRI RUPCHAND PAL (HOOGLY): Sir, I fully support the plea of my esteemed colleague, Shri Bansal, that this Bill should be sent to a Joint Select Committee. Within a timeframe, it could scrutinise the Bill and send it back to us. The Bill has several serious provisions, which need to be changed, according to the requirements of the situation. So, I fully agree with what has been suggested; and the Bill should be sent to a Joint Select Committee. Only

thereafter, we can take it up in this House.

SHRI P.H. PANDIYAN (TIRUNELVELI): Mr. Chairman, Sir, I fully endorse the views of Shri Bansal. This is an important piece of legislation. Transparency in the administration is the essence of the matter. So, let the matter be not delayed. Let a time frame be given to the Select Committee. We are in favour of sending this Bill to the Select Committee.

SHRI PRAMOD MAHAJAN: Sir, I have already said that we have no objection to that.

MR. CHAIRMAN : A motion has to be brought.

...(Interruptions)

SHRI PRAMOD MAHAJAN: I will consult the Leaders of other parties. It is because many times the Members of the Standing Committee concerned feel that they are bypassed in enacting certain legislations. ...(Interruptions)

SHRI P.H. PANDIYAN (TIRUNELVELI): Let it be examined by the Standing Committee on Home Affairs. We are examining the Lottery Bill and the Companies Act Amendment Bill. ...(Interruptions)

SHRI VARKALA RADHAKRISHNAN : Sir, in this connection I would like to refer to the Official Secrets Act. That colonial Act has a direct bearing on the Right to Information Bill. ...(Interruptions)

SHRI PRAMOD MAHAJAN: Sir, I have an objection. If we are sending the Bill to the Select Committee or the Standing Committee, we cannot go on debating the Bill itself. ...(Interruptions)

MR. CHAIRMAN: Shri Radhakrishnan, you just say whether this should be sent to the Select Committee or not.

...(Interruptions)

SHRI VARKALA RADHAKRISHNAN : I am in favour of sending this Bill to the Select Committee. And I would like to strengthen that argument by saying "â€". ...(Interruptions)

SHRI PRAMOD MAHAJAN: There is no need for an argument. ...(Interruptions)

MR. CHAIRMAN: Shri Radhakrishnan, you just say whether this Bill should be referred to the Select Committee or not.

...(Interruptions)

SHRI VARKALA RADHAKRISHNAN : I support that view. In order to strengthen the view, I was referring to the Official Secrets Act. ...(Interruptions)

MR. CHAIRMAN: There should not be any debate on the Bill.

SHRI K. MALAISAMY (RAMANATHAPURAM): Sir, my point is different. While constituting the Committee, I would request the Government to consider involving in the Committee those Members who were bureaucrats so that they can correctly advise the Government....(Interruptions)

MR. CHAIRMAN: The discussion on the Bill may be deferred for the present. Time frame for reporting back to the House may be decided later.

Now, we will take up Cable Television Networks (Regulation) Amendment Bill, 2000.

1424 hours