

## **News on Right to Information**

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**01<sup>st</sup> Feb 2010**

### **India yet to get LTTE chief's death certificate**

*The Indian Express*

COLOMBO: While it is true that the Sri Lankan government has not handed over to India LTTE leader Velupillai Prabhakaran's "death certificate" as such, it has handed over a document testifying to his death, which is admissible in a court of law, an Indian official said.

Such a document relating to Prabhakaran's death had been handed over to a Sri Lankan court in September 2009, when the case relating to the assassination of Sri Lanka's former Foreign Minister, Lakshman Kadirgamar, was taken up for trial there, the official said. "The death certificate is no longer an issue," he maintained.

The absence of a death certificate in the case of Prabhakaran came up again this weekend, when, as a result of a request under the Right to Information Act, the Central Bureau of Investigation (CBI) said that it had not received his death certificate.

B N Mishra, Superintendent of Police at the Multi Disciplinary Monitoring Agency (MDMA), under the CBI to investigate the case, said that the matter was being pursued through the diplomatic channel. "Both the governments are regularly in touch with each other for expediting enquiries into certain aspects of the case pending with the Government of Sri Lanka," the CBI said.

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

**Panchayat Bhawan, UT guesthouse yet to recover Rs 15 lakh from govt, banks**

*The Indian Express*

Chandigarh: In the list of various UT departments, which are yet to recover outstanding amounts worth lakhs, the Panchayat Bhawan is the latest addition.

In reply to a query under the Right to Information Act filed by city activist R K Garg, the UT Administration has disclosed that the Panchayat Bhawan has an outstanding of Rs 5.5 lakh as on December 31, 2009.

Besides Panchayat Bhawan, the UT guesthouse too has an outstanding of Rs 10 lakh, which people owe to the Administration for using its facilities.

As regards to the outstanding amount at Panchayat Bhawan, the total of Rs 5.50 lakh include Rs 3.46 lakh as outstanding from the period 2005-09; Rs 73, 000 for a period of 5 to 10 years; Rs 1.26 lakh outstanding for a period of 10 to 15 years and Rs 8,930 is carrying over as outstanding for the more than 15 years. Apart from almost all departments, certain officers who have served in the UT Administration in the last 15 years too owe money to Panchayat Bhawan.

Besides officials, the Haryana government, Corporation Bank; Raj Bhawan, Chennai and Punjab Leathera among others too owe money to Panchayat Bhawan, for which payments have not been made yet.

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

**Use RTI with a sense of responsibility, says Central Information Commission**

The Times of India

NEW DELHI: The Central Information Commission (CIC) has advised people to exercise "some restraint in the number of queries" filed under the Right to Information (RTI) Act while criticising an applicant for lacking a "sense of responsibility".

The CIC's advice came on an application filed by one Kanhiya Lal who had sought information regarding admissions into a Delhi government school. He had appealed to the CIC after he was unsatisfied with the reply of the city government's education department.

In his order, information commissioner Shailesh Gandhi noted: "The appellant has used the RTI without a sense of responsibility and has asked 100 queries stretching it to 16 pages. The citizen has been given a right but he must use this with some sense of responsibility and sending 100 queries over 16 pages or more does not display any sense of responsibility."

"A citizen must understand that it is in his interest that the government functions efficiently and it is not correct to try and overburden or pulverize the government's functions. In spite of this, the PIO (Principal Information Officer) has tried to give the information," he added.

"The appellant was asked to identify what information had not been provided to him. He is not able to give any instance of information which he has sought which has not been provided," Gandhi observed.

"A citizen must realise that he is asking for the government to allocate some resource to provide the information to him. Hence he must use this with respect or the fact that the government is responsible to all citizens and not just to him. Some restraint in the number of queries must be exercised by the citizens," he said.

The information commissioner has even advised government officials to "offer an inspection of the relevant files" to the appellant when such long RTI queries are made "instead of trying to spend a lot of time and diverting the resources significantly".

However, under the RTI Act 2005, there are no provisions on the number of queries that can be asked.

Delhi-based RTI activist Bibhav Kumar said: "By this decision, it seems the information commission is acting as a consultant to government officials whereas it should try to get the applicant the required information.

"Such orders will encourage government departments and give them an excuse that giving information would require diverting of resources that would ultimately deny information to the applicant," Kumar, who works for the NGO Kabir, told IANS Gandhi himself was an RTI activist before he was appointed an information commissioner at the CIC.

"I agree a citizen should not ask a lot of questions in one query. However, there is no provision in the RTI Act on the number of queries that a person can ask in one application. Such kind of orders by the information commission are against the spirit of the RTI Act," he added.

"The government departments do not give information easily. And cases of an applicant asking for voluminous information are very few. We also need to understand what conditions force people to ask so many questions," Kumar said.

"More than four years have passed since the RTI Act was passed, but a lot of government departments till date are not maintaining their information in accordance with the RTI Act," he added.

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

**Ministry's directive to IOA, OCCG**

*The Hindu*

The Union Sports Ministry has asked the Indian Olympic Association and the Organising Committee Commonwealth Games (OCCG) to immediately designate their Central Public Information officers and Appellate Authorities as per Section 5 of the Right to Information (RTI) Act.

In pursuance to the January 7 order of the Delhi High Court, which declared both the IOA and OCCG as authorities coming under the RTI Act, the Ministry has asked both the organisations to fulfil various obligations of being public authorities.

Under this, they must maintain all their records duly catalogued and indexed in a manner to facilitate the right to information and *suo moto* disclosure/publishing of information, according to the Ministry.

7<sup>th</sup> Feb 2010

### **Website on information under RTI Act**

*Express.com*

KOCHI: The Centre for Public Policy Research(CPPR) will soon launch a website which will provide information gathered by way of the Right To Information (RTI) Act. The website will provide user-friendly access to the information on a digital platform that can be reproduced in any other form for future analysis.

The new interactive website - [www.](http://www.digitalrtimission.com)

[digitalrtimission.com](http://digitalrtimission.com) - will be a digital platform similar to Wikipedia, where anyone can submit the information they gathered as reply to the application they filed under the RTI Act.

“With the enactment of the RTI Act in 2005, seeking information has become the right of every Indian citizen. Unfortunately, there has not been any consolidated effort to recognise, acknowledge and dedicate a space for the information generated through the RTI Act,” said Digital RTI Mission project coordinator Sreeja Chandran. The new website is part of the ‘Digitalisation of RTI’ project, which involves collection of information from all the points where applications are filed under the RTI Act and consolidation of the information.

The information gathered will be regularly updated on the website. “Using this platform, one can generate various indices of transparency, evaluation of policy implementation, cost and the expenditure incurred under various government programmes. This analysis can further be utilised to compare the performance of the programmes,” she said.

The project also aims at evaluating the various government programmes, with regard to their performance on the basis of the defined criteria and operating at different levels of governance - at the village, district, state and national levels. The copies of the RTI applications and their responses will be obtained from the Public Information Offices and the State Information Commission.

**7<sup>th</sup> February 2010**

**Law minister releases Gopaldaswami's letter seeking Navin Chawla's ouster**

*Daily News Analysis*

New Delhi: In a curious case of the right hand not knowing what the left is doing, the law ministry has released the letter written by then chief election commissioner N Gopaldaswami to the president seeking removal of fellow election commissioner Navin Chawla while the Rashtrapati Bhawan had declined to make the document public.

The appellate authority under the Right to Information Act in the law ministry allowed the request of one SS Ranawat, a resident of Bhilwara in Rajasthan, for the unprecedented recommendation made by Gopaldaswami in January last year. The Rashtrapati Bhawan had cited Chawla's opposition to the disclosure as a reason for not making it public.

In his 93-page report, Gopaldaswami had cited several instances of "partisan behaviour" on the part of Chawla who had shown "lack of political neutrality".

Acting on a petition filed by BJP leader LK Advani and 179 other Members of Parliament who had levelled accusations of "political partisanship", the then CEC had contended that he had powers under the Constitution to recommend Chawla's removal. The government, however, rejected it and appointed Chawla as CEC.

In this regard, Gopaldaswami cited Chawla's own notings on another occasion that the CEC had the power to make such a recommendation.

In the recommendation to the President, the then CEC had said he had concluded that "significant facts" and "irresistible conclusions" from the report submitted by him were crucial in adjudging the suitability of Chawla as election commissioner.

He said in his considered opinion, Chawla's continuance as Election Commissioner was "not justified".

"My recommendation is, therefore, under the powers vested in me under the second proviso to Article 324(5) of the Constitution, is to remove Shri Navin B Chawla from the post of election commissioner," Gopaldaswami had said in his January 16, 2009 letter, months before the general elections during which he demitted office.

Referring to 12 instances cited by him, he said, "Taken individually (they) appear to indicate Shri Chawla's political partisanship. Collectively, they point to a continuity of consistent thought and action in furthering the interest of one party with which he appeared to be in constant touch raising serious doubts about his political detachment.

"Further, it was not only that he appeared to be lacking in political neutrality but more pernicious were his attempts to influence Election Commissioner Dr Quraishi, not by dint of valid arguments, but by spreading stories that Dr Quraishi was supporting the opposite views."

On many occasions, Gopaldaswami said Quraishi had confided that he was under pressure as for instance when he was in favour of elections being held in Karnataka on time and wanted the electoral rolls to be prepared for the new constituencies using the 'cut and paste' method but he did not want his name to be taken because he was under pressure.

Quraishi had once shared a comment made by Chawla to him 'they are angry with you not so much because you were instrumental in Sonia Gandhi getting a notice from ECI on her birthday (reference to the notice on the maut ka saudagar remarks) but for the fact that you sided with the CEC in advancing the elections in Himachal Pradesh'.

Such pressure tactics, Gopaldaswami said did not augur well with the EC because the independence and neutrality of the members can be jeopardised by subjecting them to mental pressure and pressure from other vested interests.

"Such an approach would strike at the very foundation of the Election Commission as a neutral body," he said.

The then CEC said the fact that merited mention here was that from time to time he had taken care to apprise some select people of these happenings lest they may be labelled as an afterthought.

In regard to the incident of UP elections announcement in 2007 when Chawla wanted deferring the announcement anticipating imposition of President's rule, which was being demanded by Congress, the matter was then brought to the notice of then President Abdul Kalam.

Gopaldaswami said these instances had been mentioned to his immediate predecessors JM Lyngdoh and BB Tandon and a retired Gujarat IAS official.

"It is also necessary to record here that prior to May 2005 in the one year and three months of my experience as election commissioner, there was not even one single incident in which there was any remotely partisan view expressed by any commissioner on any occasion when the general election to the Parliament 2004 and election to the Legislative assemblies of Maharashtra, Arunachal Pradesh and Bihar (2005) were conducted.

"In the light of the above it would be appropriate to say that the impression of political neutrality of Shri Navin Chawla, election commissioner, appear to be well founded as evidenced by his conduct on the occasions cited in Part IV A and Part IV B which the undersigned experienced in the past three and a half years.

"His present conduct seems a part of a continuum of the conduct he had exhibited, of closeness to a certain political formation, during the emergency a little over 30 years ago and more recently, prior to his appointment as EC, when he received donations for the trusts which he and his family members ran, to the period of the last three and a half years in the election commission".

Gopaldaswami said these would certainly be significant factors in deciding his continuance in the post of an election commissioner. These would equally be significant in determining his suitability to the office of the CEC too.

**8<sup>th</sup> Feb 2010**

### **29 lakh fake ration cards seized last year**

*The Times of India*

[MUMBAI: The state government last year weeded out 29 lakh bogus ration cards across Maharashtra, according to information obtained under the Right to Information (RTI) Act. The highest number of bogus rations cards were found in Mumbai (6.5 lakh), followed by Pune (3 lakh), Nashik 1.5 lakh, Nagpur and Ahmednagar 1.1 lakh respectively.

Following the huge number of bogus ration cards, the Election Commission had deleted it from the list of proofs that could be submitted to be allowed to vote. But after protests from political parties, it was re-introduced.

Social activist Anil Galgali, who obtained the information, said the numbers showed how easy it was to obtain a ration card with false proof or none at all. "In the Kurla slums on the airport land, there are several touts offering to make pre-dated ration cards so that a person becomes eligible for a free house," he said.

Anil Deshmukh, minister for food and civil supplies, said the scrutiny of ration cards this year is likely to yield another 10 lakh bogus ration cards. "Along with the form that is to be submitted, we ask for the electoral roll number which is unique for every voter, a copy of the electricity bill, house rent bill and income tax receipt. It becomes easy to trace bogus ration card holders," he said. With the huge number of bogus cards coming to light, the scrutiny will be made an annual feature.

Lack of awareness on the documents required for obtaining a ration card was the key reason why people approach touts, said Vinita Singh of NGO Satark Nagrik Sangathana. Ration card is really a food card but is mixed up as an identity card, said Singh. This was the reason why even those who did not purchase foodgrains from the PDS obtain a ration card. "When there is a government resolution that allows homeless people to have a ration card, why should there be an insistence on proof of residence? The result is that in the slums, a lot of people are forced to approach a tout and hence the high rate of bogus cards. The current going rate for a ration card in the slums is Rs 7,000 to Rs 8,000 per card," she said.

Meanwhile, the state has extended the date for submission of ration cards for scrutiny up to February 15. The scrutiny is being done for below poverty line (yellow card holders) and above poverty line (orange card holders). White card holders or those who do not avail of foodgrains from the PDS have been excluded.

According to the data obtained under RTI, nearly 22 lakh of the 29 lakh bogus cards were from above poverty line category. "We are also planning to introduce the Irish Biometric system, in which a person's thumbprint is captured as proof for identity," said Deshmukh.

**10th Feb 2010**

**Batla encounter: SC lawyer seeks autopsy reports**

Indian Express.com

**New Delhi** : A Supreme Court lawyer on Tuesday moved the Delhi High Court challenging an earlier order that refused to make public the postmortem reports of two suspected Indian Mujahideen militants and a Delhi Police inspector killed in the Batla House encounter case on September 19 last year.

Challenging the order before a Division Bench, Advocate Prashant Bhushan submitted that the single bench had erroneously concluded that a disclosure of the postmortem reports would impede the investigation process.

The court had, on November 30 last year, set aside the order of the Central Information Commission, which had directed the police to disclose the postmortem reports under the Right to Information Act, but had asked the investigating agency to provide a copy of the FIR in the case to the accused.

“Furnishing the postmortem report at this stage would jeopardise and create hurdles in the apprehension and prosecution of offenders who may, once information is made available, take steps that may prevent the state from effective investigation and prosecution,” the court had said.

**11nt Feb 2010**

**Central information panel pays compensation for delays**

The Hindu

The “law’s delay” may be an old cliché but O. Shanmuganathan, a senior citizen, found that the Central Information Commission (CIC) set up under the Right to Information Act to ensure transparency is no exception to it after it took him nearly three years to get his case cleared.

Mr. Shanmuganathan, a retired official of the Chennai Port Trust, filed an RTI petition with the Ministry of Shipping in June 2006 asking for details regarding bunching increments.

When the information was not forthcoming, he appealed to the CIC in November 2006.

After repeated enquiries with the CIC over the next year and a half, he filed an RTI petition in March 2008 with the CIC asking for information on action taken on his appeal, to which the CIC said that his appeal was not traceable.

He was asked to appear in New Delhi before the Commission in May 2008 and the CIC ordered the tracing of his appeal.

The Central Public Information Officer (CPIO) in the Ministry of Shipping was asked to supply replies to the queries and the CPIO’s reply that the information had been provided in July 2006 itself was accepted.

Against this, Mr. Shanmuganathan preferred a second appeal to the CIC and an enquiry through video conference was arranged in January 2009. During the enquiry, the CIC agreed that the complainant’s appeal had been misplaced by the CIC and the Information Commissioner directed the CPIO to furnish the information within two weeks along with proof that the information had been sent in July 2007.

Not willing to accept the Commissioner's statement that the misplaced appeal was due to the fact that the CIC was under-staffed and it was difficult to fix responsibility for the act, Mr. Shanmuganathan submitted a complaint seeking reimbursement of all expenses in February 2009.

To this, a show cause was issued to the Secretary of the CIC in August 2009 as to why a compensation of Rs.10,000 should not be awarded to the complainant. After an enquiry, the Commissioner ordered the CIC to pay Rs.5,000 towards reimbursement of cost of travel, which was paid by Demand Draft to Mr. Shanmuganathan subsequently.

Although he has obtained the compensation, Mr. Shanmuganathan says the statement of the Department of Shipping that it had replied to the complainant using only its own dispatch register as proof was not legally tenable.

"The case has been closed without giving details regarding non-compliance of the provisions of the RTI Act. This should be reconsidered by the Commission," he says.

**12<sup>th</sup> Feb 2010**

**6,703 trees cut, just 4,000 planted**

*The Times of India*

PUNE: The civic road department felled as many as 6,703 trees in the last five years while widening roads.

As per the Tree Act, three trees are required to be planted for every tree chopped. But, instead of 20,100 trees that should have been planted, barely 4,000 have been planted till date.

This shocking piece of information was revealed by the Pune Municipal Corporation's (PMC) garden department in reply to a Right to Information (RTI) application filed by activist Vinod Jain.

Some of these roads where trees were felled over the last five years include the Pune-Ahmednagar road (1,245 trees), Baner road (675) and Pune-Satara road (477).

Notably, the Bombay high court recently denied permission to the PMC to cut trees on the Vishrantwadi-Dhanori road. It directed the civic body to first plant three trees for every tree proposed to be cut on the side of the roads. Only then would permission be given for felling trees, the court ruled.

On this backdrop, the garden department sent a letter dated February 6, 2010 to ten other departments of the PMC. It pointed out that these departments have not provided the garden department with pits measuring 3x3 ft on the side of the roads for planting trees.

It also demanded that a budgetary allocation be made for planting these trees. A list of the number of trees that have been felled on 36 roads has been attached with the letter, a copy of which is with TOI.

**12<sup>th</sup> Feb 2010**

**PAU to host seminar on peace in South Asia**

*The Times of India*

LUDHIANA: Punjab Agricultural University's Centre for Communication and International Linkages will organize an international seminar on 'South Asian peace' on February 13 and 14 in collaboration with South Asian Free Media Association (SAFMA).

The seminar will be inaugurated by a reputed journalist and editor of South Asia Media Net, Jenab Imtiaz Alam, while the inaugural session will be chaired by Dr Manjit Singh Kang, vice-chancellor, PAU, and the guests of honour will be SS Johl, eminent economist and former chairman of Commission for Agricultural Costs and Prices; SS Chahal, vice-chancellor of Maharana Partap University of Agriculture and Technology, Udaipur; and SP Singh, former vice-chancellor of Guru Nanak Dev University.

Additional director of communication, Jagtar Singh Dhiman, is the chief organiser while Gurbhajan Gill is the convener and Nirmal Jaura co-convener of the event. Dhiman informed that the key-note address will be delivered by eminent economist Sucha Singh Gill on 'South Asia Peace Perspectives: Challenges and Opportunities'.

The seminar will have technical sessions on economic cooperation and development, environment, communication, education and role of media for peace, right to information, development and culture.

**13<sup>th</sup> Feb, 2010**

### **No check on illegally running guest houses**

*The Times of India, Shivani Vig,*

KANPUR: The sealing drive by the Kanpur Development Authority (KDA), which started with much fanfare last month to seal guest houses in residential areas flouting norms, proved to be yet another eye-wash. The enforcement officials of KDA have so far managed to seal only a limited number of guest houses and 'Baratshaalas' in the city, while a majority of the unauthorised guest houses are operational in posh residential colonies creating problems for the residents.

Besides, the 5,000 watt music played on loudspeakers during the wedding parties held at these guest houses past midnight is making a mockery of the the Supreme Court ruling and declaration by the Central Ministry for Environment and Forestry prohibiting the use of loudspeakers in residential areas after 10 pm.

This has already evoked strong resentment among residents who have been demanding the closure or shifting of these guest houses to commercial areas. However, despite continuous complaints to local police station and KDA authorities, no action has been taken so far.

One such unauthorised guest house is being run on plot number 7/131 of the residential area in Swaroop Nagar. Earlier, under the Right to Information (RTI), one of the residents Deepak Singh Chauhan had sought what norms were required to run a guest house in Swaroop Nagar from the KDA.

The KDA in its reply to RTI application clearly mentioned that a notice was served to the owner of the house for illegally using the residential land for running a guest house and that the house on the given address was being used as residence at present. A declaration from the owner of the house had been taken and that KDA would initiate action against the house owner under section 27 of the UP Urban Scheme and Development Act 1973 if at all it was again found to be used against the resident land-use.

In yet another complaint letter by Deepak Singh to Joint Secretary (Enforcement), it was mentioned that the information provided by KDA was not based on facts as the guest house was still functioning. "Neither was any reply received nor any action taken so much so that the guest house owner started illegal construction on the second floor," said the complainant.

As per KDA norms, a guest house in residential area should have a minimum area of 400 square metre and it should be located on road with available road width of at least 24 metre and having proper parking space.

Those opposing the guest house in Swaroop Nagar claimed: "The said premises are being used as a guest house following which long queues of vehicles are parked on a mere 20-ft road outside the guest house, thus causing traffic jams. Apart from inconvenience to commuters, use of generators on footpath causes intolerable sound pollution, causing mental trauma to residents."

"In the absence of any stringent action by authorities, two more guest houses have mushroomed in the residential area-- one at plot number 7/121 and the other at plot number 7/134. They are openly flouting the norms," claimed another Swaroop Nagar resident, Narendra Agarwal.

"This, when the circle rates by KDA have been the highest for Swaroop Nagar in the name of posh residential area and that Kanpur Nagar Nigam has been charging highest house tax," he pointed out.

### **Officials are just not aware**

The three guest houses running in Swaroop Nagar are not the lone examples of illegal land-use, but several other unauthorised guest houses are operational in various posh residential areas including Arya Nagar, Govind Nagar, Gumti, Pandu Nagar and Lal Bungalow.

However, despite innumerable complaints, KDA authorities feigned ignorance about the problems being faced by residents.

"Although we started the drive of sealing houses in residential areas being used commercially, a few guest houses managed to get a stay from the high court and the sealing drive had to be stopped midway," said secretary, KDA, RV Singh, when contacted.

Such is the apathy that higher authorities, including the enforcement officials, were themselves found unaware of the total count of guest houses sealed and wasted no time in passing the buck on their colleagues.

"Notices have been served on illegal guest house owners and we have been waiting for their reply. But the exact count of the sealed guest houses is not confirmed," admitted Singh and proceeded to advise the TOI team to contact joint secretary (enforcement). He, however, admitted that a stern step- like the one taken in Delhi- had to be taken to stop illegal land use.

A similar response was received by the enforcement officials, including CP Tripathi, Urmila Sonkar and Lalita Ram, who were caught unaware of the number of guest houses sealed and the notices served on those running illegally.

### **Noise pollution norms also flouted**

While these guest houses continue to mint money in the absence of serious inquiry, a serious and continuous cause of concern for the residents has been the loud music which is played at these places even during examination time.

Amidst the blaring music of DJ during the wedding parties hosted here, students have to manage to concentrate on studies. Besides, the ailing and the old also have to bear the brunt as music keeps playing even after midnight.

The worst sufferers are the Board students. "It has become a routine for me every night to study and learn lessons amidst loud noise (music) which is enough to turn anyone deaf. There is no solution, as the owners are not concerned about us. They just want their money," complained Ravi Awasthi, a Board student and resident of

Lal Bungalow. He has been continuously facing problems following the wedding parties hosted at a guest house situated adjacent to his residence. What is more shocking is the fact that the two guest houses in Lal Bungalow are at a stone's throw from Chakeri police chowki.

As per the Supreme Court ruling, music on loudspeakers is prohibited after 10 pm. Even Environment Minister Jairam Ramesh on January 14 declared that under the Environment Protection Act 1986 and Sound Regulation Rule 2000, music more than the permissible limit would not be allowed between 10 pm and 6 am in residential and silence zones. Those not adhering to norms would have to pay up to Rs 1 lakh and imprisonment of seven years. The minister had also said police can act suo moto to curb the noise pollution under the act.

Meanwhile, Uttar Pradesh Pollution Control Board (UPPCB) has also washed off its hands by claiming to be a monitoring authority. "We can just monitor noise pollution level, but action has to be taken by local administration after a complaint by residents," claimed regional officer, UPPCB, Radhey Shyam.

While police were found unaware of the announcement, DIG BP Jogdand said: "We would confirm about such notification and definitely question the local police whether any complaint had been made and what action was taken. If there is any such ruling, we will see that action is taken immediately."

**13<sup>th</sup> Feb 2010**

**Steadily falling infant deaths show a sudden rise in '09**

*The Times of India*

MUMBAI: It may come as a shock that the city which had been seeing a steady decline in the number of infant deaths since the past few years, recorded a sudden increase in their numbers in 2009.

The year saw more infants dying than in 2008 — 5,866 infants in 2009 compared with 5,754 in 2008. This was revealed in a recent data retrieved through the Right to Information.

Of the infants who died in 2009, 2,738 were female while 3,128 were male. The maximum number of deaths was recorded in May at 742. Comparatively, fewer deaths were registered in February and March.

Since 2006, the number of infant deaths recorded by the BMC kept dropping every successive year.

While 6,218 infants died in 2006, 5,892 died in 2007. Details received under the RTI, which was filed by Chetan Kothari, show up that the maximum number of deaths took place in the M-East Ward at 920, followed by 493 deaths in the L Ward.

In fact, the recent Human Development Report (2009), prepared by the National Resource Centre for Urban Property and the All-India Institute of Local Self-Government, Mumbai, with support from the UN Development Programme, the Union ministry of housing and urban poverty alleviation and the BMC, pointed to the fact that the M-East Ward, which includes Deonar, Anushakti Nagar, Trombay and Mankhurd, was ranked the worst.

In fact, of the six wards in the eastern suburbs, five were below the city's human development measure (HDM) average, including the L Ward, which includes Kurla.

Meanwhile, the RTI figures also show that the number of births fell last year compared with those in the earlier year.

While 1,75,298 births were recorded in 2009, 1,82,759 were registered in 2008. Experts said the deaths are directly proportional to the population.

Explaining that the population at the M-East Ward and the L Ward has been significantly increasing, Dr Gourish Ambe, the civic executive health officer, said, "The socio-economic condition in the two wards is not very high either. The slum population in these areas is about 80-90%."

Ambe, though, emphasised that the rise in infant deaths by a mere 100-odd number is not significant. "The population of the city increases every year. If the death figures are touching 5,000 or 6,000, a difference of a few 100 is not significant," he said.

However, social experts still see this as a significant increase. "Although the population increases, and there is a new entry of migrants, an increase by 100 deaths is still high. One thing is true, that there is no sign of decline of mortality," said professor R N Sharma of the Centre for Development Studies at the Tata Institute of Social Sciences (TISS). "It's not surprising that most deaths are in the M-East Ward because it has become the dumping grounds of the poor."

About the decrease in the number of births, Sharma said that the authenticity of the figures should first be established. "It is difficult to comment on this because one is not sure if they are real or projected figures," he said.

A Unicef report titled The State of the World's Children 2009 showed that while Maharashtra fared better than several other Indian states, the statistics were alarming — 149 of every 1,00,000 women who go into labour die during childbirth, and 65% of the total deaths of infants under five years of age occur within 28 days of their birth.

Dr Indu Khosla, paediatrician who practised in Andheri, said that 30% of infant deaths occur, as early neo-natal deaths.

“Mostly, they die immediately after birth, or within a month after birth. The common causes are asphyxia, pre-maturity and retardation in growth,” said Khosla. “Then, the common causes of death within the year since birth are respiratory infections such as bronchiolosis and pneumonia, followed by diarrhoea and dehydration,” Khosla added.

**13<sup>th</sup> Feb , 2010**

**Alert citizen uses RTI to nail postal delay**

*The Times of India, Anil Singh, TNN, 06.50pm IST*

MUMBAI: Millions crib about snail mail but one aggrieved consumer used the Right To Information Act (RTI) to hold the postal department accountable for delay and to refund aggrieved customers promptly.

Thanks to Dahisar resident Kishanlal Mittal, the Secretary, Department of Posts, has been told to issue instructions to make it mandatory for every Speed Post Centre in the country to prominently display its delivery norms. The instructions came in an order by Central Information Commissioner (CIC) Deepak Sandhu on January 27, 2010.

The bureaucrat heading the postal department has also been directed to ensure that there are adequate telephone lines and manpower available to take complaints on telephone. Emails should be responded to promptly with an assurance that the complaint will be resolved in 7-10 days, says the order.

To ensure that the customer is not made to run from pillar to post for the refund, the order says that the booking centre should inform the complainant regarding his refund and ensure that he\she does not have to make multiple trips to the post office to lodge a complaint and claim refund.

Mittal's experience is that 90 % of parcels sent by Speed Post reach late and that one has to wait for six months to get a refund for delayed delivery.

He is not the only one to say that. Last year, Mahim resident Milind Mulay found out using the RTI that 27,774 Speed Post items booked from the Western suburbs of Mumbai did not reach addresses in Mumbai in time.

Last August, when an important document Mittal had sent to Kanpur by Speed Post reached four days late, he used the RTI to seek answers for questions pertaining to

delivery norms of Speed Post, grievance redressal mechanism and refund in case of delayed delivery.

Since he was not satisfied by the answers he got from the central principal information officer, Mittal appealed to the first appellate authority. Here, too, he was disappointed with the reply and the matter went to the Central Information Commission, New Delhi.

On January 27, a hearing was held through video conferencing, where Mittal was represented by his son, Girish. Girish complained that Speed Post centres across the country do not display their delivery norms.

Agreeing with him, CIC Deepak Sandhu said that there is a wide gap between promise and performance when it comes to Speed Post. She noted in her order that while the customer is charged the full fees for an upgraded service, the exact nature of the service is not made transparent to him\her.

The secretary, department of posts, has been told to ensure compliance of the order in accordance with section 25(5) of the RTI Act, 2005.

### **How the law works**

The secretary, department of posts, has been told by the Central Information Commissioner Deepak Sandhu to ensure compliance of her order in accordance with section 25(5) of the RTI Act, 2005. This section says: "If it appears to the Central Information Commission or State Information Commission, as the case may be, that the practice of a public authority in relation to the exercise of its functions under this Act does not conform with the provisions or spirit of this Act, it may give to the authority a recommendation specifying the steps which ought, in its opinion, to be taken for promoting such conformity."

**15<sup>th</sup> Feb 2010**

**CIC directs MP govt. to provide property details of IAS, IPS**

*Daily News Analysis*

Bhopal: The Madhya Pradesh Chief Information Commissioner (CIC) today directed the state government to provide details of properties filed by IAS and IPS officers to the deputy leader of the Congress Legislature Party Choudhry Rakesh Singh under the RTI Act within 15-days.

You may also want to see

Singh had filed an application under the Right to Information (RTI) Act with the State government demanding that copy of the details of properties filed by the IAS and IPS officers should be provided to him under the Act.

Barring few, rest of the elite service officials raised objections on various ground that they have provided the above information under fiduciary relationship (under confidence and trust).

Secondly, if it was made public then it would lead to an unnecessary encroachment of their privacy following which the application was rejected by the respective appellate authorities.

However, 16 IAS officer out of the total 85 and 26 IPS out of 39 have written to the government that they don't have any objection in providing details of their properties under the RTI Act to the applicant.

A senior IAS officer OP Rawat even enclosed the copy of details of his properties with the reply.

Citing Supreme Court judgment, CIC Padma Rani Tiwari ruled that when details of assets owned by people's representatives remained in public domain with an intention to check rising corruption levels, then same logic applies to public servants also.

She also said, "no question arises of encroachment of privacy or violation of fiduciary relationship of IAS, IPS officials".

Admitting the appeal and dismissing earlier orders of the respective appellate authorities, the CIC directed the State government to provide the information under the RTI to the applicant within 15-days and provide the copy of the compliance order to the Commission within a month.

**18<sup>th</sup> February 2010**

**Files of Ranganath Commission report must be in public domain: CIC**

*Daily News Analysis*

New Delhi: Files relating to the government's action on the Ranganath Misra Commission report which seeks to extend scheduled caste status to Dalit Muslims and Christians will now be in public domain as the Central Information Commission (CIC) has allowed their inspection.

The case pertains to an RTI application by Franklin Caesar Thomas who sought inspection of "entire files" dealing with action, if any, of the report of National Commission for Religious and Linguistic Minorities headed by justice Misra with special reference to the extension of SC status to Dalit Muslims and Christians.

In the initial reply received in 2008, the prime minister's office refused to grant the permission to allow inspection of files related to the Commission, which was set in October 2004, saying, "Papers for the Cabinet before the Cabinet decision are exempted from disclosure under the provisions of 8 (1)(i) of the Right to Information Act, 2005".

It, however, agreed to allow the inspection just before the matter came for hearing before the CIC yesterday.

"The file in this matter being with the ministry of minority affairs and the prime minister's office having no objection to the inspection of the file notings...ministry of minority affairs will now make the relevant file available for inspection by Thomas on a date and time convenient to both," chief information commissioner Wajahat Habibullah said.

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

**Info panel orders probe into threat to RTI applicant**

The Times of India

CHENNAI: The Tamil Nadu State Information Commission has directed the Vellore collector to inquire into the complaint of a right to information activist that he was threatened by unidentified persons and asked to withdraw his application seeking information on old-age pension.

V Gopalakrishnan of KK Nagar had sent his RTI application to the public information officer (PIO) of the Vellore district collectorate in February last year, seeking copies of certain records pertaining to old-age pension, widow pension and pension for physically handicapped from October 2008 to January 2009.

In March 2009, Gopalakrishnan received a reply from the collectorate, asking him to pay Rs 21,600 as photocopy charges since the copies of the records he had asked for ran into 10,800 pages. The reply was not given by a PIO designated under the RTI Act, but by another official in the collectorate. According to Gopalakrishnan, on March 12, two unidentified persons came to his residence, claiming that they were sent by a senior woman official of the collectorate. The duo then asked Gopalakrishnan to withdraw his RTI application or face dire consequences.

"I wanted the copies of the records since I suspected certain irregularities. But I never expected that I would face this sort of threat. I can identify the culprits if I see them again," Gopalakrishnan said in his complaint to the state information commission.

The commission summoned the tahsildar concerned and also the PIO, conducted a hearing on October 22, 2009 and passed its order on February 15, 2010.

During the inquiry, the tahsildar told the commission that the PIO was busy with other works and hence another official had sent the reply to the RTI applicant. He claimed that they had furnished about 650 pages of records free of cost since the information was not given within 30 days of the receipt of the application as

stipulated by the RTI Act. The remaining copies would be provided soon, the official said.

The commission, in its order, directed the Vellore district collector to personally inquire into the complaint, or authorise a senior officer for the purpose and file a detailed report within six weeks.

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

**Cultivate voluntary disclosure of info habit'**

*The Indian Express*

BHUBANESWAR: The State Information Commission (SIC) has called upon the public authorities to voluntarily disclose information which is a major highlight of the Right to Information Act.

During a conference with district-level information officials, via Gramsat, Chief Information Commissioner DN Padhi said, unless the public authorities come forward to disclose information about their offices on their own, it'll be difficult for the public to realise the significance of RTI and how they can benefit from it.

As per the Section 4, Sub Section (2) of RTI, public authorities are required to maintain records and catalogue and computerise them whereas Section 17 clearly lays down that they should voluntarily impart the information on a regular basis to public.

Stating that electronic display boards, notice boards and newspapers should be effectively used to disclose the information, Padhi said, administrative departments could take similar steps to disclose information. They could use the RTI to disseminate information to public about the welfare programmes of the government voluntarily.

The Gramsat conference was attended by district officials, information officers, State Information Commission secretary Ashok Sahu and registrar Sarat Chandra Mishra among others.

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

### **Leaky pipes leave Mumbai dry**

The Times of India

MUMBAI: You may be suffering through a 15% cut in supply as the BMC tries to save water for the impending dry months, but leaking pipes are bleeding whatever little stock of the precious liquid the civic body has.

It may sound too bad to be true but the fact is that the BMC reported about three cases of burst or leaking pipes every day in 2009. A Right To Information (RTI) query has revealed that there were as many as 1,031 cases of pipes bursting or leaking in 2009, draining the city of millions of litres of water.

"Around 20% of water supply is lost in the distribution network due to leaks and pilferage. The civic administration has been trying to solve this problem for years together but to no avail," said a hydraulic department official.

According to civic officials, the main reason for leakage is the age of the pipes: most of them are almost 100 year old. Data procured from the BMC's hydraulic department shows that in the island city alone, old pipes of around 36 km have been replaced, while the figure stands at 25 km in the western suburbs.

RTI activist Chetan Kothari, who filed a query on the issue, said the BMC should respond faster to complaints lodged by citizens about leaking pipes. "There have been several instances when BMC officials had got themselves to the spot weeks later, and by then, water from the broken pipes had inundated the area. That way, thousands of litres of water are wasted," he said.

Agrees Andheri resident Aziz Amreliwala: "In Marol-Maroshi alone, there are 17 points where pipes leak. We have been writing to the administration for several years, asking them to repair them but the leaks continue to exist." He blames the breach on the excavation work carried out by various agencies for the construction of Metro and the Sahar flyover. "The BMC should penalise the contractors who are in charge of these projects and ask them to repair the damage," Amreliwala said.

Encroachers also add to the problem as they make holes in the pipelines and pilfer water. "The slum that has come up opposite Shanmukhananda Hall over the water pipelines has bored holes at several points. We have been complaining to the civic administration, but nothing much has been done about it," Sion-based civic activist G R Vora said.

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

**Political parties not under RTI Act: GSIC**

*The Times of India*

PANAJI: Political parties are not public authorities and therefore, information about political parties cannot be sought under section 6 of the Right to Information Act.

This is the observation of the Goa state information commission (GSIC) which dismissed a recent appeal from a citizen who sought information about the election expenditure of the Maharashtrawadi Gomantak party (MGP) for assembly elections of May 2007.

In his order dated February 5, the State Chief Information Commissioner M S Keny has also noted that "It is rather strange and curious to note that the laws of the land do not make it mandatory for political parties to disclose the sources of their funding and even less so, the manner of expending those funds. In the absence of such laws, the only way a citizen can gain access to the details of funding of political parties is through their income tax returns filed annually with the income tax authority. So also other authority-election commission authorities."

The GSIC ruling came in response to an appeal filed by Pandurang alias Uday Kamat Maad from Curchorem. Maad's appeal named MGP president Pandurang Raut and Goa state election commissioner P M Borkar as respondents. Maad requested Raut for information on the MGP through his letter dated May 31, 2009. When he did not get the information, he made his first appeal to the state election commission.

The election commission however replied to Maad stating that it was not the first appellate authority against the MGP president and advised Maad to file his appeal before the appropriate authority. Maad then appealed to the GSIC.

In his submission, the MGP president stated that political party is not a "Public Authority" as defined under section 2(h) of the 'RTI Act' and hence it is not obliged to comply with this Act. Raut also stated that the the relationship between the appellant

and the party is not like the relationship between a citizen and public authority.

The state election commission also submitted that it was constituted under Article 243K of the constitution to conduct elections to village panchayats, zilla panchayats, municipal councils and municipal corporations and that elections to the Vidhan Sabha and Lok Sabha are beyond its functioning. The SEC stated that it deals with elections pertaining to local bodies and that political parties are not allowed to participate in local body elections.

Maad stated that the MGP receives funds from various semi-government organizations and also from various donors. Since the MGP receives funds from the public, it is covered under definition as "Public Authority" under section 2(h) of RTI Act, Maad said.

The GSIC however noted that the RTI Act was enacted for setting out the practical regime of right to information for citizens to secure access to information under the control of public authorities to promote transparency and accountability in the working of every public authority. "Looking at the pros and cons of the matter the Maharashtra Gomantak Party is not a public authority in terms of provisions of section 2(h) of the RTI Act," the GSIC noted and dismissed Maad's appeal.

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

**“Semi-VVIPs” seek special slots at Nigambodh Ghat**

*The Hindu*

First there were the VIPs. Then came the VVIPs. Now a new category called “semi-VVIPs” has emerged, courtesy the Municipal Corporation of Delhi (MCD).

The coinage came to light recently when a Right to Information applicant filed an appeal before the Central Information Commission (CIC) seeking full information on the construction of a block of three “semi-VVIP” pyres at the Nigambodh Ghat cremation grounds. The CIC allowed the appeal on Thursday.

The appellant, Subhash Chandra Agrawal, filed an RTI application with the MCD on October 24, 2009.

He sought “detailed and complete information,” including “documents, file notings and correspondence,” pertaining to procedures and criteria followed for VVIP cremations.

**‘Redevelopment plan’**

Though Mr. Agrawal filed 13 questions, he was particularly agitated by a block of three segregated “semi-VVIP” pyres that had sprung up under the MCD’s recent “redevelopment plan.” That the new pyres were a response to Delhi’s growing club of VVIPs was obvious enough. Yet this was class discrimination in death, and so Mr. Agrawal shot off his questions: What prompted the corporation to develop these fenced-off pyres? And what criteria decided who qualified to be called “semi-VVIPs”? Ashok K. Rawat, Principal Information Officer of the MCD’s health department, was clearly not amused by the queries.

He refused to explain why the special pyres had come up, noting that these were allotted “subject to availability” or on the orders of the MCD headquarters. He added that the MCD had not circulated any criteria for the use of the “semi-VVIP” pyres.

After Mr. Agrawal's appeal to the Municipal Health Officer and first appellate authority N.K. Yadav got him nowhere, he approached the CIC.

Shailesh Gandhi, Central Information Commissioner, reprimanded Mr. Yadav for not acting on the first appeal and directed the MCD to furnish the information Mr. Agrawal sought by March 5, 2010.

Mr. Agrawal told *Hindu The* that his interest in filing the application was to ensure that the MCD dismantled the iron railings around the "semi-VVIP pyres." "The railings suggest that status is an issue even in death."

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

### **Acharya offers Rs 1,000 cr to stop Ganga dam**

*India Today*

In a dramatic attempt to "save" the Ganga and ensure that the river's waters run free, a man of religion has promised to raise Rs 1,000 crore from the public, "buy" the Loharinag Pala dam in Uttarakhand from the government and demolish it.

This move could take the whole method of protesting against dams to a new dimension.

Avimukteshwaranand, Shankaracharya-designate of Jyotirmath in Uttarakhand, has formally written to Environment and Forests Minister Jairam Ramesh making this offer. Last week, he had conveyed this to the minister at a panchayat on the Ganga and Yamuna.

"The minister said he couldn't stop construction of the Loharinag Pala dam as the government has already spent about Rs 1,000 crore on it. So I told him I am willing to raise the money and give it to the government, if that is what it takes to let the Ganga flow free," the swami said over telephone from Haridwar. The plan is to demolish the structure to enable the river to flow free.

Ramesh, he said, had told him that a memorandum of understanding on the issue would have to be signed, if such an agreement had to be arrived at.

"I am willing to sign this agreement. Compared to what the Ganga means to us and millions of her devotees, Rs 1,000 crore is a paltry amount to raise and I will do it without any doubt," he said.

Social activist Madhu Kishwar concurred with the sadhu. He said her organisation Manushi would work with him to raise the money. "We want an audit of how much has been spent on the Loharinag Pala project as we have been given figures ranging from Rs 200 crore to Rs 1,000 crore. Whatever the amount, we will raise it and reimburse it." The Shankaracharya-designate said the government had left the

activists with no option but to raise the funds to save the Ganga as other forms of protest and activism had been forcibly prevented.

"That is why we have sent this proposal in writing to the minister. We are not allowed to hold dharnas, we are not allowed to go on hunger strikes. So we will raise the money they want and stop the dam," he declared.

After several reports on how damming the Ganga at several places would harm it beyond repair, particularly because of the tunnels through which it would need to be diverted, Ramesh has said two of the three ongoing and proposed projects would have to be stopped. After receiving adverse reports from a committee he set up, the minister said he was inclined to stop the Bhairon Ghati I and II projects and the Palamaneri dam. These would have come up on the Ganga, on either side of Loharinag Pala.

But environmentalists and the Ganga Ahvaan movement have been vociferously opposing any dam across the river and Loharinag Pala in particular, as it would divert the Ganga through 14 km of tunnels.

Environmentalists say that this would change the quality of the water - considered sacred - and have a devastating effect on flora and fauna.

"This is the only natural flow of the Ganga left and that is our biggest objection to the Loharinag Pala project. The 130-km natural flow of the river from Gangotri to Uttarkashi will get reduced to 45 km if this dam comes up," Ganga Ahvaan representative Mallika Bhanot said.

Natural water sources near the Loharinag Pala project have dried up, affecting three villages.

This follows the pattern of 13 villages losing their drinking water sources when the Maneri Bhali I and II projects came up further downstream, she added.

The Shankaracharya-designate said if the minister was willing to stop two of the three projects as it was harmful to the Ganga, there was no logic in going ahead with the third. "Let us say, we have prepared a very expensive plate of food, but found out there is poison mixed in it. Would we eat it just because we spent so much money on it," he asked.

The Loharinag Pala dam is a hydro-electric project aiming to generate 600 MW. It is being built by the National Thermal Power Corporation at Uttarkashi in Uttarakhand. Work on the dam was suspended after engineer and environmentalist G. D. Agarwal went on an indefinite fast against it. The project was stalled after the Prime Minister's National Ganga River Basin Authority intervened.

Activists, however, contend that work on the dam and the tunnel continues despite the "suspension". About two km of the 14-km tunnelling work has been completed. According to information gained by some activists through applications under the Right to Information Act, about Rs 600 crore has already been spent on the project and another Rs 1,800 crore is needed to complete it.

The Shankaracharya-designate's action has drawn positive responses. Eminent historian and green activist Shekhar Pathak has welcomed the move.

"It is in the right direction, but moves to save the Ganga should not be restricted to just the Bhagirathi, the entire Ganga basin and the basin of the river Kaligori (Sharda) should also be protected.

There needs to be a policy on dams and the displacement they cause. The agitation should cover these also," he said.

Avimukteshwaranand, who has actively agitated against dams across the Ganga, insists the river should be allowed to run free. "We are not against science or scientific things. But there are dams across all rivers, shouldn't we have at least one river where there are no dams, at least for scientific comparison," he asked.

**22nd February, 2010**

**Cabinet's advice to the president covered by RTI: CIC**

*Daily News Analysis*

New Delhi: The advice tendered by the Union Cabinet to the president in any matter can be disclosed under the Right to Information Act (RTI), the Central Information Commission (CIC) held today.

CIC Wajahat Habibullah quoting a Supreme Court ruling said Article 74(2) of the Indian Constitution implies that such advice "cannot be inquired" into by any court.

"It does not mean that the nature of this advice cannot be disclosed," he said while directing the president's secretariat to allow inspection of files pertaining to communication between former president Shanker Dayal Sharma and former prime minister Narasimha Rao on the issue of extending SC status of convert Christians of dalit origin.

An RTI applicant Franklin Ceasar Thomas had sought details of action taken by the then president Shankar Dayal Sharma on the ordinance for granting scheduled caste status to convert Christians of enumerated castes.

The president's Secretariat refused to grant access to the files saying the then President had not given assent to the ordinance and that as the issue involves privileged correspondence with the president and the prime minister the same has been denied as per provisions of the RTI Act.

Article 74 (2) says the question whether any, and if so what, advice was tendered by ministers to the president shall not be inquired into any court. Habibullah quoted a decision of the Supreme Court on the Article saying "Its (Article 74 (2) of the Constitution) object was only to make the question whether the President had followed the advice of the ministers or acted contrary thereto, non-justiciable".

"Put simply, this will imply that such advice cannot be inquired by any court. It does not mean that the nature of this advice cannot be disclosed. For this reason and in

the light of the Right to Information Act, 2005 CPIO is directed to allow inspection of relevant files," he said.

Thomas had also sought inspection of the files from the prime minister's Office which had allowed the request when the matter reached the CIC.

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

**Missed signal: President skips pension regulator**

*Daily news Analysis*

New Delhi: Is the government as serious about a pension regulator as it was earlier? If President Pratibha Patil's address to Parliament is a measure, it's not.

Her speech on Monday made no mention of the regulator.

To be sure, the Pension Fund Regulatory and Development Authority Bill is listed for introduction this session.

PRS Legislative Research, a not-for-profit body, has pointed out that the President's address on June 4, 2009, had proposed a legislation on pension sector regulator, and that on February 22, 2010, Patil's speech did not mention it at all.

The Pension Regulator Bill was introduced way back in 2005, and it lapsed subsequently.

On food security, the report has noted that the President mentioned it last year and reiterated it this time around. But the Food Security Bill is yet to be tabled in Parliament. Interestingly, the Food Security Bill is not yet listed among those scheduled to be introduced in Parliament during the Budget session.

The Bill can be introduced in Parliament only after it gets an approval from the Union Cabinet. If the Food Security Bill manages to get the Cabinet nod during this session, it may well be placed in the House.

Another observation made by PRS is that the President did not even refer to the Goods and Services Tax (GST) regime, while she was emphatic on its implementation last year.

As has been reported earlier, the Centre and the states are yet to reach a consensus on rolling out GST, which was scheduled for implementation from April 1, 2010.

Some of the other issues which the President skipped this time included strengthening the Right to Information law, introduction of a model public services law, legislation for judicial reform, and setting up the National Council for Human Resources in Health as an over-arching regulatory body for the health sector.

The president had mentioned all these in her speech to Parliament in June 2009.

The Bills listed for introduction this session include those on Airports Economic Regulatory Authority Amendment, Biotechnology Regulatory Authority of India, Chartered Accountants and Cost & Works Accountants Amendment (to incorporate limited liability partnership as a vehicle for professional bodies), Banking Regulation Amendment, State Bank of India Amendment ( to reduce the statutory limit of minimum shareholding of the Central government from 55% to 51%), Clinical Establishment Registration and Regulation, Foreign Educational Institutions Regulation of Entry and Operation, Institute of Technology Amendment, Copyright Amendment, Press and registrations Amendment, Cinematograph Bill, Central Vigilance Commission Amendment, Petroleum and Minerals Pipelines (acquisition of right of user) amendment, Land Acquisition Amendment among others.

In all, the government plans to introduce as many as 63 new bills. Also, there are 16 pending bills for consideration and passing, and another 10 pending bills may be taken up if the standing committee reports on them are presented.

Since inception, PRS has directly briefed members of Parliament from over 20 political parties. The body is financed by the Ford Foundation and Google, and its institutional anchor is the Centre for Policy Research.

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

**BAI should be with environ or health ministry: Jairam**

*The Economic Times*

NEW DELHI: A tussle is on in the government over where to park the National Biotechnology Authority of India. Environment minister Jairam Ramesh on Wednesday said that his department or the health ministry were better suited to be the nodal agency for the autonomous authority.

The current draft of the bill, which is being piloted by the Prithviraj Chavan's ministry of science and technology, makes the national biotech regulator the ultimate authority on approvals and clearances relating to genetic engineering. This would mean that the Genetic Engineering Approval Committee (GEAC), currently the apex body regulating genetically modified organisms in the country, would be dismantled. The environment ministry is the nodal authority for the GEAC. Clearly, a loss of turf for the environment minister.

Mr Ramesh, who described the bill in its current form as "simply unacceptable", argued that making the department of biotechnology, which is part of the ministry of science and technology the nodal agency for the regulator, represented a conflict of interest. The environment minister said that the department of biotechnology can't be the nodal authority as its mandate includes promoting genetic engineering.

But the problems with the biotechnology regulatory bill are, according to Mr Ramesh, more than just conflict of interest. "The bill is deeply flawed in its architecture," Mr Ramesh said. Drawing attention to the 'anti-democratic nature' of the bill, Mr Ramesh said, it overrides the Right to Information Act and the Environment Protection Act. In its current form, the proposed National Biotechnology Regulatory Authority will have the last word on whether particular information can be disclosed or not. "It overrides the Right to Information Act," Mr Ramesh said.

As per the RTI Act, it is the Central Information Commission that has the final authority on what information can or cannot be disclosed. The Commission's decision can be challenged in the high court. The draft bill states that RTI will not be

applicable to the proposed authority, which will have powers to describe any information as confidential.

The minister claimed that the bill “does not give adequate importance to states.” Both health and agriculture are state subjects.

The Biotechnology Regulatory Authority of India (BRAI), a three-member body, will be the final authority on genetically modified organisms in the country. This, according to the environment minister was another problem area of the bill. “Three persons, these three gods will have the final say. “Additionally, the bill also appears to stifle opposition to GM.

Section 63 of the proposed legislation is a provision that penalises misinformation. It states that, “whoever, without any evidence or scientific record, misleads the public about the safety of the organisms and products... shall be punished with imprisonment for a term which shall not be less than six months but which may extend to one year and with a fine which may extend to Rs 2 lakh or with both.”

In 2004, a task force on agricultural biotechnology headed by Swaminathan had called for a biotechnology regulatory policy aimed at ensuring the “safety of the environment, the well-being of farming families, the ecological and economic sustainability of farming systems...and the biosecurity of the nation.” The government has accepted the recommendations of the taskforce.

27<sup>th</sup> Feb 2010

### **Rural infrastructure: More talk than funds**

*The Economic Times*

For all its emphasis on building rural infrastructure, Budget 2010 may not change the complexion of the Indian hinterland. The primary emphasis this year is on the productive sector, and hikes in social sector allocations are modest, at best.

The flagship rural job guarantee scheme, the NREGA, gets only a Rs 1,000-crore hike, taking its outlay to Rs 40,100 crore. Subsidy for the Rajiv Gandhi Gramin Vidyutikaran Yojana — aimed at electrifying villages — was increased by Rs 400 crore while the road-building Pradhan Mantri Gram Sadak Yojana got around Rs 600 crore.

Other programmes fare marginally better. Indira Awas Yojana funds go from Rs 7,918 crore to Rs 8,996 crore. The programme for national rural drinking water supply goes up from Rs 7,200 crore to Rs 8,100 crore.

One consequence of this weak rise in allocations is that the gap between what the 11th Five-Year Plan sought for Bharat Nirman and what the government has provided until now continues to be large. For instance, Plan documents suggested Rs 45,000 crore be allocated to the Integrated Child Development Scheme, points out Biraj Patnaik, principal advisor, office of the commissioner to the Supreme Court on the Right to Food programme. “Adjust for inflation and that will work out to about Rs 52,000 crore, or about Rs 10,000-11,000 crore every year. But what we are getting is half that amount. The country is spending a fraction of what it should be,” he says.

Agrees Nikhil Dey, a member of the Mazdoor Kisan Shakti Sangathan, and one of the minds behind the Right To Information Act and the NREGA. “These amounts are a pittance compared to what is needed,” he says. Mr Dey points out that unlike NREGA, Bharat Nirman calls for a lot of raw material. It requires much more investment than the former to reach as many households. “This adds to the problem,” he says.

Unlike rural roads and rural housing, other aspects of Bharat Nirman, like projects to ensure water and electricity supply, are struggling. This undercapitalisation will hamstring them even more, says Mr Dey.

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

**Ajit Ranade: Batting above average Look out for a high-scoring economy in the coming years**

*Business Standard*

Invariably a Finance Minister trying to navigate between growth and fiscal restraint invites comparisons to a cricket shot that has to score a boundary, but remain between mid-on and mid-off. Not much firepower in those straight shots although they are less risky than hooks and pull shots. So an effective budget is workmanlike, refrains from announcing big bang reforms, but scores runs nevertheless. That's what this budget has done admirably.

But the cricket metaphor this time is appropriate for a wholly different reason. For, this budget comes after two decades of India's economic reforms, a period that also coincides with the reign of cricketing maestro Sachin Tendulkar. And just as Sachin's magic is still in the ascendant, so perhaps is the story of reforms. Indeed, the backdrop to this budget is not merely the very visible economic recovery, but major policy milestones, such as the 13th Finance Commission's recommendations, the once in 50 years revamp of direct taxes, a completely new company law and, of course, the rollout of GST. Beyond these major economic policy steps is something even more momentous, which the cacophony of the budget headlines may have drowned out. The Cabinet approved the women's reservation bill, a feat which has taken 20 years –as long as Sachin's career! When this bill is passed in Parliament, as is expected, it will be a remarkable milestone in India's democratic journey.

For his part, the Finance Minister did announce initiatives with far-reaching reform-like implications. The Right to Food legislation which he said will soon be drafted, will have a big impact on inclusive growth. Just as the NREGA sceptics have dwindled in numbers, so also the Right to Food naysayers will have to eventually eat crow. The UPA government in its two innings would have scored a hat trick of enshrining and giving teeth to laws such as the Right to Information, employment and now, food. And that's not counting the recently legislated right to education. That's an impressive record for a government committed to inclusive growth. This rights-based approach entails a huge fiscal burden which critics object to for two reasons: (a) that

we cannot afford it; (b) that the bigger problem is in implementation. But in a democratic framework we simply cannot give up because of implementation failure. However inefficient the delivery system, it can only improve. And as Amartya Sen says, we cannot allow the best to be the enemy of the good.

Other equally important policy initiative is in financial sector reforms. The setting up of a Financial Sector Reforms Commission will hopefully give much needed coherence to the reforms journey. Incidentally, the announcement of allowing newer private sector players entry into banking is an acknowledgement that we need huge amount of banking capital. If India needs a consistent 9 percent GDP growth it will need large doses of bank capital. Moreover newer players can only enhance financial deepening and financial inclusion. The requirement on new entrants can be stringent, transparent and can also include compulsory dilution in a specified time. The marriage of technology (UID, mobile telephony) and financial services can indeed have big bang impact on the development of the financial sector.

Even though it offers an opportunity for presenting an economic policy vision, ultimately the budget is about numbers, an annual financial statement with projections for next year. Judged in this narrow sense, the budget stance is pro growth, with of course an inclusive agenda. Lower income taxes will increase disposable incomes, leading to more consumption spending. The mix of spending also has skewed toward more Plan (i.e., capital) spending, with a bigger share of infrastructure, which contributes to long term growth. On fiscal discipline there are several positives. Firstly there is greater fiscal transparency, as oil and fertilizer subsidies are no longer hidden elsewhere but show up in the budget, and are now paid in cash instead of illiquid bonds. Secondly there is noticeable expenditure control, as the total has risen only by 8 percent whereas GDP may rise by 15 percent in nominal terms. Thirdly the projected borrowing for next year is lower than market expectations, which perhaps explains the exuberant response of the markets. This may put less pressure on interest rates, although with inflation and the 5.5 percent projected deficit, interest rates have limited room to go down. Lastly the mention of explicit numerical targets for the next two years conveys a greater commitment. As such with GST and widening of the tax net, fiscal relief will come from growth and compliance much more than expenditure compression.

The reforms in the coal sector are also significant and overdue. A coal regulator and an auction mechanism to allocate coal blocks will greatly enhance efficiency. We need bigger steps to extract this energy source more efficiently. Hence the baby steps in coal sector reform are timely and welcome. Of course the budget speech also gave a nod to the environment angle, and has introduced a tax on all fossil fuels, a sort of carbon tax. This is a progressive long-term measure.

Overall, this is a budget with a pro growth stance with an attempt at fiscal restraint and some initiatives with major long term implications. It stays within mid-on and mid-off but does score boundaries. After twenty years of India's reforms, nay his debut, Sachin recently scored four test centuries and an awesome ODI double ton. His best is not over. Assuming his journey is mimicking India's economic journey, with GST and DTC round the corner, look for a high scoring economy in the coming years.

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