ޔައުމިއްޔާ

އިޖްތިމާޢީ ކަންކަމުގެ ކޮމިޓީގެ 13 ވަނަ ބައްދަލުވުން. (24.10.2012)

<u>ރިޔާސަތުން ވާހަކަދެއްކެވުން:</u>

އެޖެންޑާ އައިޓަމަކީ ޓްރާންސްޕޭރަންސީ މޯލްޑިވްސް އިން މައުލޫމާތު ހޯދައި ލިބިގަތުމުގެ ބިލާއި ބެހޭގޮތުން އެ ބޭފުޅުން ބޭނުންވާ ބައެއް މައުލޫމާތު އަޅުގަނޑުމެންނާ ހިއްސާކުރުން. އެހެންވީމާ، ފުރަތަމަ އަޅުގަނޑު މި އެނބުރިގަނީ އެޖެންޑާ އައިޓަމް 1 އަށް. ފުރުސަތު ޤާނޫނަން ހުށަހެޅުއްވާ އިސްލާހާ ބޭފުޅުން ސަލާމް ކޮމިޓީން ނިންމުމު ގޮތް. އަޅުގަނޑު، (ވަގުތީކޮމިޓީގެރައީސް) އާދެ، އަޅުގަނޑު އެހެންވީމަ، ފުރުސަތު ބޭނުން ޤާނޫނަން ހުށަހެޅުއްވާ އިސްލާހާ ބޭފުޅުން ސަލާމް ކޮމިޓީން ނިންމުމު ގޮތް ކޮމިޓީ، މައި ކޮމިޓީ އަށް ހުށަހަޅައިދެއްވުމަށް އިޢުލާނުކޮށް ދެންނެވީ މިއަދު ފުރުސަތު އަރުވަން.

<u>ޓްރާންސްޕޭރަންސީ މޯލްޑިވްސް އިން ބައިވެރިވި މެމްބަރުން ވާހަކަދެއްކެވުން:</u>

بسم الله الرحمن الرحيم. الحمد لله والصلاة والسلام على رسول الله. އާދެ، މިއަދު މި އަޅުގަނޑުމެންގެ މި ކޮމިޓީ އަށް މި ހުށަހަޅައިދެއްވި، އަޅުގަނޑުމެން މި ސަލާމް ކޮމިޓީ އަށް އިޖްތިމާޢީ ކޮމިޓީގެ ސަލާމް ކޮމިޓީން ފުރުސަތު ބޭނުން ޤާނޫނަން އަޅުގަނޑު ހުށަހަޅާފައި އޮތް އިސްލާހާއި ދިރާސާކުރިއިރުގައި އެ ކޮމިޓީ އަށް ހުށަހަޅާ ވަޒީފާތަކުގެ ޖަމާޢަތްތަކާއި އަދި ފުރުސަތު އޮތްކަމަށް އާއި އެ ހުރި ފަރާތްތަކަށް ވެސް އެދިވަޒީފާތަކާ ޤާނޫނަން މި އިސްލާހު ގެންނަން ފެނިވަޒީފާތަކާ ކަމަށް. އެހެންވީމާ، މި އިސްލާހު ހުށަހަޅުއްވާ ދުވަސްވަރުގެ އޮފީހުގައި ވާހަކަ، އަދި އާދެ އަޅުގަނޑުމެންގެ އެންމެ ބޭނުން ކޮންސެޕްޓާއި ބިޔަސްލާގެ މަޢުލޫމާތުދޭ އާމުވެސް މި ވަޒީފާ ހާއްޞަވާތީއާއި އެކަމަށް އަޅުގަނޑު މި ހުށަހެޅި މި އިސްލާހު މި ވަޒީފާ ކޮމިޓީން ކުރިއަށް ގެންދަން ނުފެންނަކަމަށާ، މި އިސްލާހު ގެންނަން ބޭނުން ނުފެންނަ ކަމަށް ކޮމިޓީން ނިންމުމަށް މިއޮތީ. އެހެންވީމާ، އެ ހުށަހެޅުން އަޅުގަނޑު ހުށަހަޅަން.

<u>ރިޔާސަތުން ވާހަކަދެއްކެވުން:</u>

އާދެ، ދެންމެ ޓްރާންސްޕޭރަންސީ މޯލްޑިވްސް އިން ހުށަހެޅުއްވި ހުށަހެޅުއްވުން އަޅުގަނޑުމެން މިހާރު މިއަދު އެކަމާމެދު ގޮތެއް ނިންމަން ޖެހިފައި. އާދެ، ހުށަހެޅުމަކީ މި ހުށަހަޅުއްވާފައިވާ ހުށަހެޅުއްވުން ވަގުތުކޮޅާއި ފާއިތުވެފައި ޢަމަލުކުރާނެ މިވަގުތަކީ ދުވަސް އެ ފަހުން ވެސް މިކަންކަން ފަރިތަވާ ހިސާބުން ފަހެއްވުމާ އަދިކަން ދުވަސް، އެ އިސްލާހު

ނުގެނައުން. އެހެންވީމަ، އަޅުގަނޑު ފުރުޞަތު ހުޅުވައިލަން މިއާ ބެހޭގޮތުން. އާދެ، އިއްޒަތްތެރި މެންބަރު ޙަސަން ލަޠީފް.

ހިތަދޫ ދެކުނު ދާއިރާގެ މެންބަރު ޙަސަން ލަޠީފް ވާހަކަދެއްކެވުން:

بسم الله الرحمن الرحيم. މި ބިލު އެ ހުށަހެޅުއްވި ބޭފުޅަކީ ވެސް އިބްރާހީމް މުއްތަލިބު ކަމަށް ވެފައި އޮތީ އެ ކޮމިޓީގައި ވެސް އިބްރާހީމް މުއްތަލިބު ހިމެނިވަޑައިގެން އެ މަސައްކަތްތަކުގައި ބައިވެރިވެފައި ވަނީ. އެހެންވީމަ، އެބޭފުޅުން އެ ނިންމަވާ ގޮތަކީ އަޅުގަނޑު ވެސް ޤަބޫލުކުރާ ގޮތުގައި މި ވަގުތަށް ހުރި ހާލަތަށް ރިޢާޔަތްކުރައްވައިގެން އެކަމު ތަނަވަސް ގޮތް ކަމަށް އަޅުގަނޑަށް ފެންނާތީ އަޅުގަނޑަށް ވެސް އިބްރާހީމް މުއްތަލިބުގެ މި ވާހަކައާ އެ ހުށަހެޅުއްވުމަށް ތާއީދުކުރާ ވާހަކަ ދަންނަވައިލަން. ޝުކުރިއްޔާ.

ތިނަދޫ ދާއިރާގެ މެންބަރު މުޙައްމަދު ޝަރީފް ވާހަކަދެއްކެވުން:

އާދެ، އަޅުގަނޑުވެސް އެދެން އެޖެންޑާ އައިޓަމް 2 ވަނަ އައިޓަމްގައި އިއްޒަތްތެރި މެންބަރުންނާއެކު މި ކޮމިޓީއާއި ބައްދަލުކުރަން ވެސް އެބަޖެހޭ. އެހެންވީމާ، ކަންކަމަށް ވަގުތު ނަގައިންނާ އަޅުގަނޑު ވެސް ހަމަ އެ ޙަސަން ލަޠީފް ހުށަހެޅުއްވި ގޮތަށް ތާއީދުކުރަމުން އެޖެންޑާ އައިޓަމު މިހާ ހިސާބުން، މި އައިޓަމް ނިންމައިލަން އަޅުގަނޑު ހުށަހަޅަން.

ރިޔާސަތުން ވާހަކަދެއްކެވުން:

އާދެ، މި ފުރުޞަތާ ބެހޭ ފޯރަމް ސަބް ކޮމިޓީން ނިންމަވާފައިވާ ގޮތަށް އެޖެންޑާކުރެވުނު ހުށަހެޅި ތާއީދު ލިބިފައި މިވަނީ. އެއްވެސް މެންބަރަކު އިޢުތިރާޟުކުރައްވާފައި އެކަމަކާ ދިމާލަށް ކަމެއް އަޅުގަނޑުމެން އެ ހުށަހެޅުއްވުން ބަލައިގަތުން މި މަޖިލީހުގެ ފުރުޞަތު އަށް ރިޕޯޓު އެއްކޮށް އެކުލެވޭ މަޖިލީހުން ފާސްކުރުމަށް މި ކަނޑައެޅުނީ. ވަގުތު ބޭނުން ޝުކުރިއްޔާ. އާދެ، މި ހިސާބުން އަޅުގަނޑުމެންނަށް އެޖެންޑާ އައިޓަމް 1 މި ނިމުނީ. ދެން އެޖެންޑާ އައިޓަމު 2 ގައި މި ވަނީ ޕާލަމެންޓްރީ ގްރޫޕްވެސް އިން އަޅުގަނޑުމެން އެދިވަޑައިގެންނެވި ހުރި އަޅުގަނޑުމެން މި ކޮމިޓީއާއި ބައްދަލުކުރުމުގެ ފުރުޞަތު ހޯދައިދިނުން. އެއީ މައްސަލަތައް ހޯދައި ދިރާސާކުރުމުގެ ބިލާއި ބޭއްވުމުން ބައެއް މަސައްކަތްތަކު ހިއްސާކުރައްވާފައި. އެގޮތުން އެބޭފުޅުން ފުރުޞަތު ހޯދުމަށް ވެސް ދެއްވާނެ ކަމަށް ވިދާޅުވެފައި މި އޮތީ. ދެން، އަޅުގަނޑުމެންގެ ފައިލުގައި މި ވަނީ އެފަރާތުން ވަޑައިގެންނެވި ބޭފުޅުންގެ ލިސްޓެއް ވެސް. ބޭރުގެ ބަޔަކު ބޭފުޅުން ވެސް އެބަ ހިމެނިވަޑައިގެންނެވޭ. އެހެންވީމަ، އަޅުގަނޑު ދެން އެ އައިޓަމަށް ޖާގަ ދޫކޮށްލާނަން. (ވަގުތުކޮޅަކަށް ހުއްޓުމަށްފަހު) އާދެ، އަޅުގަނޑު އެންމެ ފުރަތަމަ ދިވެހިން 2 އެއްކޮށް ދަންނަވާލާނަން އިސްލާމް. އެންމެ ފުރަތަމަ އަޅުގަނޑު ޕާލަމެންޓްރީ ގްރޫޕްތަކުގެ ބޭފުޅުންނަށް ވަރަށް ހެޔޮ މަރުޙަބާއެއް ދަންނަވަން އިޖްތިމާޢީ ކޮމިޓީގެ ފަރާތުން

ތިބޭފުޅުން އެދިވަޑައިގެންފައި މިވަނީ މަޢުލޫމާތު ހޯދައި [illegible] ބިލާބެހޭގޮތުން ކޮންމެވެސް ވަރަކަށް މަޢުލޫމާތު ހިއްސާކުރުމުގެ ފުރުޞަތު [illegible]. އެހެންވީމާ، އެގޮތުގެ މަތިން އަޅުގަނޑުމެން [illegible] ކޮމިޓީން މި ފުރުޞަތު ތިބޭފުޅުންނަށް މި [illegible]. ދެން ތިބޭފުޅުން [illegible] [illegible] ޕްރެޒެންޓޭޝަނެއް ދެއްވާނެ ކަމަށް ވެސް ވިދާޅުވެފައި އުއްމީދު. އެހެންވީމާ، އަޅުގަނޑުމެން [illegible] މިއަދު ފުރަތަމަ ތިބޭފުޅުން އެއްކޮށް ވިދާޅުވާން ބޭނުންފުޅުއްޔާ އެ ވިދާޅުވުމަށްފަހު ޕްރެޒެންޓޭޝަން [illegible]. ދެން އަޅުގަނޑުމެން [illegible] [illegible] [illegible] [illegible] ބޭފުޅުން [illegible]. އަދި އެހެން ކޮމިޓީތަކުގައި ވެސް [illegible] މި މިކޮމިޓީގައި [illegible] ބޭފުޅުން. އެހެންވީމާ، އެގޮތުގެ މަތިން ވެސް ބައެއް ބޭފުޅުން ވަޑައިގެން [illegible] އަޅުގަނޑު މިބޭފުޅުންނަށް ހަމަ ދަންނަވާލަން ބޭނުން. އެހެންނަމަވެސް އެ ހުރިހާ ބޭފުޅުން ވެސް [illegible] [illegible] އޮތީ ވަރަށް [illegible] [illegible] [illegible] [illegible] އަޅުގަނޑުމެން އެ [illegible] [illegible] [illegible] [illegible]. އެހެންވީމާ، އެ [illegible] [illegible] އެ [illegible] [illegible] ވެސް [illegible] [illegible] [illegible] [illegible] [illegible] ވެސް މި [illegible].

Thank you very much. At the request of the Transparency of the Maldives the Social Affairs comity is pleased to invite you and to meet with you, and we are very grateful to you for your interest in Maldives, especially in area of right to information. We believe that you are going to give us a comprehensive presentation on the subject. Maybe it will involve the best practices around right now. So without further do I think I will give the floor to the Transparency Maldives. You have the floor now.

<u>A person from Transparency Maldives, speaking:</u>

Thank you, Honorable Chairman. Let me take this opportunity to thank the committee for granting us an audience at such short notice. I am going to introduce our international speakers. From my left, this is Aiman from Transparency Maldives, and to his left is, Sandra Coliver, She is from the Open Society Justice Initiative. She is based in New York. And she was the one of speakers at our symposium. Sitting next to her, as Mr.Shailesh Gandhi, Mr.Shailesh Gandhi is now retired. He was the Central Information Commissioner in India. He is based in Bombay now. But he is a very well known administrator of right to information and has extensive experience working with the Indian government. To his left is Miss Suchismita, She is from CHRI India. That’s Commonwealth Human Rights Initiative. The Commonwealth Human Rights Initiative has been working with Transparency Maldives on the right to information bill in the Maldives. Next to her is, Michael Chera Nicholas. He is from the Centre of Law and Democracy in Canada. And his organization has done an analysis of the current bill in

the, not the current bill, the current draft that is the with the committee at the moment. He will be providing us with an overview of the strengths and weaknesses of the current draft. Next to him is Mr.Mukelani Dimba, He is from Open Democracy Advice Center from South Africa. Both South Africa and India has one of the best right to information bills in the world. Next to that is perhaps you may have already met him. He is Mr.Venkatesh. He is also from the Commonwealth Human Rights Initiative, based in Delhi. He has been working very closely with us in the last two years in the area of right to information.

<u>ޗެއާރްޕާސަން ޑްރާފްޓިންގ ކޮމިޓީގެ ފަރާތުން އަހުމަދު ރަޝީދު ވާހަކަދައްކަވަމުން:</u>

ވަރަށްބޮޑަށް ޝުކުރިއްޔާ އަޅުގަނޑުމެންނަށް ފުރުޞަތެއް ދެއްވީ. އަޅުގަނޑުމެން ޕްރެޒެންޓޭޝަން ހަދަން ހުށަހަޅާލަދިނުމަށް ތަންތަނުގައި ދިވެހިރާއްޖެ އަޅުގަނޑުމެން ހިތްވަރުދޭ ތަންތަނުގައި ކުރުކޮށް އުޅަނީ ކުރިއަށް ގެންދިޔުމުގެ ގޮތުން. އަޅުގަނޑުމެން ވިސްނާފައި އިންޑިޔާ ކޮމަންވެލްތުގެ މިނިވަން އިން ބޮޑުގެ ބައެއް ކަމަކީ ކަންތައްތައް ހިއުމަންރައިޓްސް ހުރިހާ ތަނަކުން ކޮމަންވެލްތުގެ ގުޅުން އޯޕަން ޑިމޮކްރަސީ އެޑްވައިސް ސެންޓަރު ނުހިމެނޭ ކަންތައްތައް އޯޕަން ޑިމޮކްރަސީ ސެންޓަރު އަޅުގަނޑުމެން އެ ހިސާބަށް ގޮސް. ދެން އަޅުގަނޑުމެން ދިވެހިރާއްޖޭ އިންޑިޔާގެ ކަންތައް ގޮތުގައި ކުރިއަށް ގެންދިއުމަށް އަޅުގަނޑުމެންގެ މައުލޫމާތު ހޯދުން. ހަމަ ކުރިޔަށް ކޮމަންވެލްތުން ފަސޭހަކަމުގެ ގޮތުގައި ގެންދިޔުމަށް އަޅުގަނޑުމެންގެ މައުލޫމާތު ހޯދުމާއި އެކަމަށް ޓަކައި. ދެން އަޅުގަނޑުމެން މައުލޫމާތު ހޯދުމުގެ ހައްޤު ޗެއާރްޕާސަން ޑްރާފްޓް އިން މައުލޫމާތު ހޯދުމުގެ ބިލު ކަމަށް ހައްޤު ކުރުމަށް ޓަކައި ހޯދުމުގެ ހައްޤުގެ ނޫނަސް ބިލު ހުށަހެޅުމަށް އަހަރު ދެއަހަރު ތެރޭގައި ފަހުމީ. ދެން އަޅުގަނޑުމެން ދިއުން ކޮމިޓީއަށް ސަރުކާރުން އަދި އެއީ ގޮތުން ބިލު ހުށަހެޅުމަށް ޓަކައި ދެން. ދެން އަޅުގަނޑުމެންގެ ސަރުކާރުން މި ގޮތަށް ބައިވެރިވެވަޑައިގެންނެވި. ދެން ދައުލަތުގެ ވަރަށް ފަހުމީދު ހިމެނޭ ބައިވެރިވެވަޑައިގެންނެވީ. ދެން ކުރިއަށް ގެންދިޔުމުގެ ކުރިން އަޅުގަނޑު މައިކަލް ޗެރާ ނިކަލަސް، ސައުތު އެފްރިކާ ކޮމިޝަނަރ އޭނާ ހަމަ ހުރިހާ ފިޔަވަޅުތަކެއް މިހާރު ހަމަ ބިލުގައި ފާހަގަކުރެވޭ ކަންތައްތައް. ދެން ހަމަ ކުރީގެ ބަޔާން ކުރިއަށް ގެންދިޔުމުގެ އަޅުގަނޑުމެންގެ މައުލޫމާތު ހޯދުމާއި. މައިކަލް.

<u>Michael Chera Nicholas speaking:</u>
I would like to begin by thank you all for meeting with to us to allow us an opportunity. This is I think other exciting time for the Maldives. The right to information is a fundamental human right. It is critical to establishing and main maintaining democracy to empowering the people and to fastering accountable government. The right information is entrained in the universal declaration of human rights in a national

cover native civil and political rights and many other instruments. Say there are five and half billion people in the world that have the right to information. The right to information is protected in Ninety three countries and I am here today to ask you to make the Maldives the ninety fourth. So my organization center for and democracy specializes in the right to information and those mentioned we conducted an analysis of this law. We found the lot of strengths and a lot of very positive points. We also found few areas where there is room for improvements and with your lead I would like to go over those areas. Probably the most significant issue that we found is the over right clause in 3 (c) and way that it matches with 22 section, the exceptions 22 sub A. section 3 sub C states that to the extinctive any conflict to the any other legislation the access to information law will prevail. This is a very good point. This is completely with mine international standards. This is a very important characteristic of the right to information and a strong right to information law. However section 22 sub A says that information may be exempted if it is prohibited from discloser by any other legislation. So see those 2 sorts of probations can clash. And 22 sub A is problematic because if you allow other legislation to exam information you end up with a sort of a patch work of a different exceptions making me very confusing to understand what should be disclosed, what should not be disclosed it makes much more complicated and difficult to make a decision. So we would recommend that article 22 sub A be removed so that any exceptions, and all exceptions the right to information is what is consign, contained in the law and nothing further. I would also track to you to, your attention to section 28 sub C. Which contains an exception for information around immigration. I was a bit confused why that was included because it seems it’s unusual. I haven’t seen that kind of a clause in any other right to information law in the world. If you need to with hold information because it would harm law enforcement there is a set pit, exception for law enforcement. So it doesn’t seem necessary to have a specific exception for immigration information. So I would also recommend that section 28 sub C be removed. Section 27 deals with information that is harmful to law enforcement. That is legitimistic section but the language of section 27 where it states that the law, rather than been an exception it states that the law does not apply to all to this information. It allows for a certain amount of grey area as to whether or not the public interest over ride. In section 20 applies to the law enforcement probations to law enforcement information. I am not sure that right now not an issue. That’s more just sort of wageness a bit. And I would recommend section 27 be clarified to make it apparent that the public interest over ride. In section 20 applies to section 27. The exception for business information in section 25 C is not harm tested. Business

information should only be withheld from disclosure if it would harm the basic interests. Not merely fit in pants on individuals' business interests. I would also mention that time limitations in section 30, apologies. Section 33 states that the provisions in sections 22, 26, 27, 28, 29 and 30. So not applied right to information which is 10 years old. So that is a very good provision. That's absolutely annoying with international standards. But I would also recommend that it should be applied, that it should be extended to information involved in legal privilege, business affairs, policy making, and cabinet records. In other words the time I mean should be applied to all information accept perhaps some information related to personal privacy. There is also a minor issue we, section 14 which deals with deferment. Section 14 allows an organization to refuse to publish something if it is going to be to refuse to release information it's going to be published in your future. That's an exceptional provision but the problem with it is that it doesn't provide any time line as to as when publication might occur. So I would recommend that section 14 be clarified to include a time test on it. So, instead of saying information that will be published some time say information will be published say in 30 days or 60 days. And including a mandate that once that time has expired the information needs either be disclosed or published. I want to re ad rate we seal a lot of lot of good in this law. And I would certainly urge its speedy passage. I'm very confident that this bill if passed could have tremendous positive impact on democracy in human right in the Maldives. Thank you.

<u>Chairman speaking:</u>

Thank you very much for your brief presentation.

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<u>Chairman speaking:</u>

You might to wish record your name and so that for bench marks for comity.

<u>Venkatesh Nayak Speaking:</u>

Yes, I am Venkatesh Nayak from the commonwealth human rights initiative. And I would like to thank honorable committee and state person for this opportunity to present our views before the committee. In India as you know, a similar law on the right to information has been operational for last seven years. And there are lots of

interesting experiences. It also not hurtful to be excepting that there was problem areas in our own law, and if some of those problem areas can be taken care of in the Maldivian bill then implementation would be lots smoother. A lot of ground has already been covered by Maikal. I would like to stress on a couple of things in relation to the bill and I would rather later on focus on implementation. The first point that I would like to make in connection with the bill is to establish clear link between this rights to information bill. And the constitutional guaranty to the fundamental right to access information, which is contained in the Maldivian constitution. So if that connection is not made there is a real danger, which is likely to happen in future. And that is courts would like to see the right to information has a fundamental right guaranteed in a constitution as a separate thing. And this law as statuary right of access to information from in associate officers is another entity on its own. And that can create confusion. So if the committee could recommend to parliament, to the peoples majlis that certain formulation vary it shown that this law is been brought in to give effect to the fundamental right. That it is already guaranteed under the constitution. The significant of the right would improve that much more and it would no longer be treated by court as simply statuary right. Because statuary rights could always be change by simple act of parliament. Whereas when you are talking about fundamental rights, then fundamentals rights can only be a amended by special majorities. So these are some of the areas that courts look at when they judicate on the right to information. My second point is with regard to how this law will be implemented, and for that the bill already has an a information commissioners position to look at the implementation and even guide public authorities in terms of how to go about fulfilling their obligations of transparency under this law. Which is I think very good, but I believe there are concerns about creating and other beaurocracy or another new office which means expenses on the state exchequer and that is an issue that must be taken to consideration. You already have several independent regulatory mechanisms here in the form of the human rights commission, the police integrity commission, the accountability, and the anti-corruption commission etc. What needs to be seen is whether there is value in creating another office of an autonomous nature like the information commissioner or can some of those duties be given to the existing in a bodies. There are practices of both kinds around the world in India. 28 information commissions were created simply because we have 1.2 billion people and there are 28 states, and it would not be possible for one central agency to be able to adjudicate on access disputes. However there also other countries around the world which provides the, which give the role of adjudicating over disputes to ombedment's offices. New Zealand and Australia, Australia of course now has a information commissioner's office newly created. But New Zealand has a separate in a three member ombedment's office where excess disputes are decided. Several

scandelivian countries have ombedment's officers which look at F.O.I disputes. So perhaps one way that this issue should be handled in the Maldives is to look at the best place of commissions here to handle disputes, and our recommendation would be look at the human rights commission as well. Now there are some, they can be a view that the human rights commission may or may not be able to make binding orders, issue binding orders. So that its directions are followed by all parties concerns. But that shouldn't be a problem. Because ultimately the power to decide on excess disputes is drawn from the information access law, and if that law sufficiently empowers whatever bodies selected to adjudicate our disputes. Then they should be able to perform those duties. So it is not necessary that another law which actually constitutes human rights commission should be the source of all power. Power could be provided by this kind of a bill as well. So that's something I would like to submit to you for your consideration when you decide on what should, who or what should be the adjudicatory body as far as access disputes are concerned. The 3 points now in relation to implementation, that I would like to make very briefly. Let me initiate my experience from India. The right to information law is one law that will never implement itself. It takes special effort on two sides. The first effort has to be from the state officers which have the responsibility for giving access to information. Civilally civil society has a responsibility to ensure that people are trained in the art of making information requests. Because if the requests don't come to the public authority half of the intention of the legislation is not served at all. So people need to be trained. So that's an area that needs to be focused on. In the Indian right to information law the responsibility of educating people about their access rights and the procedures for providing access to information actually has been place in the statute on the government itself. But it's another matter that the government has not done enough so far and it is the mainly media and civil society that have taken up the responsibility of teaching people and telling people about the right to information. As a result to which today we have about anyway between 4 or 5 million information requests made over the last 7 years. But of course that need not be a major fact in a cause of a vary for the Maldives. Because India been a huge country, it's only natural that those requests could be such a high order. But in the Maldives probably the requests in the initial years may be in the few hundreds or thousands. But one way of reducing requests that we have seen may work and some extent it has work in India also, is not to given the opportunity to citizens to ask information. Instead make a way information available through all the state officers as proactively as possible with the exception that whatever sensitive information covered by exemptions. That is not proactively disclosed. So if more and more information's is put out there in the public domain, I think it could be a great thing for, it would be get step for establishing the transparency regime and infect you have precedents already. The peoples Majlis to best

of our knowledge passed the decentralization act. And under the decentralization act there is a requirement for placing information about local government institutions in relation to their budgets, in relation to their expenditure ports audit reports those must be proactively disclosed to people. So if a similar principle and that principle is already embedded in this bill which is under your consideration the proactive disclosing are quite extensive and they need to be encourage but extra effort need to be made to ensure that these kind of obligations are seriously fulfilled by public authorizes. Because the experience in India shows the proactive disclosure is one of most neglected areas. Because simply officers would not like to disclose information fear in that you disclose too much information than tomorrow we wouldn't know what the consequence of you know that would be. But here therefore what is required in order to prevent that kind of an attitude from coming in is for the people's majilis and the government of the Maldives to sit and identify the acquire team of senior officers who would be responsible for developing the plane of action for implementing this kind of a law. Because this is not an easy law to implement unless it's well planned. How will transparensi be brought in a faced manner in various departments? The responsibility of developing proactive discloser in a documents so that they put out in a public domain dealing with the information's requests and also ensuring that the officers who are designated for dealing with information requests do not become too optimac in terms of giving information. But they are able to make a reasoned assessment as to what can be disclosed and what cannot be disclosed. This requires lot of effort. And it can happen only if there is a strong implementation team at the highest level of government that will signal to all state officers that they are serious about implementing this kind of a law. And my last point is on the CO of this apply side it's strongly connected to the supply side. You can only provide information if you have the information. Which means your records must be in good shape. And they must be easily accessible. Otherwise providing access, dealing with access becomes a real serious problem. So right know the bill does talk about improving records management and the information commissioner has been given the responsibility for developing these guide lines. But loan information commissioner will not be able to do it on his own unless there is buying from all the departments concerns and all the street officers concern. So I would very strongly urge to look at the implementation issues along the same time when you are implementing, sorry, when you are discussing the provisions of this bill and signal to all state officers which are covered by this law that records management is an area they need to really focus upon. It will require resources of a high order if you go in for digitization. But if you use this traditional methods of record management which uses libeling and a good scheme of categorization and enough boxes to keep the records in a safe place. It's a cost effective method of improving records management. And there

are there is enough expertise in various parts of the world in particularly in the common wealth to come and be of assistance to organizations which are interested in doing this kind of exercise in the Maldives. And I would like to conclude by saying I had the privilege of been associated with a training exercise over the last three years where officers from the government of Maldives have come to India for a week long training program on the right to information. That is how we develop contacts with people in the ministry of home affairs and other departments which send there representatives. So this is an ongoing exercise and I would strongly urge honorable members here to prevail on government not to just look at this as a law that is passed by majilis and therefore it's later going to take care of itself. But put in a lot of effort to ensure its successful implementation. Because its transparent government is key for ensuring people's confidence in the ability of the government to govern well and the right to information law provides the necessary mechanism for doing it. Thank you.

Chairman speaking:

Thank you very much for your contribution. Any further, you might wish to record your name.

Mr. Shailesh Gandhi speaking:

This Shailesh Gandhi from India. Most of the points have been covered by Venkatesh my other colleague. There is 2, 3 points I wanted to bring you to attention. One is on practice disclosures you might consider asking various departments of ministries to give an annual report of complains with what they have done in terms of pro active disclosures. Because parliament can have a big role and just very act that the departments have to give you a repot at the end of each year could act as a big incentive for ensuring proactive disclosures. Second is you may consider getting all government apartments to work on computerized systems. If you really do that your record management etc become almost, you don't have to really worry about next 5 years you would find efficiencies in government going up by phenomenal amount. And what I found in Maldives is that you have very young population. Extremely litrite and willing to take up a new technology. So you might find this useful to do. And the last thing is whether it's an information commission or one of the other commissions looking at the second appeals. You might want to consider putting a time line the time to the time in which they disposer of matters or decide. Because without that quite often this keeps lagging and then it becomes a very old kind of things. So if you consider whether information commissioner is a separate body or give this responsibility to review the body consider putting a time line of maybe 30 days 40 days or 60 days in which this body must decide on all the second applies. Thank you.

Chairman speaking:

Thank you very much for your contribution. Any further from the experts' side. Alright..

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ރިޕޯޓަރ ވާހަކަ ދައްކަވަން:

ސީލްޑިއާ އައިމަން.

(ވާހަކަ ދައްކަވަން)

Henveyru dhekunu constitutional area Hamid Abdhul Gafoor speaking:

Thank you. I guess there may be you have pointed out a couple of issues here. And I believe the Majlis here we are quite keen on ensuring transparency. That is a we came on the backpack of a quitter constitution here. But I just wanted to make comment on this idea of implementing it. We have got a commission here created and I noticed that I think Mr.Venkatesh suggested the idea of a finding an existing institution or institutions to slot this in. Perhaps that's quite considering. Because we ourselves are complaining about the excessive amounts of commission's we've been making. And in a democracy tensed should be as sort of a immediate reaction. And I think you will take that in good spirit.

And I remember we have debated on this bill. And we have sent it to comities. And it's been quite some time. And I also agree that this is going to bring an immense amount of progress to our democratization if we can get this through. And it's good to know that you don't have that much criticism on this. And I am sure we should be able to I think you know consider some of the amendments you have suggested. And I am also curious about some of the reasons why it's been some of the stuff written in this is as it is. So we will definitely have a second look at it. Thank you very much.

(ވަގުތުކޮޅަކަށްފަހު)

ޗެއަރޕާރސަން ކޮމިޓީގެ ފަރާތުން އަޙްމަދު ރަޝީދު ވާހަކަދައްކަވުން:

އަޅުގަނޑުމެން މިއަންނަ އަހަރު ބަޖެޓުކޮށްފަ މިހާރު އިންނާނީ 13 އަތޮޅަކަށް ދަތުރުކުރުން. ދެން އާރަށް ވަންވާއިރަށް އަޅުގަނޑުމެން މި ބިލު ފާސްވެފަ އޮފީސްޖެހިއްޖެއްދުން އަޅުގަނޑުމެންނަށް ތަންފީޒުކޮށް ފަސޭހަވާނެ. އެހެންނޫނިއްޔާ އަޅުގަނޑުމެންނަށް ތަންފީޒުކޮށް ޖެނެރަލް ޕްރިންސިޕަލްސްތަކާ އެޕްލައިކުރެވޭނީ. ނޫނީ މިހެންނަމަ އެކްސެޕްޓް ވެސް ކުރެވޭނީ. އެކަމަކު އަޅުގަނޑުމެންގެ ފުރުސަތު އެބައޮތް އެކަހަލަ މަސައްކަތްތަކެއް ކުރުން. ދެން އާގައިމުރުން އަޅުގަނޑު އަދިވެސް އެއްފަހަރު މި އިންފޯސްމަންޓްކުރަން ނޫނީ އަދިއެގޮތަށް ބޭނުން ކުރި މި ދުވަސް ފުރިހަމަކުރުމަށް ނަންގަވާއިރު އަޅުގަނޑުމެންގެ ކޮމެންޓު އެންމެ ދުރަށް އެއްބައިވަންތަކަމާ އެކީ ކަމެއް ކުރުމަށް ގެނެސްދެވިދާނެ ކަމަށް ވިސްނާ ގޮތް ދެއްކުން. ދެން
މަޖިލީހުގެ މެމްބަރުން ތިޔަ މަސައްކަތާ ގުޅުން ބަލަހައްޓާނެކަން ކުރެވިދާނެކަމަށް ވެސް. ދެން
ބުނެވެން އެކަމުގެ ފަހުން އަދި ތިޔަ 22 ވަނަ މާއްދާގައި އެހެން ގޮތަކަށް ޤާނޫނުގައި ބަޔާންކުރެވިފައިވާ ވާހަކަ. ދޮށްދުރަ
މަޖިލީހުގެ ފާހަގަ ހުށަހަޅުއްވާފައި ވާހަކަ. އިސްލާހުތަކުގެ މެމްބަރުންނަށް ހުށަހަޅުއްވާފައި ވާހަކަ. ދެން
ދުށްޤައްޒު އެހެން ތަފާސީލު މި ކަމާ ބެހޭ ޒަ އިންޓްރޮޑަކްޝަން ބަޔާންކުރެވިފައި އެ ސަބަބުން ވާނެ. މިހާރު މިސާލަކަށް
މިސްޓަރ.ސްޓާފްޓިސްޓިކް ވެސް ފިލާވަޅު ހުށައަޅާ އިތުރު އިސްތިރާހަ ތަޖުރިބާ ބަލާފައިވާ ބަލާކަމަށްވާނެ އެ ފާހަގަ
އެހެން ބަޔާން މުސްތަޤްބަލު ހުށަހަޅުއްވި ކުރުން ނިންމުން. އެކަމަކީ އިސްލާހު ތަފްސީލު ކޮމިޓީއަށް ބަލައި
ވިސްނާވަޑައިގަންނަވާނެ ކަމަށް ކުރުން ނިންމަވައިދޭތޯ އަޅުގަނޑުމެންގެ ވާހަކަ ބަލާ އެދެމެވެ.

I just summarized some of the points that you have made. And if you have any additional comment the honorable MP's have given their commitment and they would try and

consider all of the points that you have made and try to accommodate or we principles that we have specified.

<u>Henveyru dhekunu constitutional area Hamid Abdhul Gafoor speaking:</u>
Thank you. We understand we will be dealing quite stubborn civil service here. And I understand I have read about how the Indian civil service has been reform over the last twenty, twenty five years. It's a huge enterprise. And I was wondering you created I think you know information commission in each state. And you have this huge thing going. My question is how did that I mean you know what was the reaction? And I think you know with this freedom of this information one of the first organizations in the front line is the civil service really. And we got a quite stubborn civil service. And I would like to get some you know ideas on you know how I am sure the Indian's civil services is equally stubborn and how that happened and how it worked?

<u>A person from Transparency Maldives, speaking:</u>
That's not a story that can be written about right now, because it's still going on. Resistances to transparency will always be there. But what I found I can narrate on the basis of you know a personal interaction that I had with somebody with a very senior officer in the state of Megahala which is in North East part in India. He was the chief of the task force for implementing the FOI act. The ITIA act in India. And we were in touch with them to design some sensitization program to start with. So we did the first sensitization program with a group of about 50 top level officers of all departments. For half of a day they were not sure that they want to spend more time beyond half a day. The chief minister was there who was the head of the government and we explain what the act required that the government to do. And after that session was over we were invited to come back after a month and said to look this seems to be a very serious law. It required us to reform our Administrative practices. So we need a lot more detailing from you so come back in a month's time. So we did our preparations and we went back and that was a two day program which went on quite well. And the end of the day the same Chief of the task force told me you see I am happy about one thing. Three days ago my Minister wanted me to do something which I told her is illegal and probably I would have no if she want to order me I have to do it. But now I was able to say that look madam if you would like this to be done I'll put in my note of descent. But I will do it. So long as you give it to me on writing on the file rather than just ask me to follow verbal orders. Because this is the age of right to information if this is your are decision I will give my advice. Later everything be on the record. So that people can make a judgment for themselves to what was the correct thing that should have being done. We see that despite all the resistances the write to information act has become not just empowering tool for citizens. It also

empowering for all of those who are within official dump who would like to do things according to the law without being pushed in to doing something illegal. And this has helped of course there are two ways of looking at it. In one instance we have from the very highest levels of the political establishment complains being made. This is slowed down decision making process. Because every officer is worried as to what would be the consequence of taking a decision. Whereas the most sincere and honest officers who would like to see government reform. So this is a fantastic thing variable to right our opinion without any fear or favor on the fillies and variable to convince our minister as to what is the right thing to be done. At the same time the impact to of right to information is being seeing in the contacts of people demanding their entitlements. And that is something that even officers are now recognizing as a very valuable contribution of the low. Because people as using it so frequently to find out why it that I am not getting my widows pension or my housing assistance which I am entitle to. And because of that the government departments which are responsible for implementing these things wake up to the bottle necks of the system wake up to the obstacles in the system are able to clear it up. And in fact I am must say that one of the achievements that the present government claimed during the election campaign that happened in between 2008 and 2009 was it we brought a transparency law. And there are several political analysts who watch the whole thing and they say that this was one of the reasons why the government got re elected. And of course now the government is making more and more efforts to put a lot of data out in the public domain so that people can make use of it to analyze government decisions and actions. So to that extant I think the beaurocracy is, it has accepted that is a law that is going to be there. And it's going to stay. It cannot be taken away by the parliament. Because the very first attempt to reduce its effectiveness was made in august 2006. Less than 1 year from implementation of the act. The government wanted to remove file notings from the definition of information. People came out on the street to defend it. And therefore that particular proposal didn't go through. And I think ultimately in a democracy it will be these kinds of tensions will be there. The politic establishment wants something. Civil society wants something else. Ultimately it has to be through process of dialog negotiation and mediation that you come to consciences and remove forward. And to that extant the right to information act certainly helped us.

<u>Chairman speaking:</u>
Thank you Venkatesh. I think we might as well rep up the meeting know. Yes thank you very much transparency Maldives and the associated experts. We have listened to your contribution and there are some very helpful suggestions. Especially in the area of creating and independent institution vs. you know giving this task to existing institution. So the question is actually in Maldives what we face now I think in any other country

also it is the question of adopting the best or adapting the best. Whether you adopt the best or you adapt the best. So that is a question where you draw the line. And as far as the right to information bill is concerned, it is in the final stage of our deliberations in the committee. And as our speaker has also assured that we are very hopeful almost we can guarantee that by the close of this session of parliament that it will see the day light. Once again thank you very much. And we look forward to working with transparency Maldives. This will as well as other related bills and we always welcome and appreciate the contribution from our fellow friends from overseas. Thank you very much.

އާދެ، މިހިސާބުން މިއަދުގެ ބައްދަލުވުން ނިމުނީ.