

[Dr. M. Jagannath]

an average of 190 days per year only. Thus, the pending cases are increasing day by day and the objective of justice has failed.

India is a poor country. The people here want speedy, accessible and affordable justice. I would like to request the Government to consider doing away with observing summer and winter vacations in the courts. Where, on the one hand, it will lead to a decrease in the number of the pending cases, on the other, the Government's objective of speedy, accessible and low cost justice would also be fulfilled.

(xix) Need to consolidate river embankments in Jharkhand with a view to check recurring floods in the region

[Translation]

SHRI HEMMAL MURMU (Jhargram): Sir, five lakh people get affected by flood and soil erosion every year in the Rajmahal, Sahibganj, Udhwa, Barharwa and Pakur regions of Jharkhand. Because of silting at the bottom of Farrakha Dam, the water gets spread everywhere causing flood which results the loss of crores of rupees. Due to flood the flow of water doesn't stop because of the shallowness of the surface of the Ganga. The residents of these regions are also unable to avail themselves of the facility of accommodations under the Indira Awas Yojana because the erosion of the Ganga river continues due to flood and hence the land is also not available. Recently, the Union Government has sanctioned a project worth crores of rupees, however the work has not been started so far. The protection from flood is also there in the agenda of the Government.

Hence, an early action may please be ensured to construct the river embankments in order to protect the said regions from the flood and the accommodations for the affected people as well as other provision of relief to the flood affected people should also be ensured.

(xx) Need to extend reservation benefits to SC's and ST's in private sector also

[Translation]

SHRI RAMDAS ATHAWALE (Pandharpur): Sir, the amount of scholarship given to the students belonging to Scheduled Castes and Scheduled Tribes should be related to the Price Index so that the amount of scholarship

keeps on increasing automatically with the increase in Price Index because the amount of scholarship being received by the students of this community presently is very nominal. Besides, one such Navodaya Vidhyalaya should be set up in every state of the country in which the students of Scheduled Castes and Scheduled Tribes only are given admissions for technical education.

The Indira Awas Yojana was launched exclusively for the people belonging to Scheduled Castes and Scheduled Tribes however, now the people from all categories have been included therein, because of which there is no progress in solving the accommodation problem of the above communities. Therefore, an action plan should be chalked out with the Indira Awas Yojna under which accommodation be made available to the people of Scheduled Castes and Scheduled Tribes category within five years positively.

No quota has been fixed for those castes in the Rajya Sabha and the legislative councils of the States so far. This quota should be fixed on the basis of population taking the year 2000 as a base year because the population of these communities has reached the level of 25 percent at least and the other new castes are also being included in the list. Moreover, the reservation for Scheduled Castes and Scheduled Tribes should be ensured in those Government companies or private companies where the Government has some shares and the reserved vacancies must be kept vacant instead of allotting them to the backward categories in case of the non-availability of the candidates of Scheduled Castes and Scheduled Tribes.

12.52 hrs.

RIGHT TO INFORMATION BILL, 2004—Contd.

[English]

MR. SPEAKER: We come to Item No. 19—further consideration of the motion regarding Right to Information Bill, 2004.

Now, the hon. Prime Minister will intervene.

THE PRIME MINISTER (DR. MANMOHAN SINGH):

Mr. Speaker Sir, I am very grateful to you for granting

me permission to intervene on a very important and critical Bill, which is before this august House.

Sir, all modern societies or complex societies, require strong and purposeful Government to steer them. In our own country, Government expenditure, both at the Central level and at the level of States and local bodies, accounts for nearly 33 per cent of our Gross National Product. At the same time, the social and economic imperatives require our Government to intervene extensively in economic and social affairs. Therefore, the efficiency and effectiveness of Governmental processes, are critical variables, which will determine how our Government functions and to what extent it is able to discharge the responsibilities entrusted to us by the electorate.

I have always believed all power is a sacred societal trust; that you cannot sit on power—you have to spend it, but you must spend it taking into account the good of the largest number of people. Therefore, it becomes obligatory that in addition to processes, we have to determine that expenditure conform with the canons of efficiency and effectiveness. We all know that there are widespread complaints in our country about wastefulness of expenditure, about corruption, and matter which have relations with the functioning of our Government. Therefore, it is very important that we must explore new effective mechanisms to ensure that our Government will effectively, purposefully and efficiently discharge the responsibilities entrusted to it. This is the guiding spirit behind this new momentous measure that is now before this august House, that is, the Right to Information Bill.

Sir, the key to the successful functioning of any democratic polity is the ability of a citizen to observe and evaluate the functioning of elected representative and make an informed judgement of their performance. This evaluation is predicated on the easy availability of the necessary information for a citizen to arrive at an assessment. Further, our founding fathers have established an elaborate system of rights and obligations, a system of checks and balances, a system with clear division of powers at different levels of Government. This complex web, further translated into practice by our laws, procedures, policies and programmes, is the foundation of our rich, varied, vibrant polity which has earned the respect of the whole world for our ability to harmoniously match the goals of economic development and a pluralistic democratic society.

Sir, at the centre of this intricate web is the common man, the '*aam aadmi*', whose prosperity and welfare is the core concern of our Constitution. It is this common man or common woman who is the fulcrum of our democratic system, as an observer, as the seeker of information, as the one who asks relevant questions, as the analyst and as the final judge of our performance.

The UPA Government has made a commitment, not only to work for the welfare of the common man, but also to strengthen his or her role as the arbiter of our destiny. It is in this background that our Government has introduced the Right to Information Bill, and the subsequent amendments in this august House.

Mr. Speaker, Sir, efficient and effective institutions are the key to rapid economic and social development, institutions which can translate promises into policies and actionable programmes with the least possible cost and with the maximum possible efficiency; institutions which can deliver on the promises made and covert, as the hon. Finance Minister pointed out a few days ago while presenting the Budget, "outlays into outcomes". For institutions to be efficient and effective, they must function in a transparent, responsive and accountable manner. This is dependent not only on processes internal to the institutions but also on the ability of citizens and external agents to enforce their rights, vis-a-vis these very institutions. The Right to Information Bill, Sir, will bring into force another right which will empower the citizen in this regard and ensure that our institutions and their functionaries discharge their duties in the desired manner. It will bring into effect a critical right for enforcing other rights and fill a vital gap in a citizen's framework of rights.

Sir, while there is an existing Freedom of Information Act, the Bill now under consideration is more far-reaching and effective and I am very grateful to the National Advisory Council presided over by Shrimati Sonia Gandhi for having played a very important role in bringing into focus what are the major drawbacks in the previous legislation. The Bill that we have presented has the widest possible reach, covering the Central and the State Governments, Panchayati Raj institutions, local bodies as well as recipients of Government grants. Access to information under this Bill is extensive with minimum exemptions, which too can be over-ridden on the basis of a public benefit test, namely when the benefit of release

[Dr. Manmohan Singh]

of information outweighs the harm caused by disclosure of information.

13.00 hrs.

However, I think that we should also consider exempting such information, the disclosure of which may result in breach of privilege of Parliament or a State Legislature. Even security and intelligence agencies, which are otherwise exempt, are subject to disclosure in cases of allegations of corruption or violation of human rights.

The Bill lays down an architecture for accessing information, which is simple, easy, time-bound and inexpensive. It has stringent penalties for failing to provide information or affecting information flow in any way. In fact, it imposes obligations on agencies to disclose information *suo motu*, thus reducing the cost of access.

Sir, an important feature is the independent appeal mechanism proposed through the appointment of Central and State Information Commissioners. This independent appeal mechanism, coupled with extensive disclosure obligations and stringent penalties, gives teeth to the right, making the right a potent instrument for good governance.

Mr. Speaker, Sir, many hon. Members have, during the discussion on the Bill, raised many concerns and questions. They will be answered by the Minister of State, Shri Suresh Pachauri. I would only like to see that everyone, particularly our civil servants, should see the Bill in a positive spirit; not as a draconian law for paralysing Government, but as an instrument for improving Government-citizen interface resulting in a friendly, caring and effective Government functioning for the good of our people. Sir, it is with this in mind that we have removed the penalty of imprisonment through this Amendment. However, erring officials would still be subject to departmental proceedings. I appeal all civil servants to see this Bill in the right spirit and hope they will only be spurred towards better performance. After all, we, the elected representatives of people, bow to the wishes of people and have come to no harm. So will it be with honest, hard working civil servants.

I would like State Governments to take the initiative and establish State Information Commissions. The bulk of our citizens' interface is with agencies under State Governments and hence the success of this Bill depends on their determination and their commitment to implement and generate awareness in the country at large.

Sir, our work will not end with the passage of this Bill. This is an innovative Bill, where there will be scope to review its functioning as we gain experience. Therefore, this is a piece of legislation, whose working will be kept under constant reviews. We will need to have a sustained effort to establish institutions and systems envisaged under the Bill, to build the capacity of our civil servants to discharge their obligations and above all, inform our citizens about the new rights conferred on them.

Mr. Speaker, Sir, I believe that passage of this Bill will see the dawn of a new era in our processes of governance, an era of performance and efficiency, an era which will ensure that benefits of growth flow to all sections of our people, an era which will eliminate the scourge of corruption, an era which will bring the common man's concern to the heart of all processes of governance, an era which will truly fulfil the hopes of the founding fathers of our republic.

MR. SPEAKER: Can we dispense with the luncheon recess?

SEVERAL HON. MEMBERS: Yes.

MR. SPEAKER: Now, the hon. Minister, Shri Suresh Pachauri to reply.

[Translation]

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI SURESH PACHAURI): Hon'ble Speaker, Sir, first of all I am sincerely grateful to all hon'ble Members who participated in the discussion over an important Bill like Right to Information Bill and those who gave their valuable and useful suggestions while supporting the Bill. I would like to cover the suggestions made by the hon'ble Members.

Mr. Speaker, Sir, at the outset I would like to quote a shloka from the 'Mahabharata':

"Tatha Sampreshiyet Rashtra Rashtriyam Twa Dasgtet
Anen Vyavharen Drishtavyasheha Prajah Sada"

It means that the policies and decisions taken by the Government with general consensus must be presented before the people. That means people should