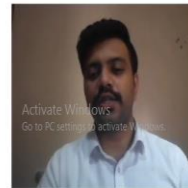


Right to Information and Good Governance
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Lecture No. 16
Legislating the Right to Information: Background and Challenge – VII

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Challenges to Implementing the RTI Act 2005

- Impediments to disclosure of Information in India
- Section 123 of the Indian Evidence Act, 1872
- Official Secrets Act, 1923
- The Central Civil Services (Conduct) Rules 1964
- The All India Services (Conduct) Rules 1968
- National Information Policy 1985
- Atomic Energy Act, 1962



In the case of Sardar Sarovar Dam, it was discovered that the potential oustees had little or no knowledge of how their life was going to be affected on account of the project. There was no knowledge at the time or extent of displacement or any other ideas of how they would be relocated and how the manner of these rehabilitation, resettlement was to be given across.

Whenever activists tried to educate people on these issues the local administration had come down heavily on them. Several arrests were made under the officials secrets act and this showed across the greater agitation against implementation of the same. In a similar infamous incident which was the Bhopal gas tragedy which left several thousands of lives affected because of the leakage of Methyl Isocyanate gas from Union Carbide factory in Bhopal.

The government utilized the Official Secrets Act of 1923 for disclosure of making public the details of monetary settlements that were made between the government and union carbide. Further there were several arrests that had been made under the official secrets act on these forms wherever information was tried to be recorded. One of the major drawbacks of criticism against the Official

Secrets Act is with regard to making notes of what has been discussed as well. Now that is becoming a great impediment for the right of press, the freedom of speech and expression.

The Official Secrets Act 1923 still continues to have a stand. Further impediments to the legislating on these right to information are with regard to the oath of a public servant. Every time a public servant takes or is becoming an incumbent to a public office he takes an oath and swears that all information that is received is secret.

Now with regard to these, there are two certain rules that we will be looking across that is Central Civil Service Conduct Rules of 1964 and the All India Service conduct Rules of 1968 respective. Under rule 11 of Central Civil Service Rules, it is provided that no employee of the secretariat shall except in accordance with the general or special order secretariat, communicate directly or indirectly any official document or any part there of the employee of the secretariat or any other person to whom he or she is authorized to communicate.

Now prior to the RTI legislation rule 11 of Central Civil Service Rules acted as one of the major impediments to granting the right to information. Similarly, rule 9 of the All India Service Rules provided for such a similar provision wherein employees who were employed in all India services were not allowed to communicate any information to any government servant or any other person to whom he is not authorized to communicate.