

Information: right & reality

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By Zia-ul-Islam

THE natural, timely death of the Freedom Of Information Ordinance, passed by the caretaker government in February 1997 may be a blessing in disguise. It left a lot more covered than it proposed to uncover. Bureaucrats, who worded it, carefully kept the lion's share of discretion to themselves. With 'due' interpretation of its clauses, authorities could refuse to open up almost any file that they wished to hide, which is exactly what they did.

Who is afraid of disclosing information? Anyone who has something to hide. And who needs to hide things? Anyone who takes decisions which are not correct. Look at the same proposition from another angle:

If every decision of a ruler or bureaucrat is open to scrutiny, even as it is being taken, would it be possible for him or her to take wrong decisions? If everyone has the right to actually see files as they are being passed to and from bureaucrats and rulers, containing neatly written proposals to grant state land at throw-away prices to con men or to award million dollar contracts without tenders to favourite nephews, would it be possible to complete these transactions? Possibly not.

The surprising part is that in spite of these easy methods of checking corruption and wrongdoing, and in spite of the nation's obsession with accountability, there is no movement to ensure easy and smooth access to decision-makers' files. There is ample talk of transparency, yet government files continue to be thoroughly opaque and their covers as secure as the lead walls of a bank vault.

The most vital information kept hidden by the ordinance is the 'noting portion' of a file. For those who don't know, which includes not only the innocent public but even some otherwise well-informed people like those of the Press, every government file is supposed to have two portions: (a) the correspondence portion which contains letters and other papers received as well as copies of letters sent out; (b) the 'noting' portion, which is a continuous narrative written and signed by all those through whom the file passes. In the case of the secretariat, it may start with a lowly assistant, clerk or section officer and culminate in the final decision of the provincial or federal secretary or minister. This portion of the file is the real mirror which tells the whole truth. It is a complete and truthful record of who proposed an action and why; whether someone justified or supported it with a law or precedent; whether any bureaucrat in the decision-making chain stated that it was unlawful or improper. In order to secure and maintain its sanctity, every page and paragraph has to be numbered.

The single act of ripping the shroud of secrecy from noting portions of files will do more to eliminate corruption within the government than all other measures put together.

Readers might be surprised to know that in every case which smells of favouritism or impropriety, the noting portion is sure to contain at least one or two voices of dissent. If written or verbal directions have come from 'above' to put up this or that proposal for granting a favour to

someone, the lowly official would in most cases mention the likely pitfalls or possible violations of law that may be involved. The consequent notes of successive higher echelons are interesting: there are attempts to find ways and means to satisfy both the requirements of law and the desires of the 'higher-up' or 'highest-up' who wishes the particular project to be sanctioned.

If such a proposal is initiated by the lower functionary, the officer up the line surely raises objection or asks for its justification. Thus, in both cases, the noting portion always provides clear clues regarding the background of the final decision. It clearly points out the person who was really interested in arriving at or imposing the wrong decision. More important, it will also reveal clearly which government servant failed to point out an illegality to his superior. This omission is as big an offence as commission of the illegal act.

Now imagine a scenario where any person can

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easily obtain a certified copy of the noting portion, which he may not only take to court of law but also supply to the Press. When all the bureaucrats who constitute the assembly-line of a decision know that this can happen, would they take the risk of writing down something which is contrary to the legal picture? Would they support giving away state land at Rs 100 per acre in one note sheet and the market price of Rs 100,000 in another note sheet? Would any government servant in his right mind put in writing that a contract may be awarded to a brother-in law rather than the lowest bidder?

As for the decision taker, be he a secretary or minister, would he be able to overrule all remarks pointing out violations involved and take a wrong decision on the noting portion when he knows that a certified copy of these notes may be presented before the Ehtesab Commission by any common man the very next day?

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ment files will be a great leap towards killing corruption and wrongdoing. Rulers and bureaucrats oppose this exposure with the argument that this portion is an exchange between themselves, that is, an in-house private 'conversation' between themselves and should not be open to the public. The argument is patently wrong. There is absolutely nothing private between two public functionaries. This is not a private conversation between husband and wife; it surely does not infringe on any one's privacy, or the government functionaries' fundamental rights. Hiding the decision-making process does, however, hinder the public's right to know who is conspiring to misuse the taxpayers money and how.

Barring a few exceptions, particularly in the armed forces, no government file contains classified information. In any case, all kinds of information can be obtained clandestinely from any office in this country by dubious means. Information so obtained is not authentic. It is often deliberately distorted to suit ulterior motives of vested interests and leaked to the Press, creating confusion in the public mind. People and the Press sometimes resort to dubious means for accessing information because legal means are not available. If authentic copies of documents are officially available with ease, the persisting distortion, confusion and blackmail will come to an end. People will know the whole truth.

The world today is gripped with the information fever. After the Industrial Revolution, Information Revolution is the biggest change happening in the world. Countries which fail to climb on to the 'Information Highway' now, will find themselves out in the cold within a few years. In Pakistan only a small number of private organizations are trying to connect themselves to the global information grid. The vast government machinery is completely ignorant and unconcerned about the need to share information.

On the contrary, we are religiously guarding our files and decision-making process as if our very lives depend on this shroud of secrecy. Perhaps they do, because secrecy hides corruption, inefficiency and evil. If we are left only with these characteristics, then surely we will be doomed if we lift the heavy sheets of secrecy and expose our festering wounds to the merciless attacks of flies and vultures. If, however, there is still some goodness left in the ruler-bureaucracy complex, the lifting of the secrecy shroud will let in light and air, hopefully healing the wounds.

Knowing our system, merely allowing or making a law to allow copies of documents to the public will not help. If we really wish to implement freedom of information in this country, it will have to be forced down the throat of the government machinery. Perhaps special agencies with legal and physical powers of forcing government offices to issue copies of files and documents within a reasonable time period (say a week) on pain of immediate punishment may have to be set up for some time, so that if anyone is refused information by a government functionary, he or she may immediately approach this agency to get relief.

Let us flood ourselves with all kinds of information. It never hurts to know. It always helps. Most of all, it helps stop people from doing things that they wish to hide, and most of the things people wish to hide are evil.