

Dear Friends,

We have been in touch with you about matters of common concern that are part of the governments Common Minimum Programme (CMP), and therefore part of the mandate of the National Advisory Council (NAC). We have asked for and received your comments on several aspects of the Employment Guarantee Act (EGA) and of the Central Right to Information Act (RTI). We apologise for the very short time frame under which these comments have been sought. We hope that you will understand the constraints under which we are operating, and the need to make use of opportunities that present themselves, and therefore on occasion require an immediate response. We also recognize that there is a need for us to develop a method of providing immediate feedback to all those involved in the process about the progress of these issues in the NAC.

There have been two meetings of the NAC so far. In the first meeting on 17<sup>th</sup> July 2004 we made the attached submissions relating to the right to information, the employment guarantee Act, and questions related to displacement, along with relevant attachments. The RTI and EGA were immediately placed on the agenda of the next meeting to be held on the 31<sup>st</sup>. We were asked to present draft amendments to the Freedom of Information Act, and a draft Employment Guarantee Act during the 2<sup>nd</sup> meeting. We presented these two sets of draft documents after some discussion and comments received from some people in the time available. Anyone who might not have received our submissions and want copies of them, please do write to us and ask for them. The draft EGA and related material is available on the web site: [www.righttofoodindia.org](http://www.righttofoodindia.org) and the proposed RTI amendments are available on [www.righttoinformation.info](http://www.righttoinformation.info).

Both the drafts were discussed and by and large accepted in principle. The main issues on which there were objections regarding the proposed amendments in the RTI Act related to the proposal to remove the blanket protection given to intelligence and security agencies. Some members felt these agencies needed some kind of special protection because of the nature of their work. We expressed our concern that in any case this protection should not exclude the citizens right to ask for information on issues of human rights and corruption. Another issue related to the stage at which cabinet notes could be made available to citizens. The other issues were largely procedural and not of a very substantive nature. A decision was taken to have some of the changes based on the discussions incorporated within the proposed amendments within three days, and then sent with endorsement of the NAC to the PMO/Government for further action. It seems likely that this final endorsement will take place in the next NAC meeting on 14<sup>th</sup> August.

Similarly, certain suggestions were made about the EGA, that the CMP mandate of 100 days of employment per year is as far as the NAC could go, and that a degree of flexibility be ensured in the kinds of works allowed under the Act so that requirements and circumstances in different parts of the country can be taken into account. The draft Act produced by the labour department was also circulated, and it was decided to incorporate those provisions from the labour ministry draft that would strengthen the act, revise the draft as per comments made in the NAC within 6 days, and then have it sent to

the PMO with the endorsement of the NAC. Once again this endorsement is likely to take place in the NAC meeting on the 14<sup>th</sup> of August, 2004.

While this represents fairly dramatic and rapid progress within the NAC on these two vital issues, we would like to clarify some of the limitations that exist in this process. What comes out of the NAC is not necessarily the best set of provisions. There are many issues on which there are bound to be differences of opinion within the NAC. Also what will eventually happen to the recommendations of the NAC remains to be seen. Therefore, the role all our campaigns have played of petitioning every stage of the decision making process to ensure that law making and policy making is as participatory as possible needs to be strengthened if anything, so that peoples concerns are the basis of law and policy.

In fact one of the things we have asked for in the NAC is that the NAC through its members and others organize public consultations all over the country on different issues in the CMP so that its implementation is made as participatory as possible. If this were put into place, suggestions made at these consultations would become part of the deliberations, and the advice provided by the council would be based on expertise and experience far beyond its members. This matter is likely to be discussed at the next meeting of the council on 14<sup>th</sup> August 2004.

In solidarity,  
Aruna Roy and (on behalf of ) Jean Dreze

17 July 2004

To: The Chairperson  
National Advisory Council

Dear Mrs. Gandhi,

The National Advisory Council's terms of reference are grounded in the assurances made in the Common Minimum Programme. While many of these commitments are important, some are critical for the well-being of the socially and economically marginalized, and also for people's participation in the process of governance.

The CMP begins with a solemn pledge: "to provide a government that is corruption-free, transparent and accountable at all times, to provide an administration that is responsible and responsive at all times". Many such pledges have been made before. The credibility of the CMP depends on the ability of the government to translate this pledge into concrete action.

We believe that three immediate steps are essential to create a climate where the wide-ranging commitments of the CMP can be taken forward.

Right to Information: Transparency of government and the right to information are not merely linked to corruption but in fact affect the right to life and livelihood of the people. It is a tool to fight the arbitrary use of power. It is also crucial for ensuring the rule of law and the effective functioning of regulatory, development and service mechanisms. It is in the interest of the people of India that an effective and far-reaching legislation be enacted, fostering people's participation in governance and democracy. The Freedom of Information Act needs to be strengthened and amended, and notified in the shortest possible time frame. (See enclosures for details.)

Employment Guarantee Act: Guaranteed employment for all is essential to eliminate mass poverty and to protect people from the insecurities that put them at the mercy of the power structures. The plan of action presented in the CMP begins with the statement that “the UPA government will immediately enact a National Employment Guarantee Act”. If this step is delayed, the CMP will lose its credibility. We suggest that an Employment Guarantee Act should be enacted within three months. To facilitate this goal we are enclosing a draft National Rural Employment Guarantee Act, prepared by a group of concerned citizens for purposes of public discussion. (See enclosures for details.)

Forced displacement: All acts of state terror against the people should come to an end. This calls in particular for stopping brutal evictions of people from their land or homes, such as the eviction of tribal communities from forest land and forced displacement of project-affected people. As we meet today, thousands of people are being forcibly evicted from their homes in Harsud (Madhya Pradesh) and elsewhere, using the most inhuman methods. Lakhs of people have also been brutally evicted from “forest land” over the years. Recent events suggest that the terror continues, despite the CMP’s promise that “eviction of tribal communities and other forest-dwelling communities from forest areas will be discontinued”. A comprehensive rehabilitation policy needs to be urgently drawn up, aimed at avoiding all violence, minimizing displacement, and ensuring justice to displaced people. (See enclosures for details.)

Aruna Roy

Jean Drèze

Enc    Draft National Rural Employment Guarantee Act  
      Statement calling for immediate enactment of EGA  
      Statement from the National Campaign for the People’s Right to Information  
      regarding minimum standards for national legislation on the right to information  
      Recommendation for setting up a Commission on Displacement  
      Recent reports of brutal displacement in Madhya Pradesh