

# RIGHT TO INFORMATION – 2007

(January to December 2007)

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## 1. RTI activist seeks answers (1)

New Delhi, Jan. 5: Angered with the serial killings in Nithari village in Noida in a span of more than one year, a RTI activist has filed three different applications under the Right to Information Act to seek answers from the government. Retired Commodore Lokesh Batra has filed the applications asking information from the police, the Noida authority and the National Commission for Women (NCW). First application has been filed in regard to the police administration, seeking details of the complaints and the action on part of the police in this connection. It also seeks information from the Noida authority on the maintenance of the drains from which the skeletons and remains of the missing children were found. The third application seeking details on the complaints made to NCW and the action taken in the regard. Explaining his action, Commodore Batra said, "What is making me ashamed and angry is that we, the educated citizens, were reading media reports for two years but failed to raise our voices to save the lives of many innocent children. Thursday's media report has mentioned that over 45,000 children are reported missing every year." Mr Batra has asked the police about various issues, including the number of complaints received in last two years about the missing children, how many FIRs were filed in these cases and what action did the police take. In the Noida authority, Mr Batra has asked for dates when the drains around House No D-5, Sector 31, (the house of the main accused) was cleaned and de-silted during January 1, 2005 to December 31, 2006, (Asian Age 6/1/07)

## 2. CISCE under RTI Act purview (1)

New Delhi, Jan. 8: In a landmark judgment, the Central Information Commission ruled that the Council for the Indian School Certificate Examination (CISCE) was under the purview of the Right to Information (RTI) Act. The Commission also directed it to disclose certain information in response to an RTI application. Information commissioner O.P. Kejariwal in a recent order maintained, "The Commission felt that since the information could be accessed by the government, the respondents (CISCE) were obligated to disclose the information sought for by the appellant." The Commission's order came in view of a RTI appeal filed by one Ajay Jhuria, a resident of Mumbai, who sought certified copies of records and action taken against an official by CISCE authorities. The CISCE had earlier rejected Mr Jhuria's application on the ground that it did not fall under the purview of the Act. (Asian Age 9/1/07)

## 3. Why Army wants to be exempted from RTI

**Shiv Aroor Posted online: Wednesday, January 10, 2007 at 0000 hrs Print Email**

NEW DELHI, JANUARY 9: National security is no longer the only reason why the Army wants to remain outside the purview of Right to Information (RTI) Act. In a recent internal presentation, the Army has said that an overwhelming bulk of applications it receives are highly "individual", seeking "personal information", and therefore manipulating a law that is meant to serve "a larger purpose of public interest". The Army has received 906 RTI applications in the nine months between April-December 2006, out of which over 800 allegedly fall in the category of "personal information" dealing with processing of commissioning, career progression, deferred or denied promotions, nominations, postings and grievances specific to the applicant. Applications trickled in during April-June last year with just 31 applications, but with increased awareness, zoomed up to 746 in just the four months between September-December last year. In its presentation, the Army has said, "Bulk of information sought so far falls in the category of personal information. Increasingly, petitioners are challenging the non-supply of information with appellate authorities and even the Central Information Commission (CIC)." After a recent attempt by Army Headquarters to persuade the Department of Personnel & Training (DoPT) and Cabinet

Secretary BK Chaturvedi found no sympathy from either, Army vice-chief Lt Gen S Pattabhiraman, before retiring at the end of last month, wrote to the Chiefs of Staff Committee (COSC) and the Chief of Integrated Staff Command (CISC) urging them to take up the service's anxieties with the Government. Sources said his successor Lt Gen Deepak Kapoor, who has been briefed on the Army's RTI predicament, will also take up the case. The Army, which has been included in Schedule I of the RTI Act, basically wants to be transferred to Schedule II, which exempts it from disclosure of all information except for matters of corruption and human rights violations. So far, it has built up its case by deeming it unfair that while it is answerable to the law in full, intelligence agencies and paramilitary forces enjoy exemption and the Border Roads Organisation (BRO) and DRDO have provisions extended to them. On November 28, 2005, a month after the RTI Act came into force, the Army circulated an internal memo saying, "The COAS (Chief of Army Staff) has directed that information pertaining to individual cases would also not be released. Such cases will be taken up with the appropriate authority." The memo was withdrawn on December 2 after it was reported in The Indian Express the previous day (Indian Express 10/1/07)

#### **4. Labourer files RTI for kids' money (1)**

New Delhi, Jan. 10: A casual labourer who lost his three children in a blast was told by the government that he is not entitled for compensation for their deaths since they did not die in a natural calamity in reply to his RTI application to know the status of his compensation claim. Om Prakash Sharma, the man in question lost his three children who were playing near his house when a blast occurred during illegal gas cylinder refilling in a nearby shop on December 22, 2005. His children sustained severe burn injury and died in hospital due to the burn injuries. Mr Sharma filed the RTI application in August 2006 to the district collector of Noida where the incident occurred. This newspaper had reported the filing of the RTI application on August 27, 2006. In reply to his application, Mr Sharma was told he is not entitled to any compensation since the children did not die in a natural calamity and there was no provision to pay compensation except when death occurred due to natural calamity. The reply also mentions that this was a result of criminal activity of a person and a case has been registered and that Mr Sharma could approach the court for any compensation claim. RTI activist retired commodore Batra who helped Mr Sharma file an application questioned the government reply. Considering that in the Nithari case where children died due to the alleged criminal activities of two accused, the state government paid Rs 5 lakhs to the parents. Mr Batra said when compensation was paid in Nithari killings case, why is there discrimination for another poor labourer whose three children died also due to the criminal activities of someone else. He said, in both cases rich people are responsible for the deaths of children from poor family. He said, "Look at the apathy of district administration that they have not bothered to reply to the RTI in time." (Asian Age 11/1/07)

#### **5. 'Judiciary must not be exempt from RTI Act' (1)**

New Delhi, Jan. 11: Former Chief Justice J.S. Verma opined that there was no reason for the judiciary to seek exemption from the Right to Information (RTI) Act for administrative matters, when judges function in open courts and their judgements are public documents. Speaking at Rai Bahadur M.S. Oberoi Media Awards 2006, here on Thursday, Justice Verma, in his keynote address, spoke about the need for more transparency and for eradicating corruption. He said, "I see no reason why the administrative work of the judiciary should remain a secret when judgments in crucial matters are open to the public." He also said the Right to Information Act was an important tool in eradicating corruption and that the right to know was crucial in democracy so that citizens could take informed decisions and exercise their rights as citizens. Justice Verma also criticised the debate on who is more powerful in a democracy, the legislature or the judiciary. Speaking about the media, Justice Verma said, "The press was gagged during the Emergency, but now journalists who expose corruption are hounded." He further said that awards such as these are important to applaud the efforts of journalists who expose corruption, especially in high places. The awards were given to journalists by known anti-corruption crusader Anna Hazare, who was the chief guest. Mr Hazare urged the gathering to have a spirit of service for those who are not so privileged. (Asian Age 12/1/07)

## **6. Chhattisgarh puts a chapter on RTI Act in school books (1)**

RAIPUR, JANUARY 17: Chhattisgarh is introducing the Right to Information Act (RTI) in school curriculum in a move aimed at making its people more aware of their rights at an early age and growing a culture of transparency in the young state. The State Council for Educational Research and Training has decided to include an extensive chapter on the RTI Act in its proposed books for class VIII in the upcoming academic session in what may be the first such attempt in the country. SCERT director Nand Kumar told The Indian Express that it is an attempt to make education more relevant and practical for school students. "Our decision to introduce a chapter on RTI aims at providing the power of knowledge to our students," he said. Kumar is also the secretary of an agency for the implementation of the RTI Act in Chhattisgarh. "The chapter is being introduced in the syllabus on an experimental basis but we aim to make it a permanent part of curriculum for students of social studies in all senior classes," Kumar said. The chapter, titled Suchna Ka Adhikar, in the social science book for class VIII explains through examples how it can be used to protect a person's rights. It also details how a person can approach a government department for certain information, how and what amount of fees need to be paid and what the grievance redressal mechanism is, if the person is dissatisfied with the information provided by the authorities. A case study in the chapter depicts how a group of daily-wage labourers, in a backward Chhattisgarh village, were being paid lower than mandated wages. A labourer's niece comes to know of the Act and files a petition under it, and secures the correct wage for the workers. (Indian Express 18/1/07)

## **7. RTI: Bihar shows way (1)**

New Delhi: Bihar's black marks can take a back seat for now. It is now a shining example to other states as it becomes the first state to introduce a helpline service for RTI applicants. Now, instead of writing an application for seeking information under the RTI Act and submitting it to concerned departments, all one has to do is dial a specific number where an attendant processes the request and sends an application to the concerned official. A duplicate copy is forwarded to the district magistrate through email followed by a fax message. A copy of the application will be delivered at the caller's address within three days. Plus, the caller will be given a special number for follow-up action, says A Subhani, secretary, personnel, Bihar. ARs 10 RTI application fee will be added to the telephone call charge. This helpline will be launched in coordination with an NGO, Parivartan. Bihar CM Nitish Kumar says, "The RTI helpline will be launched to empower people and bring transparency as well as accountability in the administration. It will be operational from January 29 and all necessary arrangements are being completed. The phone number will be finalised in a day or two" The CM adds, "It was found that though many people wanted to file RTI applications, they weren't able to do so due to the technicalities involved. While in some cases, officials were found unavailable, some offices were located in far away places. But the new call centre service will save the common man from the nitty-gritty problems of RTI application. It's the responsibility of the call centre to redress the grievance." Asked if launching this helpline would open a Pandora's Box in a problematic state like Bihar, the CM says, "People have a right to know about the fate of ongoing projects, reasons for delay, amount spent, status of loan applications, etc. Besides, empowering the people, I hope the helpline acts as a deterrent against corruption." The cost of this initiative, says Kumar, can't be quantified as this is the first time it's being done. (Times of India 21/1/07)

## **8. 'Hello RTI, I am a fruit seller, I have a ration card problem' (1)**

GURGAON, JANUARY 25: "Hello, I'm calling from Fatehpur. The ration shop near my house is refusing to give me my ration. I was told you can help me out. My name is Ram Khiladi. I'm a fruit seller..." "I am Dr Neeta Gupta calling from Jammu. I'm facing some problem in getting my voter ID done. Can you tell me if the Right to Information Act applies to my state?" "My name is GV Manjunathan and I am calling from Bangalore. Some people are encroaching on the land in front of my house. I want a plan of the road in front. Can you tell me how I can get it using my right to information, and who should I contact?" These are some of the 100 calls received every day by the first national RTI helpline (92504-00100) launched two months ago. Farmers or celebrities, residents of Kashmir or Kochi, people seek assistance on a range of problems — some want to know what RTI is and some ask how and where the form should be submitted. The Gurgaon-

based call centre, to which the helpline is routed, says it has received almost 6,000 calls so far. "The response has been better than we expected. In the first month, almost all calls were from cities. But now, about a third come from small towns and villages," said an assistant manager at the BPO, not wishing to be named. The centre, financed by the Manjunath Shanmugam Trust, was set up to help people exercise their right to information, as many of those who knew about the RTI Act were not familiar with the procedure of using it. "The number of calls coming in every day has been on the rise. A substantial number of callers are those wanting information from the municipal authority or the passport office," said the leader of the 10-member team which answers the calls. "We also get many calls from people complaining about the police," he added. The team has been specially trained by RTI experts on the provisions of the Act and on how to use them. Infosys founder Narayana Murthy inaugurated the helpline on November 19, the first death anniversary of Manjunath Shanmugam in whose memory the Trust was set up. Manjunath, an employee of Indian Oil Corporation, was murdered on duty in 2005 for fighting corruption. The helpline operates between 8 am and 8 pm all seven days and is equipped to take calls in Hindi, English and Tamil. The agents here have a database on RTI for reference as well as names and contact details of RTI volunteers living across the country. "When we feel that a caller needs more help than we can give, we put them through to the RTI volunteers living in their city or village for further assistance," explained the team leader. The team says it's enthusiastic about this unique venture. "In the first month we got a call from Javed Akhtar who wanted help with filing an RTI application. We also got calls from people who wanted to become RTI volunteers," said the manager. The people behind the initiative are also pleased with the response. "When we set it up, we saw this more as a project. But after seeing the response and listening to the callers, we realised how useful this facility is," says Anjali Mullatti, one of the founders of the Manjunath Shanmugam Trust. (Indian Express 26/1/07)

### **9. RTI: How 22-year-old helped them get their Act together (1)**

CHENNAI, JANUARY 28: Even a year after the Right to Information Act was enacted, Tamil Nadu had little idea of what it meant. The state's departments would have continued living in ignorance if it weren't for 22-year-old Dharmesh Shah. He petitioned the State Information Commissioner, and managed to get not only names of Principal Information Officers (PIOs) and Appellate Authorities (AAs) of all departments of the state Secretariat but also of every taluk in Tamil Nadu. The information will now soon be available in digital format on a public domain. But getting this information took many months and many petitions. Dharmesh had spent months pouring over the Act and trying to understand its provisions. But when he actually tried to put it to use, he came up against a brick wall. Most government departments had no clue about the Act and its implications. "We had to run from pillar to post to seek simple information. We ended up educating several senior government staff about the RTI," says Dharmesh, who started off as a student activist with the People For Animals. When Dharmesh asked for the information, government officials demanded he pay Rs 50 for every name of a PIO and AA. "I pointed out to them that the Act mandated government departments to proactively disclose the information." But they were unmoved. Finally, he sent an appeal and a letter to the AA of the state Public Department—even though he didn't know his name! That didn't work either. The letter was not accepted, as "there was no such post" and returned. In sheer frustration, armed with the returned envelope, Dharmesh filed a petition before the State Information Commissioner S Ramakrishnan. In a stinging order on October 17, 2006, the Commission said "it was a tragedy of extreme proportions" that the Public Department, which is the custodian and administrator of the Act "had exhibited such abysmal ignorance". "We have entered into second half of October and even the basic administrative department right under the custody of the Chief Secretary himself has not moved," the Commissioner said. He was 'pained' to see the scant respect and interest shown to this landmark legislation. The Commission said: "Ignorance of law is not bliss, but is punishable and punishment has to be in proportion to the gravity of offence. Violation of law by the very custodian of law calls for the highest degree of punishment which one can think of." It directed the secretary of the Public Department to immediately take personal action to ensure that the list of PIOs/AAs of every department of Secretariat was collected and a hard copy delivered to the petitioner at his residence before 5 pm of October 20, 2006. It further stipulated that information

about other HODs and Public Authorities in the state should be completed before November 15, 2006 and supplied to the petitioner. (Indian Express 29/1/07)

#### **10. RTI Act a mixed bag for information seekers (1)**

JAIPUR: The first year after the enactment of the much talked about Right to Information Act has proved a mixed bag for Rajasthan, the State where it all started as a people's movement a decade ago. The common man armed with provisions of the precious Act tried to seek information though lack of adequate support from the Government in the form of training of its staff and framing of rules left many information seekers frustrated. The State's Chief Information Commissioner remained a helpless observer at times. "The first year has been crucial though what we could have done in a year could not be accomplished. There is a need to make the law more powerful and more effective," says M.D. Kaurani, the Chief Information Commissioner, who was the chief guest at a seminar on "One year of RTI in Rajasthan: Problems and possibilities" here on Thursday. "There is a feeling that the Commission has to be pro-active. I too agree with this," said Mr. Kaurani, adding that the CIC basically has the role of a judge. Efforts were on to perk up the effectiveness of the Commission with more resources and manpower, he informed, adding, "Whatever had been the performance of Act in the first year, its significance has been widely acknowledged." The seminar was organised under the auspices of CUTS, Centre for Consumer Action, Research & Training, Jaipur, in collaboration with the Commonwealth Human Rights Initiative, New Delhi. While Mr. Kaurani said the common man was yet to fully make use of the Act in Rajasthan, Nikhil Dey of Mazdoor Kisan Shakti Sangathan, a people's organisation which spearheaded the right to information movement in the State, said thousands of citizens had tried to get information under the Act in various parts of the State. "RTI has been the biggest newsmaker in the past one year," he added. Mr. Dey said among the three most important components— the people, the Government and the Commission -- for implementation of the law, the Government had lagged behind in creating a conducive atmosphere and making provision for imparting information. "The Government's role has been most disappointing. It did not make adequate rules nor trained the staff or provided support to the Commission," he noted. CUTS International secretary-general Pradeep S. Mehta said "soft laws" tend to remain ineffective as long as the implementing agencies do not assume a pro-active role. "The Consumer Protection Act was passed two decades ago but Indian consumers continue to be exploited," he observed. Venkatesh Nayak of the Commonwealth Human Rights Initiative said RTI was not an expensive law to implement and many States had already given training to their staff in information dissemination. .... (The Hindu 3/2/07)

#### **11. 'RTI Act is revolutionary' (1)**

BHOPAL: Noted social worker Anna Hazare on Monday described the Right to Information (RTI) Act as a revolutionary step and said that for the sake of true democracy it should have been enacted on January 26, 1950, when the country became a Republic. Mr. Hazare, who turned Ralegaon Siddhi in Maharashtra into a development model, was speaking as chief guest at the opening session of a workshop on Right to Information here. He also released "The Right to Information Act in Madhya Pradesh — Status Report" by NGO Samarthan Centre for Development Support. Setting the tone for the workshop, Mr. Hazare said that people in Madhya Pradesh seemed to lack the right kind of awareness about the RTI Act. Whereas over 16,000 appeals were presently pending before the State Information Commissioner in Maharashtra, there were only about 500 pending in Madhya Pradesh, he pointed out. Mr. Hazare said such workshops should be organised in all districts so that people could become aware of the law that protects their right to information. (Indian Express 6/2/07)

#### **12. RTI reply: Nothing was in drain (1)**

New Delhi, Feb. 15: Replying to an application filed under RTI act, the Noida Authorities said that they regularly cleaned the drains near House no D 5 in Sector 31 of Noida, which is the area where the house of Mr Mohinder Pandher is located and they found nothing unusual there. The reply which was filed after 41 days which is 11 days late, said that the open areas of the drains were cleaned last between December 20 and December 23 2006 which is a week before the skeletons of the children were found in the drains. The application asking for information

about the Nithari case were filed by retired commodore Lokesh Batra, an RTI activist on January 4, 2007. He had asked the Noida Authorities to furnish the details of the act which govern sanitation. The Noida authorities replied that act was available in market. Mr Batra said this reply shows the arrogance of Noida authorities who have given misleading and incomplete information and that too 11 days after the stipulated 30 days. Mr Batra said the Noida administration authorities have cleverly worded the reply and said they regularly cleaned the drain where it was open and did not mention whether the whole drain was cleaned. The last cleaning mentioned is between December 20 and December 23 2006 which is just a week prior to when the skeletons were found in the drain. So, what kind of cleaning was done is anyone's guess, he said. Commenting on the reply by the Noida administration authorities which said that 19 similar applications have been filed under RTI and that this is a conspiracy, Mr Batra said the officials of Noida cannot say that exercising our democratic rights is a conspiracy. In the whole country only 19 persons have asked for information on Nithari killings which is quite small compared to the outrage the case generated, he said. Many prominent personalities, including known Gandhinan Nirmala Deshpande, social activist Swami Agnivesh and Mohini Giri have also filed applications under RTI for the Nithari killings with the Noida administration authorities. Mr Batra also said that the public information officers of Noida Tamil Ahmed did not sign the reply given but instead assistant PIO R.C. Meena signed on the forwarding letter which is not as per the act. (Asian Age 16/2/07)

### **13. Review by Army not possible' (1)**

New Delhi, Feb. 16: The Central Information Commission (CIC) has disposed of a RTI appeal wherein the appellant sought a formal apology from the President of India over the Indian Army's alleged failure to acknowledge the heroics of his late brigadier father during a military operation in Kashmir, on grounds that it beyond its purview. Jugvir Inder Singh, in his appeal, sought amendments to the Army's historical records or conducting a fresh research into the contributions of his father, Brigadier Rajendra Singh, during the Army's military operation during the 1947-48 conflict in Kashmir. "It may be stated straight away that under the RTI Act, it is not possible for this commission to direct the ministry of defence to carry out amendments or to mount fresh research on the contributions of Brigadier Rajendra Singh," said information commissioner A.N. Tiwari. Taking note of Mr Singh's grievance against the ministry of defence, the commission expressed that the RTI Act is not the proper avenue to realise his objectives. "The appellant nurtures a sense of grievance against the respondents for what he considers to be their failure to give his father, late Brig. Rajendra Singh, his rightful due... He also seems to think that history as recorded now has done scant justice to late Brig Rajendra Singh," said the CIC. Over the issue of access to historical records, maps, war diaries, as also sought in the RTI appeal, the commission has permitted Mr Singh to approach the Army Headquarters to permit him access to historical records kept by the historical division of the ministry of defence. The commission permitted Mr Singh's access to the Army's defence records after the central public information officer of the Army Headquarters expressed willingness to facilitate Mr Singh with the available records and documents kept at the historical division of the defence ministry. (PTI) (Asian Age 19/2/07)

### **14. RTI activists launch campaign against CIC for shoddy functioning (1)**

New Delhi, February 19 : RTI ACTIVISTS on Monday started a month-long camp at the Central Information Commission (CIC) office to register complaints of RTI applicants against the commission. Terming CIC as a 'paper tiger', Magsasay award winner Arvind Kejriwal said the complaints will be part of a petition against the CIC, which will be filed in the Delhi High Court. On the first day, as many as 14 RTI applicants filed complaints against the CIC. H. K. Pal complained that the CIC refused to impose any penalty against the Public Information Officer (PIO) of National Savings Institute (NSI) even after repeated violations of the RTI Act. Ganesh Avtar's story is also similar. He did not receive any response from the Ministry of Sports and Youth Affairs despite orders from the CIC. In the case of Bhagat Singh, the CIC had directed the Income Tax Department on May 2006 to provide information within 15 days. Singh is yet to receive any information. The CIC can impose penalty of up to Rs. 25,000 under the RTI Act if an officer fails to provide information within 30 days, said Manish Sasodia, of Kabir, an NGO of RTI activists. He alleged that Information Commissioners were refusing to take up complaints. RTI activists also

alleged that non-imposition of penalty has increased the work load of the commission. The CIC has been receiving more than 600 applications every month but is able to dispose less than 300 applications. Activists also alleged that some appeals were being rejected on petty technical grounds. Pramod Gupta's appeal was rejected as it was not in a prescribed form. And, when he filed in the CIC's format, it was rejected because he had not submitted four copies. CIC officials, however, said the action on appeals was being taken as per the provisions of the RTI Act. (Hindustan Times 20/2/07)

#### **15. Money tied up, widows read RTI Act (1)**

AHMEDABAD, FEBRUARY 27: Widowed during the post-Godhra riots, Juhapura-resident Yasmeen Sheikh is having trouble coming to terms with bringing up four children alone and battling brain tumor. But where she has most trouble is understanding the terms of the compensation package given to her by the State Government in June 2002, she says. The 30-year-old is among 24 women who were widowed during the riots and who have filed an application under the Right to Information (RTI) Act seeking the status of the Sardar Sarovar Narmada Nigam Limited (SSNNL) bonds worth Rs 60,000, which were part of their compensation package. They have sought information on the official rate of interest on the bonds and reasons for 'irregular and delayed' disbursal of the interest which was to be paid to them. As a part of its Rs 1.5 lakh-compensation package for the riot-hit, the State Government gave cheques of Rs 90,000 each to kin of those killed during the riots. The remaining Rs 60,000 were given as SSNL bonds, which were to mature in five years. "A sum of more than Rs 500 per month was to be given to the widows as interest until the bonds matured," says activist Noorjahan Divan. The activist from city-based voluntary organisation Aman Samuday filed the RTI application on behalf of the widows. "We are yet to receive a reply from the office of the district collectorate," she says. "My husband, Mahboob Sheikh, died in police firing near Gomtipur during the post-Godhra violence. I got the compensatory bonds in 2002. However, I received Rs 500 as interest on the bonds from the Collectorate for barely a year," alleges Yasmeen Sheikh. "After that, some of us began getting cheques of Rs 480 per month, while some received only Rs 148 per month and others were given cheques of Rs 48 per month. This too, after long delays," says Ferozabanu Sheikh (22), who is among the 24 applicants along with Yasmeen. Feroza's husband Siddique Sheikh was an Imam in a mosque in Kalupur. "He was killed by a rioting mob in March 2002. Since his demise, I have been making ends meet by working as a domestic help," says Feroza. Fifty-five-year-old Amerabanu Bissi and Saliba Khatun Sheikh (32), who have also applied for information on the bonds, have similar stories to relate. "We disburse the money as and when it is received through registered post from SSNNL. If there are any grievances in this regard, we are willing to address them," says Ahmedabad District Collector D Thara. As for the allegation regarding irregular disbursal of interest, Thara says, "That depends on the interest rates, which tend to fluctuate." Criticising the State Government's policy of providing compensation in the form of bonds, Zakia Jowher of Action Aid, says, "Victims of a tragedy like communal riots, need immediate monetary help and giving them money, which they can encash after five years, is ridiculous. .... (Indian Express 28/2/07)

#### **16. RTI Act: Complaints, but no action (1)**

New Delhi, March 4: H.K. Pal filed an application under the RTI Act asking for copies of the office order and notifications of a file to the National Savings Institute. When he did not get the information sought, he appealed to the Central Information Commission (CIC), which passed an order that he should be given the information on October 31, 2006. However, four months later, the National Savings Institute is yet to comply with the order but the CIC has refused to impose penalties for non-compliance. In another case, R.K. Mirg filed an application under RTI to the ministry of home affairs asking for the inspection of a file related to repeal of displaced persons on January 12, 2006. However, he was given only one file to inspect instead of the total 12, so he appealed to the CIC on June 19, 2006. The CIC directed the department to allow the inspection of file notings as well all the files but the order was not complied with. Mr Mirg filed a contempt petition in the CIC on August 4, 2006 requesting for orders to ask the department to comply with the orders in a definite period. The CIC asked for a compliance report in 10 days but the appellate authority of the department did not respond to the letter and also did not furnish the information.

These are some of the several cases where though the CIC has passed orders for information to be furnished to the applications, the concerned government departments have refused to comply. RTI activists maintain that government officials have figured out that nothing can be done if they do not comply with the CIC's orders. They are refusing CIC orders and are not even being penalised for the same. Magsaysay awardee and RTI activist Arvind Kejriwal said that officers who appear before the CIC for hearings find out that they will not be penalised if they do not comply so they simply do not furnish information and they do not even reply to CIC notices. RTI activists claim that since all the five commissioners are former bureaucrats, they tend to favour officials and are reluctant to fine them. The urgent need is for the government to appoint retired judges to see that the RTI Act is not reduced to being a paper tiger, activists feel. Several complainants have voiced this opinion and feel that present commissioners have a partisan attitude towards bureaucrats. Asian Age 5/3/07)

#### **17. RTI invoked against top CIC officer (1)**

New Delhi, March 5: In a first since the legislation of the Right to Information Act, a former senior employee of Deutsche Bank, Gurninder Gill, has invoked Section 14(1) of the Act to lodge a complaint against one of the information commissioners, A.N. Tiwari for misbehaviour, professional misconduct and dereliction of duty as a public servant in his handling of a contempt petition against the Delhi police filed following its failure to comply with an order passed by the chief information commissioner. Ms Gill, who was heading the Deutsche Bank's India Investment Banking Division in Singapore, the bank's regional hub, had earlier filed a complaint with the crime branch of the Delhi police against labour lawyer B.N. Singhvi, for cheating and forgery under Sections 420, 468 and other sections of the Indian Penal Code (IPC) for swindling her of her salary arrears, gratuity and other legitimate payments, amounting to over Rs 1 crore, due to her from Deutsche Bank. However, according to a letter written by Ms Gill to home secretary V.K. Duggal, the crime branch of the Delhi police, in its investigation of her complaint under DCP Prabhakar and joint CP Ranjit Narayan, had colluded with the accused, aided and abetted them in cheating her of her dues. She had then petitioned for the investigation records under the RTI Act, citing that the evidence gathered by the economic offences wing (EOW) was being deliberately suppressed from the trial court by them and were vital to her case as it would establish the complicity of Deutsche Bank, along with various relatives of the accused lawyer B.N. Singhvi. It would also enable her to determine where her dues from the bank had been swindled by the accused lawyer. Her request was turned down by the PIO Muktesh Chandra and upheld by Mr Narayan and the appellate authority citing Section 8 (1) (h) of the RTI Act. Ms Gill had then filed a second appeal which was heard by central information commissioners (CIC) A.N. Tiwari and M.A. Ansari who passed an order in her favour. The EOW refused to comply with the order and she then filed a contempt petition before the CIC for non-compliance by the Delhi police. The contempt petition requested that punitive action be taken against the PIO and the appellate authority for deliberately delaying information and also giving false information including false medical certificates to the CIC. In compliance with a requirement by CIC Wajahat Habibullah, Ms Gill has filed a complaint to be sent to the President A.P.J. Abdul Kalam, pointing out that while Mr Tiwari had ruled in her favour on May 24, 2006, that the exemption from disclosure under Section 8(1)(h) of the RTI Act as invoked by the Delhi police, did not apply to the information requested..... (Asian Age 6/3/07)

#### **18. Over 60 % RTI users ordinary folk (1)**

New Delhi, March 10: The Right for Information Act is evolving and changing as it completes almost a year-and-a-half of its implementation with more than 60 per cent of the people, who ask for information under the RTI Act, being the common man. This is as opposed to the earlier statistics of almost 80 per cent of applicants being government employees asking information related to service matters. The secretary of CIC Rita- Sinha said studies shows that the usage of act is becoming more broad-based with more and more people from all over the country using the act. She also said that most of the people are receiving the information as only two per cent of the people appeal at the CIC of the total applications filed. Explaining the paradigm shift, information commissioner A.N. Tiwari said, "There is a massive mind set change in the psychological atmosphere, which is favourable to disclosure. The earlier traditional hesistancy to disclose is

slowly moving toward giving of information." He said none of the ordinary citizens, who have been asking for genuine information, has been denied, including those who have asked about their gratuity, pension and other matters. However, he explained that people, who are facing vigilance inquires, disciplinary action, seeking information about their investigation, the CIC is reluctant to give information. Despite this, Mr Tiwari said that there is only a 13 per cent of cases which are rejected, which is very good since the appeals, which come to CIC, have already been before two officers who have denied information. He said in cases of people facing inquiries the reluctance of CIC is obvious because the disclosure would defeat the purpose of RTI act and it also attract specific exemptions. Mr Tiwari also said that the quality of information being given out is improving as government departments have started giving out information in more specific way, with more detailed information after CIC has continued insistence to give answers to each queries raised by information. Relying to the backlog of cases at the CIC, Ms Sinha said it was just that this was a new commission and it takes time to streamline things and get it moving specially when its a totally new office which has to be set up with not previous rules or set norms. She said now things are much more streamlined and in the next 150 days the backlog will be cleared. She said now they have a very good system in place and also commissioners are hearing many more cases so the clearance of cases is faster. (Asian Age 11/3/07)

#### **19. HC asks reason why Govt denied information under RTI (1)**

New Delhi : The Delhi High Court on Monday issued notices to the Ministry of Health and Family Welfare, the Central Information Commission and the Tariff Commission on a petition filed by a Pioneer correspondent, who had sought to know from the Centre the cost it incurs in buying condoms from private and public manufacturer. Is asking for a Government report inquiring about the realistic cost of condoms intellectual property? The question was raised by The Pioneer, when the Government refused to make public the information sought about the cost incurred by the Government in buying condoms from private and public sector manufacturers. Taking up the petition, Justice BD Ahmed also sought the Tariff Commission's report on 'Realistic Cost of Condoms' from the Health Ministry. Health Ministry had rejected to answer the query sought citing exemption from disclosure of information under Right to Information Act clause dealing with protection of trade secret and intellectual property. Tariff Commission had also classified the report 'confidential'. In January 2006, the Pioneer had requested the Health Ministry to provide the information invoking the RTI Act. The Government buys condoms from public sector and private manufacturers and it was in public interest to know the whether the procurement process was transparent, the Pioneer had contended. The information was denied by the Ministry, which cited commercial interest of the manufacturers. The commission, too, attested the Health Ministry's decision. After facing all the resistance in the process of securing information the petitioner decided to knock the doors of the High Court. The petitioner in its prayer to the court requested to direct all the respondents in the case to furnish information as requested under the RTI Act, 2005 on January 2, 2006. The petitioner had sought a copy of the report on realistic cost of condoms. While issuing notices to all the respondents, the High court has also asked the petitioner to submit a point-wise list of the information sought from the respondents. (Pioneer 13/3/07)

#### **20. NGOs brought under RTI Act (1)**

BHUBANESWAR : The Orissa Government has made a formal announcement making the non-government organisations working in the State accountable to the people under the provisions of the Right to Information Act, 2005. A decision in this regard was taken by the Planning and Coordination Department of the State Government on Friday. According to an official release, Section 2 (h) (d) (ii) of the Right to Information Act defined an NGO as 'public authority' if it was substantially financed directly or indirectly by Central or State Government. As a public authority an NGO was required to disclose its own the information pertaining to the organisation for information of the general public, as required under Section 4 of the Act, the release said. The government said that as per the rules frame by it under the provisions of the RTI Act, an NGO as public authority has to designate a public information officer, Assistant information officer and an appellate authority. (The Hindu 14/3/07)

### **21. MEA woman invokes RTI on Menon (1)**

New Delhi, March 14: In an unprecedented move, Ms Veena Sikri, a secretary rank officer of the Indian Foreign Service (1971 batch) who has served as India's first woman ambassador to Nepal, Bangladesh and Malaysia, has invoked the Right to Information Act (RTI) demanding access to the "guard files" pertaining to the appointment of Mr Shivshankar Menon as foreign secretary. The government's decision to appoint Mr Menon, a 1972 batch IFS officer, saw him supersede 16 senior IFS officers, many of whom resigned or went on leave following this unprecedented decision. Ms Sikri and another secretary rank officer in the MEA, Ms Shashi Tripathi, continue to be on leave following this decision. Ms Sikri shot off a letter on March 9 to Mr Wajahat Habibullah, chief information commissioner, emphasising that she believed "extraneous considerations" had led to this appointment. To reinforce her argument, she has quoted extensively from information that has been supplied to her by the government's own departments, including the PMO, MEA and the Cabinet Secretariat, following her applying the RTI Act with the MEA as early as November 17 2006. The appellate authority of the MEA had informed her that the Appointment Committee of Cabinet (ACC) had asked for the service profiles of 20 IFS officers belonging to the 1970, 71 and 72 batches of the IFS. These confidential reports were sent by the MEA to the ACC on August 29 but the announcement of Mr Menon's appointment was made on the PMO website on August 31 2006 itself. "Does a mere 48 hours provide enough time for a serious consideration of this matter?" Ms Sikri's letter asks. She also wanted to know why the PMO announced Mr Menon's appointment on its website four days before the ACC had lent its approval of the same. The ACC only gave its approval on September 4, 2006. Interestingly, E. Barwa, additional secretary (information) and the Appellate Authority in the MEA emphasised that the MEA had announced Mr Menon's appointment on August 31 2006 only after the PMO had issued the same on its website. Ms Sikri's letter highlighted that in recent appointments, including that of the RAW secretary and of the new Chief of Air Staff, the government had followed the principle of seniority. "There cannot be one practice for the MEA and another for the rest of the government," her letter argues. Ms Sikri's husband, Mr Rajeev Sikri, secretary (east) MEA, who had chosen to resign following the appointment, pointed out that the Vajpayee government was close to facing a similar situation when they wanted to appoint Mr Kanwal Sibal as foreign secretary in 2001. His appointment would have meant superseding 19 officers. The concerned officers had an appointment with Mr Vajpayee and told him that if the government chose to go ahead with such a decision, a grave injustice would be done to them. He agreed to reconsider his stand and this had led to Chokilla Iyer, the seniormost officer then, being appointed foreign secretary, he said. Ms Sikri alleged gender bias as being another reason for being elevated to the foreign secretary post. She said, "Even though women officers have acquitted themselves creditably, efforts are on to pretend the issue of women's rights does not exist at all in our ministry." ..... (Asian Age 15/3/07)

### **22. Orissa trouble on probe report (1)**

Bhubaneswar, March 16: The Orissa government and state information commission (SIC) differ over whether the probe report of a judicial commission should be confidential, and whether a government agency can deny the report to citizens who have asked for it under the provisions of the Right to Information Act. While the SIC holds that the document is not confidential and can be given to common citizens on demand, the state home department is reluctant to part with it, saying that the report is confidential. The home department has refused to obey the order of the SIC direction to provide the document to an applicant. The applicant, Biswapriya Kanungo, has been running from pillar to post to get the report. The entire issue has put the letter and spirit of the RTI, talk of transparency and accountability and other related matters, including orders of the Information Commission, to test. (Asian Age 16/3/07)

### **23. 'Punish officials for delaying information' (1)**

JAIPUR: Battling the opaque system, a seeker of information under the Right to Information Act, 2005, in Bhilwara district in Rajasthan has approached the State Information Commissioner requesting to penalise the erring block development officer and gram sachiv for denial of information to him for the past 10 months. Syed Hussain of Bagore gram panchayat in Bhilwara's Mandal tehsil has asked State Information Commissioner, M.D. Korani not only to impose cash penalty on the functionaries responsible for denial of information, but also to take department

level disciplinary action against them, including recording it in the annual confidential report. The hearing in the case, first of its kind in the State, is scheduled for March 24. Mr. Hussain had first approached the secretary of Bagore gram panchayat on June 20, 2006 for the copy of the list of pattas (land registrations) issued by the panchayat in the area. When the gram sachiv (secretary), who accepted the application, did not provide the information in the stipulated period of one month, he approached the Development Officer of Mandal with an appeal on July 26. In June and July he made several visits to the gram panchayat office and spent hours in the premises waiting for the gram sachiv who played truant. By now Mr.Hussain filed his second appeal with the BDO on September 5, without any result. Acting on a petition from him on October 27, the State Information Commission directed the functionaries in Bhilwara to provide the information sought by him within a month. A month's wait did not bring any result. Mr.Hussain complained to the State Commission on January 12, 2007 prompting the latter to write to the Development Officer once again besides seeking an explanation for denial of the information. In the meanwhile Bagore gram sachiv Harishankar Chaturvedi was transferred and one Ramesh Chand Jhingar replaced him. When another appeal from Mr.Hussain to the Commission on February 19, which prompted a strong directive from it to the officials concerned, too evoked no response, the Commissioner directed the Development Officer to appear in person before him in the capital by February 28 with all the relevant documents. This, according to Mr.Hussain, had a partial impact. He received a registered envelope on February 28. "The information provided was incomplete. Some of the details were irrelevant," Mr.Hussain noted in his complaint. (The Hindu 23/3/07)

#### **24. Judge promotion file to go public under RTI (1)**

NEW DELHI: In a landmark decision, the Central Information Commission has ruled that facts related to the appointment of judges cannot be kept secret and beyond the purview of the Right to Information Act. Passing the order, which at one stroke broadens the scope of the RTI Act and expands the frontier of transparency to judiciary, chief information commissioner Wajahat Habibullah directed the law ministry to provide a copy of the file relating to the appointment of Justice Vijender Jain as Chief Justice of Punjab and Haryana High Court. The CIC brushed aside objections to disclosure of the correspondence between the Chief Justice of India and law ministry over Justice Jain's appointment. "Having heard the arguments and studied the papers on record, we cannot find grounds to exclude disclosure of the correspondence of the nature in question between the Hon'ble Chief Justice of Supreme Court and the law minister on the recommendations for appointment of Hon'ble Justices," the CIC said. The order is sure to help pierce the opacity surrounding the appointment of judges and introduce greater accountability for those who take the vital call. (Times of India 27/3/07)

#### **25. Govt employee faces music for invoking RTI (1)**

NEW DELHI: Muzibur Rahman worked for 15 years as chief laboratory technician in a hospital in Chhattisgarh. His impeccable service record now has a black mark — a chargesheet served on him by his employer South Eastern Coalfields Limited (SECL). The reason being that he dared to use Right to Information (RTI) Act, 2005, and dragged senior officials withholding information to Central Information Commission (CIC). Rahman's struggle began in November 2005, when he was working in SECL's Nehru Shatabdi hospital in Ghevra area of Korba. SECL had promoted some persons in the same year. Rahman sought information under RTI Act about the norms followed for these promotions. When his application and first appeal did not get him the requisite replies, he approached CIC in March 2006. Just then, he was transferred out of Ghevra to the remote Anooppur district in Madhya Pradesh. This transfer could have been treated as a routine affair but for the fact this was the first ever transfer for Rahman in his 15 years of service. On March 27, 2006, CIC found the public information officer (PIO) guilty of delay in giving information and served a showcause notice on PIO and SECL's general manager (personnel and administration) S P Choubey asking them "as to why a penalty of Rs 25,000 should not be imposed". Immediately after CIC held SECL guilty, on April 24, Rahman was served a chargesheet by SECL. His crime: he had "created pressure through pressure groups" like CIC. In a letter written to ministry of coal, Choubey put it down in clear words: "...Further it is to state that the employee concerned instead of approaching the management/ departmental forum to redress his grievance, he directly knocked the door of the CM, the chief vigilance commissioner, the

collector as well as the Central Information Commissioner, and created pressure through pressure groups. As a result, concerned area has been advised to issue him chargesheet." This did not stop Rahman. He says: "I realised that they were indirectly telling me not to use RTI and push my case. From a 100-bed hospital I was transferred to a remote dispensary in MP." Rahman brought this chargesheet to CIC's notice. When CIC questioned SECL GM (P&A) Choubey, through videoconferencing and written letters, he refused that he had used the word "pressure group" for CIC. When Rahman furnished the letter written to ministry of coal, CIC passed an order in which it found Choubey guilty. (Times of India 27/3/07)

#### **26. Centre to RTI applicant: No record of Bose role in struggle (1)**

NEW DELHI: : In a shocking revelation, Central Government has said it has no information in its records about the contribution of Netaji Subhas Chandra Bose to India's freedom struggle. This admission has come from a senior Government officer in response to an application by Delhi-based Dev Ashish Bhattacharya under the Right to Information Act. Bhattacharya approached the Union Home Ministry with five questions in which he had sought information on what role Bose had in the freedom movement. The applicant had also sought information whether India maintains any protocol with regard to Bose and whether he fits somewhere in that protocol. "The information on points in your letter is not available in the records," S K Malhotra, Deputy Secretary in the Home Ministry said in reply to Bhattacharya's petition. "It was shocking for me to have this response," Bhattacharya said. (Indian Express 28/3/07)

#### **27. RTI Act has not helped much: Chief Justice (1)**

THIRUVANANTHAPURAM: Chief Justice of India K.G. Balakrishnan has said that though the Right To Information (RTI) Act is expected to help root out corruption, it is being misused like most other Acts. "We thought it would help to root out corruption, but only a negligible portion of the Right To Information Act has helped," Mr. Balakrishnan said while inaugurating a national seminar on 'Indian Economy: Historical Roots and Contemporary Development Experience,' organised by the Centre for Development Studies (CDS) here on Saturday. Information continues to be inaccessible despite the RTI Act, the Chief Justice added. Mr. Balakrishnan said massive inequality created scepticism about the ability of globalisation to solve the country's problems. He cited Nandigram as the best example. Pointing out that "ours is a world of dreadful poverty and appalling deprivation," he said that unless the common man was brought into the agenda, it would lead to widespread protests as had been seen in Seattle, Quebec, Singapore and elsewhere where global trade talks took place. "We have to initiate an enlightening enquiry into what needs to be done ... raising serious questions about globalisation can raise serious thinking about the scepticism," he added. He regretted the country's failure to wipe out child labour despite the guarantees for compulsory education at the primary level and pointed out that though the situation in Kerala was better, the drop out rate at the national level was 40 to 50 per cent overall and 60 to 65 per cent in the case of girls. "Unless we enforce compulsory education, we will not be able to wipe out child labour," he said. Kaushik Basu, Professor of Economics at the University of Cornell, delivering the Seventh Joan Robinson Lecture and fielding questions thereafter, cautioned that despite the robust growth rates being seen over the last few years, the country could be in for serious trouble if the question of poverty is not addressed with due seriousness because even by conservative estimates some 230 million people are feeling left out of the economic progress. Since India has entered the league of high saving nations, it would continue to grow, but if poverty persists and inequalities between the rich and the poor accentuate, there could be a political turmoil that can destabilise such growth. The Government, he said, must focus on better distribution of income and better management of poverty. Prof. Basu said part of the poverty seen in the country was a concomitant of globalisation. There was a need for international coordination to deal with poverty. While on the theme of 'jobless growth' he said that though the first decade of economic reforms till 1999 witnessed "jobless growth," there was an improvement later. The story of India's economic growth was interesting because the country moved from primary sector to the service sector to fuel its growth and bypassed the manufacturing sector. But India was going to see a revival of the manufacturing sector in the next 10 to 15 years and the Government must pay much more attention to this than was the case today. Simultaneously, there would also be a shrinking of the wage bills and people were going to

depend more and more on their shares and intellectual property rights to compensate them for their labour, he said. .... (The Hindu 1/4/07)

### **28. 'Indian missions abroad fall under RTI Act' (1)**

NEW DELHI: All Indian missions abroad come under the purview of the Right to Information Act, the Central Information Commission (CIC) has ruled. "Since the Indian missions are set up by the foreign ministry, they come under the ambit of the Right to Information Act," the CIC said in a recent order. The ruling came while the CIC was hearing an appeal by Anju Musafir, who sought information related to the issue of visa to a French national who was to join as a faculty member in the Mahatma Gandhi International School in Ahmedabad. Information Commissioner O P Kejriwal directed the consular, passport and visa division of the external affairs ministry to provide the information to Musafir by April 25 after collecting it from the Indian embassy in Paris. During the hearing, the Commission was informed that though Musafir's application was forwarded to the Indian embassy in Paris, she did not get a proper reply. Defending non-disclosure of information, the ministry and other authorities took the plea that missions abroad were not covered by the RTI Act. Musafir had first filed an application with the Public Information Officer of MEA on July 19, 2006 to seek information related to the denial of visa by an Indian consulate to French national Benjamin Mailian. The CIC referred the matter of mode of payment to Indian missions by information seekers to the MEA and Department of Personnel and Training (DoPT) for necessary recommendations for amending the Act, which was silent on the issue. (Times of India 1/4/07)

### **29. Court fines RTI applicant (1)**

VADODARA: A self-proclaimed activist in Anand has created a ticklish situation by applying for information under Right to Information (RTI) Act on alleged bribe accepted by a judge to dismiss his complaint. The activist was slapped a fine of Rs 5,000, failing which he would face contempt of court proceedings. In response, the activist has moved a second appeal with state chief information commissioner (CIC) against the district judge's decision. It all started with Hitesh Patel moving a complaint against all board members of Vallabh Vidyanagar Commercial Co-operative Bank alleging that the members had misappropriated a huge amount from the bank. After hearing the case, chief judicial magistrate J P Gadhvi dismissed the complaint on January 22 stating that there was not enough evidence to prove such allegations. Patel submitted an application to court's public information officer (PIO) seeking information on 'tod pani' (bribe) taken to dismiss the case. The principal senior civil judge, who is the PIO, wrote back to Patel on January 29 that "there is no evidence to support such claims" and told him that he can move to appellate authority — the chief district judicial magistrate or additional district magistrate. Patel then moved his first appeal with the chief district magistrate on January 31 stating that PIO's response was "against public interest". After receiving the appeal, Anand district court's registrar on February 12 asked Patel to submit Rs 50 along with his appeal. Instead of submitting Rs 50, Patel wrote back to the court registrar that "there are no provisions under RTI to charge such fees along with appeal". When the court registrar received Patel's letter, it was produced before principal district judge (appellate authority of court) M J Parikh, who imposed the fine on him. Patel, however, has moved a second appeal with CIC as well as court's PIO seeking information on "which grounds under RTI" was he asked to deposit Rs 5,000 as fine. (TIMES OF INDIA 7/4/07)

### **30. National security and your right to know: Secy panel to decide where to draw the line**

New Delhi, April 19: With at least 10 security and intelligence organisations filing applications asking for exemption from the Right To Information Act, a Committee of Secretaries has been set up under the chairmanship of Cabinet Secretary B K Chaturvedi to try and "reconcile" transparency with national security concerns. This panel — which includes the Defence Secretary — will meet to examine representations received from various departments, including the Ministry of Defence (MoD), the Defence Research and Development Organisation (DRDO) and the National Security Council Secretariat (NSCS), among others. Speaking to The Indian Express, the Cabinet Secretary said: "Some security agencies and Ministries like the MoD and the NSCS have sent representations on the difficulties they are having with RTI. The Committee will soon take a view on how national security concerns should be reconciled with the transparency regime

which the RTI Act has brought in.” At present, there are 18 organisations, mostly intelligence and police bodies, which are out of the RTI’s purview. When contacted, Chief Information Commissioner, Wajahat Habibullah said that while he had not been consulted, “the time is ripe” for such a review. “The issue of where public interest is served and where national security is affected needs to be examined by the Government,” he said. (INDIAN EXPRESS 20/4/07)

### **31. Govt changing law to give itself an RTI (1)**

NEW DELHI, APRIL 22: After giving the Right to Information to the people, the Centre is amending the Collection of Statistics Act, making it mandatory for each individual to furnish details on any subject which the government deems fit. And if the ‘informant’ neglects or refuses to provide them, penalties would be harsher. “In the proposed Bill, the scope has been enhanced to collect all kind of statistics not only from industrial and commercial concerns but also from individuals and households,” says the proposal from the Ministry of Statistics and Programme Implementation. The Census Act is not covered under this law. Based on recommendations of the National Statistical Commission headed by C Rangarajan, the Act of 1953 is being revised to enable the government to collect statistics on economic, demographic, social, scientific and environmental aspects with power to declare any subject national importance as ‘core statistics’. The existing act limits data collection relating to industries, trade and commerce. The rationale is that in the wake of liberalization, privatisation and globalization, the system of obtaining information through public administration is gradually losing ground. “The need for statistical information for planning and policy formulation has also expanded over the years due to market driven economy in most of the sectors,” it argues. While a large number of small-scale sectors are presently excluded from the coverage, new business activities such as information technology, food processing and services sector have mushroomed. Its coverage excludes educational institutions and where the law is applicable; the response has been very poor given the meagre and cumbersome penalties. “Penalties for not furnishing information are proposed to be enhanced. The procedure for trial has been simplified to eliminate the burden of proof on the data collection agencies, by way of summary trial,” says the proposal. Refusal to submit details or furnishing of false information would attract a fine of Rs 1,000 on an individual and Rs 5,000 on a company. Once convicted, the daily penalty would be Rs 1,000 on an individual and Rs 5,000 on a company. The present fine for refusal, seldom enforceable, is Rs 500 with Rs 200 per day after conviction. Improper disclosure attracts a fine of Rs 1,000 and/or imprisonment of six months. There are also penalties for deceiving the collecting officer, obstructing the collection process as well as for destruction of information documents. On the other hand, people’s rights are being protected by forbidding the collecting agency from seeking extra information than what it has been authorized to or disclosing the data to any one other than the government. The trials and appeals have been specified for a judicial magistrate given the pressure on local courts which took longer time in hearing the case. (Indian Express 23/4/07)

### **32. RTI activists threaten action (1)**

CHANDIGARH: Right To Information (RTI) Act activists in the city are ready to take on the UT Administration head on over Estate Office’s plan to charge Rs 10 per query instead of the prescribed Rs 10 per application. According to RTI activists, instructions in this respect from the Estate Office are against the spirit of Right to Information Act, 2005. As per the cost and fee rules, sub-section (2) (i), (ii) and (iii) of Section 28 of the Right to Information Act, there is no provision of additional charges in this clause, and could be challenged under Section 18 of the Act. Section 28, which states procedures for costing and fee procedures, clearly mentions that Rs 10 per application could be charged and Rs 2 could be charged for the print paper on A-4 and A-3 sheets. For information on floppy or CD, Rs 50 per piece could be levied, as per the Act. “We will challenge this aberration at legal forums and CIC too. If needed, we would not resist moving the high court even,” said Hemant Goswami, a RTI activist. Surprisingly, officers in the Estate Office are tightlipped about the issue, and when contacted DC-cum-estate-officer RK Rao refused to comment. “It is the right of every citizen to be informed about whatever he or she wants to know. They cannot be discouraged just because officials believe they are being asked too many general queries,” said Hitender Jain from Resurgence India, “Moreover, Estate Office cannot issue

instructions of 'amendments', which have to come through Parliament," he added. (Times of India 28/4/07)

### **33. Six Arunachal officials fined under RTI Act (1)**

ITANAGAR: Six high ranking Arunachal Pradesh government officials were slapped fines ranging from Rs 3250 to Rs 17,500 by the newly constituted Arunachal Pradesh Information Commission for their failure to furnish information on time under the Right To Information Act. The officials penalised included urban development director, rural development director, agriculture director and chief engineer of public health engineering department, an official release said here on Saturday. The Commission imposed the fines while disposing off complaints lodged by one Dr Ashan Riddi. In another case, the Information Commission has directed the state Public Service Commission to furnish the marks obtained by an applicant and show the merit list of the 1993 state civil service examination within two weeks. (Times of India 28/4/07)

### **34. Over 3,000 RTI appeals pending (1)**

MUMBAI: If you have filed a complaint with the Chief Information Commission (CIC) under the Right To Information Act, seeking details about, say, your income tax refunds, there is every possibility that you may have to wait for several months altogether to get a response. The CIC is the final forum of appeal for thousands of pending complaints under the RTI Act. Under the act, CIC has powers to direct various central government bodies, including income tax, customs, railways, CBI and PMO, to provide information to applicants across the country. Data available reveals that as many as 3,171 complaints and appeals were pending with the CIC till the end of March 2007. A pendency of over 200 complaints has been building up every month over the last one year even though the CIC has been clearing nearly 400 complaints and appeals in the same period. In January this year, the number of complaints received was 743, the number of complaints disposed of was 353, and the number of pending appeals and complaints tallied up to 2,425. Incidentally, the CIC has five information commissioners to hear appeals and complaints, which is considered an adequate number to tackle the workload. The information commission does not have any legal binding to dispose of second appeals and complaints within a specific time period, but RTI activists say that if the commission itself delays in giving orders, then it will have no moral authority to impose time limits on public information officers in various government departments and appellate authorities. "The public information officer usually has other duties besides answering RTI queries and so does the appellate authority. Yet, the RTI act states that they must do their duty within 30 days. The sole reason for the existence of the information commission is to ensure that the RTI Act delivers the promise to the citizens," RTI activist Shailesh Gandhi said. Gandhi has now written to chief information commissioner Wajahat Habibullah for resolving bottlenecks and clearing up appeals on an urgent basis. "Applicants are finding it tough to get information due to huge pendency," Pratap Shah, an RTI applicant, said. The statistical forecast, according to Gandhi, indicates a likelihood of a pendency of 6,837 cases by the end of December 2007. "The solution lies in stricter action against defaulting PIOs and a faster disposal of cases," he said. (Times of India 7/5/07)

### **35. RTI pleas aim at exposing SEZ norms (1)**

PUNE: Around 300 applications seeking clarifications and facts regarding land acquisition and other aspects related to special economic zones (SEZs) were filed under the Right to Information (RTI) Act 2005 by activists in about 16 districts across the country. The applications are likely to be disposed of within the next fortnight. All the retrieved details, regarding the ways and means of creating SEZs, will be put in the public domain by activists groups for scrutiny by civil society. This was disclosed by social activist and Magsaysay award winner Aruna Roy on Sunday, the concluding day of the two-day national convention of the Right to Information crusaders. More than a hundred activists from 23 states reached a consensus on formulating a 16-point agenda for taking forward the campaign on use of RTI. Roy, whose Mazdoor Kisan Shakti Sanghathana's (MKSS) more than two decade old agitation is considered as the pioneer in the fight for an RTI Act, said once the applications seeking information on SEZs were disposed of by the respective state information offices, activists from all over the country would engage in an informed debate on the findings. "This is the first time that the RTI is being used in such a large scale,

simultaneously across the country, to bring out the facts regarding an issue of concern for the country's sovereignty," Roy said. The alleged mismanagement and wilful distortion of rules affecting the SEZs by the so-called 'bureaucrat-contractor-builder-politician' nexus and use of the RTI to expose the "elite's hidden agenda" has been the much discussed issues during the convention. Another Magsaysay award winner, Arvind Kejariwal, said the convention has been a landmark as far as formulating a common nation-wide agenda for the fight on RTI was concerned. "The right to information is one of the most essential elements for the proper functioning of any democracy and we will not allow any dilution in the provisions under the RTI." He cited the chief demands and suggestions made by the delegates which included imposing compulsory penalties on errant officials, extending logistical support to new activists, formation of state level committees for helping volunteers, extension of the RTI Act to cover Jammu and Kashmir, repeal of the system of payment of fee during filing of applications, publication of monthly progress report by state information commissions, action against public authorities who violate RTI rules, hearing both parties before passing any verdict by the commission and so on. "This is the most comprehensive agenda ever formulated by the activists and, if followed with prudence, it could change the entire system of bureaucracy and public governance," Kejariwal said. The convention also decided to have a series of visits to various states by RTI activists working at the state level from July onwards as part of an effort to sensitise the state information officials about the problems faced by activists. In addition, a team of activists led by Roy will be meeting the prime minister soon to oppose the proposals from certain quarters to exempt some of the central departments from the RTI Act. (Times of India 15/5/07)

### **36. Villagers make good use of RTI Act (1)**

ERODE: Right to Information Act and aggrieved citizenry seem to be made for each other, at least in this district. In two recent instances, the people concerned used the Act to extract information from the State machinery, which they thought was either unwilling to part with information or abdicated its responsibility. In the first and most recent instance, villagers from about 20 hamlets surrounding the State Industries Promotion Corporation of Tamil Nadu (SIPCOT) industrial estate near Perundurai wrote to the Corporation seeking details about expansion plans, if any, under the Act. The villagers who feared occupation of their land in the expansion had it confirmed in the reply, wherein the Corporation admitted to a plan to acquire around 1,300 acres. The villagers said their earlier attempts to seek the information from the district administration proved futile, which forced them to resort to the Act. And, but for the Act they would have remained in the dark until end. "The Act is a boon to villagers like us, who, without the Act, would have remained ignorant of the expansion plans until the Corporation served possession notices. Today, however, with the details we are able to group together to fight the land acquisition," said T. Sivanantham, who led last Monday's protest. Similarly, in Sathyamangalam members of the Bhavani Aaru Kudineer, Nilathadineer Paathugaappu Iyakkam (Bhavani river water, potable water and ground water conservation movement) ran from pillar to post to stop paper factory effluents polluting the river and their agricultural lands. Most of their repeated petitions to the Tamil Nadu Pollution Control Board and the district administration to stop the pollution hardly yielded results, which forced them to resort to the Act. In response to their queries under the Act, which pertained to pollution levels, drawing of water directly from the river and power connection, the departments concerned suspended power supply to a few factories. And, the process is on to ensure acceptable level of effluent discharge. In both the instances, the affected villagers said the Act proved to be a great boon. "Earlier the Government officials misled us and the Government, on its part, would not part with information, blindfolding us to happenings around. But now we feel empowered," said Ravi of the river protection committee. (The Hindu 22/5/07)

### **37. Minorities panel to hold RTI camps for Muslims (1)**

Bhopal : With objective of making Muslims aware about the Right to Information Act (RTI), the State Minorities Commission would organise several camps in Muslim-dominated localities and acquaint the people of importance of the Act. The camps would be organised with the assistance of United Reformers Organisation. Apart from the State capital, the camps would also be organised in other districts and developmental blocks of the State. According to sources the

commission would organise its first camp at SBI Square in the first week of June. Later, the camps will be organised at Aishbagh, Budhwara and Jehangirabad, the localities densely populated with the Muslims. Madhya Pradesh Minorities Commission secretary Umar Farookh Khatani while speaking to The Pioneer said that the commission along with United Reformers Organisation is going to organise several camps in Muslim-dominated areas to inform the locals about the importance of the RTI Act. The camp termed as "RTI Promotion Joint Action Plan" to be held at SBI Square, Aishbagh, Budhwara and Jehangirabad, he added. Later, the camps would be organised across the State covering every district and block, Khatani added. The commission will not only provide information on RTI Act in the camp but also organise interactive session to involve the participants. Minister for Minorities Welfare Rustam Singh and Chief Information Commissioner PP Tiwari have also approved to attend the inaugural camp. (Pioneer 23/5/07)

### **38. RTI runs into problems (1)**

PUNE: The Right to Information (RTI) is giving a new power to Indians. But it is also running into bottlenecks, including abuses by officials who are deleting information to prevent it from reaching the people. Citizen-campaigners are reporting missing information in a small but significant number of cases. They believe officials who do not want to release information simply make it vanish. A call for stringent action in 'missing document' cases was made at a national convention of RIT campaigners in Pune, facilitated by the HumJanenge network. Among other things they suggested was a submission of a list of officials who are custodians of the missing documents, filing criminal cases against them, fining guilty officers and probes into deficient record maintaining system. Other anomalies are also coming up. Delays in replying to RTI applications are another problem. To counter this, campaigners want notices to be sent to those causing the delay. They also want that no request for information should be closed until complete information is received and the citizen is satisfied. Activists are demanding that Information Commissioners should not be allowed to manage departments where they had any past dealings. Every commissioner should also pass orders in an open court. Other changes sought in the implementation of the act include hearing both parties in every case and enforcing compulsory disclosures from government officials. The Pune meet also suggested video filming of all hearings at Information Commissions - the autonomous government bodies that govern disputes regarding the non-release of information. It was also felt that Information Commissions should themselves create awareness regarding the law rather than funding NGOs to do so. (Times of India 26/5/07)

### **39. Roadblock: RTI applicants under threat in Assam (1)**

Guwahati, May 25: Prime Minister Manmohan Singh's concerns about the "cancerous" spread of corruption in road construction projects seem to be especially justified in Assam, his "adopted home state" from where he was recently re-elected to Parliament. In fact, those who seek details of a particular road or housing project under the Right to Information (RTI) Act here often find themselves subjected to threats, anonymous calls or even assaults. Take Akhil Gogoi, secretary of the Krishak Mukti Sangram Samiti (KMSS) of Golaghat in Upper Assam, who claimed to have unearthed two scams running into Rs 35 lakh and Rs 25 lakh. He alleged that members of his organisation were harassed, threatened and even physically attacked, forcing many to go underground. "Seeking details of various schemes, we filed RTI applications in the District Rural Development Agency, Zila Parishad and Public Works Department (PWD). Initially, officers in all the three departments told us that they had never heard of such an Act," said Gogoi. Gogoi gave copies of the Act to the three offices but was not given any information. "The PWD and Zila Parishad staff even gave me in writing that they were not bound to disclose any information," he said. It was only after Gogoi approached the State Information Commission that the departments relented. The data revealed two scams under the Indira Awas Yojana (IAY). Under one IAY project, Rs 35 lakh was sanctioned for construction of 140 houses in 12 panchayats. "We went to every village in the 12 panchayats and found that not a single IAY house had been constructed. The panchayat secretaries gave us in writing that they were given only Rs 18,000-20,000 each, but were made to sign statements saying they had received Rs 1 lakh each," Gogoi said. In another case, Gogoi said it was found that Rs 25 lakh was paid to a fictitious firm for purchase of muster-roll registers and measurement books. As KMSS members intensified their RTI campaign, they were reportedly threatened. "Our members have been threatened, beaten up, and even

arrested on false charges. I have been underground, but my wife gets anonymous calls every night," said Gogoi. He has sent copies of his findings to the Chief Minister, Chief Secretary and State Vigilance Commissioner too. In a similar case, Namita Subedi, president of the Teliagaon Mahila Samiti in Sonitpur district, also complained of threats after she exposed corruption in a road repair project. "The contractor warned me that I would have to pay a high price for picking a fight with him," she said. According to Subedi, Rs 30 lakh was allotted for the repair work, but the contractor had not even spent Rs 5 lakh. Reports of RTI applicants being threatened and assaulted have also come in from Udalguri district. (Indian Express 26/5/07)

#### **40. WAPCOS asked to pay penalty for delaying information (1)**

New Delhi : In a decision that could set a precedent in the right to information initiative, the Central Information Commission (CIC) has awarded compensation for "harassment and detriment" caused to an appellant due to delay in provision of information. Information commissioner AN Tiwari has asked Water and Power Consultancy Services (India) Limited (WAPCOS) to pay Rs 2,000 as compensation to appellant Manoj K Kamra for causing him "avoidable harassment, subjecting him to delay and detriment". Though the compensation is a paltry Rs 2,000, it is a significant decision as the CIC usually does not compensate the common man for the expenses incurred during the application process or travelling to Delhi, in case he is a resident of another State. Section 19(8)(b) of the RTI Act 2005 lays down: "In its decision, the Central Information Commission or the State Information Commission, as the case might be, has the power to require the public authority to compensate the complainant for any loss or other detriment suffered." Bikaner-based Kamra had filed an application at WAPCOS, Gurgaon, on April 13, 2006 seeking records of the organisation and balance sheet of consultancy projects of the last three years. He filed his appeal on June 17, 2006 when he did not receive any reply. He received the appellate authority's order on July 17, 2006 with parts of the information. He filed an application before CIC, which was heard in January 2007. Last week, CIC observed that since this was the first RTI application of WAPCOS, the system was not in place. Information Commissioner Tiwari did not levy any penalty on the organisation but awarded compensation to the appellant. In his order, Tiwari said: "Considering the fact that the mishandling of the appellant's matter by the public authority caused him avoidable harassment, subjected him to delay and detriment, he is entitled to some relief." Tiwari suggested that the public authority may recover this amount from the CPIO or any other officer known to have caused the delay in providing information. (Pioneer 5/6/07)

#### **41. Even CIC takes months to award relief under RTI (1)**

New Delhi : The common man's right to information remains a farce even at doors of the Central Information Commission (CIC) - the final appellate body under RTI Act 2005. After being denied information by the babus when applicants seek relief from the CIC, they have to wait for months for an order even after the information commissioners hear their case. Hema and Melvin D'Souza found this the hard way. This Dwarka-based couple had filed an RTI application before Delhi Police's DCP vigilance on February 28, 2006. After fighting for information regarding their FIR, they finally approached the CIC on May 9, 2006. Melvin said: "Usually there is just one hearing on a case. However, we were called for three hearings by information commissioner AN Tiwari. The final hearing was done on February 21 this year. Despite there being no reason for any delay, the order was passed on May 24." Hema and Melvin had to wait for three months before they could get an order from the CIC. They started their quest for information over a year back. "Even now we are not satisfied. We got so many calls from the information commissioner on our cell phones where he wanted to ensure, in some way or the other, that we say we are satisfied with the information provided," Melvin said. The couple is not alone in this. Applicants have to wait not only to get a hearing from the CIC but also for an order. Colonel BK Sharma, who had applied for information to the Ministry of Defence, was heard by the CIC on February 27. The order was passed on May 28 - three months after his hearing. "I received the order on June 5. There was no plausible reason for this delay," Col Sharma said. He had filed his RTI application before the Ministry on August 25 last year seeking information on the Fourth Pay Commission's recommendations on the pay of certain ranks. He approached the CIC in December 2006. RTI activist and Magsaysay award winner Arvind Kejriwal said: "Justice delayed is justice denied.

Several applicants have to wait unnecessarily for orders. RTI Act spells out clearly to the public authorities to provide information within 30 days. Even when this is not supplied, the applicants cannot wait on for justice even at CIC." CIC on its part has no explanation to offer. Chief Information Commissioner Wajahat Habibullah said: "Just like a judge can reserve an order, even the commissioner can. Maybe there has been inordinate delay in a particular case because of certain issues." Habibullah himself has waited on certain decisions. Manish Kumar Khanna, an advocate, had filed an RTI application before the Delhi high court regarding implementation of RTI Act. Habibullah had given a hearing on April 26 but the order was passed only on June 7. (Pioneer 13/6/07)

#### **42. 'RTI query should be placed before Speaker' (1)**

NEW DELHI: The Central Information Commission (CIC) has recommended that an RTI application, questioning among other things, the reasons for permitting MPs to draw remuneration even when the House was adjourned, should be brought to the notice of the Lok Sabha Speaker. "We wish to commend C P Rai's (applicant) conscientiousness as a citizen of the world's most vibrant democracy, reflected in his concern on the functioning of India's supreme representative body, the Lok Sabha of India," said Chief Information Commissioner Wajahat Habibullah. "We, therefore, recommend that his application with its expression of apprehensions and recommendations be placed before Hon'ble Speaker, Lok Sabha for his information," Habibullah said in a recent decision. The CIC's decision came on an RTI appeal, moved against the Lok Sabha (LS) Secretariat, inquiring among other issues, the reasons for which its members were permitted to draw remuneration even when the House stood adjourned. The Commission, however, dismissed the appeal on grounds that the queries raised by Rai, in his application, were more in the form of suggestions and recommendations. In his RTI application filed, on September 13 last year, with the LS Secretariat, the applicant had also inquired on the setting up of the Parliamentary Committee which passed a resolution on the issue of its members holding various offices of profit. The Central Public Information Officer (CPIO) of the LS Secretariat had, thereafter, forwarded Rai's query pertaining to its resolutions passed on the office of profit issue to the Ministry of Law and Justice. (Times of India 17/6/07)

#### **43. RTI Act suffers from funds shortage (1)**

New Delhi, June 17: The Right to Information (RTI) Act, 2005, launched with fanfare by the Congress-led UPA government, is suffering from paucity of funds. An application filed under the RTI has revealed that the government has not spent a single penny on the advertisement of RTI Act, 2005, in the year 2006-07. A meagre amount of Rs 12,98,169 was spent in the year 2005-06 on RTI advertisement by the directorate of advertising and visual publicity (DAVP) from funds allocated to it by the ministry of information and broadcasting. In reply to an RTI application seeking details of how much amount was spent by the government to spread awareness of RTI Act, 2005, through print and electronic media in the year 2006-07, DAVP, the nodal multimedia advertising agency of the government, has replied saying that it had "issued two advertisements in the year 2005-06 amounting to Rs 12,98,169 from funds allocated to it by ministry of I&B". DAVP carried out these advertisements only twice, once in October 2005 and once in May 2006, as part of the government's awareness campaign for the RTI Act, 2005. "However, no amount was spent on advertisement on RTI Act, 2005, in the year 2006-07," DAVP confesses. To a question on whether any directions have been issued to all the chief secretaries of the states by the government to carry on the RTI awareness campaign through district magistrates, DAVP has said that it is not aware of any such directions. DAVP also has "no information" of how much funds have been allocated by the government for the purpose of spreading the awareness programmes of RTI Act 2005 nationwide. As far as the government's efforts are concerned for spreading awareness of the RTI Act to far-flung areas and villages in the country, DAVP responds saying that, "AIR's Vividh Bharti has a reach in far-flung areas of the country. The booklet on RTI has been sent to DFP units for dissemination in far-flung areas." The RTI Act 2005, seeking to empower the common man with information in regard to various activities of the public authorities, is getting step-motherly treatment by the same government who won accolades for introducing the Act. This is evident from the fact that the government spent an inconsequential Rs 6 lakhs in 2006 on awareness of the RTI Act, 2005 in the country, which includes the

publishing of a book on Frequently Asked Questions on RTI Act, in English and Hindi costing the government Rs 29,224 and awareness exhibitions titled "Resurgent India", displayed at several places and audio and video campaign released in private television/radio channels from May 15-19, 2006, incurring an expenditure of Rs 5,40,817..... (Asian Age 18/6/07)

#### **44. No RTI system in place, CIC pulls up ASI (1)**

New Delhi : The Central Information Commission (CIC) has lambasted the Archaeological Survey of India (ASI) for not having a proper mechanism in place to address Right to Information (RTI) applications. Information Commissioner Padma Balasubramaniam pulled up ASI for not installing a mechanism for RTI applications and asked ASI Director General to personally look into unnecessary delay in setting up the mechanism and install requisite machinery at the headquarters as well as its circle offices. The matter came to light with the case of Shashi Kant Sikand. The applicant had filed an RTI application with the public information officer (PIO) of ASI's Delhi circle regarding alterations in a specific building. In that request, filed almost a year back on July 5, 2006, Sikand raised eight queries about the daily progress of his application and who were the officials involved in processing of the application. Sikand received a reply on December 6, 2006. Dissatisfied with the reply, he filed the first appeal on January 4, 2007 with the appellate authority in ASI headquarters. When he did not receive any reply, Sikand filed a second appeal before CIC on February 5, 2007. During the course of hearings, Subramaniam found that ASI had not designated an appellate authority almost two years after the implementation of RTI Act 2005. Subramaniam said: "As far as the installation of a proper RTI mechanism, I would direct the DG, ASI to look into this aspect and provide proper mechanism for handling RTI applications both in the headquarters as well as in the circle office." (Pioneer 19/6/07)

#### **45. Filing RTI applications to become simpler (1)**

NEW DELHI, JUNE 19: The Central Information Commission (CIC) has come up with a 'codified set of regulations', to simplify the process for filing RTI applications. These regulations will help in countering the longstanding problem of dealing with frivolous complaints. The regulations, which will be uploaded on the Commission website tomorrow, will inform applicants, among other things, about how to properly document, scrutinise and complete the forms in order to be admitted for appeal before the CIC. The CIC will henceforth bring out a cause list of the cases coming up for hearing. It will also have a Registry to scrutinise, format and properly document applications. It will also see whether the application is time barred and thus help in early disposal of cases. According to the new regulations, a full bench hearing a case will now comprise three members instead of the existing practice of the full commission sitting for a hearing. Applicants will also be informed whether the matter is to be put up before a single bench, a division bench or the full bench. Chief Information Commissioner Wajahat Habibullah said, "This will make the whole process more systematic. At the same time, it will help the public to know how the CIC functions and how their cases are dealt with." The CIC had in the past tried coming up with a cause list but it didn't work. "Till now, cases without proper documentation were also listed for hearing just because they were marked to the Commissioner. This ended in wasting time. But now the CIC hopes that the process of hearing a case will not be lengthy," Habibullah said. (Indian Express 20/6/07)

#### **46. Assam: RTI applicant alleges assault (1)**

GUWAHATI, June 21: Three weeks after a senior officer of the Assam Civil Service was arrested on corruption charges in Golaghat district through an application filed under the Right to Information Act, a student leader in Udalguri district has complained he was threatened and assaulted for asking questions regarding various rural development schemes. Sanjib Tanti, president of the All Tea Tribes Students' Association of the Bodoland Territorial Council area, filed an FIR at the Paneri police station yesterday alleged that a group of people led by the president of the local panchayat attacked him on June 11 after he extracted some vital documents exposing corruption in several rural schemes. AK Rawat, an official at the police station, told The Indian Express over the telephone that "We have registered a case on the basis of the FIR filed by Tanti." Tanti said he had detected serious anomalies in several rural

development schemes including allocation of houses for BPL people under the Indira Awas Yojana. "It was a difficult task getting information because officials from the block development officer to the deputy commissioner initially refused to accept my application filed under the RTI Act," said Tanti, who was general secretary of the Darrang College Students' Union in Tezpur during 2002-2003. "One senior officer even tried to persuade me not to file the application. They seemed to be scared because I asked about schemes including the Yojana and the MLA and MP local area development funds since 2000," said Tanti. He said the information he had extracted showed that over 60 per cent of the Yojana houses were never constructed. This is the second instance of RTI applicants seeking information about use of development funds have been attacked and threatened in Udalguri district in the recent weeks. Two applicants Niren Pareek and Christopher Minz had to be hospitalised last month after some miscreants beat them up as they were coming out of the Udalguri BDO's office after filing an RTI application. Elsewhere in the state, 'miscreants' also beat up Akhil Gogoi, general secretary of the Krishak Mukti Sangram Samiti, after he filed an application under the RTI Act seeking information about various rural development schemes in Golaghat district. (Indian Express 22/6/07)

#### **47. CIC vacation plan to cripple RTI (1)**

New Delhi : Just when the right to information (RTI) was turning into a revolution of sorts in India, the Central Information Commission (CIC) has decided to apply brakes. It notified new rules - Central Information Commission (Management) Regulations 2007 - on Thursday that make it more difficult for the common man to complain against errant babus wrongfully withholding information. This is not all. Your right to information would have to take a vacation - twice a year. At a time when there is a raging debate over doing away with the judiciary's vacations, the CIC has gone ahead and granted itself two full vacations. During June-July the summer break would be between two and four weeks. This would be topped by a two-week winter vacation. Section 6 of Chapter III lays down: "The commission may have summer vacation of two to four weeks during June-July and a winter vacation of two weeks during December-January, as notified by the CIC... The Chief Information Commissioner may make appropriate arrangements to deal with matters of urgent nature during vacations." It is Chapter IV "Registration, Abatement or Return of Appeal", however, that seems to have introduced a bureaucratic style in filing appeals and complaints. At a time when State Information Commissions are trying to make it simpler for the applicants to file appeals, CIC has made it more difficult. Now the applicants would have to "type, print or write neatly and legibly and in double line spacing" to file an appeal in the CIC. If there are any errors in the application, the registrar would point them out to the applicant and give him only two weeks to rectify them. In case, these are not rectified within the time period, the application would be considered withdrawn by the applicant and the CIC would not consider it. (Pioneer 22/6/07)

#### **48. State RTI rules under scanner (1)**

Bhubaneswar : The execution of the 21-month-old Right to Information (RTI) Act in Orissa and working of the Orissa Information Commissioner came up for scrutiny at a two-day convention on the Act organised by Right to Food Campaign (RFC) here early this week. Attended by acclaimed experts, the meet took a clinical account of the Orissa RTI Act. The study concluded the need to go for a drastic overhaul of the RTI Act. The revamp, it says, is essential for modeling the daughter act fully in agreement with the mother act. Expressing anguish over the Rule-13, regarding realisation of penalties and dues from the applicant-citizen, in the Orissa RTI rules, it calls the rule an adaptation of the draconian colonial rules of Raj era. The rule is for auction of the landed property of a defaulter citizen or civil imprisonment extending from 6 weeks to 6 months, to recover the arrears, if any, if a citizen fails to pay the dues within 30 days of the notice made to him. But the RTI Act nowhere provides any penalty or compensation against the citizen. Rather, it in contrast says penalty or compensation if any shall have to be paid by the PIO or public authority, and thus is an outrageous rape on the sanctity of the mother law. One more rule that runs in contrary to the mother act is, Rule-10 (Calculation of cost of damage) of Orissa RTI Rules-2005. Calling it a draconian provision, it says, what could be more draconian than this, when a complainant citizen asking for a piece of sample of any material structure has to pay compensation if any damage occurs to the said structure in the process of collecting the sample,

starkly in variance with the mother act that holds the public authority responsible. Other provisions of Orissa Act that are at discord with the parent act are: prescription of appeal fees (1st Appeal and 2nd Appeal) in Orissa RTI Rules which contravenes the parent Act, where only four kinds of fees- cost of information, application fee cost, cost of providing information and cost of print or electronic medium are specified. The provision under the Orissa Rules that the applicant has to satisfy the PIO about its identity for considering the application, charging fee from BPL persons for providing the information and cost of the print or electronic medium, mandating the payment by only cash or treasury challan and the provision of single mode of payment for remaining fees only by cash against the provisions like bank draft, Postal order and Money Order as mode of payment elsewhere. Picking up holes in certain judgements of the State Information Commission passed recently, it identified the ones like upholding levy of fees on BPL persons, putting the onus on the complainant to prove the fact, suo moto rejection of complaint without lending an opportunity for personal hearing and above all non disclosure of information on the entire corpus of fund transaction and distribution to the NGOs for organising the awareness campaign on RTI in the State, when the air is abuzz with allegations of large scale bungling. The resolution termed the act of the Commission of not submitting the annual reports under Section 25 of RTI Act till today as a gross violation of the Act. To ensure transparency in the proceedings, it sought video recording of all hearings. .(Pioneer 22/6/07)

#### **49. NRIs in US get RTI (1)**

New Delhi : Now non-resident Indians (NRIs) living in the US would be able to exercise the Right to Information (RTI). The Indian embassy in Washington DC has been brought under the purview of the RTI Act, 2005 and a public information officer (PIO) has been appointed. This does not mean that the embassy's functions alone would be under the RTI Act purview. If NRIs need any information on Government departments in India, they would be able to file an RTI in the embassy, which in turn would send it to the department in India. The information would be given within 35 days of filing of the application. NRIs have already started exercising their right. 10 applications have been filed with the embassy. One of the first applications is regarding Bhopal Gas Tragedy. Somu Kumar, a resident of Virginia, has filed an application requesting information on Dow Chemicals, headquartered in US. Somu expects to hold Dow Chemicals "accountable" in some through this information. Any Indian citizen with a valid Indian passport can do what Somu has done by just paying a nominal fee of 24 cents. Somu says: "Filing an RTI application is easier than the leave of absence applications one wrote in the primary school." This success did not come easily. RTI activists from India and America had to campaign for months to bring the Indian embassy under the purview RTI Act. When the repeated appeals to the Indian embassy went unheard, the activists got in touch with Central Information Commission (CIC) in India. Chief Information Commissioner Wajahat Habibullah issued an order in April bringing all foreign missions under RTI Act. It is only now that the Act is being implemented in America. Washington DC is the first embassy to have declared its PIO and appellate authority also. Rahul Chhabra, counsellor (Press, Information and Culture), at the embassy is the PIO and RS Jassal, deputy chief of mission, is the appellate authority to file the first appeals. Says Arun Gopalan, a resident of Maryland: "Our repeated attempts since November 2006 to get the Indian embassy officials in Washington DC to implement the RTI Act went unheard and then we were left with no other option but to get in touch with the Central Information Commission directly." (Pioneer 24/6/07)

#### **50. RTI breathes life into dying art forms (1)**

BHUBANESWAR: For several age-old and dying arts forms of Orissa, the recently launched Right To Information (RTI) activities have brought the much needed respite from its struggle for existence. The Orissa Information Commission in association with the Orissa Sangeet Natak Akademi has undertaken a special scheme to train the folk artistes of the state in disseminating RTI awareness programmes among the masses. Akademi secretary Manmath Nath Das told this newspaper that the scheme has been visualised by the Commission member and noted social activist Professor Radhamohan while the Akademi has been coordinating the training programmes. In the first phase, 30 'sankeertan' troupes from across the State were invited to a three-day workshop at Puri followed by a similar programme for the 'pala' artistes at Konark that was attended by 30 troupes. The third of the series of workshops will be on 'daskathaia' early

next month, Mr. Satpathy informed and added that folk dances will be dealt with during the later phases. (The Hindu 28/6/07)

#### **51. PM defence: RTI ACT Still evolving (1)**

New Delhi, July 9: Prime Minister Manmohan Singh said that RTI Act was a powerful act, which can empower the people. But despite the fact that the UPA government brought in the RTI Act, implemented it and also appointed the information commissioners, it has consistently tried to stonewall many of the decisions taken by the Central Information Commission (CIC) and the state information commissions. When asked why the government was challenging so many decisions given by the Central Information Commission in the high court, Prime Minister said, "People have made it their business to just ask questions by paying Rs 10 as fees. One needs to use the act judiciously. The act is still in the process of evolving." However, the very purpose of the act is to put questions to the government departments to counter corruption and bring transparency in its working and one need not give any reason for asking the questions to any department. These are the provisions of the act and the website of the Central Information Commission mentions that the act is "to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority...." But in innumerable cases the Central government and even the state government has gone to court when a decision has gone against them. The Central government has gone to court in the case of IFS officer Veena Sikri who has filed an application under RTI asking the government to reveal the files which contained the decision taken to supersede her and several other IFS officers in favour of Mr Shiv Shankar Menon who was made the foreign secretary. When CIC asked them to reveal this information to them, the Central government moved the high court. In another case, government moved court when the CIC decided that the government should reveal the correspondence between former president K.R. Narayanan and Prime Minister Atal Bihari which occurred when violence broke out in Gujarat in early 2002, to the CIC. While in the case of file notings, when the CIC asked the department of personnel and training (DoPT) to remove from their website that file notings need not be revealed as information contained in the files, the DoPT moved court against the CIC. (Asian Age 10/7/07)

#### **52. Sangma uses RTI to get details on use of MLA funds (1)**

Shillong, July 18: With only six months left for the Assembly election in Meghalaya, former Lok Sabha Speaker and NCP leader Purno A Sangma has used the Right to Information Act to get details of the utilisation of MLA funds by the West Garo Hills district legislators. He has obtained information about schemes under 15 legislators, including those of the NCP. In a release issue here, Sangma said, "I am examining details of utilisation of funds for different schemes including CGI sheets, land development schemes, RCC culverts, ring wells, footpaths, community halls and purchase of vehicles." Last year, Sangma had unearthed a scam in the rural innovative housing scheme in Garo Hills that led to the resignation of Community and Rural Development Minister Beckstar Sangma. An FIR was filed in the case and some Block Development Officers were arrested. Beckstar Sangma surrendered to the police and was later released on bail. West Garo Hills Additional Deputy Commissioner F C A Sangma said, "We have supplied most of the information he sought and he must be satisfied as he has not come back to us." The details have been provided along with the amount allocated for the schemes and names of the agencies responsible for their implementation. (Indian Express 19/7/07)

#### **53. CIC puts contentious RTI rules on hold (1)**

New Delhi : The Central Information Commission (CIC) has decided to put its new controversial rules - Central Information Commission (Management) Regulations 2007 - on hold. The Pioneer had first reported these regulations on June 22 - the day they were notified by the commission. The new regulations have made it more difficult for the applicants to file appeals in CIC - the final appellate body - for Right to Information Act, 2005. These were notified without taking any public views. This is not all. At a time when there is a raging debate over doing away with the judiciary's vacations, the CIC had gone ahead and granted itself two full vacations. During June-July the summer break would be between two and four weeks. This would be topped by a two-week winter vacation. Following this report, the CIC was flooded with suggestions and complaints. RTI

activist Aruna Roy met Chief Information Commissioner Wajahat Habibullah last week and pointed out that these regulations had been notified without following due procedure. CIC's own information commissioner OP Kejariwal also raised the issue in the commission's weekly meeting. According to sources, Kejariwal pointed out that he was not present in the meeting when the regulations were passed. Kejariwal, sources said, would also be giving his opinion on the regulations. Speaking to The Pioneer, Habibullah confirmed CIC's move and said: "We have been receiving several representations from many people. We have decided to look at the regulations and if need be we will review some provisions. We are also taking the help of our legal advisor." Chapter IV "Registration, Abatement or Return of Appeal" of the regulations has come under attack from all quarters. It has introduced a bureaucratic style in filing appeals and complaints. Now the applicants would have to type, print or write neatly and legibly and in double line space. If there are any errors in the application, the registrar would point them out to the applicant and give him only two weeks to rectify them. In case, these are not rectified within the time period, the application would be considered withdrawn by the applicant and the CIC would not consider it. Wajahat, however, justified these regulations and said: "These were introduced to bring about uniformity in the procedures followed by different information commissioners. While some commissioners laid down that two copies of documents were required, some other asked for five. So to streamline these procedures we had introduced the regulations." Caught in a tight corner by protest, the CIC is considering the easy way out. It is planning to rename the "regulations" as "guidelines". (Pioneer 24/7/07)

#### **54. Subsidiary of public authority comes under RTI Act: CIC (1)**

New Delhi, July 25 : The CIC has held that any subsidiary company of a public authority will be deemed to be a public authority for the purposes of the RTI Act. Information Commissioner Padma Balasubramanian in her order said that even if a subsidiary of a public authority is registered as a private company, it will come under the purview of the RTI Act and is obliged to provide information and appoint information officers according to the provisions of the Act. Appellant Sammy Traders had sought information relating to its account with State Bank of India, Commercial & International Bank Ltd. The bank refused to provide the information saying that since the RBI had categorised it as a private-sector bank, it was not a public authority governed by the provisions of the RTI Act. Even though the bank is a wholly owned subsidiary of the SBI, it is registered under the Companies Act and has been given licence for banking by the RBI as a private bank, and is not directly or indirectly financed by any government. Rejecting these contentions, the CIC said the admitted fact was that the bank was a wholly owned subsidiary of SBI, which is a public authority. "Since the bank is a wholly owned subsidiary of a public authority, even if it is registered under the Companies Act and treated as a private sector bank by the RBI, the provisions of the RTI Act will apply," the CIC ruled. Holding that the nature of funding of any subsidiary of a public authority is inconsequential, the order stated that the provisions of the RTI Act were applicable, irrespective of whether the bank was substantially funded by any government, Central or state. (Indian Express 26/7/07)

#### **55. No RTI signboards yet in Jharkhand, CIC fumes (1)**

RANCHI, JULY 27: The Jharkhand State Information Commission (JSIC) has taken a serious view of non-compliance of its directives regarding implementation of the RTI Act. "It is unfortunate that our directive is not being honoured by senior government officers," Chief Information Commissioner Harishanker Prasad told The Indian Express. In May, the CIC had found that most offices in the state were yet to display the names and details of public information officers (PIOs) and appellate authorities (AAs). This prompted him to write to all principal secretaries, secretaries, divisional commissioners and district collectors directing them to abide by the Act and display the signboards outside their offices on or before June 15. On Thursday, the CIC inspected various departments in the Secretariat again and found only the home, planning and industry departments had followed his directive. "The other departments had not done so," the CIC said in a report. On Friday, the JSIC shot off another letter to the officers along with his report to explain on or before August 8 why they had not yet implemented the Act fully. Asked if the Act empowers him to seek an explanation from the officers, Prasad said, "The central aim is to ensure that the Act is implemented in letter and spirit." (Indian Express 28/7/07)

#### **56. RTI query on Dutt smoking in prison (1)**

Pune:: Sanjay Dutt's smoking habits inside Yerawada Central Prison has prompted Chandigarh-based Right to Information (RTI) activist Hemant Goswami to file an application on August 2 with the Central Public Information Officer, Office of the Inspector-General of Prisons located at Central Building in Pune and Maharashtra Government, seeking information on reasons for allowing Dutt the concession. The RTI query concerns use of life-threatening toxic chemicals generated from tobacco smoke that has the potential to cause death, said Goswami, who wanted the information to be provided within 48 hours as per the provisions of Section 7(1) of the Act. The RTI query has sought reasons for the decision of the prisons department for not adhering to the Cigarette and Other Tobacco Products Act 2003. (Indian Express 7/8/07)

#### **57. Villagers to be made aware of RTI Act through Daskathia (1)**

Bhubaneswar: Daskathia, a form of dance drama which was once popular at village fairs, will now be used to explain the nitty-gritty of the Right to Information Act and ways to use it in rural Orissa. The Orissa Sangeet Natak Academy, in association with the State Information Commission, launched a three-day workshop for the Daskathia singers who gathered from around 10 districts. A Daskathia party consists of two persons, a chief singer and a palia, who acts as an aide. "Folk art has always been an effective medium. We find Daskathia quite effective and it can be best utilised to serve our purpose of spreading awareness on RTI," said State Information Commissioner Radha Mohan. On the first day of the camp, around 30 artistes were sensitised on topics relating to RTI, its importance and application. "Our basic aim is to educate artistes about the Act and its importance, so that they can use Daskathia as a medium to spread awareness among rural audiences," said Manmath Satpathy, secretary of the Sangeet Natak Academy. "Most artistes here are semi-literate. We are also trying to teach them in an interesting manner through examples, so that they can grasp the concept well," said an official of the Information Commission. "RTI information would be composed into lyrics and sung by them at the valedictory ceremony. The entire narrative would be interspersed with lines relating to the Act and its uses. They would be asked to perform such shows in villages at regular intervals to spread awareness," said Satpathy. (Pioneer 8/8/07)

#### **58. RTI Act puts library in a quandary (1)**

NEW DELHI: Constitutional expert A. G. Noorani's attempt to access the 'Haksar Papers' in the Nehru Memorial Museum & Library (NMML) under the Right to Information (RTI) Act has put the institution — with a sizable collection of "closed papers" such as the Edwina-Nehru correspondence which has never been accessed by anyone — in a quandary. Since the Government funds the NMML it is a public authority and the public can access all papers in its collection. According to an expert committee set up by the NMML, categories such as "closed collections" or "restrictive access" have become redundant under the RTI unless they qualify for exemptions provided under Section 8(1) of the Act. Given the fact that the NMML has built its collection primarily through donations, it has a number of private papers which are "closed." While some have never been accessed by anyone, select scholars have been allowed "monitored access" to some documents as per conditions laid down by the donors. The situation has changed under the RTI though Mr. Noorani was the first person to use the Act to secure access to documents. This prised open the issue for the institution and it became part of the agenda of the NMML Executive Council last weekend. The Council was informed about the advice of the expert committee set up to look at the NMML's access policy in the light of the RTI. As per the experts, the NMML would have to change its existing 30-year embargo on documents and it can no longer deny access to private papers more than 20 years old. Earlier, archival rules provided for a 30-year embargo. Under the RTI, this embargo has been reduced by 10 years. In the case of private papers, the only concession is that the donor is allowed a hearing after which it is for the RTI mechanism of the institution to take a view. This is an area of particular concern for the NMML and the fear is that apprehension of disclosure under the RTI would discourage people from sending their papers to the institution. Conceding the point, particularly vis-à-vis privacy, Shekhar Singh of the National Campaign for People's Right to Information said the best alternative for the institution under the circumstances would be to advise donors of closed papers

to take them back since the rules of access had changed. However, the RTI activist — who was among the eight experts consulted — said even this would be subject to the understanding arrived at between the donor and the NMML at the time of making the donation. Faced with the need to tailor its access policy in line with the RTI, the NMML has decided to convene a meeting of archive managers from across the country later this month to review the prevailing practices, including the limitation on the quantum of material that can be reproduced. Under the RTI, every public institution has to provide photocopies of whatever information an applicant seeks whereas the NMML now allows only a quarter of a file to be photocopied in the lifetime of a scholar for fear of creation of parallel archives. (The Hindu 12/8/07)

### **J&K RTI Act amended, State to have Information Commission soon (1)**

SRINAGAR: Jammu and Kashmir will soon have an Information Commission for which decks were cleared after both the houses of State Legislature approved the amendments in Jammu and Kashmir Right to Information Act, 2004. Some new features have been added to the Act to bring it at par with the Central Act. The amendments, tabled in the Assembly by Chief Minister Ghulam Nabi Azad, were approved by the house after a thorough debate. It was passed by Legislative Council on Saturday amid demands from some members to further improve it. Devendar Rana, Nizamuddin Bhat and M.R. Qureshi suggested some measures in this direction. However, Minister for Consumer Affairs Taj Mohiuddin, who spoke on behalf of the Chief Minister, assured them that all efforts had been taken to make it effective. "It is a step towards greater transparency and will ensure accountability in the state. It is a revolutionary law and important provisions have been included in the amended Act," he said. He added that the State Government had not copied the Central Act though it has been brought at par with that. "We have kept in consideration our own requirements and sensitivities." Principal Secretary of General Administration Department, Khurshid A. Ganai told The Hindu that new provisions have made it a progressive law. He said that under the amended law, the State would soon have an Information Commission headed by Chief Information Commissioner with two other members, who would be at par with the members of Jammu and Kashmir Public Service Commission. The Chief Commissioner would be of the rank of Chief Secretary. "The appointments will be made as soon as Act comes in force" he said. Another important feature of the new Act is that the Commission would be the second appellate authority as well as the sounding board for the complainants. Penalty against erring official was also reviewed. In addition to disciplinary action against him or her, a minimum fine of Rs. 50 per day up to a maximum of Rs. 5000 would be slapped on him. The complainants would have access to office noting as well. "But only after a decision is made public with regard to that noting" said Mr. Ganai. He said that State government would launch a comprehensive awareness campaign about the Act. Rs. 1 lakh has been earmarked for the purpose. However, in accordance to the Central Act, security related issues as also judiciary have been exempted from the jurisdiction of the Commission. .... (The Hindu 2/9/07)

### **J-K's new RTI Act insipid: Habibullah (1)**

NEW DELHI, SEPTEMBER 5: This Saturday, the Jammu & Kashmir Government cleared the passage of the amended J&K Right To Information Act 2005 to bring it in line with the central RTI Act. Chief Information Commissioner Wajahat Habibullah, however, says "the new act with the amendments is deficient and insipid. The amended Act has no penalty clause, in case officers don't supply information and the time limit is 30 days, 'only if practicable'. The phrase 'practicable' lends itself to tremendous misuse by authorities". Critics of the new amended law, like the Commonwealth Human Rights Initiative, that have helped the Central Information Commission study its implications say it is a lot like the Freedom of Information Act 2002 which was very limiting. The Act was later repealed to enact RTI 2005. Habibullah, who is also seen as a key adviser to the Government on matters related to J-K, was in favour of a strong legislation that gives the citizens a sense of being involved in governance and infuses transparency into the system. He was in the Valley last month to persuade the officers concerned with drafting the amendments in such a way that the new act is brought in line with provisions of the Central law. But Habibullah says it hasn't been brought to that level. "While under the Central act, certain security agencies are outside the purview of the Act unless matters of human rights violations and

corruption are involved, there is no such provision in the state despite all central security agencies there like the IB having already appointed PIOs for the purpose. It is ironic. And some agencies like the Attorney General's office, DD and AIR don't have the infrastructure to handle queries," says Habibullah. Sources say the State Government was in a hurry to pass the law so little attention was paid to details. No public consultation was undertaken before the exercise. What constricts right to information• The new law has no penalty clause, which means that the J-K Information Commission is rendered toothless. It does not have the power to punish officers who do not supply information• No compensation will be provided to citizens who suffer due to denial of access to information, unlike the Central law• J-K High Court does not come under its purview• The new law does not clarify that the reasons for seeking information "need not be cited" by applicants. This lack of clarity could be used by officers to deny information to applicants (Indian Express 6/9/07)

### **Own RTI Act, says police chief (1)**

PUNE: Pune police commissioner Jayant Umranikar on Saturday appealed to citizens to believe in the fact that they are the 'owners' of information and government officers merely the 'possessors'. The police chief and Mumbai-based RTI activist Shailesh Gandhi on Saturday gave a series of useful tips to members of the University Women's Association (UWA) on how intelligent use of the Right to Information (RTI) Act could empower them. Admitting that officials who possess information often try to guard it, Umranikar said, "Citizens need to act as the owners and demand their rights. They are empowered by the RTI Act to do so." However, in the same breath, Umranikar underlined the need to ensure that RTI applications sought genuine information. He cited some cases received by the Pune police. One applicant sought to know how many farmers had committed suicide in Maharashtra during the last five decades; while another applicant wanted crime statistics since 1947! Such data is simply not available, he said. Citizens should be careful in exercising the RTI Act, else the RTI Act may lose credibility, he warned. Similarly, citizens can ask about the progress of investigations, but not the names of the witnesses and their addresses as it may hamper the investigation. The same is true about intelligence agencies which are not under the purview of the RTI Act, he said. Umranikar said that a survey by the police had found that of the 100 applications under the RTI Act, 70 were applications made by police employees themselves, seeking information on various administrative issues. "The RTI Act is also beneficial to government officers and employees. Honest officers have nothing to fear from it. I often tell my colleagues that if you have nothing to hide, why not part with the information demanded," Umranikar said. RTI activist Shailesh Gandhi asserted that RTI applications should be intelligently worded as the RTI Act is not a weapon but a method to procure "information that is available" which eventually may lead to investigations if there is an irregularity. While admitting that not all the intelligently worded and genuine RTI applications get a positive response, Gandhi asserted that these do make a difference in the government machinery and pressurise the officers. "They also act as a support," he added. He pointed out that most citizens spend at least ten minutes a day cribbing about the bad condition of a road or bad governance by the chief minister or even the Prime Minister. "Crib for 29 days, but at least file one RTI application a month on the issue you crib about." He said that even if 10 per cent of the citizens in the country start making one RTI application a month it will go a long way. The day-long seminar was organised as part of the national meet of the UWA at the working women's hostel in Gokhalenagar, Pune. Officials of the Indian Federation of UWA including Sudha Padhye, RTI activist Vivek Velankar and senior UWA members, including Malti Kalmadi also spoke. (Times of India 9/9/07)

### **NGO shuns Kashmir move to amend act (1)**

Srinagar, Sept. 10: Commonwealth Human Rights Initiative (CHRI), a New Delhi-based NGO working towards safeguarding human rights across the Commonwealth nations, has ridiculed the Jammu and Kashmir government's recent move to amend its Right to Information Bill in order to bring the existing RTI Act at par with such a law passed by Parliament two years ago terming it a "half-hearted" measure. "The proposed amendments are a half-hearted measure and do not go the whole length of the way to bring the State RTI Act at par with the Central RTI Act," a statement issued by the CHRI on Monday said. It added that there was no visible public

consultation conducted by the state government prior to the tabling of the amendments. "Several MLAs had strongly argued for referring the amendment bill to a joint select committee consisting of members of both the Houses for detailed consideration of the act and the amendments as it is an important law giving effect to a fundamental right of citizens something that was ignored by the state legislature," the statement said. The state government during the just concluded Legislature session tabled a set of amendments to the Jammu and Kashmir Right to Information (Amendment) Bill 2007. The objective of the bill, it said, was to bring the state RTI Act, passed by the Legislature in 2003, at par to the RTI Act 2005, passed by the Parliament. The state government pressed for the passage of the bill and the Legislative Council gave its approval to the amendments. The Bill is being presented to the governor of Jammu and Kashmir for his assent. The CHRI said that the amendments remain inadequate because they do not provide the information to the citizens, seeking information from public bodies in Jammu and Kashmir, the same guarantees and protections available to citizens in other parts of the country under the Central Right to Information Act 2005. "CHRI, therefore, believes that the amendments do not effectively secure the fundamental right to access information to the citizens in Jammu and Kashmir," it said and added, "If the Amendment Bill becomes law, citizens will have inferior rights in matters relating to seeking and obtaining information from the government as compared to that enjoyed by citizens in other parts of the country." According to it, the amendments will create a weak enforcement mechanism for securing compliance of public bodies with the provisions of the J&K RTI Act. It said that the Amendment Bill requires several changes if it has to bring the J&K RTI Act at par with the Central RTI Act and urged the governor to invoke powers under Section 78 of the Jammu and Kashmir Constitution 1956 (1) withhold assent to the Jammu and Kashmir RTI Amendment Bill 2007. (Asian Age 11/9/07)

#### **RTI query on postings has Bengal babus in a fix (1)**

KOLKATA, SEPTEMBER 21 : Top bureaucrats of Chief Minister Buddhadeb Bhattacharjee's Government have been sent running for cover by a simple query put up in a Right to Information (RTI) application. How did the Government appoint three retired chief secretaries to posts not permitted by Article 319 of the Constitution? The Chief Minister, the Leader of the Opposition and the Speaker of the Legislative Assembly are members of the panel that cleared the appointments. On May 16, one Amitabha Chowdhury of a non-governmental organisation filed an RTI with this question: How did the Government appoint Rathin Sengupta, N Krishnamurthy and Sourin Roy to the Human Rights Commission after they had retired from the Public Service Commission (PSC)? Sengupta, Krishnamurthy and Roy were successive chief secretaries when Jyoti Basu was the Chief Minister. Each had been appointed Chairman of the PSC after retirement, and then as salaried member of the Human Rights Commission. Amitabha Chowdhury has also asked for the file notings. The State Public Information Officer (SPIO) of the Home (Political) Department has failed to come up with a reply in the mandatory 30 days. Top bureaucrats of Home and Law departments are also desperately looking for an answer. Article 319, "on prohibition as to the holding of offices by members of Commission on ceasing to be such members", says that the Chairman of a state PSC shall be eligible for appointment as Chairman or member of the Union PSC, "but not for any other employment either under the Government of India or under the Government of a state". When Ananda Ghosh, the SPIO and Joint Secretary of the Home (Political) Department under the Chief Minister received the application, he realised the implications and rushed to Home Secretary Prasad Ranjan Roy, and suggested they get a legal opinion from the Law Department. The Law Department sat on the matter. When the RTI petitioner did not get a reply, he complained to state Chief Information Commissioner (SCIO) Arun Bhattacharya in the first week of September. On the September 12, Arun Bhattacharya wrote to the SPIO, seeking a reply within 15 days. On Thursday, Ananda Ghosh, by now promoted to Deputy Secretary and holding the post of appellate authority, met the Home Secretary again and impressed upon him the need for a speedy reply. SCIO Bhattacharya has told the petitioner he would arrange for an open hearing if he does not get a reply within 15 days. The file notings are also important because appointments to the rights body are made by a panel whose members are the Chief Minister, the leader of the Opposition and the Speaker, among others. .... (Indian Express 22/9/07)

### **Courts, tribunals beyond purview of RTI Act: CIC (1)**

NEW DELHI: In a significant decision, the Central Information Commission (CIC) has ruled that judicial proceedings of courts and tribunals are beyond the purview of the Right to Information Act. "A judicial authority must function with total independence and freedom, should it be found that an action initiated under the RTI Act impinges upon the authority of that judicial body, the commission will not authorise the use of RTI Act for any such disclosure requirement," the commission said. Section 4(1) of RTI Act does not apply to judicial proceedings conducted by a court or tribunal as it refers only to administrative and quasi-judicial decisions of public authorities, the CIC added. Terming any intrusion with regard to judicial work as "unnecessary", a full bench headed by chief information commissioner Wajahat Habibullah noted, "Judiciary is independent and all judicial authorities including all courts and tribunals must work independently and without any interference insofar as their judicial work is concerned." The order came on an application by Delhi-based chartered accountant Rakesh Kumar Gupta, who had sought from the Income Tax Appellate Tribunal (ITAT) copies of minutes maintained by members of its bench in an income tax assessment case of Escorts Limited and had also asked for inspection of the case records. The matter, which was taken up with CIC following ITAT's denial of information, was contested by the tribunal on the ground that as per relevant rules of Income Tax Act, copies of its orders could only be provided to the assesses concerned. The tribunal further contended that Escorts Limited had "strongly objected" to such inspection of records which contained its IT assessment details. "It would not be appropriate for the commission or any entity functioning as part of the RTI regime to pronounce on the disclosure of a given set of information, if it is found that under another law (such as Income Tax Act), this disclosure function is exercisable as part of the judicial function by a judicial authority, such as ITAT," the bench noted. Dismissing the applicant's plea that anyone seeking inspection of records should be allowed on payment of prescribed fees, the commission said the RTI Act gave "total discretion" to the court or the tribunal to decide as to what should be allowed for disclosure. The commission, which has remanded the case back to the president and appellate authority of ITAT to determine the issue of disclosure of information, made it clear that any remedy, if available, to the applicant shall only be under the Income Tax law. Discussing at length the differences between the RTI Act and procedures prescribed by High Courts or tribunals in providing information, the bench observed, "Neither provision prohibits or forbids dissemination of information or grant of copies of records." (Times of India 27/9/07)

### **Don't exempt public bodies from RTI: CIC to ministries (1)**

NEW DELHI, SEPTEMBER 28: The Central Information Commission (CIC) has held that whether an entity is a public authority can only be determined under the provisions of the Right to Information (RTI) Act and not on the basis of certificates given by ministries. In his order, Information Commissioner A N Tiwari said certificates given by ministries or government departments about an organisation being or not being a public authority have no validity and advised the ministries and government departments to refrain from exempting public bodies from the purview of RTI Act. The ruling came after the Securities and Exchange Board of India (SEBI) declined to provide information on certain IFCI (Industrial Finance Corporation of India Ltd) bonds to appellant V T Gokhale on the grounds that IFCI had claimed that it was not a "public authority" and had produced some communication from the Ministry of Finance to prove its case. Holding this to be untenable, the CIC said: "The fact that whether an entity is a public authority or not can only be determined by the authority competent to take such a decision. Under the provisions of the RTI Act, not only is it incorrect for entities like IFCI to seek such certificates from the ministries or departments, it is even more incorrect for such ministries or departments to issue such certificates. The Commission would advise the ministries and departments to refrain from such actions." The Commission in one of its earlier decisions had ruled IFCI to be a public authority under the RTI Act as 23.53 per cent of the company's finances were provided by the the Government. It also noted that although IFCI was currently a private company, it was established by the Government as part of a parliamentary legislation in 1948. The CIC sent back Gokhale's request to SEBI to consider it afresh saying though SEBI has uncritically accepted the so-called certificate from the Ministry of Finance as a final proof that IFCI is not a public authority, it should examine IFCI's claims under the provisions of the RTI Act. (Indian Express 29/9/07)

### **RTI report cards for Ministries from next year (1)**

New Delhi : Two years after introduction of the Right to Information Act 2005 in India, the Central Information Commission (CIC) has decided to give grades to Ministries and departments to indicate how well they fare on RTI implementation. The grading system, which would classify even PSUs and aided Government bodies, will be introduced next year. Taking a leaf out of Canada's book, CIC has decided to give these grades in the annual report submitted to the Centre. The grading system would be introduced to indicate the extent to which a department is meeting its responsibilities under RTI Act. Various parameters would be used to grade Ministries and departments. These would include time required to process an application, refusal of requests for information, training of staff, quality of mechanism for implementation of RTI Act and feedback of the common man. Speaking to The Pioneer, Central Information Commissioner Wajahat Habibullah said: "We have decided to start the grading system in order to improve the efficiency of the Ministries. When we have a report card in which grades are given, we have a criteria to gauge performance on. Implementation of RTI Act would gradually become a matter of prestige." The grades are likely to range from A to F, with A being the highest grade. According to sources, the classification could be A for 'Ideal' and F grade for "Red Alert". In Canada, the Commissioner's office has introduced a grading system and a department is chosen each year for a review. However, CIC would first grade all the Ministries and then review their progress periodically. Habibullah said: "We are trying to work out the modalities for introduction. We should be able to introduce it by next year." In Canada, the grades are A for Ideal, B for Substantial where the department has minor deficiencies and refuses information in 10 per cent of the cases, C for Borderline, D grade for Below Standard and F for Red Alert where the deficiency in service is so high that it needs departmental effort to improve the situation. A similar grading system would be introduced by CIC. The terminology might change. (Pioneer 5/10/07)

### **CIC rebukes PMO for sloppy handling of RTI queries (1)**

New Delhi: The Central Information Commission (CIC) has ticked off the Prime Minister's Office (PMO) over the way applications under the Right to Information (RTI) Act 2005 are being handled and has said the practice is "unbecoming" of the PMO. The functioning of PMO officials came under the scanner of the CIC in two successive RTI cases last week. The CIC found that first appellate authority was passing uniform orders written in a set pattern in all the cases. Chief Information Commissioner Wajahat Habibullah admonished first appellate authority Usmani and said that his orders seemed to have been passed "without application of mind". A similar observation has been made in Habibullah's two orders. As per CIC records, Usmani's orders follow a uniform pattern in which only the date is changed. His uniform orders say: "After due consideration of the matter in terms of the relevant provisions of the Act, it is observed that the Central Public Information Officer of the PMO has followed the statutory provisions and taken action as appropriate in response to your application dated (specific date given)." In the first case, applicant Ashok Kumar, a resident of Deoria, Uttar Pradesh, had applied for information regarding 13 different Ministries. These were forwarded to the respective Ministries by the PMO. However, the applicant was dissatisfied and pointed out that in some cases the PMO had forwarded his request to the wrong Ministry. When he went in for appeal to the first appellate he received a uniform order - a practice which was repeated in case of Kuldeep Sharma of Kamla Nehru Nagar, Ghaziabad. Habibullah has said that this practice is "undesirable" and "unbecoming" of the PMO. He has directed Usmani to stop this practice. In his order he has said that these are not the only cases but such practice has been observed in the past as well. In his order, the Chief Information Commissioner has said: "It is noticed that the order of first appellate authority Jawed Usmani is similar to a number of orders that the first appellate authority has given in its first appeal before him in the PMO, leading to the suspicion that this is a standard order issued without application of mind. In this case, as in the other examples cited, the orders are not speaking orders... The appellate authority PMO is directed to discontinue any such practice in disposing of appeals under the RTI Act 2005." The CIC again said: "The practice of the first appellate authority in PMO, Jawed Usmani, appears to be to give a standard response to first appeals, which is undesirable." (Pioneer 9/10/07)

### **Rlys didn't want you to know: spent Rs 20 lakh on 2 visits by US students (1)**

NEW DELHI, OCTOBER 13: Between December 2006 and May 2007, the Indian Railways rolled out red carpet worth Rs 20.38 lakh for students from Harvard Business School, Wharton, MIT Sloan School of Management and the US-based Industrial College of Armed Forces, playing host for Minister Lalu Prasad Yadav to narrate his turnaround story. In response to a Right to Information query filed by The Sunday Express, the Railways Ministry first declined to give this information citing Clause 8, sub-clause (1) (j) of the RTI Act, 2005 which relates to "personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual..." It was only after The Sunday Express filed an appeal against that reply that the Railways finally released these figures. Of this amount, Rs 7.17 lakh was spent on "tentage etc" when the Railways hosted students from MIT Sloan School of Management. Another Rs 4.12 lakh was spent on arranging tea, coffee and lunch for this group. As for the group from Harvard and Wharton, the bill included expenses worth Rs 4.20 lakh on "provision of infrastructure, front gate, tentage and decoration etc" and another Rs 4.29 lakh for tea/coffee and lunch. (Indian Express 14/10/07)

#### **Relevance of Official Secrets Act now limited,(1)**

NEW DELHI, OCTOBER 14: Chief Information Commissioner Wajahat Habibullah has said he is "presuming" the Government is undertaking a review of the 1923 Official Secrets Act (OSA) — Major General (retired) V K Singh is its latest victim, booked for writing on corruption in the RAW — in view of the transparency regime ushered in by the 2005 Right to Information Act. Speaking to The Indian Express, Habibullah said: "I am very clear that when there is a direct conflict between the OSA and RTI Act, it is the RTI which prevails. The OSA cannot be used in a manner in which it is inconsistent with provisions of the RTI Act." "The OSA is a colonial law that protects the Government from the public. In a democracy, the public is the Government. Earlier, OSA was the guiding principle in terms of custody of information held by the Government. Now custody of information held by the Government has been given to the RTI Act," he said. According to Habibullah, even on the question of supplying information or documents marked "secret" (thereby, bringing it under OSA), the competent authority or information officer could use discretionary powers to disclose details. This, he said, was relevant, for instance, to Section 8 (j) of the RTI where a Central Public Information Officer can disclose personal information that has been sought provided "public interest in disclosure outweighs the harm to the protected interests." As per provisions of Section 8 (d) and (e) of the RTI, in case the RTI request pertains to commercial information or information to a person in his fiduciary relationship, the competent authority, if convinced that "larger public interest" is served, may part with it. The "competent authority", Habibullah said, is the Department of Personnel and Training which holds administrative supervision of the RTI. "Even documents marked secret or confidential, which would normally attract provisions of the OSA, can be disclosed since the discretionary provision is there in the RTI Act. And if these requests are turned down, the applicant can always appeal to the CIC and argue about the public interest served. With such RTI provisions, the relevance of OSA has become very limited," he said. His comments are significant given the fact that the Second Administrative Reforms Commission has recommended scrapping of the OSA. The Ministry of Home Affairs is examining the recommendation. (Indian Express 15/10/07)

#### **Information still elusive for common man (1)**

New Delhi : Even two years after the Right to Information (RTI) Act was introduced in India, the right remains a far cry for the common man. RTI has gradually become synonymous with waiting for an average of seven months before being heard at Central Information Commission (CIC), not being heard personally at CIC and even taking the battle to the judiciary to access information. A case in point is that of students who have been fighting for transparency in the Union Public Service Commission (UPSC). It all started with the UPSC examination results in 2006. Doubting the results, some civil service aspirants applied for information on the cut-off marks under the RTI Act 2005 in August that year. Claiming this to be its "intellectual property", the UPSC refused to divulge this information. Despite an order of CIC in November last year, the UPSC has refused to give information on exact marks received by each candidate in the civil service examinations. Instead, it approached the Delhi High Court over the issue. The matter is still awaiting final order. The aspirants have been fighting for the information for one year and two months. And it is still

elusive. This is despite the fact that the State Public Service Commissions have started divulging information related to marks. RTI has been used by students in States, like Chhattisgarh, to unearth scams in civil service examinations. A similar case is that of Muzibur Rehman who took upon himself to reveal misappropriation of funds on the part of South Eastern Coalfields Limited (SECL). He suspected that SECL had collected money from its employees for PM's National Relief Fund (PMNRF) but had not really deposited it. His battle started last year in June. After hitting a roadblock when SECL did not provide full information, Rehman applied for information in the PMO in September last year. The case is pending for final hearing in CIC. As reported earlier by The Pioneer, PMO's inquiry has found that the Coal India Limited had withheld funds from PMNRF and violated rules. It has taken over a year for Rehman to get the information. Even now, his case has not been disposed of. Experts blame CIC, which is the final appellate body under the RTI Act, for the poor implementation of the Act. An examination of appeals pending with CIC reveals that on an average an applicant has to wait at least seven months to be heard. And experts predict that at this rate, this waiting time is all set to increase to two years. According to a survey conducted by Parivartan, an NGO, last year of 568 appeals before CIC, 309 cases were disposed of without even being heard. Neither the applicant nor the public information officer (PIO) was called in these cases. This means that over 54 per cent of the applicant were not even heard. In certain cases, appellants still have to approach the High Courts to get a special order for a personal hearing. In case of Yoga Rangatia Vs Ministry of Health and Family Welfare, the appellant had to approach the High Court for a personal hearing. Despite a pointed order by the court, CIC has still not made personal hearings mandatory. According to RTI Rules 2005, it is up to the appellant to decide whether he wants to be heard in person or in writing or not heard at all. The appeal rules lay down that it is the duty of CIC to give them an opportunity to be heard. In a case Jaikant Gupta Vs National Project Construction company, the Delhi High Court termed the functioning of CIC as 'curious'. The High Court remanded the case back to CIC and asked the commission to start fresh hearings. (Pioneer 15/10/07)

#### **CIC for amendments to RTI Act for better implementation (1)**

New Delhi : The Central Information Commission (CIC) and the State Commissions have sought several amendments to the Right to Information (RTI) Act 2005 to ensure its better and efficient implementation. The proposed amendments include power of contempt that would mean initiating action against Government departments for not executing the CIC's orders, introducing penalties on babus for illegal destruction of records and financial autonomy to information commissions. On the second anniversary of the introduction of the RTI Act in India, the CIC held an interactive session with State Information Commissions on Wednesday here to deliberate on issues like better implementation of the RTI Act. After discussions, a list of recommendations has been prepared. One of the main recommendations is to introduce an amendment to the RTI Act 2005 that would empower it to take action against non-compliance of its orders. Central Information Commissioner AN Tiwari pointed out that there were several instances of non-compliance of orders in which the SICs and CIC just had the option of issuing showcause notices or warnings to Government departments. Another recommendation is to introduce an amendment that would make the amount of penalty imposed or compensation awarded to the applicant recoverable as "an arrear of land revenue". So far, penalty is imposed only on the public information officers (PIOs) in case of wrongful denial of information or not giving full information. An amendment has been sought to make even the first appellate authorities more accountable by giving the CIC power to impose penalties. There is no fee for appealing to the CIC or the first appellate authority. However, an amendment has been mooted to have a fee for appeal, except in case of applicants who are below poverty line (BPL). Minister of State for Personnel and Public Grievances Suresh Pachouri who was present at the conference, assured the CIC and State Information Commissioners that the Centre would consider the recommendations. He said: "We have received the recommendations now. We will examine the amendments and see if they would be feasible." ..... (Pioneer 18/10/07)

#### **Provision for unemployment allowance under NREGS worries RTI officials (1)**

Bhubaneswar : The provision of unemployment allowance under National Rural Employment Guarantee Scheme (NREGS) seems to have come as another terror for the officials of the Right

to Information Act. About 62 people from Khandiaguda village in Nabarangpur district applied for jobs under the NREGS on October 4, 2007. Initially, the applications were rejected by the Panchayat authorities but their applications were finally accepted on intervention of the Block Divisional Officer (BDO). According to the National Rural Employment Guarantee Act, people would get work within 15 days of their application, failing which they would be eligible for unemployment allowance. A total 62 people, who failed to get work within the stipulated period, staged dharna on October 23 in front of the Block Office demanding their due allowance. The villagers submitted the set of applications for unemployment allowance to the BDO In-charge Suresh Mishra. Even though, the Block Office received the same, the duplicate copies were not stamped with the official seal. On being asked whether the people would be paid the unemployment allowance, Mishra, in a confessional voice replied, "We would have given the jobs by October 19, but due to the Puja holidays, we could not do the same. But we promise to provide them the jobs within two days." He was evasive to the question on why the official seal was not put on the duplicate copies of the unemployment applications. State Advisor to the Right to Food Commission of Supreme Court, Rajkishore Mishra, however asserted, "The Act is clear on the time stipulation of 15 days; pleas like vacations, elections, drought, flood etc cannot be considered as valid reasons to deny the villagers' right to get work in time." A village youth, Ramnath said, "We will continue the dharna till we get our due allowance, specified by law." Parvati Muduli, a woman of the village who is also participating in the dharna said, "We will not be befooled by the Panchayat secretary, who is now requesting us to forgive him. It is the same person and the Village Agricultural Worker (VAW) who had bluntly refused to receive our applications." NREGA is primarily a centrally sponsored scheme, with 90 per cent of the total cost being borne by the Centre and the rest 10 per cent by the State Government. The Act clearly states that all the unemployment allowances are to be paid by the State Government as it will be held responsible in cases of failure in providing employment within 15 days. But, the State Government has declared that the District Collectors, who are the District Programme Coordinators under NREGS in the State, will be punished in case employment is not provided within the due time, leading to the situation of disbursement of unemployment allowance. The Collectors must have passed similar instructions to their sub-ordinates. "This may be the reason behind the fear among the officials regarding the whole provision of unemployment allowance. As a result they are avoiding to acknowledge the genuine cases of unemployment allowance fearing it would be claimed from their pocket," says Jitendra Rath, a social activist. In the State, there is not a single officially reported case where unemployment allowance has been paid to job seekers, though in one instance in Nabarangpur district, the Village Level Worker (VLW) paid the allowance to a group of women who sat on dharna in front of his house and refused to budge. District Collector Sibaprasad Mishra said that he would comment on the matter only after getting the fact. (Pioneer 25/10/07)

#### **CIL conduct most unbecoming, take action against violations: CIC to PMO (1)**

New Delhi : The Central Information Commission (CIC), the final appellate authority for the Right to Information (RTI) Act, has directed Prime Minister's Office (PMO) to take immediate action in the case of non-deposition of funds meant for Prime Minister's National Relief Fund (PMNRF) by the Coal India Limited (CIL). The CIC had asked PMO director DPS Sandhu to conduct an inquiry into the funds collected from employees for the PMNRF and the final depositions made in the PMNRF by the CIL. This was after an employee of CIL subsidiary South Eastern Coalfields Limited (SECL), Muzibur Rehman, had filed an RTI application seeking details of depositions by the CIL. The PMO inquiry report, first published by The Pioneer on October 8, revealed that out of a total of Rs 40.65 crores collected through contributions from employees of the CIL, only Rs 30 crores were received by the PMNRF. The CIL has, however, denied allegations of any irregularities in depositing the money collected by it for the PMNRF. The CIC heard the matter on Tuesday and said that the conduct of the CIL was "most unbecoming". Directing PMO to take "remedial action", Chief Information Commissioner Wajahat Habibullah said: "In the light of the gravity of the information now disclosed, it is expected that the PMO will take remedial action in a matter where it would appear that the name of the PMNRF has been invoked by a public authority acting in a manner most unbecoming." Rehman in his application had cast doubts over the actual deposit of funds raised in contribution towards calamities like - Latur earthquake (1993), Orissa

cyclone (1999), Kargil war (1999), Andhra Pradesh cyclone (1996) and Gujarat earthquake (2001). Apart from diversion of funds, the inquiry, which was initiated on August 6, has found that collections made for welfare of 2005 J&K earthquake victims have still not been transmitted to the PMNRF. The funds collected for the welfare of Kargil martyrs' families in 1999 were transmitted on August 27, 2008 after the inquiry was initiated. The report also revealed that funds not deposited were being used as working capital, which was in itself unauthorised and had caused loss of interest to the PMNRF. It further said that providing tax relief to the employees who had contributed money towards the National Relief Funds while not transmitting the money thus collected could be a violation of the Income Tax laws. (Pioneer 25/10/07)

### **Does RTI apply to Parliament? (1)**

New Delhi, Oct. 31: Is the Right to Information Act applicable to get information on the affairs of Parliament, its proceedings and on expunged remarks? This is a question being faced by the authorities at a time when parliamentary committees face two key issues: codification of privileges of MPs, and offices of profit. Sources said demands under the RTI Act for original documents placed before the two Houses and on remarks expunged by the Chair were increasing. The authorities are yet to determine whether Parliament, as an institution, is required under the RTI Act to furnish such information. The Lok Sabha privileges committee and another committee looking into misconduct by MPs are studying these issues for the past few months and will submit reports soon to Speaker Somnath Chatterjee. What exactly constitutes a breach of parliamentary privilege has never been precisely defined. The privileges committee of the Lok Sabha has been working on trying to determine if there was a need to codify such privileges. The privileges committee is also expected to decide on November 16 on the "headless chickens" controversy involving India's ambassador to the United States Ronen Sen in the light of his apology. Some reports have suggested that the committee has decided not to proceed with the matter in view of Mr Sen's explanation. Mr Sen is scheduled to also appear before the Rajya Sabha privileges committee on November 2 for a similar hearing. The committee on Wednesday finalised its report on the issue of disqualification of three BSP MPs, and this will be submitted to the Speaker. Sources said the committee's proceedings were more in the nature of fact-finding and it had not gone into the merits of the case. The BSP has filed petitions against Mohammad Shahid Akhlaque, Ramakant Yadav and Bhalchandra Yadav, who have already appeared before the committee. (Asian Age 1/11/07)

### **'RTI has amplified the possibilities of transparency in work' (1)**

Bhopal : Right to Information has taken shape of an international movement, said PP Tiwari, Chief Information Commissioner. He was speaking as a chief guest in a symposium on the topic of 'Right to Information: Execution and Possibilities' here on Wednesday. Administration of academy organised the programme under the UNDP project. On the occasion, Vijay Chandra, deputy secretary MP Human Right Commission, Mala Shrivastava, Director General of the academy and convenor Rajeew Shukla were also present. Tiwari said RTI has amplified the possibilities of transparency in judiciary and executive along with enhancing the liabilities of public servants. He further said still there is lack of awareness about using the Act but good results have come up wherever its effective execution has started. He informed the process of taking information on phone under the Act has been developed despite all the contradictions. Vijay Chandra said people have not started taking information in rural areas so far. He stressed the Act is helpful in curbing corruption. He gave example of sea change in the speed of developmental works in a village, Narayani of Banda district, UP, within a month after villagers sought information of status of development works. (Pioneer 1/11/07)

### **RTI applicant gets irrelevant info (1)**

PUNE: In what could be said to be a mockery of the Right to Information (RTI) Act, the Pune Municipal Corporation (PMC) on Friday issued 224-pages of 'irrelevant information' to an applicant, including a copy of a court petition filed by the applicant himself! RTI activist Vijay Kumbhar, who was the recipient, has demanded that Municipal Commissioner Pravinsinh Pardeshi impart training to the municipal information officers about the procedure laid down for providing information to RTI applicants. The case goes like this. In 2001, Kumbhar had filed a

petition in the Bombay high court challenging PMC's decision to appoint Shivshakti Pratishtan, an organisation patronised by Congress corporator Aba Bagul, to manage the municipal sports complex in Sahakarnagar. In 2003, the HC upheld Kumbhar's argument that the pratishtan was awarded the said job without calling tenders. The HC directed the PMC to quash its contract with the pratishtan and take possession of the said sports complex. On September 30, 2007, Kumbhar filed an application under the RTI Act, seeking to know the names of officers entrusted with the job of taking possession of the complex and a copy of the panchnama carried out during the possession. In September, the media had reported theft of computers and other equipment from the sports complex. Kumbhar wanted a list of the things stolen and sought to know what action was initiated by the PMC against the security staff and the date on which the police case was lodged. Kumbhar was expecting a one-page answer to his application and a copy of the panchnama. However, he was shocked on Saturday to get 224 pages from the Sahakarnagar ward information officer. What's more, these 224 pages contained press cuttings about the HC's ruling, two copies of the agreement between the PMC and the Shivshakti Pratishtan and correspondence between Bagul and the PMC. It also included a copy of the petition filed by Kumbhar in the high court and the supporting documents he had attached to it! "I had not even demanded this information. Why would I demand a copy of my own petition? They have tried to misguide me by not supplying the demanded information," Kumbhar told the PMC's appellate information commissioner Suraj Mandhre on Saturday. Though Mandhre has promised to provide the information and find out why irrelevant information was given by the Sahakarnagar officer, Kumbhar has issued a letter to Pardeshi stressing the need to impart training to municipal information officers. (Times of India 5/11/07)

#### **RTI plea on Kalam letter is rejected (1)**

New Delhi, Nov. 20: The Central Information Commission turned down an RTI application seeking details of correspondence between former President A.P.J. Abdul Kalam and Congress president Sonia Gandhi on the formation of government after the 2004 general elections. "The communication between the President of India and the leader of a political party and the correspondence between them concerning formation of a government is information exchanged in confidence and is politically sensitive in nature," chief information commissioner Wajahat Habibullah has said. Upholding the decision of the President's Secretariat in denying details to an applicant, Mr Milap Chorasias of Delhi, of such correspondence, the commission said, "The information asked for is one which is available with the President of India in his fiduciary relationship and hence can not be disclosed." While rejecting the applicant's plea that the information sought concerned a larger public interest, Mr Habibullah in his order said that such a correspondence were "politically sensitive" which called for preservation of confidentiality. (Asian Age 21/11/07)

#### **Showcause notices to panchayat information officials under RTI Act (1)**

Bhubaneswar : The State Information Commission has issued notices to the Panchayat Information Officer (PIO) of Mahalpada Gram Panchayat and his predecessor, asking them why they should not be penalised for denying information to an applicant. They have to submit their reply by January 3. Sources said Rabindranath Nayak of Mahalpada Village of Gop block in Puri district had sought information under Section 6(1) of the RTI Act. While panchayat official Ajay Kumar Seth, executive officer of the GP denied to have received the application. So applicant Nayak made five applications before the Gram Panchayat Extension Officer (GPEO) of the Gop block on May 29, 2006. The GPEO MS Munda forwarded these applications to PIO Ajay Kumar Seth, executive officer of the GP, on June 6, 2006. After the same, several times the applicant visited both office of PIO and GPEO for the information but the authorities maintained silence. However, after four months the PIO informed Nayak to deposit Rs 383. Nayak deposited the amount with the secretary of the GP Laxmidhar Sahoo. But as the PIO remained quiet, applicant Nayak made First Appeal before the First Appellate Authority (GPEO) on November 11, 2006. However there was no response. In the meantime Seth was transferred. The present PIO of Mahalpada GP Pravakar Nayak informed to the applicant to deposit Rs 740 again for the applied information on December 16, 2006. Later, applicant Nayak made the Second Appeal before SIC on February 15, 2007. On the forth hearing of the second appeal case (50/2007) on December 6,

the SIC directed the GP secretary to refund the received amount of Rs 383 to the applicant within a week and issued a show-cause notice to Seth, Nayak and Sahoo as to why they would be not penalised. Sources said the SIC can impose a maximum fine of Rs 25,000 in each case. As Nayak had filed five applications the maximum penalty can be Rs 1.25 lakh. (Pioneer 11/12/07)

### **RTI brings out irregularities in public distribution system (1)**

Guwahati, December 11: Huge quantities of rice, atta, kerosene oil, sugar and salt, meant for the consumption of people through the Public Distribution System (PDS), have found their way to the open market in the districts of Golaghat, Jorhat and Sivasagar, claimed Akhil Gogoi, general secretary of Krishak Mukti Sangram Samiti (KMSS), an NGO fighting for rights of farmers in rural Assam. While between 60 to 70 per cent of rice meant for those Above Poverty Line (APL) did not reach the cardholders, huge quantities of rice meant to be distributed under the Antyodaya and Annapurna schemes among BPL families were also slipping out to the black market, Gogoi said. "We have dug out over 1.85 lakh photocopies of documents from the district civil supply officials and village panchayats, which, when analysed in a scientific manner, have revealed massive irregularities in the public distribution system," Gogoi said, showing six stacks of documents to the media. Gogoi and his team of 20 members spent over 45 days, working 16 to 18 hours a day to analyse the heaps of documents which they managed to extract from the authorities with a lot of difficulty despite making use of the Right to Information Act. "It was a difficult task. Though we used provisions under the RTI Act, officials at various levels tried to stop us from extracting information. I submitted my application way back on March 5, but the authorities relented only after we approached the state Information Commissioner," Gogoi said. He said he received the information only in October, which itself amounted to gross violation of the RTI Act. He said while Golaghat district was allotted PDS items worth Rs 58 crore between April 2006 and March 2007, at least 2,719 quintals of Antyodaya rice and 5,425 quintals of BPL rice dispatched from the FCI godowns never reached the Samabaya Samiti (cooperative society) godowns. "This is just about the Antyodaya and BPL rice. There are several other items, including atta, sugar, kerosene oil and salt, which disappeared on their way to Samabaya Samiti. Moreover, the ordinary villager has been forced to pay more for the items against prices fixed by the Government," Gogoi said. He claimed that while villagers testified that they were buying Antyodaya rice at Rs 4.50 to Rs 5 per kg against the fixed price of Rs 3 per kg, Samabaya Samiti secretaries and agents also admitted that they were selling items at higher prices. The quota of rice and other items for each family was also reduced at will by Samabaya Samiti officials in order to divert the food items to the black market, he claimed. "Some of them said they paid bribes to supply officials at the district level. Several Samabaya Samiti secretaries gave us in writing that the district deputy director of civil supply took between Rs 3,000 and Rs 5,000 per month from them, while supply inspectors took between Rs 1,000 and Rs 2,000 per month," Gogoi said. "There is information that bribes go up to officials and political persons too," he added. (Indian Express 12/12/07)

### **RTI activists stage dharna on social audit (1)**

JAIPUR: Right to information activists led by Magsaysay award winner Aruna Roy started a dharna outside the office of the Banswara District Collector on Wednesday even as the Rajasthan Government made it clear that it would rather have a separate social audit on the National Rural Employment Guarantee Act (NREGA) programmes in the district than cooperating with the NGO groups which had scheduled to carry out the exercise there from December 10 to 20. The protestors who squatted in the open after their tents were dismantled by the administration in the afternoon, included activists, researchers and academicians from Gujarat, Madhya Pradesh, Uttar Pradesh, Bihar, Karnataka and Meghalaya besides Rajasthan and Delhi. Many of them had participated in the much-acclaimed social audit on NREGA held two years back in Dungarpur district. Rajasthan Minister for Rural Development and Panchayati Raj Kalulal Gujjar, even after swearing by the Government's commitment for transparency in NREGA works and social audit, blamed activist groups for trying to malign panchayati raj bodies. The NGOs were free to gather information under the provisions of the Right to Information Act but they cannot make any claim on the right to hold a social audit, he said here in a statement. The Minister's clarification came in the wake of the activists under the banner of "Rozgar Evum Suchana Ka Adhikar" on Monday

accusing the State Government of backing out on the Banswara social audit after taking credit for the previous exercise in Dungarpur in 2005. The Government's backtracking is said to be partly due to the opposition to the audit from the elected representatives of the panchayati raj bodies and the field level functionaries in the district. "The Minister is talking about freedom to hold social audit. So far we don't have the required information. Not even a single sheet of muster roll has been provided to us even after several days of pursuit," Nikhil Dey of the Mazdoor Kisan Shakti Sangathan (MKSS) said talking on phone from Banswara. "If the State Government's intentions were genuine it could have ensured availability of information," he noted. The Government seemingly has its own agenda. According to Mr.Gujjar, steps were being initiated to set up social audit forums at the panchayat level with five local persons, including two women, as members. The forum would be chosen by the respective gram sabhas and would have one member each from the Scheduled Castes and Scheduled Tribes. (The Hindu 13/12/07)

### **RTI used to seek info on rivals (1)**

New Delhi, Dec. 18: Political parties, corporate houses and NGOs are using the Right to Information Act to get information about their opponents - both political and business rivals. In the recent elections in Gujarat, the Opposition Congress used the information obtained through the Right to Information Act to expose the lack of performance of the state government in areas like safety of women, farmers suicides, largescale closure of small businesses and implementation of the grand schemes announced by chief minister Narendra Modi. Gujarat Pradesh Congress Committee president Bharati Solanki said they obtained several types of information from the state government under the RTI Act. He said it was an excellent way of knowing the truth about various departments of the government and their workings. In the corporate world, Mr Anil Ambani's company Reliance Natural Resources Limited (RNRL) asked for information about the gas pricing formula submitted by brother Mukesh Ambani's Reliance Industries Limited for the Krishna Godavari block. However, since the company applied as a corporate house, it was unable to obtain information on the issue. But RNRL successfully obtained information from the state government of Maharashtra on another issue. Reliance spokesperson said that the RTI Act worked well for the people to obtain information but he said the procedure was cumbersome. Information was also obtained under the RTI Act by telecom lawyer Manjul Bajpai, who represents the Cellular Operators Association of India. Mr Bajpai asked for information on spectrum-related questions, which was the centre of heated debate between the various GSM and CDMA providers. GSM telecom operators Airtel, Vodafone and Idea are opposed to the entry of Reliance Communications in the GSM segment and were trying to obtain information about government plans to allow Reliance Communication to operate GSM services in the country. Mr Bajpai said that the RTI Act was an excellent tool. Several NGOs have filed thousands of applications under the RTI Act to expose the government inefficiency, corruption and non implementation of schemes in almost all the departments. NGOs have obtained information of money spent on child welfare, schemes to empower women, widow pensions, farmers suicides, allocation of funds in various departments, their use, implementation and all kinds of expenditures. (Asian Age 19/12/07)

### **More questions than he asked: RTI petitioner finds cops at doorstep (1)**

Kolkata, December 27: He used the Right to Information (RTI) Act to get details about refund cases from West Bengal's commercial taxes directorate. But he got the police at his doorstep instead, becoming possibly the first user of the RTI to face police grilling. On June 8 this year, Samir Dey of Nona Chandanpukur applied to the State Public Information Officer (SPIO) of the Directorate of Commercial Taxes for details of all individual cases from 1997 to 2007, where the assessment officer had allowed a refund but the refund adjustment orders were not issued with the notice of demand. Dey also wanted to know why the refund orders were not issued with the notices as called for by the law. Commissioner H K Dwivedi decided to call for proof of his citizenship and wrote to Dey asking for copies of his passport or voter ID card, attested by a first class magistrate. On June 26, Dey sent the required proof, under protest, noting that the RTI Act does not require such proof and that in any case even a foreigner paying taxes in India can possess a PAN card. The next day, Dey was "surprised" to find Assistant Sub-Inspector Rajib Paul of Titagarh police station knocking at his door. The ASI asked him to furnish proof of his

citizenship and even asked questions about his RTI application. Dey, in his complaint to the State Chief Information Commission (SCIC), dated July 23, claimed that the police officer also wanted to verify his name, his father's name and a host of other details. Dey cooperated with the police officer. But he also sent a new application under Section 6 of the RTI Act seeking to know if the Commercial Taxes directorate had really sent the police and, if so, under which provision. In the complaint to the SCIC, Dey said that the directorate had tried to intimidate him by sending the police for verification. According to Dey, the SPIO had given an "incomplete and misleading reply" to his petition for information. He said that the Commercial Taxes department had cited a section of the VAT Act that is not relevant to his case, and tried to misguide him. Dey cited a section of the WBST Act of 1994 that entitled him to the information about refunds that he had sought. "The concerned authority is a responsible officer of the Sales Tax Directorate and it is not believable that he does not know the provision of law referred to by him," Dey has noted in his complaint to the SCIC. He has petitioned the SCIC to find out if the commercial taxes directorate has "deliberately acted" to frustrate the mandatory provisions of the Act to take action against them. He has also petitioned the SCIC to order the directorate to supply "correct, complete and detailed" information. When the police chief of North 24 Parganas was asked by the SCIC on July 31 to explain why police had been sent to Dey's residence, Superintendent of Police Supratim Sarkar said the police check had been done at the request of H K Dwivedi, the Commissioner of Commercial Taxes. On the same date, the SCIC wrote to the Commercial Taxes directorate also, asking the same question. The directorate said that there is "apparently no section dealing with the procedures of verification of citizenship" in the RTI Act. It was felt that an enquiry through the police was the "primary source of getting information as to the bona fide existence" of the applicant. When contacted by The Indian Express, Arun Bhattacharjee of the SCIC said that his office was dealing with the matter and the hearings are over. "I have certain questions. When I get the answers, I shall write my judgment," Bhattacharjee said. Sources said that the commercial taxes department has handled at least 15 RTI petitions without questioning the identity of the petitioners. So, it was puzzling as to why Dey was singled out. (Indian Express 28/12/07)