

## News on Right to Information

**Compiled by  
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**1<sup>st</sup> April 2010**

### **Civic body 'takes it easy' on RTI applications**

*The Times of India*

LUDHIANA: The officials of municipal corporation continue to show laxity in extending replies to queries submitted under Right to Information Act. During the year 2009-10, of 752 letters received under RTI, MC provided information to only 416 applicants. As many as 336 are still under scrutiny. The civic body has even failed to submit replies sought the state information commission in as many as 23 cases, due to which it has even been penalized.

As the financial year drew to a close, officials were seen trying to finish as much work as possible. According to information, of 336 pending cases, the time limit of extending replies to 145 cases has already lapsed.

The state information commission also imposed heavy penalty over RTI in-charge of the civic body, K P Singh, said, "We have disposed of as many cases as possible." The alleged casual approach being adopted by MC in dealing with the applications under RTI Act had also proved dear to it. For instance, in one case, state information commissioner Surinder Singh had asked it to hand over a compensation of Rs 5,000 to an appellant on October 20, 2009 for delaying information.

Similarly, on May 6, 2009, Punjab Information Commission imposed a penalty of Rs 22,500 on three municipal corporation officers for their failure to provide information under RTI Act within the prescribed period of 30 days to NGO, Anti-corruption and Crime Investigation Cell. In another case, a penalty of Rs 10,000 was slapped on legal adviser-cum-PIO of MC Kanwaljit Singh Kahlon and a fine of Rs 2,500 on the

then joint commissioner-cum-PIO Devinder Singh for failing to provide information to an NGO, Resurgence India.

A penalty of Rs 10,000 was imposed then executive engineer, zone C, HS Khosa for denial of information on the pretext of third party information. In this case, the information was sought in August 2008 about matters concerning metalling of Gill Road.

**2<sup>nd</sup> April 2010**

**More than 3 lakh cases pending in Bombay HC: RTI**

*The Times of India*

THANE: Over three lakh cases are pending in the Bombay High Court, according to an information revealed under the Right to Information (RTI) Act.

The details, dated till December 31, 2009 were given after local social worker Omprakash Sharma sought information in this regard.

According to the RTI reply statement, there were as many as 3,38,183 cases were pending in the Bombay High Court and the sanctioned number judges in the court is 75 while the working strength presently is 63.

Also, the figures of the division bench vary as per the assignment of judicial work. During the present assignment there are ten division benches at Bombay, three at Nagpur, three at Aurangabad and one at Goa, it said.

Normally, the assignment is changed five times in a year and matters are being placed in due sequence before the respective benches, it stated.

Sharma has demanded the Union law ministry that additional benches be set up in Nanded, Jalgaon and Pune to clear the pendency.

**2<sup>nd</sup> April 2010**

**NHAI to remove Manmohan, Sonia billboards**

*The Hindu*

The National Highways Authority of India has decided to either remove billboards carrying photographs of Prime Minister Manmohan Singh and UPA chairperson Sonia Gandhi or erase them in the wake of objections raised by the Prime Minister's Office.

Following the PMO's directive not to use Dr. Singh's photographs without approval, the NHAI has decided to remove the 146 billboards already set up.

Through a February 26 circular, the NHAI directed that no billboard be set up henceforth carrying the photographs of the Prime Minister and the UPA chairperson. The NHAI underlined its stand in reply to a Right to Information query from RTI activist S.C. Agrawal and said the photographs of Dr. Singh and Ms. Gandhi would be replaced with photographs of project highways or facilities.

It had decided to put up 486 billboards, each at a distance of 25 km, on the National Highways focussing on the progress being made in the sphere of road construction with details of projects concerned.

The NHAI had proposed that these billboards would be set up by the contractor or concessionaire, sparing itself any expenditure on this account.

The NHAI admitted that it had used the photographs of the then Prime Minister Atal Bihari Vajpaye

**3<sup>rd</sup> April 2010**

**CIC slams MCD, Delhi Police for non-cooperation**

*The Times of India*

NEW DELHI: In a scathing indictment of MCD and Delhi Police, Central Information Commission said in a recent order that RTI Act had been rendered ineffective by the "non-cooperation" of the two agencies in stopping illegal encroachment in the Capital.

Exercising powers of a civil court, information commissioner Shailesh Gandhi had ordered an inquiry into allegations of assault on an RTI appellant during a site inspection for encroachment. Instead of submitting a report, Delhi Police filed a writ petition in Delhi High Court while the MCD commissioner did not even respond.

"Citizens rightly expect that the information commission must ensure their protection when they are using Right to Information to unearth and challenge illegal activities. It is with deep concern that I admit that I am unable to take any further action as my powers under the Act have now been rendered completely ineffective by the non-cooperation of the police and the MCD. I hope that all statutory agencies will cooperate to ensure that rule of law prevails," Gandhi said in his order.

Kishan Ganj resident Anil Kumar had questioned the MCD on why private buildings were allowed to come up on public land. When he was stonewalled by the MCD, Kumar appealed to CIC. Sensing that MCD was hedging information, Gandhi ordered a joint inspection by MCD and Kumar and other residents.

Gandhi noted that as some tension was anticipated, both MCD and the appellant had requested the police to be present during the inspection on January 12, 2010. A crowd had gathered before the inspection could be completed and persons were asking questions to the representatives of the appellant. Some level of altercation took place and according to Kumar, he and his colleagues were assaulted, sustained injuries and had to be taken to a hospital.

Following the episode, Gandhi shot off letters to MCD and Delhi Police with little

result. In his order, he noted that Delhi Police personnel were present during the assault and were either unable to or unwilling to take any action to intervene and disperse the crowd. "This points to a very sorry state of affairs of law and order. Trouble had been anticipated at the site and when it did start, the police was unable or unwilling to take any action," the order said.

The incident took place on January 12 and the police did not submit a report till ten weeks later when it filed a writ petition. "The appellant was prevented from carrying out the inspection to arrive at the facts. MCD officers and police officers were present but could not ensure that the inspection could be carried out," Gandhi said.

With regard to the allegations of assault, the commission said offences under the Indian Penal Code may have been committed in the present case against representatives of the appellant. However, the commission as a statutory body did not have the powers to investigate allegations.

"Neither the MCD commissioner nor the Delhi Police commissioner have extended cooperation in the conduct of this inquiry. The commission expresses the hope that police and MCD will do their duty and help statutory authorities in performing their functions, failing which it would not be possible for citizens to exercise their fundamental right to information to contain corruption and to hold governments and their instrumentalities accountable to the governed, which is the objective and promise of the Right to Information Act 2005," Gandhi said.

**4<sup>th</sup> April, 2010**

**Insurance co told to pay man for harassment**

*The Times of India*

MUMBAI: The Central Information Commissioner (CIC) has asked the United India Insurance Company Ltd (UIICL) to pay a compensation of Rs 5,000 to a citizen in a Right To Information case. Moreover, the commissioner has also imposed a penalty of Rs 22,000 on an official for dereliction of duty.

In his order dated March 23, information commissioner A N Tiwari ordered UIICL to pay a compensation of Rs 5,000 to A M Attar—who had filed an RTI query—for the “detriment suffered by him” and also slapped a fine of Rs 22,000 on a senior divisional manager in Mumbai.

A UIICL official confirmed the order. “It would have been better if the applicant addressed his application to the regional office. However, the official held guilty should have replied to the applicant or forwarded the query to the regional office. We have already initiated steps as directed by the CIC; we feel that the official failed to respond because of the oversight,” he said.

Mumbra resident Attar had opted for a household policy of UIICL in 2004. In 2007, the company and its agent were allegedly late in collecting Attar’s cheque for the policy’s premium from his home. A few days later, the UIICL returned the cheque, telling Attar that the policy had lapsed due to a delay in paying the premium.

Attar told TOI, “When my letters failed to elicit any response, on September 13, 2007, I filed an RTI query with the division office-7, Mumbai. But there was no reply and I filed a first appeal with the appellate authority on October 16, 2007. The insurance firm again failed to answer.” On December 17, 2007, Attar filed a second appeal with the CIC. “The commission sought a reply from the respondents, who claimed to have never got any such application.”

After a series of hearings, the commissioner said the senior divisional manager had got an RTI query on September 16, 2007. Though he had got the requisite

information from the agent concerned on September 29, 2007, the information was forwarded to CPIO, regional office on Dec 27, 2007. Thus, there was a delay of 88 days on his part, the commissioner said.

Ketan Modi, representing Attar, said, "The officials had deliberately suppressed the fact before the commission."

**5<sup>th</sup> April, 2010**

**New CAG Bill likely in next session of Parliament'**

*Business Standard*

The government is likely to introduce a new CAG Bill in next session of Parliament which will empower the Comptroller and Auditor General (CAG) to audit accounts of the Panchayati Raj institutions, non-government organisations and public-private-partnership entities.

"We expect it (the Bill) to be tabled in the coming (Monsoon) session of Parliament," CAG Vinod Rai told reporters here on the sidelines of the 25th Accountants General Conference 2010. Following the new law, he said, the CAG will also come under the ambit of the Right to Information Act.

The new Bill, which will replace the CAG Act, 1971, is being vetted by the Law Ministry and will go to the Cabinet for approval, Rai said, adding it was unlikely to be taken up the current session of Parliament.

"We want to prepare a new act which have the new models of administration, new delivery channels to bring them into the legal mandate," he added.

"While such access is stipulated in our current mandate, we often face difficulties in enforcing such access in a timely manner. We must have at least the same powers that the citizen has in enforcing his right to information under the RTI Act," he said.

Describing the response of executive on audit findings as "disconcerting", Rai said, "Parliament must prevail for which we need to change the mindset of government functionaries."

On shifting towards the accrual basis of accounting, he said, "switching over to accrual accounting will take 5-6 years of preparation. Twenty-one states have accorded their approval to shift to accrual basis of accounting. They are waiting for the govt to take leadership."

Lok Sabha Speaker Meira Kumar said the new CAG law should be redrafted with a view to help the government auditor to effectively discharge its constitutional obligations.

**5<sup>th</sup> April, 2010**

**'Attendance of ministers in Cabinet meeting confidential'**

*The Hindu*

Information on the attendance of ministers during cabinet meetings is beyond the purview of transparency law, the Cabinet Secretariat has held.

It has said that attendance of ministers during cabinet meetings is exempted from disclosure under the Right to Information Act as it is part of 'deliberations of Union Cabinet' which is an exempted information.

"The information is denied in terms of section 8(1)(i) of the RTI Act as this is part of deliberations of the cabinet," Director at the Secretariat, Meera Ranjan Tshering said in an RTI reply to applicant Abhishek Shukla.

The section cited by the Secretariat exempts "cabinet papers including records of deliberations of the council of ministers, Secretaries and other officers" from disclosure.

However, there is an exception in cases "provided that the decisions of council of ministers, the reasons thereof, and the material on the basis of which the decisions were taken shall be made public after the decision has been taken, and the matter is complete, or over".

A total of 34 cabinet meetings took place between June 1 last year to February 15 which were all chaired by Prime Minister Manmohan Singh, the reply sa

**6<sup>th</sup> April 2010**

### **Lucknow couple plans book on 'RTI martyrs'**

*The Indian Express*

Lucknow : As a salute to those who sacrificed their life fighting for the citizens' right to information, a Lucknow-based couple is working on a book on 'RTI martyrs'.

The brainchild of Amitabh Thakur, a 1992 batch IPS officer pursuing a doctoral course in Human Resource Management at IIM-Lucknow, the book will have a brief biography of each RTI martyr, a description of his/her work and contributions in the field.

"The idea is to equate RTI activists with soldiers and freedom fighters and inspire others to follow people like Satish Shetty, Lalit Kumar Mehta, Shashidhar Mishra and Venkatesh — all of whom laid down their life for the sake of bringing about transparency in the society," said Thakur, who plans to co-author the book with wife Nutan, a social activist.

They formed the National RTI Forum recently to promote and highlight RTI activities. Most of the material for the book has been collected and they hope to publish it in around four months.

"The book shall narrate the background and sequence of events leading to the murder of RTI activists, it will be backed up with police investigation and the follow-up in the judiciary," said Nutan.

"While emotional aspects of the life of these activists would help to establish a reader connect, a critical evaluation of each case will be presented in a manner that its inspire others," said Nutan, who is reaching out to various groups, such as the RTI Empowerment, RTI Kerala, RTI for NGOs, RTI India, e-Governance India and Hum Janenge and RTI activists to collect information. "We also plan to get the life stories of some unsung heroes," she said. "They deserve recognition for the fact that they sacrificed their lives for the cause they felt was right. The response has been encouraging."

The first to respond was Santosh Shetty, brother of Satish Shetty, who exposed several land scams and irregularities in kerosene distribution before he was murdered while returning home at Talegaon-Dabhade in Pune, Maharashtra. Shetty was on his morning walk on January 13, when he was attacked with swords and sharp weapons by unidentified men.

He had demanded police protection after having received threats to his life by land mafias of the area. The Maharashtra government has recommended a CBI probe into his murder.

Settled in Texas, US, Santosh provided detailed information about the activities of his brother and how he was different from others.

“He was not just an RTI activist. For the last 15 years, he had been working for the common man, like exposing black marketing of kerosene. Satish had saved the government more than Rs 5,000 crore in revenue, but he did not have Rs 500 in his pocket. I want to tell this to you and others who really care for this country. I am based in Austin, Texas. I am not like Satish or you, I always thought about my gains,” wrote Santosh in an email response to the forum’s idea of the book.

When he was killed, Lalit was helping a team of volunteers from Delhi and elsewhere to conduct a social audit of NREGS works in Chainpur and Chhattarpur blocks of Palamau district. Attempts had already been made to dissuade the team from conducting this investigation, particularly in Chainpur block.

**6<sup>th</sup> April 2010**

**Public advisory**

*The Indian Express*

It is not yet clear what the mandate and priorities of the newly constituted NAC will be. Historically, the NAC has been associated largely with inputs into social sector schemes, and important governance legislation like the Right to Information Act. The authority of the NAC in relation to government will always be a matter of concern; it will have to energise the functioning of government and line ministries without pretending it is one itself. But in so far as it exists, its priority should be to bring intellectual coherence to a vast developmental agenda.

Although for political reasons it makes sense for the Congress president to take ownership of the NAC and particularly social sector schemes, it is important not to let the end become the means. The social sector agenda and the reform agenda are still often politically presented as two distinct areas of concern: one the province of the Congress president, the other the province of the prime minister; one concerned with the poor, the other with capital in a broad sense. But both agendas are actually causally related, and the causation runs in both directions. The expansive social sector agenda of the UPA would not have been possible without growth and the rise of opportunities and revenue that it entailed. On the other hand, that growth and reduction in poverty are not going to be sustainable without investment in health and education: creating citizens who can participate in this growth. The NAC should not be seen as undercutting the need for or political legitimacy of reform; it should be seen as requiring it.

Second, expanding opportunities for the poor requires very supple governance. Just take a few examples. NREGA has been an important scheme in many respects, and in particular its effect on raising wages seems to have been pronounced. But, even apart from how it is administered, there are issues associated with it: how to get wage rates right, so that there are tangible gains in welfare, without distorting labour markets too much? Are gains from rising wages wiped out by food price inflation? In short, are the gains of a well thought-out social sector scheme neutralised by a non-performing ministry of agriculture? If the objective is poverty alleviation, then

agriculture reform and investment are possibly more consequential. Sometimes it is worrying when some Congress politicians seem to confuse poverty alleviation with schemes, more proud of the fact that NREGA is helping more people rather than asking how we can expand opportunities so that NREGA becomes less necessary.

Third, the determinants of poverty alleviation are also becoming more complex. It will be a mistake to think that infrastructure, for example, has little to do with poverty alleviation. By some estimates now circulatory migration in India is close to 150 million. Transport costs are central to the lives of the poor. Or take the power sector. While the well-to-do can arrange for captive power, it is the smallest of small businesses that needs reliable power supply. We underestimate the degree to which a lack of energy policy is hurting the poor. What do you think will happen to poverty in a state where even the smallest flour mill cannot run because of lack of power? On new data available, the range of services which the poorest of the poor are buying using private means is astonishing. What does this portend for how we look at the cost of services?

Or the really big elephant in India's poverty story: urbanisation. Urbanisation impinges on poverty in two ways. Not only do the urban poor have a special set of challenges, but there is little doubt that the form and pattern of urbanisation is going to be critical to create a long-term growth path out of poverty. Or subsidy reform can, if intelligently done, free more resources for the state. Again, while the focus on schemes is vital, the gains will be neutralised, if other, less politically visible reforms are not produced.

Fourth, India is at an interesting moment in state-building. It is poised to now inscribe rights-based welfare architecture across the board: from education to information, from food to possibly health. In a way, the paradox is that a rights-based approach is necessitated by a backdrop of serious state failure. But, given the massive ramp-up in both entitlements and scale, there is a greater need to think of a long-term integrated architecture for welfare. In some ways, the big disjunction is that delivery architectures still seem trapped in old models.

These have three downsides. First, we know that poverty varies considerably by region. In fact geographical location seems to determine the prospects of the poor considerably. The paradox is that the better governed and better placed states are also better placed to take advantage of Centrally sponsored schemes. Second, while many states are moribund, it is wishful thinking to suppose that in the long run welfare architecture can be sustained only by Central largesse and monitoring. In the long run, too much centralisation that comes with the scheme mentality will be self-defeating. Third, can these schemes be leveraged to break old intellectual mindsets? What was, in principle, innovative about NREGA was that it relied on self-identification. Can we think of alternative methods of identification that cuts through so much of the controversy associated with drawing BPL lines? To put it somewhat provocatively, given the character of poverty, is a BPL list, even revised with all the convincing sophistication of the Tendulkar Committee, an intellectual help or hindrance in addressing poverty? A BPL list is increasingly irrelevant to most emerging schemes: they are relying either on universal entitlements or self-identification. Perhaps this logic needs to be followed through, leaving controversies over BPL more for researchers than making them the basis on which schemes sink or swim.

In a way, the promise of the NAC will not be redeemed if it concentrates on monitoring schemes, or merely is a vehicle to project Congress ownership of schemes. If its promise is to be redeemed it must be able to balance and articulate the tradeoffs between different elements of a new social contract. At this juncture, India needs a liberal defence of freedom, enterprise and a critique of oligarchy. It also needs a social democratic critique of both populism and inequality. One without the other will be self-defeating.

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**7<sup>th</sup> April, 2010**

**School aided by BBMB bound to give info: CIC**

*The Indian Express*

Central Information Commissioner Shailesh Gandhi has ruled that since the Bhakra Beas Management Board (BBMB) is run by the governments of Punjab, Haryana and Rajasthan, a school financed by it is a public authority and covered under the Right to Information Act. Gandhi directed the BBMB DAV Public School, Nangal, to appoint a public information officer and the first appellate authority.

Manju Bala Dhiman of Anandpur Sahib had sought information in August last year regarding the number of posts sanctioned and created in the school's Nangal and Ganguwal branches since April 1985 and the names and qualifications of teachers appointed on ad hoc basis among other things.

Raneesh Sharma, principal of the Nangal school, claimed that the institution was not a public authority as it was set up consequent to an agreement between the BBMB and the DAV college trust and management society, a private body. The respondent, however, admitted that BBMB was run jointly by the governments of three states.

The appellant pointed out that BBMB was set up under the Reorganisation Act-1966. "Thus, BBMB is a public authority set up by an Act of Parliament and fully owned by the government," Dhiman said.

The respondent said the land and the building had been provided by the BBMB along with furniture and infrastructure at a token rent of Re 1 per year. "Thus, it appears that the capital cost has been almost completely underwritten by the BBMB, which is run by three state governments. Further, in 2009-2010, out of the total expenditure of about Rs 2.21crore, about Rs 1.85 crore was provided by the BBMB," it said.

Gandhi ruled: "The BBMB DAV Public School is a public authority as defined by the RTI Act."

**8<sup>th</sup> April, 2010**

**Budget of 5 Games stadiums up by 250%**

*The Indian Express*

New Delhi: The cost of construction and renovation of five stadiums to be used during the Commonwealth Games shot up by almost 250 per cent of the original, the reply to a Right to Information (RTI) application has revealed.

The application, filed by activist Subhash Chandra Agrawal, sought details of the initial and revised budgets of Games-related projects of the Central government.

According to the reply, the initial planned amount was Rs 1,000 crore but was revised later to Rs 2,460 crore.

The construction and renovation of the stadiums — Jawaharlal Nehru Stadium, Indira Gandhi Stadium, Dr Shyama Prasad Mukherjee Swimming Pool Complex, Major Dhyanchand National Stadium and Dr Karni Singh Shooting Range — is being carried out by the Central Public Works Department (CPWD).

“The budget was revised on account of changed cost indices and escalation, change in scope of work as per the requirement of venues, various additions and deletions to make venue match up to various standards and addition of service tax, quality assurance and contingencies,” the CPWD said.

Sources said the delay in work at most venues also led to the increase in cost.

The original cost for construction and renovation of the Jawaharlal Nehru Stadium, which is to host the opening and closing ceremonies, was Rs 455 crore. It has been revised to Rs 961 crore.

The cost increased as the CPWD had to build an underground tunnel at the last moment. The proposal for the tunnel came from the Commonwealth Games

organising committee, which wanted the performers to emerge from the centre of the stadium for the opening and closing ceremony.

For the Karni Singh Shooting Range, the budget was raised to Rs 149 crore from the original Rs 16 crore.

The total budget of the organising committee is Rs 1,600 crore, which includes publicity, logistics and other expenses. Other than this, the organising committee has asked for a loan of Rs 700 crore for overlays at different venues.

**8<sup>th</sup> April, 2010**

**Three months on, CBI to probe Shetty murder**

*The Indian Express*

Pune: It took the government three months to decide on a demand to transfer the investigations pertaining to the murder of Right To Information (RTI) activist Satish Shetty to the Central Bureau of Investigation (CBI).

A demand in this regard by the activist's brother Sandip Shetty was finally put to effect on Wednesday as it was announced by the government pleader in the Bombay High Court.

The activists in the city are now a happy lot. Though Sandip Shetty was not available for comment, activist Vijay Kumbhar said they were now optimistic of getting justice. "Justice delayed is justice denied, however we are happy that the government has decided to hand over the case to the CBI. The police were not making any headway in the case."

Earlier, the Pune rural police were investigating the murder of Shetty, who had uncovered many misappropriations in the land deals in Talegaon-Lonavla region.

Government pleader N Deshpande revealed the government decision in the High Court on Wednesday . On March 3, Sandip Shetty had formally demanded a CBI probe into the matter alleging the involvement of big shots behind his brother's murder due to which, the police rae unable to take action against them. Even the Superintendent of Police was helpless, said his advocate Vijay Nahar.

On March 23, home minister R R Patil had told the Maharashtra Legislative Council that that the government would request the CBI to take over the probe.

**9<sup>th</sup> April 2010**

**RTI applicant gives MCD info about its 'functional' website**

*The Indian Express*

One submits a Right To Information (RTI) application to receive information. But for Dinesh Kaushik, it turned out to be a sort of role reversal when he ended up informing what even the Public Information Officer (PIO) did not know about his office.

The matter came up before the Central Information Commission (CIC) last week when Kaushik, a resident of Uttam Nagar, approached the panel against the Department of Information Technology of the Municipal Corporation of Delhi (MCD).

In November last year, he had filed an RTI application to obtain information about the online complaint registration system. He wanted to know, among other things, whether the complaint registration system was operational and how one could register grievances. Other queries related to the procedure to track the status of online complaints and details of the complaints received by the civic body on its website registration at the MCD's website.

Furnishing point-wise replies, the PIO, Administrative Officer with the IT department, told Kaushik that the site for registering complaints was "not working" and its link was "non-operational".

Therefore, as per the officer, questions pertaining to procedure of forwarding these complaints to the officials concerned were also "not applicable".

The answer to Kaushik's query as to what needed to be done if the complaint registration system was not functioning was —"This has been included in the E-Governance project."

Dissatisfied with the replies and the first appellate body, Kaushik approached the CIC and claimed the information was not only incomplete, but wrong as well.

He produced two printouts to show that the online complaint registration system on the MCD's website was functional and he had registered a complaint as well.

Kaushik produced the ID of the complaint registered by him regarding the problem of overflowing drains in his colony — the status of the complaint was shown as 'pending'.

Surprised by the disclosure, the commission noted, "The PIO has given information that the complaint registration mechanism on the website is non-operational. The Appellant has shown that it is operational and he has registered a complaint today on the website and another complaint on July 29, 2009."

Pulling up the PIO, the CIC said, "It appears that the PIO is not aware of the MCD website. The appellant has sought details of complaints received by the department in the last six months to which the PIO has stated that no data is available. This statement is obviously false since the appellant has been able to sThe Commission asked the department to look into the matter and directed the Additional Deputy Commissioner (IT) to give the required information to Kaushik as soon as possible.how that he is able to access data about his own complaint."

**10<sup>th</sup> April, 2010**

### **Helpline to clear RTI doubts, courtesy activists**

*The Times of India*

LUCKNOW: Here comes help for those willing to tread the RTI line, but do not know how to go about it. The full-fledged RTI helpline and helpmail which gets rolling from Saturday is more than a promise to increase awareness on the Act.

People can call up at 8081898081 and seek answers to their queries on RTI. It could be anything from filing the application to finding answers to the doubts about the use of the Act and many more similar things regarding the right to information (RTI) Act. There is still very little awareness on the Act though it has been there for the past four years in Uttar Pradesh. Many may not know that if not addressed to the Public Information Officer (PIO) of the department, RTI application will not fetch any response. Which is why the group of RTI activists active in the city have come together to give shape to the phone and e-mail helpline.

"We want to help people to use the Act in the right manner", said Urvashi Sharma, an RTI activist. The helpline will not be a toll-free number as of now. It will be functional between 8 am to 10 pm. Besides, it will only answer to the queries made in either Hindi or English.

People can also mail at (aishwaryaj2010@gmail.com) to get their doubts cleared on the Act. The activists will personally answer the queries on a day-to-day basis.

Creating awareness on the RTI Act has always been a prime concern and focus. The UP State Information Commission has also taken up several initiatives to simplify the Act for people. The concise version of the Act, a booklet popularly called 'gutka', has been introduced by the commission to explain the nitty-gritties of the Act. It explains how simple it is to file an RTI application.

The booklet has been published in Hindi. More so because the entire Act is available in English and its translation in Hindi is more than needed for UP where maximum applicants are Hindi-speaking folks.

Anyone can obtain the booklet from the office of the PIO of the commission or that of any of the Information Commissioners (ICs). The booklet is available free of cost.

The commission had published quite a few of such booklets in the past like 'prashnotri' which explained the procedures of disposal of an application etc.

**10<sup>th</sup> April 2010**

**Take a three-week course and an exam to move up in BJP**

*The Indian Express*

*Suman K Jha Posted online: Saturday , Apr 10, 2010 at 0309 hrs*

New Delhi : At the first office bearers' meeting yesterday, BJP president Nitin Gadkari mooted the idea of introducing training for new members and it was proposed that they take exams to move up the hierarchy.

A curriculum, staggered over three years (roughly one week, a year), is already being prepared. The objective, say BJP leaders, is to "prepare 10,000 trained workers a year."

Not everyone is enthused by provisions like "tests" and Gadkari is learnt to have asked party leaders to send in their suggestions.

Responsible for the curriculum is a committee headed by Alok Kumar, a member of the party's national executive. While the training programme so far has been limited to Mumbai's Rambhau Mhalgi Prabodhini, the BJP plans to introduce cadre training across the country from June.

Vinay Sahasrabuddhe — he heads the Prabodhini and is a key adviser to Gadkari — and senior leader Bal Apte are associated with the curriculum design. Subjects like party ideology and history, the Constitution, public speaking, "concerns particular to various regions," and "universal themes" like Right to Information, contemporary themes, including climate change and the nuclear debate, would be key components of the curriculum.

When contacted, Alok Kumar told The Indian Express that the three-tier programme has been tentatively called "Pravesh" (entry-level), "Pragati" (mid-level), and "Praveen," (expert level). The cadre would be required to spend three days for the introductory programme, four days for the mid-level, and five days for the final stage

**16<sup>th</sup> April 2010**

**RTI: Penalise officials under IPC for failure to give info, say activists**

*The Indian Express*

Ahmedabad : Public Information Officers (PIOs) in Gujarat are paying penalties instead of sharing the information under the Right to Information (RTI) Act. As per the provision under the RTI Act, the PIOs who don't provide information on time are penalised. This is done to ensure timely delivery of the information to the applicant. However, it is now turning out that the PIOs prefer to pay penalties instead of sharing the information. RTI activists and experts say that not sharing information under the RTI defeats the whole purpose of the act.

Neeta Hardikar of Anandi, an NGO, said, "There have been many cases wherein the State Information Commission has charged penalty from the PIOs for not sharing the information yet." For instance, she said, Arvind Jamasinh, a tea vendor in Ghogambha taluka of Panchmahals district had filed an application under the RTI to know the status of the Indira Avas Yojana and whether any sanitation work was carried out under the scheme for 2006-07. "In November 2009, he again represented his case to the SIC, which later penalised the talati. The SIC also ordered the PIO to provide information to the applicant, which he is yet to get," said Hardikar.

In a similar case, Vestiben Baria of Para village in Devgad Baria municipality in Dahod district had filed a written application seeking information about the National Rural Employment Guarantee Scheme (NREGS). She wanted information about the works being done and the payments being made under the NREGS.

"The talati didn't give the information on time and was fined for Rs 25,000 which he later paid. However, Baria is still awaiting the information she had asked for," said Haridkar.

The activists say there is a need to penalise such PIOs under IPC. "As per the RTI Act, the information needs to be supplied by the PIO within 30 days from the application failing which the SIC can even penalise the PIO under the sections of the IPC," said Pankti Jog of Mahiti Adhikhar Gujarat Pahal (MAGP).

**20<sup>th</sup> April 2010**

**HC tells govt to give info on withdrawal of case against 3**

*The Times of India*

CHENNAI: The Madras High Court has directed the state government to give information under the Right To Information Act to an applicant on why it dropped criminal proceedings against three officials of the Indian Rare Earths Limited for indiscriminate mining in Kanyakumari.

The state government had refused to part with the information. Even after the Chief Information Commission upheld the applicant's right to demand information relating to the withdrawal of the case, the government moved the Madras High Court against the order.

Justice K Chandru, dismissing the writ petition filed by the government, said the information would not be covered by the exemption clauses under the Act and that the exemption was available only when it is considered to be an impediment to the process of investigation.

Concurring with the submissions of senior counsel A L Somayaji, who appeared for the RTI applicant, the judge also held that the application had sought to know the details of the public prosecutor's opinion, only from the government and not from the prosecutor himself. Hence, the question of privileged communication from the client and counsel too does not arise, he said.

**20<sup>th</sup> April 2010**

**Right to Information helps CRPF man receive 'invalidated' pension**

*The Indian Express*

Ahmedabad : Arif Sheikh, a CRPF (Central Reserve Police Force) personnel from the 37th Battalion ran from pillar to post for the last one year to get his invalidated pension, until the Right to Information (RTI) Act came to his rescue.

He was sanctioned his monthly pension of Rs 4,810 from CRPF headquarters in New Delhi within a month of filing a query under RTI with the assistance of city-based Mahiti Adhikar Gujarat Pahal (MAGP).

Sheikh sent his application to CRPF principal information officer on March 25 and again a clarification on April 10. On April 16, he received a letter informing him that his invalidated pension had been sanctioned with effect from May 1, 2009.

Sheikh, who had joined CRPF as a constable in 1994, was diagnosed with schizophrenia/bipolar disorder with psychotic reactions. On March 6, 2009, a medical board at the Gandhinagar Composite Hospital declared him unfit for any permanent or temporary work in CRPF. On March 31, 2009, he was issued a notice and finally invalidated from service on April 30 the same year on grounds of disability. But he was not granted invalidated pension as given to paramilitary personnel.

Sheikh dispatched a query under RTI to CRPF headquarters in New Delhi. He asked if the headquarters had received his invalidated pension papers, and what were the rules for releasing such pensions, as also the maximum time taken for releasing such pensions. In his query, he also asked the reason for the delay in his case, the officers responsible for the delay and how much more time it will take to clear his pensions.

Meanwhile, Sheikh received a letter from the CRPF headquarters on April 16, informing him that his pension has been granted and he could claim it from restrospective effect from May 1, 2009, after his medical examination.

Since Sheikh joined CRPF in 1994, he was posted at eight different places like Jaipur, Manipur, Jammu and Kashmir, Assam, Gujarat (Ahmedabad), New Delhi and Tripura.

During his posting at A D Nagar (Tripura) in 2007, he was declared a psychiatry patient.

Deputy Commandant (Administration) B N Sidh said his pension papers had been cleared and sent to the accounts department.

**21<sup>st</sup> April 2010**

**No data on dangerous waste**

*The Indian Express*

New delhi: Days after several persons were hospitalised after exposure to radioactive waste at a West Delhi scrap market, it emerges that the only data available with the Delhi Pollution Control Committee (DPCC) is almost three years old.

And even that is alarming: 5,300 tonnes of hazardous waste was generated in the Capital every year, according to the survey last conducted in 2007.

The state pollution control body has no information on generation of hazardous waste for 2008 and 2009, DPCC's reply to an appeal filed by environmentalist V K Jain under the Right to Information Act reveals.

According to the reply, "The 140-page report has details on generation of hazardous waste."

The survey in 2007 was done on the inventory of industrial units generating hazardous waste. While DPCC had given authorisation to only 1,747 units, the survey compiled data for 2,689 units.

It was also found that there are 43 illegal dumping sites in Delhi, of which 23 had waste with hazardous hexavalent chromium much beyond permissible limits.

Ravi Aggarwal of Toxic Links, an NGO engaged in municipal, hazardous and medical waste management, said, "Hexavalent chromium is very harmful since it pollutes groundwater.

"It is not just extremely difficult to remove the contents when mixed with water, it is also carcinogenic and leads to cancer."

To manage hazardous waste effectively, the Ministry of Environment and Forests had, in 2000 and 2003, amended provisions of the Environment (Protection) Act, 1986.

Besides other parameters, the common prerequisite for any unit generating hazardous waste to be given authorisation includes a leak-proof containment system. The Act says: "Units that store hazardous waste should do so in a manner that it does not contaminate environment or groundwater due to air/rain/seepage/leakage etc."

But 1,995 units, including 11 common effluent treatment plants (CETPs), were found generating hazardous waste by DPCC in its 2007 survey. The report says, "About 7,584 tonnes of hazardous waste is dumped in Delhi, of which 5,769 tonnes are stored in CETPs and 1,814 is being stored in rest of the industries at various industrial areas."

In response to the RTI query, DPCC accepted that hazardous waste is stored by generator units and CETPs in their own premises.

The 2007 survey compiled data for 35 industrial areas. It was found that Wazirpur Industrial Area generated the highest quantum of waste — about 790 tonnes annually. Industrial areas such as Okhla, Naraina and Samaipur were also found generating significant quantity of hazardous waste.

Jain, founder of the NGO Tapas, said: "As per the Environment (Protection) Act, hazardous waste has to be disposed within 90 days of generation. But in Delhi, no one has an exact idea of how much waste is being generated. So the high quantities of hexavalent chromium found at 23 illegal sites in 2007 are still lying there."

**22<sup>nd</sup> April 2010**

**RTI Act provisions not implemented in HP'**

*The Indian Express*

Shimla : The state failed to implement the provision under the Right to Information Act (RTI), which enables an applicant to inspect the site of an ongoing public work and draw samples of construction material being used, said RTI expert and former state law secretary J N Barowalia.

He said the state had framed rules for the amount of fees to be charged and laid down a procedure to apply for information under the RTI Act and also the inspection of records. "However, there is no rule framed on the amount of fee to be charged from an applicant who wants to inspect a site of public work being carried out by the government or a government-funded NGO or take certified samples of construction material procured with public money. There is a need to fully implement the Act by specifically providing for these rules," said Barowalia, during a seminar on RTI Act organised by the Public Relations Society of India (PRSI), Himachal Chapter, on the occasion of Public Relations Day in Shimla.

PRSI president B D Sharma said more seminars and workshops would be organised on the Act this year.

State Information Commissioner and former chief secretary S S Parmar said implementation of the Act was being done efficiently for which 140 public information officers (PIOs) had been appointed. Due to the hilly terrain, he said, a provision had been made to give information at the doorstep of the people by appointing additional PIOs at block and sub-division levels.

Barowalia said information on the proceedings of a departmental promotion committee — without the names of its members — points raised over examination of annual confidential reports could be given after declaration of the result.

**24<sup>th</sup> April 2010**

**Track status of RTI appl at RDSO online**

*The Times of India*

LUCKNOW: The right to information (RTI) seekers at RDSO can now track the status of their application online. This after Research Designs and Standards Organisation (RDSO) made the details of application received under the RTI Act web-enabled. The organisation has done it on the directions of KBL Mittal, the new director general (DG) of RDSO.

"By making it online we have made it friendly for applicants", said AK Mathur, executive director, administration and public relations, RDSO. The matters related to RTI Act are looked after by a public information cell at RDSO. The cell is situated in the administrative building of RDSO.

People wanting information under RTI from RDSO will have to contact the receptionist at the administrative building and submit the application with the receptionist on the prescribed proforma obtainable from the receptionist.

The application has to be submitted with the application fee of Rs 10 in cash. The applicant should obtain a receipt for the application. In case one wants to obtain information by post, application fee will have to be submitted in the form of a bank draft or bankers cheque or Indian postal order of Rs 10 made out in favour of 'Executive director/finance, RDSO, Manak Nagar, Lucknow'. Applications sent by post should be addressed to assistant public information officer (PIO) or the PIO.

After submitting the application if the applicant wants to track its status, he can go to the Indian Railway website and click on 'RTI Information' in the windows. This will pop up 'Indian Railways Right to Information' windows. Clicking 'RDSO' in heading of zonal railways/PSUs, a window 'Welcome to E-RTI of Indian Railways RDSO' will appear.

In this window, applicant will have to enter 'search case'. Once search case is

entered the applicant can feed any one of the options -- select by name, select by address, select by subject etc. The status of his application will hence be displayed.

**25<sup>th</sup> April 2010**

**Cup of info**

*The Indian Express*

*Ranjani Raghavan Posted online: Sunday , Apr 25, 2010 at 2305 hrs*

*Marathi film Ek Cup Chya tells story of a bus conductor who takes on authorities with the help of the RTI Act*

Ek Cup Chya, a Marathi film screened by a group of activists in Andheri on Wednesday, had a unique subject — the Right to Information Act that gives the commonman the privilege to access government records. Made by national award winning directors, Sumithra Bhave and Sunil Sukthankar, and produced by Yeshwant Oak, it tells the story of a bus conductor from Konkan who uses the Act to question authorities after he gets an inflated electricity bill.

The film, which has made it to several international film festivals, is now in the race for the Maharashtra State Film Awards, to be announced later this month.

“After watching the film, an autorickshaw driver told us that he too had applied for information under the RTI Act. Even he had the same problem, an inflated electricity bill,” says Sumithra Bhave. “Viewers’ reactions have been extremely satisfactory so far. Many people in India and abroad told us that they liked the film very much.”

Over the last 20 years, Bhave and her co-director Sukthankar have made 10 feature films and several short films. They have won three international awards, six national awards, more than 45 state awards and several other film awards, including the Aravindan Puraskaram.

“Bhave who was a researcher wanted to give a feedback to her respondents, mostly Dalit women. Since writing to them was not an option, she decided to make a film. We were college students then and I decided to help her. The film Bai won a national award. Since then, we have been making films on socially relevant subjects,” says Sukthankar.

“The KS Wani Memorial Trust urged us to make a film on RTI. We had made a national award winning film Devrai in 2004 for the Trust... The beauty of this Act lies with a commonman picking up a pen and asking for information.”

Oak says the title Ek Cup Chya is an allusion to corruption in the government. “Chai paani has come to be synonymous with corruption.”

Oak’s Schizophrenia Awareness Association in Pune and the KS Wani Memorial Trust have spent Rs 62 lakh to make the film, but till now the returns have been negligible. “That may be because we did not promote the film in a big way. However, it has been very popular in the international film circuit. We have been able to successfully show how the RTI can help us solve small problems.”

After his retirement nearly two decades ago, Oak has been working on awareness on Schizophrenia in Pune. “Filmmaking is a way to spread message and vision.”

Ek Cup Chya will be screened at SP Jain Institute of Management and Research at 6 pm on April 28.

**28<sup>th</sup> April 2010**

## **India shows the way in RTI in South Asia**

*The Hindu*

India's success with getting the Right to Information Act up and running came in for much praise on Wednesday at a regional workshop organised jointly by the Indian Institute of Public Administration and the World Bank-funded Governance Partnership Facility.

The workshop on 'Towards more Open and Transparent Governance in South Asia,' first of its kind at the regional level, saw participants from Pakistan, Bangladesh, Nepal, Sri Lanka, Afghanistan, Bhutan and Maldives mingle with the international media and RTI experts. The Indian delegation was the star attraction, with India being seen as the natural leader of RTI in the region.

A surprise revelation at the conference was that Pakistan was ahead of India by three years in framing an RTI law. Pakistan first promulgated a freedom of information ordinance in 1997, which, however, lapsed for want of interest. In 2002, General Pervez Musharaff pushed the idea, resulting in a fresh presidential ordinance in 2002. It has since become part of the 17th Amendment to the Constitution and enjoys the status of law.

In February 2004, the Pakistan government promulgated the Freedom of Information Rules, 2004, which now applies to all public bodies.

Nepal passed the information law in 2007, followed by Bangladesh in 2009. Bhutan, Maldives and Sri Lanka have yet to pass an information law or implement any other instrument of transparency.

Talking to the media, delegates marvelled at how quickly India had adapted itself to an open information culture and lamented the comparative records of their own countries. The consensus was that there was very little RTI awareness among the common people in the region.

Sameer Hamid Dhondy of a Karachi-based advocacy group said though Pakistan had a head start on RTI, the Indian law was far more comprehensive and deserved praise for allowing access to file notings and including a penal provision to deter delay in providing information. He gave his own experience of not being able to appeal to the Wafaqi Mohtasib (ombudsman) in a case of unauthorised buildings regularised by the Sindh government.

Mr. Dhondy noted that while the Indian Act seemed to have emerged from the grass roots, which explained its wide appeal, its Pakistani counterpart was an executive initiative.

**29<sup>th</sup> April 2010**

**Disclose communication between President, PM on Padma Awards: CIC**

*The Times of India*

NEW DELHI: The correspondence exchanged between the Prime Minister and the President on Padma Awards should be made public, the Central Information Commission has held rejecting the PMO's claim that such information cannot be given because of constitutional provisions.

The Prime Minister's Office had refused to disclose the correspondence saying it is "privileged communication" under the provisions of Article 74 (2) of the Constitution and is not to be disclosed.

The article says "advice tendered by ministers to President shall not be inquired into by any court".

Applicant S C Agrawal had sought the copy of the letter written in 2004 by the then President A P J Abdul Kalam to the then Prime Minister Atal Bihari Vajpayee on Padma Awards, action taken by the PMO and communication exchanged on the topic.

Failing to get a reply from the PMO, he had approached the Central Information Commission with the plea seeking disclosure of the information.

Ordering disclosure of the communication on Padma Awards, the commission ruled that the information which has been withheld is "well outside any application of Constitutional privilege under Article 74(2)".

It, however, exempted the disclosure of action taken by the PMO on the letter from the President giving it "benefit of doubt".

The PMO, in its submissions before the commission, had said the non-obstante

clause contained in Section 22 of the Right to Information Act stipulates only that the Act would have overriding effect in respect of any other law.

"However, the Constitution is the basic law and such a non-obstante clause does not override the Constitution," it said.

"Respondents (PMO) do not need to labour the point as to whether in applying section 22 of the RTI Act, the RTI Act can be deemed to override the Constitution itself. This is obviously an absurd supposition," Chief Information Commissioner Wajahat Habibullah said.

**29<sup>th</sup> April, 2010**

**Former PMs, not spouses, get staff facilities: MHA**

New Delhi : The Prime Minister's Office pays for the official entitlements of former prime ministers, including 14 secretarial staffers from private secretaries to peons. But the "facilities" are not extended to the former premiers' spouses.

This is part of a Right to Information reply dated April 26, 2010 from the Ministry of Home Affairs, detailing the expenses paid by the tax-payer and facilities provided to former presidents, vice-presidents, their spouses and ex-prime ministers.

The ministry says eight persons who are currently getting the facilities include former president Dr A P J Abdul Kalam, his then deputy Bhairon Singh Shekhawat, Janaki Venkatraman, Vimala Sharma and Suman Krishan Kant.

Three PMs, A B Vajpayee, H D Deve Gowda and I K Gujral, are being provided facilities, says the ministry to an application by activist Subhash Chandra Agrawal. For ex-premiers, the "office expenses" are "without limits" for the first five years, after which it is reduced to Rs 6,000 a month.

As for travel, former PMs can avail of six journeys by executive class along with spouse and free travel by train with spouse by highest class "without any restriction on the number of journeys".

Former presidents receive Rs 75,000 as pension, while their deputies get Rs 500 less. Both can stay rent-free in Type VIII houses with "free electricity and water". The former is given two telephones and mobile phone with broadband connection, while ex-VPs get telephone facilities equivalent to that of an MP.

While former presidents with their own cars get 250 litres of petrol and free maintenance and driver, medical aid is free in both private and government hospitals for both ex-presidents and vice-presidents, with round the clock personal physician on demand. For former presidents, travel is free by "highest class", "by any means" anywhere in India, accompanied by one person. For their deputies, the ministry says,

“travel anywhere in India, accompanied by spouse or a companion or a relative by highest class by air, rail or steamer”.

Spouses of former presidents would receive 50 per cent of the pension of a retired president, are eligible for Type VII accommodation, travel a dozen times anywhere in India, 250 litres of petrol in case of a car, maintain a staff for Rs 12,000 a month and a telephone, get free medical aid from private and government hospitals and physician round the clock. Spouses of ex-vice presidents get 50 per cent of the pension of a retired vice president, stay in Type VII accommodation and avail of free medical aid.