RIGHT TO INFORMATION AND HUMAN RESOURCE MANAGEMENT IN GOVERNMENT ORGANIZATIONS

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The Right to Information (RTI) legislation is interpreted in the construct of the Weberian bureaucracy by policy makers and the official class. The legislation does not appear to envisage participatory and collaborative elements of community oriented planning. In a statement in Parliament on 4th May 2005, the Minister for Personnel, Public Grievances and Pensions made a curious assertion. While stating that the ministry would advise all concerned organizations to release as much information as possible on their own, he strategically evaded giving any commitment towards the 'duty to publish' being a component of the legislation. Also, this advisory was being given so that the public would have 'minimum opportunities' to resort to this act.[1] Thus, even before the RTI Bill became the RTI act, official pronouncements on the ways to restrict the use of the law to minimal levels.

While the above case of allergy towards what may be viewed as public intrusion may appear to be a simple case of bureaucratic inertia emerging from what may eventually have been a slip of the tongue, there is a deeper paradigm that underlies the statement. Firstly, the conception that bureaucracy deals with extremely technical perspectives, the rational mechanisms of which may not be easily discerned by outsiders. Secondly, in keeping with evolving socio-democratic trends of accountability and transparency and the increasingly formidable theories being developed on information asymmetry, the bureaucracy will allow relevant data concerning organizational actions to be available in the public domain. This availability of information will also be an aid to the bureaucracy to eliminate the scope of inefficiency on account of insider rent seeking. This appears to be the broad scope in which the official class wishes to view the RTI as a 'master key of good governance.'

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[1] Unstarred question No. 5977 in 14[th]LokSabha (Henceforth, only the question nos. are given and unless otherwise stated, they belong to the deliberations of the 14[th]LokSabha and can be accessed from http://164.100.24.208/lsq14/lsq.htm

Thus, the paradigm of 'minimal opportunities to resort to RTI'. This leads us to a key understanding. That information on a suomoto basis will be published is not an issue of dispute though practically such information may only be organizational skeletons and at best some financial results and generic assertion of outputs. But won't multiple interpretations emerge from the analysis of information published? Won't these multiple interpretations reflect the perspectives refracted from the prisms of ideology, race, caste, gender, religion etc.? Clearly an appropriate role is not envisaged for these interpretations to emerge as instruments of collaborative planning and participatory consensus under the framework of the RTI legislation. That would be a far too vehement intrusion into the sanctum sanctorum of the technical bureaucracy (though how technical a bureaucracy largely recruited on generalist lines may be ignored).

Another question posed in Parliament and reproduced below confirms our suspicion.

'(a) whether a large number of applicants seeking information through RTI Act are not having bonafide purpose or cause;

(b) if so, the details thereof;

(c) whether RTI Act has become a burden on the Government agencies and organizations;

(d) if so, whether the Government is contemplating to bring an amendment to the RTI Act so that only aggrieved persons be allowed to seek information; and

(e) if so, the details thereof?'[2]

Of course, what the technical bureaucracy wants is not what civil society wants. The Minister gives an answer confirming that RTI is not viewed as a burden and no amendments are proposed, aware perhaps of the support among some influential segments of the civil society for RTI. RTI remains at best an article of enforcing accountability through a system of checks and balances. And even those checks and balances may remain elusive on account of administrative apathy. The substantial objective of deliberative democracy and the generation of context for the emergence of a collaborative civil society is not even to be considered as an idealistic circumstance to be approached.

The theory built by Judith E. Innes and David E. Booher for promoting the practice of collaborative planning and deliberative democracy and its strategic advantages is briefly outlined below[3]:

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[2]Unstarred question no. 3018, 13.12.2006

[3]'Public Participation in Planning: New Strategies for the 21st Century' – Judith E. Innes, David E. Booher, IURD Working Paper Series WP '2000' 07. It can be accessed from

(i)   Public hearings are formal processes and only those who are affected or organized interests attend them. Agencies do what they choose and commentators are unaware whether their opinions have even been considered.

(ii)   While focus groups and opinion polls are useful, they are not public participation as there is no interaction between decision makers and the public.

(iii) Though e-government remains in its infancy, participatory models for interaction between government officials and citizens can be created in de-ritualized and informal contexts. But the internet model lacks the authenticity of dialogue.

(iv)   The technical bureaucratic model views the *anecdotal* evidence provided by the public with skepticism and privately views them as a nuisance in obtaining rational and accurate perspectives. The political influence model lacks participation and is dominated by a 'fixer' who amasses resources and influences connoting power and distributes this power to functionaries in return for loyalty to the package promoted by the 'fixer'. While the social movement involves participation and build on the interdependence of players, it cannot address the full diversity of interests that hold it together else it would not hold together.

(v)   Thus collaborative planning is the only alternative to eliminate growing disenchantment and convert prospective organizational failures in public systems into successes. Models such as the U. S. Department of Housing and Urban Development's University Partnership Program, which funds universities to pair with poor communities and work cooperatively with them to develop improvement strategies, have become popular. Among many other innovative models is the creative method of design or planning charrette which is attributed to architects taking a wide array of citizens to a site and ask them to imagine various futures for it. Then strategies are developed to achieve those futures. But collaborative planning must incorporate informal contexts which may not have legal and administrative sanction at times.

The Right to Information legislation was an opportunity to provide the legal and administrative framework for collaborative planning. Unfortunately, the opportunity appears to have been squandered. RTI has emerged as a template of contests, where people are expected to challenge and inspect rather than be informed and empowered to network and

http://repositories.cdlib.org/cgi/viewcontent.cgi?article=1009&context=iurd

contribute to a rainbow consensus on policy formulation and implementation. Citizens are expected to examine the gaps between intents and actions and thus point fingers at individuals and institutions whose actions have been incongruent with the broad principles of the welfare state in terms of various omissions and commissions act. Thus RTI is an instrument to discover omissions and commissions where citizen is a potential policeman. So is an inherent tension introduced between the technical bureaucracy and the citizens, forcing the bureaucracy to move towards natural defensive postures, given the circumstances.

It is not our purpose to contest the need for information to be available to all stakeholders, but to question whether the present method of making it available is useful in building networks that can eliminate dissatisfaction about governmental functioning. At the same time, we also question the premise whether a bureaucratic mode of organization is responsible for failures, or is it that failures are responsible for bureaucratic patterns of organization thus rendering a semblance of stability. For instance the increasing number of railway accidents[4] led to the strengthening of the railway safety bureaucracy under the Railway Act of 1989. Similarly, the Ministry of Civil Aviation, which exercises supervision over the Commissioner of Railway Safety issued fresh guidelines in 1998 clarifying the authority of the commissioner.[5] These are measures which indicate that failures cause us to add newer layers in the bureaucratic organization to oversee new programs. Similarly, to oversee the implementation of the National Rural Employment Guarantee Act (NREGA), national level monitors have been appointed with extensive instructions and training to indicate how the monitoring might be carried out.[6]

Thus our understanding tells us that failures lead to the introduction of new programs and the addition of new layers of bureaucracy to implement these programs. The new layers of bureaucracy are able to bring some improvement, even if marginal in the scheme of things.

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[4]http://en.wikipedia.org/wiki/List_of_1950_1999_rail_accidents
[5]http://civilaviation.nic.in/ccrs/Annual%20report03-04/contents.html

[6]http://nrega.nic.in/conf.asp